



Assembly of Western European Union

PROCEEDINGS

THIRTY-NINTH ORDINARY SESSION

FIRST PART

June 1993

I

Assembly Documents

WEU

PARIS



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The proceedings of the first part of the thirty-ninth ordinary session of the Assembly of WEU
comprise two volumes:

Volume I: Assembly documents.

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

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LIST OF REPRESENTATIVES BY COUNTRY

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CHEVALIER Pierre	SP
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LAVERGE Jacques	PVV
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WINTGENS Pierre	PSC

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BAUMEL Jacques	RPR
BIRRAUX Claude	CDS
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KASPEREIT Gabriel	RPR
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SEITLINGER Jean	UDF-CDS
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de LIPKOWSKI Jean	RPR
MASSON Jean-Louis	RPR
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FERRARINI Giulio	Socialist
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MANNINO Calogero	Chr. Dem.
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UNITED KINGDOM**Representatives**

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 COX Thomas Labour
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 Lord FINSBERG Conservative
 Mr. HARDY Peter Labour
 Sir John HUNT Conservative
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 Sir Keith SPEED Conservative
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 Dr. GODMAN Norman Labour
 Baroness HOOPER Conservative
 MM. HOWELL Ralph Conservative
 HUGHES Roy Labour
 Baroness LOCKWOOD Labour
 Lord MACKIE of BENSCHIE SLD
 MM. MARSHALL Jim Labour
 TOWNEND John Conservative

AGENDA
of the first part of the thirty-ninth ordinary session
Paris, 14th-17th June 1993

I. Report of the Council

Thirty-eighth annual report of the Council
 (Second part)

II. Political questions

- | | |
|---|---|
| 1. Security in the Mediterranean | <i>Report tabled by Mr. Roseta on behalf of the Political Committee</i> |
| 2. European security policy – reply to the thirty-eighth annual report of the Council | <i>Report tabled by Mr. Marshall on behalf of the Political Committee</i> |
| 3. Interpretation of Article XII of the modified Brussels Treaty | <i>Report tabled by Mr. Goerens on behalf of the Political Committee</i> |

III. Defence questions

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|--|---|
| 1. WEU initiatives on the Danube – reply to the thirty-eighth annual report of the Council | <i>Report tabled by Mr. Marten and Sir Keith Speed on behalf of the Defence Committee</i> |
| 2. United Nations operations – interaction with WEU | <i>Report tabled by Mrs. Baarveld-Schlaman on behalf of the Defence Committee</i> |

IV. Technological and Aerospace questions

- | | |
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| 1. Technical co-operation in the framework of the Open Skies Treaty | <i>Report tabled by Mr. Tummers on behalf of the Technological and Aerospace Committee</i> |
| 2. Anti-missile defence for Europe – guidelines drawn from the symposium | <i>Report tabled by Mr. Lenzer on behalf of the Technological and Aerospace Committee</i> |

V. Rules of Procedure and Privileges

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| Revision and interpretation of the Rules of Procedure | <i>Report tabled by Mr. Thompson on behalf of the Committee on Rules of Procedure and Privileges</i> |
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VI. Parliamentary and Public Relations

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| 1. The Assembly's communication policy | <i>Report tabled by Sir Russell Johnston on behalf of the Committee for Parliamentary and Public Relations</i> |
| 2. The development of relations between the WEU Assembly and the parliaments of Central European countries | <i>Report tabled by Mr. Kempinaire on behalf of the Committee for Parliamentary and Public Relations</i> |

ORDER OF BUSINESS
of the first part of the thirty-ninth ordinary session
Paris, 14th-17th June 1993

MONDAY 14th JUNE

Morning 10 a.m.

Meetings of political groups.

Afternoon 3 p.m.

1. Opening of the first part of the thirty-ninth ordinary session by the Provisional President.
2. Examination of credentials.
3. Election of the President of the Assembly.
4. Address by the President of the Assembly.
5. Election of the Vice-Presidents of the Assembly.
6. Adoption of the draft order of business of the first part of the thirty-ninth ordinary session
7. Address by Mr. van Eekelen, Secretary-General of WEU.
8. Revision and interpretation of the Rules of Procedure:
presentation of the report tabled by Mr. Thompson on behalf of the Committee on Rules of Procedures and Privileges.
Debate.
Vote on the draft decision.
9. The development of relations between the WEU Assembly and the parliaments of Central European countries:
presentation of the report tabled by Mr. Kempinaire on behalf of the Committee for Parliamentary and Public Relations.
Debate.
Vote on the draft order.
10. Technical co-operation in the framework of the Open Skies Treaty:
presentation of the report tabled by Mr. Tummers on behalf of the Technological and Aerospace Committee
Debate.
Votes on the draft recommendation, draft resolution and draft order.

TUESDAY 15th JUNE

Morning 10 a.m.

1. Security in the Mediterranean:
presentation of the report tabled by Mr. Roseta on behalf of the Political Committee.
Debate.
Vote on the draft recommendation.

2. Interpretation of Article XII of the modified Brussels Treaty:
presentation of the report tabled by Mr. Goerens on behalf of the Political Committee.
Debate.

Afternoon 3 p.m.

1. Address by Mr. Poos, Deputy Prime Minister, Minister for Foreign Affairs, Minister of Defence of Luxembourg.
2. Interpretation of Article XII of the modified Brussels Treaty:
Vote on the draft recommendation.
3. European security policy – reply to the thirty-eighth annual report of the Council:
presentation of the report tabled by Mr. Marshall on behalf of the Political Committee.
Debate.
Vote on the draft recommendation.

WEDNESDAY 16th JUNE

Morning 10 a.m.

1. United Nations operations – interaction with WEU:
presentation of the report tabled by Mrs. Baarveld-Schlaman on behalf of the Defence Committee.
Debate.

10.30 a.m.

2. Address by Mr. Andreatta, Minister for Foreign Affairs of Italy, Chairman-in-Office of the WEU Council.

11.30 a.m.

3. Address by Mr. Fabbri, Minister of Defence of Italy.

Afternoon 3 p.m.

1. United Nations operations – interaction with WEU:
Resumed debate.
Votes on the draft recommendation, draft resolution and draft order.
2. WEU initiatives on the Danube – reply to the thirty-eighth annual report of the Council:
presentation of the report tabled by Mr. Marten and Sir Keith Speed on behalf of the Defence Committee.
Debate.
Vote on the draft recommendation.

Morning 10 a.m.

THURSDAY 17th JUNE

1. Anti-missile defence for Europe – guidelines drawn from the symposium:
presentation of the report tabled by Mr. Lenzer on behalf of the Technological and Aerospace Committee.
Debate.
Vote on the draft recommendation.

11 a.m.

2. Address by Mrs. Rehn, Minister of Defence of Finland.

3. The Assembly's communication policy:

presentation of the report tabled by Sir Russell Johnston on behalf of the Committee for Parliamentary and Public Relations.

Debate.

Votes on the draft recommendation, draft resolution and draft order.

CLOSE OF THE FIRST PART OF THE THIRTY-NINTH ORDINARY SESSION

Activities of the IEPG

*Letter from Mr. van Eekelen, Secretary-General of WEU,
to Mr. Soell, President of the Assembly*

4th February 1993

Dear President,

I am pleased to forward to you an information letter from the IEPG concerning its activities since September 1992.

Yours sincerely,
Willem van EEKELEN

Mr. Hartmut SOELL
President of the Assembly of WEU

*
* *

*Information letter to the WEU Assembly concerning
the Independent European Programme Group (IEPG)*

18th December 1992

Introduction

1. Since the last information letter to the WEU Assembly in September 1992, the defence ministers of the thirteen IEPG nations met in Bonn on 4th December 1992. On this occasion, ministers mainly discussed the IEPG's future in the evolving European security order. The Bonn communiqué is attached at Annex A. The IEPG structure is attached at Annex B.
2. At the Bonn meeting, ministers first touched upon the IEPG's regular activities and the transatlantic dialogue. In continuation of the work that was started in March in Oslo, they then concentrated in particular on the national armaments directors' (NADs') work since Oslo regarding the possible transfer of the IEPG functions into WEU.

IEPG's future rôle, notably the incorporation of the IEPG into WEU

NADs' findings / conclusions

3. On this highly important issue, an IEPG NADs' report, finalised though before the WEU Council meeting of 20th November 1992, was presented to ministers.
4. In it, NADs have reflected on the future of the IEPG in the light of an initial analysis of the question. They took note in particular of the following considerations:
 - (a) There remains a need for a forum in which European members of NATO may consider all aspects of armaments co-operation.
 - (b) WEU is identified as the focus for a European defence identity. Following decisions at Maastricht and Petersberg, WEU is developing a wider rôle.
 - (c) WEU is a body based on an international treaty and has its own legal personality. This could provide a more solid and visible framework for European armaments co-operation thus opening new possibilities for its development, including the eventual establishment of a European armaments agency, if nations so choose. On the other hand, the possibility exists for European armaments co-operation to continue under WEU in virtually the same form and with the same policies as under the IEPG. Transfer of the IEPG's functions to WEU would not therefore pre-empt decisions by nations on the future nature of European armaments co-operation.

- (d) A transfer of the IEPG's functions to WEU would reduce the number of European bodies dealing with defence matters. It would therefore help rationalise efforts to improve co-ordination between European nations on these issues.

5. The report also stated that, although there are a number of uncertainties about the direction and pace of greater cohesion in Europe in the security and defence areas, NADs believe that the trend of events broadly justifies the consideration of new arrangements in the armaments co-operation area, subject always to the continued participation of all IEPG members with equal rights and responsibilities. WEU as a destination for the functions of the IEPG offers a number of advantages as an umbrella organisation for a comprehensive armaments co-operation forum which NADs consider should continue as a specific activity within WEU. Some nations in particular also believe that while the IEPG has a number of achievements to its name, the business of armaments co-operation would benefit from the possibility of more formal arrangements under WEU.

6. Eventually the report concluded that, subject to a satisfactory resolution of WEU – IEPG membership and to agreement on the issue of principle, there were no obstacles to incorporate the IEPG functions into WEU without delay. Further work might be required on a number of organisational issues but this needed not delay the incorporation of the IEPG into WEU.

Ministerial decision Bonn

7. On 20th November 1992, the WEU Council successfully concluded WEU's enlargement process and welcomed a possible transfer of the IEPG's functions to WEU. Taking into account these positive results and on the basis of the above NADs' report, ministers in Bonn formally agreed to incorporate the IEPG into WEU with immediate effect. They acknowledged that, in WEU, the thirteen nations will be entitled to participate fully and with the same rights and responsibilities in matters related to European armaments co-operation and that the linkage with NATO will be maintained. They underlined the need to maintain the momentum of the activities currently being taken forward by the IEPG.

Follow-on Bonn decision

8. The practical realisation of this merger might require a certain number of organisational/procedural issues to be looked into in depth. Ministers therefore tasked NADs to take the suitable measures to resolve practical details possibly remaining harmoniously and with due consideration of the interests of the bodies involved. The IEPG NADs' report on the subject, as presented to and agreed by ministers in Bonn, will form the basis for the finalisation of the required practical arrangements and has been transmitted to the appropriate WEU's instances. In addition, the European armaments agency question should now as well be further developed. Its initial analysis, as attached to the above report but considered not yet sufficiently elaborated for discussion in Bonn, could serve as a basis. The work on the above issues will be taken forward under a new chairmanship as Denmark is taking over the Chair in European armaments co-operation matters from Belgium as from 1st January 1993.

Regular activities

Panel I: harmonisation of requirements and equipment co-operation

9. IEPG continues to place great emphasis on equipment requirements and programmes and Panel I continues to refine its new practical methods for identifying more quickly viable programmes for co-operation. As a result, seven new subgroups have been charged with tasks that encompass command air defence frigate low frequency active variable depth sonar, low frequency deeping sonar for helicopters, air defence command and control, short range anti radiation missile, advanced short range air to air missile and HF radio. On the other hand, it must be mentioned that five subgroups (vehicle robotics, maritime patrol aircraft, 155 mm artillery system, submarine advanced propulsion and meteorological equipment) have been disbanded mainly because of budgetary constraints. The list of current projects overseen by Panel I is at Annex C.

10. Of particular interest is the progress made on the future large aircraft (FLA) and the microwave landing system (MLS) programmes.

Eight nations are now involved in the FLA programme which is of particular importance in the light of the Gulf war. The work on a memorandum of understanding (MOU) for the feasibility study is progressing well and, according to the latest time schedule, production might start early next decade.

Regarding the MLS programme, a general procurement strategy has been agreed with the aim of signing a MOU on common procurement in due course.

Panel II: research and technology, notably EUCLID

11. EUCLID has now reached its cruising speed and most common European priority areas (CEPAs) are making good progress. The list of current CEPAs/RTPs approved for entering the definition phase is at Annex D. So far, 39 research and technology projects (RTPs), involving 280 million Ecus, have been approved and 23 implementing arrangements for RTPs, involving 150 million Ecus, have been signed by the participating nations. Moreover, the corresponding requests for proposals have been issued and the first contracts with industry have now been signed. In order to keep up the present pace in EUCLID, Panel II is actively seeking new research priority areas and new technology projects within the existing CEPAs.

12. Besides, and in parallel with EUCLID, a certain number of activities regarding common technology projects in technical areas continue to progress satisfactorily.

Panel III: defence economics, notably European defence equipment market (EDEM)

13. The guiding principles for the operation of the open EDEM are laid down in the IEPG action plan 1988 and in the policy document approved by ministers in November 1990. The permanent Secretariat is responsible for collecting data to monitor their correct application. It is obvious that no organisation should be closed to the implication of new circumstances and conditions. In this light and given the changes in the international security and defence environment, the EDEM principles are subject to a continuing review. An interim report on the issue has been presented in Bonn. It acknowledges that significant changes in the security and defence environment with potential consequences for the policy areas of juste retour and developing defence industries (DDIs) support have occurred, especially since 1990. It states however that representative information on cross border trade of at least three years (1990-1991-1992) EDEM experience is needed to make a fuller assessment. A final report, taking into account those market data will be presented to NADs as soon as possible. Meanwhile, marked differences of views on those policy areas have already emerged.

14. Panel III is also devoting attention and support to the reactivation of the working group on DDIs matters currently chaired by Portugal. This should facilitate the involvement of the DDIs in collaborative programmes and encourage the DDIs to play a full rewarding part in the European defence equipment scene.

15. On the opening up of the EDEM, the permanent Secretariat reported that, in 1991, a clear majority of the placed defence equipment contracts followed the IEPG rules set out in the policy document. Data collected on contracts covered by the IEPG cross-border competition policy showed that no cases were raised by industries under the agreed dispute settlement procedures.

16. Panel III is finally trying to reconcile diverging views of nations on the systematic extension of competition in collaborative projects to industries of non-participating nations.

European Defence Industries Group (EDIG)

17. EDIG, as the European single defence industrial entity which, from a coherent industrial policy base, is an invaluable discussion partner, has been involved in the regular IEPG activities when and as appropriate. •

Transatlantic dialogue including NATO defence trade

18. The importance of the transatlantic dialogue, of which the defence trade is an essential element, has been confirmed. In the light of the value of the European contribution in the field of armaments co-operation between both sides of the Atlantic, and of the potential benefits that would arise from a lowering of trade barriers and an increase in technology transfer on a NATO-wide basis, work on the NATO defence trade initiative is proceeding in parallel with the development of the EDEM.

IEPG Chairmanship

19. At the end of the year, Belgium will have completed two years as IEPG Chair nation and will hand over this responsibility to Denmark. Ministers agreed to meet again in 1993 in the WEU framework under the chairmanship of Denmark.

ANNEX A

*Bonn communiqué**Bonn, 4th December 1992*

The defence ministers of the thirteen IEPG nations met in Bonn on 4th December 1992. Noting that arrangements for a new security architecture in Western Europe were progressing, they supported the trend towards a rationalisation of the European fora dealing with defence matters. In particular, they took note of the rôle envisaged for Western European Union and welcomed the successful conclusion of the process of enlarging that body. They confirmed that the need remains for European members of NATO to consider together all aspects of armaments co-operation. Against this background, they focused their discussions on the future of IEPG activities.

Recalling their decision at their last meeting in Oslo to task the national armaments directors (NADs) to examine the IEPG's future rôle in depth, ministers noted with satisfaction the work done. This work has concentrated on the possible incorporation of the IEPG into WEU based on six key principles developed for and approved by IEPG ministers (see annex). Ministers also noted the positive results of the WEU Council on 20th November and agreed that a transfer of IEPG functions to WEU would represent an important step towards enhanced European armaments co-operation. Based on the work undertaken by the NADs, IEPG ministers have therefore decided today that this transfer would take place forthwith. They invited the Belgian Minister of Defence, in his capacity of Chairman of the IEPG, to inform WEU accordingly. In reaching this fundamental decision, they confirmed that the thirteen nations will continue to have equal rights and responsibilities in the field of armaments co-operation and that the links with NATO will be maintained. They also emphasised the need to maintain the momentum of the activities currently being taken forward by the IEPG.

Ministers noted the status of activities to develop the European Defence Equipment Market (EDEM). They supported the requirement for further work on collecting data on IEPG cross border contracts to enable, in due time, a review of the EDEM principles taking into account the changes in the international security and defence environment. They noted that the question of a further extension of competition in collaborative projects to industries of non-participating nations was being studied. Ministers reiterated their support for developing defence industry (DDI) countries and that the areas of training, scholarship, and transfer of technology and know-how would be fully explored.

Welcoming the fact that the first contracts with industry had been signed, ministers noted with satisfaction that the EUCLID research and technology programme was now well underway. They acknowledged the progress nations were making in the identification of further areas of possible research.

Ministers reemphasised that harmonisation of requirements and equipment replacement schedules should be actively pursued in order to optimise the use of resources and to promote standardisation and in particular interoperability. Ministers endorsed the ongoing activities in equipment collaboration taking into account the concerns, particularly among DDI nations, to find solutions affordable to all participating nations. They welcomed the progress regarding common procurement for the microwave landing system and the work underway aimed at a feasibility study for the future large aircraft programme.

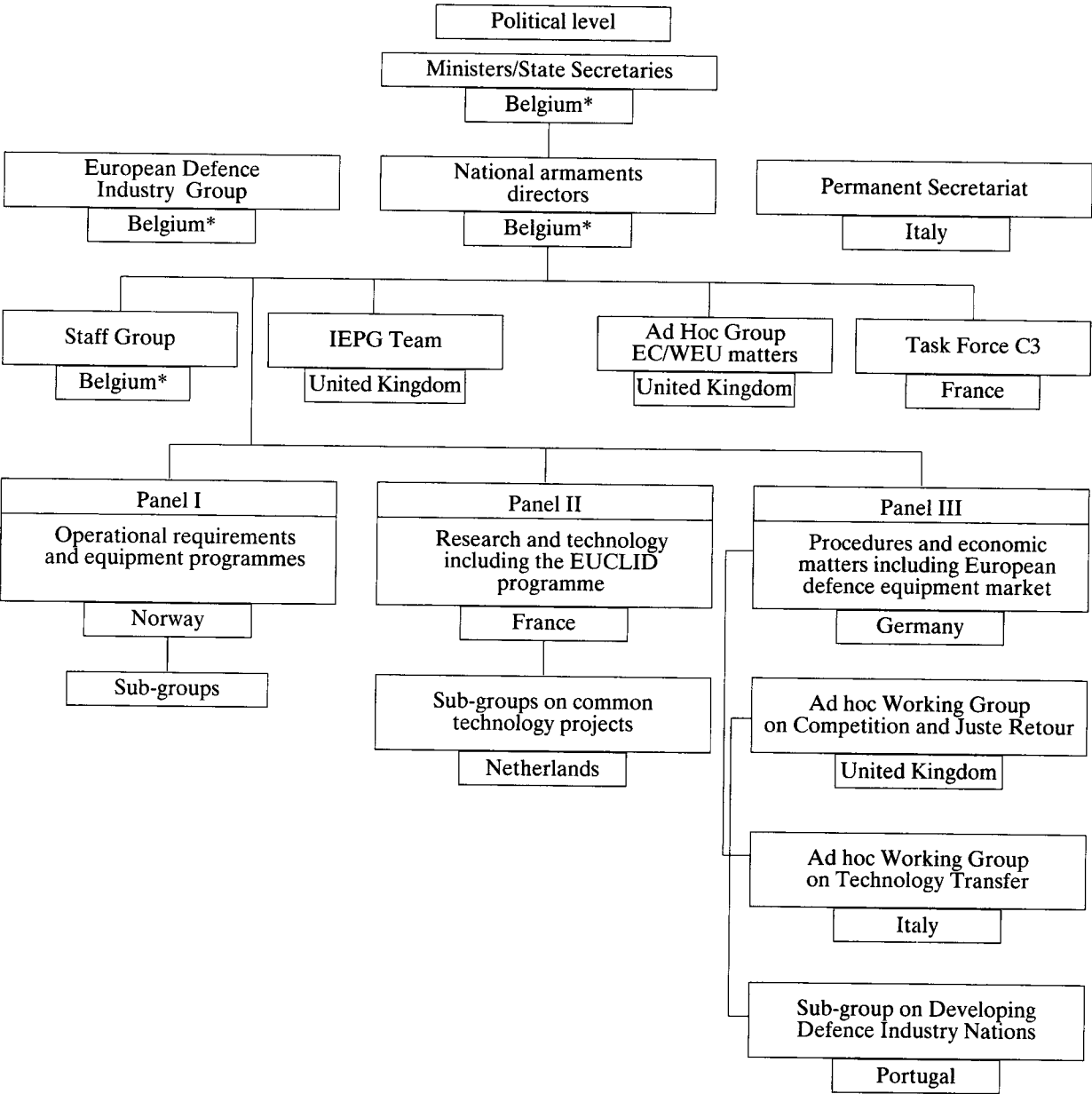
Ministers underlined their belief that enhancing the European defence industrial and technological capabilities would facilitate transatlantic co-operation and reiterated the importance of NATO-wide defence equipment co-operation. They discussed the transatlantic defence trade issue from a European perspective. Bearing in mind the advantages to be gained from improving the conditions of defence equipment trade alliance-wide, they expressed the hope that the few remaining issues on NATO defence trade would be resolved rapidly. This would enable the NATO code of conduct in defence trade to be applied.

Ministers expressed their gratitude to Belgium for chairing the IEPG in 1991/1992 and agreed to meet again in 1993 in the WEU framework under the Chairmanship of Denmark.

***Basic principles which have guided the discussions on
the incorporation of the IEPG into WEU***

1. All IEPG members should be entitled to participate fully, and with the same rights and responsibilities, in any armaments co-operation forum.
2. There should be a single European armaments co-operation forum, there should be no duplication in this field.
3. The IEPG should continue to operate until any replacement forum was to be operational.
4. Any armaments co-operation forum should take over, as starting point, the agreed policies of the IEPG and maintain existing links with NATO.
5. Armaments co-operation activities in Europe should be managed by the national armaments directors of all current IEPG members, who will be accountable to the defence ministers of those member governments.
6. The existing basic structure of the IEPG should, initially, be incorporated into any future armaments co-operation structure and the existing linkage between the IEPG and EDIG should be maintained.

ANNEX B
Structure of the IEPG



* Chairmanship on a rotational basis (two years)
1991-1992 : Belgium
1993-1994 : Denmark

ANNEX C

Panel I Sub-group overview

(* observer)

1. Future large aircraft
Belgium, France, Germany, Italy, Portugal, Spain, Turkey, United Kingdom*
2. Armoured bridgelayer interoperability
Belgium, France, Netherlands, Spain, United Kingdom*
3. Aimed control effect-antitank mine
France, Germany, United Kingdom
4. Third generation antitank weapon
Belgium, France, Germany, Netherlands, United Kingdom
5. Microwave landing system
Belgium, Denmark, France, Germany, Norway, Netherlands, Turkey, United Kingdom
6. STINGER
Germany, Greece, Netherlands, Turkey
7. Coastal minesweeper
Belgium, Netherlands, Portugal, Norway*
8. Mistral
Belgium, France, Italy, Spain, Norway
9. Low caliber/individual/support weapon
Belgium, France, Germany, Italy, Netherlands, Spain, United Kingdom
10. M483/M864 155 mm arti ammunition dual
Netherlands, Turkey, United Kingdom
11. Armoured recce vehicles
Belgium, France, Germany, Spain, United Kingdom
12. Simulation
Netherlands, Spain, United Kingdom
13. Combat support ship 2000
Netherlands, United Kingdom
14. New logistic vehicles
Belgium, France, Italy, Netherlands, United Kingdom
15. Short-range antitank weapon
Belgium, Italy, Netherlands, Norway, United Kingdom, France*
16. Stand off air to ground weapons
France, Germany, Greece, Italy, United Kingdom
17. Command A/D frigate
Germany, Netherlands
18. Low frequency active variable depth sonar
France, Netherlands, United Kingdom
19. Low frequency active dipping sonar for EH101 and NH90
Italy, United Kingdom
20. Air defence command and control
France, Netherlands
21. Short range anti-radiation missile
France, Germany, Greece
22. Advanced short range air to air missile
Greece, Netherlands, Spain
23. HF radio
France, Netherlands

ANNEX D

EUCLID: CEPA/RTP overview*(CTPs in italics: IA signed)*

- CEPA 1. Modern radar technology
RTP – 1.1 *Mission related aspects*
- CEPA 2. Silicon microelectronics
 - 2.2 SOI technology
 - 2.2 *Interconnection assembly*
 - 2.3 *Military qualifications*
 - 2.5 SOI cell library
 - 2.7 Mixed analog digital design
 - 2.8 Very high speed A/D converters
 - 2.9 *User programmable integrated circuits*
 - 2.13 Interconnections and packaging for MMIC
- CEPA 3. Composite structures
 - 3.1 *Application technology*
 - 3.2 *Light ballistic optimisation*
 - 3.4 Optimised polymer matrix composites for aerospace structures
 - 3.5 *Development of technology for high temperature composites*
 - 3.6 Composites for electromagnetic windows
 - 3.8 *Naval application technology*
- CEPA 4. Modular avionics
 - 4.1 Modular avionics harmonisation study
- CEPA 5. Electric gun (dormant)
- CEPA 6. Artificial intelligence
 - 6.1 *Advanced work station for command and control systems*
 - 6.2 *High speed pattern recognition environment*
 - 6.3 *Knowledge engineering*
 - 6.4 *Combinatorial algorithms for military applications*
 - 6.5 Crew assistant
- CEPA 7. Signature manipulation
 - 7.3 Improvement of RCS prediction codes
 - 7.8 Optimum shape design in electromagnetics
- CEPA 8. Optoelectronic devices
 - 8.1 *Affordable lightweight IR sensors*
 - 8.2 *Intelligent sensors*
 - 8.3 *Solid state laser sources*
- CEPA 9. Satellite surveillance technology, including verification aspects
 - 9.1 *Technology concepts and harmonisation*
 - 9.2 High resolution optical sensor technology
 - 9.3 Advanced space synthetic aperture radar
 - 9.4 *Real time processing and data handling*
 - 9.5 Ground segment technology
- CEPA 10. Underwater detection and related technologies
 - 10.1 *Low frequency underwater sound propagation*
 - 10.2 *Towed array heading sensors*
 - 10.3 *Hydrodynamic noise study*
- CEPA 11. Technology in the field of human factors including simulation for training purposes
 - 11.1 *Training system concepts*
 - 11.2 *Simulation techniques*
 - 11.3 *Mission and/or battle simulation*
 - 11.8 Low cost simulators

The enlargement of WEU

REPORT ¹

***submitted on behalf of the Political Committee ²
by Mr. Ward, Rapporteur***

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APPENDIX

Effects of enlargement on the premises and staff of the Assembly

1. Adopted in committee by 17 votes to 1 with 0 abstentions.

2. *Members of the committee:* Mr. Stoffelen (Chairman); Lord Finsberg, Mr. De Decker (Alternate for Seeuws) (Vice-Chairmen); MM. Aarts (Alternate: *Eversdijk*), Agnelli, Alegre, Andreotti, Beix, Benvenuti, Bowden, Caro (Alternate: *Lemoine*), De Hoop Scheffer (Alternate: *Eisma*), Fabra, Feldmann, Forni, Foschi, Goerens, Homs I Ferret (Alternate: *Diaz*), Sir Russell Johnston, Lord Kirkhill, MM. Kittelmann, Koehl, Maroni, Moya, Müller, d'Ornano (Alternate: *Baumel*), Pécriaux, de Puig, Reddemann, Rodrigues (Alternate: *Mrs. Aguiar*), Roseta, Soell, Ward, Wintgens.

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

Draft Recommendation***on the enlargement of WEU***

The Assembly,

- (i) Welcoming the Council's energetic action, which resulted in a protocol of accession to WEU with Greece, a declaration on WEU observers regarding Denmark and Ireland and a document on associate membership regarding Iceland, Norway and Turkey within a year after the WEU declaration on enlargement issued at Maastricht on 10th December 1991;
- (ii) Regretting that the Council has felt it necessary to declare that the field of application of Article V of the modified Brussels Treaty will be subject to certain restrictions;
- (iii) Noting that at an earlier stage it strongly expressed the wish for both Greece and Turkey to be admitted simultaneously as full members and regretting that the Council was not willing to accept this view;
- (iv) Welcoming the fact that, according to the document on associate membership of WEU, Iceland, Norway and Turkey will become associate members on the day that Greece becomes a member of WEU;
- (v) Considering that Article IX of the modified Brussels Treaty is the foundation of the Assembly's rôle and existence;
- (vi) Noting the Council's reply to Written Questions 300, 311 and 312, where it suggests that the existence of Article IX of the modified Brussels Treaty does not preclude the Assembly retaining its full autonomy for resolving the problems of participation in the Assembly's activities of representatives from states which are associate members of, or observers in, WEU;
- (vii) Stressing that the enhancement of WEU's relations with Bulgaria, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania and the Slovak Republic should also find expression in specific relations between the WEU Assembly and the parliamentarians of those states;
- (viii) Considering that national parliaments, when examining for ratification the protocol of Greece's accession to WEU, will have to take account of the proposed suspension of Article V of the modified Brussels Treaty and of Greece's rôle in European efforts to solve the crisis in the former Yugoslavia;
- (ix) Stressing that the participation of parliamentary representatives from new member states, associate member states and observer states in the activities of the Assembly will be a significant burden on the budget, personnel, office space and chamber required for the Assembly to perform its task properly,

RECOMMENDS THAT THE COUNCIL

1. Confirm the Assembly's full autonomy for resolving the problems of participation in its activities of representatives from states which are associate members of, or observers in, WEU and provide sufficient accommodation and financial means for the Assembly to implement the consequences of the accession of Greece, associate membership of Iceland, Norway and Turkey, and observer status of Denmark and Ireland, as decided in Rome on 20th November 1992;
2. Indicate which countries will be asked to participate in the budget of the Assembly, and their respective contributions to the financing of this budget, so that the Assembly may keep an account of the effective participation in WEU;
3. Indicate whether Greece, which has not signed the document on associate membership, is nevertheless committed to this text;
4. Take no steps to promote ratification of the protocol of Greece's accession to WEU before Greece has clarified its position regarding the solution of the crisis in former Yugoslavia.

Draft Order
on the enlargement of WEU

The Assembly,

- (i) Considering the protocol of accession of Greece to WEU, the declaration on WEU observers regarding Denmark and Ireland and the document on the associate membership of WEU regarding Iceland, Norway and Turkey;
- (ii) Stressing the need to formalise the relationship between the WEU Assembly and parliamentary representatives from Denmark and Ireland on the one hand and from Iceland, Norway and Turkey on the other, in an “observer statute” and an “associate member statute” respectively;
- (iii) Considering the enhancement of WEU’s relations with Bulgaria, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania and the Slovak Republic at various levels;
- (iv) Noting that parliamentarians from the states mentioned under (iii) should be invited to the Assembly’s plenary sessions on a permanent basis as guest members, without voting rights;
- (v) Insisting, however, that at all times, the Assembly should retain the right to suspend parliamentary delegations from countries where the practice of parliamentary democracy is violated or where human rights are not being respected;
- (vi) Considering that the participation of a disproportionate number of parliamentary observers from non-WEU member states in the plenary debates of the Assembly may affect the character of the dialogue between Council and Assembly;
- (vii) Aware that any reasonable enlargement of the number of parliamentary delegations participating in the Assembly will be impossible without major adjustments of the Assembly’s accommodation and budget;
- (viii) Considering that it is urgent to make a coherent examination of all political and budgetary questions, including the Rules of Procedure, in order to take full account of the consequences for the Assembly of WEU’s enlargement,

1. INVITES its Committee on Rules of Procedure and Privileges:

- (a) to examine the creation of a specific “associate member” status for representatives of associate member states which will give full participation and voting rights in committees and the right to participate in the plenary sessions of the Assembly with membership of delegations on the same basis as the present Council of Europe arrangements;
- (b) to examine the creation of an “observer status” and a “permanent observer” or “guest member status” for representatives of observer states and of the nine Central European countries assembled in the forum of consultation respectively;

2. INVITES the Political Committee to monitor the development of WEU’s enlargement;

3. INVITES the Committee on Budgetary Affairs and Administration to examine in detail the consequences of enlargement for the Assembly’s budget and premises;

4. INVITES the Presidential Committee to co-ordinate the activities of the Political Committee, the Committee on Budgetary Affairs and Administration and the Committee on Rules of Procedure and Privileges in this matter, so as to ensure that appropriate reports and recommendations can be put to the Assembly no later than its December 1993 meeting.

Explanatory Memorandum

(submitted by Mr. Ward, Rapporteur)

I. Introduction

1. For WEU, the signing of the Treaty on European Union in Maastricht has set in motion an immensely important process of change which is already profoundly affecting its activities. Immediately after having signed the Treaty on European Union, the nine member states of WEU issued two declarations. The first declaration referred to the rôle of WEU and its relations with the European Union and with the Atlantic Alliance, a subject which has recently been discussed in the report on European security policy, submitted on behalf of the Political Committee by Mr. Goerens, Rapporteur¹. The second declaration concerned the enlargement of WEU. As is known, the Council of WEU worked out its intentions on enlargement in Part III of the Petersberg declaration of 19th June 1992, providing basic guidelines for relations between WEU and other European states, whether members of the European Union or of the Atlantic Alliance. On the same day, the WEU Council of Ministers held an extraordinary meeting with states of Central Europe, after which a declaration was issued on their mutual relations.

2. The present report will first provide a concise review of the Council's activities regarding enlargement and relations with other European states. It will then examine the consequences of enlargement of WEU for the Assembly and the policy to be conducted as regards parliamentary observers.

3. It should be emphasised here that the present accommodation and budget of the Assembly do not allow for any significant enlargement of the number of parliamentary delegations participating in the Assembly's activities. If the Assembly is obliged, through initiatives of the Council and through the considerable increase of interest in WEU's activities in general, to increase the number of parliamentary delegations engaged fully or partly in its activities, it must be granted the accommodation and financial means to meet these new legal and political obligations. (An analysis of the effects of enlargement on staff and premises is given as an appendix to this report.)

II. Relations between WEU and other European states

A. Relations between WEU and the other European member states of the European Union or the Atlantic Alliance

4. In a declaration issued on the occasion of the 46th European Council meeting in Maastricht on 9th and 10th December 1991, the WEU member states stated the following:

"States which are members of the European Union are invited to accede to WEU on conditions to be agreed in accordance with Article XI of the modified Brussels Treaty, or to become observers if they so wish. Simultaneously, other European member states of NATO are invited to become associate members of WEU in a way which will give them the possibility to participate fully in the activities of WEU.

The member states of WEU assume that treaties and agreements corresponding with the above proposals will be concluded before 31st December 1992."

5. The principles decided in Maastricht in December 1991 were followed by detailed proposals set out in Part III of the Petersberg declaration in June 1992².

6. Immediately after the Petersberg declaration, the German Minister for Foreign Affairs and the then Chairman-in-Office of the WEU Council, invited Denmark, Greece, Iceland, Ireland, Norway and Turkey to open discussions on the detailed proposals for their relations with WEU.

7. On 20th November 1992, and in accordance with the timetable envisaged by the Council, discussions with these states resulted in different agreements to be examined in the following paragraphs.

(a) Greece

8. A protocol of accession to WEU was signed with Greece³. It is well known that Greece made availability of WEU membership to Greece a condition of agreeing to the Treaty on European Union. According to this protocol, Greece accepted the Petersberg declaration in full, in particular Part III, including the funda-

1. Document 1342.

2. Document 1322.

3. Document 1350.

mental principles on which relations between member states and associate member states should be based.

9. These include: settlement of their mutual differences by peaceful means and refraining from resorting to the threat or use of force. Further, the Council excluded the possibility of evoking Article V of the modified Brussels Treaty in relations between members and associate members of WEU.

10. At an earlier stage, the Assembly had already regretted that the Council had felt obliged to declare that the field of application of Article V of the modified Brussels Treaty was subject to certain restrictions.

11. According to the protocol of accession, "the enlargement of Western European Union to include the Hellenic Republic represents a significant step in the development of the European security and defence identity". There is no doubt about Greece's determination to participate fully in the process of European integration. On the other hand, the policy of Greece regarding the crisis in former Yugoslavia did not appear to give full support to the intentions of the other EC member states.

12. It is recalled here that in paragraph 3 of Recommendation 525 to the Council, the Assembly's Standing Committee "insists that Greece give the necessary assurances of total compliance with the United Nations embargo before continuing the present negotiations for WEU membership". In its reply, the Council stated that it "takes due note of the suggestion", which in the Assembly's view reflects the Council's reluctant attitude in this matter. Greece's traditional good relations with Serbia have led to friction over the application of the United Nations embargo. Moreover, Greece has used its veto to block the EC's recognition of the former Yugoslav Republic of Macedonia as an independent state, notwithstanding the fact that in January 1992 a committee of legal experts under the chairmanship of Mr. Badinter had concluded that Macedonia met all the conditions for recognition by the EC.

13. Greece has expressed fears that a new independent Republic of Macedonia may become a threat to peace in that region, alleging in its constitution of 17th November 1991 that there are references to the possibility of changing existing borders and intervening in the internal affairs of neighbouring states on the pretext of issues concerning the status and the rights of alleged minorities⁴. Meanwhile, on 7th

April 1993, the United Nations Security Council adopted a resolution which cleared the way for the admission of Macedonia, to be referred to provisionally as the "former Yugoslav Republic of Macedonia" to the United Nations. The question of both the name and the flag of the new state should be left to be settled under the auspices of the international mediators in the Balkans, Cyrus R. Vance and Lord Owen.

14. Considering the conceivable risks of a further extension of armed conflicts on the territory of former Yugoslavia up to a point where even neighbouring states may get involved, WEU member states might postpone ratification of the protocol of accession of Greece until an agreement on the Macedonian question has been reached which would provide enough guarantees for the inviolability of existing borders and for the protection of the rights of minorities. Failing this, WEU member states may face the application of Article V of the modified Brussels Treaty, obliging its member states to afford "all the military and other aid and assistance in their power... if any of the high contracting parties should be the object of an armed attack in Europe". Greek membership should enhance the mutual coherence and security which is the objective of the WEU alliance and not be a source of additional security risks.

(b) Denmark and Ireland

15. Also on 20th November 1992, the WEU Council of Ministers issued a declaration on WEU observers⁵. In preceding discussions, both Denmark and Ireland had indicated their interest in becoming WEU observers, and their status has now been formalised in the abovementioned declaration.

16. After Danish voters narrowly rejected the Maastricht Treaty in a referendum in June 1992, Denmark was granted the possibility of opting out on monetary union, common defence policy and European citizenship and a second referendum on the Treaty on European Union is to be held on 18th May 1993.

(c) Iceland, Norway and Turkey

17. On 20th November 1992, the Ministers for Foreign Affairs of the WEU member states and the Ministers for Foreign Affairs of Iceland, Norway and Turkey issued a document on associate membership of Iceland, Norway and Turkey⁶. Paragraph 5 of this document stipulates:

"The Republic of Iceland, the Kingdom of Norway and the Republic of Turkey will become associate members of WEU on the day the Hellenic Republic becomes

4. For a full recent statement by Greece on this subject, see the Memorandum of Greece concerning the application of the former Yugoslav Republic of Macedonia for admission to the United Nations (United Nations General Assembly Document A/47/877, S/25158, 25th January 1993).

5. Document 1348.

6. Document 1351.

a member of WEU. In the meantime, the Republic of Iceland, the Kingdom of Norway and the Republic of Turkey will be considered as active observers to WEU."

18. A full discussion of Turkey's position in the European and Atlantic Alliance's security framework is provided in the report on Turkey prepared on behalf of the Political Committee by Mr. Moya (Document 1341).

B. Relations between WEU and Central European states

19. In an official declaration issued after an extraordinary meeting of the WEU Council with states of Central Europe in Bonn on 19th June 1992, it was stated that:

"The enhancement of WEU's relations with Bulgaria, Czechoslovakia, Estonia, Hungary, Latvia, Lithuania, Poland and Romania should reflect the specific relations which exist and are developing between these countries and the European Union and its member states."

20. This declaration clearly confirms the existence of a parallel development in economic and security relations of the EC/European Union and WEU with third countries.

21. The ministers also decided that the foreign and defence ministers of WEU member states and of the abovementioned Central European states would meet once a year, while additional meetings at ministerial level might be convened if circumstances require. Furthermore, a forum of consultation was established between the WEU Permanent Council and the ambassadors of the countries concerned which will meet at the seat of the WEU Council at least twice a year. The first meeting of the WEU forum of consultation was held in London on 14th October 1992. In the Petersberg declaration it was also stated that: "Ministers advocated the development of relations between the WEU Assembly and the parliaments of the states concerned."

22. The Assembly could play a useful rôle in building bridges with these countries through various kinds of activities which will be examined in the second part of this report⁷.

III. Relations between the WEU Assembly, parliaments of other European member states of the European Union or the Atlantic Alliance, and parliaments of other European states

A. Preliminary remarks

23. The declarations, decisions and agreements referred to in Chapter II of the present

report oblige the Assembly to adopt and revise its policy regarding its relations with parliaments of other European states. The objective is to develop a logical and consistent line of conduct in order to prevent ambiguities. It should be noted, however, that with regard to observers the basic principle as embodied in Rule 17 should remain intact⁸.

24. Before discussing the Assembly's policy in more detail, it may be useful to specify some principles which should always be observed:

- Apart from the obligations laid down in the Charter of the Assembly and the modified Brussels Treaty as regards full members of WEU, the WEU Assembly also has certain obligations as regards the parliamentary delegations of states which will have the status of associate member or observer in WEU as mentioned in Chapter II A of the present report. It has full autonomy to take decisions regarding its relations with the parliaments of other states. In this respect there is no compulsion to follow exactly the line of conduct of the Council. On the other hand, there should be no misunderstanding that the Assembly's granting of special status to a parliamentary delegation does not necessarily lead to similar actions being taken by the Council.
- The Assembly will have to create a special status for parliamentary representatives from associate member states and observer states which will be unambiguous and easy to understand for everyone concerned. The status for these two categories of representatives should not bring a heavy burden to bear on the functioning of the Assembly.
- Major changes in the Rules of Procedure should be avoided, while those changes deemed inevitable should not affect the specific character of the Assembly's Rules of Procedure and its activities.
- An increase in the number of delegations participating fully or partly in the Assembly's activities, which is a direct consequence of decisions taken by the WEU Council, should be accompanied by a proportional increase in the budget of the Assembly.
- The number of members and observers attending committee meetings and

7. Relations between WEU and Central European states will be examined in more detail in a report being prepared on behalf of the Political Committee by Mr. Wintgens.

8. Rule 17 of the Rules of Procedure of the Assembly reads: "On the proposal of the Presidential Committee the Assembly may admit representatives of parliaments of non-member states of WEU as observers. These observers shall sit in the chamber but not be entitled to vote. They may speak with the authorisation of the President of the Assembly."

taking part in other committee activities may have to be reviewed in order to maintain the effectiveness of such meetings and activities.

- If the Assembly creates a status of parliamentary observer which could also be granted to parliamentarians from European states not members of the EC/European Union or the Atlantic Alliance, it should take into account (a) the truly democratic and parliamentary nature of the country from which parliamentarians are invited; to this end, the Assembly might follow the decisions taken by the Council of Europe; (b) the determination of the country concerned to play an effective rôle in a European security organisation.
- At all times, the Assembly should retain the right to suspend the permanent observer status of parliamentary delegations from countries where the practice of parliamentary democracy is violated or where human rights are not being respected.
- The Assembly invites parliamentary observers with the aim of establishing a political dialogue that takes into account the various opinions of both government and opposition in the nation concerned. In principle it should invite not more than two parliamentary observers from a given country, in the hope that one of them will represent the opposition. In some instances, it might issue an invitation to more than two observers for a particular meeting in order to hear a broader spectrum of opinions.
- The Assembly should retain the ability to invite, whenever it deems necessary, parliamentary observers from any country without this constituting an obligation to renew such invitations.
- Any reasonable enlargement of the number of parliamentary delegations participating in the Assembly's activities will be impossible in the present accommodation.

B. Proposals regarding different categories of European states

(i) Member states of the EC which will be full members of or observers in WEU

(a) Greece

25. After admission, Greece will be entitled to send a full parliamentary delegation, i.e. its delegation to the Parliamentary Assembly of the Council of Europe.

26. As regards Greek parliamentary representation in the Assembly, during the period between 20th November 1992, when the Protocol of Accession of Greece was signed, and the entry into force of the Protocol, Greece would like the Assembly to adopt the same procedure as it adopted for delegations from Spain and Portugal.

27. It is recalled here that in an early stage of preliminary talks between Spain, Portugal and WEU, the Assembly had invited parliamentary observers from Portugal and Spain to participate in all committee meetings and plenary Assembly sessions with a right to speak but without the right to vote. It should also be noted, however, that these invitations were inspired by the Assembly's desire to see both countries to accede to WEU as soon as possible.

28. In the case of Greece, it is Greece itself which has exerted maximum pressure on the European Council and on the Council of WEU to be admitted to WEU. The Assembly has never seen any specific advantage in early Greek accession to WEU and, as a consequence, there would be no reason at the moment to provide preferential treatment for Greek parliamentary observers as long as the protocol of accession of Greece to WEU has not been ratified in the signatory countries.

29. The proposal is to continue inviting Greek parliamentary observers to Assembly sessions with a right to speak until the accession protocol has been ratified, after which date the members of the Greek parliamentary delegation to the Assembly of the Council of Europe may assume its rights as a full parliamentary delegation to the Assembly of WEU. The consequences of full Greek participation in the Assembly's activities as regards the provision of office space, interpretation facilities and personnel should be worked out as soon as the Council has provided the necessary financial means.

30. As regards these financial consequences, reference is made here to paragraph 15 of the draft budget of the administrative expenditure of the Assembly for the financial year 1993⁹. In view of the process of ratification of the Protocol of Accession, it is now clear that Greece's accession to WEU will not take place before 1994, but the document referred to here still provides an order of magnitude of additional costs for the Assembly.

(b) Ireland and Denmark

31. With Ireland having become an observer in WEU, representatives from Ireland should be invited to be observers in the Assembly.

⁹. Document 1325.

32. Denmark has also responded positively to the invitation to become an observer in WEU. For several years now, observers from the Danish Parliament have attended sessions of the Assembly with the right to speak.

33. It seems logical to grant representatives of both observer states the right to be observers, including the right to speak in committee meetings and at plenary sessions of the Assembly. As regards the size of parliamentary observer delegations from Denmark and Ireland, reference should be made to the size of their delegations to the Parliamentary Assembly of the Council of Europe, i.e. 5 and 4 representatives respectively. The number of representatives to be observers in meetings of the various committees may then be deduced from the breakdown given in Rule 40 of the Assembly's Rules of Procedure. It is known that, for several years now, parliamentary observers from Denmark have attended sessions of the Assembly.

34. By inviting parliamentary observers from both Ireland and Denmark, the Assembly can act as a bridge to enable parliamentarians from these countries to familiarise themselves with discussions in WEU.

(ii) *European member states of the Atlantic Alliance which will be associate members of WEU: Iceland, Norway and Turkey*

35. These countries may participate fully in the meetings of the WEU Council – without prejudice to the provisions of Article VIII of the modified Brussels Treaty – subject to certain conditions, which are listed in the Document on Associate Membership¹⁰.

36. Turkey expressed very clearly its wishes about the status of its parliamentary representatives in the Assembly. The Turkish authorities consider that the following essential principles should be retained in determining Turkey's associate member status in the WEU Assembly:

- as the Charter and Rules of Procedure of the WEU Assembly at present make no provision for the status of associate member, these texts should be revised and modified accordingly;
- it should be made possible for Turkey to participate fully in all the Assembly's activities;
- in this context, Turkish parliamentarians participating in the WEU Assembly should be given the right to speak, vote and originate documents;

- in the same context, Turkish parliamentarians should be represented at all levels in all the Assembly's committees and assume corresponding responsibilities.

37. In fact, the WEU Council has strongly encouraged the Assembly to grant as many rights as possible to parliamentary representatives from states which are associate members of, or observers in, WEU in order to enable them to participate fully in the Assembly's activities.

38. In order to clarify a number of legal problems in connection with associate membership, members of the Political Committee submitted Written Questions 300, 311 and 312 to the Council. In its answers, the Council confirmed the Assembly's view that, in accordance with Article IX of the modified Brussels Treaty, only representatives of the Brussels Treaty powers can be full members of the WEU Assembly. However, it added that "In the Council's view... this does not preclude full participation in the Assembly's activities of representatives from states which are associate members of, or observers in, WEU, on a basis to be decided by the Assembly." The Council continued, saying that "the Assembly therefore retains its full autonomy for resolving the problems in question."

39. In the Assembly's view it is indeed fully autonomous to resolve the problems in question, but only within the limits of the modified Brussels Treaty. It can therefore grant full participation in its activities to representatives from associate member states within the limits of Article IX of the modified Brussels Treaty, which reads:

"The Council of Western European Union shall make an annual report on its activities and in particular concerning the control of armaments to an Assembly composed of representatives of the Brussels Treaty powers to the Consultative Assembly of the Council of Europe."

40. This article does not prohibit full participation in the activities of the Assembly by representatives of associate member states. However, they cannot be full members of the Assembly. What then should be the difference between full members and the representatives of associate member states? There is a clue in Article IX, here to be seen in connection with the Council's answer to Written Question 300. In this question, it was asked whether associate members took part in the drafting and adoption of the annual report of the Council. In its answer, the Council stated:

"As regards the drafting and adoption of the Council's annual report, the modified

10. Document 1322.

Brussels Treaty clearly states that a Council created by the High Contracting Parties (Article VIII, paragraph 1) 'shall make an annual report on its activities...' (Article IX). It is pointed out that Part III of the Petersberg declaration specified that neither associate members nor observers are parties to the modified Brussels Treaty."

41. Since associate members are clearly not entitled to participate in the drafting and adoption of the Council's annual report, it would be odd and even contrary to the intention of Article IX and the democratic principle which is the basis of this article to allow representatives from a given state to vote on a recommendation regarding an annual report for which the government of that same state is not responsible.

42. As a consequence, representatives of associate member states can be granted the right to participate and vote in committee meetings and to participate in the plenary sessions of the Assembly with the right to vote on all matters except the Annual Report of the High Contracting Parties of the modified Brussels Treaty. As regards the number of representatives from associate member states which should be allowed to participate in the Assembly's activities, reference should be made to the size of the parliamentary delegations from Iceland, Norway and Turkey to the Parliamentary Assembly of the Council of Europe, i.e. 3, 5 and 12 representatives respectively. The number of representatives participating in meetings of the various committees can then be deduced from the breakdown given in Rule 40 of the Assembly's Rules of Procedures. A number of formal details regarding the participation of representatives of associate member states will have to be worked out by the Assembly's Committee on Rules of Procedure and Privileges in an "associate member status". In that framework, many questions may arise, such as whether associate members should participate in meetings of the Presidential Committee and whether they would have an influence on the quorum required in committee meetings. It seems, however, that the "associate member status" can be regulated in a limited set of rules.

43. In order to provide normal working conditions for these associate member delegations, each of them should have a delegation office at its disposal in the Assembly's premises.

(iii) *Central European states participating in the forum of consultation: Bulgaria, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania and the Slovak Republic*

44. As set out in the declaration issued after the extraordinary meeting of the WEU Council of Ministers with states of Central Europe on

19th June 1992, ministers have decided to strengthen existing relations by restructuring the dialogue, consultations and co-operation in order to enable the Central European nations to acquaint themselves with the future security and defence policy of the European Union and find new opportunities to co-operate with WEU.

45. It should also be recalled here that the ministers advocated the development of relations between the WEU Assembly and the parliaments of the states concerned. It is in the Assembly's interest to continue to intensify the political dialogue with parliamentary delegations from these countries that had been established in previous years. But the question could be asked whether they should be given a status of permanent observer or whether they should be invited each time by special decision. Taking into account the standing practice and the opinion of the Assembly as expressed in several previous recommendations, it would be logical to grant delegations from these countries a status of permanent observer at the Assembly's plenary sessions with a right to speak if there is sufficient evidence that the members of the parliaments concerned have been elected democratically. Moreover, a status of permanent observer would also, albeit partly, accommodate the strong desire of these countries to be included in discussions on European security and defence at all possible levels. Finally, it should be said that any other decision would be contrary to expectations raised earlier.

(iv) *Neutral and other European states which have applied for membership of the European Union or which are considering doing so: Austria, Cyprus, Finland, Malta, Norway, Sweden and Switzerland*

46. Most of these countries have shown an interest in the activities of WEU, and in particular of its Assembly, and an increasing number of them are asking for parliamentary observers to be invited. Although public opinion in the countries which are neutral or have adopted a policy of neutrality is only changing gradually, their governments are mostly aware that after the cold war the concept of neutrality makes much less sense. As an indication of the changing atmosphere it should be mentioned that, at the Assembly's December 1992 session, Mr. Fasslabend, Austria's Federal Minister of Defence, said that accession to the European Community had become the key to Austria's security and that his country accepted the objective of a common defence policy as included in the Treaty on European Union. The Minister also wished WEU to take steps to institutionalise its relations with countries that had applied for accession to the European Union. Sooner or later, the Assembly will have to invite parliamentary observers from all these states.

47. Accession negotiations have started with Austria, Finland, Norway and Sweden and the Commission hopes to achieve EC membership by 1993 if their governments win public approval. The Commission's opinion on the Cyprus and Malta applications is expected this year. For the time being, the Swiss Government is not in a position to apply for Swiss membership since, in a December 1992 referendum, the Swiss rejected accession to the European economic area.

48. It should be noted here that, when the EC approved Norway's application for membership, the EC Commissioner for Foreign Affairs and Security, Mr. Hans van den Broek, stressed that all the applicants had to accept existing EC rules and laws and the Maastricht Treaty. He also restated the EC policy that there was no prospect of granting the applicants the possibility of opting out on monetary union, common defence policy and European citizenship.

(v) The Russian Federation and other independent republics on the territory of the former Soviet Union, Albania and the new independent republics on the territory of former Yugoslavia

49. The states mentioned in this section do not constitute a homogeneous group.

50. The Russian Federation is by far the most important power in Eastern Europe and it will certainly try to reaffirm its position as a leading nation once it has overcome the present crisis. However, the mere fact that the Russian Federation has special guest status in the Parliamentary Assembly of the Council of Europe cannot be a reason for giving it similar or comparable status in the Assembly. On the other hand, it should be kept in mind that Russia is recognised as the legal successor to the former USSR, with which the Assembly established relations as early as 1987.

51. The Assembly should therefore try to pursue the existing dialogue with representatives of the Russian Federation in a way which is satisfactory to both sides. As regards the other independent republics on the territory of the former Soviet Union, it seems too early for the Assembly to invite representatives from all these new states as observers, knowing that their participation in NACC and CSCE meetings is already causing problems for them in many ways. An exception may have to be made for Ukraine, Belarus and Moldova, each of which has borders with states having closer links with WEU.

52. The Chairman of the Supreme Rada of Ukraine, the Ukrainian Parliament, recently requested the WEU Assembly to consider the possibility of granting Ukraine observer status in the Assembly, the objective being to initiate a step-by-step development of special relations between WEU and Ukraine.

53. It seems unwise to think of inviting observers from the new republics of the territory of former Yugoslavia and from Albania on a regular basis before a balanced and lasting peace agreement has been reached which would also guarantee the existence of parliamentary democracies.

(vi) The European Parliament

54. The invitation to observers from the European Parliament must be the subject of a joint agreement between the two assemblies, giving equal and reciprocal status to the observers of both assemblies.

55. As there is no observer status in the European Parliament, there is no reason for the WEU Assembly to offer such status to members of the European Parliament. Relations therefore have to be considered on a different basis.

56. On 23rd September 1992, the Presidents of the WEU Assembly and of the European Parliament met in Brussels. The two Presidents have now:

- (a) decided to meet regularly. Some members of the Political Committee have asked that representatives of each political group be invited to attend these meetings;
- (b) examined the possibility of exchanges of ideas and documents between rapporteurs from the two assemblies dealing with matters of joint interest. Such exchanges were obviously desirable provided they did not allow a representative of one assembly to have a prior view of the work of the other, thus respecting Rule 42, paragraph 10, of the Rules of Procedure of the Assembly;
- (c) examined the possibility of meetings between committees or subcommittees of the two assemblies.

57. Moreover, a proposal has been made in the Political Committee for delegations of not more than six members of the Assembly's Presidential Committee and the European Parliament's Bureau to meet in the future in order to make sure that the agreement between both Presidents is implemented.

Conclusions

- (i) As a consequence of the WEU Council's decisions on enlargement, the creation of the status of associate member state and observer state and the establishment of a forum of consultation, the Assembly is obliged to revise its policy regarding parliamentary representatives from non-WEU member states having a specific relationship with WEU.

(ii) Notwithstanding the abovementioned, the existing Rule 17 of the Assembly's Rules of Procedure should be maintained since it offers a satisfactory framework for inviting observers of any kind from any state.

(ii) While working out a status for different categories of representatives, a clear distinction should be made between, (a) a provisional situation, lasting until the ratification of the Protocol of Accession of Greece and during which no new status can be introduced, and (b) the new situation after ratification of the Protocol of Accession of Greece when a newly established status can be launched.

(iv) Once the principles set out in this report have been adopted by the Assembly, the Assembly's committees should take the following action:

- the Political Committee should monitor the development of WEU's enlargement;
- the Committee on Budgetary Affairs and Administration should consider the consequences of enlargement for the Assembly's budget and premises ;
- the Committee on Rules of Procedure and Privileges should prepare the necessary changes in the Rules of Procedure.

APPENDIX

*Effects of enlargement on the premises and staff
of the Assembly**(a) Chamber*

1. At present the Assembly has 108 members and an equal number of substitutes representing the nine countries. There will be 115 members when the accession of Greece is ratified.
2. If observer and associate members were to be represented by their delegation to the Council of Europe, there would be 144 members and an equal number of substitutes.
3. Nine other countries belong to the WEU forum of consultation. If they were to be represented permanently by two observers at each session, 162 parliamentarians from 24 countries would be convened to sessions.
4. The Assembly has shown its intention to continue inviting observers from non-member countries to attend sessions. If it were to do this for the eleven countries likely to wish to send observers here and now, with two observers per country, invitations would have to be sent to about twenty observers, making in all 184 parliamentarians from 35 countries.
5. The Council has already asked for representatives from governments of observer countries and associate members to be invited to sit in the Chamber during sessions, which, with two representatives per country, four for the Secretariat-General and four reserved for ministers and their advisers, would mean reserving 38 seats for governments, which would make a total of 222 seats.
6. In view of the need to reserve a few seats for substitutes, secretaries of groups or of delegations, interpreters for countries without simultaneous interpretation, etc., it would be necessary to have 250 seats.
7. Since the Chamber of the Economic and Social Council has 238 seats, it would still be possible to use it provided there was not a full attendance. Any increase in these figures, however, would make it necessary for the Assembly to hold its sessions elsewhere, which would involve considerable expenditure (the excess cost of holding a session in Strasbourg has been assessed at between F 1 and 1.5 million).
8. For any session held in Paris, the Assembly, for its part, would have to take a number of essential but hardly satisfactory steps, such as:
 - terminating the right of honorary members to sit in the Chamber;
 - reserving the galleries for honorary members and the press, as long as the

installation of a Greek interpretation booth has not been decided upon. After that, a televised system would have to be installed in the press room;

- restricting access to sessions for the public which would have to follow the debates by television in the lobby and extending the area for viewing by increasing the number of television sets.

9. If the Assembly decides to keep its seat in Paris, it would have to examine, together with the Economic and Social Council and with the association of interpreters, the possibility of installing permanent interpretation equipment and, to this end, using television sets in the interpreters' booths, which would no longer be placed on the balcony.

(b) Committee rooms

10. The Assembly has two fully-equipped committee rooms. They each have forty seats around the table and twenty seats at the side. It is clearly essential to provide a seat at the table and to leave a certain number of seats for alternates at the side. The two largest committees now have thirty-four members. There will be thirty-seven with the accession of Greece. Three places have to be reserved for the Office of the Clerk.

11. In these conditions, if delegations from observer and associate member countries are to be invited to attend committee meetings, they would have to be limited to twelve, i.e. four for Turkey and two for each other country. They would then have to sit at the side.

12. Should these limits not be respected, it would become impossible to use the committee rooms at the seat of the Assembly in normal conditions and the Assembly would have to have new premises.

(c) Delegation offices

13. It would seem essential to provide the parliamentary delegations of observer or associate member countries with premises adapted to their requirements.

14. It would also seem desirable to provide other delegations of observers with a certain number of offices. If nine delegations are planned for the countries of the forum and about ten others for neutral or former members of the Soviet Union, i.e. about twenty delega-

tions, it would seem necessary to make ten offices available in a manner yet to be determined.

15. The Assembly should therefore have at least twenty-five more offices.

16. Furthermore, if new posts are to be created in the Office of the Clerk, more offices would be necessary.

(d) Use of languages

17. Present rules allow parliamentarians of each member country to use the official language of their country at both committee meetings and during sessions and to have simultaneous interpretation into that language at sessions. This application would mean installing a Greek booth for sessions and recruiting interpreters for Greek during committee meetings once the accession of Greece is ratified.

18. The installation of a Greek booth would preclude the use of the gallery for the public during sessions due to the weight and the space occupied by eight interpretation booths. The use of an additional language would make it impossible to use the Chamber of the Economic and Social Council.

19. Conversely, limiting the number of languages used would make it possible to continue using that Chamber. An initial consultation of the Presidential Committee on this matter gave the impression that there might be strong opposition to any limitation of the number of languages used and that the Assembly would ask for Greek to be given the same advantages as the other official languages. It would then become very difficult to oppose the acceptance of the language of any further country joining WEU.

20. If this were so, it would have to be expected that any new country joining WEU, or even here and now certain associate members, would wish their official language to have the same advantages as the official languages of the present member states. There are therefore firm grounds for fearing a proliferation of official languages which would be a heavy burden on the budget of the Assembly, would exclude the use of the Chamber of the Economic and Social Council, would make extremely complicated any travelling by the committees and would take more time for translations.

21. Clearly, any increase in the number of languages used would mean increasing the staff of the Office of the Clerk, particularly in the translation and sittings services (verbatim and summary reporters) and also throughout the other services. This would also mean additional offices being made available for the new staff during the sessions and there is little hope of obtaining them in the premises of the Economic and Social Council.

22. A wise course would certainly be to adopt the rules of the Council of Europe which limit the number of languages authorised. The legal grounds for this ruling are dubious, however, and it is not certain that parliamentarians will agree, nor even that the Council of Europe will be able to maintain its position for very long. There is reason to fear that the Assembly will quickly be obliged to adopt a practice similar to that of the European Parliament where all the languages of the member countries are accepted.

(e) Officials in the Office of the Clerk

23. When Spain and Portugal joined, the parliamentary delegations of these two countries strongly insisted on having at least one grade A official of their nationality in the Office of the Clerk. The Council, which refused to create posts to correspond to the increase in the workload of the Office of the Clerk, agreed to the creation of posts for one Spanish and one Portuguese national. There are grounds for thinking that the accession of Greece will lead to similar claims with a like response.

24. At the same time, it is not excluded that associate members, and in particular Turkey, will claim the same right.

25. Furthermore, the management of relations with an increasing number of countries, their governments, parliaments and various institutes would require a significant increase in the number of officials in the Office of the Clerk who can no longer meet all the obligations devolving from the development of WEU's activities and its external relations.

(f) Budget of the Assembly

26. The development of WEU's activities in 1993 led to an increase in the budget of the Secretariat-General that can be estimated at about 75%, whereas the Assembly's budget has been kept to the principle of zero growth. A significant increase in the budget of the Assembly is still, therefore, essential. Its magnitude will depend on whether the seat of the Assembly stays the same or whether another will have to be found. Even if the Assembly stays in its present premises, it will have to be given the means necessary for holding sessions or meetings elsewhere as and when necessary. Should the seat of the Assembly be maintained, it is expected that expenditure would have to be increased from 30 to 50%. If the seat is changed, the increase will depend on factors that cannot be assessed at present but, in any event, it would be much greater.

27. The Petersberg declaration said that associate members would be invited to make a financial contribution to the budgets of WEU. Consequently, it would seem normal for countries with the status of associate member of the

Assembly of WEU to contribute to its budget in accordance with a cost-sharing formula on which the governments concerned should reach agreement. According to the Petersberg declaration, this might be the case for associate members but nothing is said about observers. Clearly, the countries concerned will wish to

limit their contributions in a manner commensurate with the advantages of the status the Assembly grants them. Conversely, it is not possible to ask for contributions from countries without the benefit of a status, even if expenditure is incurred by the presence of their parliamentary delegation.

***Second part of the thirty-eighth annual report
of the Council to the Assembly***

(1st July to 31st December 1992)

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I. Introduction

The second half of 1992 was marked by the Ministerial Council of 20th November at which a number of major decisions were taken pursuant to the objectives laid down in the declarations made by WEU Ministers in Maastricht and at Petersberg. These decisions – on enlargement, the development of WEU's operational rôle, the transfer of the Council and Secretariat-General to Brussels in January 1993, practical measures concerning relations with the European Union and with the organs of the Atlantic Alliance and, lastly, on the dialogue with third countries – illustrated just how far WEU has enhanced the European defence identity since the Rome Declaration in October 1984 at which the basic guidelines for the organisation's reactivation were set. In that sense, the Rome Ministerial Council may be considered as having been the starting point for a reactivation which has been an undeniable success in the process of building a European Union.

WEU's enlargement to a tenth member – Greece, – to two observers – Denmark and Ireland – means that its European dimension is complete and carries forward the process of convergence between the main body responsible for European intergovernmental co-operation on security and defence and the Twelve. In a way, therefore, the obstacle which the Genscher-Colombo proposals encountered all those years ago has been overcome. The European integration process now has a security and defence dimension without which it would have been incomplete.

Enlargement also, through an association arrangement, to three European members of the Atlantic Alliance who are not members of the European Community, likewise brings a true dimension to the European pillar of NATO. It opens up the prospect for increased cohesion among Europeans within a revamped alliance. It gives them the possibility to prepare joint positions with a view to their introduction, in a spirit of openness, into the alliance's politico-military consultation process. These positions, formulated with due regard to the obligations arising from the North Atlantic Treaty, will be compatible with the decisions taken within the alliance framework. On the basis of this fundamental compatibility, the organs of WEU and the alliance will co-operate under flexible arrangements and in accordance with the twofold principle of complementarity and transparency, plus the necessary reciprocity.

The development of WEU's operational rôle with the aim of building it up as the future defence component of the European Union and enabling it to make an effective contribution to humanitarian assistance missions, peace-keeping

and peace-making and hence to the promotion of international peace and stability has continued with the following results:

- an examination of questions regarding the creation of military units answerable to WEU;
- the establishment of the WEU planning cell on 1st October 1992;
- a decision favouring the transfer of IEPG functions to WEU;
- alterations, with a view to fitting out the Torrejón building for the WEU satellite centre.

The consultations on arms control and disarmament continued within WEU as did work on the practical arrangements in the field of verification and the implementation of the Open Skies Treaty.

Lastly, ministers decided to continue the dialogue with the countries of Central Europe, principally within the forum of consultation, and gradually to establish a dialogue with the Maghreb countries.

1992 was the last year of activity of the Permanent Council and the Secretariat-General in London, where they had been for over 25 years. On 16th December 1992, on the occasion of its last meeting in Belgravia, the Council expressed its gratitude to Her Majesty's Governments for their hospitality and very effective support.

II. Situation in former Yugoslavia

The Permanent Council was regularly briefed by the United Kingdom Permanent Representative, in his capacity as Chairman-in-Office, on the European Community's mediation efforts and diplomatic initiatives in the face of a steadily worsening situation in Bosnia-Herzegovina.

On 10th July 1992 in Helsinki, in the margins of the CSCE summit, WEU ministers took two decisions: to implement the monitoring operations in the Adriatic in co-ordination with NATO and to step up humanitarian aid. The United Nations Secretary-General and the CSCE Chairman-in-Office were informed of these decisions.

With the situation worsening in Bosnia-Herzegovina and new resolutions being passed by the United Nations Security Council, the Ministerial Council – on the initiative of the Council Presidency – met on 28th August 1992 in London to demonstrate Europe's resolve and to adopt a position on the contribution it could make in three areas: humanitarian aid, monitoring of heavy weapons and implementation of the embargo.

Following the ministerial meeting on 28th August, the Chairman-in-Office, Mr. Colombo, wrote to the United Nations Secretary-General to inform him of the decisions taken by the WEU ministers and to apprise him of WEU's plans flowing from those decisions for the escort of humanitarian convoys and the monitoring of heavy weapons, and to enclose a list of contributions which WEU member states were prepared to make to the United Nations humanitarian operations.

The results of the planning carried out within WEU were also forwarded to the NATO Secretary-General and the plans relating to the monitoring of heavy weapons were sent to the Chairman-in-Office of the CSCE.

The CSCE ad hoc group met on 4th September to consider the question of the monitoring of heavy weapons and heard a statement given by a WEU delegation made up of representatives of the Presidency and the Secretariat concerning WEU's plans in this connection.

In the final months of the year, the work of the Contingency Planning Group continued under the auspices of the ad hoc group. Each group met ten times under Italian chairmanship.

Among the topics discussed were:

- the preparation of the ministerial decision on 20th November concerning the implementation of the Sharp Fence operation to monitor the embargo in the Adriatic;
- monitoring the conduct of the naval operation;
- at the request of ministers, made on 20th November, a study of the possibilities of setting up of "safe areas for humanitarian purposes" (United Nations Security Council Resolution 787);
- possible control of the no-fly zone;
- examination of what assistance might possibly be given to riparian states to enforce sanctions on the Danube.

III. Contacts with the countries of Central and Eastern Europe

On 14th October in London, the first meeting of the forum of consultation took place, bringing together members of the Permanent Council and the eight heads of the diplomatic missions in London of the countries of Central Europe.

The purpose of this meeting was first to inform the latter of WEU's activities regarding the former Yugoslavia and the progress made in implementing the Maastricht and Petersberg declarations.

Thereafter, participants put their views on how they saw their relations developing within the forum of consultation and commented on the future agenda.

Participants also discussed ways and means of carrying forward the work of the CSCE Forum for Security Co-operation in the wake of the adoption of the Helsinki document. They raised the prospect of interaction between the CSCE and the main European and transatlantic organisations. Some participants called for the establishment of an ad hoc mechanism to address emergency situations which might arise and the development of co-operation on arms procurement and conversion and peace-keeping or peace-making operations.

The representatives of the Baltic states drew attention to the continued presence of foreign troops on the territory of Estonia, Latvia and Lithuania. They made it clear that this situation, which was contrary to the wishes of the peoples concerned and of their governments, was a threat to stability in the region and they called for the final withdrawal of all these troops by 3rd August 1993.

Between 30th November and 2nd December, the London embassies of the eight countries of Central Europe were briefed on the outcome of the Ministerial Council in Rome.

The Institute for Security Studies will continue to play a key rôle in contacts between WEU and the countries of Central Europe both by organising seminars and by welcoming holders of research grants.

IV. Activities of the Council

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

The Permanent Council has paid particular attention to the work of preparing draft decisions for submission to the Ministerial Council and to their implementation once adopted. The Council has been kept directly informed of the activities of the WEU Institute for Security Studies, of the establishment of the satellite centre in Torrejón, and of the establishment of an advance party for the planning cell and its installation in Brussels. It continued to acknowledge the vital importance of the institutional dialogue with the Assembly and followed with great interest the debates of the second part of the thirty-eighth ordinary session. Lastly, the Council took a number of administrative and budgetary decisions, as appropriate, on the basis of opinions submitted by the Budget and Organisation Committee.

1. Topical questions

(i) The Council was kept regularly informed of developments in Yugoslavia (cf. item III of this report).

(ii) The Council also monitored the main events in the Commonwealth of Independent States (CIS) and the Russian Federation.

(iii) The Council continued to follow the work being done by the CSCE. It was represented at the Helsinki summit, in the margins of which a WEU ministerial meeting was held on 10th July 1992.

(iv) The Council was kept informed of the results of meetings of the EC's ad hoc group on security questions.

2. Activities of the intergovernmental organs

(i) Council working groups

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

(ii) WEU Institute for Security Studies (ISS)

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

3. Relations between WEU and the other European member states of the European Union or the Atlantic Alliance

With the backing of its working group, the Council held regular exchanges of view on this twofold topic i.e. the enlargement of WEU and practical measures concerning co-operation between WEU, the European institutions and the Atlantic Alliance.

The Enlarged Council on 10th November 1992 took note of the fact that since the texts of the draft protocol of accession and of the declaration on observers had been adopted by the Nine and the countries concerned, discussions between the Nine and the three other European Community countries came to an end on 6th November. That same day, the draft texts on association were again discussed with the three other European member countries of the Atlantic Alliance.

These discussions culminated in the adoption of the draft document on associate membership, the draft minutes in connection therewith and the draft Presidency declaration made on the occasion of the discussions between the Nine and the countries applying for associate membership.

The Permanent Council was thus able to draw great satisfaction from having concluded in under four months – and six weeks ahead of schedule – the WEU enlargement process announced by the Maastricht Declaration, a process which had been set in train on 16th July 1992 in Rome by a meeting of permanent representatives, political directors and defence ministry representatives.

V. Activities of the Special Working Group

The Special Working Group's main task during the period under review was to conduct the discussion sessions with the countries applying for membership or observer status and with the countries applying for associate membership. These sessions were conducted in parallel with the aim of reaching simultaneous decisions at the ministerial meeting in Rome. The group drafted a protocol of accession of the Hellenic Republic to WEU, a document on WEU associate membership and a declaration on WEU observers, having first discussed the content and legal implications.

The group continued its discussions on developing WEU's relations with the countries of Central Europe, thus paving the way for the first meeting of the forum of consultation. It also carried forward its work on a global approach to relations with third countries. A discussion document was submitted to ministers, who took due note on 20th November.

The group discussed informal contacts by the WEU Presidency in the context of the CSCE Forum for Security Co-operation.

The group had a number of exchanges of view on the question of global protection against limited missile strikes (GPS).

The group also turned its attention to the politico-military aspects of designating and setting up military units answerable to WEU. At the Council's request, it considered problems associated with implementing proposals made in the Franco-German memorandum on the creation of a European corps.

The group prepared two interim reports on the transfer to WEU of certain Eurogroup and IEPG functions.

The group's meetings also provided an opportunity to consider the organisation of WEU's work in Brussels, the discussions focusing on how it would operate in times of crisis.

Under topical questions, finally, the group monitored developments in Yugoslavia and discussed the possibilities for co-ordinating member states' contributions to humanitarian operations in Somalia.

VI. Activities of the Defence Representatives Group

(i) The DRG's work, on the other hand, was taken up with an examination of the reports on meetings of the Ad Hoc Group on Yugoslavia and reports drawn up by the Groups of Experts in this connection.

(ii) The DRG played a decisive rôle in implementing the practical arrangements arising from Council decisions on the planning cell. Pending the time when a suitable building became available, it was decided to set up an advance party consisting of senior officers who would be available in Brussels from 1st October 1992. This team was given the task of organising work on the planning cell's internal structure, defining tasks and building up the personnel establishment. To this end, the Belgian Government made available premises in the Institut Royal Supérieur de Défense. The DRG prepared all the Council's decisions in all their various aspects, namely personnel, budget, equipment, etc. In this connection, a number of experts meetings were needed, particularly on communications requirements and computer equipment. Preliminary consideration was given to the priorities to be set for the generic planning work of the cell based on the tasks set out in the Petersberg declaration. The planning cell's terms of reference stipulate that the Council will issue to the planning cell general directives concerning planning options and priorities, taking account of the views of the CHODs at their meetings held under WEU auspices and in consultation with military delegates of member countries.

As regards the military units answerable to WEU, the group examined ways and means by which units could be assigned to WEU in times of crisis. It also considered the choice of headquarters and the organisation of headquarters staff. At the same time, the group gave consideration to WEU's structure in times of crisis.

The group was apprised of the proposal for co-operation between the air and naval forces of WEU member states, initially formulated by the Spanish, French and Italian Defence Ministers with the aim of developing the proposal with the participation of all the member countries. The practical outcome of this proposal was a European pre-planned air-maritime force ready to carry out missions which might be assigned to it by WEU.

The group prepared the agenda for the CHODs meeting on 16th October 1992.

Taking as its basis the contribution from the Italian Presidency, the group drew up a preliminary report on the consequences for European security of the military changes taking

place in the former Soviet Union. This report was updated several times in the light of comments by delegations.

The group monitored the ongoing discussions on the possible incorporation of the IEPG within WEU. Following up the report submitted to ministers on 20th November, the Permanent Council tasked the DRG with evaluating the activities of Eurogroup with a view to preparing joint WEU positions prior to the establishment of a joint WEU/Eurogroup working group.

(iii) The verification experts continued their work on active and passive inspections in the implementation of the CFE Treaty and also their work on the opening of national inspection teams. The experts studied the initial activities of the multinational inspection teams as well as the application of the set of rules for these teams. The formation of multinational inspection teams with the participation of inspectors from countries of Central and Eastern Europe was discussed in depth. Also discussed was the training of CFE inspectors.

(iv) The Open Skies Experts Group had, by the end of the year, passed the stage of preparing a feasibility study. Its activities were now centred on the establishment of an aircraft pool based on the number of aircraft actually available.

VII. The Mediterranean Sub-Group

The Mediterranean Sub-Group held four meetings between July and December 1992.

The situation in the former Yugoslavia figured prominently in the sub-group's exchanges of view and discussions. Given the work being done by the Special Working Group and the ad hoc Group on Yugoslavia during this period, however, this sub-group turned its attention to an analysis of the possible repercussions of a spread of the conflict in the Balkans. It based its work on a document drawn up, at its request, by the Secretariat, which identified where the conflict might spread and the international crisis scenarios likely to result. Having been revised and adopted by the sub-group, the document was forwarded to the WEU Council and then to the competent bodies of the alliance and European Political Co-operation. It has been regularly updated.

At the request of the SWG, the sub-group also addressed the situation in Kosovo and Macedonia on the basis of a text drawn up by the Presidency; it contained concrete suggestions for action to deal with possible crisis scenarios. The operative part of this document, converted into a sub-group document, was submitted to both the SWG and the Council.

At Petersburg, the WEU Ministerial Council mandated the group "to establish a gradual and phased dialogue with the Maghreb countries, taking into account the political developments both in these countries and in the region". The sub-group agreed on a first phase involving a number of exploratory démarches with the London embassies of the countries concerned. The Presidency and Secretariat-General duly initiated this dialogue and the démarches met with a positive response.

The sub-group considered it appropriate to resume these contacts in Brussels and to continue the preliminary dialogue initiated with these countries following the transfer of the Permanent Council to the Belgian capital.

The sub-group finished drafting and updating the section of the document on security in the Maghreb entitled "Spread of weapons and military risks", on the basis of Spanish, French, German and Italian contributions. This document was forwarded to the WEU Council.

The sub-group also had preliminary discussions on the possibility of a study on the "dissemination of Islamic fundamentalism and its implications for security in the Mediterranean region" on the basis of a consolidated document on the problem prepared by the WEU Institute for Security Studies.

At each of its meetings, and in keeping with the usual practice, the sub-group exchanged views informally on various topical questions including developments in the Western Sahara, Algeria, Cyprus and Albania.

VIII. Activities of the ad hoc Sub-Group on Space

The sub-group's meetings were mainly devoted to following progress with the setting up of the satellite centre on the site and in the building provided by the Spanish Government at the Torrejón airbase near Madrid. The agreement relating to this concession was signed on 1st December 1992 in Paris by H.E. Mr. Felipe de la Morena, Spanish Permanent Representative to the WEU Council, Ambassador to the Court of St James's, and Dr. Willem van Eekelen, Secretary-General of WEU (cf. text of this agreement annexed to this report).

As part of the invitation to tender procedure, the group examined and compared bids submitted by competing consortia to supply equipment for the centre. The decision to accept the offer by the MARCOL consortium was taken by the Ministerial Council on 20th November.

The group took stock of the progress of the medium- and long-term studies on the main system feasibility and benefit assessment. Proposals for special studies were also discussed.

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

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

As regards atomic weapons, the ACA did not carry out any controls.

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

In the field of chemical weapons, all the member states notified the agency of their agreement to renew the current list of equipment and chemical products (chemical weapons) subject to control.

In accordance with the usual procedure, the agency asked the member states if there had been any effective production of chemical weapons on their mainland territory. All member states replied in the negative. No country reported that it held chemical weapons on the mainland of Europe.

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

For 1992, the thirty-seventh year of controls carried out by the ACA, the legal sources used to justify the levels and control procedures were unchanged.

The ACA continued to monitor the activities of the Geneva Disarmament Conference, especially work on the negotiations on a convention to ban chemical weapons which culminated in the signing in Paris of a convention in mid-January 1993.

X. Activities of the WEU Institute for Security Studies

A seminar on problems of European security in the 1990s was organised jointly with the Polish Institute of International Affairs and held at Pultusk, Poland. A seminar was jointly organised in Rhodes on 17th-19th September with the Hellenic Foundation for Defence and Foreign Policy (ELIAMEP), Athens, on security challenges in south-eastern Europe.

A seminar on security and co-operation in the western Mediterranean was organised in Madrid with the Centro Español de Relaciones Internacionales. A small working group was convened to discuss a paper on the security problems of Hungary and of its minorities in neighbouring countries by Dr. George Schöpflin of the London School of Economics. A further meeting of the task force on Russia and the CIS was held.

Dr. Dieter Mahncke of the German Ministry of Defence spent three months as a Visiting Fellow at the Institute. Four guest Fellows (from France, Germany, Spain and the United Kingdom) spent some time at the Institute. A number of study awards were made to Central and East Europeans to visit West European institutes.

Chaillot Paper No. 4, Algeria: adversaries in search of uncertain compromises, by Rémy Leveau, was published in September, and Chaillot Paper No. 5, European integration and nuclear deterrence after the cold war, by Roberto Zadra, was published in November. The Quarterly Newsletter was published in July and October.

XI. Administrative questions

During the second half of the year, the Council Working Group, assisted by the

Secretariat-General, continued its work of selecting a building which would meet the current and future requirements of the Council Secretariat and the planning cell. The Council finally chose a building located at 4, rue de la Régence, 1000 Brussels. Once this decision had been taken, practical preparations for the transfer were put in hand.

All these measures were taken to enable the planning cell and the Secretariat gradually to move into the new building from the first week of January 1993.

XII. Activities of the Public Administration Committee (PAC)

The Public Administration Committee (PAC) met in London at the WEU Council's headquarters on 8th and 9th October 1992. This meeting provided an opportunity to carry forward the discussion on the future of the committee and of its open and informal meetings which facilitate the regular exchange of information on public administration in the WEU member countries.

The report on this meeting may be consulted at the Assembly Secretariat.

ANNEX 7

***Agreement between Western European Union (WEU)
and the Kingdom of Spain***

*regarding the concession of a site
situated on the Torrejón airbase (Madrid)
and a building located thereon to be used as
the seat of the Western European Union (WEU) satellite centre*

The Kingdom of Spain, further to the decision by the Western European Union (WEU) Ministerial Council in Bonn on 18th November 1991 to accept the offer made by the Kingdom of Spain, wishing to collaborate actively in the achievement of Western European Union's objectives and to place at WEU's disposal the necessary resources for the installation of the satellite centre whose creation was decided upon by the Western European Union Ministerial Council meeting in Vianden in the Grand Duchy of Luxembourg on 27th June 1991,

grants a concession to Western European Union (WEU), represented by its Secretary-General, Dr. W. van Eekelen, who accepts the land and building indicated on the attached plan by a shaded rectangle and by the figure 457 in that rectangle, situated at Torrejón (Madrid), in the military zone of the airbase, on the following conditions:

Article 1

The concession, against consideration, shall be granted with effect from the date on which the present agreement comes into force, for a term of ten years, renewable by tacit consent.

Article 2

The Kingdom of Spain undertakes to negotiate, in the same spirit of collaboration, any extension of the centre's operational capacity over and above its initial capacity if that extension calls for a larger area or building.

Article 3

Western European Union (WEU) shall be entitled:

- (a) to withdraw from the concession
 1. on expiry of the centre's experimental phase specified by the Ministerial Council (WEU);
 2. at any other time subsequent to the abovementioned experimental phase in the event of a change in the political or technical circumstances which motivated the decision to set up the centre.
- (b) in the event of assignment of the functions associated with the satellite centre or of WEU's incorporation, merger or the delegation of its responsibilities, to transfer the right to the concession to any other international organisation taking over its functions in the field of space-based surveillance, on condition that the Kingdom of Spain is a member of that organisation and consents thereto.

Article 4

Western European Union (WEU) shall pay a rent of 0.1 million Ecus per year, at the official value of the Ecu as at 1st January each year. The rent may be reviewed by common consent, and within the limits of inflation, at the initiative of either party after the end of the experimental phase or, more generally, in the event of a change to any of the key elements of this agreement.

Article 5

The Kingdom of Spain shall, by mutual agreement with the centre's management, and at a total price for WEU of 321 000 000 pesetas (three hundred and twenty-one million) payable after acceptance of the refurbished building, ensure:

- the fitting out of the building, as specified in Chapter 3 of the official offer made by the Kingdom of Spain to Western European Union (WEU),
- the supply and installation of the internal security measures described in paragraph 1.8.1 and in Chapter 4 of the said offer,
- the supply and installation of office furniture and equipment as listed in Chapter 1, section 1.8, and
- the supply and installation of communications equipment, to include:
 - (a) connection to the public system of a low-speed network for fax machines, telephones and electronic messaging,
 - (b) the installation of an internal high-speed network.

Article 6

The Kingdom of Spain undertakes to provide a ten-year guarantee for the refurbishment and installation work carried out on the building and a one-year guarantee for the furniture and equipment supplied, with effect from the date of the minute referred to in Article 7. This guarantee will cover faults or imperfections in the work, furniture or equipment but shall exclude maintenance, wear and tear and operating costs.

Article 7

Western European Union's entry into possession of the building and the land covered by the concession shall be recorded in a minute, to be drawn up by the competent authorities of the Kingdom of Spain and Western European Union (WEU).

Article 8

Western European Union (WEU) undertakes to maintain the building and the land to which it has concession in good order.

WEU and the Spanish authorities concerned shall, before WEU's entry into possession of the building and the land covered by the concession – which is to be recorded in the minute referred to in Article 7 –, agree on appropriate arrangements for paying the running costs (water, electricity, etc.) arising from the centre's internal use of the common services of the military zone.

The same duties shall be incumbent upon any international organisations to which the concession may be assigned.

Article 9

The building and adjoining land shall be used by Western European Union (WEU) for the purpose for which they are initially assigned (for WEU's satellite centre). This provision shall not, however, prevent the organisation – by mutual agreement with the Spanish authorities concerned – from allowing the use of offices or rooms by the governments of member states or by other states, or by international institutions or agencies whose aims are similar to those of Western European Union (WEU).

Article 10

Western European Union (WEU) may make such improvements and alterations to the building and installations as it deems necessary to add to their performance or comfort, with the agreement of the competent Spanish authorities when the change or alteration is likely to have any repercussion outside the centre's building.

Article 11

This concession shall be terminated:

- (a) if an objection is made to its tacit renewal. Notice of such an objection shall be given by one party to the other at least 24 months before the normal expiry of the ten-year term;
- (b) three months after the date on which Western European Union (WEU) has vacated the building for one of the reasons listed in Article 3, without assigning the right to the concession to another international organisation.

Article 12

If Western European Union (WEU) were to withdraw from the concession (either at the end of the centre's experimental phase or at a subsequent date), the Kingdom of Spain will regain possession of the building and the land covered by this agreement. In that case, compensation could be agreed by mutual consent between WEU and the Kingdom of Spain, due account having been taken by both parties of the state of the said building and installation. In the event of a dispute as to the amount of the said compensation, Western European Union (WEU) and the Kingdom of Spain shall refer the matter to arbitration in accordance with the procedure laid down in Article 14.

Article 13

Although the building and land covered by the present agreement are situated within a military zone, the Kingdom of Spain shall guarantee access to the building to any person authorised by Western European Union (WEU). Special security arrangements shall be agreed for this purpose between the Spanish security officer for the zone and the centre's Director. These arrangements are designed to ensure that the Spanish authorities concerned have access to the building for security reasons or any other reason that might be agreed between the parties.

Article 14

In the event of a dispute as to the interpretation or performance of the present agreement, the Kingdom of Spain and Western European Union (WEU) agree to refer that dispute, unless it has been settled by negotiation or other means of settlement as agreed by the parties, to the decision of a tribunal of three arbitrators, one of whom shall be designated by the Western European Union Secretary-General, the second by the Kingdom of Spain Minister of Foreign Affairs and the third by the former two or, failing agreement, by the President of the International Court of Justice. This tribunal shall reach its decisions by a majority in accordance with the clauses of this agreement and, additionally, with Spanish law.

Article 15

This agreement shall come into force once the Kingdom of Spain has notified the Secretary-General of Western European Union (WEU) that the internal formalities for concluding the international treaties have been completed.

This agreement shall be applied provisionally with effect from the date of its signature.

Done, at Paris, this first day of December 1992, in three languages, English, French and Spanish, each text being equally authoritative.

FOR WESTERN EUROPEAN UNION
Willem VAN EEKELLEN
Secretary-General of
Western European Union

FOR THE KINGDOM OF SPAIN
Felipe DE LA MORENA Y CALVET
Ambassador of Spain
Permanent Representative
of Spain and Counsellor to
Western European Union

The crisis in former Yugoslavia

MOTION FOR A RESOLUTION ¹

***tabled by Mr. de Puig, Lord Finsberg and others
under Rule 44 of the Rules of Procedure
with a request for urgent procedure***

The Assembly,

- (i) Recalling the series of recommendations adopted in an effort to help resolve the crisis in former Yugoslavia, but regretting that the advice given by the Assembly over the past eighteen months has been accepted only belatedly and in part;
- (ii) Pleased that the United Nations Security Council has now agreed to strengthen the sanctions on Serbia and Montenegro and that, in particular, the WEU Council is to give technical assistance to Bulgaria, Hungary and Romania,

URGES WEU MEMBER GOVERNMENTS

Now to examine, in conjunction with the appropriate authorities, all possible means to bring peace to the area, including the use of force as necessary, and to maintain the principle that territory must not be seized illegally.

Signed: Baarveld-Schlaman, De Decker, Finsberg, Lopez Henares, Pécriaux, Pinto, de Puig, Reddemann, Tummers, Baumel

1. Urgent procedure agreed to by the Standing Committee at its meeting in Rome on 19th April 1993.

***Anti-missile defence for Europe –
guidelines drawn from the symposium***

REPORT ¹

***submitted on behalf of the Technological and Aerospace Committee ²
by Mr. Lenzer, Rapporteur***

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on anti-missile defence for Europe – guidelines drawn from the symposium

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1. Adopted unanimously by the committee.

2. *Members of the committee:* Mr. Lopez Henares (Chairman); MM. Lenzer, Borderas (Alternate for Mr. Palacio) (Vice-Chairmen); MM. Atkinson, Biefnot, Mrs. Blunck, MM. Böhm, Bosco, Curto, Davis, De Paoli, Dimmer, Gonzales-Laxe, Gottardo, Guzzetti, Lagorce, Le Grand, Litherland, Menzel, Poças Santos, Sarens, Sir Donald Thompson (Alternate: *Sir Dudley Smith*), MM. Tummers, Valleix, Verbeek, N...

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

Draft Recommendation***on anti-missile defence for Europe – guidelines drawn from the symposium***

The Assembly,

- (i) Welcoming the recent progress achieved in international efforts to strengthen disarmament measures and to promote non-proliferation by concluding the START II Treaty and the chemical weapons convention (CWC) and by extending the scope and membership of the missile technology control régime (MTCR) ;
- (ii) Concerned, however, about certain Far Eastern, Middle Eastern and Mediterranean countries which do not yet intend to join the chemical weapons convention and the MTCR régime;
- (iii) Disturbed by North Korea's decision to withdraw from the Nuclear Non-proliferation Treaty;
- (iv) Observing that the proliferation of theatre and strategic missile technology into sensitive regions which might affect the security of Europe is still continuing;
- (v) Concerned that certain countries in unstable regions are continuing their attempts to try to obtain ABC and missile capabilities;
- (vi) Gratified that the symposium on anti-missile defence for Europe held in Rome provided a useful opportunity to draw the attention of decision-makers to the risks stemming from missile proliferation;
- (vii) Convinced therefore that the European governments, and in particular those of WEU member countries, must shoulder their responsibilities by taking appropriate decisions to guarantee the security of their populations and military forces before risk becomes threat;
- (viii) Taking note of the recent decision by the United States to abandon further research and development of an orbital-based anti-missile global protection system (SDI) in favour of a land-based system;
- (ix) Convinced that all the discussions and negotiations so far initiated on a bilateral or multinational basis on possible means of creating a system of protection of any kind whatsoever should lead to openness and enhanced international confidence and not a new arms race between a privileged group of states and others outside the system;
- (x) Reiterating that Western European Union has made great progress in taking a leading rôle in space observation and that – as demonstrated at the symposium – European industry has excellent experience and expertise of anti-missile technology;
- (xi) Convinced that the appropriate approach in the present situation should first be to create a universal early warning and surveillance system, concrete defence and protection requirements remaining initially under regional or national control,

RECOMMENDS THAT THE COUNCIL

1. Take a leading rôle in promoting, in relevant international conferences and institutions, further initiatives for developing and strengthening disarmament, confidence-building measures, non-proliferation régimes and political dialogue;
2. Take an initiative in the United Nations with the aim of establishing an international early warning and surveillance centre open to all countries interested in sharing data and information on missile activities and linked to an obligation to notify all missile firings and space launches;
3. Adopt without delay its position on a global protection system discussed between the United States and Russia and ask for there to be prior consultations between the United States and its allies before resuming these talks;
4. Decide on the basis of a careful risk assessment whether and to what extent it will be necessary to mandate European industry to conduct a feasibility study regarding the requirements for a cost-effective anti-missile protection system for Europe.

Explanatory Memorandum

(submitted by Mr. Lenzer, Rapporteur)

I. Introduction

1. When the Technological and Aerospace Committee presented its first report on anti-ballistic missile defence to the Assembly in December 1992¹ it came to the conclusion that the problem of risk assessment regarding the development of advanced missile technologies, their worldwide proliferation and the appropriate response to these new challenges left open so many questions that the organisation of a public debate in the form of an expert symposium seemed to be an appropriate means of starting a more in-depth debate on the subject, the aim being to circumscribe the problem and provide the basic data for defining concepts and answers. Such a symposium was held in Rome on 20th and 21st April 1993².

2. At the same time, the Assembly drew the attention of the WEU Council to the subject in submitting a number of proposals contained in Recommendation 533 and asking the Council to submit its conclusions to the Assembly. It appears from the Council's answer to Recommendation 533³, that:

- "1. The Council is fully aware of the need to assess the risks to Europe stemming from 'the development of strategic and theatre ballistic capability and nuclear proliferation of ballistic technology in countries close to Europe's southern and south-eastern flanks'.
2. Questions pertaining to a global protection system (GPS) are on the agenda of the Council's Special Working Group.
3. An in-depth study of questions pertaining to a global system would necessarily have to precede any 'adoption of a joint European position towards the American programme for global protection against limited strikes (GPALS)'.
4. The Council will bear in mind the Assembly's request to 'promote the participation of the largest possible number of countries and competent international and national institutions to share the burden of the estab-

lishment of a global protection system'.

5. Additional information will become available to the Assembly in due course."

3. While it is understandable that at the present stage the Council is unable to provide any concrete guidelines for the complex problem of anti-missile defence, it is to be welcomed that these questions are now being discussed in its special working group, which is an indication that the matter is considered first and foremost as a fundamental *political* problem.

4. As Mr. Lopez Henares, Chairman of the committee, pointed out in Rome, the anti-missile symposium, like previous symposia organised by the committee, should hopefully give considerable impetus to the shaping of ideas and in such a way as to help the governments concerned decide what position to adopt and to take appropriate joint decisions; it is to be hoped that the guidelines to be drawn from this symposium will help the Council to keep its promise that "additional information will become available to the Assembly in due course."

II. The importance of new international developments for an appropriate evaluation of the lessons learned from the symposium

5. In the period between the Assembly's December 1992 session and the holding of the Rome symposium at the end of April 1993, a number of significant events of a very different nature have occurred on the international scene which cannot be without consequences for the conclusions to be drawn from the abundance of information, ideas and proposals presented by the various experts in Rome.

6. On 3rd January 1993, the United States and Russia signed the START II Treaty, aimed at the further elimination of intercontinental ballistic missiles (ICBMs) and multiple warheads (MIRVs), the entry into force of which depends on the fate of START I, for which the attitude of certain successor states of the Soviet Union, namely, Ukraine and Kazakhstan, will play a crucial rôle.

7. On 13th January 1993, more than 120 member countries of the United Nations signed the chemical weapons convention (CWC), which is to constitute a worldwide ban on the pro-

1. Document 1339, 6th November 1992.

2. See Appendix I.

3. Document A/WEU/DG (93) 2, 19th February 1993.

duction, acquisition, stockpiling and use of chemical weapons. By 29th March 1993, the number of signatories had increased to 143.

8. A comprehensive ban on chemical weapons had been on the agenda of the Conference on Disarmament in Geneva since August 1968. The importance of the successful outcome of twenty-three years of negotiations resides in the fact that the treaty is historic in the scope of its provisions and in particular regarding verification.

9. The conclusion of this treaty is the more important as it became evident that the threat of chemical and biological weapons has become global. According to the United States Congress Armed Services Committee, thirty-one nations either possess or could develop an offensive chemical weapons capability and eleven others are in the same category for an offensive biological weapons capability⁴.

10. The member states of the Arab League, however, decided to boycott the treaty as long as Israel did not adhere to the nuclear non-proliferation treaty. Nevertheless, four Arab states, Algeria, Mauritania, Morocco and Tunisia, broke this boycott and signed the treaty, followed later by Saudi Arabia and Kuwait. The refusal of *Syria, Iraq, Libya, and North Korea* to sign the chemical weapons convention implies that the threat of using chemical weapons is still virulent in two sensitive regions and concerns countries whose efforts to obtain theatre and strategic missile technology are well known.

11. Furthermore, whereas international authorities are seeking to establish ways and means of reviewing, strengthening and extending the nuclear non-proliferation treaty which will expire in 1995, North Korea announced on 12th March 1993 that it was withdrawing from the treaty which it signed only two years ago, following its dispute with the International Atomic Energy Agency (IAEA), which was asking to inspect military sites in the country where production of weapons-grade plutonium was suspected.

12. In this context it is noteworthy that the Government of India confirmed at the end of March 1993 its decision not to join the non-proliferation treaty which it considers as a discriminative treaty. South Africa, which had joined the treaty on 10th July 1991, admitted at the same time in public that the country had produced nuclear weapons in the seventies and eighties but they had been totally destroyed in 1990.

13. In the area of the missile technology control régime (MTCR), the United States and

its partners in the régime adopted on 7th January 1993 revised guidelines to extend the scope of the régime to missiles capable of delivering biological and chemical weapons as well as nuclear weapons. Initially, the MTCR was intended to control the proliferation of missile systems capable of carrying conventional or nuclear warheads of at least 500 kg over a distance of at least 300 km. The new guidelines mandate "a strong presumption of denial" for the transfer of "any missiles which are judged to be intended to carry any weapon of mass destruction, not just nuclear weapons"⁵. Consequently, partner governments would presumably deny the transfer of all missiles with a 500 kg payload capacity and a minimum range of 300 km, *plus any other missiles* that "might be intended for use with any weapons of mass destruction – chemical, biological or nuclear"⁶.

14. In March 1993, member countries of the MTCR agreed on further details of the enforced control régime welcomed Iceland as a new member and noted the application of Argentina and Hungary to become members. The major suppliers of missiles which are not members of the MTCR régime are Israel, China, Russia and North Korea. Whereas the first three abovementioned countries made more or less firm commitments to observe MTCR guidelines, North Korea has expressed no intention of observing them.

15. In the area of comprehensive confidence- and security-building measures, the ratification procedure of the Open Skies Treaty seems to be progressing smoothly so that the treaty may enter into force before the end of this year. The possibilities offered by agreed unarmed aerial observation over almost the whole northern hemisphere might be an additional useful means of detecting missile production and deployment. But all the more it is important to extend such a régime to other regions, including the Far East and the southern hemisphere.

16. During the Rome symposium, the consequences of the new United States administration's security and defence policy on the American anti-missile defence programme and in particular on the future of the United States strategic defence initiative organisation (SDIO) was not yet foreseeable. The Clinton administration had not appointed a new SDIO director. In the absence of new political guidelines, no SDIO representative was able to present the official United States position at the symposium.

5. State Department spokesman, Richard Boucher, according to US Wireless File, No. 4, 8th January 1993.

6. Richard Boucher *ibid*.

4. US Wireless File No. 37, 1st March 1993.

17. Yet in the Pentagon the 1994 budget proposal by the SDIO met with a critical reaction and the new United States Defence Secretary, Les Aspin, had directed the SDIO to make theatre defences its top priority in cutting the agency's 1994 budget proposal by \$2.5 billion to \$3.8 billion, the same as its 1993 funding⁸. Defences of the United States territory were to be given second priority and Brilliant Pebbles was to be at the bottom of the priority list.

18. On 13th May 1993, however, the United States Defence Secretary, Les Aspin, announced in public⁷ the "end of the Star Wars era":

"We are renaming and refocusing the Strategic Defence Initiative Office to reflect the Clinton administration's changes in priorities. From now on, the SDIO will be the Ballistic Missile Defence Organisation..."

That is why we have made theatre ballistic missile defence our first priority, to cope with the new dangers in the post-cold war, post-Soviet world. After theatre missile defence, BMDO's priorities are going to be the national missile defence, which is a defence of the American people from ground-based systems. And the third point of emphasis or third priority will be the follow-on technologies that offer some promise in both tactical and strategic defence. These changes represent a shift away from a crash programme for deployment of space-based weapons designed to meet a threat that has receded to the vanishing point – the all-out, surprise attack from the former Soviet Union.

... Since its inception in 1984, SDIO has reported directly to the Secretary of Defence. The new arrangement has the MBD organisation reporting to the Under-Secretary of Defence for Acquisition and Technology, who is John Deutsch. This shift reflects the fact that the programme will be shifting from research to development – to the development and acquisition of systems. And it will allow us to manage our work on ballistic missile defence in a way appropriate to its place in the overall defence programme."

19. These new orientations, the consequences of which will still need careful examination, will also affect the follow-up of the United States-Russian dialogue on the creation of a global protection system (GPS) initiated in June 1992 by the then United States President George Bush and the Russian President Boris Yeltsin.

20. In Europe most governments were absorbed by the continuing problem of finding a solution to the continuing Balkan crisis or by various internal political difficulties or elections. Thus the Rome symposium was held in a period during which none of the governments and countries concerned was in a position to present final concepts or even detailed and agreed assessments on the symposium subject.

21. All the more, the Assembly should be grateful for the very helpful and interesting orientation given by the Italian Defence Minister, Mr. Andò, in presenting an anti-missile defence system as a possible universal confidence- and hence stability-building measure, open for wide participation, and not just as a means of deterrence and protection of a privileged group of states against other countries with supposed hostile intentions.

22. According to such a concept developed by Mr. Andò:

"... a system of anti-missile protection, mainly the detection and the monitoring components, might be able to carry out some of the following essential functions:

- observing, possibly with the assistance of its sensors, the proliferation of missiles in relevant areas;
- deterring states intending to use their capabilities for terrorist intimidation purposes from taking any such action;
- on a reciprocal basis, offering a guarantee to countries participating in the system.

A defence system restricted to the North Atlantic or NATO Europe might fulfil the first of these two functions; conversely, if the system of protection were to be global and open to the participation of other countries, even if they had different levels of economic and technological means, it might fulfil all three functions. By this I mean that globalisation – and I use this word to indicate a tendency and not an immediately attainable goal – of such a protective network might encourage greater confidence and subsequently give rise to a mechanism allowing crises to be controlled.

The need to increase confidence is confirmed by the growth, in and around Europe, of tensions and conflicts that are often marked by great violence."

23. The following task of analysing the lessons to be learned from the Rome symposium should be carried out starting from such an initial political approach.

7. See Appendix II.

8. Space News, 22nd-28th February 1993.

III. Risk assessment, a task never completed

24. One of the most difficult enterprises is defining the appropriate criteria which should govern the method of identifying sources of possible new security dangers for Europe. One method is to collect and keep all available information and data on who develops and supplies to whom any kind of sophisticated weaponry.

25. But this method has to be combined with an effort to explore the motivations for such activities and analysis of the political situation and evolution in the relevant world region. In this respect, the exposés presented by Mr. Nativi, General Jean and Mr. Tan Eng Bok were particularly helpful.

26. Regarding the political risks, Mr. Nativi mentioned the growing pressure from Islamic fundamentalists in countries such as Algeria and Egypt, whereas General Jean feared that democratisation and political pluralism in a number of Mediterranean countries would in the short term help the accession to power of these fundamentalist forces which openly declare that, once in control, they would eliminate the democratic institutions imported from the corrupt West in order to restore the purity of Islamic law.

27. Islamic fundamentalism can in fact become a potential security risk for Europe when it is combined with a complex of inferiority vis-à-vis the technical superiority of the western world. In this context, both Mr. Nativi and Mr. Minicucci came to noteworthy identical conclusions with regard to possible motivations of countries seeking to obtain ballistic missile technology.

28. Mr. Nativi considered that, studying the lessons of the last part of the second world war today, countries which do not have the aircraft to conduct a strategic bombing campaign might adopt the less complicated and less costly alternative of an indiscriminate missile attack.

29. Mr. Minicucci's assessment comes to a similar assessment when he says that:

"Paradoxically, success in the Gulf war stimulated proliferation because it showed that it was impossible for third world states to withstand the West's high technology conventional megasystems, particularly those of the United States, whatever the scale of conventional weapons held by the third world.

The only possibility still open to trouble-makers, apart from the choice of guerrilla warfare and terrorism, is to impose restrictions on the massive use of the West's high technology military power. The only means of doing this is to threaten western territories and peoples

with direct retaliation and to limit operation and logistic concentrations of intervention forces by threatening to use missile-borne weapons of mass destruction."

30. If one follows such considerations, one has to admit that a potential risk for Europe would be directed first and foremost at populations and cities as underlined by a number of other speakers, such as General Graham, Mr. Steinicke and Mr. Burnham.

31. However, one should assess the motivations of recipients of missile technology and also those of the producers and suppliers. Mr. Barthélemy rightly remarked that little had been said during the symposium about the motivations of the proliferating countries. According to his assessment, they are probably mainly regional, in terms of prestige, power or security, there is sometimes also talk of aggressive sanctuarisation.

32. A very comprehensive study of these questions made by Andrew W. Hull⁹ identifies three main motives: the devise for self sufficiency in key defence areas, the devise to demonstrate high-level technological advancement in order to place the country on the same general industrial phase as the most technologically-advanced western nations, and, thirdly, economic motives by gaining foreign exchange in exporting their military products. As an example, only 10% of Brazil's total defence industrial output stays in the country, but 95% of its aerospace production goes abroad.

33. According to the same author, the interest in earning foreign exchange by exporting missile technology may be especially developed in countries like North Korea, China and Russia and Ukraine too. Yet motivations may differ considerably from country to country and should be studied carefully¹⁰.

34. No clear picture could be gained from the situation regarding the People's Republic of China. It is therefore interesting to note that Mr. Karp did not name China as main proliferator in one of the three categories of supplier countries he had established. On the other hand, Mr. Tan Eng Bok underlined the increase in China's military expenditure, and its technical co-operation with Iran and Pakistan for the development of theatre ballistic missiles.

35. In spite of China's assurance to comply with the MTCR régime, there are still reports about Chinese exports of ballistic missile com-

9. Jane's Intelligence Review, February 1993, International.

10. Cf. John R. Harvey, Regional Ballistic Missiles and Advanced Strike Aircraft, International Security, Fall 1992, volume 17, No. 2.

ponents, namely to Pakistan concerning the Chinese M-11 missile, which has a range of about 400 km and a payload of 800 kg.

36. After all, one should bear in mind the concluding remarks of Mr. Tan Eng Bok when he said that:

“A stable, prosperous China would do more good for international security and the common interest of the West as a whole than a new outbreak of disorder. China’s political stability is still fragile because of post-Deng Xiaoping uncertainty and paradoxically, the success of economic reforms without a political quid pro quo. This precarious balance should not be jeopardised by openly encouraging democratisation which is certainly necessary but might lead to the reversal of a progressive evolution. Finally, Beijing’s isolation on the international stage would remove any reason for it to take part in limiting nuclear and ballistic proliferation in the third world in general and in the Middle East in particular.”

37. The important rôle of North Korea as a missile supplier was already mentioned in the committee’s previous report¹¹. This rôle was confirmed by Mr. Tan Eng Bok, stressing that a successor of the Rodong 1 missile, the Rodong 2, with a range of 1 500 to 2 000 km, is now being developed in North Korea. However, it appears that assessments of North Korea’s capabilities are not unanimous. Thus Mr. Karp said that, with a 1 000 km version under development, North Korea has reached the limits of Scud technology and seems unlikely to make further advances unless a new source of technology can be forwarded.

38. Turning to the technical nature of future risks, one should not neglect the words of those who stressed that other threats than those stemming from ballistic missile technology should be taken into account. John R. Harvey, in a comprehensive article on “Regional ballistic missiles and advanced strike aircraft”¹² stresses that, by focusing too strongly on ballistic missiles, we risk diverting attention from proliferation of other advanced weapons which may be more destructive”.

39. Thus several speakers at the symposium, such as Mr. Nativi, Mr. Zalonis, Mr. Delaye and Mr. Minicucci, underlined the growing problem of cruise missiles. According to Mr. Nativi:

“The devastating effects of the cruise missiles launched by United States naval surface vessels and submarines and air force bombers during the 1991 Gulf war

certainly attracted the attention of many countries which are now actively pursuing the aim of procuring or, better, developing weapons similar in design independently.”

.....

Ranges vary from a few hundred kilometres to 2 500 or 3 000 km. Cruise missiles can be launched from the ground or from ships, submarines or aircraft. The usual weight of warheads ranges from 500 to 1 000 kg. In the last few years, several types of warheads have been developed: high explosive, chemical or nuclear with a choice of sub-munitions or special conventional unitary warheads. The miniaturisation of nuclear devices allows countries such as China to develop small nuclear warheads compatible with the stringent requirements of a typical cruise missile.

While the low speed facilitates the work of air defence radar and interception by surface-to-surface missiles and fighter aircraft, in reality the small dimensions of the missiles, the low-level flight profile, the use of ground features to conceal the weapon from radar, the use of stealth technology to reduce RCS (radar cross section) as well as IR signature and the great flexibility in preparing the flight plan and penetration run make cruise missiles very difficult targets, even for integrated, modern air defence systems.

.....

For a number of years, cruise missile development was a matter for the superpowers alone, but today several development projects are under way in a number of countries, including India and China. To be more detailed, China’s scheduled procurement of the technology and production tools (this is a typical turnkey contract) needed to procure small turbo-fan engines from the United States firm Garrett should be considered part of this picture. The crisis in the former Soviet Union now makes it easier for Russian cruise missiles to proliferate in several countries. It is estimated in the United States that, by the end of the century, both Iran and Iraq will be able to deploy this type of weapon. During the IDEX military show in Abu Dhabi (UEA) a few months ago, Russia, for the first time, exhibited the air-launched cruise missile AS-15 (X-65CE) in an anti-ship version armed with a conventional warhead and a redesigned fuselage embodying stealth technology to reduce RCS. Even in this version, the Russian

11. Document 1339.

12. International Security, Fall 1992, volume 17, No. 2.

cruise missile, weighing 1 250 kg and 6 m long, armed with 410 kg warhead and having a range of 280 km, is quite interesting, but it should not be forgotten that its strategic version is credited with a range of 2 500 km. This is only one example of the noteworthy Russian cruise missile design range. The Russians considered AS-15 technology to be obsolete and a new-generation weapon was being developed: the AS-19 Koala, which is to be 10 m long with a range of 4 000 km. This programme has now been stopped, as has work on the SS-N-24 Skorpion, but the SS-N-21 Sampson, with a range of 1 700 km, has been in service for a few years and is considered to be the Russian equivalent of the United States Tomahawk.

Several countries are currently working on stand-off long-range missiles as well as self-propelled launchers, not to mention surveillance RPVs and even some target drones that can easily be converted into a type of cruise missile."

40. In the SDIO, too, thought is given to finding the most cost-effective way to address the missile threat, "without closing our eyes to the fact that there also is the threat from aircraft, cruise missiles and unmanned/remotely piloted vehicles".

41. According to a new Pentagon report on missile proliferation, low-flying cruise missiles are even becoming the number one proliferation threat. The report concludes that Syria, Iran and China will have cruise missiles with some low-observable or stealth capabilities between 2000 and 2010. All three countries are expected to have both chemical and biological warheads for their cruise weapons¹³.

42. Consequently new plans are being considered in the United States air force and navy to counter cruise missiles whereas some Pentagon planners believe that SDIO has erred by focusing on ballistic missile defence and paid short shrift to the cruise missile threat¹⁴.

43. There are however more radical voices denying the usefulness of anti-missile protection, claiming that "if a terrorist or fanatical dictator gets a nuclear bomb, he should deliver it with a fishing trawler rather than risking it on a ballistic missile¹⁵". But such an opinion cannot explain why so many countries with dubious reputations or uncertain intentions

make such efforts to obtain missile technology or a nuclear, chemical or biological capability.

44. If one tries to sum up the situation, none of the speakers at the symposium was able to define an absolute imminent concrete threat directed against Europe stemming from a specific country or region if one excludes the particular danger of the Balkans which is of a different type. While it was stressed that the old saying that today's friends may be tomorrow's enemies was never more topical, this is not altogether a new discovery.

45. There was a clear consensus, however, that continuous proliferation of missile technology constitutes the main threat today and has to be considered as a reality. Furthermore, overall concern was expressed that a possible danger would affect first and foremost the civilian populations and that it was crucial for the population not to be put at risk.

46. It might be useful at this stage to quote from the latest threat assessment issued on 24th March 1993 by the Parliamentary Secretary of State of the German Defence Ministry answering a parliamentary question on the following lines:

- "1. There is no longer any well-defined military threat from the CIS. Nevertheless, the military potential of the CIS and China continues, in principle, to be a risk. The use of this potential against Germany or its NATO partners seems very unlikely at present, however.

Real risks are now emerging from hotbeds of political instability throughout the world, this instability being accompanied in certain cases by a build-up of armaments.

2. The Gulf war has recently demonstrated the military and political importance of ballistic means of delivery, particularly for third world countries, and has led, in the crisis area that extends from Morocco to India, to intensive armaments efforts in this area. These armaments efforts are of special importance since they aim to associate these means of delivery with non-conventional warheads.

If the range of these missiles were increased, the NATO countries would come increasingly within the range of weapons held by third world countries.

3. The present position of arsenals which include operational ballistic means of delivery outside NATO

13. Aviation Week and Space Technology, 1st February 1993.

14. Aviation Week and Space Technology, 22nd March 1993.

15. Joseph Romm, Space News, 18th January 1993, volume 4, No. 3, page 15.

allows the following conclusions to be drawn:

- Germany is within range of inter-continental ballistic missiles (ICBMs) and sea-launched ballistic missiles (SLBMs) belonging to the CIS and China;
- NATO territory is within range of ballistic missiles with conventional and chemical warheads from Iran, Syria and perhaps even Iraq. If the third world countries manage to increase the range of their ballistic missiles, all the countries round the shores of the Mediterranean will be in danger.

Furthermore, intervention forces deployed in the third world are exposed to an increasing risk of attack by ballistic missiles."

IV. Strategies for protecting Europe from existing and future security dangers

47. The in-depth study of possible risks and their reasons in the previous chapter has been discussed at such length, because your Rapporteur is convinced that appropriate answers can be given only if the assessment of the situation is appropriate. The problem of accidental attacks by a nuclear-armed ballistic missile or such an attack by terrorist groups mentioned at the symposium must not of course be neglected.

48. In spite of the absence of a high-level political presence at the symposium (with the exception of the Italian Defence Minister) and in spite of the overwhelming industrial representation; it is to be welcomed that the contributions and proposals were certainly not one-sided.

49. Of course, the important choice to be made is whether the political or the defence and technological approach should have priority in coping with the new challenges. But perhaps there will be no real contradiction between the two approaches.

50. Before evaluating the different scenarios, it might be interesting to see how the German Government answered the abovementioned parliamentary question about what measures of protection it is considering taking in this respect.

51. The answer was as follows:

"The Federal Government will give high priority to the pursuit of its efforts to strengthen the fight against the proliferation of weapons of mass destruction and missiles. In the context of a policy

of co-operation concentrating on confidence-building, the government is endeavouring to eliminate the tension that is at the origin of the build-up of military equipment. However, an active non-proliferation policy will not, in the near future, remove the risks linked with proliferation (transfers of nuclear weapons). That is why long-term plans are also being implemented in parallel in order to give air defence systems that already exist or are being developed a limited anti-ballistic missile defence capability."

52. It is interesting to note that the importance the German Government attaches to a policy of co-operation concentrating on confidence-building in this field finds a certain corollary in the approach of Mr. Andò already quoted. This kind of approach was nevertheless fairly isolated at the symposium.

53. Only General Jean and Mr. Karp developed ideas in this direction. General Jean stressed the efforts to create a Conference on Security and Co-operation in the Mediterranean (CSCM) following the CSCE example, mentioning:

"... the Euro-Arab dialogue between the European Community and the Arab League; the Five plus Five Group for the western Mediterranean to which the European Community and Germany belong; the MAU (Maghreb Arab Union) which has started a regional dialogue and which, at the Casablanca conference in October 1991, laid the foundations for its institutionalisation; the Mediterranean conference, which has taken interesting co-operative initiatives in ecology and civil protection."

54. Finally, on security problems in the Mediterranean, he proposed the following European measures:

- (a) "installation of a multilateral safety belt to protect itself against the instability and crisis prevalent among the countries of the southern shore of the Mediterranean, priority being granted, inter alia, to deterring clandestine immigration, at least until Europe has solved the problems of Eastern Europe and can concentrate its efforts on the development of the South;
- (b) mainly bilateral co-operation between the various western countries and countries of the South, the latter being divided into areas of economic influence; this would be supported by regional policing countries such as Egypt and Turkey backed by mobile reinforcements provided mainly by the United States; encouragement

would be given to policies of co-operation and development directed initially towards the economic interests of each of the European countries;

- (c) multilateral co-operation in security, the economy, demography, etc., centred on development assistance.

The third solution, i.e. multilateral co-operation, particularly in terms of stability and security, is certainly the most effective and the one that would lead to the greatest stability."

55. With regard to the necessary fight against the proliferation of mass destruction and missile technology, the overwhelming majority of speakers emphasised the importance of continuing the efforts in this direction. But most of them were convinced that the fight against missile proliferation would at best slow down proliferation but would not be able to stop it once and for all.

56. On the other hand, nobody discussed or explained the contradictions stemming from the fact that while ballistic systems and their technologies are the target of vigorous export control efforts, the export of advanced strike aircraft by a number of western countries and Russia to third world countries does not arouse similar alarm.

57. In spite of the progress made recently in extending regional and universal disarmament and arms control régimes as described in Chapter II, only one speaker, Mr. Karp, came to the conclusion that "it may be true that the battle against missile proliferation cannot be won in an absolute sense, for there will always be future threats, but nor need the battle be permanently lost".

58. In this context he made some interesting proposals of which the idea of a *ballistic missile test ban* might be the most original and also the most controversial. According to Mr. Karp,

"A ballistic missile test ban is one way to ameliorate not only competitive pressures for regional missile acquisition, but also their prestige. Such proposals have been around since the Eisenhower administration, but won little support so long as ballistic missiles played a major rôle in great power forces. Now that the United States and Russia agreed at the June 1992 Washington Summit to eliminate all but a few hundred ground-based ICBMs, the prospects for a test ban are much better. Unlike nuclear weapons, ballistic missiles cannot be developed without extensive testing nor can operational missiles be kept reliable. Many serious problems would have to be resolved first, including

differentiating allowable space launchers and the status of sea-launched missiles, but these do not seem insurmountable.

The most straightforward and extreme answer to missile proliferation would be an outright comprehensive ballistic missile ban. Previously students of missile proliferation have gone no further than to advocate a global INF treaty, banning the missiles of greatest danger in most regions. But this does not satisfy regional demands for equal treatment since it would leave great power ICBMs and SLBMs. The Bush-Yeltsin Washington Summit, however, made the universal elimination of ballistic missiles seem feasible for the first time. The biggest obstacles are the independent nuclear forces. Tailoring a proposal to permit some SLBMs would meet the objections of Britain and France, but Chinese and Israeli resistance may be harder to overcome. While a ballistic missile ban remains distant, it no longer can be dismissed as fanciful."

59. It is worth noting in this context that, according to Indian sources, India might agree to such a global missile ban but only if it also prohibited sea- and air-launched cruise missiles.

60. It is obvious that such an approach brings us to the hub of the problem and the fundamental question of how to find a synthesis between four main strategies, such as

- extending global disarmament and arms control agreements to comprehensive weapon bans;
- maintaining nuclear (and conventional) deterrence;
- maintaining the option of preventive or pre-emptive offensive strikes;
- establishing a system of protection against missile strikes.

61. The idea of a test ban creates the most difficult problems. Apart from the fact that such a policy would raise major difficulties for a number of western countries, in particular France, with regard to their plans for developing the new strategic missiles M-5 and M-45, as well as a new cruise missile weapon, but also Great Britain with respect to its Trident programme, the more fundamental problem is to define the criteria which could determine when a new weaponry is considered so dangerous that a test ban should be imposed. That could apply, for instance, to stealth bombers, laser weapons and many others and would lead to the unrealistic endeavour to stop researching and developing new military technology.

62. Incidentally, there is a certain contradiction in Mr. Karp's approach when he at one and the same time advocates the development of active defences against the missile threat which of course means comprehensive anti-missile weapon tests.

63. Nevertheless one should not rule out continuing in-depth study of these ideas since the nuclear limited test ban agreed between the two principal world powers after all had exemplary and positive results.

64. Future reliance on deterrence was mentioned by several speakers, but it is not surprising that opinions were divided in this respect. Whereas General Stainier came to the conclusion that in the Kuwait crisis, deterrence did not work and that it could work only between well informed and rational adversaries, Dr. Payne considered it would still continue to be useful in some cases, but could not, however, be considered a reliable substitute for missile defence in the emerging international environment. Mr. Martre considered deterrence was still an essential means but underlined that its methods of implementation must be diversified to be able to respond to all situations and that the dialectics were still uncertain. It is thus inevitable that the doctrine of deterrence will need careful reconsideration in all relevant European and Atlantic institutions.

65. The option of pre-emptive offensive strikes was presented by Dr. Payne who admitted however that this means might be appropriate in some circumstances but that it generally would not be politically acceptable and could prove very difficult to implement effectively.

66. Coming now to the option of creating an anti-missile protection system, it might be useful to recall, as Mr. Barthélemy did, that the French Government proposed in the United Nations, as a measure of confidence-building in space, arrangements aimed to notify ballistic missile firings and space launches with provisions for world-wide data processing that might be supplied by regional warning or observation satellites.

67. This approach constitutes the necessary link to the fundamental problem of defining and elaborating the nature, objective, range, feasibility, and participants of a protection system based, first and foremost, on technological means.

68. In this context, the presence of both American and Russian representatives at the symposium was particularly useful. Europeans, who are still in a phase of forming their opinion, cannot remain indifferent to the fact that the United States entered into serious discussions on this topic with the Russian Federation, on which the Assembly had so far obtained very

little precise information¹⁶, in particular regarding its objective.

69. One might speculate on the reciprocal motives for these contacts. According to certain sources, the United States objective in launching these talks was to modify the anti-ballistic missile treaty (ABM) to enable a truly global defence to be deployed, whereas the Russians, on the other hand, seek access to United States technology and wish to ensure that America does not proceed unilaterally with a global defence system¹⁷.

70. More important for Europe are two factors: first, the fact that, as practised in several previous cases, the United States engaged negotiations on a subject in which Europe has vital security interests, exclusively with their main counterpart, the Russian Federation, as successor of the Soviet Union, in the absence of Europe – NATO was informed only after the negotiations; secondly, the advanced stage these talks have already reached.

71. The information released so far at the symposium by the American and Russian representatives was not very comprehensive nor consistent, but it now seems more clear that the concept envisaged is to establish a multinational anti-missile force and create a *global protection centre* (its location still has to be determined) "where former Soviet states and other United States allies could witness missile launches and intercepts"¹⁸.

72. The implementation of the project is envisaged in three phases:

- in the first phase, the United States as well the Russian Federation would provide each other with early-warning information;
- in the second phase, the early-warning system would be enlarged to other participants, and
- in the third phase beginning 1995 both a multinational anti-missile force and a global protection centre (similar to the United States Canadian early-warning centre in Cheyenne Mountains, Colorado) would be established, where missile-launches could be detected and tracked on an electronic display¹⁹.

73. According to Defense News:

"Details of the administration's plan were presented to Russian, Ukrainian and Belarussian officials, in October and November and talks were continuing

16. Document 1339, paragraphs 55-56.

17. Defense News, 22nd-28th February 1993.

18. Defense News, 11th-17th January 1993.

19. Defense News, 11th-17th January 1993.

through early January, Pentagon sources said. Graham, co-chairman of a GPS working group established to promote the global protection pact, said he and other administration colleagues have briefed NATO officials as well as officials from Israel, Egypt, Japan, Korea and Australia."

74. According to General Graham, nations outside NATO would be welcome to participate, including East European states, but he was convinced that NATO was the only existing international organisation capable of planning and co-ordinating such a global protection system.

75. The fact that the United States-Russian talks have been adjourned since the beginning of 1993 allows a first assessment regarding the consequences Europe should draw from these United States-Russian initiatives. For this purpose the presence of an official representative of the Russian Government, Mr. Tchuvakhin, was particularly helpful. It appeared from his presentation that major differences still existed between the two negotiators.

76. First, there are continuing differences over the future rôle of the ABM Treaty which, according to Mr. Tchuvakhin, was to be maintained and strengthened. It was even considered as a Russian condition for the implementation of the START I and START II treaties. Second, the Russian representatives insisted on the importance of developing all international agreements limiting armaments and proliferation. In this context, it was particularly noteworthy that he made a special reference to the MTCR régime which he wished to strengthen and render more effective. At the same time, he challenged a number of "ambiguities" in this régime which favoured missile proliferation within the western alliance and the European Community which, in his opinion, made it difficult for Russia to join the régime as announced in principle by President Yeltsin.

77. Thirdly, his positive reaction to the French proposal²⁰ already mentioned to create within the United Nations a system based on previous notifications of ballistic missile firings which could lead, at a later stage, to an international space control centre. According to the Russian view, the creation of an early warning centre discussed with the United States could constitute a first step in this direction.

78. Fourthly, the Russian assessment that it was unlikely that third world countries would possess in the near future ballistic missiles with a range of more than 2 000 or 2 500 km.

79. Even if some important ambiguities and uncertainties remain, in particular regarding different notions and intentions, one conclusion may be drawn already at this stage. The idea of creating an international early warning and surveillance system is a matter which seemed to secure the agreement of the majority of the participants concerned. An early warning system open to all interested countries would not arouse the concern mentioned by Mr. Fituni, regarding a global protection system which could be considered as "an endeavour of most developed industrial nations. Thus the less-developed countries would permanently feel threatened by it" with the danger of intensifying political and strategic division between the North and the South.

80. The question of participating in a multinational anti-missile force under United States leadership or of creating a proper European anti-missile defence system depends on purely political and military decisions. So far, in Europe, preliminary studies are being conducted in both NATO and WEU, but European governments are far from having reached firm individual, not to mention joint positions.

81. On the other hand, the comprehensive and convincing presentations of all the different industry representatives at the symposium have clearly demonstrated that the European industries have the capabilities and the technical means for establishing a protection system in all its possible variants and architectures. Your Rapporteur can rely on the very detailed presentation made and by the summary of the General Rapporteur, Mr. Martre, when he said:

"It would appear that all the technology necessary for producing an ATBM defence system is available in Europe. For warning and targeting, infrared sensor satellites and communications satellites are necessary.

Europe has produced few military satellites, but its effort in the civil space area has given it excellent capabilities and made it very competitive in the area of satellites and launchings. It may therefore be thought that the satellites necessary for an ATBM system might be derived from existing civil satellites and even that some communication satellites might be used in part for the ATBM system. In view of these capabilities and for a simple warning system adapted to the needs of Europe alone, the cost of a warning system might be about \$250 million.

The command and control system of an ATBM system raises the problem of the overall architecture of the system and depends on national and allied authorities who would be required to intervene in the

20. Paragraph 66.

process. Such a system may be conceived as an extension of existing air defence systems or as an independent system. It is essential to ensure the interoperability of the various components of the system to ensure its integrated operation. In all these areas, European countries have excellent mastery of the main system and good experience.

For firing units, there must be high performance electronic scanning radars and missiles on board infrared sensors and considerable mobility. Several types of missiles might be considered, some endo-atmospheric and other upper endo-atmospheric or even exo-atmospheric. In this area, anti-missile systems are now being developed in Europe for defence against cruise and air-to-surface missiles, for instance the FSAF family being produced in the framework of EUROSAM. Consideration might be given to developing an ATBM system on the basis of these projects and research conducted elsewhere."

82. At this stage it seems to be important to make certain reservations concerning in particular the idea of using civil space capabilities for military purposes. While it was common practice in the past to use the civil satellite network as a basis for military means, one should be very cautious about establishing a general rule enforcing mixed co-operation between the military and civil sectors in space matters. This question arises notably when it is to be discussed whether the European Space Energy Agency (ESA) could be used for developing or operating systems in connection with anti-missile defence. This also concerns the question of whether the Ariane launcher may be employed for military missions too.

83. Regarding co-operation with the United States, Mr. Martre's assessment was of a remarkable clarity:

"The only parts of the American GPALS programme that might interest Europe are the warning system and the ATBM system. The space-based weapons system cannot be transferred to foreign countries under the ABM treaties in their present form and its achievement seems very improbable. Defence of the Grand Forks site against intercontinental ballistic missiles is a specifically American defence matter.

For the warning system, there might be co-operation between Europe and the United States, but this raises the problem of access to data in all circumstances. For ATBM systems, the Americans are studying certain types of missiles suited to

such defence: Erint, Thaad and the terminal stage Leap which might be adapted for Patriot, for instance.

Co-operation between Europe and the United States for the establishment of an ATBM system in Europe seems possible and is certainly desirable if it can lead to savings being made. However, we must start from the idea that no system of this type exists at present and there is therefore no question of procuring a system off the shelf."

84. Even if it may be true that the main European interest should be concentrated on the establishment of a warning system and an eventual theatre anti-ballistic system capable of protecting our populations, the question of space-based weapons should not leave Europe indifferent because this question does not concern just the ABM Treaty, of which Europe is not a party, but also the more general question of the militarisation of space, which everybody wishes to be avoided in particular if this were to lead to an arms race in space.

85. It was therefore crucial to learn from the legal expert, Mr. von Kries, in Rome that according to existing space law:

"There are no legal restrictions on auxiliary and complementary anti-missile defence (ADM) systems like surveillance, reconnaissance and early-warning satellites. The stationing of space-based interceptors is permitted as long as they are non-nuclear and not of a similar mass destruction type."

86. The expert further explained that attempts to restrict the Outer Space Treaty (OST) arms control provision have not been successful:

"Italy's proposal of 1979 to prohibit not only weapons of mass destruction in outer space but also 'any other types of devices designed for offensive purposes', by adding a respective protocol to the OST, as well as the Soviet treaty proposal of 1981 aimed at banning 'weapons of any kind in outer space' did not come to fruition.

The same holds for the various proposals made during the eighties to keep outer space free from anti-satellite weapons, which could have an AMD potential. Also, efforts by certain nations to formally delineate an air/space boundary and thereby to clearly separate sovereign air spaces from the international outer space domain remained unsuccessful and very probably will not materialise in the foreseeable future.

The military space law régime in place, as established by the Limited Test Ban Treaty and the OST in the sixties, therefore, has proved to be highly stable, and there are no signs of up-coming changes or alterations."

87. Your Rapporteur believes that this situation is not satisfactory and he would be in favour of using the general debate on the usefulness of and need for an appropriate anti-missile defence system for reviving efforts to complete international space-law.

V. Conclusions

88. In the extremely short time available for analysing the various contributions presented at the Rome symposium, the conclusions can be only provisional at the present stage. The symposium was held at a time when very substantial progress was being made in international disarmament, arms control and confidence-building measures.

89. On the other hand, there is a continuing danger stemming from the Balkan crisis and a particular problem with the future policy of North Korea, one of the most important missile suppliers to the third world.

90. Europe has to face up to the question of what consequences it will draw from the situation in which, at present and in the near future, there is no clear risk of a deliberate attack on populations or targets in Europe by states processing ballistic missiles and weapons of mass destruction, as rightly states Mr. Leira, but in

which the continuing proliferation of such weaponry into regions which may affect Europe constitutes an undeniable risk.

91. What is important for the decision-makers is that, according to estimates, by the beginning of the next century more than half a dozen countries may have ballistic missiles with ranges between 3 000 and 5 500 km.

92. Decision-makers must carefully assess the balance between the probability of the risk of endangering their populations (or their military forces) and the financial burden of creating a sophisticated production system, which European industry is quite capable of developing.

93. They have to decide how much time they have for taking appropriate decisions. The present situation, where American, Russian and European governments are reviewing their security policies, provides an appropriate opportunity for joint consultations on this matter.

94. The first priority in these consultations should be to strengthen and extend all arms control, non-proliferation and confidence-building measures to the Far East and the South.

95. All efforts to create a protection system based in the first instance on the establishment of a space surveillance system should be based on a policy of confidence-building measures in order to avoid a new arms race initiated by countries feeling excluded or threatened.

96. The Western European Union Council should assume a leading rôle in this respect bearing in mind their plan for creating an independent European space observation system.

APPENDIX I

***Programme of the symposium on anti-missile defence for Europe
held in Cecchignola on 20th and 21st April 1993***

Tuesday, 20th April 1993

9.30 a.m.

First sitting

Opening of the symposium

Mr. SOELL

President of the WEU Assembly

Mr. FOSCHI

Chairman of the Italian Delegation

Mr. LOPEZ HENARES

Chairman of the Technological and Aerospace Committee

Problems raised by the development and proliferation of advanced ballistic missile technology

Situating the problem:

Mr. ANDÒ

Minister of Defence of Italy

Proliferation and analysis of the risks for Europe:

Mr. NATIVI

Editing Director, Rivista Italiana di Difesa (RID)

Discussion

The new international order and problems south of the Mediterranean:

General JEAN

Italy

The evolution of the military situation in Eastern Eurasia:

Mr. TAN ENG BOK

Chargé de recherche, CNRS, France

Discussion

2.30 p.m.

Second sitting

How to cope with the challenges

The United States and the creation of a worldwide system of protection:

Dr. PAYNE

Professor of National Security Studies, Georgetown University, President of the National Institute for Public Policy, United States

General GRAHAM (Ret.)

Director of High Frontier, United States

Russia's anti-missile defence:

Mr. TCHUVAKHIN

Deputy Director for Missile Technology, Ministry for Foreign Affairs of the Russian Federation

Russia and the organisation of a world system of security or protection:

Mr. FITUNI

Director of the Centre for Strategic and Global Studies, Academy of Sciences of Russia, Moscow

Future prospects for disarmament, arms exports control and non-proliferation:

Mr. KARP
SIPRI (Stockholm), Sweden

Discussion

*Current state of industrial studies on anti-missile systems in Europe**High technology security co-operation:*

Mr. STEINICKE
Director, Planning and Research Division, Deutsche Aerospace (DASA), Germany

Industrial co-operation in limited anti-missile defence:

Mr. ZALONIS
President of Eurosam, Italy

Architecture of possible protection systems in Europe:

Mr. DELAYE
Director, Aérospatiale, Espace et Défense, France

Control, command and cost of systems:

Mr. VERDOUX
Director, Electronic Systems Division, Thomson-CSF, France

Discussion

Wednesday, 21st April 1993

10 a.m.

Third sitting*Current state of industrial studies on anti-missile systems in Europe (continued)**Observation and warning: mastery of complex systems:*

Mr. ROCHE
Directeur, Systèmes Matra Défense Espace, France

Mr. GRICOURT
Matra Marconi Space, France

The use of satellite systems for protection against ballistic missiles:

Mr. MINICUCCI
Amministratore Delegato, Telespazio, Italy

Impact of ballistic missile defence on European military space programmes:

Mr. RODOTA
General Manager, Alenia Spazio S.p.A., Italy

Discussion

*Conditions for a European anti-missile defence policy**Strategic lessons of the Gulf war:*

General STAINIER
Commandant of the Institut supérieur de défense, Belgium

Anti-missile defence in a global European strategy:

Mr. LEIRA
Counsellor to the Secretary of State for Defence, Spain

Discussion

Anti-missile defence for Europe; an industrial perspective:

Mr. BURNHAM
British Aerospace Dynamics Ltd., United Kingdom

Interoperability and co-operation requirements of anti-missile defence:

Mr. FOXWELL

Ferranti International System Integration, United Kingdom

A worldwide, regional or national system – implications of the choice:

Mr. BARTHÉLEMY

Sous-Directeur à la Délégation aux affaires stratégiques, Ministry of Defence, France

Discussion

3 p.m.

Fourth sitting

Anti-missile defence and the law of outer space:

Mr. von KRIES

MST Aerospace GmbH, Germany

Discussion

General report:

Mr. MARTRE

President of GIFAS (Groupement des industries françaises aéronautiques et spatiales), France

General discussion

Conclusions:

Mr. LENZER

MdB, Vice-Chairman of the Technological and Aerospace Committee

APPENDIX II

*Extracts from the press conference given by Mr. Aspin,
United States Secretary of Defence**13th May 1993*

.....

Mr. ASPIN. – Today we are here to observe another point of passage, which is the end of the Star Wars era. We are renaming and refocusing the Strategic Defence Initiative Office to reflect the Clinton administration's changes in the priorities. From now on, the SDIO will be the Ballistic Missile Defence Organisation, and it will not report directly to the Secretary of Defence.

These changes are possible because of the end of a battle that has raged in Washington for decades over the best way to avoid nuclear war. That battle was over whether we should build a massive defence against a missile attack from the Soviet Union, or whether we should press for arms reductions backed by traditional deterrents.

Like many Washington battles, that was not decided on the merits. It just went on so long that circumstances changed the terms of the debate. The fate of Star Wars was sealed by the collapse of the Soviet Union.

The Star Wars decade began on 23rd March 1983, when President Ronald Reagan announced he was launching a programme to, quote: "render nuclear weapons impotent and obsolete." End quote. His strategic defence programme was quickly dubbed Star Wars after the popular movie of the time.

Ten years later we find that we have a different need for a ballistic missile defence, not the massive programme of space-based weapons that Ronald Reagan envisioned. Saddam Hussein and the Scud missiles showed us that we needed ballistic missile defence for our forces in the field. That threat is here and now. In the future, we may face hostile or irrational states that have both nuclear warheads and ballistic missile technology that could reach the United States.

That is why we have made theatre ballistic missile defence our first priority, to cope with the new dangers in the post-cold war, post-Soviet world. After theatre missile defence, BMDO's priorities are going to be the national missile defence, which is a defence of the American people from ground-based systems. And the third point of emphasis or third priority will be the follow-on technologies that offer some promise in both tactical and strategic defence. These changes represent a shift away from a crash programme for deployment of space-based weapons designed to meet a threat that has receded to the vanishing point – the all-out, surprise attack from the former Soviet Union.

We are changing the way the organisation fits into OSD. Since its inception in 1984, SDIO has reported directly to the Secretary of Defence. The new arrangement has the BMD organisation reporting to the Under-Secretary of Defence for acquisition and technology, who is John Deutsch. This shift reflects the fact that the programme will be shifting from research to development – to the development and acquisition of systems. And it will allow us to manage our work on ballistic missile defence in a way appropriate to its place in the overall defence programme.

.....

Question. – Do you still intend to spend \$3.8 billion in the 1994 programme?

Mr. ASPIN. – No, the 1994 programme is as it was sent to Congress because it is focused in this new direction of heavy priority on theatre missile defences, number one; the second priority is national defence of the United States, missile defence of the United States; and third is the advanced technologies. The \$3.8 billion programme in 1994 still stands.

.....

Question. – Mr. Secretary, do you see a future in the intermediate term for space-based missile defence systems which some veteran advocates say is still the most effective way even to deal with medium-range missiles?

Mr. ASPIN. – I think we need to follow it – we do not need to answer that question yet, but we need to follow the technology and do the research and development to see how well it can be done and how much it is going to cost.

Question. – Does this mean you have given up on former President Reagan's dream of a system that would render nuclear weapons obsolete?

Mr. ASPIN. – Impotent and obsolete. I think that the world has changed, and that what we are doing is that that need is no longer there. The vision that Ronald Reagan had was a vision to protect the security of the United States of America by establishing a defensive system. He proposed that as an alternative to what was then the system, which was deterrence, a balance of terror.

The thing that protected the United States without Star Wars was the notion that if you attack me, I am going to attack you and it is going to be suicidal and we are both going to get killed so do not do it.

Ronald Reagan and a number of people in the right wing of the political spectrum were very unhappy with that prospect and what they proposed then – and you know Daniel Graham and the others that were proposing this said what we need to do is develop defences and establish the defence of the United States which did not shoot down incoming missiles and would not be a – and we would not have to depend on the balance of terror which with one slight mistake, the whole thing can blow up.

The difficulty with it was as we proceeded with it was first of all, there were a lot of physics and scientific and technical and engineering questions about what you could do. It is one thing to shoot down individual weapons, it is another to deal with a whole mass of what kind of counter measures you might have. So there is a whole technical question about its capability. The second issue is whether in fact you really wanted to do that and whether in fact that kind of a thing might not be destabilising from an arms control point of view because it would probably be better as mopping up against a second strike attack than against the first strike attack.

So the debate raged. And, I mean, you had a debate in this country for six, seven, eight years, raged about the nature of the defence in the United States. Do you protect the defence of the United States through a balance of terror plus some arms control to try and reduce the destabilising weapons at the margin, or do you do it through trying to build the defence of the United States and how do you mesh those two. As I say it is a classic Washington case – nobody won the argument, the situation on the ground changed and the argument became moot and then the Soviet Union went away and the whole business – we are suddenly now in the business of arms reductions of a kind that are so massive that we can look forward to the possibility of being able to do away with this concern altogether. But there still is. The point is made that there still is a nuclear threat. It is a different kind of nuclear threat; it is a different people that the nuclear threat comes from; it is a nuclear threat of a half a dozen or fewer nuclear weapons in the hands of a terrorist state. And that is the threat now and that is a different kind of thing and there – so – and in that context, I think most people see defences as having a useful rôle to play.

That is what we are doing is we are refocusing the whole programme here and the organisation of the way we deal with defences towards the new threat and away from the old threat not because anybody won the argument about the old threat but the old threat went away.

.....

Question. – Will we honour or amend the existing ABM treaties? Some of the CIS states have said they are ready to sign up for it. Is the United States ready to make that commitment?

Mr. ASPIN. – Yes, this is all part of the negotiations that are ongoing. If we have a missile defence of the United States that goes beyond the current limit of one site, we are going to have to get an amendment to the ABM Treaty. So clearly it is nothing to do with the theatre missiles. What we are doing now is developing theatre missile defences, and that is fine, we do not have any problem with the ABM Treaty.

If we go on to the next stage, which is to protect the continental United States against ballistic missile attacks from a terrorist state, and to do that well I think will require some changes in the ABM Treaty, but we would be able to do that working with Russia and with the other nuclear states to make sure that it is consistent with what they want to do, too.

.....

Technical co-operation in the framework of the Open Skies Treaty

REPORT ¹

***submitted on behalf of the Technological and Aerospace Committee ²
by Mr. Tummers, Rapporteur***

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EXPLANATORY MEMORANDUM

submitted by Mr. Tummers, Rapporteur

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1. Adopted unanimously by the committee.

2. *Members of the committee:* Mr. Lopez Henares (Chairman); MM. Lenzer, Borderas (Alternate for Mr. Palacios) (Vice-Chairmen); MM. Atkinson, Biefnot, Mrs. Blunck, MM. Böhm, Bosco, Curto, Davis, De Paoli, Dimmer, Gonzalez-Laxe, Gottardo, Guzzetti, Lagorce, Le Grand, Litherland, Menzel, Poças Santos, Sarens, Sir Donald Thompson (Alternate: Sir Dudley Smith), MM. Tummers, Valleix, Verbeek, N...

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

Draft Recommendation

on technical co-operation in the framework of the Open Skies Treaty

The Assembly,

- (i) Welcoming the new possibilities of transparency and openness regarding military forces and activities offered by the opening of the airspace of North America, Europe and the Asian parts of the Russian Federation from Vancouver to Vladivostok for reciprocal aerial observation agreed by the Open Skies Treaty signed in Helsinki on 24th March 1992;
- (ii) Emphasising that this important confidence- and security-building measure can reach its goal of creating a new multinational co-operative security approach only if all member states of the Community of Independent States accede to the treaty and if no member country of the CSCE is excluded;
- (iii) Stressing further that more than one year after the signature of the treaty the parliaments of WEU member states should shoulder their responsibility for allowing early entry into force and full implementation of the treaty by accelerating their ratification procedures;
- (iv) Welcoming the decision of the WEU Council to form a single group of states in the framework of the Open Skies Treaty;
- (v) Noting however the difficulties encountered by the WEU Open Skies Expert Group in harmonising the different options for practical WEU co-operation during nearly two years of discussions which made it impossible to reach an agreement for the use of a single type of observation aircraft;
- (vi) Noting that the WEU aircraft pool envisaged now is to be based on the number of aircraft actually available equipped with appropriate sensors in order to conduct joint air observation missions in accordance with the treaty in its most cost-effective conditions;
- (vii) Considering that a number of questions are still open such as:
 - the selection of appropriate sensors to equip the aircraft;
 - the status of associate members and observers within the WEU group of states;
 - cost-sharing;
 - whether and to what extent should the WEU Satellite Centre be asked to take on the task of interpreting the images gathered by the sensors;
- (viii) Welcoming the efforts of the Council to negotiate the conditions of co-operation with the Russian Federation, in particular regarding its participation in the WEU aircraft pool;
- (ix) Stressing however that the WEU contacts with the Russian Federation should not be exclusive and that co-operation should be enlarged to include all interested countries of the Community of Independent States and also the eight Central and Eastern European countries with which the Council has established regular consultations;
- (x) Deeming it necessary for WEU as a group of states within the Open Skies Treaty to elaborate at an early stage concepts for the possible extension of the open skies régime to wider areas as provided for in the treaty and to establish close working contacts with the Open Skies Consultative Commission,

RECOMMENDS THAT THE COUNCIL

1. Provide the Assembly with detailed information on its decision regarding the creation of a WEU aircraft pool intended for air observation missions in the framework of the open skies régime;
2. Ensure that no type of aircraft made available by a member country shall be excluded from the pool;
3. Inform the Assembly:
 - (a) whether Greece, the associate members and the observers are already part of the group of states created by the WEU Vienna declaration;
 - (b) whether WEU has decided in the meantime to transform this group in accordance with Article III, Section II, paragraph 3 of the Open Skies Treaty, as announced in Vienna;

4. Give an enlarged mandate to the WEU expert group:
 - (a) to examine all the additional consequences not yet tackled and which arise from the decision taken in Vienna to act as a group of states;
 - (b) to evaluate the conditions for mandating the WEU Satellite Centre to interpret sensor imagery;
 - (c) in liaison with the NATO Verification Co-ordinating Committee, to determine how to use the open skies observation means for the CFE Treaty;
 - (d) to examine the possible extension of the open skies régime to wider areas such as conflict prevention, crisis management and protection of the environment;
5. Take a joint initiative urging Armenia, Azerbaijan, Kazakhstan, Moldova, Tajikistan, Turkmenistan and Uzbekistan to accede to the Open Skies Treaty;
6. Seek co-operation similar to that envisaged with the Russian Federation also with other member states of the Community of Independent States, in particular with Ukraine and Kazakhstan, and inform the Assembly of the results of the relevant negotiations;
7. Establish a permanent WEU representation with the Open Skies Consultative Commission in Vienna.

Draft Resolution***on technical co-operation in the framework of the Open Skies Treaty***

The Assembly,

(i) Welcoming the new possibilities of transparency and openness regarding military forces and activities offered by the opening of the airspace of North America, Europe and the Asian parts of the Russian Federation from Vancouver to Vladivostok for reciprocal aerial observation agreed by the Open Skies Treaty signed in Helsinki on 24th March 1992;

(ii) Emphasising that this important confidence- and security-building measure can reach its goal of creating a new multinational co-operative security approach only if all member states of the Community of Independent States accede to the treaty and if no member country of the CSCE is excluded;

(iii) Stressing further that more than one year after the signature of the treaty the parliaments of WEU member states and of all the other signatories should shoulder their responsibility for allowing early entry into force and full implementation of the treaty by accelerating their ratification procedures,

URGES the governments and the parliaments of WEU member states and of all the other signatories of the Open Skies Treaty to ensure that the ratification procedure is concluded before the end of 1993.

Draft Order

on technical co-operation in the framework of the Open Skies Treaty

The Assembly,

INVITES the President of the Assembly to transmit the resolution on technical co-operation in the framework of the Open Skies Treaty to all signatories of the Open Skies Treaty.

Explanatory Memorandum

(submitted by Mr. Tummers, Rapporteur)

I. Introduction

1. There are several reasons why the Technological and Aerospace Committee and the Assembly take a special interest in the Open Skies Treaty.

2. The first is that this treaty establishes a new type of confidence-building measure in opening to aerial inspection for the first time in history the airspace of the whole of North America, Europe and the Asian part of Russia from Vancouver to Vladivostok.

3. The second reason is that so far only five states have ratified the treaty¹. Consequently it is necessary to urge the parliaments of member countries and of other states to proceed to early ratification, so that the treaty may enter into force.

4. The third reason is that, in conformity with the treaty, WEU member countries have decided to act as a group for the practical and technical implementation of the treaty which raises a number of problems which will be studied in this report, with particular regard to WEU Council plans to establish a pool of aircraft and sensors for joint use in conducting observation flights with a view to cost sharing and facilitating WEU co-operation with the Russian Federation in these matters. Your Rapporteur will complete this report later in the light of decisions to be taken by the WEU Ministerial Council on 19th May on WEU co-operation in the framework of the Open Skies Treaty.

5. The fourth reason is that there is a need to monitor the willingness of signatory states, and in particular that of WEU member countries, to bear the cost of effectively implementing the treaty. Another risk is that for financial reasons interest in implementing the treaty may flag in certain countries. As your Rapporteur has already done in his report on disarmament – reply to the thirty-third annual report of the Council in December 1988², he wishes to point out again that disarmament and its verification are not cheap and need appropriate financial means. This is also true for the confidence-building measures envisaged in the Open Skies Treaty. It is therefore very important to verify whether member governments are ready to take

advantage of all reasonable industrial offers and proposals regarding the appropriate technical observation means allowed by the Open Skies Treaty.

6. The fifth, but not last, reason is the importance of raising political interest in the possibilities offered by the Open Skies Treaty for verifying a number of other existing or future agreements for arms control, conflict prevention, crisis management and possibly the extension of its régime to additional areas such as the protection of the environment.

II. The treaty

7. The Open Skies Treaty was signed in Helsinki on 24th March 1992 by twenty-five countries, including the sixteen member countries of the Atlantic Alliance, the former East-European members of the Warsaw Pact, and Russia, Belarus, Ukraine and Georgia as successor states to the Soviet Union. The treaty is open for signature by all the other successor states to the Soviet Union such as Armenia, Azerbaijan, Kazakhstan, Kirgizstan, Moldova, Tajikistan, Turkmenistan and Uzbekistan, but so far only Kirgizstan has signed it.

8. Certain difficulties have prevented the full participation of all CSCE member countries in the treaty negotiations and in the signature process in Helsinki. First, there were differences between France and the United States over France's position that the Open Skies régime should become part of the CSCE process. Second, Turkey refused to agree to the inclusion of Cyprus.

9. As a compromise, during a six-month period after the treaty's entry into force, Article XVII of the treaty now allows any of the CSCE member states to apply for accession to the treaty, although this requires the agreement of all the signatory states. It is to be hoped that the difficulties raised so far to the participation of a number of countries will be resolved in the meantime.

10. A CSCE declaration³ linked to the Open Skies Treaty initiated by Finland offers certain countries – such as Sweden and Finland – the possibility of participating in the implementation of the treaty prior to their accession. On that basis, they were granted a quota of three

1. Canada, Denmark, the Czech and Slovak Republics and Hungary.

2. Document 1158.

3. Appendix I.

observation flights over the territory of Russia and Belarus.

11. Furthermore, six months after its entry into force, the signatory states may decide on the accession to the treaty of any other interested countries outside the CSCE. According to the leader of the German Delegation in the negotiations⁴, participants had in mind in particular Japan and China, but at a later stage the treaty will be open to any members of the United Nations or might be used as a model for later regional agreements.

12. The cornerstone of the treaty is that all participants shall have the right to conduct observation flights, at short notice, over the territory of any other signatory state and shall be obliged to accept observation flights over their territory in accordance with the provisions of the treaty.

13. Restrictions are allowed only for reasons of flight security, but not because of the national security interests of the observed country. Article III and Appendix A of the treaty establish the rules for active and passive flight quotas⁵.

14. The number of observation flights every state party is obliged to tolerate over its territory (passive quota) depends in general on the size and importance of the observed country; for instance the quotas for the United States and Russia/Belarus are forty-two each; for France, Germany, the United Kingdom, Italy, Turkey and Ukraine, twelve each; for smaller countries such as Bulgaria and Hungary, four each, or for Portugal, two.

15. Every state party shall have the right to conduct a number of observation flights over the territory of any other state party equal to the number of observation flights which that other state party has the right to conduct (active quota, Article III, Section I, paragraph 3). The total active quota of a state party shall not exceed its total passive quota (Article III, Section I, paragraph 5 at the end). However, in the first three years after the entry into force of the treaty, the number of observation flights is limited to 75% of the passive quota⁶.

16. After the entry into force of the treaty, the distribution of active quotas shall be subject to an annual review for the following calendar year (Article III, Section I, paragraph 7). The results of such a review will depend on the individual interests of states parties and on the development of the general political situation. So far, the main interest during the negotiations was

concentrated on observation flights over the territories of Russia, Belarus and Ukraine.

17. The treaty allows the establishment of different kinds of "groups of states parties". According to Article XIV, *Belgium, the Netherlands and Luxemburg* are to be considered as a single state party, called Benelux. The *Russian Federation and Belarus* have formed a group of states parties sharing their total active and passive flight quotas in accordance with Article III, Section II, paragraph 3. On the other hand, the *member countries of WEU* have formed a group of states parties sharing their active flight quotas, while retaining their individual passive quotas in accordance with Article III, Section II, paragraph 2 of the treaty.

18. Furthermore, the Head of the German Delegation, representing the Chairman-in-Office of the WEU Council, declared at the plenary Open Skies Conference in Vienna on 18th March 1992:

"We also reserve our right to transform in due course this group according to paragraph 3 of the section referred to. In this connection I should like to recall the invitation which the member states of WEU have extended to a number of other states in their declaration issued on the occasion of the 46th European Council meeting on 9th and 10th December 1991 at Maastricht."

19. That means that all countries invited to become full members or associate members of Western European Union or observers, may join the WEU group of states parties in the framework of the Open Skies Treaty.

The choice of the observation aircraft

20. In Article II, paragraph 4, the treaty defines as "observation aircraft" an unarmed, fixed wing aircraft designated to make observation flights, registered by the relevant authorities of a state party and equipped with agreed sensors. The term "unarmed" means that the observation aircraft used for the purposes of the treaty is not equipped to carry and employ weapons. Furthermore, each observation aircraft shall be capable of carrying the flight crew and the necessary personnel (Article V, paragraph 5).

21. Article II, paragraph 11 and Appendix A define, for the length of the observation flights, individual "maximum flight distances" in accordance with the size of the relevant country. The term means the maximum distance over the territory of the observed country from the point at which the observation flight may commence to the point at which that flight may terminate. The maximum flight distance for Germany, for instance, is 1 200 km; for the United States, 4 900 km; for Russia/Belarus, 6 500 km.

4. Europa-Archiv, 10th September 1992, page 486.

5. Appendix II.

6. Appendix II.

Sensors

22. The treaty allows two different kinds of sensor configuration, i.e.:

- a podded installation (outside the aircraft) which shall be denoted by the code "POD";
- an internal installation (inside the aircraft) which shall be denoted by the code "INT".

23. After the expiration of an initial phase of three years beginning from the entry into force of the treaty, the sensors installed on an observation aircraft shall permit observation of military activities and installations even during darkness and in all weather conditions. Article IV, paragraph 1, allows equipment with sensors only from amongst the following categories:

- (a) optical panoramic and framing cameras;
- (b) video cameras with real time display;
- (c) infra-red line scanning devices and
- (d) sideways-looking synthetic aperture radar (SAR).

24. The allowable ground resolution of the sensors - which means the minimum distance on the ground between two closely-located objects distinguishable as separate objects - is determined specifically in order to permit the identification of significant types of military equipment such as tanks, artillery and armoured personnel carriers.

25. The maximum obtainable resolution from the optical, framing and video cameras is 30 cm, this makes it possible to distinguish a tank from a truck for instance, but it is not sufficient to distinguish one type of tank from another. For infra-red devices, the maximum resolution is 50 cm. These sensors allow viewing in poor light conditions and, thanks to their ability to detect sources of heat, the operational state of installations such as airports, military bases and industrial sites can be determined. The maximum SAR (sideways-looking synthetic aperture radar) resolution of three metres will enable overflights to locate potential concentrations of equipment, which could then be more thoroughly investigated using the other sensors⁷.

26. Since all the treaty's signatories do not now possess the same sophisticated sensor technology, Article XVII of the treaty stipulates that during the initial three-year phase-in period, only camera-type sensors will be allowed. The use of infra-red line scanning devices will not be permitted during that period, unless otherwise agreed between the observing and observed parties.

27. In the final stage, all states parties shall have equal commercial access to sensor systems capable of producing the maximum allowable image resolution. The treaty also establishes a procedure for the introduction of additional categories and improvements to the capabilities of existing sensors. (According to Peter Jones, member of the Canadian delegation to the Open Skies Conference⁸, air sampling devices have already been discussed as one type of new sensor package. These devices would permit open skies overflights to monitor environmental degradation and could assist in the verification of the chemical weapons convention).

Raw data

28. Article IX of the treaty provides that all raw data are to be fully shared between the signatories on a shared-cost basis. This provision enables the smaller countries to have access to the entire raw-data pool of the régime, rather than being limited to the data obtained from their small number of overflights.

Open Skies Consultative Commission

29. The treaty provides for the creation of an "Open Skies Consultative Commission" in Vienna which started its activities on 2nd April 1992. Its objectives are to settle practical and technical questions in connection with the implementation of the treaty, details of which are defined in Article X and Appendix L.

30. Its first task was to settle a number of questions not resolved at the date of signature, for instance the details of cost-sharing, whereas a general consensus exists that the observing country in principle bears the cost of the observation flights. Other open questions⁹ were settled by the commission prior to 30th June 1992, thus fulfilling the conditions for the ratification of the treaty.

31. At a later stage, the Open Skies Consultative Commission will also be responsible for questions of treaty amendments and examining the possible accession of new member countries to the treaty.

Entry into force, duration and provisional application of the treaty

32. The treaty shall be of unlimited duration (Article XV). It enters into force sixty days after the deposit of twenty instruments of ratification, including those of the depositaries, and of states parties whose individual allocation of passive

7. Peter Jones, Arms Control Today, May 1992, page 14.

8. Arms Control Today, May 1992, page 15.

9. Appendix III.

quotas is eight or more (Article XVII, paragraph 2).

33. Some treaty provisions are already provisionally applicable in order to facilitate its implementation. This applies in particular to the work of the Open Skies Consultative Commission, the transmission of notifications and reports required by the treaty and the designation of personnel who will carry out duties relating to the conduct of observation flights, including monitoring of sensor output.

III. Importance of the air observation régime

34. The treaty is inherently of political importance: it constitutes the first confidence-building régime to include all of the territory of North America, Europe and the Asian part of Russia for aerial inspection, with the possibility of extending the régime to other countries and regions in the world.

35. A proposal made already in July 1955 by President Eisenhower to the Soviet Union, which was revived thirty-four years later by President Bush, in May 1989, led to negotiations between the two alliances in Ottawa in February 1990 which successfully concluded after two years of negotiations with a comprehensive multilateral treaty open for the accession of any interested country. Experience gained in bilateral reconnaissance overflight agreed in the framework of the Egyptian-Israeli disengagement agreements in 1974/1975, then from the trial Canadian-Hungarian open skies overflight in January 1992 and the conclusion of a bilateral Open Skies Treaty between Hungary and Romania on 11th May 1991, were certainly helpful in demonstrating the usefulness and feasibility of establishing an overall open skies régime.

36. For this purpose, it may be assimilated to the confidence- and security-building measures (CSBM) drawn up in the CSCE. CSBMs form a special chapter among overall arms control measures. Their main aim is to reduce the possibility of a conflict breaking out as a result of an incident. However, their main purpose is to improve in a tangible manner the standard of the political environment at bi- and multilateral levels. They are in fact part of a highly psychological process designed to reduce suspicion in the perception of another country's military posture. To this end, the application of a CSBM must give rise to an accurate, reliable exchange of information between the parties concerning the state and posture of their respective forces and such information can be verified by on-site inspections.

37. However, the Open Skies Treaty is wider in scope than the CSBMs which were described in the 1990 Vienna document and then further

developed in the 1992 document. On the one hand, they are the first confidence-building measures to extend beyond the territory normally covered by the CSCE process (Atlantic to the Urals). Indeed, the area covered by the treaty also includes the entire territory of Canada, the United States and Russia, i.e. almost the whole of the earth's northern hemisphere. Moreover, the treaty is the first example of a confidence-building measure being introduced by treaty and thus having a juridical and consequently binding status, unlike those introduced by the CSCE, which are merely a moral constraint. Thus, the Open Skies Treaty is perhaps the most extensive confidence-building measure ever introduced by multilateral agreements. As John H. Hawes, the United States representative at the open skies negotiations in Ottawa, wrote: "Open skies is intended as a serious confidence-building measure, that is, one in which international confidence derives from the substance of what the régime produces, and not solely or even primarily from the symbolism or novelty of the fact that the régime exists at all."

38. The treaty implies no obligation for a state to declare beforehand the state and number of its forces, each party consenting a priori to be observed. In this context, the accuracy (resolution) of the images supplied is less decisive than for a verification régime. The most important aspect of such a régime would lie, according to Joe Clark, former Canadian Secretary of State for External Affairs, in the "positive political act of opening a nation's activities to detailed, intrusive monitoring – a symbolic opening of the doors. It would be a clear, unequivocal gesture that a nation's intentions are not aggressive" ¹⁰.

39. The end of the East-West confrontation, the transformation of the Soviet Union into a Community of Independent States and the new quality of relations with Russia might have revitalised the initial western interest in the régime. But in view of the uncertainty of future developments in this region and other areas, the possibility of conducting regular observation flights can have a stabilising effect.

40. Regarding the military importance of the régime, one has to admit that its observation means are not as intrusive as those for the verification of a number of disarmament and arms control agreements. Furthermore, the régime represents only a relatively modest enhancement of the existing satellite surveillance capabilities of the United States and Russia. As the United States representative of the open skies negotiations reported to the Senate, the sensors will not provide very much new information to the United States but will primarily

10. In an article in the New York Times, 5th June 1989, quoted by Ralph J. Lysyshyn in "Open Skies ahead" in *Nato Review* No. 1, February 1992, page 23.

benefit nations which do not have sophisticated national technical means such as satellites.

41. On the other hand, many satellites are limited in their ability to manoeuvre in response to events, whereas aircraft can revisit an area quickly and can remain there for extended periods¹¹. More generally, an open skies system is flexible and economical, making it certainly interesting, particularly compared with satellite means, which are an expensive solution within the reach only of the great powers. The open skies system, on the contrary, allows each participating state to have information about the military activities of other countries. The use of aircraft is also more flexible and observation flights can be made in the least foreseeable manner.

42. The trajectories of satellites are imposed by their orbits. Their possibilities of manoeuvre in the light of events and their ability to follow different courses are fairly limited. Conversely, an aircraft can follow a flight plan for observing several different sites during the same mission, it can hover over an objective, etc., all this within a very short lapse of time. To effect the same type of observation with a satellite, several readjustments would have to be made to its orbit at considerable expenditure and loss of time. Finally, it is easier for an airborne system to have sensors: for instance, a faulty system can be repaired, systems can be inspected before, during and after the flight, etc.

43. Furthermore, the observation means of the Open Skies Treaty have a special advantage over the Treaty on Conventional Armed Forces in Europe (CFE) whose area of application is limited from the Atlantic to the Urals (ATTU area). Shortly before the CFE Treaty was signed in 1990, the Soviets transferred vast quantities of military equipment to regions east of the Urals. These transfers released this equipment from the CFE requirement to be destroyed and from CFE verification provisions as well.

44. Therefore, apart from satellite surveillance, the observation means of the Open Skies Treaty became the only way to keep an eye on military equipment beyond the Urals and to verify the destruction of many of these weapons promised by the Soviet Union in 1991.

45. On the other hand, there is no formal link between the Open Skies and CFE Treaties. Conceptually, they concern two distinct areas: open skies – confidence; CFE – verification. In spite of this distinction, which was intentional in order to avoid reducing the scope of the treaty, it is generally accepted that the two treaties are in some respects complementary. This is mainly due to the fact that the CFE Treaty contains no

provisions relating to aerial verification. This question had a direct influence on the Open Skies Treaty negotiations.

46. Since then, a number of people have wished a link to be established between the two régimes. Some even consider that the open skies régime is de facto the aerial verification régime of the CFE Treaty. This matter was in fact left open in the text of the treaty, which lays down that:

“Upon completion of the 120-day residual level validation period, each state party shall have the right to conduct an agreed number of aerial inspections within the area of application. Such agreed numbers and other applicable provisions shall be developed during negotiations referred to in Article VIII¹². ”

47. Thus, aerial inspections under the CFE Treaty are merely a future possibility after an initial stage of armament reductions, i.e. not earlier than 1995-96. Clearly, if there were to be such a protocol, it would necessarily be the result of experience acquired through application of the Open Skies Treaty.

48. Moreover, the CFE Treaty as such establishes a very elaborate verification system to be conducted by site inspection teams¹³. However, the scope of the treaty is limited by the fact that the area concerned by CFE reductions extends only from the Atlantic to the Urals (ATTU area). The reductions provided for in the treaty concern only certain categories of equipment: tanks, armoured combat vehicles, artillery pieces with a calibre over 100 mm, aircraft and helicopters defined as equipment limited by the treaty (TLE). A fortiori, these reductions concern only certain units.

49. The Open Skies Treaty, on the other hand, covers a much broader area of application but is not really appropriate in its present form for carrying out verification tasks. With the sensors provided for in the treaty and the accompanying limits, it is not possible to identify equipment limited by the CFE Treaty. The Open Skies Treaty nevertheless offsets some of the limitations of the CFE Treaty. Inter alia, the entire territory of the former Soviet Union can be monitored. Furthermore, the state of forces not included in the TLE category can be monitored, and in particular:

- conventional equipment not corresponding to the specific definitions laid down in the treaty;
- equipment covered by the treaty but deployed outside the ATTU area;

11. Peter Jones, *Arms Open Skies: A New Era of Transparency*, *Arms Control Today*, May 1992, page 10.

12. CFE Treaty Article XIV.6.

13. CFE Treaty, Protocol on Inspection.

- naval equipment;
- space equipment;
- missiles;
- air transport means, etc.

50. These measures therefore help to complete the CFE framework and avoid the emergence of major imbalances and reductions under the CFE Treaty leading to increases elsewhere.

51. In the framework of the application of the treaty itself, open skies flights would allow on-site inspections to be better directed, in particular challenge inspections of suspect areas. The Open Skies Treaty would allow detection. This would avoid mistakes relating to the interest of the site to be inspected. It can thus be seen how the two régimes might in practice be complementary.

52. This leaves open a number of further options for enlarging its application areas which will be examined more closely in Chapter VII of the report. It should therefore not be considered as the end but rather as a beginning and a challenge not only for establishing new standards for security relations between former enemies but also for enhanced international co-operation.

IV. Co-operation between WEU member countries

53. The implementation of the open skies régime requires considerable financial means. To take only two examples: according to United States sources, the equipment of the first United States aircraft with the necessary sensors for the mission would cost \$18 million to \$20 million. Each United States flight would cost approximately \$200 000. The German defence budget for the financial year 1993 provides DM 24 million, for 1994 approximately DM 37 million, for 1995 approximately DM 40 million and for 1996 approximately DM 10 million, for aircraft alterations and for meeting equipment and staff requirements for the implementation of the treaty.

54. It is not so much the procurement of aircraft for aerial observation purposes that has to be taken into account, since, in most countries, appropriate types of aircraft are already available, it is rather the investment necessary for sensors, the cost of films and their analysis and running costs. This is why almost no states will in the long run be able to carry out observation flights by means of their own aircraft. The treaty offers the following cost-sharing possibilities:

- co-operation by groups of states;
- participation in the observation flights of another state party, i.e. by means of multinational teams of observers;

- chartering observation aircraft from another state party;
- purchasing a copy of the film obtained.

55. These possibilities of lowering costs allow all states parties to carry out their own aerial observations or use the results obtained by another state ¹⁴.

56. After the decision taken by Western European Union member countries to form a "group of states parties in accordance with Article III, Section II, paragraph 2 of the treaty" (see paragraph 15), it was necessary to work out the objectives, consequences and ways and means of such WEU co-operation. Two new WEU working groups have been created: one on verification in 1991, one on open skies in 1992 ¹⁵.

57. After the mandate addressed to the WEU expert groups by the declaration of Vianden on 27th June 1991 ¹⁶ to explore the possibilities of practical co-operation regarding the implementation of the Open Skies Treaty, WEU ministers agreed according their Petersberg declaration of 19th June 1992 ¹⁷:

"...in principle to a feasibility study to identify the most cost-effective means of implementing the Open Skies Treaty co-operatively among member states. They tasked the group of experts to agree assumptions for the study, to identify the options which merit further study and to consider the question of costs, with a view to taking a decision at their next ordinary meeting to proceed with the study, stressed the readiness of WEU to co-operate with third parties at a later stage, and in this context welcomed the contacts which had taken place with other European allies, as well as with the Russian Federation. They agreed that experts should investigate the possibilities for intensified co-operation with the Russian Federation, which could include a joint feasibility study and/or a trial over-flight."

58. According to the Secretary-General's information letter of 1st July 1992 ¹⁸:

"The Expert Group on the verification of arms control agreements held several working meetings on the implementation of the Open Skies Treaty. On 26th and 27th March, a WEU fact-finding mission

14. Europa Archiv, 10th September 1992, page 489.

15. See the French Government's answer on 23rd July 1992 to a question put by Mr. Jeambrun.

16. Document 1282.

17. Document 1322.

18. Document 1323.

visited Moscow to examine the possibility of using a single type of observation aircraft for open skies, as proposed by France. When, in three years' time, the treaty is implemented in full, there will be a need to use specially equipped aircraft. A fleet of between five and eight aircraft should be sufficient for the 200 observation flights planned each year. A solution consisting of developing a single type observation aircraft which could also be used for CSCE transport missions might be adopted, and would offer major advantages in terms of cost-effectiveness. The Russians taking part in the WEU mission suggested two types of aircraft which might be suitable. All the practical arrangements for technical co-operation were considered during the discussions in order to provide experts with the necessary information for subsequent feasibility studies on the pooling of aircraft and/or sensors.

At an informal meeting in Vienna on 29th April of heads of delegation, these explanatory talks on co-operation with Russia were continued and other options were discussed, such as a common WEU pool with national aircraft being used in rotation. Then, on 13th May, experts met in London at the WEU Secretariat to hear a presentation on the German national study and to prepare the activity report for ministers."

59. In their Rome communiqué of 20th November 1992 ¹⁹:

"Ministers reiterated their commitment to the early entry into force of the Open Skies Treaty. They took note of the progress report prepared by experts and tasked them to continue the search for cost-effective solutions for implementing the Open Skies Treaty, including the possibilities for establishing a WEU pool. Ministers stressed the readiness of WEU to co-operate with third parties and welcomed the intention of the presidency to inform them of the state of play of WEU's work."

60. The Secretary-General's information letter of 24th November 1992 ²⁰ specified that:

"The Expert Group on the verification of arms control agreements held several working meetings on the implementation of the Open Skies Treaty (6th July, 25th September and 27th October). Since the Ministerial Council had given its agree-

ment in principle on 19th June 1992 for a feasibility study to be carried out to determine the most cost-effective means of implementing the Open Skies Treaty within the framework of co-operation between the WEU member states, the experts discussed the assumptions on which the study should be based, the definition of options meriting further study and considered the study's likely costs and the way in which it might be funded."

61. So far, the last official information on the subject is contained in the second part of the thirty-eighth annual report of the Council to the Assembly which states that:

"The Open Skies Experts Group had, by the end of the year, passed the stage of preparing a feasibility study. Its activities were now centred on the establishment of an aircraft pool based on the number of aircraft actually available." ²¹

62. Your Rapporteur is grateful for certain additional information he was able to obtain from the Secretary-General and a number of the WEU member countries concerned.

63. It follows from this additional information that the idea of elaborating a single joint feasibility study has been given up since it appeared impossible to harmonise the various interests and proposals of member countries.

64. The discussions are now concentrated mainly on ways and means of establishing a fleet of WEU aircraft (WEU pool) to which each state might assign one or more aircraft equipped with appropriate sensors.

65. The treaty provides for two stages of implementation. In the first stage, the parties will use available aircraft and sensors that will not have to meet all the criteria laid down in the treaty. However, studies concerning co-operation in the framework of WEU relate mainly to the second stage of implementation, which would start in 1997.

66. Four options have been selected from a series of proposals concerning the formation of the fleet:

- | | |
|------------|--|
| - France: | a totally integrated WEU fleet (on the lines of AWACS, using a single type of aircraft); |
| - Germany: | a fleet of national aircraft that can be made available to the WEU fleet; |

19. Document 1345.

20. Document 1352.

21. Document 1361.

- United Kingdom: fleets of national aircraft assigned in turn to the WEU fleet;
- Benelux: national C-130 aircraft using a jointly-procured pod of sensors.

These options would require more detailed study. In particular, the question of management and financing required close examination. A collective WEU study should therefore be conducted for this purpose.

67. The report submitted to the ministers at their meeting on 20th November 1992 contained the following observations and recommendations:

- the mandate for the study was approved;
- at the stage reached at that time, none of the four options could be rejected; all were to be studied in greater detail;
- a ministerial decision on carrying out a single study was not expedient at this stage; conversely, the report asked the Council to approve a six-month explanatory stage during which identical criteria, parameters and structures would be worked out for conducting, in a national framework, four studies on the various options, so as to be able to make a comparative estimate and take an appropriate decision.

68. At their meeting at the beginning of January 1993, the WEU experts terminated their discussion of the WEU study which, on the whole, was neither fruitful nor progressive, and concentrated their work on a pragmatic initiative in order to achieve rapid results that were as concrete as possible. This new step was based on the principle that conducting the four feasibility studies so far envisaged would take up too much time and their results would probably be overtaken by events in the various countries. It emerged from relevant declarations made by member countries that the WEU fleet would initially be composed of a German Tupolev-154, a British Andover (until 1995) and national C-130s equipped with the Benelux sensor pod. Consequently, two working documents were to be devoted to the organisational and financial aspects of joint facilities of this type.

69. The United Kingdom and France have assumed responsibility for preparing the working document on the organisation of the fleet, Benelux the study of the special case of the C-130 equipped with a pod and Germany the financial aspects. The result of these studies was endorsed by the Open Skies Working Group on 16th April 1993 and will be submitted to the ministers for approval at the next meeting of the

Council of Ministers on 19th May. This document consists of definitions and various chapters on training, organisation and the operation of the fleet.

70. All member countries agree that the effective implementation of the treaty should not be delayed until the aircraft pool is brought into service but that it should be used from the very start after the treaty comes into force.

71. It appears from the expert studies that a majority of member countries is inclined to organise the WEU pool on the basis of the Benelux option, using Hercules C-130²² aircraft equipped with a special pod. C-130s are used in the airforces of most NATO member countries with the exception of Germany.

72. The Belgian airforce, for instance, is prepared to equip its C-130 Hercules with a pod developed by Lockheed's Airlift Derivatives Programs Division, called SAMSON (Special Avionics Missions Strap-On Now). This system is described by Lockheed as a high-technology surveillance system "housed in a pod beneath the (C-130) aircraft's wing in place of an external fuel tank, it can be installed in less than six hours with no permanent modifications to the aircraft."

73. Normally, the C-130 is already designed to receive control cables allowing instruments in the pod to be linked to the operators' control panels in the airframe. The panels and the seats for inspectors are installed on loading pallets in the cargo compartment of the airframe. The various elements composing the system can thus be installed or removed relatively quickly. As the C-130 requires no structural changes, the system can be transferred from one aircraft to another and thus be available for several successive operators.

74. This system therefore seems a practical, economical solution but is nevertheless not without drawbacks. In the event of the sensors not working properly during an observation flight, it would be impossible for the operators to repair them. For instance, the reels of film could not be replaced when they run out. So far, tests have been carried out only with sensors of American origin that do not correspond to the treaty limitations. Thus, it would also have to be checked whether all types of sensors allowed by the treaty can be properly installed in the pod. This is the case of the SAR, for instance which sports a fairly large antenna. Finally, doubts have been expressed about the possibility of a C-130 aircraft being authorised to overfly the territory of the former Soviet Union for reasons connected with air control and ground support, etc. However this may be, this system is certainly a simple, economical solution.

22. Appendix IV.

75. So far, however, countries which have C-130s are not yet unanimous about the conditions for a joint use of pods. The following questions remain to be settled:

- what type of sensor will be installed in the pod?
- how many pods should be procured?
- how many consoles should be procured to ensure that the sensors work?
- who will share the cost of procurement and operation in the long run and what will be the breakdown of costs?

It is mainly on the last point that a decision still has to be taken, and also the question of whether all countries with C-130s will participate or not in solving the abovementioned problem.

76. Other member countries, in particular Germany, France and the United Kingdom, are studying alternative solutions regarding aircraft and sensors. Whereas the United Kingdom favours the Andover aircraft, Germany was the only member country presenting a comprehensive national study containing proposals for using a Tupolev 154²³, internal installed sensors and a number of operating arrangements.

77. The German solution, which is actually rather isolated within the WEU group of states parties, might be rather more expensive than the pod solution. It has, however, according to its advocates, a number of advantages, such as:

- facilitating sensor installations and supervising, during observation flights, that all sensors are working properly;
- offering possibilities for European industry to provide the necessary sensor technology;
- improved sensors output; and
- facilitating eventual co-operation with the Russian Federation.

78. The United States seems to favour using an adapted C-135 aircraft with internal installed sensors, whereas Canada seems to advocate the C-130 pod solution. Within a minority of member countries, in particular in Germany, there is strong concern that the outcome might be that the pool envisaged between WEU member countries might finally be reduced to C-130 Hercules aircraft equipped with a pod.

V. Prospects of WEU co-operation with the Russian Federation

79. After the first WEU fact-finding mission in Moscow at the end of March 1992, the Russian representatives insisted, at an informal

meeting in Vienna on 29th April 1992, on their "taxi-option" which means that an important part of the flights over the Russian territory should be conducted by Tu-154 M aircraft provided by the Russian Federation. This is allowed by the treaty as an exception to the general rule according to which flights are conducted in principle by aircraft of the observing party.

80. When the WEU Ministerial Council approves the management rules of the WEU pool, it is planned to contact the Russian Federation again in order to start official negotiations for elaborating arrangements allowing the Russian side to co-operate with the WEU group. Co-operation to be arranged with Russia will have to relate to the management of the pool and flight quotas. This should also allow the question of "taxi-option" to be settled in view of the fact that setting up a joint fleet with the Russian Federation depends on the possibility of using all the aircraft in it, including, therefore, those of WEU, to overfly Russia.

81. WEU may therefore invite the Russians to make one or more of their aircraft available to the joint fleet. This aircraft will thus be in competition with the other aircraft in the pool. It is an open question whether the Russians will agree to such a solution or whether they will insist on guarantees that their aircraft really will be used. It is therefore to be foreseen, that the co-operation envisaged with the Russians will be preceded by difficult negotiations.

82. To that are to be added a number of technical problems, too. Greater co-operation with Russia means using common standards for the equipment to be used (e.g. sensitivity of the film). However, western and former Warsaw Pact equipment are notoriously incompatible. These matters are now being discussed in the Open Skies Consultative Commission and, for the time being, each party is clinging to its own standard.

83. Furthermore, limits on exports of products and technology in the framework of the Cocom rules seem to have put a subsequent soft pedal on the extent of the co-operation envisaged. Some authorities believe the Cocom rules even place a physical limit on the development of co-operation with the Russian Federation.

84. Furthermore, the Cocom list should have been revised to make it less discriminatory against Russia at the end of 1992, but this was not done.

85. On the other hand, it has been said that problems with the Cocom list will not be very likely since the open skies technical standards for sensors are so low that western partners were obliged to downgrade their technical means, in particular in the radar areas. Furthermore, all technical sensor means provided by

23. Appendix IVa.

the treaty have to be commercially available to all state parties. A Cocom problem might arise in a later stage, when additional categories and improvements of sensors are introduced in the Open Skies Consultative Commission.

86. Finally, one should recall that the treaty refers several times to the rules established by the International Civil Aviation Organisation (ICAO); as a consequence, Belarus, which forms with Russia a group of states party within the open skies régime, should join ICAO, of which it is not yet a member.

87. A fruitful outcome of the efforts to create conditions for satisfactory co-operation between Western European Union and the Russian Federation is no doubt in the interest of all who wish the implementation of the Open Skies Treaty to be successful. Nevertheless, co-operation with the Russian Federation should not be considered exclusive.

88. There are good reasons for developing close co-operation with the other successor states of the Soviet Union, in particular with Ukraine, and for encouraging all the member states of the CIS (Community of Independent States) to sign the treaty. It appears from the Petersberg declaration that WEU Ministers envisaged consultations with the eight Central and Eastern European countries regarding the Open Skies Treaty too, but it seems that these discussions have not been very fundamental so far. It is therefore important that these talks should be intensified.

VI. Imagery evaluation – a rôle for the WEU Satellite Centre in Torrejón?

89. Whereas each state party has the right to request and receive the raw data collected by sensors during an observation flight, it is up to each state party to use proper means of image interpretation and evaluation. It does not seem that WEU member countries have discussed in depth the possibility of using the WEU Satellite Centre for such imagery interpretation. It would therefore be useful for the Council to pay more attention to this problem.

90. A number of questions have to be studied carefully in this context:

- have member countries any interest in giving a mandate to the Satellite Centre for open skies imagery interpretation?
- when the centre is fully operational and executing its interpretation duties drawn from the various satellites and space organisations with which it is to work on a contractual basis, will it still have enough capacity to work for open skies purposes?

– who will be responsible and what will be the criteria for deciding the kind of open skies imagery which should be submitted for interpretation by the Torrejón Centre?

– who will have access to the results obtained by the centre?

So far experts from Greece, associate members and observer states (with the exception of Iceland) are participating in the work of the WEU Open Skies Group, but their status is not clearly defined. In particular, it is not clear whether these countries have already officially joined the WEU group of states party established by the Vienna declaration.

91. So far Greece and associate members are not involved in the WEU space activities. Before the WEU Satellite Centre is given responsibility for imagery interpretation in the context of the Open Skies Treaty, the procedure for these countries to participate should be agreed.

92. So far the centre has eight double-screen, high-definition image processing works stations in Torrejón. They will be in an experimental phase until 1995. As Mr. van Eekelen, Secretary-General of WEU, pointed out at the inauguration of the WEU Satellite Centre on 28th April 1993:

“in its initial experimental phase, the centre will train analysts in the interpretation of the satellite imagery. This will be done using data available from commercial sources such as SPOT, LANDSAT and ERS. The aim will be to achieve a certain amount of integration by pooling knowledge and standardising working procedures. The work of the centre will be assessed towards the end of the three-year period and its future development then reviewed.”

93. Subsequently, the centre could become more operational particularly for crisis monitoring and verification by using data from satellites with better resolution such as Helios – due to be launched in 1994. In this context, a memorandum of understanding has been drawn up under which the Helios partners (France, Italy and Spain) would make data available to the WEU Satellite Centre. This data could then be analysed by the image-interpreters trained in the centre, and the results passed back to national capitals. In its ultimate phase, the centre could be responsible for operating WEU's autonomous satellite observation capability, currently the subject of medium- and long-term studies.

94. Thus, the centre has not so far obtained any mandate in connection with the Open Skies Treaty. Nevertheless, it would be very regrettable if the capabilities of the centre could not be

used also for the interpretation of open skies observation imagery. Since the centre is still in its experimental phase, it would be crucial for WEU member countries to elaborate as quickly as possible a concept enabling the centre to act also as an open skies imagery interpretation body. As a first step, the Council should ask the centre to present a study in which it would explain whether its present capabilities will be sufficient to conduct open skies image interpretation as a supplementary task.

95. Thanks to a first contact with the Director of the WEU Satellite Centre, the latter has kindly transmitted some first considerations in this respect which are reproduced as follows:

"The centre will have the capability to accept information from a wide variety of sources. All the information will be loaded into the centre's computer database in a standard form. In addition to the scenes from a number of different satellites, it will be possible to use imagery from airborne systems, data from normal paper maps, data from digital terrain models and images which are received as high quality photos.

High quality photos are converted to computer format using a high resolution laser scanner. Paper maps can also be scanned or the data transferred using a "digitising tablet". The digital terrain models are in various forms. Products which give terrain elevation information will be the first which are used. Where the full digital feature models (i.e. digital maps) exist, they have many advantages over paper maps and will be used by the centre. The method of using airborne imagery (optical, infra-red or radar) will depend on actual sensors used. Arrangements could be made to accept the aircraft tapes. In any event, selected images can be used via the scanner.

Geographical linkage

A major feature of the facilities of the centre is that all the information mentioned above can be directly compared. Each piece of information can be transformed, scaled, rotated and locked to a geographical reference. Direct comparisons and output which mix information from a number of sources is then possible.

Requirement

Open skies missions are expensive, subject to quotas and can be difficult to mount. While the data which can be collected is more detailed than that which can currently be obtained from the sat-

ellite sources available to the WEUSC, any site being considered for an open skies mission should first be surveyed from space. Such a task would enable a final decision to be made as to whether an open skies mission is necessary. The survey from space would also provide valuable material for planning the open skies mission if it is required.

Mission planning

Open skies missions need considerable planning to obtain the best possibilities of their effectiveness taking into account political, practical and technical limitations. Material obtained from a prior space survey can be used to plan aircraft approach and fly pass routes taking into account the details of the sites, the particular locations of interest, preferred look angles and directions for the sensors and the surrounding terrain features.

Data analysis

The full analysis of the data collected during an open skies mission could be a long and complex task. The data collected must be compared with many other sources of information so that the differences can be identified between what can be seen from the mission imagery and what is already known or expected about the sites. It is these differences which will form the main conclusion of the mission. Effective data analysis therefore requires the availability of facilities and databases similar to those which will be available in the WEUSC.

Distribution of data

Data collected during open skies missions will be the product of a costly and complex collection process. Full use should be made of any such data collected. Even if the WEUSC is not directly involved with the planning or analysis of a particular open skies mission, a copy of all data collected from open skies missions should, if possible, be provided to the WEUSC. This data would then be available for use in any subsequent tasking of the WEUSC by the WEU bodies or member nations."

VII. Future prospects for the further development of the open skies régime

96. The Open Skies Treaty has to be considered as a starting point of an evolutionary process for further confidence- and security-building measures and not as the culmination of

such a development. The preamble of the treaty indicates areas in which aerial observation could be of help in strengthening peace, stability and co-operative security.

97. It thus notes in particular the possibility of employing such a régime to improve openness and transparency, to facilitate the monitoring of compliance with existing or future arms control agreements and to strengthen the capacity for conflict prevention and crisis management in the framework of the Conference on Security and Co-operation in Europe and in other relevant international institutions, but also the possible extension of the open skies régime into additional fields such as the protection of the environment.

98. It is obvious that any further thoughts along these lines first depend on the ratification, full implementation and satisfactory functioning of the present treaty. Interest in accelerating the implementation process and in joining the Open Skies Treaty might be enhanced by comparing it with existing disarmament and arms control agreements and confidence- and security-building measures in the framework of the CSCE and their verification means ²⁴.

99. It appears from this synopsis that the open skies régime could serve or be developed as a useful additional verification means for a number of agreements such as the Nuclear Non-Proliferation Treaty, the INF Treaty and the START I and II Treaties; (information provided by sensors during observation overflight could complete information gained from on-site inspections, national technical means and data exchanges agreed in the abovementioned treaties. In future, the open skies régime could even serve for verifying unilateral renunciation of tactical nuclear weapons, an area where no systematic verification is possible.

100. The possibilities of using the open skies observation means for verification tasks in the framework of the CFE Treaty has already been mentioned in Chapter III ²⁵. In NATO, a special verification co-ordinating committee was created in order to monitor the implementation of the CFE Treaty and also the Open Skies Treaty. Whereas so far the interest of the NATO verification co-ordinating committee was concentrated on the CFE Treaty, there seems now to be some interest in debating the question of whether the Open Skies Treaty should serve as the aerial inspection means for the CFE Treaty or whether the CFE Treaty should work out its own aerial inspection procedure. The first solution would have the advantage of avoiding new financial burdens, but so far no decisions have been taken.

101. Taking into account the improved relationships between all partners of the CFE Treaty and other arms control agreements as well as between participants in the CSCE process, all faced with budgetary problems, the interest in expensive verification, inspection and observation procedures will probably decrease. The use of open skies observation means for verifying the CFE Treaty might therefore offer a reasonable solution.

102. If such a way were chosen, the purpose would be to make the open skies régime more intrusive by improving the performances of the sensors, increasing their resolution and authorising overflying at lower altitudes than those now authorised. All this, plus an increase in overflight quotas, would allow more detailed information to be obtained on the basis of which TLE might be *accurately identified*. This special régime would be limited to the ATTU area and be the subject of a specific protocol added to the original treaty.

103. Such a solution would make verification of the CFE Treaty more effective and probably enable a number of ground inspections to be eliminated. Conversely, it would mean some reduction in the scope of the Open Skies Treaty. It may, moreover, be wondered whether some participating states would be prepared to authorise such an intrusive régime when they have not done so before.

104. The second possible option would be the conclusion of the aerial verification protocol initially intended for the CFE Treaty. This itself might be based on the open skies régime by incorporating in it the modifications already referred to above and which would be specific to it. An ad hoc open skies régime would thus be set up without changing anything at all in the original Open Skies Treaty. There too the consensus problem arises. Moreover, such a régime would duplicate the one set up by the Open Skies Treaty. In fact, these two options are equivalent. It would merely be a question of finding the most suitable juridical form.

105. The third possible option is, on the contrary, much less binding. It would mean establishing a link, no longer juridical but political, between the two régimes, in the CSCE. This task would be a matter for the Conflict Prevention Centre in particular. The latter is already in close touch with the Open Skies Consultative Commission and with the Joint Consultative Group, a consultative body set up to apply the CFE Treaty ²⁶. It would then perhaps be a matter of the two bodies exchanging information through the Conflict Prevention Centre. These exchanges would hence be made official. Whatever the option chosen, it will have to be

24. Synopsis in Appendix V.

25. Paragraphs 43-51.

26. Cf. CFE Treaty, Article XIV, and the Protocol on the Joint Consultative Group.

negotiated among all the parties involved. However, there would then be a risk of reaching compromising solutions that would reduce the effectiveness of the link between CFE and Open Skies that it would thus be possible to establish.

106. Another, more internal option, i.e. a matter for each government, would be to establish an administrative-type link between the two régimes. An elaborate system of information and command, specific to each national administration, would then have to be set up to manage inspection operations and the exchange of data, as well as the optimisation of inspection programmes. This would allow the integration and co-ordination of the various aspects of the verification of arms control agreements depending on "national technical means", open skies flights, on-site inspections and those provided for in the various confidence-building measures practised. Such an option is certainly the most pragmatic solution. It could just as well be applied in the context of a group of states parties such as WEU. To a certain extent, it resembles the proposal considered on several occasions by the WEU Assembly and aimed at creating a European verification centre whose nucleus should be WEU²⁷.

107. The Convention on *Chemical Weapons*, signed in Paris on 13th January 1993, includes one of the most extensive intrusive verification régimes ever contained in an arms control agreement. It might constitute another area of application for open skies flights. In that case, too, open skies flights would mainly be complementary and might prove particularly useful in the event of a crisis concerning chemical products. Sensors already provided for in the treaty allow information to be obtained about plants producing or stockpiling chemical products. It would suffice to add an air sampling device to those sensors in order to carry out analyses of the air.

108. A more sensitive area is the question to what extent the open skies régime might serve for *conflict prevention* and *crisis management*, in the framework of the CSCE process. The Open Skies Consultative Commission would act here mainly on behalf of the competent CSCE institutions and whether the open skies observation means can be used in such cases will depend on their ability to prevent conflicts and manage crises. One should take into account that in a concrete crisis situation any state party concerned may use its right to withdraw from the Open Skies Treaty (Article XV). It is therefore crucial, first and foremost, for the as yet insufficient capabilities of the CSCE for conflict prevention and crisis management to be improved and completed.

109. Carrying out crisis management tasks in the open skies framework would mean increasing the resolution of the sensors. In order to respond to the emergence of tense situations in the most flexible manner, at the negotiations consideration was given to the possibility of resorting to a special one- or two-flight quota. This proposal, which was backed by France, is known as the "joker". Another proposal sought to assign a quota of overflights to the Conflict Prevention Centre which would be carried out on its own behalf in the event of crises. These proposals were not adopted at the negotiations.

110. The emergence of ethnic conflicts, as is now the case in former Yugoslavia and the increase in the number of areas of tension are nevertheless making political leaders wish to have the widest possible range of means for averting conflicts that may break out. Hence, whatever the option envisaged, it is quite clear from what has been said above that the Open Skies Treaty has considerable development potential.

111. Extending the open skies régime to *protection of the environment* is considered in the text of the treaty itself. This possibility was indeed considered when the negotiations were resumed in Vienna in January 1992, on the proposal of the Russian Delegation. It is now being discussed in the Consultative Commission which wants a serious study to be made of the possibilities of extending the open skies régime to this area. With this in mind, a seminar on the environment was held in Vienna in December 1992 under the auspices of the CSCE and the Open Skies Consultative Commission. However, for the time being, the project does not seem to have gone beyond the stage of reflection. The open skies régime could be a useful tool for developing the crisis management rôle of the CSCE, in particular through the Vienna Conflict Prevention Centre.

112. One may therefore consider observation flights being used, for instance, to detect cases of atmospheric pollution and other damage to the environment or to measure radioactivity due to accidents in nuclear reactors. They may also be used to monitor respect for atmospheric pollution commitments or to identify offenders. Alongside the open skies régime, observation aircraft might be used for the purposes of scientific or practical co-operation, for instance to study the subsoil or water pollution. For that purpose, supplementary agreements would have to be concluded providing *inter alia* for the introduction of sensors specially designed to sample the air and, if appropriate, procedure to be followed in case of suspicion²⁸.

27. Recommendation 481, Document 1223.

28. Rüdiger Hartmann, Europa Archiv, 10th September 1992, page 489.

113. The provisions relating to sensors would, therefore, require major changes. For instance, these might include air samplers, allowing radioactivity and chemical pollution to be measured, multispectral sensors (multifrequency infra-red) and radars with longer wave-lengths allowing information to be obtained concerning humidity or the composition of the soil.

VIII. Conclusions

114. The importance of the Open Skies Treaty resides first and foremost in the achievement of a new understanding of security based on openness and transparency in military matters instead of secrecy. This new kind of concrete confidence- and security-building measure based on the spirit initiated and developed in the framework of the CSCE can be successful only if all states parties are prepared to co-operate in order to ensure the full implementation of the treaty.

115. Furthermore, it is crucial for all members of the Community of Independent States (CIS) to accede to the treaty and no member country of the CSCE should be excluded. A successful solution of outstanding problems of technical co-operation and cost-sharing will be most important for promoting interest among other countries of the world and inciting them to join

the régime or to use it as a model for other world regions.

116. This is the first time that WEU member countries have decided to act as group of states parties regarding the practical and technical implementation of a treaty. This a very positive signal and should be followed in the framework of future international agreements wherever this seems appropriate. In a final stage, WEU co-operation should reach a level at which it may be deemed to be a single state party following the Benelux example.

117. At present, however, we are still far from such a goal. The difficulties encountered by the WEU expert group in finding an appropriate solution for a WEU aircraft pool for open skies purposes is a new example of how painful the task of harmonising national interests still is, even between close allies. It is obvious that, even after the Council has reached a decision on the WEU aircraft pool, many questions will remain unsolved and the WEU expert group will still have its work cut out if it is to elucidate all the consequences of WEU's Vienna decisions to act as a group of states parties.

118. Of the remaining questions, only two might be mentioned in particular: first the status of associate members of WEU and observers in this group and, second, if and to what extent the Torrejón Satellite Centre will be mandated by the Council to handle the interpretation of information obtained from the open skies sensors.

APPENDIX I

*The CSCE Declaration on the Open Skies Treaty**Helsinki, 24th March 1992*

The Foreign Ministers of the participating States of the Conference on Security and Co-operation in Europe on the occasion of the signature of the Treaty on Open Skies have issued the following declaration:

Welcoming the signing of the treaty on an open skies régime for the security of states participating in the CSCE process,

Assessing the treaty as an important element in the process of enhancing security and confidence between members of the international community,

Reiterating the importance of the principle of equal security for all their countries,

Noting the interest expressed by a number of states not full participants in the negotiations, and believing that their adherence to the treaty as well as signature by all the newly independent states, as mentioned in Article XVII of the treaty, would enhance the effectiveness of the open skies régime,

1. Recognise the significant contribution of the open skies negotiations made by a number of participants in the CSCE who are not original signatories to the Treaty on Open Skies,
2. Recognise also that these states may participate, on the basis of the active and passive quotas they would hold as state parties, in the implementation of the treaty and that they may take part in discussions regarding practical arrangements for the régime which will continue in Vienna within the framework of the Open Skies Consultative Commission during the period of provisional application,
3. Acknowledge the interest of the states which are participants in the CSCE but not original signatories to the Treaty on Open Skies in information obtained through open skies observation flights,
4. Welcome the interest shown by states which are participants in the CSCE but not original signatories to the Treaty on Open Skies to accede to it as provided for by Article XVII of the treaty,
5. Call upon all parties of the treaty to allow the accession of such interested states as soon as possible and to act, in all matters related to it, in the spirit of co-operation which the treaty commands.

APPENDIX II

Quotas and maximum flight distances

Country	Allocation of passive flight quotas	First distribution of year 1	
		Passive quotas	Active quotas
Germany	12	5	4
United States	42	4	8.5
Russia/Belarus	42	28	26
Benelux	6	2	2
Bulgaria	4	3	3
Canada	12	2	4.5
Denmark	6	2	2
Spain	4	0	1
France	12	3	4
United Kingdom/Ireland	12	3	4
Greece	4	3	2
Hungary	4	3	2
Iceland	4	0	0
Italy	12	3	3.5
Norway	7	2	3
Poland	6	5	3
Portugal	2	0	0
Romania	6	4	4
Czechoslovakia	4	3	2
Turkey	12	5	4.5
Ukraine	12	9	6

Source: Annex A, Sections I and II of the treaty (extracts).

Section II

*First distribution of active quotas
for observation flights*

1. The first distribution of active quotas pursuant to Article III, Section I, paragraph 6 of the treaty shall be such that each state party shall be obliged to accept over its territory a number of observation flights no greater than 75%, rounded down to the nearest whole number, of the individual passive quota allocated as set forth in Section I, paragraph 1 of this annex. On this basis, and for those states parties which have conducted negotiations in the framework of the Open Skies conference in Vienna, the first distribution in respect of each other shall be valid from the date of entry into force of the treaty until 31st December following the year during which the treaty has entered into force and shall be effective only for those states parties having ratified the treaty. This first distribution is set forth as follows:

The Federal Republic of Germany shall have the right to conduct three observation flights over the territory of the Republic of Belarus and the Russian Federation group of

states parties, and one observation flight over the territory of Ukraine;

The United States of America shall have the right to conduct eight observation flights over the territory of the Republic of Belarus and the Russian Federation group of states parties, and one observation flight, shared with Canada, over the territory of Ukraine;

The Republic of Belarus and the Russian Federation group of states parties shall have the right to conduct two observation flights over the territory of Benelux, as referred to in Article XIV of the treaty, two observation flights over the territory of Canada, two observation flights over the territory of the Kingdom of Denmark, three observation flights over the territory of the French Republic, three observation flights over the territory of the Federal Republic of Germany, one observation flight over the territory of the Hellenic Republic, two observation flights over the territory of the Italian Republic,

two observation flights over the territory of the Kingdom of Norway, two observation flights over the territory of the Republic of Turkey, three observation flights over the territory of the United Kingdom of Great Britain and Northern Ireland, and four observation flights over the territory of the United States of America;

The Kingdom of Belgium, the Grand Duchy of Luxembourg and the Kingdom of the Netherlands, referred to as the Benelux, shall have the right to conduct one observation flight over the territory of the Republic of Belarus and the Russian Federation group of states parties, and one observation flight over the territory of the Republic of Poland;

The Republic of Bulgaria shall have the right to conduct one observation flight over the territory of the Hellenic Republic, one observation flight over the territory of the Italian Republic, and one observation flight over the territory of the Republic of Turkey;

Canada shall have the right to conduct two observation flights over the territory of the Republic of Belarus and the Russian Federation group of states parties, one observation flight over the territory of the Czech and Slovak Federal Republic, one observation flight over the territory of the Republic of Poland, and one observation flight, shared with the United States of America, over the territory of Ukraine;

The Kingdom of Denmark shall have the right to conduct one observation flight over the territory of the Republic of Belarus and the Russian Federation group of states parties, and one observation flight over the territory of the Republic of Poland;

The Kingdom of Spain shall have the right to conduct three observation flights over the territory of the Czech and Slovak Federal Republic;

The French Republic shall have the right to conduct three observation flights over the territory of the Republic of Belarus and the Russian Federation group of states parties, and one observation flight over the territory of Romania;

The United Kingdom of Great Britain and Northern Ireland shall have the right to conduct three observation flights over the territory of the Republic of Belarus and the Russian Federation group of states parties, and one observation flight over the territory of Ukraine;

The Hellenic Republic shall have the right to conduct one observation flight over the territory of the Republic of Bulgaria, and one observation flight over the territory of Romania;

The Republic of Hungary shall have the right to conduct one observation flight over the territory of Romania, and one observation flight over the territory of Ukraine;

The Italian Republic shall have the right to conduct two observation flights over the territory of the Republic of Belarus and the Russian Federation group of states parties, one observation flight over the territory of the Republic of Hungary, and one observation flight, shared with the Republic of Turkey, over the territory of Ukraine;

The Kingdom of Norway shall have the right to conduct two observation flights over the territory of the Republic of Belarus and the Russian Federation group of states parties and one observation flight over the territory of the Republic of Poland;

The Republic of Poland shall have the right to conduct one observation flight over the territory of the Federal Republic of Germany, one observation flight over the territory of the Republic of Belarus and the Russian Federation group of states parties, and one observation flight over the territory of Ukraine;

Romania shall have the right to conduct one observation flight over the territory of the Republic of Bulgaria, one observation flight over the territory of the Hellenic Republic, one observation flight over the territory of the Republic of Hungary, and one observation flight over the territory of Ukraine;

The Czech and Slovak Federal Republic shall have the right to conduct one observation flight over the territory of the Federal Republic of Germany, and one observation flight over the territory of Ukraine;

The Republic of Turkey shall have the right to conduct two observation flights over the territory of the Republic of Belarus and the Russian Federation group of states parties, one observation flight over the territory of the Republic of Bulgaria and two observation flights, one of which is shared with the Italian Republic, over the territory of Ukraine;

Ukraine shall have the right to conduct one observation flight over the territory of the Czech and Slovak Federal Republic, one observation flight over the territory of the Republic of Hungary, one observation flight over the territory of the Republic of Poland, one observation flight over the territory of Romania, and two observation flights over the territory of the Republic of Turkey.

2. Following this first distribution and until the date of the full implementation of the treaty specified in Article XVIII to that effect for the use of active quotas, annual distributions shall be based on the 75% rule established in paragraph 1 of this section in relation to the allocation of individual passive quotas.

3. From the date of full implementation of the treaty each state party shall accept during subsequent distributions of active quotas over its territory, if so requested, a number of observation flights up to the full amount of its individual passive quota. Whenever possible or requested and unless otherwise agreed, those distributions shall be based on a proportionate increase of the active quotas distributed in the first distribution.

4. In the event that an additional state ratifies or accedes to the treaty in accordance with Article XVII, the distribution of active quotas to such state shall be considered during the regular session of the Open Skies Consultative Commission following the date of the deposit of its instrument of ratification or accession, subject to the following provisions:

- (a) the ratifying or acceding state shall have the right to request observation flights over the territories of states parties within the passive quota allocated to that state in accordance with the provisions of Section I, paragraph 3 of this annex, and within the passive quotas of the states parties requested for observation flights, unless otherwise agreed by the states parties involved; and
- (b) all states parties shall have at the same time the right to request observation flights over the territory of that signing or acceding state within their active quotas and within the passive quotas allocated to that state.

Section III

Maximum flight distances of observation flights

The maximum flight distances of observation flights over the territories of observed parties commencing from each Open Skies airfield are as follows:

	kilo- metres
The Federal Republic of Germany	
Wunstorf	1 200
Landsberg-Lech	1 200
The United States of America	
Washington-Dulles	4 900
Travis AFB	4 000
Elmendorf AFB	3 000
Lincoln-Municipal	4 800
The Republic of Belarus and the Russian Federation group of states parties	
Kubinka	5 000
Ulan Ude	5 000
Vorkuta	6 500
Magadan	6 500
Benelux	
Zaventem/Melsbroek	945
The Republic of Bulgaria	
Sofia	660
Burgas	660
Canada	
Ottawa	5 000
Iqaluit	6 000
Yellowknife	5 000
The Kingdom of Denmark	
Metropolitan	800
Faroe Islands	250
Greenland	5 600

The Kingdom of Spain

Getafe	1 300
Gando	750
Valencia	1 300
Valladolid	1 300
Moron	1 300

The French Republic

Orléans-Bricy	1 400
Nice-Côte d'Azur	800
Toulouse-Blagnac	700

The United Kingdom of Great Britain and Northern Ireland

Brize Norton	1 150
Scampton	1 150
Leuchars	1 150
with Scilly Islands	1 500
with Shetland Islands	1 500

The Hellenic Republic

Thessaloniki	900
Elefsis	900
with Crete, Karpathos, Rhodes, Kos Islands	1 100

The Republic of Hungary

Budapest-Ferihegy	860
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The Republic of Iceland

The Italian Republic	
Milano-Malpensa	1 130
Palermo-Punta Raisi	1 400

The Kingdom of Norway

Oslo-Gardermoen	1 700
Tromsøe-Langnes	1 700

The Republic of Poland		The Czech and Slovak Federal Republic	
Warszawa-Okecie	1 400	Praha	600
The Portuguese Republic		Bratislava	700
Lisboa	1 200	Kosice	400
Sta Maria	1 700	The Republic of Turkey	
Porto Santo	1 030	Eskisehir	1 500
Romania		Diyarbakir	1 500
Bucharest-Otopeni	900	Ukraine	
Timisoara	900	Borispol	2 100
Bacau	900		

APPENDIX III

Information transmitted by the Executive Secretariat CSCE Vienna, CFE, JCG, OSCC

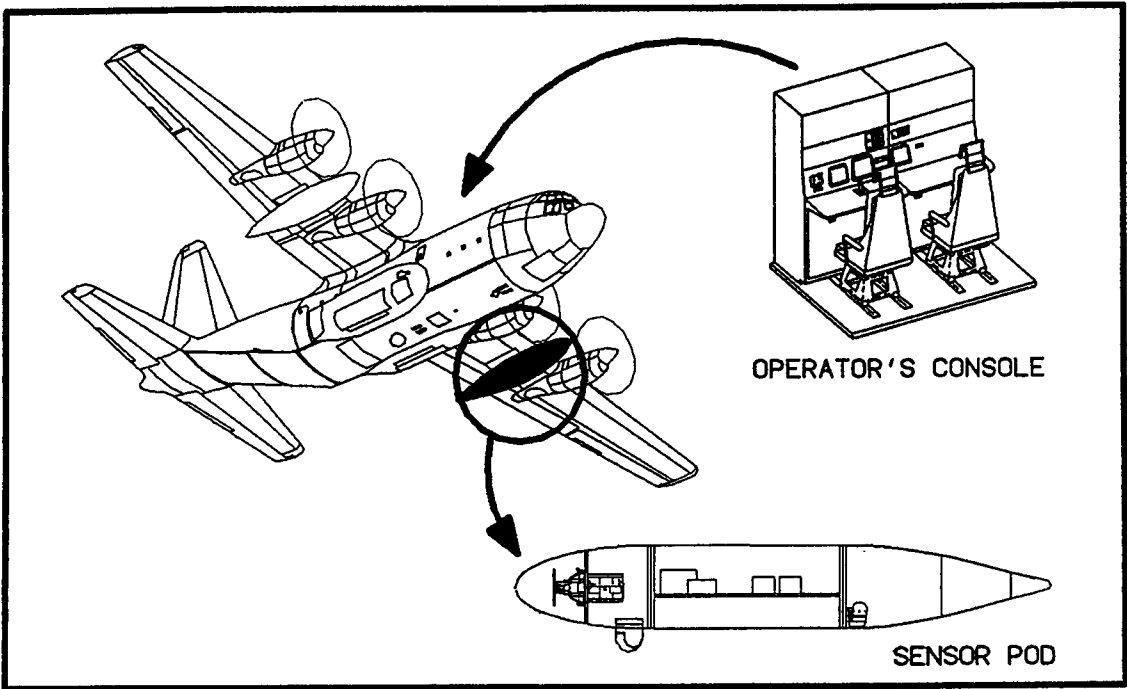
Technical questions that could not be solved when the Open Skies Treaty was signed were handled in the Open Skies Consultative Commission.

All questions that have already been solved were adopted in the form of "Decisions relating to the Open Skies Treaty":

- cost-sharing resulting from the application of the Open Skies Treaty (Decision 1 of 29th June 1992 with specifications of 10th December 1992);
- additional measures for non-destructive tests (Decision 2 of 29th June 1992) ;
- method of calculating the minimum height above the ground at which each optical camera on board an observation aircraft may be used during an observation flight (Decision 3 of 29th June 1992);
- minimum specifications applicable to cameras on board an observation aircraft of an observed party exercising its right to provide an observation aircraft for an observation flight (Decision 4 of 29th June 1992);
- responsibility for processing films used during an observation flight (Decision 5 of 29th June 1992);
- internal regulations and working methods of the Open Skies Consultative Commission (Decision 6 of 29th June 1992);
- methods to be used to determine the ground resolution of synthetic aperture radars (Decision 7 of 10th December 1992).

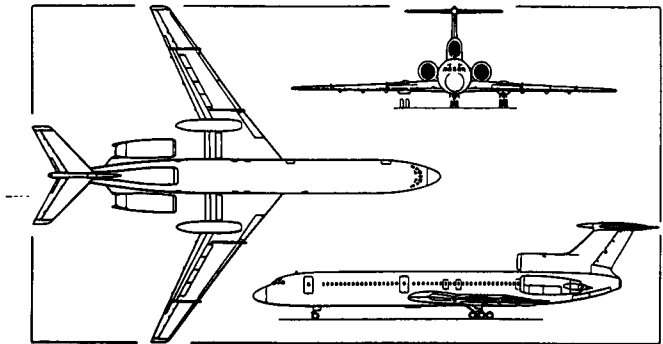
APPENDIX IV

Option, using an aircraft equipped with a special pod



Source: Lockheed.

APPENDIX IVa



TYPE: Tupolev Tu-154M
(date of entry into service: December 1984)

External dimensions:

Wing span	37.55 m
Length overall	47.90 m

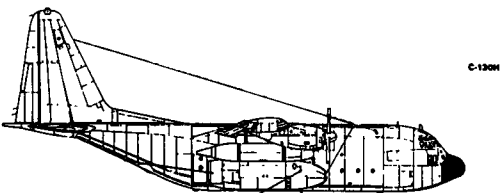
Weights:

Basic operating weight empty	55 300 kg
Maximum payload	18 000 kg

Range:

With maximum payload	3 740 km
With maximum fuel and 5 450 kg payload	6 600 km

Source: Jane's All the World Aircraft 1988-1989.



TYPE: Lockheed C-130H Hercules
(date of entry into service: 1964)

External dimensions:

Wing span	40.41 m
Length overall	29.79 m

Weights:

Basic operating weight empty	34 686 kg
Maximum payload	19 356 kg

Range:

With maximum payload	3 791 km
With maximum fuel, including external tanks, and 7 081 kg payload	7 876 km

APPENDIX V

Synopsis

Treaty	Subject	Date of signature	Date of entry into force	States parties	Area of application	Verification means	Assembly reports and recommendations
Nuclear non-Proliferation Treaty (NTP)	Preventing the spread of nuclear weapons while promoting the peaceful use of nuclear energy	15th July 1968	5th March 1970	150 countries (September 1992)	No limits	Safeguard agreements, on-site inspections	Recommendations 189, 264, 310, 524
Treaty on the elimination of Intermediate Nuclear Forces (INF)	Elimination and ban on all intermediate-range ground-launched ballistic and cruise missiles	8th December 1987	1st June 1988	United States and Soviet Union	United States and Soviet Union	On-site inspections	Recommendation 383 (Doc. 918), Resolution 77 (Doc. 1116 addendum), Recommendation 460 (Doc. 1147)
Strategic Arms Reduction Treaty (START I)	Limitation of intercontinental ballistic missiles (ICBM) and of submarine-launched ballistic missiles (SLBM), and their launchers and warheads, and also heavy bombers, including long-range nuclear air-launched cruise missiles	31st July 1991	Not yet in force	United States and Soviet Union	United States and Soviet Union	National Technical Means (NTM), data exchange, on-site inspections	Document 918 (1982), Recommendation 383, Document 1288 (1991), Recommendations 513 and 514
Lisbon START Protocol	Supplementation of START I Treaty following the dissolution of the Soviet Union commitment to accede to the NPT	23rd May 1992	Not yet in force	United States, Russia, Belarus, Kazakhstan, Ukraine	United States, Russia, Belarus, Kazakhstan, Ukraine	None	None
START II	Further elimination of intercontinental ballistic missiles (ICBM), and multiple warheads (MIRVs)	3rd January 1993	Following ratification by United States and Russia, and entry into force of START I	United States, Russia	United States, Russia	National Technical Means (NTM), data exchange, on-site inspections	None

APPENDIX V (continued)

Treaty	Subject	Date of signature	Date of entry into force	States parties	Area of application	Verification means	Assembly reports and recommendations
Treaty on Conventional Forces in Europe (CFE)	Reduction of and ceilings for the conventional armaments essentials for conducting surprise attacks and initial large-scale offensive operations	19th November 1990	9th November 1992	29 states parties	From the Atlantic to the Urals	Exchange of information, on-site inspections, challenge inspections	Document 1223 (1990), Recommendation 481, Document 1288 (1991), Recommendations 513 and 514
CFE 1 a	Limitation of manpower	10th July 1992	17th July 1992	29 states parties (April 1993)	From the Atlantic to the Urals	On-site inspections	None
Open Skies Treaty	Enhance mutual confidence by granting all participants the right to conduct observation flights over each other's territory	24th March 1992	60 days after the deposit of 20 instruments of ratification (5 ratifications April 1993)	27 states parties (April 1993)	Vancouver to Vladivostok	Unarmed observation flights over the entire territory of participants. All participating states have the right to purchase data collected by any state party during an observation flight	Document 1288 (1991), Recommendations 513 and 514, Document 1306 (1992), Recommendation 524
Chemical Weapons Convention (CWC)	Ban chemical weapons worldwide	13th January 1993	180 days after deposit of 65th instrument of ratification, but not earlier than 2 years after being opened for signature	143 states parties (29th March 1993)	No limits	On-site inspections, challenge inspections	None
Confidence- and security-building measures (CSBM)	1. Stockholm Document (ground and aerial inspections) 2. Vienna Document (improved communications) 3. Vienna Document (transparency regarding military (forces))	1. 19th September 1986 2. 17th November 1990 3. 4th March 1992	1. 1st January 1987 2. 1st January 1991 3. 1st May 1992	CSCE members	1. Atlantic to Urals (ATTU) 2. Atlantic to Urals (ATTU) 3. Eurasia and North America	1. Mandatory ground and aerial inspection 2. Improved communications and contacts 3. Transparency regarding military forces	Document 1223 (1990), Recommendation 481, Document 1306 (1992), Recommendation 524

*The development of relations between the WEU Assembly
and the parliaments of Central European countries*

REPORT ¹

*submitted on behalf of the Committee for
Parliamentary and Public Relations
by Mr. Kempinaire, Rapporteur ²*

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submitted by Mr. Kempinaire, Rapporteur

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 - (b) Estonia
 - (c) Hungary
 - (d) Latvia
 - (e) Lithuania
 - (f) Poland
 - (g) Romania
 - (h) The Czech Republic and the Slovak Republic
- III. Conclusions

1. Adopted in committee by 5 votes to 0 with one abstention.

2. *Members of the committee:* Mr. Tummers (Chairman); Mrs. Fischer, Sir John Hunt (Vice-Chairmen); MM. Amaral, Bühler (Alternate: Junghanns), Caldo (Alternate: Paire), Colombo (Alternate: Visibelli), Sir Anthony Durant, Mrs. Err, Mr. Eversdijk, Mrs. Frias, Mr. Ghesquière, Dr. Godman, Mr. Gouteyron, Sir Russell Johnston, MM. Kempinaire, Lemoine, Lopez Henares, Martins, Nuñez, Pfuhl, Reimann, Rodotà, Seitlinger, Speroni, Vial-Massat.

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

Draft Order

***on the development of relations between the WEU Assembly
and the parliaments of Central European countries***

The Assembly,

- (i) Considering the declaration issued at the close of the extraordinary meeting of the WEU Council of Ministers of WEU with states of Central Europe held in Bonn on 19th June 1992 in which the ministers “advocated the development of relations between the WEU Assembly and the parliaments of the states concerned”;
- (ii) Stressing the importance already achieved in recent years in relations between the Assembly and its committees and the parliaments of those states;
- (iii) Convinced of the need for the parties concerned to strengthen and develop these relations;
- (iv) Aware that exchanges of views on the building of Europe, particularly on security and defence questions, cannot be restricted to the governmental level but that parliamentarians must play an active part in them;
- (v) Considering that the development of relations between the WEU Assembly and the parliaments of Central European countries will help to make this debate more useful and fruitful,

INSTRUCTS ITS PRESIDENTIAL COMMITTEE

1. To encourage visits by Assembly committees to Central European countries, particularly when they prepare reports concerning that region;
2. To promote the Assembly’s participation in symposia and any other type of meeting at which parliamentarians are present that might be organised by those countries;
3. To extend regular invitations to ministers for foreign affairs and defence from the forum of consultation to speak at Assembly sessions;
4. To send reports, the letter from the Assembly and other publications to the largest possible number of interested persons and institutions in Central European countries;
5. To arrange for parliaments, governments and specialised institutions and associations in those countries to send the Assembly any documents and information they consider useful in order to ensure a better knowledge and greater understanding of their opinions, aims and decisions.

Explanatory Memorandum

(submitted by Mr. Kempinaire, Rapporteur)

I. Introduction

1. The declaration issued at the close of the extraordinary meeting of the WEU Council of Ministers with Central European States held in Bonn on 19th June 1992 stated inter alia that "intensifying the relations between WEU and the states of Central Europe will contribute to stability and the emergence of a new peaceful order in Europe based on partnership and co-operation, greater security and confidence, as well as disarmament".
2. The declaration also specified that the strengthening of these relations "should reflect the specific relations which exist and are developing between these countries and the European Union and its member states. Other appropriate forms of co-operation could be set up as required in the light of the development of these relations".
3. Finally, the text adds that "in this way, WEU's Central European partners will be able to acquaint themselves with the future security and defence policy of the European Union and find new opportunities to co-operate with the defence component of the Union and with the European pillar of the Atlantic Alliance as these develop".
4. It was therefore in this context that the ministers "advocated the development of relations between the WEU Assembly and the parliaments of the states concerned". Your Rapporteur believes this is tantamount to recognising that the debate on "the emergence of a new peaceful order in Europe" cannot be kept within the intergovernmental framework but must include a very substantial parliamentary aspect.
5. The WEU Assembly must pursue its internal debate, closely linked with the one being held in the parliaments of member countries, to promote a European security and defence identity and also foster the participation of the parliaments of Central European countries in this debate by encouraging an in-depth dialogue with them which should facilitate mutual knowledge, allow reciprocal, easy communication and help to achieve a consensus thanks to an understanding of the respective positions of all concerned.
6. It is thus in this framework that relations between our Assembly and the parliaments of Central European countries should be developed. Starting in 1990, the Assembly has been in the habit of inviting delegations from

the parliaments of Central and Eastern Europe to attend its plenary sessions. So far, these invitations have not been permanent and have been made for one session at a time, the Assembly always reserving the right to renew them as it considered them appropriate.

7. Parliamentary delegations from Hungary, Poland and Yugoslavia were the first to attend a session of our Assembly (the extraordinary session held in March 1990). Since then, other parliamentary delegations have been present at our sessions: from Hungary and Poland (at all sessions since that date), Yugoslavia (in March, June and December 1990 and June 1991), the Soviet Union (December 1990, June and December 1991), Czechoslovakia (June and December 1991), Bulgaria (December 1990 and December 1992) and Romania (as from June 1991).

8. Furthermore, the parliaments of the eight Central European countries which, since the meeting in Bonn on 19th June 1992, have been known as the WEU forum countries, were invited to attend the symposium on a new security order in Europe held in Berlin from 31st March to 2nd April 1992. That symposium was also addressed by the Minister of Defence of Lithuania, the Ministers for Foreign Affairs of Romania and Poland and the Vice-Minister for Foreign Affairs of Czechoslovakia.

9. Finally, starting in 1991, the Defence Committee, the Political Committee, the Technological and Aerospace Committee and the Committee for Parliamentary and Public Relations have visited Czechoslovakia, Poland, Bulgaria and Romania, thus proving our Assembly's great interest in countries in the region and our desire to improve mutual knowledge and develop existing relations.

10. Moreover, the Ministers for Foreign Affairs of Czechoslovakia, Hungary, Poland and Romania have been able, in recent years, to explain their respective countries' foreign policy to the Assembly.

11. The determination shown by our Assembly in the last three years to establish and develop relations with the Central European countries in the interest of both sides is consequently clear.

12. In the following pages, your Rapporteur will endeavour to give a concise description of the political situation in the Central European countries, referring almost exclusively to the presidential and parliamentary elections held in

those countries and to the composition of their governments and chambers, as well as the ideas expressed by their parliamentarians on how they intend to develop their relations with the WEU Assembly. Conclusions setting out the initiatives that should be taken to this end will conclude the present report.

13. Lastly, your Rapporteur believes it is worth drawing attention to the knowledge that the people of the Central European countries have of our organisation. According to the Eurobarometer of the Commission of the European Communities (No. 2, January 1992), in a poll of 10 000 persons in Central and Eastern Europe who were asked in October 1991 whether or not they had heard of WEU, affirmative answers were as follows: Hungary 56%, Estonia 49%, Latvia 45%, Poland 43%, Bulgaria 40%, Czechoslovakia 40%, Lithuania 40% and Romania 39%. Affirmative answers to an identical question concerning the European Community range from 83% for Poland to 69% for Bulgaria.

14. It may be assumed that, in 1992 and during the current year, knowledge of WEU among the people of Central Europe has increased steadily. In any event, the above-mentioned figures, which show a degree of knowledge relatively comparable with that of citizens of member countries, indicate a high level of information, thus suggesting the probable interest of Eastern European countries in an organisation such as WEU: it is indeed a guarantee of the security of its members now that the disbandment of the Warsaw Pact, the far-reaching changes in the region and the conflicts developing there make more obvious to those countries the need to belong to a defensive organisation ensuring its own security.

II. The Central European countries

(a) Bulgaria

15. The present Bulgarian constitution was adopted by the Grand National Assembly on 12th June 1991 by 309 of the then 400 members. This constitution stemmed from the determination of the large majority parties, in face of the crisis in the institutions arising from the reformed communist authorities, to pursue peacefully the process of transition to democracy.

16. On 13th October 1991 and in accordance with the new constitution, which provides for a single chamber system, the National Assembly, which now has 240 members, was elected for a four-year period. With a rate of participation of almost 84% of the electorate, the Union of Democratic Forces (UDF) obtained 34.36% of the votes cast, giving it a total of 110 seats, the Bulgarian Socialist Party (BSP, ex-Communist)

33.14% and 106 seats and, finally, the Movement for Rights and Liberties (MRL, representing the Turkish minority) 7.55% and 24 seats.

17. On 8th November 1991, on the proposal of the President of the Republic, the National Assembly elected Mr. Dimitrov Prime Minister. He formed a government consisting of members of the various parties and movements composing the UDF; this government has the support of the MRL.

18. Presidential elections with majority voting and two ballots were held on 12th and 19th January 1992. In the first ballot, Jelio Jeleu, President of the Republic since August 1990 and UDF candidate supported by the MRL, obtained 44.63% of the votes cast, followed by the PSD candidate, Mr. Valkanov, with 30.44% and then Mr. Gantchev, with 16.8%. The latter, a former emigrant and independent candidate, had the support of the Business Bloc, a movement grouping the heads of private firms. In the second round, Jelio Jeleu obtained almost 53% of votes cast compared with just over 47% for his rival Valkanov.

19. In May 1992, the Prime Minister, Mr. Dimitrov, reshuffled his government; on 28th October 1992, following a vote of confidence in the National Assembly, the government was overthrown, mainly because of the support hitherto afforded, with some reservations, by the MRL. President Jeleu had already shown his disagreement with the government's attitude towards trade unions, the media, the Orthodox Church and the opposition outside parliament. The economic problems the country is encountering on its way to a market economy and the difficulty it is having in restoring land to the Turkish minority, accompanied by differences between the various groups and persons of which the UDF is composed, have also been key factors in this crisis: this led to the formation of a government of technocrats with the support of the MRL and the more or less clear consent of the UDF.

20. Independently of all these differences, your Rapporteur thinks he has discerned a wide consensus among all the parliamentary political forces, particularly about the irreversibility of the democratic process the country has embarked upon. The strengthening of democratic principles, the guarantee of the supremacy of law and the move towards a market economy are generally considered to be the necessary bases for bringing about stability and civil and political peace. The same consensus exists vis-à-vis foreign and security policy. It is also unanimously agreed that the targets set will be more swiftly and effectively reached if the European countries help Bulgaria. It regards the treaty on European Union as the first step towards building the common European house that

should accommodate the countries of Central and Eastern Europe instead of keeping them some distance from the door.

21. It is also the general opinion of Bulgarian parliamentarians that Bulgaria must be integrated in all the European bodies as soon as possible. Integration will nevertheless have to be preceded by a period of co-operation. Contacts and co-operation with the institutions already mentioned are a factor of stability for the country. It should be underlined that, at the beginning of March 1993, Bulgaria and the European Community signed an agreement of association and an interim agreement anticipating the application of trade arrangements, the main aspects of which are the establishment of a regular political dialogue at the highest level, the creation, within ten years, of a free trade area and economic, cultural and financial co-operation.

22. Our Bulgarian colleagues considered that the process of integration in the European structures has a fundamental aspect: security. They believe this problem to be linked with the country's relations with its immediate neighbours, the European Community and the Mediterranean countries.

23. Inter alia, Bulgarian parliamentarians have unanimously expressed the wish for close contacts with NATO and WEU. They have stressed that they have associate member status in the North Atlantic Assembly, while in the WEU Assembly they have merely been invited on an ad hoc basis. Following a joint initiative by the Bulgarian National Assembly and the North Atlantic Assembly, there is also to be a meeting in the very near future to study regional security problems to which our Assembly will be invited. Our Bulgarian colleagues have said they wish to take part in the preparation of WEU Assembly reports dealing with security problems in the region; at the same time, they have expressed their interest in co-operating in the preparation of reports that try to solve ethnic problems in view of their experience which they consider might be useful to other European countries.

24. According to one Bulgarian parliamentarian, participation in the preparation of our reports would help to avoid it being deduced from a report emanating from our Assembly that Bulgaria has expansionist aims, whereas its foreign and security policy is based more on the principle of non-interference, on which there is a national consensus.

25. The President of the Bulgarian National Assembly, Mr. Yordanov, stressed the need to associate with European security a country which could guarantee security in an area so important for the continent. He considered his country's present situation, i.e. as an ad hoc

guest, should lead subsequently to other forms of co-operation allowing Bulgaria to become a full member of our organisation.

26. According to Mr. Yordanov, there were many possibilities for co-operation between the two parliamentary assemblies and they were not confined to the abovementioned participation in drafting reports and presence at committee meetings; Mr. Yordanov proposed a meeting between Bulgarian parliamentarians and members of our Assembly's Political Committee with the aim of drawing up a programme for Bulgaria's accession to WEU.

27. Finally, your Rapporteur considers it worth pointing out the existence in the Bulgarian National Assembly of six groups for friendship with the German, French, Greek, Japanese and Polish Parliaments and with the International Association of French-Speaking Parliamentarians in view of the rôle that can be played by such groups in the development of interparliamentary relations. It should also be recalled that Bulgaria has been a member of the Council of Europe since 7th May 1992.

(b) Estonia

28. For Estonia, the elections in March 1990 marked the start of a peaceful process and were largely an example of the restoration of national independence and the return to democratic institutions.

29. The new Supreme Soviet resulting from the elections was composed of three main blocs: the Popular Front, resolutely in favour of independence, consisting of the Peasant, Social Democrat and Liberal Groups with 49 of a total of 101 representatives; an electoral coalition dominated by the former Communists, with 29 seats; and, finally, the Russian minority bloc, with 27 seats.

30. On 20th August 1991, the Estonian Supreme Council proclaimed the restoration of the country's independence. The Russian Federation recognised the country on 24th August, followed a few days later by Mr. Gorbachev, President of what was at that time still the Soviet Union, once the attempted coup d'état that took place in the country at the same time had been overcome.

31. In September of the same year, a constituent assembly composed of an equal number of representatives of the Estonian Supreme Council and Congress started to draw up the new constitution of the Republic of Estonia. The fact that this basic law was approved by referendum on 28th June 1992 by a majority of more than 90% of the votes cast gives an idea of the extent of the consensus obtained.

32. The new constitution came into force on 3rd July 1992 and citizens went to the polling

booths again on 20th September to elect the President of the Republic and Parliament (Riigikogu).

33. According to the new constitution, the Presidency of the Republic is mainly ceremonial; nevertheless, the prestige of the candidates (one had been Chairman of the Supreme Council since 1982, having, at that time, been appointed by Yuri Andropov) and the fact that, for the first time since 1938, Estonians had an opportunity to elect their President gave the presidential campaign greater political significance than anticipated by the constitution for the post in question.

34. The former Chairman of the Supreme Council, Mr. Ruutel, obtained 42.7% of the votes, followed closely by Mr. Meri, standing on behalf of Pro Patria, a group composed of five parties (Conservative, Christian Democrat [two parties], Liberal and Republican), an ardent defender of the market economy, who obtained 28.8% of the votes; in third place was the candidate of the Popular Front, Mr. Taagepera, with 23.8% of the votes. Since none of the candidates obtained half the number of votes cast plus one, parliament had to elect the President of the Republic. It was the Pro Patria Group candidate, Mr. Meri, who was elected by 59 votes, his opponent, Mr. Ruutel, obtaining 31.

35. As a result of the elections, the Riigikogu was composed as follows:

Pro Patria	29 members
Moderaten (Mõõdukad) ..	12 members
Central Faction (Popular Front)	15 members
Estonian National Independence Party	10 members
Coalition Party Alliance ..	9 members
Rural Union Alliance	8 members
Royalists	8 members
Estonian Citizen	8 members
Miscellaneous	2 members

36. The leader of the majority group, Pro Patria (ISAMAA), once appointed Prime Minister by the President of the Republic, reached an agreement to form a coalition government with the Estonian National Pro-Independence Party and the Mõõdukad (moderate) Group. The main aims of this government agreement were:

- (a) to strengthen the state and develop the constitution;
- (b) to stabilise the economy and create conditions favourable to the introduction of a market economy;
- (c) to guarantee social stability;
- (d) to integrate Estonia in Europe.

37. The agreement on the latter point (European integration) is the sign of Estonia's opening to the world. An essential aspect of this

process was the improvement of the country's relations with Russia. The existence of 557 000 non-Estonian (80% Russian) immigrants and the presence of 7 000 Soviet troops (officers and men)¹ and approximately 10 000 retired Soviet officers, combined with trade difficulties, were the main problems between the two countries and to which it is proposed to pay special attention. Furthermore, the government agreement demonstrates its concern about the fate of Finno-Ugrians in Russia (mainly in Siberia) and Estonian citizens in Petserimaa².

38. The Estonian Government believes that the early establishment of a network of embassies, consulates and trade representations will help to counter what it considers to be a propaganda war waged by Russia against Estonia's interests.

39. The government programme also proposes to tighten links with the Scandinavian countries and with the Nordic Council, to conclude a treaty of association with the European Community, to promote co-operation with the Central European countries in trade and reforms, experience of which might be of interest to Estonia and, finally, to develop relations with Japan and the United States.

40. Lastly, the programme emphasises the importance of Estonia's integration in the European security system and its co-operation with NATO and Western European Union.

41. The Republic of Estonia is a member of the Inter-Parliamentary Union, the Assembly of Baltic States, the Assembly of the CSCE and the Parliamentary Assembly of the Council of Europe and is an associate member of the North Atlantic Assembly. It has close parliamentary relations with the parliaments of Latvia, Lithuania, Finland, Sweden, Denmark and Germany.

(c) Hungary

42. The parliamentary elections in March and April 1990 were the first free elections held in Hungary since 1947. Prior to the elections, the communist régime had started making changes helping to transform the country into a democratic state with the adoption of a series of laws such as the 1987 electoral law allowing a quarter of members of parliament not to be members of the Communist Party, the 1986 law II granting greater freedom of expression to the press, the 1987 law I laying the juridical bases for the new

1. According to Estonian estimates. It should be underlined that the Russian authorities have given no official figures in this connection.

2. A small region in the south-east of the country which, under the Tartu peace treaty between Estonia and Soviet Russia signed in 1920, belonged to Estonia; however, since the frontiers were modified in 1944, it is on Russian territory.

régime of land ownership and a whole series of measures that allowed political organisations to exist openly.

43. The communists withdrew their former leader, Janos Kadar, from the political scene, dropped their former name and, in May 1989, became the Hungarian Socialist Party. Finally, on 18th October 1989, parliament approved a whole series of amendments to the 1949 constitution, indicating in the preamble to the amended text that it was transitional and consequently needed to be replaced by a new constitution.

44. 67% of the electorate voted in the elections to the National Assembly³ (Hungary having a single chamber parliamentary system). Only six parties managed to reach the minimum of 4% required to be entitled to a seat: the Democratic Forum (a movement grouping various tendencies ranging from the extreme right to the centre) with 24.7% of the votes cast, the Alliance of Free Democrats (Liberal Social-Democrat), with 21.4%, the Independent Smallholders' Party (members of the European Democrat Union), with 11.7%, the Hungarian Socialist Party, with 10.9%, the Federation of Young Democrats (Liberals), with 9%, and the Christian Democratic People's Party, with 6.5%.

45. As a result of the elections, the composition of the 386-member National Assembly was as follows:

	Members
Democratic Forum	164
Alliance of Free Democrats ...	94
Independent Smallholders' Party	44
Hungarian Socialist Party	33
Federation of Young Democrats	22
Christian Democratic People's Party	21
Independents	8

46. Under the extremely complicated electoral system, there are constituencies in which individual candidates stand and then there are party lists, so that each elector votes twice, once for a candidate and once for a party. An individual candidate must have the support of 750 electors in the constituency to be eligible to stand and the same requirement applies to the list sponsored by a party. To be entitled to a regional list, a party must have presented candidates in at least a quarter of the constituencies in the region concerned. To be included in the national list, it must have presented at least seven regional lists.

3. In the by-elections held in Budapest and Esztergom in 1991 and in Kisber in 1992, the rate of participation was 22.14% and 27% respectively.

47. The government resulting from these elections was based on a coalition between the Democratic Forum, the Christian Democrats and the Smallholders' Party. In February 1992, the latter was split into two factions, the most important of which in terms of numbers continued to support the government coalition.

48. Since its election, the National Assembly has been carrying out very intensive legislative work, including the reform of the constitution. In-fighting between the various political organisations, generally caused by the underlying ideological differences affecting many of them, did not have a significant effect on parliamentary activities. During the three years of the present legislature, a series of changes has been made to the composition of the parliamentary groups, but they have had no major impact on the balance of forces in the government coalition or the opposition, initially 302 (government coalition) to 84 (opposition) and now 280 to 106.

49. In 1991, Hungary obtained the withdrawal of Soviet troops from the country and its admission to the Council of Europe: the Hungarians therefore believe that the latter thus recognised that political and juridical institutions in Hungary and the level of development of human rights were quite comparable with those in other European democracies. Hungary therefore made full accession to the European Community a priority goal in its foreign and security policy. The agreement of association with the Community, although considered of great importance, is viewed as a temporary solution. In the interest of both parties concerned, Hungary also wishes to hold exchanges of views, establish co-operation in foreign policy matters and adopt joint positions, particularly in regard to the security of the continent.

50. Mr. Rockenbauer, a member of the Foreign Affairs Committee of the Hungarian National Assembly, told our Assembly last year that the establishment of a European defence system meant setting up jointly the institutions necessary for ensuring lasting peace in the region and he added that the Hungarian Government and Parliament wished to take part in this undertaking.

51. Hungary therefore wishes to tighten its links with WEU, which the treaty on European Union defines as a component of the future European defence system. Insofar as Hungary is already an associate member of the future European Union, Mr. Rockenbauer said it seemed logical to establish relations between Hungary and WEU based on a similar status. In view of the fact that, in our organisation, the status of associate member is reserved for member countries of NATO that are not members of the European Community, the Hun-

garian parliamentarian showed a keen interest in Mr. Cox's proposal for the creation of the status of affiliated member, which might concern his country.

52. As examples of co-operation, the Hungarian parliamentarian also referred to the possibility of becoming familiar with the work of the planning cell and taking part in the establishment of the European armaments agency, WEU assistance in applying the Danube embargo and the possibility of co-operation between WEU and Hungary with a view to applying the Open Skies and CFE Treaties and more down-to-earth proposals relating to staff training and improving budgetary management.

53. On relations between the WEU Assembly and the Hungarian Parliament, the delegation from that country believes possible affiliate status should allow it to participate to some extent in the activities of the political groups and committees and in the preparation of reports, particularly those dealing with matters linked with security problems in the region. Finally, the Hungarian Delegation stressed the usefulness of defining with our Assembly the form of future co-operation and participation.

(d) Latvia

54. The Supreme Council is the present legislative institution in Latvia. It was elected on 18th March 1990 in accordance with a majority electoral system that divided the country into 201 electoral districts each of which could elect one deputy.

55. All citizens over the age of 18 were entitled to vote provided they were resident in Latvia and were Soviet citizens. Nevertheless, the special nature of the electoral system favoured native Latvians whose representation in parliament is therefore greater than their percentage of the overall population. It should be emphasised that native Latvians represent about 55% of the population of the country.

56. On 4th May of the same year, the 1922 constitution was restored. In accordance with the constitutional law of 21st August 1991 on the status of the Republic of Latvia as a state, the 1922 constitution is considered to be the juridical basis of the Latvian state. Nevertheless, only a few articles of that constitution are actually in force, the others having been suspended and are thus not applied. In accordance with the law on the organisation of the activities of the Supreme Council of the Republic of Latvia until the Saeima (parliament) meets, the 1922 constitution will come into full force with the convocation of the fifth Saeima, i.e. after the elections to the new parliament that are, in principle, to be held in June 1993.

57. The Supreme Council at present has 180 members. Seats which have become vacant have not been filled since there are no substitutes and there have been no by-elections to fill them. The Supreme Council's leadership consists of the Chairman, two Vice-Chairmen and one Secretary.

58. At the end of 1992, there were three parliamentary groups: the Latvian Popular Front (53 members), the Latvian Popular Front Group (Satversme) (34 members) and the Agricultural Group (20 members). Provisional legislation governing parliamentary groups stipulates that there must be at least twenty members to form a group. Deputies who do not manage to form a group or join existing groups may form groupings whose activities are not covered by the legislation; they have no particular rights.

59. The Chamber has sixteen standing committees and may set up temporary committees and committees of investigation. Bills are given three readings in the Supreme Council except in urgent cases when they are given only two. They require a simple majority vote and, in the final stage, one-third of the total number of deputies is sufficient. Decrees on the application of laws are issued by the Presidium of the Supreme Council, which consists of the Chairman, Vice-Chairmen and Secretary of the Council and the Chairmen of the sixteen standing committees.

60. Contrary to what happened at the 1990 elections, when all persons resident in the country were entitled to vote and stand for election, at the June 1993 elections only persons with Latvian citizenship may vote and be eligible to stand; although your Rapporteur understands this situation, he considers it paradoxical since some members of the Supreme Council will be unable either to be re-elected or to vote.

61. The Republic of Latvia has now applied for membership of the Council of Europe. In the conclusions to the note submitted on 19th January 1993 by Mr. Vogel, Rapporteur of the Committee on Legal Affairs and Human Rights of the Parliamentary Assembly of that organisation, it is stated that the problem of citizenship might prevent accession for the time being. It will be necessary to await the outcome of the legislative elections on 5th and 6th June and the adoption of a satisfactory law on citizenship.

62. The Republic of Latvia and the other two Baltic republics have also been very active in the United Nations and the Council of Europe with a view to obtaining the total, immediate withdrawal of foreign forces from their territory.

63. On 25th November 1992, the United Nations General Assembly adopted a resolution backing efforts made in this sense by states participating in the CSCE, calling on the parties concerned to conclude without delay agreements

allowing the early, organised and complete withdrawal of foreign troops and urging its Secretary-General to use his good offices to facilitate the withdrawal of foreign troops from the three Baltic countries.

64. Furthermore, in a letter to the Chairman of the Political Affairs Committee of the Parliamentary Assembly of the Council of Europe, the Chairman of the Supreme Council of Latvia expressed the wish, on behalf of the three Baltic countries, that the committee prepare an emergency report on the withdrawal of ex-Soviet troops, while protesting "at the recent events of the various anti-state organisations acting under the cover of the ex-Soviet army, directly interfering in the internal affairs of Latvia" and expressing alarm "at the decision taken by Russian President Boris Yeltsin to suspend temporarily the withdrawal process... subject to the prior resolution of other outstanding issues between Russia and [the Baltic] countries". In view of the above and because they "are convinced that the stability, security and respect for national sovereignty in the Baltic region are indispensable prerequisites for the long-term security of Europe as a whole", the Chairman of the Supreme Council requested the Council of Europe to hold an emergency debate during the session to be held from 1st to 5th February 1993. However, at the time of writing, such a debate still has not been held.

65. The position of the Supreme Council of Latvia in regard to relations with WEU was described to your Rapporteur by Mr. Indulis Berzins, leader of the majority group and Chairman of the Foreign Affairs Committee of the Supreme Council. He believed that WEU, whose objective is European security, will play a rôle as "a bridge or a link between NATO and the European Community". To date, the European security system had proved ineffective in the crisis in former Yugoslavia and Latvia considered that WEU, thanks to closer association with NATO and the involvement of new states, might more effectively accomplish the task of guaranteeing European security. In this context, Latvia wished to be given associate status in WEU.

66. In regard to our Assembly, Mr. Berzins said Latvia might take part in plenary sessions as a guest or observer. Similarly, it might take part in seminars or other such activities organised by WEU and establish a regular exchange of information on matters of interest to both parties.

(e) Lithuania

67. The policy of reforms started in the Soviet Union by Mikhail Gorbachev immediately received the active support of the Lithuanian population. The Lithuanian reform movement,

Sajudis, the nucleus of which was the scientific and artistic intelligentsia and whose Chairman was Vitautas Landsbergis, was started in mid-1988. Initially, the movement's action was based on the restoration of democratic and national rights and it subsequently called for the restoration of national independence. The movement received the immediate support of the Lithuanian public. Efforts by the Lithuanian Communist party to adopt some of the Sajudis's proposals were not enough to avert its temporary loss of influence in the country.

68. As from 1988 and until the first elections in 1990, the Supreme Soviet of the Soviet Socialist Republic of Lithuania adopted a series of important decisions: it declared Lithuanian to be the official state language, approved a constitutional amendment giving Lithuanian legislation supremacy over Soviet laws, annulled the decisions taken by the People's Sejm in 1940 proclaiming Lithuania a Soviet Socialist Republic and consequently decreeing its union with the Soviet Union and, finally, legalised the multi-party system.

69. At the same time, the Lithuanian Communist Party broke all its links with the Communist Party of the Soviet Union (in December 1989) and, in 1990, took the name of Lithuanian Democratic Labour Party. A few of its former members kept the Lithuanian Communist Party in existence, tied to its old principles: it emanated from the Communist Party of the Soviet Union and was opposed to the country's independence. Following the failure of the coup d'état in the Soviet Union in August 1991, the Lithuanian Supreme Council banned the party's activities, considering it to be a foreign organisation which had, furthermore, supported the attempted coup d'état.

70. The first free elections since 1926 were held in February 1990. Electors had to choose between two proposals on which the electoral campaign was concentrated: independence immediately or after negotiations with the Soviet Union. The Sajudis, resolutely in favour of the immediate restoration of independence, obtained a sweeping victory while those in favour of the second possibility, the Democratic Labour Party and its fellow travellers, were severely defeated. Following the elections, parliament had the following groups: united Sajudis, 15 members, Concord (broken away from the Sajudis), 11, Nationalist, 10, National Progressive, 11, Moderate, 16 (all these groups, upholders of right-wing positions, afforded the government more or less stable support), Polish Minority, 8, Liberal, 10, Centre, 20, and Democratic Labour Party, 11, plus 29 deputies not belonging to a group.

71. On 11th March 1990, the Supreme Council declared, by legislative means, the restoration of the independence of the Republic of Lithuania.

nia and the partial, provisional re-establishment of Lithuania's 1938 constitution. The Soviet Union refused to recognise this law and insisted that it be repealed. Lithuania's refusal to move backwards immediately led to an economic blockade by the Soviet Union and, a few months later, in January 1991, the Soviet army occupied the radio and television building, the national printing works and a few other establishments. According to official Lithuanian figures, Soviet armed interventions caused 14 dead and 800 wounded. A national plebiscite on Lithuania's independence and the establishment of a democratic régime was held on 9th February 1991. 90.5% of the votes cast, i.e. 76% of all potential voters, voted in favour. The Soviet Union finally recognised Lithuania's independence on 6th September 1991, a few days after the failure of the coup d'état in that country. Shortly before, in June of the same year, the Supreme Council had passed a constitutional law to prevent Lithuania taking part in post-Soviet eastern alliances. This law provided for the development of relations of mutual interest with all states that were previously part of the Soviet Union but it affirmed that in no event would Lithuania be associated with new alliances of states, be they political, military or economic, based on the structures of the former Soviet Union. Any attempt in this sense would be considered a hostile act vis-à-vis Lithuania's independence and would consequently be punished by law. Finally, the law provided that no military base or unit of the army of Russia, the CIS or any of its component states might be stationed on the territory of the Lithuanian Republic.

72. At the same time, the economic situation was deteriorating sharply: the reduction in energy supplies from the Soviet Union, on the one hand, and the economic reform, particularly in agriculture, on the other, caused great concern among the population. On top of this, there was the chaotic situation of the political groups. As long as independence was a common goal, the consensus was maintained, but, once independence was acquired, the disparity between criteria and the almost total lack of experience and tradition among the political parties led to an almost complete paralysis of parliamentary activity.

73. These events led to early elections being called. Two ballots were held on 25th October and 15th November 1992. At the first ballot, the new constitution, which had previously been approved by parliament, was also submitted to referendum.

74. The new electoral law under which the elections were held kept the total number of seats at 141 and, in order to avoid the parliamentary chaos of the previous legislature, stipu-

lated that only 71 deputies would be elected by direct suffrage, the other 70 being elected in accordance with a proportional system: candidates on each list would be given a number of seats proportional to the number of votes cast. Each elector therefore had to vote twice, once for a candidate standing in a uninominal ballot and once for a party, coalition or movement standing at national level. In order to be elected on the first ballot, more than 50% of the votes cast had to be obtained; if no candidate obtained this majority, the two best-placed candidates continued to the second ballot. To accede to national level, candidates had to obtain a minimum of 4% of the votes cast, but this requirement was not applicable to national minorities, who could be represented simply by obtaining the necessary number of votes.

75. The independence question having been settled and the referendum on the new constitution having received wide public support (with 75% of the electorate voting, 75.5% of votes cast were in favour of the new text), practically the only issue in the electoral campaign was economic problems. In 1992, the country's industrial production was half what it had been the previous year: this collapse may be attributed to various factors of which the most important is probably the breaking of links with Russia. The situation in the agricultural sector is no better, as shown by estimates for meat production for the current year which represent 30% of 1990 figures. Furthermore, inflation rose to almost 2 000% in 1992. It is hardly surprising, therefore, that a majority of citizens decided to support those who promised that relations with Russia would be improved and agricultural policy radically changed, i.e. the Lithuanian Democratic Labour Party. Its leader, Algirdas Brazauskas, was elected First Secretary of the Lithuanian Communist Party in 1988 thanks to the support of reformists; after separating his party from the Communist Party of the Soviet Union, he transformed it, as stated above, into a social-democrat party. Brazauskas said of the ex-communist label attached to his party in an attempt to discredit it that only 6% of its present members had been members of the Communist Party of the Soviet Union and that his separation from the latter preceded that of Yeltsin: nevertheless, the Russian President is not defined as a former communist.

76. The Seimas (parliament) stemming from these elections comprises the following groups: Lithuanian Democratic Labour Party, 71 members, Sajudis, 16, Liberty (Lithuanian political prisoners and deportees), 12, Christian Democrat, 10, Charter of the Citizens of the Lithuanian Republic, 10, Social Democrat, 8, Polish, 4, Lithuanian Democratic Party, 4, plus 5 members who do not belong to a political group.

77. In regard to the Polish and other minorities, it should be stressed that, according to official figures for 1989, 79.6% of the population was of Lithuanian nationality, 9.4% Russian and 7% Polish. The other minorities (which are generally stable or dwindling) include 1.7% Belarussians and 0.1% Germans.

78. Although the result of these elections cannot be extrapolated and applied to the other countries that used to be part of the Soviet Union or its satellite countries, there are clear signs that a whole sector of the population is becoming disenchanted with the reforms introduced largely in a doctrinary spirit that takes little account of reality. In many cases, this voluntaristic policy is aggravating the crisis throughout the production system inherited from the past without really favouring the emergence of new productive forces.

79. On 14th February 1993, presidential elections were held. There were two candidates, Mr. Brazauskas of the Lithuanian Democratic Labour Party and Mr. Lozoraitis, Ambassador to the United States, who had the support of the other political groups. The results obtained by Mr. Brazauskas, elected President, far exceeded those obtained by his party three months earlier. This may be considered largely due to wide support for him as a person and as a reward for the success obtained by the government in a very short lapse of time in the economic sector: a halt in the fall of industrial production and an inflation rate of only 9% in January compared with a monthly average of more than 100% under the previous government. Moreover, the new President, while considering it essential for Lithuania to have close relations with the West and benefit from its assistance, recognises that relations with Russia must be improved and include advantages for both parties; however, he is continually insisting that Soviet troops be withdrawn from Lithuania by 31st August of this year.

80. It is clear that the parliamentary and, more generally, political stability achieved by Lithuania offers the best chances of successfully meeting the difficult challenges facing the country, be they internal or external. One of them is to fulfil Lithuania's desire to be integrated in the process of building Europe. On 11th May 1993, it became a full member of the Parliamentary Assembly of the Council of Europe.

(f) Poland

81. The Polish constitution now consists of two texts: the old constitution of the People's Republic of Poland (now the constitution of the Republic of Poland), modified in December 1989 by a law that removed Marxist-Leninist principles and the characteristic terminology,

and the constitutional law of 17th October 1992 (known as the small constitution), whose main aim was to strengthen the executive by introducing a presidential parliamentary régime. A new constitutional text is now being prepared.

82. The Polish Parliament consists of the Sejm (or Diet) and the Senate, the Sejm being the main representative body. In accordance with the law of 28th June 1991, the first free, democratic elections were held on 27th October of the same year. The results of these elections, set out below, gave the Sejm eighteen political groups with between 2 and 62 seats out of a total of 460:

	% of votes cast	Number of seats
Democratic Union	12.31	62
Democratic Left Alliance ...	11.98	60
Catholic Electoral Action ...	8.73	49
Polish Peasant Party	8.67	48
Confederation for an Independent Poland	7.50	46
Centre Citizens' Alliance ...	8.71	44
Liberal Democratic Congress	7.48	37
Peasant Accord	5.46	28
Solidarity	5.05	27
Beer Lovers' Party	3.27	16
German Minority	1.17	7
Christian Democracy	2.37	5
Labour Solidarity	2.05	4
Party of Christian Democrats	1.11	4
Polish Western Union	0.23	4
Party X	0.47	3
Union of Real Politics	2.25	3
Silesian Autonomy Movement	0.35	2

Eleven other political parties and groups obtained 10.85% of the votes cast without managing to obtain any parliamentary seats.

83. The electoral law provides for the election of 391 members of the Diet by local constituencies. No less than seven candidates may be elected in each constituency. The candidates for the remaining 69 posts are elected on a national list. Mandates are shared out between lists having obtained a seat in at least five constituencies or a minimum of 5% of the votes cast in all the constituencies. These rules are not applicable to lists of national minorities. In both cases, the election is by proportional voting.

84. Elections to the Senate are by majority voting. Electoral constituencies do not necessarily have to correspond to those for the Diet. There are 49 of them and each elects two senators, except for Warsaw and Katowice, which each elect three.

85. In the Sejm, the political parties form parliamentary groups, each of which must have a minimum of 15 members, and groups of members which are not subject to this rule but have more restrictive conditions for working in the chamber.

86. In the Diet, a total of 33 friendship groups have established relations with parliaments throughout the world, eight of them having relations with the parliaments of all WEU member countries except the Netherlands.

87. It is evident that the composition of the Sejm, where the two main political parties – Liberal Democrats and former Communists – each obtained barely 12% of the votes cast and, percentage-wise, have similar parliamentary representation, does not facilitate the formation of homogeneous, stable governments. There have been four governments or attempts to form a government since the formation of the Bielecki cabinet in January 1991. Its nomination and approval took parliament a month in an atmosphere of dissension.

88. The present government of Mrs. Suchoka, formed on 11th July 1992, is a coalition between the Democratic Union, the National Christian Union (the Catholic Electoral Action parliamentary group), the Peasant Alliance, the Christian Democrat Party, the Liberal Democratic Congress, the Polish Peasant Party and part of the Beer Lovers' Party.

89. Certain opinion polls carried out in April and May 1992 to which your Rapporteur had access revealed that 50% of the population was very unsatisfied with the political situation and only 6% satisfied. The conclusions were even more negative in respect of the economic situation.

90. More recently, following the appointment of Mrs. Suchoka as Prime Minister, this tendency has started to change. Thus, public confidence in the government rose from 15% in May 1992 to 39% in September of the same year. On that date, the percentage approving the Prime Minister was 58% and she thus became the country's third most popular person, after the Minister of Labour, Mr. Kuron (66%), and the Minister for Foreign Affairs, Mr. Skubiszewski (61%).

91. Throughout the visit by the Committee for Parliamentary and Public Relations to Warsaw on 10th and 11th March 1993, attention was paid to the question of the development of relations between WEU and Poland in general and between our Assembly and the Polish Parliament in particular. Mr. Wielowieyski, Diet representative to the WEU Assembly, referred to the initiative taken by the Sejm, which is proposing to organise a symposium on "Western European Union thinking on security in Central Europe" in which the

countries of the forum of consultation and the WEU member countries would take part. The initiative was well received by the Presidential Committee and preparations are now under way to hold it next autumn. Mr. Wielowieyski was also afraid the process of integrating Poland into the European Community might be a two-speed affair: one for purely economic matters and another, more rapid one for the other aspects, particularly those concerning security and defence. The Vice-President of the Diet, Mr. Kurczewski, said no more when he said Poland's membership of the Community would have to be preceded by a political co-operation stage to cover, *inter alia*, as he stressed, security policy.

92. Our Polish colleagues also referred to the fact that NATO was showing a more constructive attitude towards Poland than WEU. Nevertheless, Poland applied for membership of NATO without success. This application was made without any debate having been held on it in parliament, as Mr. Iwinski, member of the Democratic Left Alliance Group (former Communist Party) complained. The Under-Secretary of State for Foreign Affairs, Mr. Ananicz, said his country was ready for full co-operation with WEU while considering relations with NATO were more flexible than with our organisation; however, he added that this might be due to WEU being in the midst of a transformation stage.

93. The Under-Secretary of State for Defence told our committee that Poland had already adopted a position on security policy: it wished to be associated with Euro-Atlantic security, i.e. embark upon a process of rapprochement with NATO and WEU designed to lead to full accession to both organisations. The document entitled "Principles of Polish security policy" emanating from the Presidency of the Republic and dated 2nd November 1992 is very clear on this subject and affirms that Poland's strategic target for the nineties is to ensure membership of NATO and WEU, the European pillar of NATO and an essential link in the European collective security system.

94. Our Polish hosts were also dissatisfied with the status they now have in the Assembly (since 1990, they have been invited to each session and have participated in each of them without exception). They believe more thought should be given to the idea of a possible affiliate status or of creating a status for countries that were candidates or wished to become candidates. It would, moreover, be necessary to intensify or extend co-operation between the Institute for Security Studies and the Department of Strategic Studies of the Ministry of Defence and also contacts between chiefs of defence staff and, among other forms of co-operation, associate staff of the Polish Minis-

tries of Defence and Foreign Affairs with all WEU working groups.

(g) Romania

95. The first legislative and presidential elections held in Romania after the fall of the communist régime were held on 20th May 1990. As a result of the elections, the Chamber of Deputies had 263 members belonging to the National Salvation Front (NSF) and 124 from the other seventeen parties and movements, 29 of whom formed the Democratic Union of Romanian Magyars. As the representatives of groups belonging to the minorities did not obtain sufficient votes to accede to the Chamber, they were officially given nine seats. The presidential elections brought Mr. Iliescu to power. He was the NSF candidate and was elected with 85% of the votes cast, a percentage significantly higher than that obtained by his party in the legislative elections (67%).

96. The government emerging from these elections, presided by Mr. Roman, stayed in power until October 1991, with a cabinet reshuffle in the meantime. During that period, the confrontation between Mr. Roman and Mr. Iliescu, i.e. between reformers and conservatives in the NSF, paved the way for the future separation of the movement. Miners from the Jiu valley, spearhead of a population which is suffering considerably from the consequences of the economic reform movement, demonstrated in Bucharest and contributed to the fall of the Roman government. A new government was then formed with Mr. Stolojan, Prime Minister, and the participation of other parliamentary political groups (Agrarians, Liberals and Ecologists) and independent persons. Moreover, the new Romanian constitution was adopted by parliament on 21st November 1991; submitted to referendum on 8th December of the same year, it was approved by an overwhelming majority of the population. Once the new constitution came into force and the new electoral laws on legislative and presidential elections were adopted, on 27th September 1992 the country was called to the polling booths to elect the President of the Republic and representatives to the Chamber of Deputies and the Senate. There are two rounds in the presidential election if no candidate obtains a majority during the first round. Mr. Iliescu was elected President of the Republic in the second ballot, with 61.43% of the votes cast. The legislative elections led to the following composition of parliament:

Chamber of Deputies

	Seats
Parliamentary Group of the Democratic National Salvation Front (Mr. Iliescu)	117

Parliamentary Group of the National Christian Democrat Peasant Party and the Romanian Ecological Party	44
Parliamentary Group of the National Salvation Front (Mr. Roman)	43
Parliamentary Group of the Romanian National Unity Party	29
Parliamentary Group of the Romanian Magyar Democratic Union	27
Parliamentary Group of the România Mare Party (Greater Romania)	16
Liberal Parliamentary Group	14
Parliamentary Group of the Civic Alliance Party	13
National Minorities Parliamentary Group	13
Socialist Parliamentary Group (former Communists)	13
Social Democrat Parliamentary Group of the Romanian Social Democrat Party	10
Independents	2

Senate

	Seats
DNSF Parliamentary Group	49
Parliamentary Group of the National Christian Democrat Peasant Party	22
NSF Parliamentary Group	18
Liberal Civil Guidance Parliamentary Group	12
Parliamentary Group of the Romanian National Unity Party	13
Parliamentary Group of the Romanian Magyar Democratic Union	12
Partida Nationala Parliamentary Group (România Mare and Romanian Socialist Party, former Communist)	11
Agrarian Democratic Party	5
Independent	1

97. In the light of the results of the elections, President Iliescu nominated as a candidate for the post of Prime Minister Mr. Vacaru, a technocrat with no party affiliation, who received a vote of confidence from the Chamber of Deputies and Senate meeting in joint session on 19th November 1992. His government is composed of members of the DNSF and independents. In his speech opening parliament, the President of the Republic, Mr. Iliescu, stressed that one of

Romania's principal political aims was to strengthen links with NATO and WEU which he considered essential for the defence of national security and territorial integrity; this position would, he said, lead to Romania's accession to both organisations. On 17th February 1993, Mr. Iliescu visited WEU headquarters in Brussels, where he was received by the Secretary-General, Mr. van Eekelen, and met the WEU Council.

98. The Romanian Minister for Foreign Affairs, Mr. Melescanu, addressing the WEU Assembly on 1st December 1992, announced that his country proposed to set up a special body "with the priority objective of integration in European structures and, first and foremost, the European Communities, WEU and the Council of Europe". This specialised body would be "responsible for marshalling resources, identifying activities and working out a strategy to speed up the process which could be lengthy". The Minister referred to the process started in Petersberg between the member countries of WEU and the Central European countries, which he believed to be "a qualitatively new stage in the field of European co-operation". He welcomed the idea of creating "affiliated" status for the Central European countries. The Minister reiterated "the importance of the parliamentary dimension, the key democratic component of the process of redefining the architecture of security and co-operation in Europe to which the recently-elected Romanian Parliament wishes to make a more active contribution". Mr. Melescanu concluded his address by affirming that "WEU and its Assembly are models of international action and co-operation at governmental and parliamentary level for the whole of Europe".

99. During the visit by the Assembly's Political Committee to Romania from 30th March to 3rd April 1993, your Rapporteur, who was taking part in his capacity as Rapporteur and as a member of the Political Committee, was able to note, mainly at meetings with members of the Defence and Foreign Affairs Committees of the two chambers, the degree of consensus between the various parliamentary groups vis-à-vis foreign policy and security concerns and aims. This consensus may be explained by the fact that the disbandment of the Warsaw Pact allowing Romania to recover its freedom also gave the country a feeling of insecurity that nationalist tension in the region is tending to amplify. Romanians believe that integration in European economic and security institutions would bring stability to the region and this would be a very important factor for European security.

100. On relations with WEU, our hosts found the creation of affiliate status would be interesting in a first stage of the integration process.

Mr. Vacaroiu, Leader of the DNSF Parliamentary Group and a member of the Romanian parliamentary delegation invited to WEU Assembly sessions, told your Rapporteur that, initially, he wished our Assembly to increase the number of members of that delegation (two at present) so as to allow really multi-party representation of Romanian parliamentarians and a division of tasks that would make their presence more effective. In a second stage, they should take part in the work of committees, including the preparation of reports.

101. The WEU Assembly has invited the Romanian Parliament to send a delegation to each of its plenary sessions since June 1991 and two Romanian parliamentarians have regularly attended all our sessions without exception.

102. Your Rapporteur considers it worth adding that, at the meeting held during the visit to Romania with members of the Euro-Atlantic Centre (an institute studying security problems in the region and composed of representatives of communications, cultural and political circles), the latter unanimously expressed the wish to support Romania's integration in the European institutions, including WEU.

103. Finally, the Romanian Parliament has set up a series of groups for friendship with other parliaments, including those of Germany, Belgium, Spain, France and the United Kingdom. Your Rapporteur believes it would be expedient to use such resources to tighten links with all parliaments and more particularly with those with which we are concerned in this report.

(h) The Slovak Republic and the Czech Republic

104. As from 1st January 1993, the Czech Republic and the Slovak Republic have been independent, sovereign states but, until 31st December 1992, they formed the Czech and Slovak Federal Republic. For practical reasons and to avoid repetition, your Rapporteur has therefore had to include them in the same chapter.

105. Once initial enthusiasm for the velvet revolution had waned, coming to grips with hard facts, i.e. the immense problems arising, progressively undermined the internal cohesion of the principal Czechoslovak political movements. Splits began to form in the Civic Forum, in the Czech part of the country, and Public against Violence, in the Slovak part.

106. In 1991, the Civic Forum divided into what might summarily be called the right and the left: those in favour of the most rapid progress possible towards a market economy, whatever the social cost (Mr. Klaus) and those who, while approving the aims pursued, paid greater attention to the social costs, thus calling

for a stage-by-stage transition (Mr. Dienstbier). These dissensions led to the creation of the Civic Democratic Party by Mr. Klaus's followers and the Civic Movement under Mr. Dienstbier; what happened to them will be examined in the paragraphs dealing with the 1992 general legislative elections.

107. At the same time, in the Slovak part of the country, Public against Violence underwent a similar schism but for different reasons that were nationalist rather than economic. Under Mr. Meciar, the nationalist tendency became the Movement for Democratic Slovakia while the federal, minority tendency retained the party's original name.

108. In those days, the principal task of the Constituent Assembly, elected in June 1991, was to draw up the constitution. It proved incapable of reaching the consensus that was necessary to accomplish its task. The fundamental questions – Should it be a federal or a confederal state? Should the constitutions of the two republics, in any event, retain a certain degree of concordance with that of the state? – obtained no definite answer. The possibility of a treaty uniting the two republics approved by their respective parliaments and of an exclusively internal nature was also discussed. Eventually, President Havel proposed holding a referendum to find a way out of the political and constitutional deadlock in which the country was caught. The proposed referendum was rejected by the Federal Parliament (with the support of the Slovaks and the Communists) and by the Slovak Parliament itself. This was the situation in which the legislative elections to the Federal Assembly and the Czech and Slovak Parliaments was held on 5th and 6th June 1992. The Federal Assembly, consisting of the Chamber of the People and the Chamber of Nations, with a total of 300 seats (74 for the Czech parties and 126 for the Slovak parties), was as follows:

Czech parties

	Seats
Civic Democratic Party – Christian Democratic Party	85
Left Bloc	34
Social Democrats	16
Republicans and Christian Democratic Union (R-CDU)	4
Christian Democratic Union – Czechoslovak People's Party (CDU-PP)	13
Liberal Social Union	12

The Civic Movement obtained a little under 5% of the votes cast and obtained no seats.

109. *Slovak parties*

	Seats
Movement for a Democratic Slovakia (MDS)	57
Party of the Democratic Left	23
Slovak National Party	15
Hungarian Minority Coalition	12
Social Democratic Party in Slovakia	5

86% of the electorate voted.

110. The composition of the national parliaments was as follows:

Czech National Council (200 members)

	Seats
Civic Democratic Party and Christian Democratic Party	76
Left Bloc	35
Social Democracy	16
Liberal Social Union	16
Christian Democratic Union – Czechoslovak People's Party	15
Republicans and Christian Democratic Union	14
Civic Democratic Alliance	14
Movement for Self-Administered Democracy in Moravia and Silesia	14

Slovak National Council (150 members)

	Seats
Movement for a Democratic Slovakia	74
Party of the Democratic Left	29
Christian Democratic Movement ..	18
Slovak National Party	15
Hungarian Minority Coalition	14

111. Following these elections, the Federal Government has been composed of a coalition between the Civic Democratic Party, the Movement for a Democratic Slovakia and the Christian Democratic Union-Czechoslovak People's Party. The Prime Minister and four Deputy Prime Ministers, as well as the Ministers for Foreign Affairs, Defence, the Economy, Finance and the Interior, form this government.

112. Since it had been agreed to transfer widespread powers to the Czech and Slovak institutions, the majority of the leaders of the latter avoided taking part in the Federal Government in order to exercise governmental duties in their respective republics. The Czech Government, formed on 2nd July 1992, was a coalition between the Civic Democratic Party-Christian

Democratic Party, the Civic Democratic Alliance and the CDU-PP. Mr. Klaus was Prime Minister. The Slovak Government, set up on the same date, had Mr. Meciar as Prime Minister at the head of a cabinet including a member of the Slovak National Party and an independent, the rest of the ministers belonging to the majority party, the Movement for a Democratic Slovakia.

113. In a last attempt to avoid the disintegration of the country, Mr. Havel decided to stand for the Presidency of the Republic in the Federal Assembly which, once constituted after the June elections, had to elect the head of state.

114. In the first round, Mr. Havel did not succeed in obtaining the three-fifths of the votes needed in the three constituent bodies of the Federal Assembly – the Chamber of the People and the Chambers of the Nations (Czech and Slovak), mainly because of the opposition of the Slovak Nationalists and former Communists. In the second round, when a simple majority was required, the Slovak Chamber of Nations gave him only 18 votes when he needed 38. The defeat of Mr. Havel was one of the last mishaps in the swiftly accelerating process of the country's separation.

115. Finally, on 25th November 1992, the Federal Assembly approved by a narrow margin the law on the partition of Czechoslovakia. In the Chamber of the People, 92 of the 150 members voted for the law (2 more than the number needed) while in the Chambers of the Nations, composed of 75 members each, those for the division of the country obtained 45 votes in the Czech part and 46 in Slovakia, the number required being 45. On 1st January 1993, the disappearance of the Federal Czech and Slovak Republic, born in 1918, became a reality.

116. The parliamentarians from the two states then prepared to elect the presidents of their respective republics.

117. On 26th January 1993, Vaclav Havel was elected President of the Czech Republic by 109 of the 200 members of parliament. He had the support of parliamentarians belonging to the government coalition, the Civic Democratic Party-Christian Democratic Party, the Christian Democratic Union-People's Party and the Civic Democratic Alliance, but ran into the radical opposition of the extreme right-wing Republicans.

118. In Slovakia, after various attempts, it was Mr. Kovak who was elected President of the Republic after obtaining the votes of 106 of the 150 parliamentarians composing the Slovak Parliament. He had the support of some of the members of the Movement for a Democratic Slovakia, the Party of the Democratic Left and the Slovak National Party.

119. Your Rapporteur has tried several times to ascertain the views of the Czech and Slovak Parliaments regarding our Assembly and the best means of developing relations with them, but there has been no answer as yet.

III. Conclusions

120. The parliaments of most of the Central European countries grouped in the forum of consultation have expressed their agreement with the proposal to develop their relations with the WEU Assembly as set out in the declaration issued at the extraordinary meeting of the WEU Council and the Central European states in Bonn on 19th June 1992.

121. Some of those parliaments have also made relatively firm proposals about how they consider these relations might be developed.

122. As has already been seen, these proposals related mainly to obtaining permanent guest status, an increase in the number of parliamentarians invited to attend our sessions and their participation in meetings of committees and the preparation of reports. Other proposals sought to organise meetings between our Assembly's Political Committee and members of the foreign affairs and defence committees of the Central European parliaments to consider the possible accession of those countries to WEU and to draw up a programme to meet that aim.

123. Information contained in the introduction to this report shows the initiatives taken by our Assembly in recent years to promote the development of relations with the parliaments of those countries. However, it should be pointed out that any decision that might be adopted on the development of those relations will have, on the one hand, to respect scrupulously Article IX of the modified Brussels Treaty and, on the other, to take account of the present provisions of the Rules of Procedure of the WEU Assembly, in particular Rules 17 (observers) and 42.7 (procedure in committees).

124. In any event, your Rapporteur believes the Assembly's invitation to the Committee on Rules of Procedure and Privileges in Order 85 on the enlargement of WEU, adopted by the Standing Committee in Rome on 19th April 1993,

“to examine the creation of an ‘observer status’ and a ‘permanent observer’ or ‘guest member status’ for representatives of observer states and of the nine Central European countries assembled in the forum of consultation”

and the invitations in the same order to the Political Committee “to monitor the development of WEU's enlargement”, to the Committee on Budgetary Affairs and Administration

“to examine in detail the consequences of enlargement for the Assembly’s budget and premises” and to the Presidential Committee “to co-ordinate the activities of the Political Committee, the Committee on Budgetary Affairs and Administration and the Committee on Rules of Procedure and Privileges in this matter, so as to ensure that appropriate reports and recommendations can be put to the Assembly no later than its December 1993 meeting” are appropriate answers to the basic problems and to the equally important practical problems raised by this question. Your Rapporteur therefore considers that the proposals our committee can and must implement at the present time to cope with the development of our relations with the parliaments of the Central European countries must above all aim to intensify action already carried out. Visits by Assembly committees to those countries have proved extremely useful and should be continued so as to improve mutual knowledge. Encouraging such visits should therefore be one of the Assembly’s priority tasks. These visits might also coincide with the preparation of reports dealing with the region in question, thus helping to depict more closely in those documents the opinions of those concerned. Visits should be organised on the basis of meetings with parliamentarians and governmental authorities and also with institutions and

associations dealing with security and defence and with higher education establishments and, of course, the media.

125. The Assembly must also be prepared to take part in symposia held in those countries on matters within its purview and to hold symposia of its own on matters of particular interest to the said countries and in which they might take part.

126. Invitations must continue to be sent to the ministers for foreign affairs and defence of the Central European countries to speak at Assembly sessions; an attempt should even be made to ensure the more frequent presence of as many such speakers as possible.

127. Finally, our Assembly should take the necessary steps to send our publications, the letter from the Assembly, reports and other documents to as many people and institutions as possible in those countries. It should also arrange to receive documents from those countries that might enable better knowledge and understanding to be obtained of their opinions and aims.

128. All these initiatives will no doubt contribute to the continued development of our relations, to a broadening of our possibilities of consensus and to preparing for closer co-operation in the future.

United Nations operations – interaction with WEU

REPORT ¹

*submitted on behalf of the Defence Committee ²
by Mrs. Baarveld-Schlaman, Vice-Chairman and Rapporteur*

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submitted by Mrs. Baarveld-Schlaman, Vice-Chairman and Rapporteur

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1. Adopted unanimously by the committee.

2. *Members of the committee:* Sir Dudley Smith (Chairman); Mrs. Baarveld-Schlaman, Mr. de Puig (Vice-Chairmen); MM. Alloncle, Borderas, Brito, Chevalier, Cox (Alternate: Thompson), De Carolis, De Decker, Dees, Fernandes Marques, Ferrarini, Hardy, Irmer (Alternate: Feldmann), Jung, Kelchtermans, Leccisi (Alternate: Caccia), Mrs. Lentz-Cornette, MM. van der Linden, Mannino (Alternate: Paire), Marten, Lord Newall, MM. Pecchioli, Perinat, Reis Leite, Scheer, Sir Keith Speed (Alternate: Sir Russell Johnston), MM. Steiner, Vazquez, Zierer, N... (Alternate: Baume), N... (Alternate: Jacquat), N... (Alternate: Masseret).
N.B. *The names of those taking part in the vote are printed in italics.*

Preface

Your Rapporteur has been extremely fortunate in preparing the present report to receive much kind help and assistance from all the authorities consulted and she would like to take this opportunity publicly to thank all concerned for their co-operation.

Arrangements for visits to the United Nations in Geneva and New York were co-ordinated respectively by Ambassador Boddens-Hosang and Ambassador Biegman, Permanent Representatives of the Kingdom of the Netherlands. Mr. Anders Björck, the Swedish Defence Minister, kindly authorised a visit to the Swedish UN Training Centre at Almnäs.

Your Rapporteur was invited to take part in a conference sponsored by the Naval War College in Newport, Rhode Island, on "Options for United States participation in United Nations sanctioned military operations". The conference participants included experts from every continent and provided an excellent opportunity to explore the intricacies of the UN Charter, the Secretary-General's "Agenda for Peace" and the often conflicting attitudes of the countries represented, not least the United States.

Of special help in Newport in framing the ideas expressed in the following chapters were Mr. Bo Hultdt, Director of the International Institute for Strategic Studies, Mr. Jack McNeil, General Counsel in the Pentagon and Rear Admiral Frank Rosenius from the Swedish Ministry of Defence.

A particular problem discussed throughout has been traditional US reluctance to become involved in UN operations per se (arguing that as the UN is so ill-equipped to take action, the United States itself must act – a "chicken and egg" way of reasoning) and an general refusal to allow US forces to serve under other than US command (except for the UN Sinai mission). However now in Somalia with the withdrawal of the bulk of US forces the remaining 4 000 Americans are coming under the command of the Turkish General, Cevik Bir.

Another aspect which became obvious as the fact-finding missions progressed was a tendency displayed by a number of alliance countries to want to "re-invent the wheel" where the UN is concerned and to dismiss the experience of others. Very few of our countries are able to match the Nordic nations as a whole for their dedicated commitment to the UN. Which is why a chapter of the report is devoted to the Nordic experience in some detail in the hope that the example will be of benefit to others. WEU countries should consider recruiting volunteers specifically for UN operations (for example by proposing two-year contracts at the end of the normal period of national service).

All WEU member states are currently participating in a wide variety of UN operations, in one way or another. Some countries are making contributions which are proportionally much greater than what might be expected (in financial terms and with regard to population size), another is in the process of reconsidering its own constitutional position.

In preparation for this report, the Rapporteur met or received evidence from the following:

15th February 1993 – United Nations, Geneva

H.E. Ambassador Boddens-Hosang, Permanent Representative of the Netherlands;
 H.E. Ambassador Di Lorenzo Badia, Permanent Representative of Italy (representing the WEU Presidency);
 H.E. Ambassador Larssen, Permanent Representative of Denmark (representing the EC Presidency);
 H.E. Ambassador Ahtisaari, Permanent Representative of Finland, Chairman of the Working Group on Bosnia and Herzegovina;
 H.E. Ambassador Berasategui, Permanent Representative of Argentina, Chairman of the CSBM Working Group;
 Colonel Graham Messervy-Whiting (United Kingdom), Military Adviser to Lord Owen;
 Mr. Fouinat (France), Head of Yugoslavia Desk, UNHCR;
 Mr. von Blumenthal (Germany), UNHCR;
 Mr. Ritz, UN Working Group on Minorities.

15th February 1993 – International Committee of the Red Cross, Geneva

Mr. F. Bellon (Switzerland), Head of ICRC operations in former Yugoslavia.

30th March 1993 – United Nations, New York

H.E. Ambassador Biegman, Permanent Representative of the Netherlands;
H.E. Ambassador Vieri Traxler, Permanent Representative of Italy;
H.E. Ambassador Bent Haakonsen, Permanent Representative of Denmark;
H.E. Ambassador Sir David Hannay, KCMG, Permanent Representative of the United Kingdom;
Mr. Hervé Ladsous, Deputy Permanent Representative of France;
Mr. Inderfurth, Senior Counsellor to H.E. Ambassador Albright, Peace-keeping Operations, United States Mission to the United Nations;
Mr. Riza (Pakistan), Deputy to Mr. Kofi Annan, OSG Peace-keeping Operations;
Colonel Heikki Purola (Finland), Deputy Military Adviser, Department of Peace-keeping Operations;
Mr. Derek Boothby (United Kingdom), Office of the Co-Chairmen of the International Conference on the former Yugoslavia.

31st March to 2nd April 1993 – Newport, Rhode Island

United States Naval War College Conference on “Options for United States participation in United Nations sanctioned military operations”:

Dr. Shashi Tharoor, Special Assistant to the Under Secretary-General of the United Nations for Peace-keeping Operations;
Dr. Inis Claude, University of Virginia;
Dr. Bo Huldt, Director, International Institute of Strategic Studies;
Admiral of the Fleet Sir Julian Oswald, GCB, former First Sea Lord of the United Kingdom;
Mr. Julien LeBourgeois, State Department Policy Department;
Mr. Marc Palevitz, Office of the Assistant Secretary of Defence, International Security Affairs, Global Affairs;
Vice Admiral Henry Mustin, USN (Ret), Fellow, Centre for Naval Analyses;
Dr. Gwyn Prins, Cambridge University;
Commander Ian Bartholomew, RN, Cambridge University;
Rear Admiral Frank Bowman, Joint Staff, Deputy Director for Politico-Military Affairs;
Major Brennan, US Army Staff, Chief, Strategic Plans and Policy Division;
Major General John Lorber, US Air Staff, Director of Plans;
Major General Indar Rikhye (India), US Institute for Peace, Former Peace-keeping Force Military Commander;
Rear Admiral William Wright IV, USN, Navy Staff, Director, Political, Military and Current Plans;
Brigadier General Thomas Wilkerson, USMC, Headquarters United States Marine Corps, Director of Plans;
Dr. Robert Staley, University of Colorado.

7th April 1993 – SIPRI (Stockholm International Peace Research Institute), Stockholm

Mr. Ove Svensson (Sweden), Deputy Director;
Dr. Vladimir Baranovsky (Russia);
Dr. Thomas Stock (Germany);
Ms. Evamaria Loose-Weintraub (Germany);
Ms. Elisabeth Sköns (Sweden);
Mr. Chris Ulrich (United States);
Mr. Richard Nyström (Sweden).

8th April 1993 – Stockholm

Ministry of Defence

Mr. Michael Sahlin, Under Secretary of State;
Rear Admiral Frank Rosenius;
Mr. Jan Hyllander, UN desk officer.

UN Training Centre, Almnäs

Lt. Col. Wadensjö, Commanding Officer;
Major Jershed, Training Officer.
Colonel Adolf Ludin, Swiss Military Attaché.

21st April 1993 – Ministry for Foreign Affairs, Rome

H.E. Ambassador Fabio Miglorini, Permanent Representative of Italy to WEU.

The committee as a whole received evidence from the following:

11th and 12th March 1993 – Rome (Cecchignola)

Seminar on “New defence models”:

Mr. Salvo Andò, Italian Minister of Defence, Co-Chairman-in-office of the WEU Council;

Dr. Willem van Eekelen, Secretary-General of WEU;

Ambassador Amedeo De Franchis, Deputy Secretary-General of NATO;

Mr. Hans Haekerrup, Danish Minister of Defence;

Mr. Relus Ter Beek, Netherlands Minister of Defence;

Mr. Joaquim Fernando Nogueira, Portuguese Minister of Defence;

Mr. Julian Garcia Vargas, Spanish Minister of Defence;

Mr. Jorg Schönbohm, German State Secretary of Defence;

Mr. Stathopoulos, Greek Deputy Secretary of Defence;

Ambassador Richard Duque, Representative of the French Minister of Defence and French Permanent Representative to WEU;

Lt. Gen. Joseph Charlier, Representative of the Belgian Minister of Defence;

Lt. Gen. Svang Rasmussen, Representative of the Norwegian Minister of Defence;

Mr. David Gould, Representative of the British Minister of Defence;

Lt. Gen. Domenico Corcione, Italian Chief of Defence Staff;

Mr. Michael Legge, Assistant Secretary-General of NATO.

The committee and the Rapporteur extend their thanks to those ministers, officials and senior officers who gave evidence for the preparation of this report.

The opinions expressed, unless otherwise attributed, are those of the committee.

Draft Recommendation***on United Nations operations – interaction with WEU***

The Assembly,

- (i) Determined to uphold the authority of the United Nations Organisation and to support moves to make it much more effective;
- (ii) Welcoming therefore the UN Secretary-General's intention to improve the working of the United Nations and in general supporting the ideas expressed in "An Agenda for Peace";
- (iii) Strongly supporting the establishment of a UN military planning staff together with a 24 hour situation centre, appropriate training, logistics, transport, communications and intelligence-gathering facilities to enable the UN to play its proper rôle in command of its own operations;
- (iv) Pleased that increased links are now evident between Western European Union and the United Nations and that the presidency of the WEU Council has taken a series of initiatives to that end;
- (v) Convinced that the example shown by those nations which have traditionally supported the UN could serve us in good stead for the future conduct of UN operations, and congratulating those governments which have made forces available for UN, NATO and WEU operations, and the men and women who serve in those forces, often in difficult, trying and frustrating circumstances, at sea, on land and in the air;
- (vi) Believing that WEU's experience of operations both during the Gulf conflict and now concerning the former Yugoslavia is worth sharing with the UN and that there are many parallels between the two organisations which may be used to mutual benefit;
- (vii) Considering that the question of whether or not WEU may be declared a regional organisation under the terms of the UN Charter should be fully debated and that in general WEU should take action in accordance with Article VIII of the modified Brussels Treaty only under the aegis of a UN mandate;
- (viii) Recognising that sanctions can be an alternative to war and believing that when such sanctions have been approved by the United Nations they must be enforced, calling therefore on the Council of Ministers and national administrations to publish the evidence available to them of significant breaches of sanctions;
- (ix) Seeking support in national parliaments to ensure that defence budgets are restructured to take account of the need to participate in UN operations,

RECOMMENDS THAT THE COUNCIL

1. Include the subject of participation by member countries in UN operations promptly and regularly on its agenda and on that of the Chiefs of Defence Staff Committee, the planning cell, the Secretariat-General and its various working groups and keep the Assembly informed;
2. Study the possible participation in UN operations by WEU per se, with appropriate WEU co-ordination;
3. In parallel with the Assembly, make a thorough examination of the pros and cons of declaring WEU a regional organisation within the meaning of the UN Charter and reaffirm WEU's acceptance of the principle of possible action in accordance with Article VIII of the modified Brussels Treaty under the aegis and in support of the UN;
4. Establish a working relationship with the UN Secretary-General using both the WEU Chairman-in-Office's good offices and those of the WEU Secretary-General and his staff and instruct the planning cell to offer advice for the UN Secretary-General's Military Adviser in New York, especially with a view to facilitating the creation of a similar planning cell for the UN;
5. Direct the WEU planning cell to examine ways in which WEU governments might support the UN in terms of:
 - logistic co-operation and procurement;
 - transport pooling;
 - communication arrangements;
 - intelligence gathering;
 - command and control for operations;
 - the formulation of rules of engagement;
 - training co-ordination.

Draft Resolution

on United Nations operations – interaction with WEU

The Assembly,

INVITES the parliaments of member, associate and observer countries to support the United Nations and the general ideas expressed in the “Agenda for Peace”.

Draft Order

on United Nations operations – interaction with WEU

The Assembly,

REQUESTS its President to invite the United Nations Secretary-General to address the next plenary session of the WEU Assembly.

Explanatory Memorandum

(submitted by Mrs. Baarveld-Schlaman, Vice-Chairman and Rapporteur)

I. Introduction

1. Since the end of the second world war, the world has experienced some 400 further conflicts, less global in character, but which nevertheless have resulted in a total of some 16 million deaths. Only a comparatively small number of these conflicts have had any particular impact on our western nations, but now, with the "ending of the cold war" our perception is changing. Firstly, such conflict appears less and less tolerable. Secondly, such conflict is now on our doorstep in Europe.

2. One of the main effects of the end of East-West confrontation is the new freedom of manoeuvre now available for the Security Council of the United Nations together with the revitalisation of the organisation. The Security Council's success of late has led many to believe that at long last the Security Council might be going to play the rôle envisaged by those who drafted the UN's Charter. In fact in the last four years the UN has become involved in numerous and varied peace-keeping operations: Cambodia, Angola, Kurdistan, Mozambique, Croatia, Bosnia, Somalia, etc. – thirteen operations in total, as many as tackled in the preceding forty years.

3. With what results? Security Council resolutions flaunted in the former Yugoslavia. The Khmer Rouge back in power in part of Cambodia and making a laughing stock of the UN. Certain military operations run in reality by the United States in the name of the United Nations with no real control from the Security Council. Civil wars and massacres continue in Liberia, the Sudan, Tajikistan and elsewhere, with the UN unable to intervene. The right of interference, hastily defined, conflicts with the traditional sovereignty of states. Peace-keeping operations in Croatia, Somalia, Cambodia and elsewhere risk running into the sand. Is it the "new world order" which actually justifies such actions? Just as we are witnessing a large increase in peace-keeping operations we are also posing questions regarding the legal basis for such operations as well as on the political and military aims and the fitting of the means to these ends.

4. Such considerations have prompted the Defence Committee to examine the whole range of UN operations with the aim of discovering how they are organised and carried out, how they are financed and constrained and, above all, how Western European Union should endeavour to support appropriate action under the UN mandate.

5. The aim therefore of the present report is to acquaint colleagues with the range of issues arising from the UN's vocation:

"To maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace;".¹

II. The realities of the new world order

6. As asserted above, the current interest in "peace-keeping" results from the end of East-West confrontation. In fact, at the inception of the United Nations, the Charter established principles for a system to protect world peace and security. The international community, and in particular the five permanent members of the Security Council acting in concert, would recall to order any country which was not respecting the "rules of the international game". In cases of necessity the use of troops acting under the UN's authority was envisaged.

7. It was the cold war which paralysed the efficient working of such a system. The power of veto was used on some 279 occasions against draft resolutions in the Security Council. With only a very few exceptions (Korea 1950-53 and the Congo 1960-64), operations under the aegis of the United Nations were explicitly conducted with the consent of all parties and a consensus not to use force. The de facto solution meant that many of the original principles of the UN Charter (respect for the sovereignty of states, the right of intervention, the rights of minorities, the inviolability of frontiers, the use of force to maintain peace) went by the by. The current freeing of the Security Council has brought all these questions under the spotlight as we ponder the nature of the "new world order".

8. In conceptual terms it is necessary to consider the notion of the "new world order" from a specific angle: the basis in international law for military intervention in order to maintain or restore peace. The "prime contractor" is obviously the United Nations itself but the UN must

1. Article 1 of the UN Charter.

be seen in context which from a European angle means the relationship with the European organisations: CSCE, NATO, the Twelve and WEU. In passing it is worth pointing out that not all the states exhibit the same enthusiasm for the United Nations as an organisation. The most reserved such attitude has been demonstrated on a number of occasions by the United States which has had a peculiar (in all senses of the word) stance which is not necessarily shared by the majority of its partners. Rather, what your Rapporteur believes is now required, and will seek to demonstrate, is that the UN should be given adequate structures and funds to accomplish the types of mission originally envisaged nearly 50 years ago and for which there is an increasingly urgent need today, with our "new world order".

9. It was President Bush who defined this "new world order" in a speech before Congress on 19th September 1990. His vision was idealistic, in global terms, less militaristic than economic in its expression. The aims: peace, security, democracy and the rule of law, would be achieved by using the Euro-Atlantic institutions (CSCE, NATO and the EC) as well as those with a world-wide base (the UN, IMF, GATT, the World Bank), thus implicating politico-economic means above all. Seen from the single superpower the vision was decidedly imperial: there would be two types of operation for the future: US operations with the agreement of the UN or UN operations with the agreement of the US.

10. The present proliferation of conflicts would rather indicate that we are now in a new world "disorder". We should be looking now for a more democratic world such as that envisaged by the idealists who drafted the UN Charter and longed for by those nations who are newly-escaped from the yoke of totalitarian communism. What we are finding is often somewhat removed from that seeming utopia. In Africa and Eastern Europe after the end of empire there is still much difficulty in achieving democracy. Nationalist passions, xenophobia and demagoguery all lie in wait for the unwary. The Paris Charter of November 1990 with its solemn agreement by the Europeans to respect frontiers, human rights and those of religious, ethnic or linguistic minorities, should serve as the example to follow.

11. This image of a democratic community of nations, living in peace and harmony, also evokes the reactivation of the UN, made possible by the unfreezing of the Security Council. The UN however remains fundamentally an inter-state organisation and is in no way a supra-national authority as the precursor of a sort of world government. In particular this means that the UN can act only when member states (and especially the United States) decide on such

action. In cases of flagrant aggression, the UN Charter provides for the Security Council to vote resolutions authorising the use of military force to defend the victim. Such was the case in Korea (1950-53) and for Kuwait (1990-91). In many ways these may be seen as "international police operations".

12. One of the bases of the security system stemming from the second world war is the sovereignty of states and the ensuing non-interference. According to Article 2.7 of the United Nations Charter, "nothing contained in the present Charter shall authorise the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state".

13. The principle of non-interference is due to the experience and supposed wisdom of nations. As a safeguard of sovereignty, it expresses the firm rejection of so many armed interventions, particularly in Balkan Europe or Latin America, by the strong against the weak. The sovereignty of a nation is the first condition of its freedom.

14. It was probably the genocide in Cambodia, when a government systematically exterminated part of its own population, that led to the absolute principle of non-interference being questioned. In 1988, the United Nations General Assembly accepted the principle of humanitarian interventions by non-governmental organisations under the aegis of the United Nations and, if necessary, with the support of armed forces, since assistance to victims must not be hindered either by the state affected or by neighbouring states. Humanitarian operations to protect the Iraqi Kurds stem from this new guideline.

15. What has been called "a right to interfere" is rather "a duty to intervene" or "a duty to assist" allowing, outside any inter-state conflict, a reaction to serious, systematic violations of human rights or the rights of minorities committed by or with the complicity of a government.

16. It is plain that there is a risk of conflict between two equally respectable principles: state sovereignty and right to assist. Mr. Boutros Boutros-Ghali has denied the right to interfere because this rather unfortunate expression contradicts one of the essential principles of the Charter, which is precisely non-interference in the internal affairs of states. However, he has admitted that a decision might be taken in special circumstances for emotional reasons, thus paving the way for new jurisprudence.

17. The international community will therefore have to draw up new jurisprudence. It will be a matter of measure and balance and it will be difficult to avoid contradictions.

18. The present proliferation of conflicts underlines the weaknesses of action by the United Nations:

- Operations require the agreement of a majority in the Security Council and the approval of the five permanent members. However, the Council has often been paralysed and this might happen again. Moreover, is not the privileged rôle that the five great victorious powers gave themselves in 1945 excessive? Other states should be given the same prerogatives, to better reflect different world regions.
- Interventions are liable to be selective in the light of the interests of the permanent members of the Security Council.
- There can be no peace-making if the parties concerned do not wish to stop the fighting. Failing this, at best, the intervention of United Nations forces can but freeze an existing situation. At worst, it accustoms minds to accepting the results of aggression.
- In the absence of a political solution, United Nations interventions are liable to drag on. United Nations observers and military forces have been in Kashmir since 1949, in Jerusalem since 1948 and in Cyprus since 1964. The perpetuation of large-scale operations would permanently jeopardise the organisation's finances and credibility.
- Security Council resolutions, which are laborious political compromises, rarely provide a clear basis for correctly defining the aims of a (military) operation. Was Kuwait freed to restore the sovereignty of a state that your Rapporteur considers not very democratic and to punish the Iraqi aggression or to shatter Iraq's military power and nuclear ambitions and ensure supplies of cheap oil? Humanitarian operations should not be a disguised form of imperialism or neo-colonialism.

19. The creation of a world-wide system of rules of democratic conduct has become more than ever necessary with the increasing interdependence of states. The notion of interdependence is progressing here and there. The signing of the treaty on the European economic area and the opening of negotiations for the accession of Austria, Sweden, Finland and Norway herald the enlargement of the area of European interdependence, the best guarantee of stability for our continent.

20. In his ambitious "Agenda for Peace", submitted to the United Nations General

Assembly on 17th June 1992, the Secretary-General, Mr. Boutros Boutros-Ghali, outlined future United Nations operations:

"The terms preventive diplomacy, peace-making and peace-keeping are integrally related and as used in this report are defined as follows:

- *Preventive diplomacy* is action to prevent disputes from arising between parties, to prevent existing disputes from escalating into conflicts and to limit the spread of the latter when they occur.
- *Peace-making* is action to bring hostile parties to agreement, essentially through such peaceful means as those foreseen in Chapter VI of the Charter of the United Nations.
- *Peace-keeping* is the deployment of a United Nations presence in the field, hitherto with the consent of all the parties concerned, normally involving United Nations military and/or police personnel and frequently civilians as well. Peace-keeping is a technique that expands the possibilities for both the prevention of conflict and the making of peace.

The present report in addition will address the critically related concept of post-conflict *peace building* – action to identify and support structures which will tend to strengthen and solidify peace in order to avoid a relapse into conflict. Preventive diplomacy seeks to resolve disputes before violence breaks out; peace-making and peace-keeping are required to halt conflicts and preserve peace once it is attained. If successful, they strengthen the opportunity for post-conflict peace building, which can prevent the recurrence of violence among nations and peoples.

These four areas for action, taken together, and carried out with the backing of all members, offer a coherent contribution towards securing peace in the spirit of the Charter. The United Nations has extensive experience not only in these fields, but in the wider realm of work for peace in which these four fields are set. Initiatives on decolonisation, on the environment and sustainable development, on population, on the eradication of disease, on disarmament and on the growth of international law – these and many others have contributed immeasurably to the foundations for a peaceful world. The world has often been rent by conflict and plagued by massive human suffering and deprivation. Yet it would have been far

more so without the continuing efforts of the United Nations. This wide experience must be taken into account in assessing the potential of the United Nations in maintaining international security not only in its traditional sense, but in the new dimensions presented by the era ahead."

21. The rôle of regional organisations is explicitly set out:

"... should the Security Council choose specifically to authorise a regional arrangement or organisation to take the lead in addressing a crisis within its region, it could serve to lend the weight of the United Nations to the validity of the regional effort."

22. This is why it is necessary to examine the possibilities and means of the CSCE, NATO and WEU (see Chapter VII).

23. In recognising, in Helsinki in 1975, the intangibility of frontiers resulting from the second world war and human rights, the CSCE allowed détente to be started. It was in the framework of the CSCE that the thirty-four European countries subscribed to an order of peace and security in Paris in 1990. In Helsinki on 10th July 1992, it declared itself to be a regional organisation within the meaning of Chapter VIII of the United Nations Charter. In accordance with the same declaration the CSCE will intervene only with the agreement of all the parties to a conflict and after the establishment of a true cease-fire. Interventions might cover a wide range of activities:

- deployment of a buffer force;
- assistance to the administration;
- observing respect for a cease-fire, disarmament or the withdrawal of belligerents;
- humanitarian assistance and protection of refugees.

24. In fact, the CSCE has hardly any effective instruments for settling disputes and preventing crises. Only since the Stockholm meeting on 15th December 1992 has it had a permanent Secretary-General. The crisis prevention centre set up after the Paris conference in November 1990 and the high commissioner for minorities, appointed on 15th December 1992, still have to prove their effectiveness. It is not compulsory to have recourse to the court of arbitration, also set up in December 1992, and its verdicts are not binding. Its creation was endorsed by only twenty-one of the fifty-four members.

25. So, when the United Nations Secretary-General asked it, on 31st July 1992, "if the CSCE could play a rôle in mediating the peace-keeping requirement in Yugoslavia, in particular

managing a mechanism for supervising the heavy weapons of the parties in Bosnia and Herzegovina", the CSCE was not able to propose effective action in time. It merely sent a mission to examine the situation in the detention camps and sent observers to Vojvodina, Kosovo and the Sandjak to try to prevent the conflict spreading. While this was at least a start, the organisation of the CSCE will need considerable reinforcement if it is to be effective. However, at present it lacks efficient decision-making mechanisms and the organisational structures to mount peace-keeping operations.

26. As for the means and rôles of the Atlantic Alliance, this is essentially a defensive alliance whose members have undertaken to intervene to defend their countries against attack. It organises the participation of the North American allies in the defence of Western Europe and manages the security aspect of the transatlantic relationship. However, these tasks lost much of their *raison d'être* with the end of East-West confrontation.

27. Some have therefore sought other rôles for the alliance: NATO interventions outside the area covered by the Washington Treaty or making available to the United Nations or a regional organisation, NATO infrastructure, communications, headquarters and, possibly, units.

28. In Oslo in June 1992, the North Atlantic Council decided to take action on request under the aegis of the CSCE. On 2nd September NATO offered its support to the United Nations to protect humanitarian assistance and to control heavy weapons in Bosnia. NATO AWACS aircraft are monitoring Bosnian air space. In the Adriatic, the Standing Naval Force Mediterranean is helping to impose the embargo decided by the Security Council. A headquarters drawn from NORTHAG Headquarters is co-ordinating action by troops made available to the United Nations in Bosnia. On 17th December 1992, the allies agreed to develop their co-ordination for peace-keeping and said they were prepared also to act under the aegis of the United Nations on a case-by-case basis. Until now, several allies have ensured that contributions to out-of-area operations emanated clearly from individual nations. In this way, they wish the Atlantic Alliance to retain its main defence function and remain within the territorial and juridical limits of the treaty.

29. At the time of writing however something of a struggle is developing between those on the one hand who would like to see NATO as such acting as the authority to implement the Vance-Owen plan for Bosnia and those who prefer to develop the United Nations own embryonic organisation – an organisation which is little known and appreciated. Which is why

your Rapporteur now includes a chapter in the present report to provide an overview of the "status quo ante": essential reading as an aid to understanding present problems with United Nations operations.

III. The United Nations operational organisation – an overview

30. Like many political institutions, the United Nations has been faced, virtually throughout its existence, with a deep gulf between theory and practice, between the principles and objectives of the Charter and political realities. The effort to bridge this gulf has been the main theme of nearly fifty years of the United Nations.

31. Nowhere has the gulf between theory and practice been so evident as in the primary function of the United Nations, the maintenance of international peace and security. The Charter's provisions for this purpose, based primarily on the activity of the Security Council and the unanimity of its permanent members, have never been permitted to function fully. Being unable to exercise the magisterial but relatively simple powers prescribed in the Charter, the Council has had to fall back on less well-defined measures – good offices, conciliation, mediation and delegation of responsibility to the Secretary-General.

32. Of these less well-defined measures, the form of conflict control which is now known as peace-keeping is perhaps the most original and most ambitious. Peace-keeping is a technique not mentioned, let alone described, in the Charter. In fact it is in many ways a reversal of the use of military personnel foreseen in the Charter. It has been developed for situations where there is no formal determination of aggression. Its practitioners have no enemies, are not there to win, and can use force only in self-defence. Its effectiveness depends on voluntary co-operation.

33. It is therefore remarkable that the United Nations has turned to various forms of this technique no less than twenty-six times and that peace-keeping is widely regarded as one of the organisation's most successful innovations.

(a) The Charter

34. The first of the purposes of the United Nations listed in its Charter is "To maintain international peace and security, and to that end to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law,

adjustment or settlement of international disputes or situations which might lead to a breach of the peace".

35. Concrete measures to be taken by the United Nations Security Council, the principal organ which was vested with the primary responsibility for the maintenance of international peace and security, to achieve this purpose are set out in Chapters VI and VII of the Charter. Chapter VI provides that international disputes "likely to endanger the maintenance of international peace and security" can be brought to the attention of the Security Council or the General Assembly. The Security Council is expressly mandated to call on the parties to settle their disputes by peaceful means, to recommend appropriate procedures or methods of adjustment and, in addition, to recommend actual terms of a settlement. The action of the Security Council in this context is limited to making recommendations: essentially, the peaceful settlement of international disputes must be achieved by the parties themselves, acting on a voluntary basis to carry out the decisions of the Council in accordance with the Charter.

36. If the Security Council determines that a threat to the peace, breach of the peace or act of aggression exists, the Council may use the broad powers given it in Chapter VII of the Charter. In order to prevent an aggravation of the situation, the Security Council may call upon the parties concerned to comply with such provisional measures as it deems necessary or desirable. Next, it may decide, under Article 41, what measures not involving the use of armed force are to be employed by the members of the United Nations, including the complete or partial interruption of economic relations, communications, and the severance of diplomatic relations. Should the Security Council consider such measures inadequate, it may take, under Article 42, "such action by air, sea and land forces as may be necessary to restore international peace and security". For this purpose, all members of the United Nations undertake to make available to the Security Council, on its call and in accordance with special agreements, the necessary armed forces, assistance and facilities. Plans for the application of armed force are to be made by the Security Council with the assistance of a Military Staff Committee.

37. The measures outlined in Articles 41 and 42 constitute the core of the system of collective security envisaged by the Charter. A basic feature of this system is the determining rôle assigned to China, France, Russia, the United Kingdom of Great Britain and Northern Ireland and the United States of America. These powers are permanent members of the Security Council and can block any of its substantive decisions by their veto. They also control the activities of the

Military Staff Committee, which is made up exclusively of their military representatives. Consequently, the United Nations collective security system, and especially its key provision concerning the use of armed force, can work only if there is full agreement and co-operation among the permanent members.

(b) A holding action

38. During most of the United Nations history this condition has not been met. The evolution of international relations after the second world war quickly brought to the fore differences which existed among the member states, and in particular the five permanent members of the Security Council, and these inevitably affected the functioning of the organisation. New conflicts arose, particularly during the process of decolonisation, and many could not be resolved by peaceful means. A way had to be found to stop hostilities and to control conflicts so that they would not develop into broader conflagrations. Out of that need, United Nations peace-keeping operations evolved as, essentially, holding actions. There was not, and still is not, any particular theory or doctrine behind them. They were born of necessity, largely improvised, a practical response to a problem requiring action. The term "peace-keeping operation" did not gain currency until much later.

39. As the United Nations practice has evolved over the years, a peace-keeping operation has come to be defined as an operation involving military police and civilian personnel, but without enforcement powers, undertaken by the United Nations to help maintain or restore international peace and security in areas of conflict. These operations are voluntary and are based on consent and co-operation. While they involve the use of military personnel, they achieve their objectives not by force of arms, thus contrasting them with the "enforcement action" of the United Nations under Article 42.

40. Peace-keeping operations have been most commonly employed to supervise and help maintain cease-fires, to assist in troop withdrawals, and to provide a buffer between opposing forces. However, peace-keeping operations are flexible instruments of policy and have been adapted to a variety of uses, including helping to implement the final settlement of a conflict.

41. Peace-keeping operations are never purely military. They have always included civilian personnel to carry out essential political or administrative functions, sometimes on a very large scale, as, for instance, in the Congo operation or in the independence process in Namibia. In both those operations, and in

several others, civilian police have also played an important rôle.

42. It is difficult to subsume all these various operations under any one clause of the Charter. It is clear that they fall short of the provisions of Chapter VII described above, which deal with enforcement. At the same time they go beyond purely diplomatic means or those described in Chapter VI of the Charter. As former Secretary-General Dag Hammarskjöld put it, peace-keeping might be put in a new Chapter "Six and a Half". Initially, questions were raised about the legality of the United Nations' use of military personnel in a manner not specifically provided for in the Charter. In recent years, however, something close to consensus has developed that these operations can be considered as having a basis, apart from the principle of consent, in the broad powers conferred by the Charter upon the United Nations and especially the Security Council.

(c) Characteristics

43. In practice, there has evolved a broad degree of consensus on the essential characteristics of peace-keeping operations and on the conditions that must be met if they are to succeed.

44. The first of these essential characteristics is that peace-keeping operations are set up only with the consent of the parties to the conflict in question. Their consent is required not only for the operation's establishment but also, in broad terms, for the way in which it will carry out its mandate. The parties are also consulted about the countries which will contribute troops to the operation. It is a key principle that the operation must not interfere in the internal affairs of the host countries and must not in any way favour one party against another. This requirement of impartiality is fundamental, not only on grounds of principle but also to ensure that the operation is effective. A United Nations operation cannot take sides without becoming a part of the conflict which it has been set up to control or resolve. For their part, the parties to the conflict are expected to provide continuing support to the operation by allowing it freedom of movement and other facilities which it needs to carry out its task. This co-operation is essential. The peace-keepers have no rights of enforcement and their use of force is limited to self-defence, as a last resort. This means that if a party chooses not to co-operate, it can effectively defy a peace-keeping operation.

45. In line with the Security Council's primary responsibility for the maintenance of international peace and security, peace-keeping operations have mainly been established by the Council (though two were, exceptionally, authorised by the General Assembly). This

means that no operation can be established without a broad consensus within the international community that it is the right thing to do. It is the Security Council's responsibility to ensure that the operation is given a mandate which is clear, accepted by the parties concerned and practicable in the situation existing on the ground. Also essential is the continuing support of the Security Council, which may be asked by the Secretary-General to intervene if one or other of the parties fails to provide the necessary support and co-operation. If the mandate is unclear or ambiguous, the operation is likely to face recurrent difficulties and its activities may become controversial with the consequent risk that it may lose the necessary support of the Security Council or the necessary agreement of one of the parties concerned. Nevertheless, there have been times when the mandate of a peace-keeping operation has not been as clear as could have been wished, e.g., when the Security Council has decided that the primary requirement of international peace and security requires the creation of an operation even if it is clear from the outset that the operation will not easily achieve the objectives given to it.

46. The military personnel who serve in peace-keeping operations are provided by member states on a voluntary basis. Once so provided, they pass under the command of the Secretary-General in all operational matters, as the Secretary-General is responsible for the direction of the operation and is required to report thereon at regular intervals to the Security Council. Those who serve in military observer missions are almost invariably unarmed. Those who serve in peace-keeping forces are equipped with light defensive weapons but are not authorised to use force except in self-defence. This right is exercised only sparingly because of the obvious danger that if a United Nations force uses its weapons its impartiality is, however unfairly, called in question. This requirement sometimes demands exceptional restraint on the part of soldiers serving in United Nations peace-keeping forces. Exceptional after-care for the troops is necessary on return home (both medical and sometimes psychiatric) and is emphasised in the Nordic countries.

47. Finally, it is essential that the operation should have a sound financial basis. The financing of peace-keeping has been one of its most controversial and least satisfactory aspects. All operations should now be financed as agreed by obligatory contributions levied on member states. If the member states do not pay their contributions promptly and in full, the Secretary-General lacks the financial resources needed to reimburse to the troop-contributing governments the sums due to them. This means, in effect, that those governments have to pay an unfairly high share of the cost of the operation

in question, in addition to sending their soldiers to serve in unpredictable and sometimes dangerous situations. Furthermore many countries are now seconding staff to UN Headquarters in New York at their own expense.

(d) Peace-keeping and peace-making

48. Peace-keeping operations have usually been mounted only after hostilities have already broken out. However, the Charter of the United Nations aims at a system of international relations wherein the use of force as a means of foreign policy is eliminated altogether. Consequently, the Charter deals at length with the peaceful settlement of disputes. This may be achieved by various means, including multi-lateral diplomatic efforts within the framework of the Security Council, bilateral efforts of member states, or through the good offices of the Secretary-General. These approaches to peace-making are by no means mutually exclusive. On the contrary, the organisation has been most successful when co-ordinated efforts were undertaken at all levels.

49. In recent years, there has been a marked increase in the demand for the Secretary-General's good offices, with a view to helping the parties to a conflict to compose their differences. In responding to these demands, the Secretary-General has usually been able to rely on a formal request of the Security Council or the General Assembly. In some cases, peace-keeping operations were established as a direct result of agreements reached through his and others' diplomatic efforts, and in some cases – West Irian and Namibia are the best examples – as part of complex arrangements for the final and, in the end, peaceful settlement of the conflict.

50. Peace-keeping operations are intended to be provisional and thus temporary measures. They can never, alone, resolve a conflict. Their tasks are essentially two: to stop or contain hostilities and thus help create conditions in which peace-making can prosper; or to supervise the implementation of an interim or final settlement which has been negotiated by the peace makers. Ideally, peace-keeping should move in step with peace-making in a combined effort leading to the peaceful resolution of a conflict. In practice this ideal cannot always be attained. Sometimes it is less difficult to keep a cease-fire in being than to negotiate away the causes of the original conflict. In such cases it is right for the Security Council to ask itself from time to time whether the peace-keeping operation has "become part of the problem" by protecting the parties from the consequences of their negotiating stands. But it should not be assumed that longevity means that a peace-keeping operation has failed; on the contrary, longevity may be a measure of its success in preventing a recurrence of hostil-

ities in spite of the intractability of the conflict between the parties.

51. United Nations peace-keeping operations can be divided into broad categories: observer missions, which consist largely of officers who are almost invariably unarmed; and peace-keeping forces, which consist of lightly armed infantry units, with the necessary logistic support elements. These categories are not, however, watertight. Observer missions are sometimes reinforced by infantry and/or logistic units, usually for a specific purpose and a brief period of time. Peace-keeping forces are often assisted in their work by unarmed military observers.

IV. Composition and organisation of UN operations

(a) Composition

52. A United Nations peace-keeping operation is considered a subsidiary organ of the United Nations, established consequent to a resolution of the Security Council or, exceptionally, of the General Assembly.

(b) Chain of command

53. United Nations peace-keeping operations are normally established by the Security Council and fall under its authority. The Secretary-General is responsible to the Council for the organisation, conduct and direction of the operation, and he alone reports to the Council about it. The Secretary-General keeps the Security Council fully informed of developments relating to the functioning of the operation. All matters which may affect the nature or the continued effective functioning of the operation are referred to the Council for its decision.

54. The Secretary-General is assisted in this regard by the Office for Special Political Affairs.

(i) Command in the field

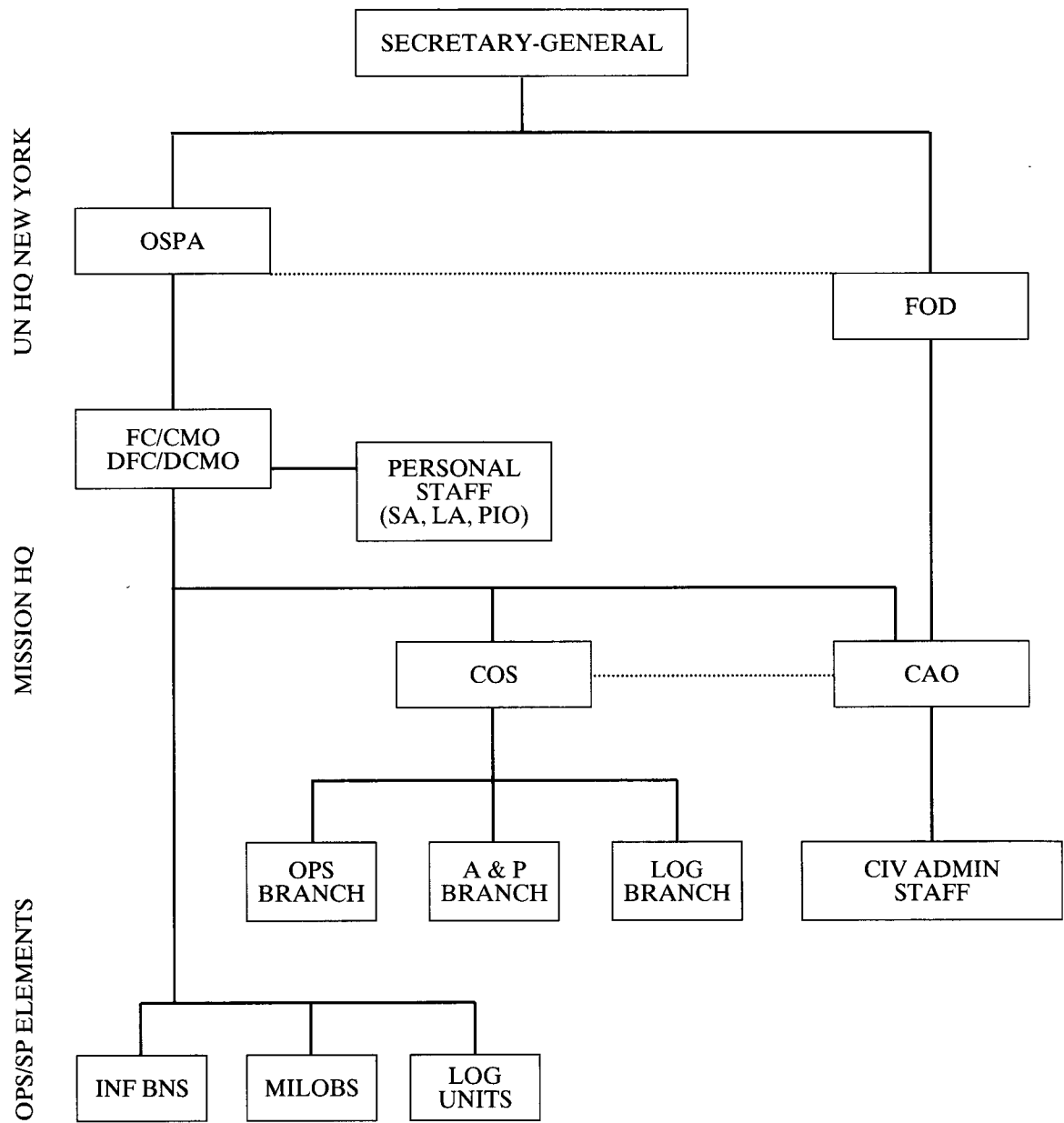
55. Command of the operation in the field is exercised by a Force Commander, Chief Military Observer or Chief of Staff appointed by the Secretary-General with the consent of the Security Council. The commander is responsible to the Secretary-General. The commander exercises full command authority over the operation except for disciplinary questions. The commander has full authority with respect to all assignments of members of his headquarters staff and, through the chain of command, of all members of the operation, including the deployment and movements of all contingents in it and all units assigned to it. The contingents comprising the operation are integral parts of it and take their orders exclusively from the commander. The commander has general responsibility for the good order and discipline of the operation.

(ii) Administration

56. The Field Operations Division, in general terms, is responsible for organising the civilian administrative staff to support the operation and, in close collaboration with the Office for Special Political Affairs and the Office of Programme Planning, Budget and Finance, makes arrangements for airlift of the contingents, prepares the final budgetary proposals for the operation and presents those proposals to the General Assembly's Advisory Committee on Administrative and Budgetary Questions and the Assembly's Fifth (Administrative and Budgetary) Committee. Additionally, it arranges for the procurement of the necessary stores for the maintenance of the operation and directs the operations of the civilian administrative staff in the field.

57. The following chart indicates the standard chain of command for United Nations peace-keeping operations.

The chain of command of United Nations peace-keeping operations



ABBREVIATIONS

A & P	Administration and Personnel
ADMIN	Administrative
BN	Battalion
CAO	Chief Administrative Officer
CIV	Civilian
CMO	Chief Military Observer
COS	Chief of Staff
DCMO	Deputy Chief Military Observer
DFC	Deputy Force Commander
FC	Force Commander
FOD	Field Operations Division
HQ	Headquarters
INF	Infantry
LA	Legal Adviser
LOG	Logistics

MILOBS	Military Observers
OPS	Operations
OSPA	Office for Special Political Affairs
PIO	Press Information Officer
SA	Senior Adviser
SP	Support

LEGEND

—————	Command
- - - - -	Liaison

V. Command and control of UN operations: theory and practice

58. The UN appears now to enjoy the widely accepted authority and legitimacy needed to invigorate the Security Council's mandate to "decide what measures shall be taken...to maintain or restore international peace and security" (Article 39 of the Charter of the United Nations). But the organisation has yet to develop the minimal structural competence needed to initiate and direct the military operations which, if the last two years are a guide, are likely to be authorised by the Security Council. In other words, the UN lacks the necessary expertise to orchestrate who does what, when, where and how – that is, to exercise command and control (C², or more properly as will be discussed below, "C³I" – to include communications and intelligence).

59. Since there is little doubt that the post-cold war increase in calls upon the UN's peace-keeping and enforcement functions is a trend rather than an aberration, such an organisational defect is central to the question of the future effectiveness of the UN per se. Whether the UN can, or should, exercise direct control of military forces operating under its mandate, or whether it should delegate the conduct of operations to a lead state, or to ad hoc groups of nations, or to a regional organisation, is a closely related subject, but not one that can be adequately dealt with before the fundamental issue of political control has been resolved.

60. Any C² system must be structured to accommodate a broad range of inter-related political and military variables. Given that, following the stalemate of the cold war, the debate as to how best to promote the goal of international peace and security is just restarting, few, if any, of these variables may be considered in any way fixed. The aim is therefore to review some of the current issues and concerns regarding the political control of UN forces and examine the pressing need to establish some form of "UN military planning cell". The link with Western European Union's very recent experience is obvious.

61. It is worth restating that the first purpose of the UN, as enshrined in Article 1 of its Charter, is "to maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace...". The drafters of the UN Charter, recognising the unfortunate fact that the use of force was unlikely to be avoided in the maintenance of peace and security, made provision within Chapter VII for the Security Council to "take such action by air, sea or land forces as

may be necessary to maintain or restore international peace and security. Such action may include demonstrations, blockade, and other operations by air, sea or land forces of members of the United Nations" (Article 42 of the Charter of the United Nations).

62. As a measure authorised by an international organisation, it is vitally important that the use of the "military instrument" in what might be described as UN-sponsored peace support operations – a term which embraces four main categories of UN activity (namely peace-making, peace-building, peace-enforcement (as authorised by the Chapter VII provisions of the Charter of the United Nations) and peace-keeping) should be perceived as a means to an end: i.e. the maintenance of international peace and security.

63. Peace-making does not imply the projection of military force in order to impose a solution but, rather, is a diplomatic process perhaps more usefully described as "peace-broking".

64. "Peace-building" is defined by Boutros Boutros-Ghali in an "Agenda for Peace" as "action to identify and support structures which will tend to strengthen and solidify peace in order to avoid a relapse into conflict".

65. In an "Agenda for Peace", Boutros Boutros-Ghali defines "peace-keeping" as "the deployment of a United Nations presence in the field, hitherto with the consent of all the parties concerned, normally involving United Nations military and/or police personnel and frequently civilians as well". The suggestion here is that peace-keeping may be undertaken without the consent of all parties (i.e. "peace-enforcement").

66. A variant on the preceding definitions has been developed in the Pentagon which has applied itself assiduously of late to an examination of the "whys and wherefores" of the United Nations. The definitions read as follows:

- Peace-making: process of arranging an end to disputes, and resolving issues that led to conflict, primarily through diplomacy, mediation, negotiation, or other forms of peaceful settlement, which may include military peace support operations;
- Peace-support operations: the umbrella term encompassing peace-keeping, humanitarian assistance, peace-enforcement, and any other military, paramilitary or non-military action taken in support of a diplomatic peace-making process;
- Peace-keeping: non-combat military operations (exclusive of self defence),

undertaken by outside forces with the consent of all major belligerent parties, designed to monitor and facilitate implementation of an existing truce agreement in support of diplomatic efforts to reach a political settlement to the dispute;

- Humanitarian assistance: missions conducted to relieve or reduce the results of natural or manmade disasters or other endemic conditions such as human suffering, disease, hunger, or privation which might present a serious threat to life, or result in a great loss of property;
- Peace-enforcement: a form of combat, armed intervention, or the threat of armed intervention, that is pursuant to an international mandate authorising the coercive use of military power to compel compliance with international sanctions or resolutions – the primary purpose of which is the maintenance or restoration of peace under conditions broadly accepted by the international community.

67. In an “Agenda for Peace”, Boutros Boutros-Ghali sketches his personal strategy for peace, which he also characterises as comprising four areas, namely preventive diplomacy (defined in an “Agenda for Peace”, page 11, as “action to prevent disputes from arising between parties, to prevent existing disputes from escalating into conflicts and to limit the spread of the latter when they occur”), peace-making, peace-keeping and post-conflict peace building.

“These four areas for action, taken together, and carried out with the backing of all members, offer a coherent contribution towards securing peace in the spirit of the Charter. The United Nations has extensive experience not only in these fields, but in the wider realm of work for peace in which these four fields are set. Initiatives on decolonisation, on the environment and sustainable development, on population, on the eradication of disease, on disarmament and on the growth of international law – these and many others have contributed immeasurably to the foundations for a peaceful world. The world has often been rent by conflict and plagued by massive human suffering and deprivation. Yet it would have been far more so without the continuing efforts of the United Nations. This wide experience must be taken into account in assessing the potential of the United Nations in maintaining international security not only in its traditional sense, but in the new dimensions presented by the era

ahead.” (Boutros Boutros-Ghali, an “Agenda for Peace”).

68. In order to fulfil its primary purpose of maintaining international peace and security, the UN must therefore be sufficiently in control of the military assets operating under its mandate to ensure that the employment of those forces is effectively orchestrated with the other political, social and economic instruments available to the organisation. It is sometimes forgotten that the UN’s activity also comprises sub-organisations or “sister-bodies” such as the United Nations High Commission for Refugees (UNHCR), World Health Organisation (WHO), United Nations International Children’s Emergency Fund (UNICEF), United Nations Educational, Scientific and Cultural Organisation (UNESCO), etc., and that many non-governmental organisations (e.g. the Red Cross) are engaged in peace-building moves which are increasingly conducted alongside UN peace-keeping missions. When your Rapporteur visited the Headquarters of the International Red Cross in Geneva (which is working tirelessly with others to help those suffering in the former Yugoslavia) it quickly became obvious that there has to be much more co-operation between such bodies and the UN, UNHCR, etc. It follows that, as a minimum requirement, the Security Council, acting on behalf of the General Assembly in accordance with the Charter, must be able to exercise strategic direction of all assets operating under UN mandate such that those assets achieve the political object(s) for which they were deployed.

69. The relationship between the General Assembly and the Security Council can, with some justification, be characterised as a microcosm of the relationship between the developing and developed worlds. Whilst the cold war expedient of classic UN peace-keeping avoided the use of troops from the five permanent members of the Council, the recent increase in the level and complexity of operations – which demand both increased military sophistication and, often, scale of involvement – renders it much more likely that the permanent five will become militarily engaged. There is therefore a pressing requirement for the Security Council to evolve a system of accountability to the UN as a whole. Some degree of accountability to the General Assembly would go a long way to countering third world suspicions that the permanent five, either singly or collectively, manipulate the Security Council to pursue a “first world agenda”.

70. In the absence of action being delegated to a competent regional organisation (such as the CSCE, NATO or WEU), it is entirely probable that a lead state from amongst the permanent five will be required to take the initiative in

future UN operations. Such action brings with it the reasonable expectation of that state (which, in a democracy at least, relies heavily on domestic consensus) that all necessary steps will be taken to minimise casualties. Shortcomings in C² undoubtedly increase the likelihood of sustaining casualties as a result of both enemy and friendly fire: a distressingly high proportion of allied casualties sustained during the Gulf war, where C² structures were highly sophisticated, resulted from "blue on blue" engagements. It is reasonable therefore to assume that lead states will, in the absence of an adequate UN structure, continue to insist on the use of national C² structures.

71. It is worth noting that neither NATO nor WEU have declared themselves as regional organisations under Articles 52 and 53 since they believe that this could then impair the prerogative to assert collective self defence under Article 51. In fact the UN itself obviously perceives both NATO and WEU as regional bodies and, for example, has been surprised to find that they shy away even from attending a forthcoming UN seminar on the subject.

72. The subject must be thoroughly debated by the WEU Council in conjunction with the competent authorities. Likewise the Assembly should bring such matters into the open. In parallel the corollary that WEU action must usually take place under UN auspices should be properly examined. Much depends on such a principle: whether it be that WEU activity per se could conceivably thus be hostage to individual veto in the Security Council or whether such a principle is, for example, absolutely necessary to allow an individual member such as Germany to take its place alongside WEU partners "out of area".

73. As far as logistics go, it is obvious that very few large-scale operations could take place without active American involvement given the USA's virtual monopoly of strategic sea and air lift, and intelligence-gathering facilities (although WEU's recently-inaugurated satellite centre at Torrejón near Madrid gives the Europeans something of a potential capability sadly lacking hitherto).

74. WEU has been more pragmatic in other ways, however, and, anticipating involvement in rôles such as the delivery of humanitarian aid, disaster relief, peace-keeping and peace-making, established a military planning cell in October 1992. The cell's initial tasks include: creating listings of forces that member nations might make available for ad hoc WEU operations; preparing specific recommendations for the command and control of such operations; considering the requirement for WEU rules of engagement (ROE); planning logistics, transport and communications; and formulating an exercise policy.

75. To date, the cumulative experience of the UN in military enforcement operations underlines the place that national command structures play in their conduct. Operations that have been mandated under Chapter VII include Southern Rhodesia, the 1991 Gulf war and, most recently, the Somalia incursion – but, interestingly, not the Korean war. In command and control terms, however, the Korean, Rhodesian, Gulf and Somali models are broadly similar in that, regardless of mandate or colour of helmet, national command structures were utilised on each occasion. However rational this may have been in purely military terms, its inevitable result was to isolate, from both the political and military decision-making loops, the very organisation under whose authority the operation had been mandated. Javier Pérez de Cuéllar has been quoted as saying:

"The (Gulf) war is not a classic United Nations war in the sense that there is no United Nations control of the operations, no United Nations flag, (blue) beret, or any engagement of the Military Staff Committee. What we know about the war, which I prefer to call hostilities, is what we hear from the three members of the Security Council which are involved, Britain, France and the United States – which every two or three days report to the Council after the actions have taken place. The Council, which has authorised all this, (is informed) only after the military activities have taken place."

76. The UN's international credibility is at stake. Further harm will only be alleviated to the extent that the UN is enabled to develop, and exercise, the military competence required to direct any military assets deployed under its mandate.

(a) The Military Staff Committee

77. The above points were not, of course, lost on the framers of the UN Charter. Appreciating the need for the provision of sound military advice to the Security Council, the Charter provided outline terms of reference and membership for a Military Staff Committee (MSC), which "shall be responsible under the Security Council for the strategic direction any armed forces placed at the disposal of the Security Council" (Article 47 of the Charter of the United Nations). However, recognising that military command structure would vary according to the composition of the force – and, presumably, aware that the subordination of national forces to international command was too complex and thorny a question to address directly – the Charter then confines itself to directing that "Questions relating to the command of such forces shall be worked out

subsequently.” (Article 47.3 of the Charter of the United Nations).

78. There are some who argue that the MSC provides a quite adequate model on which to base the development of any future UN military staff. An early victim of the cold war, the MSC nevertheless made considerable progress in fleshing out the bones of its Charter mandate before finally succumbing to the political realities of a bi-polar world. In a report (dated 30th April 1947) to the Secretary-General, the Chairman of the MSC forwarded details of the Committee's recommendations on the “General principles governing the organisation of the armed forces made available to the Security Council by member nations of the United Nations”. The principles examined included consideration of the purpose of armed forces, their composition, overall strength, contributions by member nations, employment, degree of readiness, provision of assistance and facilities, logistical support, general location, and – last but not least – strategic direction and command. In view of their relevance to the subject of C², the general principles recommended in this last domain are reproduced in full at the end of this chapter.

79. Frustrated perhaps by the fact that in “the situation between Iraq and Kuwait, the (Security) Council chose to authorise member states to take measures on its behalf” (an “Agenda for Peace”, paragraph 42), Boutros Boutros-Ghali clearly supports the resurrection of the MSC:

“I recommend that the Security Council initiate negotiations in accordance with Article 43, supported by the Military Staff Committee, which may be augmented if necessary by others in accordance with Article 47, paragraph 2, of the Charter. It is my view that the rôle of the Military Staff Committee should be seen in the context of Chapter VII, and not that of the planning or conduct of peace-keeping operations” (an “Agenda for Peace”, paragraph 43).

80. It is equally clear, however, that this call for a return to the letter of the Charter does not excite universal enthusiasm, and particularly amongst those member states who would likely be required to provide the bulk of the forces needed to conduct any action contemplated under Chapter VII.

81. A number of modern supporters of the MSC also subscribe to the notion of stand-by UN forces (“on call” rather than “standing”). Boutros Boutros-Ghali argues that:

“the option of taking (military action to maintain or restore international peace and security) is essential to the credibility of the United Nations as a guarantor of

international security. This will require bringing into being, through negotiations, the special agreements foreseen in Article 43 of the Charter, whereby member states undertake to make armed forces, assistance and facilities available to the Security Council for the purposes states in Article 42, not only on an ad hoc basis but on a permanent basis” (an “Agenda for Peace”, paragraph 43).

82. An alternative approach, and one that is currently receiving much attention, not least in WEU, is that of “earmarked” capabilities. The earmarking of national forces is seen as the only realistic way flexibly to generate the forces required for the wide range of UN military operations now envisaged. A “standard building block” concept, with each block providing an operational capability, would enable a multinational force to be tailored to suit the requirement.

83. The UN Office of Peace-Keeping has mandated a Stand-by Force Planning Group consisting of a team of officers from France (Chairman), the Argentine, Canada, Denmark, Ghana, Pakistan and Poland, to study past and present peace-keeping operations to determine the “building blocks” from which future peace-keeping operations might be constructed. The countries concerned have been chosen on the basis of an equitable geographic representation and in the light of peace-keeping experience. The terms of reference require the group “to develop a system of stand-by forces able to be deployed as a whole or in parts by the beginning of 1994 anywhere in the world at the Secretary-General's request within an agreed response time for United Nations duties as mandated by the Security Council”.

84. The first phase of the exercise, scheduled for completion in May 1993, is to examine the way in which a UN Stand-by Force should be created and to prepare a doctrine for its employment, together with appropriate procedures.

85. The second phase of the initiative will involve the same team approaching each of the 65 governments currently supplying troops, facilities, capabilities or finance for current peace-keeping missions with a request that they stipulate the full range of capabilities they would be willing to supply to the UN, under what limiting conditions, with what stated lead times, etc.

86. The study should prepare the ground for establishing a flexible range of forces which while in no way representing a UN standing army would be available for use with minimum delay. Nations would be asked to stipulate the lead times for putting stand-by forces at the UN's disposition and these would be written

into the required memorandum of understanding.

87. Such an exercise will, of course, also elicit information on the capacity of states to participate in the full range of contingencies envisaged by Chapter VII. The advantage from the viewpoint of governments is that this would allow them a commitment that is limited and conditional – thus avoiding possible political difficulties with the use of forces more formally “earmarked”.

88. The countries which have been in the forefront of providing such forces over a number of years are those from the Nordic region: Denmark, Finland, Norway and Sweden. A study on their provisions is included at Chapter VI.

(b) Finance

89. Whilst there are undoubted advantages – notably the deterrent value of readily available forces, the physical demonstration of collective will, and the opportunity to develop and exercise tactical doctrine – stand-by forces also suffer from a lack of operational flexibility and, more importantly when considering an international force that must be supported by national contributions, demand sustained financial support. It is significant that, in the covering letter to his 1947 report, the Chairman of the MSC drew “the attention of the Security Council to the fact that the question of financial expenditures which might arise in connection with the fulfilment by countries, members of the United Nations, of measures envisaged in Article 42 of the Charter, has not been reflected in the recommendations prepared”. Such concerns are directly addressed in Chapter IX of an “Agenda for Peace”, which makes various proposals to deal with the current high levels of unpaid contributions, and seeks to establish a peace-keeping reserve fund (at a level of \$50 million), to authorise commercial borrowing, and to establish a UN peace endowment fund in order to finance the initial costs of “authorised peace-keeping operations, other conflict resolution measures and related activities” (an “Agenda for Peace”, paragraph 70).

90. To put typical current costs into perspective it is worth noting that the cost of one day of the Desert Storm operation reputedly equated to the whole of the UN’s 1991 peace-keeping budget.

91. One hopeful sign on the financial side is that the reserve fund for peace-keeping operations, agreed last December by the UN General Assembly, is now a reality. The first beneficiaries are the operations in Angola, on the frontier between Kuwait and Iraq and in El Salvador. The fund has already lent a total of some

170 million French francs to “allow certain operations to face up to a temporary lack of liquidity”.

(c) Functions of a UN military planning cell

92. The obvious conclusion is that, regardless as to whether the Charter provisions for an MSC can or indeed should be revived, the UN must, as a matter of urgency, develop an effective in-house military competence – which in turn must involve the development of a permanent UN military staff, based in New York. This is not a new idea, but it is one that merits urgent and detailed consideration by both the UN secretariat and individual member states.

93. Your Rapporteur believes that WEU’s own experience in conceiving (notably with support from its Assembly in general and its Defence Committee in particular) and creating such a planning cell should be of inestimable value in the UN context. Hence one of the specific draft recommendations included with the present report. It was obvious during your Rapporteur’s fact-finding mission to the UN in New York that the authorities there would much appreciate any advice which would be forthcoming from the WEU planning cell and are particularly interested in the pragmatic approach WEU has brought to setting up our new structure.

94. The tasks to be delegated to a military staff will depend on the extent to which the UN expects to exercise political and/or military control over armed forces operating under its mandate. At the very least such a staff, given the political aims of an operation by the Security Council, should undertake the following tasks:

- (a) determine the military objectives required to achieve the political aims;
- (b) decide the force structure required to achieve the military objectives, within the required time-scale;
- (c) develop appropriate command structures;
- (d) develop, and advise on changes to, rules of engagement.

95. Other tasks that a UN military staff should undertake include:

- (a) the monitoring and recording of the status of national forces available for assignment to UN operations;
- (b) the co-ordination, processing and dissemination of intelligence;
- (c) the preparation and maintenance of contingency plans for UN military deployments;

- (d) the development of standard operating procedures for use in UN military operations;
- (e) the co-ordination of logistic, financial and administrative functions in support of UN military operations;
- (f) the analysis of collective UN military experience, and the development of a core training curriculum to assist member states to train national military and civil personnel in the specialised techniques unique to UN multinational military operations.

96. As far as (e) above is concerned, it is surprising to note that, for traditional peace-keeping operations, the Special Representative of the Secretary-General in charge of a peace-keeping mission reports to the Secretary-General through the Under Secretary-General for Peace-Keeping – whilst all logistic and administrative functions associated with the same mission are staffed through the Head of Field Operations Division (FOD), who reports to the Under Secretary-General for Management. This functional split in current UN procedures and lack of co-ordination, while hardly ideal for peace-keeping, is clearly unfit for the conduct of higher-level operations, where any lack of co-ordination between “teeth” and “tail” will invite disaster. It is obvious that the situation must be improved and that UN Headquarters should be equipped with a fully-fledged situation centre manned on a proper 24-hour watch-keeping basis and properly co-ordinated.

97. Regarding (f) above, a Swedish colonel in New York is in the process of developing such a core curriculum for the United Nations. As with stand-by forces it is the Nordic countries that are the most advanced in organising and running UN training courses, initially for themselves but now for a whole range of countries (see Chapter VI). The Norwegian Minister of Defence has recently suggested setting up a UN peace-keeping academy for the education and training of high-ranking officers and officials.

98. The “unfreezing of history” triggered by the end of the cold war has not only created the opportunity to reappraise and re-order the “peace support” machinery of the United Nations but also, by removing many of the certainties of the “old world order”, has created the particular circumstances which imply a greater need for its use. At the same time, a growing emphasis on basic human rights is calling traditional views of sovereignty into question. Thus, whilst there will surely be a continuing requirement for classic UN peace-keeping, it is clear that the UN, through the Security Council, will increasingly be drawn into situations which can only be addressed under Chapter VII of its Charter.

99. The use of the “military instrument” by the UN is unambiguously mandated in Article 42 of the Charter. Regrettably, however, the Charter provision to establish a Military Staff Committee (MSC) “to advise...on all questions relating to the Security Council’s military requirements (Article 47 of the Charter of the United Nations) was an early victim of the cold war (although the MSC has valiantly continued to meet, almost on a weekly basis, since the beginning).

100. The UN, therefore, lacking in-house military competence, is currently ill-equipped to retain either political or military control of any Chapter VI 1/2 “or VII operations it may authorise.

101. It is axiomatic that authority and accountability go hand-in-hand, and it is for precisely this reason that, aware of the UN’s structural deficiencies, those nations or groups of nations to whom the UN delegates the conduct of operations currently insist on using their own command structures – and by so doing, are marginalising the UN’s legitimacy, credibility and, ultimately, utility.

102. If the UN is to wield the “military instrument” on behalf of the world community, it must, at the very least, exercise control of that instrument. To accomplish this the organisation must develop the necessary military competence. Resurrection of the existing MSC is not a realistic option. The creation of a “military planning cell”, authorised as a “provisional measure” under the terms of Article 40 of the Charter and tasked along the lines proposed above, would provide the UN with the minimum competence needed to exercise effective control of military operations undertaken under its auspices.

103. As promised there follows the extract from “General principles governing the organisation of the armed forces made available to the National Security Council by member nations of the United Nations: report of the Military Staff Committee”.

*Extract from “General principles governing the organisation of the armed forces made available to the National Security Council by member nations of the United Nations: report of the Military Staff Committee”
(30th April 1947) (See paragraph 78)*

Chapter X – strategic direction and command of armed forces

Article 36

The armed forces which member nations of the United Nations agree to make available to the Security Council shall be under the exclusive command of the respective contributing nations, except when operating under the Security Council.

Article 37

When these forces are called upon for the fulfilment of measures envisaged in Article 42 of the Charter, they shall come under the control of the Security Council.

Article 38

During the period these armed forces are employed by the Security Council, the Military Staff Committee shall be responsible, under the Security Council, for their strategic direction. The time and place at which the Military Staff Committee will assume or relinquish strategic direction will be designated by the Security Council.

Article 39

The command of national contingents will be exercised by commanders appointed by the respective member nations. These contingents will retain their national character and will be subject at all times to the discipline and regulations in force in their own national armed forces.

Article 40

The commanders of national contingents will be entitled to communicate directly with the authorities of their own country on all matters.

Article 41

Text accepted by the delegations of China, the Union of Soviet Socialist Republics and the United States of America:

An overall commander or overall commanders of armed forces made available to the Security Council may be appointed by the latter, on the advice of the Military Staff Committee, for the period of employment of these forces by the Security Council.

Text accepted by the delegations of France and the United Kingdom:

A supreme commander or supreme commanders of armed forces made available to the Security Council may be appointed by the latter, on the advice of the Military Staff Committee, for the period of employment of these forces by the Security Council.

Commanders-in-chief of land, sea and air forces acting under the supreme commander or commanders mentioned above may be appointed by the Security Council on the advice of the Military Staff Committee.

VI. Nordic UN stand-by forces and Nordic UN co-operation

(a) Background and basic structure

104. At the sixth General Assembly of the United Nations in 1952 it was proposed that national stand-by forces should be formed and

that the services of these forces could be called upon in the event of an international crisis. Subsequent to this proposal no action was taken by the Nordic countries until the Secretary-General, Dag Hammarskjöld, in his report to the thirteenth General Assembly referred to this recommendation. In a letter dated 12th June 1959, the Secretary-General approached the nations which were participating or had participated in the United Nations Peace-Keeping Force in the Middle East (UNEF I) with a petition that these member states in their national military planning should allow for possible future UN requests for peace-keeping forces. After discussions in the early sixties, the Governments of Denmark, Finland, Norway and Sweden agreed in 1964 to a basic composition of Nordic stand-by forces at UN disposal. The formation of units was mainly based on appreciation's made in the 1950s and to some extent on experience gained from UNEF I.

105. In the spring of 1968 the organisation and other relevant data of the Nordic stand-by units at UN disposal were sent to the Secretary-General, at the request of the UN's Special Committee on Peace-Keeping Operations.

106. Lessons learnt in the seventies in connection with the UNFICYP (Cyprus) and UNEF II missions as well as the employment of units from the Nordic stand-by forces at UN disposal in peace-keeping operations have led to certain structural changes in the composition of the units within the framework of the Nordic countries' national obligations as compared to the original organisation.

107. National law and regulations specified the maximum number of units and personnel that could be at UN disposal. In addition to units accounted for within the framework of UN commitments the Nordic countries have organised temporary and smaller units for a limited contribution following a request from the UN secretariat.

(b) The Nordic UN stand-by forces

108. The UN stand-by units are organised, equipped, trained, and mobilised by the national military authorities concerned according to regulations issued by the governments (ministries of defence) of the respective countries.

109. UN contingents, battalions or smaller units drawn from the Nordic stand-by forces should be able at short notice to be placed at the disposal of the UN for peace-keeping missions.

110. Most of the units within the Nordic UN stand-by forces are set up in such a way that their numerical strength can be increased or reduced according to UN requests. Adjustments

in the organisation can also be made from time to time as required during the course of the operation. This flexibility also allows for the organisation to be augmented by limited additional elements, should the need for this become apparent during the course of the operation.

111. The organisation, equipment and training of the various units are continuously being modified as mentioned above. Continued studies of the use of a UN force from previous and current UN missions form the basis data for revisions.

112. When organising national units of similar character, the Nordic countries have been co-operating in certain matters. In order to meet possible future requirements within the framework of peace-keeping and possibly relief-giving operations continuous liaison is kept up to deal with:

- new experiences;
- improvements in equipment;
- revision of existing organisation;
- procurement of estimated new requirements;
- new unit establishments;
- training;
- states of alert;
- mobilisation situation.

113. Apart from certain regular officers and NCOs, the personnel of the units are mainly selected on a voluntary basis partly from personnel who have done their national service as conscripts and partly from enlisted men. As most applicants are already trained for some civil trade or profession it follows that the Nordic countries' yearly selection boards have an unusually high percentage of craftsmen and qualified technical personnel to choose from. As a result of this an added capability of "self-help" has been absorbed within the units.

114. The Nordic UN stand-by forces are composed so that they can fulfil any demand and specific suggestion on organisation and equipment that will be found in the guidelines issued by the UN HQ New York for governments contributing troops to a certain mission.

115. The Nordic UN battalion is approximately 500 to 800 all ranks, normally consisting of the HQ and headquarters unit plus two to five rifle companies.

116. Within the framework of the stand-by forces of all the Nordic countries there are staff officers who are meant to form part of a UN HQ staff within a UN mission. Staff personnel should be able to serve in various positions and levels on the UN HQ staff.

117. Positions that should be filled are those within, for example, operations, logistics, information, personnel, liaison, engineering and

humanitarian branches. Staff personnel within the national stand-by forces can be on immediate call and can be posted within 24 hours.

118. Military police teams operate either independently or together with other units from national contingents within the UN force and are trained to carry out:

- traffic control;
- maintenance of law and order;
- accident and crime investigation;
- guarding, registration and possible evacuation of refugees;
- assistance to local police.

119. Movement control personnel consist of a number of movement control officers and NCOs who plan road, rail, air and sea transports and supervise these movements within a UN area of operation. The personnel will require appropriate equipment as well as local labour in order to maintain proper terminal services.

120. Military observers are used for various supervisory duties within the framework of a UN mission. The observers have usually had previous service with the UN or have had special training in UN observer duties.

(c) Recruiting and training

121. Recruiting and selection of personnel for Nordic UN stand-by forces is carried out according to national procedures. As most of the personnel are selected on a voluntary basis, campaigns are organised through the armed forces, public information services and in liaison with labour exchanges. Among the WEU nations, the Netherlands is considering a scheme for recruiting volunteers for the United Nations, proposing two-year contracts after national service.

122. The Swedish Parliament at the end of 1992 approved a new act concerning armed forces for service abroad. The act is a model of simplicity and may well serve as an example. It reads as follows and entered into force on 1st January 1993:

The act concerning armed forces for service abroad

The following is hereby prescribed.

Section 1

At the request of the United Nations or in accordance with a decision taken by the Conference on Security and Co-operation in Europe, the government has the right to make available armed forces for peace-keeping operations abroad.

Section 2

Armed forces for peace-keeping operations abroad shall consist of personnel

recruited for the purpose. This personnel shall be recruited to a force for service abroad organised under the military authorities.

Section 3

A maximum of three thousand persons from the said force may serve abroad at any one time.

123. Training for service with the UN is a supplementary form of training beyond the normal conscript, NCO and officer training. The scope and the time available vary somewhat between the Nordic countries. The aim of the training is to give the volunteer some idea of the conditions under which he will carry out his tasks.

124. The training consists of:

- general information concerning the UN organisation and peace-keeping operations;
- knowledge about the climatic and topographical conditions in the area as well as the cultural and religious situation in the area;
- basic knowledge concerning how a soldier carries out his tasks as a peace-keeper;
- information about the conditions under which UN service is performed;
- training in the function to which he is allocated in the organisation of a stand-by unit.

125. For a limited number of officers and NCOs certain basic UN training has been organised yearly in the Nordic countries in order to facilitate international teamwork within a UN mission.

126. The courses are for staff officers, military police personnel, logistics and movement control officers and military observers.

127. The UN courses are organised and run by the host nation. The appropriate military authorities of the respective Nordic countries consult with each other before the course plans are confirmed and the military instructors to all UN courses are appointed. The course staff and the instructors are drawn from all Nordic countries.

(d) Nordic military UN peace-keeping co-operation

128. The peace-keeping activities of the Nordic countries are characterised by extensive mutual co-operation. At the beginning, in the 1950s, the co-operation consisted only of the organisation, equipment and dispatch of troops but nowadays it also includes Nordic officers UN training and other activities.

129. The working body for the Nordic military UN co-operation is the Joint Nordic Committee for Military UN Matters (NORDSAMFN) which is composed of the respective military UN authorities of each Nordic country.

130. An essential feature of the NORDSAMFN activities is the endeavour to benefit from the experience gained in peace-keeping operations and the current problems in such way that the Nordic UN units and their preparedness correspond to the needs of the United Nations at all times.

Nordic military UN peace-keeping co-operation activities

Twice a year	Conference of the Ministers of Defence - General outlines
Several times a year	Conference of NORDSAMFN - Agenda for the conference of the Ministers of Defence - Courses for officers and NCOs - Experiences from present UN missions - Preparedness
Annually	Conference of Nordic Economic Working Committee Conference of Ad Hoc committees Transport Planning Committee

131. The supreme body for Nordic UN co-operation is the meeting of the Ministers of Defence which is held twice a year.

132. The Nordic Ministers of Defence have appointed a special Nordic Economic Working Committee for dealing with matters affecting the financing of UN peace-keeping activities. In addition to matters of general economic interest the committee is investigating the possibility of the reciprocal adjustment of economic benefits in connection with Nordic participation. Another problem which has been a subject of study is the guiding principles for regulating reimbursements in connection with a UN mission.

133. When units from more than one Nordic nation take part in a new UN peace-keeping mission NORDSAMFN can, when necessary, act as the co-ordinating authority for the Nordic countries concerning the preparation of the effort, the co-ordination of transport, and general management of matters of a common nature. In this connection there will be close liaison with the Nordic economic working committee in order to lay down the general basis for calculating claims for compensation and the procedure for presenting these claims to the UN.

134. NORDSAMFN also co-ordinates the preliminary UN peace-keeping training programme for Nordic officers and NCOs, which is shared as follows:

<i>Course</i>	<i>Country responsible</i>
UN Military Police Course = UNMILPOC (once a year)	Denmark
UN Military Observer Course = UNMOC (twice a year)	Finland
UN Logistics Officers Course = UNLOC (every second year)	Norway
UN Movement Control Course = UNMOVCC (every second year)	Norway
UN Staff Officers Course = UNSOC (once a year)	Sweden
Nordic UN Seminar (every third year)	Alternates between the Nordic countries

135. Such is the current interest in these courses that many of them are now being run much more frequently. In addition the range of countries participating has increased considerably. For example, in addition to the four Nordic countries, the last UN staff officers course held at Almnäs near Stockholm comprised officers of some fourteen nationalities.

136. A number of countries (e.g., Austria, France, Poland and Switzerland) are interested in running similar schemes themselves. Ideally of course the UN itself should be organising such training, perhaps on a regional basis...

137. NORDSAMFN plans and conducts the Nordic UN seminar, in which persons at command level within ministries for foreign affairs, ministries of defence and defence staffs participate. The purpose of the seminar is to deal with questions connected with UN peace-keeping operations. During the seminar there is a follow-up and analysis of the experience acquired from past and current operations in which the Nordic countries have participated or are participating. The intention is that this will lead to improved and more effective contributions to future UN undertakings.

(e) Considerations and factors in connection with a UN peace-keeping mission - the Nordic experience

The decision-making process in UN Headquarters in New York

138. The time taken to assemble a force of the kind envisaged will then depend on when the countries approached submit their replies. In

this connection their representatives in New York play an important rôle as intermediaries. If the countries approached privately have replied affirmatively they will receive an official request from the Secretary-General in the form of a note.

139. The question of the financing of a peace-keeping operation may be brought up already in the resolution of the Security Council. As the budget for the operation can only be determined as time goes on the Secretary-General must in the initial stages of the operation make use of the special authorisation he has for obtaining the necessary funds.

140. These funds are designed to defray the costs incurred by the troop-contributing countries on transportation to the mission area, on providing their units with equipment and material and also that portion of the pay and allowances paid to personnel which the UN has undertaken to refund.

141. Over and above these costs funds are needed for salaries of the civilian personnel, for administrative costs in connection with the contributions as well as for materials supplied by the UN and their maintenance.

142. Preparations for the operation are now entering the practical stage in that questions of transportation and maintenance take priority, usually against a deadline. The contacts between the UN Secretariat and the troop-contributing countries now take place also through the permanent delegations to UN and here it is of great importance as regards the professional handling of the issues involved if these delegations have military experts as regular members of their staffs. This is the case in respect of comparatively few countries, although all the Nordic countries.

143. Even though this is not specifically stated in the resolution that has initiated the operation the Secretary-General submits a situation report as the end of each mandate period approaches. Where appropriate the report includes a recommendation that the mandate for the UN force be extended, though as a rule this has been preceded by consultations with the host country or the parties to the conflict. Before the question of a possible extension of the mandate is taken up in the Security Council the Secretary-General must also ascertain that the troop-contributing countries are willing to continue to take part in the operation.

144. If the question of a UN peace-keeping operation is blocked in the Security Council the matter can be referred to the General Assembly in accordance with what is known as the "Uniting for Peace" resolution. This was approved by the General Assembly on 3rd November 1950 in connection with the UN initiative in Korea and was implemented on the

creation of UNEF I (General Assembly Resolution 997/1956). However, for a decision of the General Assembly to be valid it must be supported by a majority of at least two-thirds (UN Charter, Article 18.2).

145. Critics of the present system argue that more adequate pre-planning for peace-keeping should be undertaken so as to enable the organisation to respond rapidly when the situation demands it. Such critics have always minimised the enormous political difficulties that have thus far prevented any public pre-planning for peace-keeping in the United Nations Secretariat. They have also not taken sufficiently into account the reluctance of governments to make the necessary financial outlays that may be necessary, in the absence of any specific crisis, to organise an effective military staff to prepare contingency plans.

VII. The way ahead: a rôle for WEU?

146. It will be obvious from the preceding chapters that much remains to be done to give the UN a specific and an efficient command structure. First of all, however, the member nations of the organisation, and especially of the Security Council, must come to the political agreement that action should be taken; they must therefore re-express their faith in the UN. The first stage in the process is the report by the UN Special Committee on Peace-keeping Operations examining the Secretary-General's suggestions advanced in his "Agenda for Peace" which is expected imminently and which should bring matters to a head. As we reach the 50th anniversary of the founding of the United Nations what could be more appropriate than to invest the UN with the means to fulfil the new vocation outlined by Boutros Boutros-Ghali.

147. Opinions may still be divided on exactly how much of the "Agenda for Peace" could be applied and in what time scale but it points in the right general direction. The greatest service the WEU countries might perform would be to convince our NATO partner, the United States, to give the ideas a chance to succeed. Your Rapporteur was assured by the US Delegation in New York that the new Washington administration had an open mind on the subject: there is therefore an ideal "window of opportunity" – a chance to be seized now before it is too late. The US gesture in putting their troops taking part in the UNOSOM II operation in Somalia under non-US command for the first time is perhaps an indicator and should serve as a precedent.

148. The sine qua non on the European side of the Atlantic, at least amongst the WEU nations, is that some of us need to modify our somewhat cynical attitude to the United Nations (however justified such cynicism may have been in the

past with regard, for example, to the machinations of UNESCO). The argument that the UN is not properly equipped will no longer hold water if we will not agree to provide what is needed.

149. The thorny problem of whether or not WEU should be declared a regional organisation under the terms of the UN Charter is discussed in Chapter V and is the subject of a specific draft recommendation. Your Rapporteur raised the subject with the Secretary-General and in addition a written question has been posed to the Council concerning the necessity for WEU to be mandated by the UN for particular action. The WEU Secretary-General appears to think not, but much is riding on such considerations and the debate should now be brought into open forum.

150. Meanwhile on the practical side attitudes are changing. Many of our delegations in New York now include a military representative to provide appropriate advice. Some 20 countries (including a number of WEU nations) are in the process of seconding officers at national expense to the United Nations to augment the present tiny military staff.

151. With regard to "stand-by forces", while WEU countries do not generally have formal arrangements for forces earmarked especially for UN operations, most have contingency arrangements for fairly rapid deployment of some measure of force. Tied in with this is the obvious need both for adequate air and sealift to "reach the right place at the right time". Such matters are under particular consideration in WEU at present: the UN parameter should now be added as a subject for reflection and recommendation.

152. On the ground (and at sea and in the air) many of our countries are making available large numbers of the well-trained for UN operations, with France and Britain leading in sheer numbers; Italy, Spain and the Netherlands making large contributions also and other members sending contingents "beyond the call of duty". (For example, Luxembourg has virtually 10% of its armed forces in former Yugoslavia.) Most of our countries have also contributed ships and/or aircraft to help enforce embargo action in the Adriatic. A number are presently offering personnel and equipment for the WEU operation to stiffen controls on the Danube (see the parallel report of the Defence Committee: "WEU initiatives on the Danube", Joint Rapporteurs: Mr. Marten and Sir Keith Speed).

153. Training also. Some would have us believe that because an army is superbly professional and equipped for every eventuality it is necessarily apt for all the gradations of peace-keeping outlined in previous chapters. Not so,

your Rapporteur argues. Peace-keeping is an acquired science, as the Nordic countries have long since realised. The United Kingdom has devised a card system for briefing the individual soldier on his own rules of engagement – what he may and may not do in a given situation. This scheme has been used to effect by British forces in Bosnia and should be extended on a UN-wide basis.

154. What is required however is a UN centre for the exchange of ideas, plus a “data bank” where details of individual operations could be held in a sort of collective memory. Such a centre might save valuable time.

155. At present it is the four Nordic nations who together provide a “collective memory” for the UN and a common training system. Ideally the UN itself should sponsor and run a “UN staff college” as well as specialised schools for logistics, communications, etc. Given financial as well as political problems it will be some time before the creation of a centre is possible or even probable. Meanwhile WEU, which has already mandated the Defence Representatives Group to examine ways of co-ordinating training, internally should actively seek to co-operate on training for the UN with the Nordic countries. Training co-operation on such a regional basis may well be the best solution for the foreseeable future and this European model could serve as an example for other parts of the world.

156. “Logistics” is another area which requires particular attention. Not so much in traditional NATO terms such as “standardisation” and “interoperability”, although these are obviously important, but more simply in levels of equipment and in availability. The UN is sadly lacking in any procurement capability and stories are legion of “solar topees being issued in freezing weather and arctic footwear in the desert”. Even allowing for exaggeration a problem does exist. Questions such as stocking of equipment, prepositioning, transport, etc., must be tackled and maybe the embryonic WEU European Armaments Agency should be tasked with examining such considerations.

157. Of course as in so many other realms the bottom line for all these considerations is the

finance. The UN’s problem in financing operations has already been mentioned. Certain countries have been very tardy in making their due contributions, although apparently the situation is now less dramatic than hitherto. The “receiving end” is also not without its problems. The UN pays troops on a flat rate system, regardless of nationality or background. Some countries are therefore very much in profit, others the reverse. Boutros Boutros-Ghali in “An Agenda for Peace” draws attention to various aspects of the financial structure of the UN and makes proposals which appear reasonable.

158. Where WEU nations are concerned we might examine another aspect of the problem, from a budgetary angle. We are all in the process of reducing our defence budgets but your Rapporteur would recommend that rather than aim for straight reductions we should diversify and direct our defence efforts towards support for the UN. The UN as an idea receives a great deal of goodwill from the electorate which should be reflected and encouraged by parliamentarians. The UN Secretary-General has also suggested that defence budgets should be used increasingly to fund the UN, but why not seek finance from national overseas development budgets too? The UN’s humanitarian effort is now often inextricably linked with peace-keeping operations and the link could therefore be emphasised nationally.

159. Thus in practical terms rather than for semantic reasons WEU should be prepared increasingly to interact with the UN. While NATO seems at times to be seeking a rôle to justify a continued existence in the post-cold war world WEU has a more pragmatic approach, realising its current limitations and that it is only “the sum of its parts”, in political terms. The UN is likely to appreciate practical advice to create its own organisation more from the body which has recent experience in structuring itself than from those who would merely substitute themselves for the body they were supposedly helping! Your Rapporteur’s draft recommendations are therefore designed both to be not only feasible but also to appeal to our governments as being worth doing if we are to try to make sure that the UN fulfils its new vocation.

***WEU initiatives on the Danube and in the Adriatic –
reply to the thirty-eighth annual report of the Council***

REPORT ¹

***submitted on behalf of the Defence Committee ²
by Mr. Marten and Sir Keith Speed, joint Rapporteurs***

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APPENDIX

The crisis in former Yugoslavia – WEU operations

1. Adopted unanimously by the committee.

2. *Members of the committee:* Mr. Baumel (Chairman); MM. De Decker, de Puig (Vice-Chairmen); Mr. Alloncle (Alternate: *Le Jeune*), Mrs. Baarveld-Schlamman, MM. Borderas, Briane, Brito, Chevalier (Alternate: *Péciaux*), Cox, De Carolis, Dees, Dumont, Fernandes Marques, Ferrarini, Hardy, Irmer, Jacquat (Alternate: *de Lipkowski*), Kelchtermans, Leccisi (Alternate: *Caccia*), Mrs. Lentz-Cornette, MM. van der Linden, Mannino, Marten, Lord Newall, MM. Pecchioli, Perinat (Alternate: *Moya*), Reis Leite (Alternate: Mrs. Aguiar), Scheer, Sir Dudley Smith, Sir Keith Speed, MM. Steiner, Vazquez (Alternate: *Bolinaga*), Zierer.

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

Draft Recommendation

***on WEU initiatives on the Danube and in the Adriatic –
reply to the thirty-eighth annual report of the Council***

The Assembly,

- (i) Recalling Recommendations 506, 512, 519, 525, 530 and 531 and in particular the Recommendations to:
 - (a) Prepare a resolution to be tabled by WEU members of the United Nations Security Council to reinforce the present embargo at least to the level of that enforced against Iraq in 1990/91 and in particular to take account of the problem of cargo in transit and also of the complications of the Danube Convention and to publish evidence at an early stage of any significant breach of the embargo;
 - (b) Fulfil its pledge for WEU member states to “offer expertise, technical assistance and equipment to the governments of Danube riparian states to prevent the use of the river Danube for the purpose of circumventing or breaking the sanctions imposed by United Nations Security Council Resolutions 713 and 757” and in particular respond to Romania’s request for assistance;
 - (c) In conjunction with the NATO authorities, rationalise naval and maritime air operations in the Adriatic area to form composite and cost-effective forces;
- (ii) Pleased that WEU has signed memoranda of understanding with Bulgaria, Hungary and Romania on helping police the Danube and that such operations are already producing a deterrent effect on possible sanction breakers;
- (iii) Pleased that WEU and NATO have agreed a composite force for Adriatic operations (“Operation Sharp Guard”) with a joint command in Naples;
- (iv) Pleased that all member countries are in one way or another fully supporting UN-mandated operations in the Adriatic, on the Danube, or in Bosnia-Herzegovina, Croatia or Slovenia and considering such action already a symbol of European willingness to co-operate in the field of security;
- (v) Pleased that the Greek Government has more actively encouraged the application of UN-mandated sanctions;
- (vi) Considering that the memoranda of understanding signed with Bulgaria, Hungary and Romania are a tangible sign of the good and practical relations prevailing in the WEU Forum of Consultation;
- (vii) Welcoming the recent contacts between WEU and both Russia and the Ukraine over the application of the UN embargo;
- (viii) Convinced that the Council should initiate a specific exercise programme so that forces now answerable to WEU may train together on a regular basis at all levels and further suggesting that the ideal starting point for such a programme would be the forthcoming Ardente 93 exercise in Italy;
- (ix) Congratulating the Council and the presidency on their initiatives,

RECOMMENDS THAT THE COUNCIL

1. Inform the Assembly of the terms of the memoranda of understanding signed with Bulgaria, Hungary and Romania and in particular make explicit any security guarantees given to any or all of these countries;
2. Ensure that the longer-term political implications of WEU’s involvement in operations on the Danube and in the Adriatic are fully studied and appreciated;
3. Explore with the Greek authorities ways of helping them ensure complete and visible compliance with all UN sanctions even to the extent of asking member states to second customs and/or police officers to help with the task;
4. Encourage the Russian authorities to give practical expression to their offer to help ensure that all embargos are fully respected on the border between Serbia and Bosnia-Herzegovina;

5. Develop the liaison established with the Ukrainian authorities with a view to signing a possible memorandum of understanding for WEU to provide technical assistance to the Ukraine so that UN sanctions may be seen to be fully respected;
6. Urge the UN to implement a compensation scheme to reimburse at least in part those countries such as Greece, Bulgaria, Hungary and Romania, which have suffered considerable financial loss as a result of embargo enforcement.

Explanatory Memorandum

(submitted by Mr. Marten and Sir Keith Speed, joint Rapporteurs)

I. Introduction

1. Originally your joint Rapporteurs were to have presented a report on "An operational organisation for WEU – naval co-operation" at next week's plenary session of the Assembly, but with recent developments concerning one particular facet of such operations it was decided to concentrate for the present on "WEU initiatives on the Danube and in the Adriatic" which builds on the report presented last December, entitled "WEU's operational organisation and the Yugoslav crisis" (Rapporteur: Mr. Marten). The aim is to bring colleagues up to date regarding current operations to enforce UN-mandated sanctions and to make recommendations.

2. Following the adoption by the United Nations Security Council of Resolution 757 (1992) instituting an economic embargo against the Republics of Serbia and Montenegro, governments adopted a whole range of administrative – and sometimes even legislative – measures to implement the resolution (economic and financial sanctions, suspension of scientific and cultural co-operation, reduction of the number of diplomatic officials, cutting of air links). In addition, European Community member states are applying Council Regulation No. 1432/92, of 1st June 1992, prohibiting trade between the European Economic Community and the Republics of Serbia and Montenegro.

3. In September 1992, at the instigation of the Defence Committee, the Assembly's Standing Committee adopted the following specific recommendation concerning the embargo:

"Recommendation 525"

The Assembly,

- (i) Acting through an urgent meeting of its Standing Committee;
- (ii) Recalling Recommendations 506, 511, 512 and 519 which have all sought to prompt specific WEU action to help resolve the Yugoslav crisis;
- (iii) Fully endorsing United Nations Resolutions 713, 757, 770 and 771;
- (iv) Welcoming the progress made as a result of the London Conference but saddened that in spite of many attempts, in varying bodies, to find a political solution to the crisis, the suffering of the peoples concerned is intensifying to a devastating degree, not only in Bosnia-Herzegovina

but also in Croatia where Dubrovnik is still being shelled nightly;

(v) Regretting that the United Nations embargo on Serbia and Montenegro is not being applied effectively, except at sea;

(vi) Congratulating the Italian presidency of WEU for its initiatives in convening an extraordinary Council of Ministers meeting in London on 28th August, as requested on behalf of the Assembly by its President, and approving the communiqué issued which offers the United Nations assistance in delivering humanitarian aid, in the supervision of heavy weapons and in strengthening the embargo;

(vii) Pleased that a majority of WEU countries are contributing forces for Operation Sharp Vigilance and are prepared to make forces available to support United Nations efforts in Bosnia-Herzegovina, but also hoping for a more equitable cost-sharing agreement between member countries;

(viii) Welcoming the North Atlantic Council's decision to make NATO's logistical infrastructure available to co-operate in WEU action in the framework of United Nations Security Council directives and also welcoming offers by the United States;

URGENTLY RECOMMENDS THAT THE COUNCIL

1. Seek immediate United Nations approval to impose a complete and total land, air and sea blockade of Serbia and Montenegro, the cessation of all financial, economic and other international assistance and the exclusion of Serbia and Montenegro from all international organisations until such time as they comply completely with all United Nations resolutions and the decisions of the London Conference;

2. Respond favourably to Romanian requests for help in policing the border with Serbia and help to establish similar arrangements with other neighbouring countries in the region;

3. Insist that Greece give the necessary assurances of total compliance with the United Nations embargo before continuing the present negotiations for WEU membership;

4. Offer to the Secretary-General of the United Nations to keep WEU forces available to the United Nations under European command and operational control in order to maintain cohesion and to carry out Resolution 770 effectively, and in close co-ordination with the United Nations;

5. Ensure that the WEU military planning cell is fully operational when established on 1st October 1992 in order to play a specific rôle in the present crisis;

6. Institute a formal liaison mechanism with NATO headquarters and appropriate commands and also with the relevant United States authorities to help promote efficient and cost-effective co-operation and to avoid duplication of effort;

7. Prepare, in conjunction with other bodies, the future military requirements which may become necessary should Serbia not respect the London engagements and, in particular, study the need to:

- (a) develop the alternative options for action considered on 28th August;
- (b) plan appropriate anti-submarine and mine-hunting operations in the Adriatic;
- (c) ensure air superiority in the area of operations and if necessary an air exclusion zone;
- (d) take steps to ensure sufficient air protection for WEU forces made available to the United Nations;
- (e) confine all naval assets based in Kotor and Bar;
- (f) develop electronic counter-measures (ECM) to best effect and, more specifically, jam and neutralise military communications as well as fire control systems;
- (g) provide military hospital facilities in the region for the treatment of the wounded, both service and civilian, and organise facilities for refugees;

8. Invite non-member nations to co-operate in furnishing military forces to complement WEU assets;

9. Examine action to be taken, including military action, not only to stop present fighting but also to prevent present conflicts spreading to Kosovo,

Sandjak, Vojvodina and Macedonia and, in conjunction with the CSCE, consider the timely deployment of protective forces."

II. Sanction enforcement on the Danube

4. In October 1992 the Chairman of the Defence Committee, Sir Dudley Smith, accompanied by one of the committee's joint Rapporteurs, Mr. Günter Marten, visited Romania at the invitation of the Romanian authorities. The world press had been making considerable comment about the ease with which the UN embargo on Serbia and Montenegro was being flaunted both at border crossings and by river traffic on the Danube.

5. The WEU delegation was able to see for itself that every effort was being made to try and ensure compliance with the terms of the UN embargo but it was immediately obvious that Romania at least lacked many of the technical means required for fully-effective implementation.

6. In addition, during discussions in the Foreign Ministry in Bucharest the then Foreign Minister, Mr. Adrian Nastase, made the very valid point that the embargo was being applied at considerable cost to his country.

7. In fact the application of the embargo against Serbia and Montenegro has presented neighbouring countries with a range of practical problems. For this reason, at the initiative of the United Kingdom, the European Community and the United States organised fact-finding missions to these countries in order to assess the difficulties faced by the authorities and help them to adopt measures to strengthen the embargo.

8. On the basis of the reports produced by the fact-finding missions, a liaison group set up under CSCE auspices proposed, at the end of September 1992, the adoption of a number of technical co-operation measures. These consisted of the stationing of Sanctions Assistance Missions (SAMs) in the neighbouring countries and the establishment of a communications centre (SAMCOMM) responsible for facilitating communications and co-ordination between the SAMs and the authorities of the countries concerned. The SAMCOMM was subsequently set up in Brussels at the headquarters of the Commission of the European Communities. It is working in close co-operation with the Secretariat of the United Nations Sanctions Committee and with the United Nations Protection Force (UNPROFOR). The SAMCOMM informs the CSCE liaison group of its activities.

9. On 4th February 1993, Ambassador Antonio Napolitano was appointed co-ordinator for the application of sanctions by the European Community and the CSCE. By the end of March 1993, Sanctions Assistance Missions had been established in Albania, Bulgaria, Croatia, Hungary, Romania, Ukraine and the former Yugoslav Republic of Macedonia. The staff of the SAMs and the SAMCOMM, comprising mainly customs officers, were provided by 13 Council of Europe member states, Canada, the United States and the Commission of the European Communities. Periodical reports on the SAMs' activities are published.

10. These documents show that the authorities in the countries where SAMs are stationed have a clear desire to ensure compliance with the embargo and to co-operate closely with the SAMs. The main problems encountered by the assistance missions concern the inspection and monitoring of traffic, especially on the Danube, exports by Serbia of goods from Bosnia-Herzegovina not covered by UN Security Council Resolution 787 and the diversion to Serbia of vessels carrying mainly oil products and stating their destination to be other republics of former Yugoslavia not affected by the embargo. It would also appear that false documents are widely used by carriers in order to circumvent the administrative checks at Serbia's frontiers. The SAM reports also acknowledge that it is very often difficult to prove that a violation has occurred solely on the basis of an examination of documents and that lack of resources prevents the inspection of all goods consignments.

11. Our colleague, Mr. Fabra, Rapporteur for the Political Committee of the Council of Europe, quizzed member states of our sister organisation and its special guest delegations on:

- measures adopted by the authorities to ensure compliance with the embargo;
- violations of the embargo which had been notified to parliaments; and
- any other action concerning the embargo taken by the authorities.

12. Most authorities consulted stated that they are scrupulously observing the guidelines adopted by the United Nations Sanctions Committee for the application of Resolutions 757 and 787; the latter, adopted on 16th November 1992, appreciably tightened the embargo.

13. Bulgaria, Cyprus, Denmark, Germany, Greece, Malta and Turkey also said that they have carefully examined every alleged violation of the embargo and have passed on their findings to the United Nations Sanctions Committee.

14. Your Rapporteurs would wish to draw attention to a particular aspect arising from the

above, which has been emphasised in previous reports of the Assembly, namely the attitude of Greece (whose membership of WEU is currently subject to ratification). For a number of European Community states it would appear that it is Greece which provides the main stumbling block to pacifying the Balkans, by "breaking the UN sanctions on Serbia and by denying Macedonia's recognition". As underlined in previous reports of the Assembly, Greece has been reproached over the months with a somewhat dilatory behaviour with regard to the present UN embargo. Such an argument is misconceived as your Rapporteurs have been quick to realise. While, as emphasised in previous reports, there has been no doubt that Greek-flagged vessels have run the blockade with supplies of oil for the Belgrade régime, there is no public evidence of Greek Government connivance in such activities.

15. Quite the contrary in fact: the Greek port of Thessalonika is clogged (according to the RUSI in London) with nearly 50 000 tons of goods prohibited for export. Many of Greece's trading routes pass through Yugoslavia but very few nations have suggested any specific recommendation to compensate Greece for complying with the embargo (or any of the other nations involved). The RUSI draws attention to a particular paradox. Violations of sanctions have been recorded throughout the European Community and Denmark, the current holder of the EC Presidency and one of Greece's main critics, has allegedly actually recorded a rise in its trade with Serbia over the past year!

16. At the December 1992 plenary session, again at the instigation of the Defence Committee, the Assembly adopted the following explicit recommendations:

"Recommendation 530

The Assembly,

- (i) Recalling Recommendations 506, 512, 519 and 525 which have all sought to prompt precise action by WEU to help solve the crisis in former Yugoslavia;
- (ii) Fully endorsing United Nations Resolutions 713, 757, 770, 771 and 781 and the efforts being made by Lord Owen and Mr. Vance to resolve the crisis;
- (iii) Dismayed that so little apparent progress has been made in finding a political solution to the crisis and that the suffering of the peoples concerned is likely to be intensified still further with the onset of winter;
- (iv) Urging the Council to multiply efforts within the United Nations, the CSCE, the EC and the new WEU Forum

for Consultation with the Central European states, to seek greater co-operation at all levels in a further attempt to convince the various belligerents to stop fighting;

(v) Disappointed that the United Nations Security Council has not heeded WEU's call for reinforcement of the embargo on Serbia and Montenegro and that consequently the fighting is being prolonged;

(vi) Congratulating the Council for promptly following up a number of the Assembly's recommendations and applauding the Italian presidency for its pragmatic and positive initiatives over WEU co-ordination and liaison with the United Nations, CSCE and NATO;

(vii) Pleased that all WEU countries have offered to contribute either forces, logistic support or facilities, or a combination of such assets, but insisting on the need for an equitable sharing of costs;

(viii) Convinced that an air defence capability plus associated intelligence-gathering measures to help protect United Nations forces are essential;

(ix) Considering that similar WEU and NATO naval and maritime air assets might well be combined to form composite forces to stress complementarity and in a demonstration of cost-effectiveness rather than duplication;

(x) Believing that when WEU forces are operating as such they should be readily identifiable,

RECOMMENDS THAT THE COUNCIL

1. Intensify efforts within the United Nations, the CSCE, the EC and the new WEU Forum for Consultation to support Lord Owen and Mr. Vance's endeavours in Geneva and to sponsor a possible fresh initiative to convince the belligerents in all parts of former Yugoslavia to stop fighting and seek a political solution to their grievances;

2. Prepare a resolution to be tabled by WEU members of the United Nations Security Council to reinforce the present embargo at least to the level of that enforced against Iraq in 1990/91 and in particular to take account of the problem of cargo in transit and also of the complications of the Danube Convention and to publish evidence at an early stage of any significant breach of the embargo;

3. Fulfil its pledge for WEU member states to "offer expertise, technical assistance and equipment to the governments of Danube riparian states to prevent the use of the river Danube for the purpose of circumventing or breaking the sanctions imposed by United Nations Security Council Resolutions 713 and 757" and in particular respond to Romania's request for assistance;

4. Ensure that all WEU nations which have offered forces, logistic support or facilities are permitted to participate in operations, although not necessarily those organised exclusively under the direct aegis of the United Nations. Both the CSCE and the EC, for example, require considerable support for observer missions;

5. Prepare a special supplementary budget for 1992 to take account of operations concerning the former Yugoslavia and also to enable the WEU planning cell to function correctly;

6. Make contingency arrangements to provide an adequate air defence capability to help protect United Nations forces engaged in former Yugoslavia;

7. In conjunction with the NATO authorities, rationalise naval and maritime air operations in the Adriatic area to form composite and cost-effective forces;

8. Design a symbol of specific European identity to represent WEU and urge member countries to use it to distinguish their military forces – ships, aircraft, vehicles and personnel – taking part in WEU operations. Personnel serving in the planning cell should be among the first recipients of such a badge.

Recommendation 531

The Assembly,

(i) Welcoming United Nations Security Council Resolutions 786 (on an air exclusion zone) and 787 (reinforcing the present embargo to the level of a blockade) which respond directly to the Assembly's recommendations;

(ii) Welcoming the United Nations Security Council's decision to set up a peace-keeping force for the former Yugoslav Republic of Macedonia and wishing to see the initiative extended to Kosovo and elsewhere;

(iii) Welcoming the WEU Council's prompt responses to the Assembly's Recommendation 525 adopted on 3rd Sep-

tember 1992 and also the Council's "Declaration on former Yugoslavia" issued on 20th November 1992,

RECOMMENDS THAT THE COUNCIL

1. Urge all member nations to review and improve their participation in at least the humanitarian aspects of operations concerning the "Yugoslav crisis";

2. Actively promote the idea of establishing "safe areas" for refugees and displaced persons throughout the territory of the former Yugoslavia;

3. Transform the Ad Hoc Group into a standing advisory group to manage WEU's response to the "Yugoslav crisis" for as long as the crisis lasts;

4. Publish the evidence of any known breach of sanctions and particularly of cases where arms or other military equipment were exported to the Serbs and other warring factions in former Yugoslavia;

5. Take measures for and announce sanctions to be taken by member states against all sea or air transport operators guilty of violating the embargo decreed by the United Nations;

6. Study plans for a European military operation to relieve the region of Sarajevo, liberate the prison camps and put an end to the policy of occupation and ethnic cleansing pursued by the Serbs in Bosnia-Herzegovina."

17. The Romanian authorities followed up with the following declaration on 27th January 1993:

"In regard to the flagrant violation on the Danube in recent days, by ships flying the Yugoslav flag, of the embargo imposed by the United Nations Security Council, the Romanian Government gives the following details:

1. Security Council Resolutions 757/1992 and 787/1992 introduced the embargo against the Federal Republic of Yugoslavia (Serbia and Montenegro), consisting of a ban on the import and export of goods and all transport activities in respect of those countries.

A ban was also imposed on the transit through the Federal Republic of Yugoslavia (Serbia and Montenegro) of crude oil and oil products, coal, energy equipment, steel and other metals, chemical products, rubber, containers, vehicles, aircraft and engines of all kinds.

With a view to the strict application of these measures, the Romanian Government adopted Decision 771/1992 and issued detailed instructions to the appropriate Romanian authorities.

2. Since the embargo measures came into force, attempted violations by Yugoslav ships have been recorded, involving the use of documents containing false information about the cargo and the destination of goods, refusal to submit to controls by the Romanian authorities, the use of flags of other states and refusal to stop the ships and present the documents and cargo for control.

All these attempted violations of the embargo were solved promptly and firmly by Romania, as was recognised and appreciated by the international experts monitoring application of the measures decided by the Security Council.

3. However, in recent days, cases of serious violation of the embargo measures decided by the Security Council have been recorded.

For instance, on 18th January 1993 the push boat Bihac, flying the Yugoslav flag, on the pretext that it intended to return to the port of origin of the cargo (Reni), turned round and set off in the opposite direction to its declared destination and linked up with the tug Kumanovo and six barges loaded with oil products.

In the Braila port zone, the tug Kumanovo left the convoy, which continued on its way to Yugoslav national waters.

On 23rd January 1993, three convoys flying the Yugoslav flag, loaded with oil products, pushed by the Yugoslav boats Orasac, Velebit and Kaimakalan, left the port of Reni in Ukraine. In response to orders from the Romanian authorities, the convoys refused to stop and be verified and continued to advance towards Yugoslav territory.

Similarly, on 25th January 1993, the tug boat Kumanovo, with twelve loaded barges, left the Macin arm of the Danube without transport documents and went towards Yugoslav territory.

To ensure respect for the embargo measures, the Romanian authorities, acting in accordance with Security Council resolutions, took steps to stop the boats. These consisted of orders from and encirclement by frontier patrol boats. The commanders of the Yugoslav ships ignored the many calls from the port authorities over the

radio and by loud-speaker and continued on their way.

The relevant authorities tried to approach the guilty ships and block their way, paying due attention to the safeguarding of human lives and at the same time avoiding causing excessive, irreparable damage. The commanders of the ships concerned refused to submit to such action. Worse still, the commander of the push boat Bihac threatened to set fire to the entire cargo and dump it in the Danube, which would have had very serious ecological consequences.

4. Romanian legislation has therefore been seriously violated, as has the Belgrade Convention on navigation on the Danube. Ships have navigated without documents and have flown the flags of other states, injunctions and orders to stop have been ignored, radio links have been cut and the presentation of documents and cargoes for customs controls has been refused.

5. To put an end to these serious violations of the embargo, the Romanian authorities have placed the matter before the Security Council, the United Nations Sanctions Committee and the authorities of the Federal Republic of Yugoslavia and have contacted the appropriate authorities in Ukraine and Bulgaria. They have also approached the Romanian courts in order to instigate legal proceedings against Yugoslav citizens who have not respected the legal provisions relating to navigation on the Danube.

In these circumstances, the Romanian Government has taken steps to ensure that all bodies concerned continue to apply the measures laid down in United Nations Security Council resolutions concerning strict respect of the embargo imposed on Yugoslavia, including constraining measures, in accordance with the relevant provisions of those resolutions.

The Romanian Government will remain in close contact with the Danube riparian states so that agreements may be reached to prevent the loading and transport of goods subject to embargo or carried on ships belonging to the Federal Republic of Yugoslavia so as to ensure strict respect for Security Council provisions.

The government will again ask for the support of countries participating in the CSCE and the United Nations Security Council in order to receive the technical means necessary for the strict application

of the embargo measures relating to the transport of goods on the Danube."

18. In addition on 18th February consultations were held between the Ministries of Foreign Affairs of Bulgaria, Romania and the Ukraine, resulting in the following memorandum:

"On 18th February 1993 consultations were held in Bucharest between the Ministries of Foreign Affairs of Romania, Bulgaria and Ukraine, as riparian states to the Danube river, in connection with the implementation of sanctions established by the Security Council.

The consultations were attended by customs, transport, border guard experts from the three countries and by representatives of EC/CSCE Sanctions Assistance Missions (SAMs).

During the meeting a comprehensive exchange of views on the application of sanctions on the Danube was made. The parties considered that sanctions are an integral part of the international efforts for the peaceful settlement of the crisis in the former Yugoslavia and their strict implementation by all countries will contribute to the speedy solution of the crisis. In this respect, the participants reiterated the determination of their countries to act in accordance with the provisions of UNSC Resolutions 757 (1992) and 787 (1992) as well as with the consolidated guidelines for their implementation, adopted by the committee established pursuant to Resolution 724 (1991).

The determination expressed in the statement of the Government of Romania of 27th January 1993, the statement of the Government of Bulgaria of 1st February 1993 and in the Statement of the Ministry of Foreign Affairs on behalf of the Government of Ukraine of 29th January 1993 was reaffirmed to further strictly comply with UNSC Resolutions 713 (1991), 757 (1992) and 787 (1992). The parties stressed that the competent authorities in their countries will continue the compliance with UNSC Resolutions 757 and 787 (1992). The participants considered to undertake some practical steps to this effect.

The representatives of the three Ministries of Foreign Affairs expressed the readiness of their countries to continue consultations and co-operation between their competent institutions in the implementation of sanctions on the Danube river.

The three parties agreed to make public

and to submit the present memorandum to the United Nations Security Council.”

19. Also on 18th February, the President of the WEU Assembly, Dr. Hartmut Soell, wrote to Mr. Teodor Melescanu, the Romanian Foreign Minister (who had addressed the December 1992 plenary session of the Assembly), in the following terms:

“

I have received the text of the declaration adopted by the Romanian Government at its sitting on 27th January 1993 concerning violations, by ships flying the Yugoslav flag, of the embargo imposed by the Security Council. The Romanian Government announces that it will ask for the necessary technical means to ensure strict application of the embargo measures relating to the transport of goods on the Danube.

Having heard your address on 1st December 1992 and having been briefed by Sir Dudley Smith, Chairman of the Assembly's Defence Committee, who, as you know, visited the Iron Gates area in October 1992, the WEU Assembly is convinced of the Romanian Government's determination to ensure a satisfactory application of the embargo. It will certainly wish to assure the WEU Council of its support for the request expressed by the Romanian Government in its declaration of 27th January.

However, in order to do this in an accurate and, I hope, effective manner, it would be useful to know what technical means Romania wishes to be made available to it.

.....”

20. Mr. Melescanu was very explicit in his reply of 24th February 1993 (as he had been when speaking at the plenary session of the Assembly) :

“

I would like to convey to you the satisfaction of my government with reference to your kind offer to support Romania's endeavours to ensure the effectiveness of the UN sanctions against the Federal Republic of Yugoslavia (Serbia and Montenegro). Your offer provides us with an appropriate framework for co-operation at a time of critical developments.

As you might well know, the violation of the embargo by vessels under Yugoslav flag has raised serious problems to the Romanian authorities in their actions to comply fully with the UN sanctions. Par-

ticularly, the shortage of special technical equipment has become obvious. The document herewith attached will bring to your attention our most urgent needs and requirements to have such challenges met.

.....

Aide-mémoire

In order to strictly apply the Resolutions 713, 757 and 787 (1992) of the UN Security Council regarding the economic and military embargo against Yugoslavia (Serbia and Montenegro), the Romanian side has already expressed the disponibility to receive observers and assistance with a view to monitoring the application of the provisions of the above-mentioned resolutions.

For this purpose, the Romanian side urgently needs the following equipments:

1. Complete navigation radio stations for small river ships: 18 pcs;
2. Naval radio-telephones to ensure the adequate communication: 38 pcs;
3. Electro-megaphones: 38 pcs;
4. Speed patrol boats, supplied with specific equipment for monitoring the implementation of the provisions of the Security Council resolutions: 15 pcs;
5. One central radio station for communications among the customs authorities on the territorial basis;
6. Computers (in order to control the ships movement): 12 pcs;
7. Means for preventing oil pollution:

- floating fireproof dams for limiting oil spread (height – approx. 300 mm above water level and length – 1 000 m, each): 6 pcs;
- oil recovering equipment to be used on ships with special endowment, also including absorbent substances – ratio 1/1 to the amount of spilt oil: 18 pcs;
- dispersion solutions for preventing oil pollution on beaches and for scattering thin oil films;
- pumping installations fit for water temporary supplying in the range 1.6

l/s – 3 cbm/s: 70 pcs according to the capacity of the present water intakes;

- fast intervention means, afloat and on the land (quick laboratory ships). ”

21. The WEU Permanent Council agreed in principle on 16th March 1993 to send police forces and equipment to help Romania and Bulgaria enforce the embargo along the Danube and in parallel the United States decided to make three fast 27-foot patrol boats available to the Romanians together with a United States coast guard team for training.

22. WEU made a formal offer at the extraordinary ministerial meeting in Luxembourg on 5th April 1993 to assist Hungary as well as Bulgaria and Romania in implementing the embargo on the Danube and discussion began in earnest.

23. The 5th April WEU “Declaration on implementation of United Nations sanctions on the former Yugoslavia” reads as follows:

“1. The WEU Council of Ministers held an extraordinary meeting, following on their discussions in Rome in November 1992, to discuss this crucial phase of the situation in former Yugoslavia and in particular the conflict in Bosnia-Herzegovina. Representatives of Bulgaria, Hungary and Romania, the CSCE Presidency, the CSCE sanctions co-ordinator and the EC Commission attended, as observers, this meeting which was devoted to sanctions implementation on the Danube. Representatives of the EC Presidency and Secretary-General of NATO also attended as observers.

2. With a view to supporting the efforts of the European Community, the United Nations and the international conference on former Yugoslavia at this decisive stage of the negotiations aiming at the acceptance of the Vance-Owen peace plan by all parties in Bosnia-Herzegovina, ministers reaffirmed their determination to contribute significantly to the implementation of the provisions of the United Nations Security Council Resolutions 787, 757 and 713 and of the measures contained in those resolutions.

3. Ministers welcomed the efforts of the riparian states to meet their obligations under the abovementioned United Nations Security Council resolutions but noted with concern that, despite these efforts, sanctions enforcement on the Danube still required strengthening.

4. WEU ministers therefore offered their concrete support to the riparian

states by means of the organisation of a police and customs operation on the Danube to which WEU countries would contribute appropriate resources. This offer is based on three guiding principles – that the operation will be:

- based on relevant United Nations Security Council resolutions, in particular Resolution 787 of 16th November 1992, in connection with Resolutions 713 and 757;
- an extension of efforts already being deployed by the CSCE and the European Community and its member states;
- in support of the riparian states responsible for adopting the requisite measures to ensure compliance with the embargo on the Danube.

5. WEU ministers welcomed the support given by the CSCE to the WEU plan and looked forward to the effective co-ordination of the EC, CSCE and WEU efforts to enforce United Nations Security Council resolutions.

6. The organisation of the police and customs operation offered by WEU would be based on a system of co-ordinated control areas upstream and downstream of the Serbian border with the aim of ensuring the effective implementation of the embargo on the Danube. This would involve joint teams of police and customs officers from WEU countries and the riparian states operating from fast patrol boats to carry out additional controls in support of those of the riparian states.

7. The WEU Council of Ministers welcomed the support given by the riparian states and looked forward to further consultations on this issue. They hoped that the police and customs operation could start as soon as possible in order to ensure the full implementation of the relevant United Nations Security Council resolutions and thus to make a positive contribution to reaching a solution to the crisis in former Yugoslavia, in full complementarity with the peace process which is being pursued in other fora.”

24. In essence the “terms of reference” envisaged an operation to ensure checks on and surveillance of the traffic on the Danube, much as the WEU flotilla had done from the beginning in the Adriatic. Some 250-300 “police and customs officers” were to be deployed with 10 or so fast patrol boats. The then Italian Defence

Minister, Mr. Salvo Andò, added that some measure of force would be authorised but not necessarily the use of arms.

25. France, Germany, Italy, Luxembourg, the Netherlands and Spain envisaged sending contingents. Germany earmarked four patrol craft and some 50 members of the Frontier Force; France would contribute 20 or so Gendarmes, Italy 80 from the Customs Police.

26. The three Danube states involved expressed a number of understandable reticences, especially concerning Serb reported threats to blow up a petrol tanker barge on the Danube. Such an ecological disaster would obviously affect Hungarian and Romanian water supplies as well as the Bulgarian nuclear power station at Kozlodui which draws its cooling water from the Danube.

27. Meanwhile according to the Romanian authorities traffic on the Danube was falling. For example in March only 60 vessels had passed through the Iron Gate 2 lock, compared with some 60 a week prior to the embargo.

28. Visiting the Danube on 3rd June the British Foreign Secretary, Mr. Douglas Hurd, was cited in the following terms:

“Gazing at the Danube, Douglas Hurd, the Foreign Secretary, said: ‘Now we have an empty river; before it would have been crowded. The operation seems to be working.’

With those words Mr. Hurd gave his endorsement to the success of the trade embargo along the river by Bulgaria, Romania and Ukraine. He was told, however, that sanctions against Serbia were still being breached by land crossings, especially through Macedonia.

.....

A spokesman for Mr. Hurd said that 62 sanctions assistance personnel were already deployed and the figure would be doubled within a month. Of those, 20 will be British, with three boats. Western European Union is to deploy equipment and personnel to strategic ports such as Calafat, Vidin and at the Iron Gates on the river.”

29. Various localities were discussed with a view to establishing WEU bases to help reinforce the embargo and from 26th to 29th April a WEU fact-finding mission visited a number of places on the Danube: Giurgiu and Calafat in Romania, Ruse and Vidin in Bulgaria, Mohacs and Baja in Hungary.

30. The aim of the mission was to examine firstly the common aspects of possible WEU operations, the general characteristics of the river, shipping control and communications,

language requirements, fuel availability, electricity and water supplies, etc., etc. Secondly the individual merits of each locality were assessed and recommendations made. Exemplary co-operation was evident throughout (as it had been for the Assembly's fact-finding visit in October 1992).

31. On 29th April the WEU troika (Germany, Italy and Luxembourg) met representatives of Bulgaria, Hungary and Romania to discuss a series of concerns which had been raised over the previous weeks.

32. Hungary for example, as expressed by the State Secretary for Foreign Affairs, Mr. Janos Martonyi, did not wish WEU contingents to be armed or to use force, but to serve under Hungarian command and even under the Hungarian flag. At the same time it was reported that Hungary was seeking security guarantees from WEU (in case of riposte from the Serbs), similar to those sought from NATO with reference to AWACS aircraft operating in Hungarian airspace.

33. The political implications of this last point are legion and could technically impinge on the obligations of modified Brussels Treaty signatories under Article V of the treaty – if taken as a precedent. Your Rapporteurs believe that the Council is aware of such considerations, hence the careful wording of the communiqué issued on the signing of memoranda of understanding between WEU and, respectively Bulgaria, Hungary and Romania.

34. At the WEU ministerial meeting in Rome on 19th May 1993, ministers agreed that the strengthening of the UN sanctions through strict implementation of the relevant Security Council Resolutions and in particular Resolution 820 should continue to be one of the responses of the international community to Bosnian Serb intransigence. Ministers highlighted the two contributions which WEU was making in this respect:

- since July 1992, WEU ships and aircraft have been conducting, embargo enforcement operations in the Adriatic in close co-ordination with NATO. With the adoption of UN Security Council Resolution 820, WEU and NATO discussed ways of increasing the effectiveness of these embargo enforcement operations;
- the offer made at their meeting in Luxembourg on 5th April to assist in the efforts of Bulgaria, Hungary and Romania in implementing the embargo on the Danube in accordance with the provisions of the relevant UN Security Council resolutions was now being put into effect. Ministers expressed their appreciation for the co-operation

shown by the governments of Bulgaria, Hungary and Romania in establishing this joint initiative, of a civilian character, which would be conducted in close co-ordination with the efforts of other organisations notably the EC and CSCE and in liaison with the Sanctions Assistance Missions in the area. They welcomed the agreement of the riparian states to the deployment of advance teams, now in place, in order to prepare the rapid implementation of the initiative. Ministers expressed their appreciation for the efforts undertaken by the Presidency and agreed that Italy would assure co-ordination on the ground.

35. On 20th May in Rome at the meeting of the WEU Forum of Consultation at ministerial level ministers informed their consultation partners of the WEU operation to enforce the embargo in the Adriatic undertaken in close co-ordination with NATO.

“Ministers welcomed the WEU initiative on the Danube to assist and co-operate with Bulgaria, Hungary and Romania, in the strict implementation of the sanctions provided for in UN Security Council Resolutions 820, 787, 757 and 713. They welcomed the signature of three memoranda of understanding in Rome to this effect.

Ministers stressed that the Danube mission, which was of a civilian character, represented a concrete example of co-operation between WEU and certain of its consultation partners. They reaffirmed the importance of that co-operation and their resolve to continue their joint efforts thus contributing to the search for a peaceful solution to the crisis. Moreover, Ministers underlined the importance of containing the current conflict and agreed that, were any country to suffer from aggressive action as a consequence of their support for UN-mandated operations, this would be a matter of direct concern to the international community.”

36. At the time of writing the respective memorandum of understanding, terms had not been made public although your Rapporteurs believe that it is in the best interests of all concerned, even Serbia, that as much information as possible should be published.

37. It is to the credit of all concerned, not least to the Italian Chairmen-in-Office of the WEU Council, that our organisation should set itself comparatively modest and pragmatic aims to begin with and that relations with our Central European neighbours should be taken forward in such a tangible and practical fashion.

38. On 9th June, WEU published the following communiqué on the subject:

“The offer made at the WEU ministerial meeting in Luxembourg on 5th April 1993 to assist the efforts of Bulgaria, Hungary and Romania in implementing the embargo on the Danube in accordance with the provisions of the relevant UNSC resolutions is now being put into effect as memoranda of understanding between WEU and the individual riparian states have been signed.

The WEU Danube Mission, which is of a civilian character, is thus a concrete example of co-operation between WEU and its consultation partners.

The mission will provide concrete support to the riparian states in order to take necessary measures to ensure that shipping within the control areas on the Danube is in accordance with UNSC resolutions. These measures may include the halting and/or diversion of shipping in order to inspect and verify their cargoes and destinations.

About three hundred civilian officials (customs and police officers) from member states will participate in the mission with up to eleven patrol boats.

The mission will be based at a co-ordination and support centre established at Calafat in Romania; there will be three control areas: one at Calafat, one at Mohacs in Hungary and another at Ruse in Bulgaria.

As most personnel and equipment are in place, the operation can now begin.”

39. The above arrangements constitute a steep change in WEU's own operational capabilities and a concrete example of wider practical co-operation in Europe, as already mentioned. What more may be done in this respect?

40. A pointer to a possible next step lies in the meeting held in the margins of the last WEU ministerial meeting when a number of our defence ministers met and discussed future moves on the embargo with the Russian Foreign Minister, Mr. Kozyrev. As well as discussing a “phased implementation” of the Vance-Owen plan the possible deployment of Russian troops to help seal the Bosnia-Serbia border (as suggested by Belgrade) was evoked. This would require at least 500 observers, according to UN sources to check traffic moving across 48 frontier posts to hold the Serbian President to his promise to deny Bosnian Serbs fuel and weapons.

41. WEU should intensify discussions with the Russians to try to find a mutually-

satisfactory arrangement to ensure even stricter application of the embargo which apparently is at last beginning to bite.

42. Links should also be developed with Ukraine to try to halt some of the alleged embargo infringements at source. In addition discussions should begin immediately with our new member, Greece, to ensure that all suspicions about night-time movement of lorries via the FYR of Macedonia are countered. The simplest solution would be the stationing of WEU (or CSCE, or EC) monitors at border crossings to report "untoward happenings".

43. Finally for the moment on the subject of the embargo on the Danube, your Rapporteurs must take issue with the Council on its reply to Assembly Recommendation 531 which asked *inter alia* that the Council "publish the evidence of any known breach of sanctions and particularly of cases where arms or other military equipment were exported to the Serbs and other warring factions in former Yugoslavia". The formal reply affirmed that "the relevant data remains classified". The Assembly believes that such classification is the Council's own, unilaterally decided. This opinion was reinforced when in the House of Commons in London on 4th May 1993, Mr. Home Robertson, MP, posed the following question:

"To ask the Secretary of State for Defence if he will set out the information available to him on the actions taken by NATO or WEU monitoring forces in the Adriatic in relation to the passage to Montenegrin ports of each of the motor vessels, Dimitrakis, Novotsak II and East River, showing the dates on which each was identified, challenged or boarded, and the purported port of destination."

The reply was most revealing:

"MV Dimitrakis was boarded by a NATO monitoring vessel on 18th January 1993. It gave its port of destination as Koper - Slovenia - and was allowed to proceed. It then diverted to the Montenegrin port of Bar; on emerging, it was intercepted and towed to Brindisi for inspection.

MV Novotsak II was boarded by a Western European Union vessel on 23rd January 1993. Having declared Venice as its port of destination, it was allowed to proceed. It then diverted to Bar, where it remains. We have asked the Russian authorities to take up the matter with the vessel's owners.

MV East River was intercepted, while stationary in international waters, by a NATO vessel on 11th March. It declared its port of destination as Venice. It

claimed to have engine, gyro and radar problems; an offer of assistance was declined. Some hours later it was seen heading for Bar. NATO vessels were unable to prevent it reaching Montenegrin territorial waters. The Liberian authorities have suspended the ship's licences. We have asked the Greek authorities to pursue the matter with the ship's owners."

44. This is not the first example of the "left hand/right hand" syndrome and probably not the last. What is certain is that the Council must be consistent in its statements and preferably give more rather than less information to the Assembly on a regular basis.

III. Sanction enforcement in the Adriatic

45. The bulk of the foregoing discussion refers to developments on the Danube. However the embargo was first applied reasonably effectively in the Adriatic area and here a quite considerable amount of progress has been made now in creating composite arrangements between WEU and NATO in the area. The two distinct naval operations Maritime Guard and Sharp Fence have been combined into operation Sharp Guard and a combined concept of operations formulated to ensure unity of command, appropriate rules of engagement and adequate force levels.

46. In practice, this means that WEU vessels (apart from Spain) will come under SACEUR's operational command (Spain under "operational control" only) but a unified NATO/WEU HQ is currently being established at the COMNAVSOUTH HQ in Naples where three WEU staff officers are reinforcing those wearing the NATO emblem. The mission remains largely the same but arrangements are hereby considerably rationalised as is obvious from the communiqué dated 8th June issued jointly by WEU and NATO:

"Joint session of the North Atlantic Council and the Council of Western European Union held in Brussels on 8th June 1993"

1. A joint session of the North Atlantic Council and the Council of Western European Union was held today, 8th June 1993. This session completed the thorough review, undertaken in the light of recent developments, of the embargo operations in the Adriatic which NATO and WEU have been conducting in strict co-ordination since July 1992. The Councils approved the combined NATO/WEU concept of operations for

the implementation of UNSCR 820 in the Adriatic. This includes a single command and control arrangement for combined NATO/WEU operations (Sharp Guard) under the authority of the Councils of both organisations.

2. Operational control of the combined NATO/WEU Task Force (CTF) for embargo operations in the Adriatic has been delegated through SACEUR to Commander Allied Naval Forces Southern Europe (COMNAVSOUTH). Acting on behalf of the North Atlantic Alliance and Western European Union, he will exercise operational control over a combined Task Force to conduct operations to monitor and enforce compliance with UN sanctions in accordance with UNSCRs 713, 757, 787 and 820. The combined Task Force will, in particular, aim at preventing all unauthorised shipping from entering the territorial waters of the Federal Republic of Yugoslavia (Serbia and Montenegro).

3. Arrangements to ensure the efficient conduct of unified operations have been put in place. Implementation of the joint NATO/WEU operations will start immediately. Practical measures to ensure joint co-operation among the relevant NATO and WEU bodies have been put into effect and further joint sessions of the North Atlantic Council and the Council of the Western European Union will be convened if necessary to issue additional political guidance for the operations in the Adriatic.

4. The combined operation will give concrete expression to the determination of NATO and WEU to continue to act together in co-operation for the effective implementation of the sanctions decided upon by the UN Security Council and to contribute to a settlement of the crisis in former Yugoslavia. This reflects our commitment to the principles of transparency and complementarity in pursuit of our mutual goal of enhanced security through NATO and WEU."

IV. The thirty-eighth annual report of the Council

47. Your Rapporteurs strongly believe that the pragmatic and practical arrangements developed of late within WEU and reported to the Assembly by the Council in the thirty-eighth annual report augur well for the future. Never before has WEU in general nor the Council in particular been so active, with all its subsidiary organs starting to "fire on all cylinders".

48. Detailed comment is being reserved for your joint Rapporteurs' forthcoming report on an operational organisation for WEU – naval co-operation.

49. Meanwhile a number of colleagues in the Defence Committee have asked that there should be renewed efforts to establish a better dialogue with the Council regarding the Assembly's recommendations and the formal replies made available.

50. What follows therefore sums up comments on the Council's replies to recommendations formulated in the Defence Committee and adopted at the December 1992 plenary session.

51. While the Defence Committee was pleased with the generally constructive replies to Recommendation 528 (on defence: Central Europe in evolution), it was somewhat disappointed with the replies to Recommendations 530 and 531 (on WEU's operational organisation and the Yugoslav crisis), and 534 and 535 (on European security – reserve forces and national service) and hopes that, rather than accepting the replies at face value, a fuller exchange of views may be possible. The Council is therefore invited to comment further on the following recommendations:

Recommendation 528

"2. Follow closely possible moves in the European Community to create the new status of "affiliate member" which could have implications for the formal relationship between the Central European states and WEU;"

– *Pour mémoire, it was reportedly the former European Commissioner for External Affairs who conceived the possible status of "affiliate member". The idea would certainly be worth pursuing with respect to security matters.*

"10. Establish information points in the capitals of the Central European states, by using the good offices of the embassies of WEU members."

– *The whole point of this recommendation was to produce a particularly cost-effective solution for the perennial problem of disseminating information. It is therefore especially disappointing that the Council in its reply states that it "has no plans at present for implementing such a suggestion".*

"11. Ensure that both WEU member states and Central European states develop effective arrangements to prevent the export of military equipment to those countries and groups which pursue pol-

icies of militant nationalism or of aggressive intention.”

- *The Council may well have “repeatedly stated that such arrangements to prevent the export of military equipment to such countries and groups have not yet appeared on the agenda of the Forum of Consultation”. The Assembly is recommending that the subject should be included on the agenda of the Forum of Consultation and believes that such discussion would be eminently worthwhile and responsible.*

Recommendation 530

“8. Design a symbol of specific European identity to represent WEU and urge member countries to use it to distinguish their military forces – ships, aircraft, vehicles and personnel – taking part in WEU operations. Personnel serving in the planning cell should be among the first recipients of such a badge.”

- *What “preliminary discussions have already taken place in the Council”? Would the Council be prepared to consider a suggestion from the Assembly? (c.f. current recommendations from the Committee for Parliamentary and Public Relations)*

Recommendation 531

“3. Transform the Ad Hoc Group into a standing advisory group to manage WEU’s response to the Yugoslav crisis for as long as the crisis lasts;”

- *The Council’s reply states that it will “keep in mind the Assembly’s suggestion”. Does the Council not agree that such a Standing Advisory Group is required immediately?*

“4. Publish the evidence of any known breach of sanctions and particularly of cases where arms or other military equipment were exported to the Serbs and other warring factions in the former Yugoslavia;”

- *The Council’s reply affirms that “the relevant data remains classified”. Is it not correct that such classification is the Council’s own, unilaterally imposed? Should the UN not be encouraged to publish such evidence?*

“5. Take measures for and announce sanctions to be taken by member states against all sea or air transport operators guilty of violating the embargo decreed by the United Nations;”

- *The Council’s reply states that WEU member states are “fully aware” of such a need. What practical measures are being taken?*

Recommendation 534

“1. Take every opportunity to ensure that the debate on reserve forces and national service in any member country benefits from a common fund of experience and requirements and include discussion on the subject on the agenda of the next WEU Chiefs of Defence Staff meeting;”

- *The Council replies that “Questions pertaining to the “debate on reserve forces and national service in any member country” are not, at present, on the agenda of the Council and its Working Groups.”, thus sidestepping the Assembly’s recommendation, although allowing that “Discussion of the subject of reserve forces and national service in any member country could possibly be included on the agenda of a future meeting of the WEU Chiefs of Defence Staff.”. Will the Council now agree to include this important subject on the agenda of the next meeting of the Chiefs of Defence Staff?*

“3. Provide a forum for discussion of such matters among member states and also with Austria, Finland, Sweden and Switzerland and interested Central European states;”

- *The Council merely replies that as such matters are not at present on the agenda of the Council such a forum would be premature. In the Defence Committee’s contacts with the countries concerned all authorities have stressed their interest in such a discussion. Would the Council therefore reconsider its reply?*

“5. Explore the idea of creating a European “national guard” for territorial defence, using the reserve forces of WEU member states;”

- *Again, the Council merely states that the subject is not at present on its agenda: the Assembly is recommending that the idea be explored forthwith.*

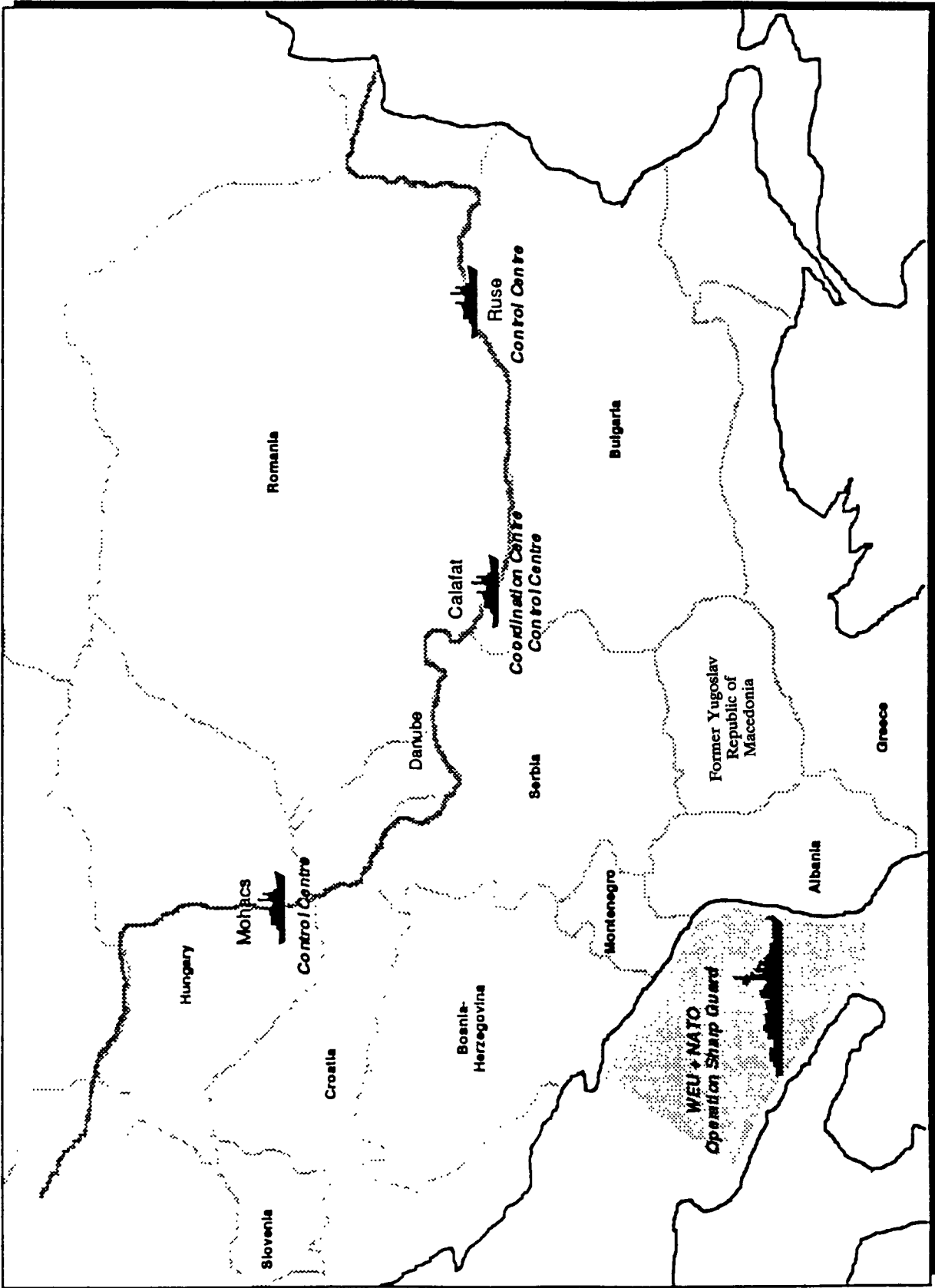
“10. Ask the WEU Institute for Security Studies to make a thorough examination of national service and the structure of reserve forces in member states and of the possibilities for co-operation;”

- *The Assembly is pleased with the Council's reply that the subject "could possibly be the subject of a future study". Which timescale does the Council envisage?*

52. At the time of writing NATO Foreign Ministers were about to meet in Athens (10th/11th June) to discuss continuing operations in former Yugoslavia. Your Rapporteurs intend to bring the results of this meeting to the attention of colleagues in time for the debates scheduled for 16th June.

APPENDIX

*The crisis in former Yugoslavia
WEU operations*



*Revision and interpretation of the Rules of Procedure***REPORT ¹**

*submitted on behalf of the Committee on Rules of Procedure and Privileges ²
by Mr. Thompson, Chairman and Rapporteur*

**I. REVISION OF PROVISIONS RELATING TO THE STANDING COMMITTEE
– RULE 15 OF THE RULES OF PROCEDURE**

Draft Decision

on amending Rule 15 on the Standing Committee

The Assembly,

DECIDES

To replace paragraphs 4, 5, 6, 7 and 8 of Rule 15 by the following text:

- “ 4. It shall be convened by the President of the Assembly at the request of the Presidential Committee, which shall fix the date and duration of its meetings.
5. The Standing Committee shall examine committee reports included in its agenda by the Presidential Committee.
6. An urgent matter may be placed before it by the President, either on his own initiative or following a request by the Council or by not less than a quarter of the representatives or substitutes. In this case, the President of the Assembly shall take the necessary steps to ensure that the Standing Committee has a draft text before it and receives appropriate information allowing it to discuss the text in full knowledge of the facts.
7. The Standing Committee shall act on behalf of the Assembly.
8. Unless otherwise specified in the present rule, procedure in the Standing Committee shall be the same as in plenary sittings of the Assembly.
9. The provisions of Rule 24 on reports of debates and Rule 25 on the timetable of sittings and orders of the day shall not be applicable to the Standing Committee.
10. The Chairman of the Standing Committee shall take part in discussions and votes without a casting vote.
11. The provisions of Rule 21 (b) on speeches in committee shall be applicable to the Standing Committee.”

1. Adopted unanimously by the committee.

2. *Members of the committee:* Mr. Thompson (Chairman); MM. Amaral, N... (Vice-Chairmen); Mrs. Aguiar, MM. André, Battistuzzi (Alternate: *Mr. Ferrarini*), Bolinaga, Chevalier, Cuco, Diaz de Mera, Dicks, Dumont, Lord Finsberg, MM. Hughes, Junghanns, Konen, Leccese (Alternate: *De Carolis*), Le Jeune, Ottenbourg, Scheer, von Schmude, Mrs. Soutendijk van Appeldoorn, Mr. Stoffelen, Mrs. Terborg, MM. Trabacchini, *Visibelli*, N... .

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

Explanatory Memorandum

(submitted by Mr. Thompson, Chairman and Rapporteur)

1. In the draft decision above, a complete redrafting of provisions relating to the Standing Committee is proposed.

2. In the light of the conditions in which the first two meetings of the committee were convened and held, a number of remarks may be made:

3.(i) Procedure for discussions in the Standing Committee, as set out in Rule 15 of the Rules of Procedure, more closely resembles procedure governing plenary sittings than that for committee meetings. It therefore seems simpler to refer to Assembly procedure and indicate the exceptions. These exceptions relate mainly to linguistic arrangements and the participation of the President of the Assembly, at the same time Chairman of the Committee, in discussions and votes.

Reference to procedure applicable to the Assembly means that there is no longer any need for the details given in the present text of Rule 15 relating to the rights of rapporteurs and the time-limit for submitting reports.

4.(ii) The committee acts on behalf of the Assembly and the texts it adopts are not subject to ratification by the latter. Hence, the words "if necessary" should be deleted so that the relevant phrase reads "the Standing Committee [acts] on behalf of the Assembly".

5.(iii) There appeared to be a juridical vacuum in respect of the convocation of urgent meetings of the Standing Committee in the absence of specific provisions in the Rules of Procedure relating to the event of the Standing Committee considering a matter which had not been the subject of a committee report.

6. Two methods of convocation should therefore be distinguished in the Rules of Procedure:

- (a) convocation by the President of the Assembly to examine committee reports included in the agenda of the

Standing Committee by the Presidential Committee;

- (b) convocation of urgent meetings which might be requested in conditions similar to those for an extraordinary session (Rule 3). In this case, it would be for the President of the Assembly to take the necessary steps to ensure that the Standing Committee may express its opinion on a text prepared by a rapporteur and have appropriate information.

7. Since, unlike the Standing Committee of the Council of Europe, the Standing Committee of the WEU Assembly may not have a matter placed before it by a committee, there is no need to make special provision for referring to the Assembly a report examined by the Standing Committee.

8. Such referral could result only from a decision by the Standing Committee, which it is hard to imagine if it has had a matter placed before it by the Presidential Committee.

9. In respect of urgent procedure, it is for the President of the Assembly to hold consultations in order to be prepared for such procedure to be refused. To this end, the President of the Assembly should, as far as possible, consult the chairmen of political groups, without being obliged to do so and a fortiori without their unanimous approval being required.

10. By assimilation with the convocation of an extraordinary session in accordance with Rule 3, it is proposed that urgent meetings may be convened at the request of not less than a quarter of members of the Assembly. In practice, this would be done at the request of one or more chairmen of political groups or delegations. It would be allowable if the number of members of political groups or delegations requesting urgent procedure were equal to not less than a quarter of representatives and substitutes.

II. INTERPRETATION OF PROVISIONS RELATING TO URGENT PROCEDURE – RULE 44 OF THE RULES OF PROCEDURE

Time-limit for tabling requests for urgent procedure

1. During the last session, two motions for a resolution with a request for urgent procedure were tabled during the penultimate sitting, one on the situation in East Timor and the other on crimes committed in former Yugoslavia.
2. Finally, at the last sitting, a motion for a recommendation on emergency assistance to Somalia was tabled without a request for urgent procedure. To be significant, this action had to be brought to the attention of the Council very swiftly without waiting for its possible adoption by the Standing Committee at the end of March.
3. The problems raised by the situation in former Yugoslavia, East Timor and Somalia were known well before the opening of the session.
4. The appropriate rule should be interpreted as follows:
 - (i) a motion with a request for urgent procedure should be tabled at the beginning of the session;
 - (ii) the tabling of a motion with a request for urgent procedure at the end of the session is justified only if the motion concerns events that have occurred during the session.

Interpretation of Article XII of the modified Brussels Treaty

REPORT ¹

submitted on behalf of the Political Committee ²
by Mr. Goerens, Rapporteur

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DRAFT RECOMMENDATION

on the interpretation of Article XII of the modified Brussels Treaty

EXPLANATORY MEMORANDUM

submitted by Mr. Goerens, Rapporteur

1. Adopted unanimously by the committee.

2. *Members of the committee:* Mr. Stoffelen (Chairman); Lord Finsberg, Mr. De Decker (Vice-Chairmen); MM. Aarts (Alternate: Eisma), Agnelli, Alegre, Andreotti (Alternate: *Gottardo*), Benvenuti, Bowden, *De Hoop Scheffer*, Ehrmann, Fabra, Feldmann, Foschi, *Goerens*, Homs I Ferret, *Sir Russell Johnston*, Mr. Kaspereit, Lord Kirkhill (Alternate: *Marshall*), MM. Kittelmann, *de Lipkowski*, Maroni, Moya, Müller, d'Ornano (Alternate: *Baumel*), Péciaux, de Puig, Reddemann, Rodrigues, *Roseta*, Seeuws, Seitlinger, *Soell*, Ward, *Wintgens*.

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

Draft Recommendation
on the interpretation of Article XII of the modified Brussels Treaty

The Assembly,

- (i) Considering that the Council has so far given no juridically-based justification for its decision to consider that the high contracting parties to the Paris Protocols of 23rd October 1954 would be authorised to release themselves from their commitments in 1998;
- (ii) Recalling that, in its answer to Written Questions 306, 309, 314 and 315, the Council at last agreed to examine the Assembly's views on this matter;
- (iii) Considering that the Assembly's competence to interpret, on the same basis as the Council, the Protocols of 23rd October 1954 is established by Article IX of the modified Brussels Treaty;
- (iv) Recalling that, in its answer to Recommendation 372, the Council assured the Assembly that "no substantial reforms of WEU will be undertaken without prior consultation with the Assembly";
- (v) Considering that the Paris Protocols are not simply a revision of the 1948 Brussels Treaty but establish a new treaty because:
 - (a) they are directed towards new goals;
 - (b) they are the basis of a European union whose vocation is to be enlarged and entirely new means are implemented;
 - (c) the Paris Agreements are not limited to Protocol No. I which modifies the Brussels Treaty but include three other protocols whose aim is different;
 - (d) they create a new organisation;
 - (e) for the first time they associate the parliaments of the high contracting parties with the application of an alliance;
- (vi) Considering it quite clear that the high contracting parties, when signing and ratifying the Paris Agreements, considered that the essential provisions of those agreements should remain in force for half a century because of Article XII of the new treaty,

RECOMMENDS THAT THE COUNCIL

Concur with its juridically-based interpretation of Article XII of the modified Brussels Treaty, according to which the 1954 Paris Agreements establish a new treaty, and conform to it.

Explanatory Memorandum

(submitted by Mr. Goerens, Rapporteur)

1. On 15th April 1993, the Council communicated its answer to four written questions (306, 309, 314 and 315) relating to the decision taken by the governments and expressed by the WEU Council, as in the text of the Maastricht Treaty, to consider that the denunciation clause provided for in Article XII of the modified Brussels Treaty could be invoked at the end of a period of fifty years starting with the entry into force of the Brussels Treaty, i.e. 25th August 1948.

2. The Council thereby rejected the request made by the Assembly, the principle of which had been accepted by Mr. Colombo, then Chairman-in-Office of the Council, at the joint meeting between the Presidential Committee and the Council in Rome on 18th November 1992, that independent juridical experts be consulted. On 21st April 1993, Mr. Colombo told the Standing Committee that this proposal had effectively been put to the Council by the Chairmanship-in-Office but the Council had rejected it. The Assembly has no knowledge of a meeting of juridical experts from member countries on this matter which means that, at best, the government representatives consulted their ministries' legal experts in a purely national framework on the basis of a question of whose wording we have no knowledge in order to obtain answers whose terms were not notified to us. In other words, they did not give the Assembly's request serious consideration.

3. The answer to the four written questions confirms this impression, on the one hand because it does not reply, any more than the Council's earlier statements, to the Assembly's arguments set out in paragraphs 75 to 83 of Document 1261. Nor do the arguments in paragraph B seem really appropriate:

"A legal obligation to submit diverging interpretations or disputes to independent arbitration cannot be found in the modified Brussels Treaty, nor in any other binding act applicable within WEU. There is no evidence of a constitutional practice within WEU envisaging independent arbitration upon request by one of its bodies. Furthermore, there exists no general legal obligation upon the bodies and organs of an international organisation to submit diverging interpretations or disputes to independent arbitration. However the Council does not foreclose the possibility for further evaluation of additional considerations that the Assembly might wish to present."

4. Encouraged by Mr. Colombo, the Assembly paid heed to the last sentence of this paragraph of the Council's answer and instructed your Rapporteur to set out the arguments that it had taken as a basis for challenging the view expressed by the Council.

5. Paragraph B of the Council's answer seems highly questionable in three respects. First, it takes no account of Article IX of the treaty, which gives the Assembly the right to scrutinise the Council's application of the modified Brussels Treaty. It is evident that this right covers whatever may be the Council's interpretation of the treaty, and hence of its Article XII, and that rejecting the Assembly's views out of hand conforms neither to the spirit nor to the letter of the treaty. Admittedly, the Council's point of view would be reasonable if it were accompanied by proper arguments, but the authoritative way in which it has acted in such a matter is not acceptable when the Assembly had put forward detailed arguments that have not really been refuted.

6. The Council's answer to the four questions should probably be compared to the attitude it has constantly adopted towards the Assembly in recent years, and particularly in recent months. It is constantly trying to play down the Assembly's rôle or even silence it, although it has played an essential part in the reactivation of WEU, especially through its communications to the press. This was again plain when the Torrejón satellite centre was inaugurated on 28th April, although the Assembly had played a leading rôle in preparing the decisions that led to the centre being set up, and in the priority the Council gave to informing the European Parliament after its ministerial meetings. There seem to be increasing indications that the Council is preparing to seize the first suitable opportunity, for instance the so-called "1998 deadline", to free itself as discreetly as possible from an Assembly that bothers it.

7. Secondly, the Assembly has never requested arbitration although, in three places, the Council's answer says that it has, but it has constantly, and in vain, insisted that the Council obey the law founded in the modified Brussels Treaty and turn to an impartial, competent authority to formulate this law.

8. Finally, in referring to possible "arbitration" and the absence of "a constitutional practice", the Council takes no account of the realities of the modified Brussels Treaty and the Europe of today. The modified Brussels Treaty

is the first treaty of alliance that makes action by the governments in a specific area subject to scrutiny by a parliamentary assembly. Hence, there cannot be a precedent outside WEU. Nor is one to be found in the framework of WEU because, although there have sometimes been differences between the Council and the Assembly over the application of the treaty, this is the first time there has been a difference over the treaty itself. Consequently there is no precedent that can be invoked or rejected. The Council was free to consult independent experts. It did not wish to do so because it wants an interpretation of Article IX of the treaty that is as restrictive as possible about the rights and duties of the Assembly.

9. If we now examine the arguments put forward by the Council on the substance of the problem, it should be noted that, on two points, it admits that the Assembly is right:

- (i) It recognises that Article XII of the modified Brussels Treaty is "a denunciation clause, not a termination clause", which allows a satisfactory interpretation of the French text of Article J.4, paragraph 6, of the Maastricht Treaty, referring to the "échéance" of 1998 in the context of Article XII of the Brussels Treaty: this should be the "date" of 1998, as the English text says, and not the end of the treaty.
- (ii) It says that Article XII specifies 25th August 1998 as the date of application of the denunciation clause. However, as this article lays down that a period of one year must elapse between the denunciation of the treaty by a member country and it taking effect, it accepts implicitly that termination of the treaty through the denunciation of all the high contracting parties would be possible only in 1999.

10. However, there are still serious differences between the views of the Council and those of the Assembly and, in the answer to the four written questions and in all its earlier statements, the Council attributes to the Assembly arguments that it has never used and does not answer those that it has actually used.

11. The Council persists in deriding the serious arguments put forward by the Assembly by pretending to believe that the latter considers the change in the numbers of the articles of the modified Brussels Treaty that are maintained in the modified treaty, in particular Article XII, to be an argument in favour of its views. This it has never done. It has advanced infinitely more relevant reasons of another kind.

12. The Assembly can but approve the Council's declaration that "a multilateral treaty

establishes a community of interests, rights and obligations, the duration of which must be explicitly defined and accepted by all the parties. In no case can an extension of duration be imposed to parties by other parties subsequently acceding". What the Assembly has maintained is that the 1954 Paris Agreements established a new treaty and not an amended version of the 1948 Brussels Treaty.

13. In order to grasp this fact properly, the background in 1954 should be recalled. On 30th August, the French National Assembly, in a vote on a previous question, rejected the treaty setting up a European Defence Community. This treaty, which had been signed in 1952 by the six countries of the European Coal and Steel Community, was to allow the Federal Republic of Germany to accede to the North Atlantic Treaty, which the United States insisted on as a condition for deploying its forces on the territory of the Federal Republic in the framework of NATO. The United Kingdom was not a signatory. The NATO countries therefore had to find a means of allowing the Federal Republic to participate in NATO while satisfying the French Parliament on a number of points, *inter alia* by ensuring:

- (i) a link between Community Europe and defence Europe as the Council had done for handling economic matters with the United Kingdom, which, in 1954, did not belong to the ECSC nor, subsequently, to the EEC or Euratom;
- (ii) the participation of the United Kingdom in the organisation of Europe's defence;
- (iii) controlled limitation of the levels of forces and armaments of the Federal Republic of Germany which, at the same time, placed the latter on an equal footing with its allies;
- (iv) compatibility between these obligations and the participation of member countries in NATO.

14. In view of the urgency of the decisions to be taken, the nine countries concerned, *i.e.* the seven countries which were to accede to WEU, the United States and Canada, decided to use the text of the 1948 Brussels Treaty as a basis for negotiating a satisfactory treaty at the conference they held in London from 28th September to 3rd October 1954. The 1948 treaty was obviously still in force at that time, but it had lost all practical impact since, in 1950, the exercise of Western Union's responsibilities had been transferred to NATO and the draft treaty on the EDC was intended to replace it completely. This was also the purpose of the four protocols comprising the Paris Agreements of 23rd October 1954 which came into force on

6th May 1955, of which only Protocol No. I modified the Brussels Treaty, whereas the other protocols did not refer to it but to the text of the draft treaty setting up the EDC. This proves that these protocols could take up sections of a treaty that never came into force just as well as sections of a treaty which, after having been ratified, had fallen into abeyance.

15. The reasons that led the Assembly to consider that the Paris Agreements were not a revision of the Brussels Treaty but a new treaty may be summed up as follows:

(i) *The aim of the treaty is new.* The 1948 treaty was a complement to the action taken by the nations that united during the second world war to put an end to the grip of National Socialism in Europe. At the time the United States was completing the evacuation of its expeditionary force from Europe, the European countries that had participated in the anti-Nazi coalition signed a treaty designed to maintain an alliance against any re-emergence of Nazism in Germany and, on this point, the 1948 treaty was explicit since it specified that the high contracting parties were resolved "to take such steps as may be held necessary in the event of renewal by Germany of a policy of aggression".

On the contrary, the Paris Agreements take into account the birth of a new organisation aiming at "the progressive integration of Europe", which makes it one of the main foundations of the wider European Union most recently defined in the Maastricht Treaty in which reunified Germany has, from the outset, been an essential part. Thus, while the 1948 Brussels Treaty was the last stage in the history of a divided Europe, the 1954 Paris Protocols marked one of the first stages in the building of a new Europe, more widespread and determined to unite its members by a process of integration.

(ii) *The 1954 Agreements concern a new entity.* The accession of Germany and Italy to the Paris Agreements was not, as the Council claims, a simple enlargement of the Brussels Treaty to include two new members; in view of the importance of those countries, it completely transformed the nature of the coalition by giving it a European dimension. From this point of view, the accession of Germany and Italy to the Paris Protocols is in no way comparable with the accession of Portugal and Spain to the modified Brussels Treaty because the latter was simply an enlargement of the part of Europe that had acceded to the modified treaty. On the contrary, the accession of Germany to a treaty specifically directed against it would have been nonsensical.

(iii) *The Paris Agreements established a new organisation,* as indicated by the new title. The Western Union of 1948 was the prolon-

gation, for the countries concerned, of the 1945 alliance. The Western European Union of 1954 was no longer just an alliance but the military aspect of the building of a new Europe whose defence was organised in the framework of the Atlantic Alliance, as underlined in Article IV of the new treaty. The object of WEU was no longer military deployment since, in 1950, Western Union had practically disappeared in favour of NATO, but to allow all European countries to participate in NATO through the restoration of mutual confidence, based on the controlled limitation of armaments.

(iv) *The Paris Agreements are not limited to Protocol No. I* modifying the Brussels Treaty but also include Protocols Nos. II, III and IV which are completely new compared with the 1948 treaty, although an integral part of what is called the "modified Brussels Treaty", as specified in Article I of Protocol No. I. This means that the convenient name of modified Brussels Treaty is merely a semantic facility and that it is the protocols adopted on 23rd October 1954 as a whole that form a treaty which has in common with the 1948 treaty only the fact that certain paragraphs were drawn from it, whereas its substance is totally different. The title of modified Brussels Treaty might well have been abandoned and replaced by the more accurate title of Paris Agreements. It is obviously the new entity set up by the Paris Agreements that is concerned by Article XII of the 1954 treaty, even if its text is identical with that of Article X of the 1948 treaty. It should also be noted that Article VI of Protocol No. I specifies that "the present protocol and the other protocols listed in Article I above", i.e. Protocols Nos. II, III and IV, "shall enter into force when... the instrument of accession of the Federal Republic of Germany to the North Atlantic Treaty has been deposited with the Government of the United States of America", which was done on 6th May 1955. This means that the Paris Agreements do not have as their sole origin the 1948 treaty but also the 1949 Washington Treaty which is one of the bases for their validity, as is also the draft treaty setting up the European Defence Community, as we have seen. This applies to all the protocols, i.e. also to Protocol No. I modifying the 1948 treaty. How can it be claimed, therefore, that the Brussels Treaty was anything other than a text used by those who drafted Protocol No. I because it was convenient and that there is de jure continuity between the two treaties?

Let us suppose that Protocol No. I should be considered as a simple revision of the Brussels Treaty. Should it then be concluded that Protocols Nos. II, III and IV, which have nothing to do with the 1948 treaty, would remain valid while Protocol No. I might be denounced as from 1998? Article I of Protocol No. I rules out such reasoning, which would moreover be absurd. The four protocols as a

whole form a single, new treaty that came into force on 6th May 1955.

(v) *These agreements have new basic principles.* Instead of bringing states together in a coalition, it invokes the representation of the people, in Article IX, which gives WEU a parliamentary dimension that the 1948 Western Union did not have.

(vi) It is clear that, *for the signatories, the controlled limitation of forces and armaments, the foundation of the reconciliation of the nations of Europe, was intended to last at least half a century*, because no one could foresee in 1954 that this reconciliation would come about so swiftly and completely as has been the case. It is

in this perspective that the Paris Protocols were ratified by the parliaments of the signatory countries.

16. The entire subsequent evolution of WEU, its enlargement and the rôle attributed to it by the Maastricht Treaty confirm that all that the treaty establishing it has in common with the 1948 treaty is merely a number of expressions that the authors of the treaty had drafted well enough for them to be applied, in an entirely new situation, to different states for the pursuit of aims that were not those of the signatories of the 1948 treaty. It is regrettable that the Council is resorting to verbal skirmishes to hasten unduly the time when member countries will be able to break away from the treaty.

***European security policy – reply to the thirty-eighth annual report
of the Council***

REPORT ¹

***submitted on behalf of the Political Committee ²
by Mr. Marshall, Rapporteur***

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on European security policy – reply to the thirty-eighth annual report of the
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1. Adopted unanimously by the committee.

2. *Members of the committee:* Mr. Stoffelen (Chairman); Lord Finsberg, Mr. De Decker (Vice-Chairmen); MM. Aarts (Alternate: Eisma), Agnelli, Alegre, Andreotti, Benvenuti, Bowden, De Hoop Scheffer, Ehrmann, Fabra, Feldmann, Foschi, Goerens, Homs I Ferret, Sir Russell Johnston, Mr. Kaspereit, Lord Kirkhill (Alternate: Marshall), MM. Kittelmann, de Lipkowski, Maroni, Moya, Müller, d'Ornano, Pécriaux, de Puig, Reddemann, Rodrigues, Roseta, Seeuws, Seitlinger, Soell, Ward, Wintgens.

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

Draft Recommendation***on European security policy – reply to the thirty-eighth annual report of the Council***

The Assembly,

- (i) Aware that the replacement of the former threat of a massive attack by the Warsaw Pact by the risk of smaller-scale conflicts has not improved stability in Europe;
- (ii) Considering that in these circumstances all existing security organisations have a rôle to play in ensuring and preserving peace and security;
- (iii) Considering that Western European countries will have to assume their responsibilities in a number of security issues which are apparently less vital for their North American allies;
- (iv) Noting that, apart from the criteria for recognition of new states adopted by the European Council, there is an urgent need for a more detailed definition of the rights of peoples to self-determination;
- (v) Noting that, without close co-operation between member states of the EC in intelligence-gathering and analysis, a common European foreign and security policy cannot be alert and effective;
- (vi) Aware that the deep changes in Europe since the end of the cold war are influencing the respective responsibilities of both the United States and Western Europe to such a degree that the transformation of the old transatlantic bargain into a new partnership should be considered, as this could reinforce the existing close relationship and safeguard it for the future;
- (vii) Aware that geostrategic changes have also influenced the rôle of nuclear weapons in European security;
- (viii) Noting that the work of the WEU military planning cell is of the greatest importance in preparing any operational activity by WEU;
- (ix) Considering that, for the implementation of an effective European foreign and security policy, it is also vital for the EC, in conjunction with WEU, to start making contingency plans for crisis management and conflict solution;
- (x) Recalling the recommendations already passed on the issues of conflict prevention and peace-making in the former Yugoslavia;
- (xi) Considering that a European security policy implies:
 - assistance to Central and European states, often with no experience of democracy, to find their way to pluralist societies;
 - financial and economic support for states to help them move away from command economies towards market economies;
 - cultural, educational and financial support to help states, peoples and minorities deal with the strife unbridled by the unfreezing of historic rivalries which, until recently, have been suppressed by imposed collectivism;
- (xii) Considering that this policy must give priority to the following goals:
 - to prevent any cross-border attack by one European state on another and to work towards ensuring that this principle is accepted by all European states;
 - to ensure that, within states, different ethnic or religious groups tolerate each other, minority rights are respected and to ensure that, if conflict does arise in one state, neighbouring states are not drawn into the conflict;
 - to ensure that Europe is able to resist any covert or overt threat to its security from outside Europe and is in a position to respond to crises, aggression and arms proliferation outside Europe;
 - to provide a collaborative structure for western security ties with the former Soviet Union;
 - to encourage democratisation throughout Central and Eastern Europe and the republics of the former Soviet republics and encourage the development of shared liberal democratic values;

- to seek to ensure stability in Central and Eastern Europe through extensive economic co-operation and a fully-developed system of conflict resolution, peace-keeping and possibly peace-making;
- to avoid the re-emergence of nationalism amongst European armies; and
- to maintain a close relationship with the United States, based on a new partnership in order to pursue common economic, political and security interests,

RECOMMENDS THAT THE COUNCIL

1. Start to examine the aspects concerning European security which should be part of a new Atlantic partnership;
2. Re-examine the rôle of both United States and European nuclear weapons in European security in conjunction with a parallel re-examination in the framework of the Atlantic Alliance;
3. Give priority to the establishment of contingency plans for crisis management, conflict solution and the employment of forces under WEU auspices, including decisions regarding the necessary command, control and communication arrangements;
4. Establish as a matter of exceptional urgency ways of ensuring that CSCE and WEU are in a position to prevent the conflict in the Balkans from spreading, especially to Kosovo and the former Yugoslav Republic of Macedonia;
5. Always inform the Assembly of issues arising from ministerial and other meetings and to do so before communicating with the European Parliament.

Explanatory Memorandum

(submitted by Mr. Marshall, Rapporteur)

I. Introduction

1. Why yet another report on European security policy? Most of the readers of this report are only too familiar with the organisations, passwords, secret competitions and failures connected with this issue. Why then discuss it again?

2. The reason may be that there are still too many changes on the European scene which could influence thoughts on security, but it also may be because passwords can be put in a different order, which ultimately may provide the key for a solution to Europe's security problems. The present report neither claims to be exhaustive, nor boasts of providing the final solution. It will not dwell extensively on all the aspects involved, but rather focus on some of them. It may offer some ideas which could help in finding the elements for a solution.

II. Competition and co-operation

3. Ironically, the end of the cold war has brought instability rather than greater stability: the cold war may have been unfriendly but it had the virtue, in international affairs, of stability and simplicity.

4. From the perspective of the western allies, the task was a simple, albeit expensive one, of deterring a single massive military threat from the East. American leadership of and commitment to NATO was unquestioned. NATO's overriding imperative was military. Whilst NATO, as an organisation, had a political structure and character, the political aspect of the organisation was very much secondary to the military. Consequently security was naturally perceived in narrow military terms and the non-military aspects of security policy, e.g. political, economic and social measures and contacts, respect for human rights, were barely taken into account. Within the alliance this had an extremely important consequence: the organisation was greater than the sum of its parts since an individual country's concern over a specific issue could be overcome in the light of the over-riding military imperatives.

5. The collapse of the Soviet Union swept away this familiar landscape and introduced greater uncertainty and insecurity. Compared with the former monolithic threat posed by the Warsaw Pact, the multifaceted problems of intrastate interethnic conflict, mass migration

and instability in the Middle East and in the southern Mediterranean are far more intractable. The response to the security vacuum in eastern Europe has been to improvise. The last three years have seen the hectic, not always co-ordinated, creation of new security instruments and adaptation of existing institutions. Thus NATO and WEU have been reformed, the CSCE has been transformed and extended and the North Atlantic Co-operation Council has been created. Partly in response to internal developments and geostrategic changes, the EC has become an additional factor in European security. Post-Maastricht, WEU has been given a dual identity. It will become the EC defence identity and reinforce the Atlantic Alliance by acting as the European pillar of NATO.

6. Ideally, Europe's security institutions should have reacted to the continent's problems in concert and in doing so achieved an economical division of labour between them. In reality, it could be argued that Europe's security institutions have, at times, overlapped and competed. Although CSCE, NATO and WEU communiqués constantly refer to the need for complementarity and transparency, until quite recently duplication and sometimes even secrecy have been common. For example, NATO has sought to prevent obsolescence by transferring its rationale away from the essentially military need to counter a specific military threat into the more political aspects of security. Among other things, it set up the North Atlantic Co-operation Council (NACC) in December 1991 to act as a forum for security discussion and liaison between all the members of NATO and the former Warsaw Pact. Yet this new "son of NATO", although possessing a smaller membership, shares common interests with the CSCE. Similarly, in its traditional defence rôle NATO has faced implicit competition from WEU. It may appear peculiar that there are two western naval task forces in the Adriatic monitoring the imposition of United Nations sanctions against Serbia and Montenegro, one under NATO and the other under WEU command. It may be due only to the fact that the local NATO Commander is an Italian and that, since Italy holds the chairmanship of the WEU Council, the commander of the WEU squadron is also Italian, that co-ordination between the two forces has proved successful. Since June 1992, various attempts have been made to avoid such parallelism and to improve co-ordination between Europe's security institutions. There is a well-founded hope that these improvements will be effective.

7. A great deal of the discussion of European security has concentrated on the relative status of the various security organisations concerned with Europe – NATO, and the NACC, WEU and its link with the EC; the CSCE; and the United Nations Security Council.

8. There has been extensive use of architectural metaphors – WEU as the European pillar of the Atlantic Alliance – and of the need for these various structures to be complementary, interlocking and multilayered. Additionally, the question has been raised over which institution should have the primary rôle in European security.

9. Such reactions are all quite natural, as is the fact that in this time of great flux, every individual organisation is defending its own position, trying to extend its area of interest or to prove its indispensability.

10. So much has been said and written about these issues that the need for another report may be questioned. Still, it seems useful to review the present state of affairs, since changes are taking place at such a rapid pace that the existing international organisations, unwieldy by nature, cannot always react appropriately.

11. The much-debated new strategic concept, for instance, adopted at NATO's Rome summit in November 1991, has already been overtaken in many respects, if only because of the implosion of the Soviet Union and its consequences. Moreover, it takes little account of security in the Mediterranean, which is increasingly important for Europe.

12. Therefore it seems useful to review the security environment once again, to look at the potential threats or risks to peace both from within and without Europe and then decide how these should be met, preferably by existing security organisations.

III. Sources of European insecurity

(a) Russia

13. Perhaps more because of a long standing habit than based upon objective reasoning, many Europeans are still continuing to see Russia, the largest successor state to the former Soviet Union, as the greatest threat to their security. It should be noted, however, that since the dissolution of the Soviet Union in December 1991, the former monolithic politico-military machine no longer exists and that the potentially dangerous combination of capabilities and intentions has come to an end.

14. The prospect that a weakened Russia could still threaten Western Europe is remote. Even if a government were to come to power which wished to re-establish Russia as a major

military power, the weakness of the economy would make it very difficult to reconstruct its former awe-inspiring military capability. Nuclear weapons may be the one major exception to this.

15. In the actual state of affairs, there can be very little hope that Russia will be a prosperous country in the foreseeable future. Indeed, the group of seven leading industrialised nations has provided support for President Yeltsin with a \$43 billion financial aid package, explicitly tied to continued economic and political reform in Russia and tacitly linked to continued Russian co-operation on foreign policy issues. However, even with this substantial aid package and, hopefully, follow-up aid programmes, it will be a long time before the country and its population will be prosperous enough to constitute a politically stable state.

(b) Other successor states of the former Soviet Union

16. There is no guarantee that the other successor states of the former Soviet Union will become liberal non-militaristic democratic régimes. None can be regarded as posing a conventional military threat to the West. Three of these states, Ukraine, Belarus and Kazakhstan, still have nuclear weapons on their territory. Whilst there is some opposition in Ukraine to the idea that Russia should be the sole successor state with nuclear weapons, all three have made declarations that they intend to get rid of them and join the Non-Proliferation Treaty as non-nuclear states. It is essential that there be strong international pressure on all three states to keep to the undertakings which they have given.

17. At the moment, negotiations between Russia and Ukraine on the application of the Start I Treaty are still in deadlock. As a consequence, unlike Russia, Belarus and Kazakhstan, Ukraine has not yet ratified this treaty.

18. It is therefore not just obstructing the full implementation of Start I, but also the entry into force of Start II. Ukraine has stated that it will ratify Start I only if the nuclear powers provide adequate guarantees for Ukraine's security, if it obtains sufficient financial aid to dismantle its nuclear weapons and if it is allowed to trade directly with buyers of the fissionable material contained in its nuclear warheads. During a recent visit to the United States, the Ukrainian Foreign Minister, Anatoly Zlenko, estimated the cost of dismantling his country's nuclear arsenal at \$2.8 billion, which would also take account of all economic and ecological factors. The main drive behind Ukraine's attitude is most probably a tactic to obtain maximum assistance in the republic's conversion to a non-nuclear status. However, there is also a movement in the republic which considers the maintenance of a nuclear status as a way of keeping the

West's attention and of protecting itself against Russia.

19. Western Europe has not yet come to terms with the geopolitical position of Ukraine, which has a 700 000 strong armed force and shares borders with Romania, Hungary, the Slovak Republic and Poland. Earlier fears of an overt conflict between Russia and Ukraine, in particular over the Black Sea fleet and the Crimean Peninsula, have not materialised but Ukraine's relations with Russia, its most important trading partner and principal source of oil, remain tense. Apparently, Russia takes the view that both republics are far too interdependent to be able to live without very close relations. It hopes that, in the future, such relations could be institutionalised one way or another¹.

20. Recently, Ukraine's Defence Minister, General Konstantyn Morozov, accused Russia of violating an agreement among former Soviet republics on the control of nuclear weapons by keeping them under the direct control of Russia's defence ministry rather than under the joint command of the Commonwealth of Independent States, as was agreed in December 1991. He also said that Russia was using the Black Sea Fleet, stationed in the Crimea, to subvert Ukrainian independence¹.

21. Since the western nations are extremely hesitant about forging closer links with this republic, it has turned its attention to the Middle East and Asia. Indeed, there may be some doubt over Ukraine's capacity to develop its economy and to stabilise the country's political and democratic structures if it does not succeed in establishing good relations with Russia, but Western Europe should not neglect its relations with this republic. Such neglect could easily create an uncomfortable source of instability in Eastern Europe. Together with the United States, Western Europe should continue to exert pressure on Ukraine to ratify START I and give up nuclear weapons. At the same time, however, the same pressure should be exerted on Russia to sign a treaty with Ukraine securing its borders and sovereignty. If Ukraine really has chosen the path of economic and political reform, the West should help it as generously as it is helping Russia.

(c) Migration and refugees

22. Economic collapse and ethnic conflicts resulting in civil war, massacres and repression in Central Europe, the republics of the former Soviet Union and the Balkans have already resulted in large numbers of migrants and refugees, who, understandably, have all moved westward.

23. At the moment, the conflict in ex-Yugoslavia has already caused the displacement of more than two million people within its borders, while more than half a million took refuge in other European countries.

24. In each of the years 1990, 1991 and 1992, more than a million people left Eastern Europe and the territory of the Soviet Union for the West.

25. In the years to come, Central European countries will remain net exporters of labour and also transit countries through which citizens of the republics of the former Soviet Union will try to move to Western Europe.

26. Another important source of migration towards Europe, almost exclusively inspired by economic reasons is Africa, in particular North Africa. At the moment, approximately 6 million people of North African origin are living in the member states of the EC, half of them having settled in France.

27. In particular, France, Italy, Portugal and Spain are worried about the prospect of further waves of immigration from Africa, where economic growth is too low by far to absorb the growth rate of the population. Moreover, the rise of Islamic fundamentalism throughout the southern Mediterranean region could lead to political upheaval and give rise to massive migration to southern Europe.

28. Many of the migrants from the East and from the South have not, or do not want to assimilate into Western European society. For different reasons, many of them prefer to keep and cultivate their cultural identity. For many, accustomed to newcomers seeking to assimilate and integrate, this multiculturalism is seen as a threat; however, because individuals or groups do not conform to the accepted norms of the host country does not place their loyalty in question. In fact, multiculturalism may in the longer term enrich the lives of all in the host country.

29. In the present economic situation, many indigenous Europeans consider the immigrants as a threat to their jobs and a further burden on the well-developed social security system in Western Europe. Extremist political parties are exploiting these issues leading to heightened tensions.

30. Central and Western European governments are well aware of all the problems involved, and they have recently started to adopt various measures aimed at countering both the real and the perceived threat of migration and refugees. Among these measures are legal precautions in the form of visa legislation and more restrictive asylum laws, reinforced border controls, practical measures to cope with refugees and diplomatic efforts. Most

1. Financial Times, 5th May 1993.

of this, however, is still being done at a bilateral level.

31. On 7th May 1993, Germany signed a treaty with Poland to control the flood of migrants seeking asylum in Germany. The treaty includes German financial support to provide shelter for immigrants in Poland and to improve surveillance of Poland's borders. Germany is trying to negotiate a similar treaty with the Czech Republic. Separate agreements have been signed with Bulgaria and Romania allowing refugees who agree to return to those countries to be sent back. Germany alone received 438 191 applications for asylum in 1992, compared with 256 112 in 1991 and 160 000 in the first four months of 1993. Most applicants come from ex-Yugoslavia, Romania, Bulgaria and Turkey. An estimated 100 000 applicants came in through Poland in 1992. Poland hopes to reach agreements with Hungary, Ukraine and other neighbours in order to control illegal immigrants.

32. At multilateral level, two conferences have been held on illegal immigration: the first in Berlin in October 1991 and the second in Budapest in February 1993, but neither of them was very successful. In Budapest, several non-obligatory recommendations were adopted but they had only reference value.

33. The European states most concerned, Germany and Austria, proposed to establish a special aid fund in order to support the Central European "front-line states". This proposal was not adopted because of opposition from southern European countries, France and the United Kingdom, which argued that they were the countries which first had to confront migrations from the Maghreb, Black Africa and the Commonwealth countries.

34. While it is quite clear that the apparent and growing migration and refugee problems cannot be solved on a national or bilateral scale, there still is an astonishing lack of European solidarity to find a common solution.

(d) Ethnic and nationalist conflicts

35. Since in recent years, the risks arising from nationalist or ethnic conflicts have become only too familiar, they are increasingly dominating the European security discussion.

36. The reasons for such conflicts are only too well known to warrant repetition.

37. These conflicts do not immediately threaten other European states directly and the ensuing security problem is not one of constructing defences against a potential attack. The problem is the very different one of conflict resolution, or preferably, conflict prevention.

38. Indeed, conflict resolution often means that a conflict has reached a stage of violence,

where people have been stirred up to such a degree that reason does no longer apply. Moreover, history has shown that the intervention of external powers in armed local or regional conflicts has been the mechanism by which such conflicts have spread, and also because it appears to be very difficult not to take sides.

39. In the new pattern of international relations which is actively taking shape, the major actors on the international scene were, and are, not prepared for conflict resolution – which is not surprising. During the cold war, conflict resolution was hardly on their agenda. When conflicts did arise, they were usually, though not always, seen as part of an East-West confrontation. The question was whether, by supporting one side in the conflict, the world position of the USSR – or the United States, as the case might be – could be weakened. The Security Council had little power in this period, and there was no other international organisation with any interest in trying to resolve conflicts. Consequently, the process of conflict resolution is at present very much a matter of trial and error.

40. International institutions are needed which try to defuse disputes before they become armed conflicts. Conflicts which spring from local nationalist rivalries, once started, are very difficult to stop. Atrocities are committed; reports are exaggerated. These conflicts are often driven by deep hatred and perpetuated by the desire for revenge. Once large numbers of irregular forces have acquired weapons, it is very difficult to negotiate a cease-fire agreement which is effective. The new institution, under the CSCE, of a High Commissioner for Minorities is, for this reason, a valuable idea, because action can be taken before a conflict breaks out. There is a need for early warning and early action.

41. Early warning requires more extensive intelligence-gathering and analysis of facts. It should be the duty of some international institution to prepare dossiers on possible sources of conflict of this kind. Fact-finding cannot be done properly by ten-day visits from delegations whose members often have no previous familiarity with the region. When the Carter Centre decided to try to mediate between Ethiopia and Eritrea, the first year was spent in fact-finding. Non-governmental organisations can also help to provide early warning; they also can, and do, work in the field of conflict prevention.

42. For states other than those directly engaged, there is one overriding requirement. It is at all costs to avoid the situation so prevalent during the cold war, with one group of states supporting one side in the dispute or conflict, and another group supporting the other side. Both sides in the conflict will look for support from other states. If they obtain it, then the con-

flict will be prolonged; the states backing different sides will themselves get embroiled, and may supply weapons and volunteers; and there is a much greater risk that the conflict will spread. It follows that there must be an attempt to get a common approach which is agreed by all the states which consider themselves in any way involved. This may include some states which are not in Europe. For instance, Islamic states outside Europe have a clear concern with conflicts affecting Muslim groups in Europe.

43. In conflict resolution, the rôle of the military is very different from its rôle in deterring and defence against, a major act of aggression. Military action will tend to come fairly late in the process, after attempts at resolving the dispute, mediation, and negotiating a cease-fire have failed. It is important to distinguish between military peace-keeping and military intervention. Peace-keeping traditionally has to have the agreement of both sides, and peace-keeping forces are not heavily armed. Military intervention is a last resort and many conditions would have to be fulfilled before it could be considered right.

44. Proportionality dictates that any intervention must do more good or avert more harm than the evil done in the process. In ethnic conflicts within states, it may often be difficult to meet these conditions. To try to impose peace on two antagonists who do not want to stop fighting might require external forces stronger than the sum of the two antagonists, since outside intervention forces are quite likely to be shot at by both sides to the conflict. It is difficult to think of any historical example where outside intervention in such circumstances has been successful.

45. An agreed system of conflict resolution may require states to take action, and possibly send military forces, into areas where they have no direct interest. Those with a narrow interpretation of the national interest may question this: even peace-keeping forces suffer casualties. A broad definition of the national interest is needed, which accepts, as part of the national interest, work towards a more peaceful world. The present position in Yugoslavia indicates that many governments already accept this.

46. In a European framework, this should lead to a "common European interest", at a first stage defined on a case-by-case basis, but gradually to be based on a coherent and lasting set of principles. Both the EC and WEU should, in close co-operation, start to define this "common European interest" which could be a useful tool by helping to take early policy decisions in future conflicts which threaten Europe's security.

47. Finally, it should be noted here again that substantial European support for the estab-

lishment of market economies, economic development and the establishment of democratic government structures are essential in stabilising Central and Eastern European states and societies, a vital element of conflict prevention.

(e) Risks originating from outside Europe

48. Risks may emerge from the proliferation of weapons of mass destruction and their means of delivery in the Middle East and the Maghreb. However, these risks are hardly of the order of magnitude that Europe used to have to face in military terms and it must guard against the impetus to find an enemy substitute. Realistically, it is difficult to imagine how the states on the southern shore of the Mediterranean could pose any serious military challenge to European states whilst a challenge from a state in the Middle East would be a matter of global rather than exclusively European concern, because of its effect on oil supplies.

49. The most appropriate way to deal with these risks is by action on the part of the international community to introduce serious preventive measures which make this type of risk increasingly improbable. An example is the reinforcement of the nuclear non-proliferation régime as the result of Iraq's breaches of the non-proliferation treaty.

50. One of the best ways of dealing with problems arising from weapons proliferation is to negotiate a world-wide ban. This has been done, first for biological weapons, and now for chemical weapons. To outlaw other weapons categories in a similar way may be considered, but the prospects are rather slim. The Treaty on Chemical Disarmament for instance, signed in Paris in January 1993 by a large number of states, was not adhered to by others such as Iraq, North Korea, Libya and many Arab countries which stated that they would refuse to do so as long as Israel is not a party to the nuclear non-proliferation treaty. (The members of the Arab League except for Morocco, Algeria and Kuwait have not signed for this reason.)

51. Non-military policies can also be used to reduce threats of this kind. For example, North African states could be brought into much closer co-operation with the European Community. As it is, they send most of their exports to Europe. It should be possible to develop the kind of economic co-operation which, as in the European Community, makes the idea of a military attack highly implausible. There is a range of proposals (environmental, economic and political) to encourage co-operative action between the states which border the Mediterranean².

2. See the report on security in the Mediterranean, submitted by Mr. Roseta on behalf of the Political Committee (Document 1371).

52. As part of the arms control agenda, the transfer of destabilising conventional weapons must be taken more seriously so as to prevent any future Saddam Husseins. This must imply a more critical attitude to the arms trade. No one would deny that countries are entitled to defend themselves but it is perverse that at a time when the European states are engaged in reducing their military capabilities, under the CFE Treaty, that they should be acting to increase the military capability of states elsewhere in the world.

53. Notwithstanding the many bold statements made by various governments on this subject during and immediately after the Gulf crisis, the results of international efforts in this field have been only very modest. In fact, not much more has been done than the establishment of a United Nations arms export register. Even in the EC, the subject of a European arms export policy seems to have been removed from the agenda.

54. There is a strong case for trying to develop a common policy among as many supplying states as possible, and making that policy sufficiently restrictive, so that the folly of arming Iraq is not repeated elsewhere.

55. The final category of security risks from outside Europe is the possibility of attacks, or the threat of attacks, on the sources or supply routes of commodities vital to Europe's economy, as was the case in the Gulf crisis. Obviously, the best means of protecting Europe against such events is the promotion of international order through competent bodies, in particular the United Nations. If even this cannot prevent such aggression, the only possible answer would be international action based on the largest possible consensus in the framework of the United Nations, going through the different stages as described in Chapter VII of its Charter.

IV. Objectives of a European security policy

56. The end of the cold war and the disappearance of the Soviet empire with the re-emergence of independent states in Central, Eastern Europe and the former Soviet Union dedicated to democracy and market economies has produced a situation where internal European security no longer depends purely upon military power and capabilities but also upon political, economic and cultural considerations.

57. In some respects the "one Europe from the Atlantic to the Urals" already exists but it is a Europe with a clear cleavage.

58. A pattern of increasingly close co-operation in the western half of the continent is

matched by a process of disintegration in the other half. While in the western part of the continent, the idea of settling any kind of dispute by military force would be considered ridiculous, this is not the case in the other parts of Europe, where, from the Balkans to Central Asia, many have taken up arms to reinforce their arguments or to reach political objectives. Security in the West is recognised as the result of a number of factors: shared liberal democratic values, extensive economic co-operation, tamed nationalism without the suppression of patriotism and shared sovereignty without destroying the nation. Clearly, one objective of European security policy should be to extend the pattern of inter-state relations and behaviour within Western Europe and Scandinavia to Europe as a whole.

59. As part of this wider concept, an effective European security policy must include:

- assistance to Central and European states, often with no experience of democracy, to find their way to pluralist societies;
- financial and economic support for states to help them move away from command economies towards market economies;
- cultural, educational and financial support to help states, peoples and minorities deal with the strife unbridled by the unfreezing of historic rivalries which, until recently, have been suppressed by imposed collectivism.

60. With these basic conditions in mind, the objectives of a European security policy will be:

- to prevent any cross-border attack by one European state on another and to work towards ensuring that this principle is accepted by all European states;
- to ensure that within states, different ethnic or religious groups tolerate each other, minority rights are respected and to ensure that, if conflict does arise in one state, neighbouring states are not drawn into the conflict;
- to ensure that Europe is able to resist any covert or overt threat to its security from outside Europe and is in a position to respond to crises, aggression and arms proliferation outside Europe;
- to provide a collaborative structure for western security ties with the former Soviet Union;
- to encourage democratisation throughout Central and Eastern Europe and the republics of the former Soviet

republics and encourage the development of shared liberal democratic values;

- to seek to ensure stability in Central and Eastern Europe through extensive economic co-operation, conflict resolution, peace-keeping and possibly peace-making;
- to avoid the re-emergence of nationalism amongst European armies; and
- to maintain a close relationship with the United States, based on a new partnership in order to pursue common economic, political and security interests.

61. Clearly the institutional instruments needed to accomplish these tasks are more complex than the NATO of the cold war.

62. Europe must guard against the risk of a return to the old style geopolitics which would see a return to a competition for national power and influence between European states which had reverted to essentially national security and defence policies. This could result from a failure of European Union as well as from the breakdown of collective defence institutions.

63. The re-emergence of nationalism in security and defence policies could occur as a result of runaway ethnic strife in Central and Eastern Europe. To give a hypothetical example: if the German minority in Silesia were to be victimised by a xenophobic and autocratic régime in Poland, this would quickly become a bilateral problem in the absence of successful EC or collective security intercession.

64. Europe has, therefore, a fundamental interest both in maintaining multilateral security and defence policies.

V. The future of transatlantic relations

65. It has been rightly pointed out that the traditional transatlantic bargain on which the relationship between Western Europe and the United States was based during the cold war, has lost most of its rationale³. This transatlantic bargain meant that the United States extended its security guarantee to its West European allies in return for Western European co-operation in political, economic and security matters and recognition of United States leadership.

3. For the many different aspects of United States-European relations, see Nannette Gantz and John Roper ed: *Towards a new partnership. United States-European relations in the post-cold war era* – WEU Institute for Security Studies, Paris 1993.

66. Not surprisingly, the collapse of the communist régimes in Central and Eastern Europe, the disintegration of the Soviet Union and the dissolution of the Warsaw Pact are the main reasons why the transatlantic bargain lost its attractiveness. Another important reason is that, no doubt stimulated by events in Eastern Europe, the EC took important decisions towards economical and political integration, including the development of a common foreign, security and defence policy, all reflecting a growing common feeling to confirm and reinforce Europe's responsibility and identity.

67. The virtual end of the military threat from Eastern Europe also caused a shift in interest from transatlantic military to economic relations, bringing to the surface differences of view, which until then had more or less been dissimulated.

68. The formerly vital importance of the United States' vast nuclear and conventional arsenal has diminished. With recent arms reduction agreements for conventional arms and for tactical and strategic nuclear arms, there are prospects for a reasonable conventional balance in Europe – for those political and military die-hards who continue to think in terms of antagonistic blocs – while, in principle, British and French nuclear forces could play the rôle of a necessary residual deterrence.

69. In the present turbulent state of world affairs, it would be unwise to think that Europe could dispense with transatlantic consultation and co-operation. Now and in the near future, United States military assistance appears to be essential to mount any larger-scale military operation in Europe, let alone outside it. The most important reason for this is that WEU members, individually and collectively, simply do not have the vast logistical support (air and seallift), satellite data intelligence and command and control systems available to the Americans. The WEU Assembly has been prominent in suggesting how some of these deficiencies might be rectified. It has proposed the creation of a WEU pool of air transport aircraft. The Council apparently does not consider this to be an urgent matter, since according to the last annual report, it is not on the agenda of the Defence Representatives Group. Another proposal, the creation of a satellite interpretation centre, was agreed to by WEU ministers in June 1991. However, these initiatives must be seen against the background of declining defence expenditure, and, under these circumstances, it would seem unlikely that WEU could develop military resources comparable to the United States in the near future. In the foreseeable future, therefore, United States involvement in European security will remain vital.

70. On the other hand, United States Governments will come under increasing pressure to

reduce military expenditure. Clearly, such policies will have an impact on United States force levels in Europe and perhaps the availability of United States military assets such as transport aircraft.

71. It should be recalled here that the new United States administration envisages reducing the number of United States troops in Europe to 100 000 by October 1996, while the Bush administration had still planned to maintain the number of troops at 150 000. According to Pentagon documents made available in March 1993, the Clinton administration plans to reduce the United States defence budget by \$88 billion by 1997. It is difficult to predict all the consequences of a reduced United States presence in Europe, but it is crystal clear that Europe cannot claim to develop its own foreign and security policy which, according to the treaty on European union, "shall include all questions related to the security of the union, including the eventual framing of a common defence policy, which might in time lead to a common defence", if it is not prepared to draw the financial consequences from these basic decisions. The inevitable conclusion is that Europe will have to pay for a greater share of its security.

72. The common strategic resources needed to complement such a policy will not be available overnight. They can only be the result of a long planning process.

73. The stage is now reached at which there is uncertainty over the future commitments of allies in different kinds of conflicts. This is no reason to be surprised or even ashamed. After all, the Atlantic Alliance was created to cope with a completely different situation in Europe. After more than forty years of a close political and military relationship, European and North American allies should be able to discuss their long-term relationship without any false shame. Only in an atmosphere of close consultation, which includes all possible future developments, will it be possible to avoid misunderstandings on both sides of the Atlantic.

74. It would be wrong for Europe to suggest that NATO is no longer relevant in the years to come, and Europe should at all costs avoid arousing feelings of indifference or hostility in North America towards its historic political and strategic relations with Europe.

75. It would be wrong for the United States to pretend that nothing has changed in its political and military relations with Europe. While there can be no doubt that the United States is still fully committed to the obligations of the Washington Treaty, recent events have made it clear that beyond the NATO territory, there is a zone where they may prefer not to intervene but to leave action to the Europeans.

76. On the other hand, it would be naive to suggest that the recent changes in Europe do not require a more thorough adaptation of transatlantic relations.

77. This is well illustrated by the crisis in ex-Yugoslavia. The Europeans originally took the lead in dealing with this presumably because the United States took the view that there was no vital national interest at stake and that it was purely a European problem. There is no reason to believe that the United States took this view because it wishes to see the public failure of the recently decided European foreign and security policy.

78. Apparently, in both the United States and Europe, there is widespread indignation over the continuation of a civil war on European soil, where atrocities are being committed and human rights being trampled at a scale unknown in Europe since the second world war. At the same time, both are reluctant to send ground troops into a savage war, which nobody dare predict when and how it will end. The United States and Western Europe are now accusing each other of not taking the lead, not doing enough or not proposing the right action. The same kind of debate may occur again in future similar conflicts.

79. The positions now adopted by the United States and Western Europe in European security affairs are unsustainable in the long run because they are inherently under tension and trade-offs will have to be made. The United States wants to reduce its burdens but at the same time maintain and influence leadership. Western Europe wants more equal partnership with the United States. These tensions will have to be resolved, and all efforts to cover them up will be useless because they are too obvious not to come to the surface again.

80. It is advocated here that Western Europe and the United States thoroughly revise their old bargain and replace it by a new partnership, knowing that they continue to share important and far-reaching common economic, political and security interests and that in the new international relations neither can achieve its important objectives acting alone.

81. In the framework of this new partnership, Western Europe and the United States should negotiate an agreement defining rôles and responsibilities towards each other and toward the rest of the world, and leading to changes in the institutional relationship which reflect these new definitions and also providing mechanisms to implement the new policies to achieve common objectives.

82. The transatlantic partners know each other too well to continue playing their newly-favoured game of hide-and-seek with their real intentions and pulling rabbits out of their hats

every now and then when the other party seems to have found a clever move.

83. Without this proposed new partnership, the existing transatlantic alliance is bound to deteriorate, neither ally will succeed in attaining its objective and European security might well be the victim.

VI. The importance of arms control and verification

84. The recently-established framework of arms control and verification agreements in Europe has created so much military transparency that it would not be possible, now, for any European state to build up, in secret, a major aggressive military capability. Four agreements or treaties have come into force which between them provide a formidable array of measures of verification and inspection: the Treaty on Conventional Forces in Europe; the concluding act of the negotiation on personnel strength of these armed forces; the Open Skies Treaty accompanied by the CSCE declaration on that treaty and the Vienna document of 1992 on confidence- and security-building measures.

85. Together, these documents are ensuring a continuous and regular process of inspection and verification and there will be even more in the future. If any of the participating states were to consider building or rebuilding a major aggressive military capability, it could not do so without triggering a procedure of early warning. Among other things, it would have to refuse inspections and withdraw from the relevant treaties at an early stage of rearmament. This would appear to rule out any possibility of surprise attack.

86. The next step concerning this particular threat or risk – that is, the re-emergence of some major aggressive expansionist power – is to maintain the impetus provided by these treaties or agreements in the new CSCE Forum for Security Co-operation, established at the July 1992 Helsinki summit. The provisions already have to be fully implemented. One of the first functions of the new CSCE security forum will be to harmonise the relevant provisions of the CFE Treaty, which concern only NATO and the former Warsaw Pact states, with the provisions of the Vienna document which concern all CSCE members.

87. A good deal more can still be done in improving military transparency in Europe. The habit of military secrecy dies hard. The Helsinki conference set out, for the security forum, a programme for immediate action. It includes a number of further proposals for increased transparency. It suggests, for example, the annual discussion of military budgets with detailed production plans for different weapon systems. At

this exchange, states could say whether they found the forward plans of any other state particularly threatening. The programme for immediate action does not, however, include any specific suggestions for further disarmament.

VII. The rôle of nuclear weapons in European defence

88. Increasingly, nuclear weapons are seen, not as solutions to certain security problems, but as serious problems in themselves. The disintegration of the Soviet Union and the exposure of Iraq's nuclear ambitions have highlighted the need to give the highest priority to further measures to prevent the spread of such weapons.

89. The nuclear non-proliferation régime based on the NPT and IAEA should be further strengthened to stop further proliferation and the export of nuclear technology. An important factor will be the actions of the existing nuclear weapon states themselves. It will be of little use urging other countries to forego nuclear weapons if the existing nuclear weapon states are maintaining or increasing their nuclear firepower. The United States and Russia have embarked on massive reductions of the number of nuclear warheads. This impetus must be maintained and hopefully adopted by the other nuclear weapons states. Nuclear weapons are still an important part of official allied thinking as witnessed by the final communiqué of NATO's Nuclear Planning Group in autumn 1991 in Taormina, stating that "nuclear weapons will continue for the foreseeable future to fulfil their essential rôle in the alliance's overall strategy, since conventional forces alone cannot ensure war prevention". On the other hand, it decided on a substantial reduction and restructuring of the alliance sub-strategic nuclear forces which is in progress. This cannot be seen as the last possible adaptation to new circumstances especially since future threats to Europe are likely to be quite different from those which had to be faced during the cold war. Clearly the relevance of nuclear weapons to the security of Europe has greatly diminished and the residual purpose of these weapons may simply and solely be to deter their use by others⁴.

90. Indeed, a critical re-examination of the rôle of nuclear weapons in Europe is needed.

91. On the one hand, there should be continuing consultation on the future of transatlantic security guarantees, including the various possible extended transatlantic nuclear deterrence options in the Atlantic Alliance and its

4. For a stimulating discussion on this subject see Roberto Zadra, "European integration and nuclear deterrence after the cold war", WEU Institute for Security Studies, November 1992.

Nuclear Planning Group. On the other hand, an intra-European debate is needed over the rôle, and the future rôle, of European nuclear weapons. These debates should be initiated in WEU among both nuclear and non-nuclear member states. Needless to say, both debates should take place in parallel and with the greatest possible degree of transparency.

VIII. The Franco-German relationship and the defence of Europe

92. Since May 1992, Franco-German military co-operation has assumed a potentially more European dimension: France and Germany decided at their La Rochelle meeting to create a military corps with a European vocation which other WEU countries were invited to join. This Eurocorps was meant to contribute to giving the European Union its own military capacity and show the will of the participating countries to shoulder their responsibilities concerning security and the preservation of peace in the framework of the European Union.

93. At the same time, the Eurocorps was intended to contribute to the strengthening of the Atlantic Alliance. The Eurocorps can be used for the common defence of the NATO and WEU allies, for humanitarian, peace-keeping and peace-enforcing missions. The headquarters of the Eurocorps are being established in Strasbourg and the estimated 35 000-40 000 strong full corps should be operational in October 1995. Belgium and Spain are considering joining the corps and Belgian liaison officers have been posted to the Strasbourg headquarters since March 1993.

94. The Franco-German initiative has been severely criticised by both the United Kingdom and the United States. They feared that the Atlantic Alliance might be weakened if Germany were to withdraw some of its units from NATO, which, as some said, was illegitimate.

95. Finally, on 21st January 1993, an agreement was signed between France, Germany and SACEUR, detailing relations between the Eurocorps and NATO.

96. While, formerly, French forces could have been placed under NATO's operational control in a crisis situation, it was now agreed that French units of the Eurocorps could be under NATO's operational command.

97. This means that there would be more freedom to use these forces, not only for the Supreme Allied Commander, but also for lower levels in the integrated command structure. There is a wider definition of the missions, and the type and duration of the obligations are defined in less detail in advance.

98. However, this can be done only under three preliminary conditions:

- there must be a preliminary agreement with France and Germany;
- the corps must be engaged for a preliminary defined mission according to a plan which has been approved by the French authorities;
- the corps must be engaged as such.

99. As it is, the agreement leaves many questions unanswered. For instance, what will happen if the Eurocorps were asked to participate in peace-keeping or peace-enforcing operations of NATO in the framework of the CSCE. It is also unclear if these rules would apply to other French units which are not part of the Eurocorps.

100. Moreover, the relation between the Eurocorps and WEU is far less clear and, as of today, no agreement is yet in sight. Certainly, France is changing its commitments regarding security in Europe and apparently the doctrine of the defence of the "sanctuaire national" is being adapted to a changed security environment in Europe. Altogether, France is clearly working towards a new security concept which pays tribute to European ambitions while at the same time taking into account the importance of maintaining narrow transatlantic relations which are being revised in a positive sense.

101. As the French Defence Minister, Alain Juppé, recently said⁵:

"Europe as such must be included in the necessary renovation of the alliance... even if the link with the United States is, and remains, more necessary than ever."

or otherwise:

"While it is legitimate for France to be concerned with promoting European defence, it is nevertheless essential for it to include its contribution in the transatlantic framework."

102. If France is gradually making progress in adapting to a new situation, in Germany, an acrimonious debate is still continuing over the question of whether the constitution allows it to send troops to participate in operations outside the NATO area. Of the two articles in the constitution now under debate, one, Article 87a, says that Germany establishes armed forces for defensive purposes, while the other, Article 24, expressly permits Germany to join a system of mutual collective security.

⁵ Address of 26th April 1993.

103. According to the opinion of a large majority of legal experts, there is no constitutional impediment to German participation in United Nations or NATO military operations outside the NATO area, but the position of the CDU/CSU as the largest partner in the coalition government has not been strong enough to overcome the reluctance of both the coalition Free Democrats and the opposition Social Democrats. On the other hand, it became clear that the consequences of this constitutional debate had an increasingly negative influence on the authority of Germany in the international community, which is faced with growing United Nations demands for peace-keeping, humanitarian and other operations in conflict zones.

104. On the 13th January 1993, the coalition government reached an agreement which allowed for future engagement of German troops outside the NATO area, alongside troops from other states, even without a mandate from the UN Security Council. The agreement thus covered the sending of "blue helmets" to participate in peace-keeping operations under Security Council decisions or in the framework of CSCE, and participation in peace-enforcing measures under the aegis of the United Nations. It also covered the participation of troops in operations of collective defence or peace-enforcement operations, in accordance with Article 51 of the United Nations Charter, with other states or in the context of alliances and other regional agreements, in particular NATO, WEU and CSCE. Possible German participation in the abovementioned operations would need approval in the national parliament: in the first two cases mentioned by a simple majority, in the third case by a two-thirds majority. At the same time, it was agreed that the government would propose a formal change of the constitution.

105. When, however, Chancellor Kohl proposed that German airmen, who make up one-third of NATO's AWACS reconnaissance aircraft crews, should participate in the operations to enforce a no-fly zone in former Yugoslavia, the Free Democrats took the question to the Federal Constitutional Court, which allowed German airmen to join the operations in former Yugoslavia, mainly reasoning that Germany's self-imposed restrictions on its military rôle would "endanger the trust for Germany within NATO alliance".

106. Since the Court's ruling only applies to this individual case, it does not provide a final ruling on the still pending constitutional question, which, if not resolved in accordance with the coalition's January agreement, would cause serious problems for the credibility of a future European security and defence policy. It is known that in the foreseeable future, WEU or NATO operations, with military involvement,

to maintain or to restore peace and security in Europe or to protect its vital interests, will most likely take place outside the area covered by the Treaty of Washington. If Germany, Europe's most powerful economic force with the biggest population, were to take part in the decision-making on security and defence policy without participating in the possibly resulting military operations, it would create anomalies which might not be accepted by the other EC member states and thus lead to serious problems in European policy making. Moreover, what would be the use of a Eurocorps, if its German component would be condemned to play not more than a rather ceremonial rôle?

107. In that case, all the French efforts to be more co-operative within the NATO framework would not be matched by the expected German flexibility on out-of-area operations and they may question if all the extra efforts needed to build this multinational corps were to any advantage.

IX. The institutions

108. Fundamental developments within Europe since 1987 have resulted in gradual changes in the European security architecture. These changes already include a gradual and prudent tendency towards both a Europeanisation and pan-Europeanisation of the European security structure and an increasing linkage between the military and non-military dimension of security policy. This move is, however, slow and gradual when compared with the fundamental and far-reaching changes in the European security situation.

109. Developments within the different existing organisations will be examined succinctly in the following paragraphs:

(a) The European Community

110. Especially since 1988, the European Community has played a considerable part in the developing European security situation through its support for economic and political reforms in Central and Eastern Europe. The European agreements which were concluded with Poland, Hungary and Czechoslovakia and the negotiations on association and other agreements with the other countries in the region further increase the influence of the community. The extent to which the Community agrees to strengthen contacts with these countries depends on their fulfilling several stabilising conditions. The association agreements and the prospect of possible membership of the EC also give these states a wider political incentive and have a stabilising influence.

111. Western Europe, together with North America and Japan, has a specific responsibility

to help these countries in this difficult task, which will take many years to accomplish.

112. Much has been done already, but everyone is aware that it is not nearly enough.

113. Important EC programmes for the transfer of much-needed knowhow to these countries are "Phare" for Central European countries and "Takis" for the former Soviet Union republics, which together supply about 70% of the West's technical aid to that region. There has been criticism of its efficiency, but that was not only the EC's fault. Moreover, the criticism was acknowledged and improvements are now under consideration.

114. At the same time, the EC is concluding different kinds of trade and association agreements with many Central and Eastern European countries. It is known that Poland, the Czech Republic, Hungary, Bulgaria, Romania and the Slovak Republic, which are seeking EC membership, would like to have a date set for this objective to be attained.

115. They have also complained that the EC, notwithstanding the existence of agreements, has been far too hesitant to allow them access to the EC market. It is also noted that EC member states are very slow in ratifying the European agreements, which offer trade liberalisation to the abovementioned countries. Of the 12 member states, only Denmark, Ireland, Luxembourg, Spain and the United Kingdom have ratified.

116. In response to this criticism, the European Commission has now proposed a new package of measures to accelerate the political and economic integration of these six countries into the EC, which will be discussed in Copenhagen at the June 1993 EC summit. This package includes improved, across-the-board market access for East European products, faster dismantling of EC tariffs, more commission-led lending to finance infrastructure and a commitment to eventual membership.

117. It is especially encouraging to see that according to the Commission's proposal "improved market access is the most effective way of encouraging economic growth and the transition to market economies". This opinion clearly diverges from arguments put forward by EC member states that increased imports from Eastern Europe would cause lasting damage to EC members, which are going through a period of recession. It should be noted that in 1992 Eastern Europe accounted for just over 3% of total EC imports, while the EC itself accounted for more than half the total trade of Eastern Europe.

118. The EC has managed to develop substantially the non-military dimension of security policy which is bound to play an even more

important rôle. However, the crisis in Yugoslavia showed that the influence of the European Community is still too limited as it cannot back its security policy, confined to non-military aspects, with military means. Nevertheless, the crisis in Yugoslavia also indicated a positive development in the EC's nascent security policy.

119. The EC has developed criteria which are applied for the recognition of new states: the acceptance of the rule of law and the principles of democracy, guarantees of the rights of minorities and ethnic groups, respect for each other's frontiers and observance of existing commitments to disarmament and regional security. These principles, which are aimed at stabilising the European security situation, oblige the republics or people concerned to adapt their position, if necessary.

120. Apart from that, it established – in parallel with the peace conference on ex-Yugoslavia – an Arbitration Committee under the chairmanship of Robert Badinter which has provided a number of opinions which can contribute to the prevention of conflicts. One of these opinions concerns the right of peoples to self-determination as is vaguely defined in Article 1 of the United Nations Charter. Indeed, the Charter did not provide a definition of the word "peoples", nor did it lay down rules as to how this right is to be exercised.

121. The committee appeared to link the rights of minorities to the rights of peoples. As a consequence, the notion of "people" is no longer homogeneous and should not be seen as encompassing the whole population of any state. Within one state, various ethnic, religious or linguistic communities may exist. According to the committee's opinion number 2, each of these communities would have the right to see its identity recognised and to benefit "from all the human rights and fundamental freedoms recognised in international law, including, where appropriate, the right to choose their national identity". Rights of minorities can therefore be respected without this having to result in a break-up of an existing state. This could lead to a distinction between "nationality" and "citizenship" similar to what is provided in the Treaty on European Union.

122. Furthermore, the Arbitration Committee attached great importance to the principle of respect for frontiers existing at the moment of independence, and recalled in its opinion number 2 that, whatever the circumstances, "the right to self-determination must not involve changes to existing frontiers". On the other hand, according to the committee, states may modify their frontiers by mutual agreement.

123. Even though its member states had only just signed the Treaty on European Union with

its provisions for a common foreign and security policy, the EC was the first external power to become involved in the crisis in ex-Yugoslavia, assuming its new responsibilities.

124. Furthermore, the Community employed new instruments in its security policy. The Twelve mediated in the conflict and initiated a peace conference in The Hague, they negotiated to achieve cease-fires, and sent observers to the disputed area to monitor the cease-fire agreements. Admittedly, all EC efforts have had little success, but, almost certainly, others would not have done better. It is hoped, however, that some lessons will have been learned, one of them being that taking half measures in no way helps to solve a crisis. This first experience in practical common foreign policy also made it clear that the EC should start making contingency plans for crisis management and solutions for possible conflict in Europe.

(b) NATO

125. Within the Atlantic Alliance, there have been moves to recognise that the European allies will have to play an increasingly important rôle in the security and defence of Europe. First of all, the important declaration on peace and co-operation and the new strategic concept issued at the NATO summit in Rome in November 1991 emphasised the importance of strengthening the European pillar and increasing the rôle of the EC and WEU in defence and security matters.

126. The Rome declaration asserts that "the development of a European security identity and defence rôle, reflected in the further strengthening of the European pillar within the alliance, will reinforce the integrity and effectiveness of the Atlantic Alliance....Recognising that it is for the European allies concerned to decide what arrangements are needed for the expression of a common European foreign and security policy and defence rôle, we further agree that... we will develop practical arrangements to ensure the necessary transparency and complementarity between the European security and defence identity as it emerges in the Twelve and WEU, and the alliance....We welcome the perspective of a reinforcement of the rôle of WEU, both as the defence component of the process of European unification and as a means of strengthening the European pillar of the alliance...".

127. Notwithstanding incidental benevolent comments, it is, however, not at all clear to what extent the United States and some European NATO countries will allow this European pillar to become more than an appendix to NATO and to gain some degree of independence.

128. As regards military structures, some recent developments are indeed providing evi-

dence of a trend towards multinationalisation and even Europeanisation of the alliance's armed forces. An allied rapid reaction corps (ARRC) with its headquarters in Bielefeld under British command is being established. This ARRC will consist of forces from different European NATO member states and NATO can decide to put parts of this corps under WEU command.

129. There is also the new Franco-German Eurocorps, for which SACEUR has recently concluded an operational agreement with France and Germany. According to this agreement, the Eurocorps will come under NATO operational command for the implementation of agreed SACEUR plans. In an alliance framework, the Eurocorps will be available for humanitarian peace-keeping and peace-making operations. On the other hand, it will also be available for WEU operations, but this has not yet been formalised.

130. However, this Europeanisation of the Atlantic Alliance is not yet visible in NATO's European military command structure. While Europeans provide 80% of the alliance's conventional forces, United States officers are still at the head of the only two major commands and of one of the three major subordinate commands. The Supreme Allied Commander Europe is also American.

131. The decision of the North Atlantic Council in Oslo on 4th June 1992 that it be "prepared to support, on a case-by-case basis in accordance with our own procedures, peace-keeping activities under the responsibility of the CSCE" should be seen as a positive step towards pan-Europeanisation of the alliance's security structure. This implies that the alliance might also intervene outside the traditional NATO area. It requires, however, that the CSCE asks NATO to do so and that no NATO member state is opposed to such action.

132. The need to establish relations with Central and Eastern European countries and to help them to stabilise their security led to the creation of the North Atlantic Co-operation Council (NACC) in December 1991, which includes the 16 NATO countries, the former Warsaw Pact countries and former Soviet republics plus Albania, making a total of 38.

133. In the first year of its existence, NACC dealt with such problems as the withdrawal of former Soviet troops from the Baltic states, the division of CFE reductions among the newly independent republics of the former Soviet Union and the issue of nuclear weapons and the Non-Proliferation Treaty in some of these republics.

134. At its December 1992 meeting in Brussels, NACC agreed to prepare for joint peace-keeping missions in Europe. Co-operation

in this field would include joint sessions on planning of peace-keeping missions, joint participation in peace-keeping training and consideration of possible joint peace-keeping exercises. It was stressed that all peace-keeping operations would be under the aegis of the United Nations or CSCE.

135. At the same meeting, a work plan for dialogue, partnership and co-operation in 1993 was agreed to, which would concentrate on such subjects as democratic management of defence budgets, civil/military interface within Ministries of Defence and the conversion of defence industries.

136. It is clear that NACC with its limited scope and budget can make only a modest contribution to help solve the many problems being faced by Central and Eastern European countries. As regards conversion of the defence industries for instance, it can organise colloquies, studies, exchange or assemble information and in general play a rôle as a clearing house, but there is no money to do more and, evidently, NACC is not the most appropriate forum for tackling major industrial and economic problems.

137. For Central European countries seeking EC membership, NACC cannot do enough, but it provides at least a chance for other republics further East to learn more about such things as the organisation and control of armed forces in a democratic society. It also shows that the West is seriously interested in stability and peace in parts of Europe further East. NACC should therefore continue its activities, concentrating on the solution of those issues for which it is best equipped.

138. In recent years, there have also been efforts to strengthen the political rôle of the alliance, also by emphasising more than before the linkage between the military and non-military dimensions of security. The outcome of these attempts to date, however, also clearly shows the limitations of the alliance. In the present framework, it would not be logical to try to stretch NATO in a political rôle beyond the limits of its original vocation as a security organisation in the classical sense.

139. Finally, NATO should continue to refrain from enlargement, even if time and again suggestions to extend its membership are made by Central and Eastern European states. Recently, NATO confirmed that the subject of enlargement was not on the agenda. The reason most frequently put forward is that it does not want to create a new common border between the alliance and the territory of the former Soviet Union, which would imply that Central Europe would again find itself in a position of "buffer zone". It also wishes to prevent, at any price, that Russia and the other former Soviet

republics might become suspicious of a new alliance being created against them.

140. Another more fundamental argument might be that such enlargement would be inconsistent with its earlier endorsement of the development of a European security and defence identity. The future European Union, if developed according to the principles laid down in the Maastricht Treaty, will provide the most complete security structure imagined, including all economic, political and defence aspects, which are vital for the stability, peace and prosperity of a state. The greatest ambition of at least all Central European states is to be admitted as a member of this union. The European Community, now being transformed into a European Union, has from the beginning been conceived as a dynamic structure with the development of an integrated peaceful and prosperous Europe as its main objective. It would be erroneous to present accession to the Washington Treaty, which was created with the limited political-military objective to maintain a status quo in Europe by preventing the Soviet Union from extending its influence over Western Europe as a viable alternative for the future security of Central and Eastern European countries. Enlargement of NATO would seem to run counter to the objective to develop Europe's responsibility for its own security and defence.

(c) WEU

141. As the Europeanisation of the western security structure was considered essential, both NATO and the European Community saw WEU as a useful organisation for achieving this goal and for asserting their competence in security and defence. In this context, it seemed as if WEU was more an object than a subject in the discussions about the future European security architecture.

142. After NATO's Rome declaration and the Maastricht summit, however, important developments brought WEU to the front of the stage. Some of these, such as the enlargement of WEU and relations between the EC and WEU, have been discussed in earlier Assembly reports.

143. It is recalled here that the declaration of the countries, which are members of WEU and the European Union on "The rôle of WEU and its relations with the European Union and with the Atlantic Alliance", which was issued together with the Treaty on European Union at the Maastricht summit in December 1991, to some extent clarified the position of WEU. The declared objectives were to build up WEU as the defence component of the European Union and to develop WEU as a means of strengthening the European pillar of the Atlantic Alliance. It was also accepted that WEU's operational rôle would be strengthened.

144. Indeed, as long as WEU has no military organisation, and some member states remain reluctant to use this organisation as an active and independent actor in Europe, its operational rôle can be only very limited.

145. Some progress was made when in the Petersberg declaration of 19th June 1992, it was stated:

“WEU member states declare that they are prepared to make available military units from the whole spectrum of their conventional armed forces for military tasks conducted under the authority of WEU.

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

146. It seems, however, that since this bold statement, relatively little has been done for its implementation, as in the second part of the thirty-eighth annual report of the Council to the Assembly it is dryly stated:

“The (Special Working) Group also turned its attention to the politico-military aspects of designating and setting up military units answerable to WEU. At the Council's request, it considered problems associated with implementing proposals made in the Franco-German memorandum on the creation of a European corps.”

147. Apparently, the Council is not so much in a hurry to implement this part of the Petersberg declaration as it was regarding enlargement. While no official arrangement has yet been made on such units answerable to WEU, the United Kingdom's Secretary of State for Defence, Malcolm Rifkind, provided a clear indication when he said:

“In principle, all the United Kingdom's conventional armed forces are available for military operations conducted under the auspices of Western European Union. Military units for WEU operations would be drawn on a case-by-case basis from forces with national and NATO rôles – in the latter case, after consultation with our NATO allies.... of course, any new commitments for our armed forces must become publicly known. The new arrangements involving Western European Union do not imply additional commitments: they simply suggest that in certain circumstances it may be more appropriate for WEU, rather than NATO, to sponsor certain operations. That would largely

depend on whether the United States and Canada were likely to be involved in a specific matter, so that is the sort of circumstance which we envisage as potentially arising.”⁶

148. Meanwhile, an agreement has been concluded between France, Germany and SACEUR, regarding the Eurocorps, which for the time being, seems to be of greater interest for NATO than for WEU. As regards these military units answerable to WEU, the same annual report mentions that the Defence Representatives Group “examined ways and means by which units could be assigned to WEU in times of crisis. It also considered the choice of headquarters and the organisation of headquarters staff. At the same time, the group gave consideration to WEU's structure in times of crisis.”

149. It is hoped that these numerous examinations and considerations will, in the foreseeable future, lead to conclusions, decisions and implementations, in order to ensure that a following crisis in Europe will not again develop into an armed conflict because of Europe's hesitation and lack of preparation.

150. On the other hand, it is encouraging to see that a proposal for co-operation between air and naval forces of WEU member states, initially formulated by France, Italy and Spain, with the aim of developing it with the participation of all member states, has given birth to a “European pre-planned air/maritime force ready to carry out missions which might be assigned to it by WEU.”

151. According to the Petersberg declaration, military units of WEU member states, acting under the authority of WEU could be employed for:

- the common defence in accordance with Article 5 of the Washington Treaty and Article V of the modified Brussels Treaty, respectively;
- humanitarian and rescue tasks;
- peace-keeping tasks;
- tasks of combat forces in crisis management, including peace-making.

152. The Iran-Iraq war, the Gulf crisis and the crisis in former Yugoslavia have been occasions for successful WEU maritime operations for minesweeping and embargo enforcement, respectively. Moreover, WEU is providing both material and personal assistance to the Danube states of Hungary, Romania and Bulgaria, in enforcing the United Nations embargo against Serbia/ Montenegro.

6. Answer to an oral question by Mr. Marshall, House of Commons, 20th April 1993.

153. The Council's decision at Petersberg on 19th June 1991 to establish a military planning cell was an important step forward. This planning cell, which, after a preparatory phase, started its activities on 1st April 1993 under Major-General Caltabiano as its first director, is in particular responsible for:

- preparing contingency plans for the employment of forces under WEU auspices;
- preparing recommendations for the necessary command, control and communication arrangements, including standing operating procedures for headquarters which might be selected;
- keeping an updated list of units and combinations of units which might be allocated to WEU for specific operations.

154. Rightly, General Caltabiano has said that the interaction of the planning cell with other security organisations such as NATO, CSCE and the United Nations is essential for its military efficiency and vital to avoid duplication. Again, transparency and complementarity are key words in this process.

155. It has been observed time and again that a European defence organisation without a proper integrated command structure is not likely to be effective. The military planning cell should therefore come forward with realistic proposals which would enable WEU to act if needed. Such proposals should naturally take into account the command structures existing in the framework of the Atlantic Alliance and try to avert any unnecessary duplication.

156. In future security crises in Europe and elsewhere, WEU can be a viable alternative if NATO is not willing or able to act, but not necessarily excluding NATO co-ordination and even collaboration.

157. On the other hand, it cannot be excluded that a future European Union foreign and security policy towards its eastern and southern borders will be different from the United States' policy. The crisis in ex-Yugoslavia has provided a modest example of the divergent views among western allies which has certainly not contributed to their readiness to act.

158. One important issue to be addressed in the future is a definition of WEU's geographical area of interest. Recent operations in the Gulf and in the crisis in ex-Yugoslavia are certainly providing clues. The self-discipline shown as regards multiple violent conflicts on the territory of the former Soviet Union is also a clear indication, but there is still an important grey zone just beyond the area of the central European consultation partners where WEU's interests need to be spelled out in more detail.

(d) Council of Europe

159. Although the Council of Europe is rarely mentioned in discussions on security in Europe, the importance of its activities should not be underestimated.

160. After the accession of Bulgaria, Hungary, and Poland, and recently of Estonia, Lithuania and Slovenia, the applications for membership by Albania, Belarus, Croatia, the Czech Republic, Latvia, Moldova, Romania, Russia, Ukraine, and the Slovak Republic are now being examined.

161. In fact, if a country is admitted to the Council of Europe, it has passed a first important test as regards the democratic legitimacy of its institutions, respect for human rights and the rule of law, which no country with ambitions to participate in further European integration can afford to ignore.

162. The Council of Europe has now established activities to help new member states, applicant states and states on the territory of the former Soviet Union, which do not meet the geographic requirements for membership, with projects in the fields of legal co-operation, human rights and media.

163. A recent new development in this framework was the establishment of a task force in Tirana, which provides the Albanian authorities with legal advice on the reforms of the institutions and legal systems with the Council of Europe's standards.

(e) CSCE

164. Since the successful conclusion of the Follow-up Conference of Vienna in January 1989 and especially since the end of the East-West conflict, the Conference on Security and Co-operation in Europe has been able to assume a new rôle where it finally can be used as an instrument to genuinely strengthen relations between all European countries.

165. The new start was formalised by the Charter of Paris for a new Europe which was accepted by all CSCE countries during the November 1990 Paris summit. The Charter of Paris, the Prague Document on Further Development of CSCE Institutions and Structures, Helsinki Summit and other high level CSCE meetings have gradually provided this body with an extremely elaborate set of structures, institutions, mechanisms and procedures which leave very little room for further detailing. There is a Conflict Prevention Centre in Vienna, which has the aim of reducing the risk of conflict by promoting openness and transparency in military matters, the Office for Democratic Institutions and Human Rights in Warsaw, a Secretariat in Prague, while recently a Secretary-General was nominated.

166. Furthermore, a High Commissioner on National Minorities has been appointed, who provides "early warning" and, as appropriate, "early action" at the earliest possible stage in regard to tensions involving national minority issues with a potential to develop into a conflict within the CSCE area affecting peace, stability, or relations between participating states.

167. Finally, at the Stockholm Council meeting, CSCE ministers adopted the text of a Convention on Conciliation and Arbitration within the CSCE, providing for general conciliation and for arbitration on the basis of agreements, ad-hoc or in advance, based on reciprocal declarations, which was signed by 29 of the 51 states participating in the Stockholm meeting. The convention will go into effect when it has been ratified by 12 states.

168. Altogether, it seems that theoretically CSCE has a full range of options to take action in any situation where peace and security in Europe are threatened. Still, in recent years and months it has been relatively ineffective, a reproach which, in all fairness, can be made to most international organisations in the security field.

169. In the crisis in ex-Yugoslavia, the CSCE was used as a legitimising factor for action taken by other organisations, as was the case when the EC sent observers to Yugoslavia with the support of the CSCE. This crisis has made it clear that the CSCE and the Conflict Prevention Centre are not yet able to intervene efficiently. The large number of member states, its intergovernmental character and the lack of an executive branch of its own undermine the possibilities of the CSCE.

170. There was also an apparent lack of political will of participating states and of parties involved in conflicts to recognise CSCE's authority.

171. It is clear that CSCE would be more effective if it had the full support of other organisations like NATO and WEU, as they pledged in July 1992.

172. The most realistic option for CSCE would be to operate actively in the field of conflict prevention and early warning. There can be no question that in this respect, monitoring and fact-finding missions have an important rôle to play. Unfortunately, such missions often struggle with shortages in personnel and funding. These and many other problems in the practical and organisational field have prevented CSCE from operating effectively.

173. The Committee of Senior Officials is now examining a restructuring which should enable CSCE to concentrate on its political and operational tasks. The first results of this review should be endorsed by the next Council meeting

in Rome this year, while the operation should be finalised at the Budapest Review Conference in late 1994.

174. It should be recognised that the large number of states involved in the CSCE is at the same time an advantage and a handicap. However, through its competences mainly in the non-military dimension of security, the CSCE remains a valuable organisation, whose influence may increase further if the CSCE were declared a regional arrangement under Chapter VIII of the United Nations Charter. Participating states should, therefore, continue and intensify their efforts to make this, the largest regional organisation in the area of security, a success.

(f) The United Nations

175. With a high-profile presence, both political and military, in a number of serious conflicts in the world, the importance of the United Nations has grown, not only as the international organisation which can legitimise and decide on action, including even the use of violence against aggressors in a conflict, but also as the organisation which can send peace-keeping forces of its own.

176. It is too early to tell what will be the consequences of these activities for the future of the United Nations. Apparently, there are limits to its effectiveness and credibility which have come to the surface in ex-Yugoslavia and Cambodia.

177. It does, however, seem likely that the bodies mainly concerned with the early stages of attempts at conflict resolution will be the CSCE or the UN, or possibly the European Community or Union; NATO or WEU, or both, will be concerned at a later stage, with regard to the provision of military forces.

X. The future

178. Apart from the other problems discussed earlier in the present report, important questions regarding the potential improvement to Europe's possible security policy need to be addressed here.

179. The first is how Europe should solve the consequences of a declining US military presence. The second is how political co-ordination could be improved in order to accelerate reactions to crises and to make any actions taken more effective. Finally, how should Europe provide assistance to the nations of Eastern Europe and the former Soviet Union.

(a) Military improvements

180. A way of coping with the US drawdown from Europe and declining continental military resources would be to move towards further

integration between, and rôle specialisation with, Europe's armed forces. This poses both practical and political difficulties. Smaller European states are moving towards the abandonment of certain defence capabilities, the maintenance of which they could justify during the cold war.

181. In contrast, the two most important European states in military terms, the United Kingdom and France, both appear determined to hold on to as many capabilities as possible, despite reducing the overall size of their armed forces. Rôle specialisation has already occurred to a certain extent in the NATO Rapid Reaction Force. Germany for example, has assumed the major share of the air component, while the United Kingdom plays the leading rôle on land. However, arguably, rôle specialisation will have to be extended well beyond this if overall European military effectiveness is to be enhanced or maintained with reduced manpower and defence expenditure. In terms of integration, multinationalism has already advanced in NATO with the formation of multinational corps and multinational divisions. In practice, however, multinational integration below divisional level has proved problematic, even in NATO armies which share common doctrine and common communication methods.

182. Throughout the cold war, military deployments were heavily concentrated on the Central European confrontation. This involved a large concentration of personnel and weapons, both tactical and nuclear, to repel an invasion from the East. Since the end of the cold war, the scale of deployment is being substantially reduced on both sides.

183. In future, the forces required will be those which are adapted to the various requirements of conflict resolution. These must be able to respond speedily to a request for action. Western European countries have been developing such rapid reaction forces – national contingents, the Franco-German corps, and NATO's rapid reaction corps – and these together with NATO's experience of multinational planning, logistics and training should provide for conflict resolution. The aim of European states should be to concentrate on the provision of armed forces suitable for this function, preferably for use under the auspices of the United Nations or CSCE with Security Council approval.

(b) Political improvements

184. The July 1992 decisions by the CSCE, NATO and WEU to open the possibility of undertaking peace-keeping operations and, by NATO and WEU, of providing support for such operations, marked the beginning of attempts to improve co-ordination between security institutions.

185. On the other hand, the presence of one NATO and one WEU naval task force to monitor the embargo in the Adriatic was seen by many as an unfortunate consequence of competition between two security organisations. Although co-ordination between the two forces has been successful, it would appear unlikely that such parallelism will re-occur. In November 1992, NATO and WEU adopted a document on co-operation which sets out mechanisms for mutual information and representation of one body at the meetings of the other, as well as guidelines for co-operation in planning. The chances for co-ordination between the two organisations have been greatly improved by the transfer of WEU's Secretariat-General to Brussels at the beginning of 1993.

186. A welcome trend in European security architecture is its rationalisation. Meeting in Bonn in December 1992, the defence ministers of the 13 member states of the Independent European Programme Group (IEPG), established in 1976 to harmonise operational requirements and standardise defence procurement practices, formally agreed to incorporate IEPG into WEU with immediate effect. However, the practical details of this merger will not be formalised until the forthcoming June 1993 WEU Council.

187. One of the objectives of this decision was, as the IEPG National Armaments Directors have stated in their report to the Ministers, that WEU, based on an international treaty and having its own legal personality "could provide a more solid and visible framework for European armaments co-operation thus opening new possibilities for its development, including the eventual establishment of a European armaments agency, if nations so choose".

188. In addition, at the November 1992 WEU Council, it was agreed that WEU would address the possible transfer of certain Eurogroup activities in spring 1993. The WEU Defence Representatives Group (DRG) is now evaluating the activities of Eurogroup with a view to preparing joint WEU positions prior to the establishment of a joint WEU/Eurogroup working group.

189. The question is if the rationalisation of European security institutions could be taken much further at this juncture. Some have made a case, for example, for a merger between the NACC and CSCE which do indeed cover some common ground.

190. It seems, however, far too early to seriously consider this merger, not only because of a considerable difference in membership, with NACC covering 38 and CSCE covering 52 states, but also because NACC really has a different orientation and purpose. In the workplan adopted by NACC on 10th December 1992,

only the section on political- and security-related matters has similarities with the field of activities of CSCE. It would be preferable to leave both institutions to come to grips with their main objectives and to reach a stage of great effectiveness, which may indeed contribute to peace and security in Europe.

191. In a more distant future with the expected and hoped-for extension of a network of bilateral and multilateral relations, NACC may automatically become superfluous since many of the issues mentioned in the workplan would then be addressed in specialised organisations and institutions while other issues would have lost their topicality.

192. The CSCE could then address all the political aspects of pan-European security policy, while possible military action would be left to NATO and WEU under the aegis of CSCE as a regional arrangement in the sense of Chapter VIII of the United Nations Charter. While WEU could provide the military forces and oversee a particular peace-keeping operation, NATO could furnish planning, communications and logistical support. Although such a division of labour seems unlikely to occur in the near future, the declining United States military presence in Europe may reduce the importance of NATO as a military instrument and consequently enhance the military value of WEU.

193. A further improvement could be to redistribute resources between the various security institutions. Whereas NATO possesses thousands of central staff, it appears anomalous that the CSCE and WEU have very limited resources. For example, the CSCE secretariat was forced to depend on office furniture donated by the Swedish Government because it did not have sufficient funds to pay for its own.

194. It cannot be denied that the funding of a conflict prevention mechanism now being established in CSCE, would be far cheaper than the cost of peace-keeping, peace-enforcing or military intervention.

195. The funding of peace monitors and fact-finding missions is comparatively cheap compared to the cost of military intervention. Another possible and relatively cost-effective initiative would be to ensure that representatives of Central and Eastern European countries or former Soviet republics can all attend the meetings of security institutions for which they have been invited, because of their membership or for other reasons. At the moment, many of these states, perhaps those that need the most assistance, are unable to send their representatives to CSCE or NACC meetings due to a shortage of funds. Similarly, the citizens of many Eastern European countries are quite unaware of the rights that their political masters have agreed to uphold by signature of the Hel-

sinki Final Act. Greater investment in propaganda on behalf of the CSCE may be a good investment.

196. All countries of Central Europe and the republics of the former Soviet Union are demanding to have access to the West's expertise as well as capital to manage the economic and political reformation from command economies to pluralistic democracies. This requires a new international organisation to assist the reform effort in the East.

197. There are three reasons for this:

- (i) the problems in developing democracy and the market economy in Eastern Europe and in the former Soviet Union will take many years, perhaps decades to accomplish;
- (ii) the West's strategic interests are deeply engaged in the outcome of the struggles for democracy in these nations;
- (iii) the western technical assistance which is indispensable in the building of democratic and market institutions and practices is at present totally inadequate given the dimensions of the problem.

198. The proposed organisation has already been given the name the Organisation for European Democratic Development, the OEDD, by Ambassador Robert D. Blackwill. Its essential mission would be to generate and manage western technical assistance, financed by western governments, to Eastern Europe and the former Soviet Union. It would have its home back in Brussels in order to co-ordinate its activities with the European Community, although most of its work would be on eastern territory. Western nations would pay for experts of this organisation which would also develop its own permanent staff. Its divisions could include: privatisation, banking practices, delivering municipal services, building democratic legislatures, democratic legal systems including criminal justice and commercial law, agriculture, food distribution, energy, health, education, etc. This would involve thousands of western technical experts living, teaching and learning in the nations of Eastern Europe and the former Soviet Union; not three-day visits but months and years in the territory; not unco-ordinated efforts by individuals in western nations but a highly co-ordinated and long-term intergovernmental effort.

199. The North Americans and the Japanese should be equal partners with the Europeans in this effort.

200. The complexity of European security goes beyond the existing security institutions to a more profound question of policy direction and political will. It could be argued that in many

ways Europe's new security structure is an empty vessel. Institutions have been revised and mechanisms elaborated but the will to utilise these new régimes often seems lacking. It should be remembered that meetings of the various security institutions are often attended by the same ministers and diplomats. However far the co-ordination and effectiveness of the security structure can be improved, the system cannot achieve success in halting, for example, ethnic conflict if the political will to act is lacking. Of course, this is to suggest that solutions to such conflicts exist. At worst, all that may be done is to isolate a particular conflict from neighbouring countries and leave it to be fought out to the point of exhaustion. On the other hand, a more forthright attitude to intervention, both military and political, may prevent the disaster comparable to the violent implosion of former Yugoslavia.

XI. Conclusions

201. With all the changes still taking place on the European scene, it is too early for a final, fully detailed concept of European security policy, but, by and large, more elements are coming to the surface which will have to be taken into consideration when establishing this policy.

202. One early and also inevitable conclusion of the report is that in the present circumstances, the overall political and economic situation in Central and Eastern Europe and other neighbouring regions is far too unstable to do away with any of the long existing or recently established organisations concerned with security in Europe. On the other hand, the fact that these different organisations continue to exist does not entitle them to enter into competition, since that would only do harm to the attainment of their common objective of preserving peace and security.

203. Another conclusion, causing little surprise, is that a continued close relationship between North America and Europe is indispensable for European security. It should not be denied, however, that in recent years this relationship has been subject to mutual criticism caused by different views and judgments. This concerned not only economic issues, but also security issues as was, and still is, demonstrated in the crisis in former Yugoslavia.

204. In general, it is becoming increasingly clear that the positions adopted by both the United States and Western Europe in security affairs are unsustainable in the long run because they are inherently under tension. Neither party should be ashamed to admit this, since external factors have changed completely. There is a need to revise the old transatlantic bargain and replace it by a new partnership which takes account of continued important common economic, political and security interests and objectives, which neither ally can achieve by acting alone.

205. There are many lessons to be learned from the Yugoslav conflict. One of them is that in today's Europe with its numerous existing, and potential, nationalist and ethnic conflicts, a common foreign policy cannot be conducted without stringent procedures for the recognition of new states. Indeed, the European Council has adopted criteria for this recognition, but this may not be sufficient if there is not a more detailed definition of the rights of peoples to self-determination.

206. The possibility should be considered of establishing prototype agreements to be concluded between a nationality, the state of residence and the state – if existing – with which it has a nationalist or ethnic affinity. It is vital that minorities are respected and agreements implemented.

207. For the implementation of an effective European foreign and security policy, it is also vital for the EC, in conjunction with WEU, to start making contingency plans for crisis management and conflict solution. No foreign and security policy is possible without intelligence gathering and analysis of facts. It is far too early for the EC to develop capabilities in this field, but there should at least be a mechanism for the member states to keep each other better informed through consultation and information. Such a mechanism could prevent what happened early in the crisis in former Yugoslavia, when each member state had a different opinion on the seriousness of the imminent crisis, based on different information and analysis.

208. In this framework, the EC and WEU should also start to establish a lasting set of principles in order to define the "common European interests" which could lead to common action.

209. Europe cannot pretend that with the revolutionary changes in the geostrategic situation, the rôle of nuclear weapons has not been subject to change.

210. There should be continuing consultation on the future of transatlantic security guarantees. At the same time, an intra-European debate is needed over the rôle, and the future rôle, of European nuclear weapons. These debates should take place in parallel and with the greatest possible transparency.

211. The WEU Council's decision to move the Secretariat-General to Brussels and to establish a military planning cell have demonstrated the Council's determination to create the conditions for WEU to be developed into an operational organisation, co-operating with other organisations, playing its own specific rôle in Europe's security policy.

212. In the near future, the Council will have to show the political will necessary to implement the consequences of its earlier decisions.

Security in the Mediterranean

REPORT ¹

*submitted on behalf of the Political Committee ²
by Mr. Roseta, Rapporteur*

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1. Adopted unanimously by the committee.

2. *Members of the committee:* Mr. *Stoffelen* (Chairman); Lord *Finsberg*, Mr. De Decker (Vice-Chairmen); MM. Aarts, Agnelli, Alegre, Andreotti, Benvenuti, Bowden, *De Hoop Scheffer*, Ehrmann, Fabra, Feldmann, Foschi, Goerens, Homs I Ferret, Sir *Russell Johnston*, Mr. Kaspereit, Lord Kirkhill (Alternate: *Marshall*), MM. *Kittelmann*, *de Lipkowski*, Maroni, Moya, Müller, d'Ornano, Péciaux, de Puig, Reddemann, Rodrigues, *Roseta*, Seeuws, Seitlinger, *Soell*, Ward, Wintgens.

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

Draft Recommendation
on security in the Mediterranean

The Assembly,

- (i) Conscious that it is in Western Europe's own interest to have equally good relations with both its eastern and southern neighbours;
- (ii) Aware that prosperous socio-economic conditions and democratic institutions are not only the most important factors for promoting the internal stability of each country and peaceful international relations, but also contribute to the flourishing of each people's culture and traditions;
- (iii) Recognising that the stability of a whole region increases with the homogeneity of the political institutions and socio-economic systems of the countries in that region;
- (iv) Convinced that Western Europe's historic relations give it a specific responsibility to promote economic and social development, peace and security in the Mediterranean as confirmed at the EC's Lisbon summit in 1992;
- (v) Aware that throughout the southern Mediterranean region there is growing concern over the increasing threat of Islamic fundamentalist movements, while in some of these countries terrorism may endanger the stability of society;
- (vi) Conscious that Egypt, while not a Maghreb country, shares many of the Maghreb member countries' security concerns;
- (vii) Convinced that a favourable conclusion to the Middle East peace process, which is vital for peace and security in the Mediterranean as a whole, will also lead to increased European responsibility for the promotion of economic and social development, peace and security in that region;
- (viii) Recognising that at the moment there is no military threat to Western Europe from any of the states south of the Mediterranean;
- (ix) Convinced that the risk of proliferation of weapons systems and technology, whether nuclear, biological, chemical or conventional, is a serious threat to peace and stability in the Mediterranean region;
- (x) Convinced that co-operation between universities and institutes for research into and studies of security matters on the northern and southern shores of the Mediterranean might lead to better mutual understanding,

RECOMMENDS THAT THE COUNCIL

1. Implement its decisions to establish a gradual and phased security dialogue with the Maghreb countries, starting with a restricted number of individual southern Mediterranean countries, which at a later stage could be extended to include all the countries of the region and lead to true co-operation in security matters;
2. Promote bilateral military training and exchange programmes between its member states and countries in the southern Mediterranean region on a bilateral basis, as a first step towards a system of confidence-building measures;
3. Promote efforts by its member states, both in their bilateral trade relations and in international negotiations, to prevent or at least reduce the proliferation of weapons systems, be they nuclear, biological, chemical or conventional, which could threaten peace and stability in the Mediterranean region;
4. Encourage the WEU Institute for Security Studies to remain in regular contact with similar institutes in the area to the south of the Mediterranean.

Explanatory Memorandum

(submitted by Mr. Roseta, Rapporteur)

I. Introduction

1. To some people, it may seem secondary to speak of security in the Mediterranean now that Western Europe is developing its relations with its eastern neighbours. However, tackling the security aspects of this region will, in the medium term, be a guarantee for us that it will be safeguarded, thereby ensuring, on the other side of the "peaceful lake", the high degree of stability necessary for co-operation between Europe and the Maghreb in particular. Now that maps are being redrawn on the international scene due to the collapse of the former Soviet Union and the breaking up of bipolar relations, there is a redeployment of the forces in presence in the western Mediterranean. What rôle will Europe have to play in this new context in which, since the disappearance of the Soviet camp, divisions have emerged in North-South relations and at regional level and profound differences are apparent at political level and that of the different economic systems?¹

2. Europe is aware of its responsibilities and has not forgotten the historical links that bind it to its Mediterranean partners; to abandon the Maghreb to its fate could but be harmful. We must therefore find a strong, stable Maghreb that can become a reliable economic partner capable of providing Europe with sources of prosperity and lasting guarantees of peace. It is no longer a matter of encouraging relations of good neighbourliness but rather of giving active, mutual encouragement to co-operation in the Mediterranean in the framework of a new partnership.

3. The Mediterranean is seeking a new balance and trying to adapt itself to changes in the world and avoid the many threats facing it. This security area must not become an area of confrontation due to insufficient economic, social and political development and inability to lower significantly uncontrolled internal tension. Our security is at stake in the Mediterranean where the social situation has deteriorated; what are the fundamental aspects of stability and security in the western Mediterranean?

4. Relations between Europe and the Maghreb are set in a twofold context. On the one

hand, internal threats are emerging in the region stemming from the economic crisis with a high unemployment rate and an external debt that prevents a fresh start. This economic crisis is at the same time one of the causes of a resurgence of religious fundamentalism, thus undermining the population's support for the established authorities. On the other hand, these problems, which have political repercussions but are structurally economic, cannot fail to give rise to and accelerate flows of migrants that Europe will be unable to resist.

5. In the short term, these relations are liable to result in conflict situations. The Mediterranean is seeking a new balance to avert the threats facing it. Will it become a front line for Europe? Europe's response to the problem of the Maghreb nevertheless leaves hope that co-operation between states will be actively revived in order to eliminate the risks of drift or regional disorder. This is why the Mediterranean stake calls for the implementation of new socio-economic relations between the European Community and its partners in the Maghreb so as to ensure a lasting combination of stability and security since Euro-Maghreb policy extends beyond economic or political interests and the search for regional security implies a dialogue of which WEU might be the driving force. No splits are insuperable and there is no reason for the Mediterranean countries to be doomed to confrontation rather than laying the foundations for co-operation that would be fruitful for all.

II. Individual countries

(a) Algeria

(i) Economy

6. One of the main problems for Algeria's economy is its foreign debt of \$26 billion, requiring a debt service of \$9 billion or 75% of its goods and services exports. Algeria has rejected the solution of rescheduling this debt, but has limited its imports. The government claims that it has now managed to stabilise the foreign debt service.

7. Even if the government has said that it wishes to start privatisation, it still has trouble in putting its new policy into practice. One of the arguments put forward by officials is that it has not been a great success in Central and Eastern Europe. It is no longer considered taboo, but the

1. It should be noted that the present report makes no mention of Turkey, as it was recently the subject of a report presented on behalf of the Political Committee by Mr. Moya, Rapporteur (Document 1341).

government does not want to precipitate the national economy into sudden changes. At the moment, the overall macroeconomic and legal framework for privatisation has not yet been created, but as a first step, the government has started to review this framework. A number of state-owned companies have been reorganised under a régime of autonomous management and the government is trying to find foreign partners for participation in the investment and management of such companies. Efforts have been made to reduce state trading monopolies.

8. Recently, however, the Prime Minister has reinstated government control of imports of all foreign goods worth more than \$100 000 and refused to allow the dinar to continue depreciating, two decisions which have prevented any new agreement with the IMF.

9. The government has freed all prices except those of basic foodstuffs but it has now put off all other reform measures because it is unwilling to risk setting off a social explosion at a time when it is engaged in a confrontation with radical Islamists and terrorism.

10. Only the agricultural sector is now fully privatised and while in recent years there has been an average 4% increase in products, there is still scope for further development. Sugar and oil are imported 100%, while 50% to 60% of the domestic need in grain (at the cost of nearly a quarter of its hydrocarbon export revenues) and large quantities of milk powder are imported. In total, Algeria's yearly agricultural imports amount to approximately \$2 billion. All five commercial bank companies are still state-owned. The government has given up its fundamental objections to privately-owned banks operating within the country, but it may still take several years before such banks start to operate.

11. The 1990 credit and finance law includes provisions to allow foreigners to have holdings of up to 100% in ventures in an effort to increase employment and to encourage the transfer of technology. Recently, the Prime Minister suspended these provisions. A new tax system, including income tax, corporation tax and value added tax, was introduced in 1992, but tax collection may still cause problems for the administration.

12. The tourist industry is only in its infancy, but the government is making an effort to promote the development of high quality tourism in the country's southern regions.

13. There continues to be an astonishing lack of diversification in Algeria's exports, with hydrocarbon sales still responsible for 96.6% of foreign earnings in 1991. Due to the shortage of foreign currency, only 55% of the country's industrial capacity is being used and there is

little prospect of an improvement in the short term.

14. The government is aware of the existence of a large parallel economy which has a negative influence on the state's ability to control inflation and collect taxes. In 1993, while both Morocco and Tunisia are trying to reduce the budget deficit, Algeria's budget deficit will attain 14% of its GNP. The increase of expenditure is in particular the consequence of funds created for the reorganisation of state companies and for the support given to poorer families. All of this is liable to increase the inflation rate, which is now about 30%. The government hopes that new housing programmes and a programme for environment planning will enable it to control migratory movements within the country.

(ii) *Political situation*

15. The government is well aware that Algeria is in a difficult economical and political transition process. It also thinks that the change in the political system from a one-party system to a multi-party democracy was started without the necessary careful preparation, leading to suspension of the electoral process.

16. Still the High State Council is convinced that only the establishment of a true democratic political system can guarantee the internal stability and economic and social development of the country. A complex modern society can be developed only with the consensus of all social partners.

17. The High State Council is trying to break the deadlock resulting from the suspension of the electoral process in January 1992, through a dialogue with the country's political partners, including the moderate Islamic parties, Hamas and Ennahda. This dialogue started in September 1992 and was resumed on 13th March 1993 after an interruption. The agenda for the second round of talks includes the revision of the constitution, the creation of a "presidential organ" to manage the two-year transition from the end of 1993, when the mandate of the High State Council will come to an end and the next presidential elections in 1995, the task and rights of the National Consultative Council (temporarily replacing the National Assembly) with its sixty members, nominated by the High State Council; and finally the character of the transition period before the restoration of a constitutional order with the organisation of legislative and presidential elections. Talks have already been held with the FLN, Hamas and the RCD (Rally for Culture and Democracy).

18. It should be noted here that the army, which does not participate in the official political dialogue initiated by the government, plays an important rôle in Algerian politics. One

of its well-known theoreticians recently made it clear that the army will not seize power, but that it will nevertheless act in favour of a modern and republican Algeria "guaranteeing freedom and social progress, while respecting the principles of Islam" ².

19. After a meeting with the High State Council, Hamas recently condemned terrorism as a "phenomenon unfamiliar to the values of Islam". In the same communiqué, Hamas confirmed its attachment to democracy and the republican system while agreeing with the High State Council over the rôle of Islam in Algerian society, this being the "essential cement which binds all Algerians" ³.

20. Earlier this year, the RCD, which is against any dialogue with the Islamic fundamentalist movement, accused the Algerian Government of aiming at a compromise with the Islamists at the expense of the democratic republicans. Later, after a meeting between the High State Council and the RCD, it was said that both had converging views as regards their attachment to national unity, republican values, democracy and multipartyism ⁴.

21. Meanwhile, the government is engaged in a persistent combat against terrorism, which is continuing notwithstanding some earlier severe blows. The population is clearly growing weary of the terrorists' mounting activity, but the government's position does not seem to be strong enough to capitalise on the national outrage.

22. In an address to the nation on 8th May 1993, the head of state, Ali Kafi, announced a change organising the pluralist political system and a constitutional referendum as two key elements of a plan to return to democracy. He stated that the transition period for a return to democracy would be kept as short as possible.

(iii) *Algeria and the Islamic Salvation Front (ISF)*

23. The source of the ideas underlying the thinking of the various Islamic organisations is to be found mainly in the Muslim Brotherhood, founded in Egypt in 1928. Islamists advocate a return to the Sharia and, of course, to the Koran, in close correlation with the Islamisation of society through political and social action. Leaving the original framework of the mosques, Islamists are thus setting up systems following various models. First of all, they are creating religious associations to promote their values and propagate awareness among the people while remaining outside politics as such (e.g. the Muslim Brotherhood in Egypt). In a second

stage, they are entering the western-type democratic system with an electoral framework. The ISF followed all these models in turn. With this strategy, it will gradually control more and more "Islamised areas" and increase its local electoral victories. In 1990, it managed to take over most of the larger town halls.

24. What concessions did the state then make to Islamisation? Apart from a clamp-down by the authorities, there was an attitude of ideological reconquest. Re-Islamisation, for and on behalf of the state, was started to defuse this uncontrollable challenge. To prevent the IFS from penetrating sectors that might destabilise power with democratic rules was henceforth the watchword of the Algerian state, but the almost inevitable consequence was to be the radicalisation of the IFS.

25. With a massive victory in the various local elections (cancelled by the authorities), the attitude of President Chadli Benjedid will be noted since, following these results, he did not rule out cohabitation with the fundamentalists. It is possible that he was thereby trying to ensure that he himself stayed in power until the end of his mandate in 1993. His resignation on 11th January 1992, under pressure from the People's National Army, was the sign of the latter's clear refusal to allow power to fall into the fanatical hands of the IFS.

26. A High Committee of State, first under the presidency of Mohamed Budiaf and then, following his assassination in June 1992, of Ali Kafi, ensured the interim running of the country. On 4th March 1992, the IFS was officially dissolved by the Administrative Chamber of the Court of Algiers (this being confirmed on appeal by the Supreme Court). 397 of those elected in the cantons and 1 541 in the municipalities were suspended from office. The official reason given was that the IFS had violated the July 1989 regulations forbidding the creation of a party based on religion.

27. The assumption of presidential powers by the High State Council caused tension and outbreaks of violence in several towns, which resulted in a state of emergency being decreed on 9th February 1992 which was extended indefinitely in February 1993. The Human Rights Ministry was dissolved and replaced by a "national human rights monitoring centre". The killing of almost 100 people and the detention of thousands in special detention camps in southern Algeria were strongly criticised by both Algerian and international human rights organisations. Many detainees were released later.

28. It is to be feared that this dismantling may lead the militant base, now less organised but still impassioned, to join up with other more or less clandestine movements such as the Armed

2. Le Monde, 12th March 1993.

3. Le Monde, 3rd April 1993.

4. Le Monde, 6th April 1993.

Islamic Algerian Movement or the Loyal to the Oath movement.

29. With this ex-political party, Algeria chose the course of severity. Already considerably weakened in the second half of 1991 by the arrest of most of its leaders and then deprived of its electoral victory, the IFS, disappointed and rejected, from then on preferred to play the forced card of radicalisation which could make it turn to terrorism rather than play the game of democracy which had been taken away from it. Finally, might not this clear, determined tendency on the part of the Algerian authorities to eradicate Islamism result in the army again coming under the orders of the state and democratic progress being placed on hold?

(b) Egypt

(i) Economy

30. In August 1990, when Iraq invaded Kuwait, Egypt's economic situation was almost without hope of recovery. Since then, and as a consequence of its active participation in the coalition, an important part of its debt has been acquitted, and financial aid has been provided by several countries. Egypt has reorganised its finances, started to restructure its economy in accordance with an agreement concluded with the IMF and has initiated a process of privatisation. The Egyptian pound is convertible with a stable exchange rate against the US dollar and interest rates have been reduced. In the last two years, the budgetary deficit has been reduced by more than half and Egypt now has a balance of payments surplus.

31. On the other hand, the government's financial strictness imposed by the IMF has had negative consequences for the population. The purchasing power of the public has further declined through price increases and subsidy cuts for vital primary products. Salaries in the public sector have fallen by 29% in real terms during the last five years. The low growth rate of the economy has caused a dramatic increase in unemployment. The ILO recently suggested the number of 3 million people unemployed but many specialists consider this an underestimation and that the real number is difficult to assess. Each year 400 000 young people join the labour market.

32. It should also be noted that the social fund of more than \$600 million foreseen in the IMF programme to compensate the negative consequences of the strict financial policy has not yet been established. The number of unemployed will increase further with the restructuring of the public sector as required by the IMF. There is hope that economic growth will be generated by the private sector which is now being liberated from its many legal restrictions.

33. For the time being, the industrialisation policy must be oriented towards exports because of the weak purchasing power of the population. At the moment, per capita exports in Egypt are only \$72, of which one third is for oil. The agricultural sector, employing more than one third of the population, has started to develop in the last five years. This could contribute to a better control of wild urbanisation which is now playing into the hands of Islamic fundamentalism. Tourism, with a total revenue of \$3 billion in 1992, is the most important source of foreign currency.

34. Altogether, it should be said that the government is making an enormous effort to improve the country's economic situation. However, the positive results of financial austerity and economic restructuring will probably only have a real impact on the population as a whole in ten to fifteen years from now.

(ii) Political situation

35. A large part of the rapidly growing urban population is desperate. For many, there is no hope of finding a job and there is also an increasing number of well-educated young people who are discovering that their professional aspirations cannot be met. Nor is there much chance of participation in political dialogue through democratic structures.

36. There can be no doubt therefore that this constitutes an ideal breeding ground for Islamic fundamentalism, which has in recent years become extremely activist in the entire region. The proximity of Sudan, a fundamentalist state which is actively promoting the expansion of its religious ideology, is certainly an element which is not alien to the rise of fundamentalism in Egypt. Recently, some fundamentalist groups have decided to lend force to their arguments by terrorist attacks, often against tourists or tourist attractions.

37. President Mubarak has tried to avoid a confrontation as long as possible, but the recent series of violent terrorist attacks which aimed to hit the country's important tourist industry has pushed him to react vigorously. On 9th and 10th March 1993, the Egyptian police launched an offensive against Islamic extremists, resulting in 23 dead, 40 wounded and around 150 arrested. This was followed later by more anti-terrorist operations directed mainly against the extremist organisation Jamaa Islamiya, led by Sheikh Omar Abdel Rahman.

38. It should be noted that these and other operations against terrorists have been well received by a large part of the population which believes that the extremists have gone too far. While it is generally admitted that the Islamic activists are far from being able to seize control of the country, they could certainly be a

destabilising factor. There is no doubt that the majority of the population rejects terrorism, but at the same time it should be mentioned that it also seems to have doubts over the administration's ability to solve the country's problems.

39. Egypt does indeed have a democratic system, with remarkable freedom of the press and it has a national parliament where different political parties are represented. On the other hand, the overwhelming majority of the governing National Democratic Party leaves little room for a political dialogue in the democratic institutions, thus contributing to unguided feelings of dissatisfaction in large groups of the population. The government has gradually become aware that further democratisation is the only way to break the deadlock.

40. The most difficult question now is whether those of the Islamic fundamentalists who refuse in any way to be involved in terrorism should be allowed to establish a political party in order to participate in the democratic process. For the time being, the view is that Egyptian society is still too vulnerable and economically weak to promote their inclusion in democratic institutions.

41. At the same time, the government has undertaken a threefold strategy to promote democratic political developments and to curb the fundamentalist movement. First, it is trying to promote a sense of historic reality, demonstrating that the introduction of the Sharia (Islamic law) would mean imposing a legal system which is not adapted to a modern society. Second, it is planning to achieve greater social harmony by narrowing social gaps among the different classes of the population. Third, it is putting into practice a firm deterrence policy against terrorists. In this framework, a new law has been introduced defining terrorism as a criminal act with severe punishment.

(iii) Foreign policy in the region

42. Egypt has actively supported the Middle East peace process from the beginning. Recently, President Hosni Mubarak has emerged as the key intermediary in efforts to revive the peace talks which stalled because of Israel's mass deportation of Palestinians in December 1992. One of the reasons was that successful mediation would help President Mubarak reinforce his position against fundamentalist activities and would also underline Egypt's strategic value to the United States from which it seeks a continuous commitment to the annual \$2.1 billion in civil and military aid.

43. Egypt has also expressed its wish that after a successful conclusion of the Middle East peace process, Europe should play a prominent rôle in the economic and social development and the maintenance of lasting peace and security in the region.

44. According to Egypt, the so-called 5+5 dialogue (France, Italy, Malta, Portugal, Spain + Morocco, Algeria, Mauritania, Tunisia, Libya) is based on a supposed distinction between the western and eastern Mediterranean which, in the opinion of Egypt, does not exist. On the other hand, Egypt is aware that a really useful dialogue between all the countries around the Mediterranean can be established only after a successful conclusion of the Middle East peace process. Egypt is now developing its proposal to establish a Mediterranean forum in which the common interests of all nations around the Mediterranean in vital areas such as economy, security, technology transfer, environment, culture, etc. should be discussed. One of the ideas put forward is to convene a few representative states from the region to start discussing ways and means. A conference of ministers should then establish a number of principles. Other states could join, provided that they are prepared to subscribe to the initial declaration.

(c) Libya

45. The country's present almost 4.5 million inhabitants, most of whom are Sunnis, obtained political independence in 1951 and, until 1960, the nationalists and Muslim brothers criticised the country's political independence. In 1971, the Arab Socialist Union was created; religious institutions were then nationalised and the unifying influence of Islam and socialism was noted. Kadhafi was more of a reformer than a fundamentalist and, in 1978, he rejected the Sunna, thereby affirming his rôle as supreme leader. His view of religion is significant: by allowing each individual to interpret Islamic law and not making the pilgrimage to Mecca compulsory.

46. Although denounced by legal experts, in 1973 Libya, with the proclamation of the people's revolution, entered a socialist, pre-capitalist régime in conjunction with Islamic traditions. Gradually, the prerogatives of the religious leaders were restricted and, as from 1975, the Friday evening sermons, which were strictly spiritual in order to avoid political discussion, and the mosques were no longer managed by religious Imams, hence the Grand Mufti rallied to the opposition in 1977 (he was evicted as a religious leader in 1984). In the mid-eighties, militant Islamists, closely linked with certain North African countries, were severely repressed by the authorities and, in 1985, two well-known religious leaders were imprisoned without trial; in 1988, the police raided Tripoli University (bastion of the Islamists). In 1991, the General Congress of the People passed a law according to which religion devolves directly from the creator without any intermediary, thus forbidding an ecclesiastical monopoly of religion (or any exploitation by other groups).

47. The terrorist attack in December 1988 that caused the death of 259 persons in a Pan American Boeing 747, plus 11 inhabitants of the town of Lockerbie in Scotland, followed by the attack on a UTA flight in Niger in September 1989, forced France, the United Kingdom and the United States to decide to bring to trial those responsible for these crimes. They are supporting each other in their diplomatic and judicial action, but are still waiting for positive action from Tripoli. When Tripoli refused to hand over for trial in the West the two suspects in the Pan Am Lockerbie terrorist attack, the United Nations imposed sanctions in April 1992. A year later, in April 1993, the United Nations renewed the sanctions, including a flight embargo, while the United States threatened to tighten them and perhaps to include a ban on oil sales. Arab nations have made several attempts to broker a solution, but there are no signs of a breakthrough.

48. The sanctions adopted by the United Nations forbid sales of arms to and air links with Libya but affect neither the country's oil exports nor most of its imports that come in by sea. Libya is continuing to export oil⁵, which accounted for 43.5% of its GDP in the period 1988-93. The Libyan Government's new economic policy was launched in 1987, its main aims being independence in respect of oil resources and a fair sharing of revenue. The abolition of wage-earners, who are now "associates" and the desire to abolish intermediary powers in favour of the direct power of the masses is taking tangible shape with the introduction of a new administrative division of 1 500 communes with widespread autonomy in financial matters and the management of facilities. After the expulsion of more than half the almost 600 000 foreigners working in Libya in 1983, the government was forced to authorise small private businesses, whereas now privatisations are being considered.

49. Gradually, Libya is feeling the consequences of the United Nations sanctions imposed over a year ago. In a recent interview, Colonel Moammar Kadhafi stressed his desire to halt enmity between the United States and Libya and to establish good relations with the new Clinton administration. He did not, however, abandon his refusal to hand over the two Libyans accused of the Lockerbie bombing in 1988, which still is the main stumbling-block in United States-Libyan relations.

50. He also strongly condemned Islamic fundamentalists and insisted that he was co-operating closely with Egypt and the Maghreb countries to combat the spread of Islamic militancy. At the same time, he made overtures towards Israel and the Jewish world, apparently

to demonstrate a positive new Libyan approach to international relations.

51. At the beginning of May 1993, Colonel Kadhafi made new proposals to liberalise the country's state-dominated economy. He suggested the development of mass tourism and the adoption of a law providing guarantees for foreign capital investment.

52. All this may be interpreted as the Colonel's desire to put an end to his country's isolation due to the embargo and the ban on international air travel to Libya, which, according to the government, has cost the country more than \$2.2 billion in lost exports and other damage.

(d) Mauritania

(i) Economy

53. Mauritania, which was made a member of the AMU for political reasons, does in fact have very little in common with the other AMU member states.

54. Trade with its Maghreb neighbours is weak and irregular. Traditionally and geographically, Mauritania has more economic links with the sub-saharan countries.

55. It should be noted that the average income, in comparable purchasing power, is one third the average income in Algeria and Tunisia and half the average income in Morocco. Mauritania is among the 40 least-developed countries in the world with a continuous fall in average income during the last 20 years. The main causes for this negative development were: a long period of drought and depopulation of rural areas, combined with the consequences of the Sahara conflict, the deterioration of the iron ore market and increasing national debt.

56. An economic restructuring programme supported by international financial organisations has led to some improvements. A new programme for the years 1989-91 with more structural reforms including the restructuring of public companies has however not been successful because of unfavourable climatological and other external circumstances. Moreover, Mauritania's attitude in the Gulf crisis deprived it of Arab financial support and led to a suspension of the programme.

57. Since 1991, the situation has been improving and there is reason for hope. Not only was the border with Senegal reopened, but, as mentioned above, there were positive political changes, such as a new constitution and presidential elections.

58. In October 1992, new agreements were signed with the World Bank and the IMF. An ambitious 1991-95 economic restructuring pro-

5. 4% of world crude oil exports.

gramme is aiming at an annual growth rate of 3.5%, a 3.6% yearly inflation by 1995 and a reduction in the country's external debt. In January 1993, the Club of Paris revised the country's debt situation.

(ii) *Political situation*

59. Since a military coup in 1978, Mauritania has been ruled by a Military Council of National Salvation, its Chairman being President of the Republic. The National Assembly was suspended.

60. In July 1992, however, a new constitution was approved by national referendum. Political parties were legalised. The country's first multi-party presidential elections were held in January 1992, which were won by the incumbent President, Colonel Moaouia Ould Sidi Taya, who was supported by the army and the Social Democratic Republican Party. President Ould Taya won 62.75% of the votes cast, with a total turnout of just under 50% of the voters.

61. This democratisation of political life followed growing criticism of Mauritania's human rights record and mounting pressure for reforms. Amnesty International in particular claimed that hundreds of people in detention had been killed and that many others had been imprisoned without any kind of trial. There have also been complaints over a lack of freedom of religion.

62. The first legislative elections based on the new constitution were held in March 1992 with President Ould Taya's Social Democratic Republican Party winning 67 of the total 79 seats with the remaining 12 seats going to two political parties and ten independent candidates. The polls were boycotted by six opposition groups who alleged vote rigging. Only around 35% of the electorate took part in the vote.

(e) *Morocco*

(i) *Economy*

63. In December 1989, the government announced that 112 publicly controlled companies and banks employing 35 000 people and almost half of the country's companies with state participation would be privatised by 1995. A system of value-added tax and company taxes was introduced. The privatisation of some banks is intended to channel domestic funds into the banking system.

64. The proceedings of the sale, estimated at 10 billion French francs will be used mainly for education, health and public housing, while a small part will be allocated for infrastructure programmes. Altogether, the Moroccan public sector is relatively modest, with 15% of the gross national product and 5% of the workers in the commercial and industrial sector. Still,

privatisation is a major operation which has been held up because of the lack of experience of those responsible, complicated legislation and a high degree of red tape.

65. Three years after the publication of the royal decree on privatisation, only half a dozen companies have been privatised. Many companies put up for sale at the end of last year have not yet found buyers.

66. On the other hand, the government is positively determined to make the operation successful and ultimately does not exclude the possibility of privatising state monopolies such as the national electricity company.

67. Deregulation has indeed made considerable progress. More than 90% of all goods can now be imported without a licence. A free trade zone is being established near Casablanca, while an offshore banking centre is being established at Tangiers. Since 1989, foreign currency controls have been eased considerably and foreign investment has been greatly facilitated. It should be mentioned that the proportion of manufactured goods in Moroccan exports was 65% in 1991. In the same year, the balance of payments deficit was reduced to under 3%.

68. There remains, however, an urgent need to address the problems regarding land reform and domestic food production, bearing in mind that notwithstanding the high level of agricultural production, one third of the total grain consumption is still being imported.

69. In 1991, industrial investment registered a reduction of 14.9% in the first seven months, affecting all sectors except for textiles. There was an increase of 4% in industrial production.

70. A six-year privatisation programme of state assets to the value of 9.5 billion dirhams has been launched, while debt rescheduling agreements have reduced some of the pressure on the government.

(ii) *Relations with the EC*

71. Morocco attaches the greatest possible importance to its relations with the EC which have a commercial, economic and financial dimension, and also include a political dialogue. The EC has responded positively and the basic policy contained in the Lisbon declaration is now being worked out in a new preferential agreement aiming at a mutual partnership. It is hoped that this new agreement will enter into force in 1995. The political dialogue, which will be an integral part of the agreement, should include all matters of common interest. Morocco has indicated that one of the issues to be addressed is security in the Mediterranean. Other issues include migration, the fight against drugs and terrorism and also democracy and human rights. Stressing that a human rights dia-

logue with Europeans is useful and indispensable, Morocco has also indicated that Europe should be well aware that it cannot transfer all its own models and standards to Morocco overnight.

72. Morocco signed a treaty of friendship, good neighbourliness and co-operation with Spain in 1991. This treaty guarantees the peaceful settlement of disputes between the two states, a clause which has particular importance for the Spanish enclaves of Ceuta and Melilla, which were claimed by Morocco.

(iii) *Political situation*

73. The last legislative elections in Morocco were held in September 1984, providing a six-year mandate for the members of the Chamber of Representatives. In December 1989, King Hassan's decision – connected with the situation in the Sahara – to extend the term of the Chamber by two years was approved in a referendum. Meanwhile, the mandate of the Chamber expired in October 1992 and the planned date for new elections has been postponed twice. The elections planned to be held on 30th April 1993 have again been postponed until 25th June next in response to a request by the political parties, which wanted to be able to prepare the elections better, in particular, by a complete overhaul of the electoral lists.

74. A new government composed mainly of technocrats was appointed on 11th August 1992 and is supposed to prepare the planned legislative elections to be held on 25th June 1993.

75. In May 1992, the five main parties of the legal opposition formed a democratic bloc and published a unified position on the common demands for a fundamental constitutional reform which would lead to a healthy democracy within the framework of a constitutional monarchy. While certain opposition parties had voiced criticism and disappointment over the proposed new constitution and some of them had called for a boycott of the referendum, the government published a turn out of 97.29% of the 11 million voters and a 99.96% approval rate: figures likely to astonish citizens of the Western European democracies.

76. Over the years, the Moroccan régime has managed to maintain a balance in the pluralism of political parties, by encouraging some and discouraging others.

77. In his speech from the throne on 3rd March 1992, His Majesty King Hassan II announced that a draft constitutional reform was to be submitted to the people for approval in order first to strengthen the democratic process, then to affirm the state of law and, finally to make active preparation for the medium-term choices that have to be made by

the country by 2000, i.e. a political choice (pluralism) and an economic choice (liberalism).

78. Although boycotted by certain political groups, on 4th September 1992 the Moroccan people approved the proposed revision by a very large majority (99.98%). Although not a total reform, the new constitution nevertheless makes a few changes to the previous 1972 constitution.

79. First, in the preamble, Morocco affirms its endorsement of human rights as universally recognised; second, the Chamber of Representatives may set up commissions of enquiry; third, a Constitutional Council is set up (with an easy method of seisin); fourth and last, the King appoints and dismisses ministers on the proposal of the Prime Minister. Moreover, the head of government presents his programme to the Chamber of Representatives for debate and vote.

80. The new constitution, therefore, clearly reinforced the position of both Prime Minister and parliament. Moreover, it envisages the creation of an economic and social council. At present, the government is preparing to improve the legal status of women.

81. There is much at stake in the new fundamental text of the Kingdom of Morocco both at institutional level (with new creations) and at the level of the relationship between the executive and parliament, but this new text will be of effective value only if it is accompanied by the political reforms that have been announced. It is to be hoped that the state and the Moroccan people will measure up to the scale of the ambition of this praiseworthy constitutional reform.

82. One could imagine that this referendum was also a sign of Morocco's determination to intensify its relations with its western partners, and particularly the EC member countries.

83. In early 1991, the Moroccan Government was strongly criticised by different human rights organisations for the arbitrary detention of political opponents and for the widespread use of torture of detainees: allegations which have been repeatedly denied by the government.

84. In August of the same year, King Hassan granted an amnesty to an unspecified number of prisoners who had "recognised the Moroccan identity of the recovered Sahara". Later, in September and October 1991, military detainees, who had allegedly participated in plots against the King in 1971 and 1972, were released.

85. In March 1993 the Consultative Council on Human Rights, which was created in 1989 by the King and consists of representatives from three different human rights organisations and of the administration, recognised the existence of the problems of political prisoners, the situation in overpopulated prisons, and the violations of the right to free movement and indi-

cated that in order to find remedies they examine these matters in detail.

(iv) *Islam*

86. Since independence in 1956, Islam has been one of the instruments reinforcing the political legitimacy of Morocco's monarchical dynasty. In the framework of training and education, judges, lawyers and preachers were encouraged to support the monarch and in 1961 the state-sponsored League of Religious Scholars (Rabitat al-Ulama) was established. The 1962 constitution declared Islam to be the state religion, while reaffirming the legitimacy of the hereditary monarchy, forbidding any "questioning of the monarchical régime or the Muslim religion". At the same time, a legal system was introduced with a combination of elements of the Sharia (Islamic law) and French civil codes.

87. A Regional Council of Ulama (religious scholars) and a High Council of Ulama under the King's presidency were established in 1980 to monitor religious appointments, define religious orthodoxy and authorise the construction of mosques.

88. In the 1980s, a number of Islamic activists, most of them alleging to belong to the clandestine association of Islamic youth, were sentenced for "plotting against the monarch and planning to establish an Islamic state". The Movement for Reform and Renewal founded in 1983 as the Islamic Association, although not officially registered, is one of the few militant Muslim fundamentalist groups to be tolerated by the Moroccan Government. This movement supports the monarchy, but at the same time demands strict adherence to Islamic law, including the abolition of bank interest. It is opposed to violence and has opted to join legal parties.

89. It should be mentioned here that, all in all, Morocco is less affected by Islamic fundamentalism than its neighbouring states. One of the reasons is beyond doubt the leading position of the King in religious matters. Among others are real pluralism and the less monolithic system of political parties.

(f) *Tunisia*

(i) *Economy*

90. With the seventh development plan 1987-1991, Tunisia started to implement a policy of economic liberalisation and privatisation with the objective of opening up its economy to the international economic system and reinforcing its ability for self-sustained development.

91. This included a progressive reform of the monetary and fiscal system. The reform of the

tax system in 1988 broadened its base and discouraged fraud, while value-added tax and company taxes were introduced. In the banking sector, competitive measures were brought in, including the establishment of offshore banks. Obviously, the banking system is still bearing some hallmarks of the command economy such as overstaffing and accumulated bad loans, but there is hope that these will gradually disappear.

92. Many import controls were lifted so that by the end of 1992 the free import ratio was around 85%. At the same time, the highest rate for customs tariffs and duties had decreased to 43%, compared with 100% in 1986. In a serious effort to attract foreign capital and technology transfer, Tunisia introduced its first industrial investment code in 1987, stressing its advantages as an offshore manufacturing base for European companies. Most foreign capital generally flows into the hydrocarbons sector, the manufacturing industries and tourism.

93. Foreign currency restrictions have been lifted, and foreign investors no longer require prior agreement from the Central Bank to repatriate their capital investments or remit profits. Foreign currency allowances for Tunisians have doubled in the last six years.

94. The budget deficit was brought down from 6.7% of GDP in 1984 to 2.7% in 1991 and 2.3% in 1992, while inflation is now at 6%. Economic growth has averaged 6.6% over the past three years, more than three times the rate of the population growth.

95. Indeed, all these measures have resulted in a greater diversity and volume of exports. The total of exported goods and services increased from 2 161.2 million dinars in 1986 to 4 764 million dinars in 1991. It should be mentioned that 75% of all exports is destined for the EC, but demand, most notably for leather and textiles, has recently weakened.

96. In 1992, the EC also imposed import restrictions on Tunisia, causing a 33% drop in exports of agricultural and food products. As mentioned elsewhere in this report, anomalies would exist to a lesser degree after the conclusion of a preferential, non-reciprocal trade agreement between the EC and Tunisia guaranteeing free access to the Common Market of industrial products and concessions for agricultural products. In recent years, co-operation in trade with other Maghreb countries has made some progress. Exports to these countries are now 8% of total exports but there is still room for improvement, with an urgent need to abolish many existing trade restrictions.

(ii) *Political situation*

97. Under the guidance of President Zine al Abidine Ben Ali, the Tunisian Government has chosen the path of further democratisation

which it considers to be a guarantee for the balanced development of the country.

98. A new election law has now been adopted which has introduced a combination of a proportional and a district system. It is hoped that the next elections in 1994 will generate credible opposition parties which in the beginning might be rather small in size, but would have the dynamics necessary for future growth.

99. However, Islamic fundamentalists have been excluded from the actual democratisation process because they are not prepared to submit themselves to the rules of the game.

100. The government is convinced that the economy will not flourish without democratic government structures. It is determined to create all the necessary conditions for a healthy opposition movement which would be represented in parliament after the next elections which are to be held in 1994.

(iii) Islam and the state

101. Under President Habib Bourguiba, a concerted effort was made to dissociate religion from the state. Among other things, personal statute laws relating to marriage and divorce were secularised and Islamic law courts were liquidated. Although both the President and government leaders sought to present the changes as aspects of Islamic reform rather than of increasing secularisation, it led to a distinct sense of alienation among the less affluent and less educated classes of society and to anti-government demonstrations in 1960 and 1961, which were inspired by religious scholars. By the end of the 1960s, growing opposition prompted the government to adopt a more conciliatory approach where it encouraged mosques and religious study groups to become the chief forum of political debate. In 1970 the government backed the creation of the Quranic Preservation Society (QPS – Association pour la sauvegarde du Quran), which included among its early members Rashid al Ghannouchi, who later founded the Movement of the Islamic Tendency (Mouvement de la Tendance Islamique – MTI). Other smaller Islamic movements were established in the following years.

102. In 1981 the MTI applied for legalisation, stressing that it did not question the validity of western concepts of liberty and democracy or favour violence. It failed, however, to win government recognition and was banned in 1981, increasing its popularity. Food riots in 1984 led to a new official rapprochement with the Islamic movement, but this did not prevent new troubles in 1986 and 1987, while in 1987 the government established the Islamist Council of Ulama, which served as a channel for the official supervision of religious activities.

103. In November 1987, Zine al Abidine Ben Ali replaced Habib Bourguiba as President,

almost immediately decreeing a presidential pardon for hundreds of MTI militants. The new government also showed a willingness to seek overtures towards Islamist critics. On the other hand, a firm stand was taken when in 1988 the parliament adopted legislation which permitted political parties to seek legalisation with the stipulation that “no party has the right to refer in its principles... to religion, language, or race”.

104. In 1992 there were mass trials of Islamic activists belonging to Al Nahda or its splinter groups. The trials were criticised by some human rights organisations under the allegation that the judicial procedures did not conform to international norms and that confessions had been extracted through torture.

105. The government is aware that Islamic fundamentalists are using western human rights organisations to promote and to protect their own activities which have a monopoly of power and intolerance as their main objectives.

106. The Tunisian Government is worried about the alleged Islamic terrorists who were granted political refugee status in various European countries. It insists that there should be closer co-operation between the countries on both sides of the Mediterranean in the fight against terrorism.

107. In Tunisia, many of the mostly young and urban-based Islamists of Ennahda are the first-generation offspring of migrants from coastal or rural areas. The lack of professional opportunities, as well as the corrupt practices accompanying the distribution of privileges, are seen as major factors in the turn of this section of the younger generation to Islamism.

III. The Middle East peace process

108. After the Gulf war, the United States seized the opportunity to convince the Israelis and the Arabs that the time was ripe to start negotiations on peace in the Middle East. Finally, in Madrid on 30th October 1991, thanks to the very able diplomatic efforts of, in particular, the United States Secretary of State, James Baker, delegations from Israel, Egypt, Lebanon, Syria and a joint Jordanian-Palestinian delegation formally started negotiations in a Middle East peace conference, jointly sponsored by the United States and the Soviet Union. The conference took place within the framework of United Nations Security Council Resolution 242, which calls for the withdrawal of Israeli troops from occupied territories and for the recognition of Israel.

109. Almost immediately after the official opening, bilateral negotiations were started between the Israeli and other delegations. It was decided that negotiations with the Jordanian-

Palestinian delegation would be divided into two different tracks for discussion: Israeli-Palestinian and Israeli-Jordanian issues.

110. Further rounds of talks were held in Washington (13th-16th January 1992) and Moscow (28th-29th January 1992). A conflict then started over the composition of the Palestinian delegation, which, according to the "Madrid formula", should not include PLO members, Palestinians from East Jerusalem or Palestinians from the diaspora outside the occupied territories. A new round then took place in Washington in February and April and during May a series of multilateral negotiations in different capitals were alternatively boycotted by various delegations.

111. The formation of a new Labour-led Israeli Government under Prime Minister Itzhak Rabin was considered by many as offering new chances for progress in the peace process.

112. A sixth and seventh round of talks were held in Washington and elsewhere in September, October and November, but there was still little evidence of substantial progress.

113. However, after Egyptian mediation, Israel abandoned its boycott of multilateral talks on refugees and regional economic co-operation begun in May 1992 in protest against Palestinian plans to appoint exiles as representatives in their delegations to the two sessions.

114. Negotiations were interrupted on 17th December 1992, when the Israeli Government expelled more than 400 Palestinians to Lebanon. Since then, intensive diplomatic efforts have been made in which the Egyptian President Mubarak played an important rôle in bringing all parties back to the negotiation table.

115. Israel has accepted Fayçal al-Husseini as the acknowledged leader of the Palestinian delegates to the bilateral and multilateral negotiations, a price it had to pay after the massive expulsions of December 1992.

116. Under pressure from both the Americans and the other Arab participants, the Palestinians dropped the immediate return of the expelled refugees as a condition for resuming negotiations. A new round of talks was started in Washington on 27th April 1993. The United States Secretary of State, Warren M. Christopher, held a meeting with all the heads of delegations – the first of this kind since October 1991 – to show his determination to try to bridge gaps and to broker compromises if necessary.

117. Syria has made it clear that Israel should withdraw from the Golan Heights, an issue which Israel is willing to discuss if Syria commits itself to "full peace", symbolised by a peace treaty.

118. It should be noted that the Egyptian Government has a direct interest in successful negotiations in the Middle East process with Israel making important concessions to the Palestinians.

119. The Egyptian Government is convinced that an Israeli-Arab peace agreement could be a strategic counterweight for Iranian-Sudanese influence through fundamentalism in the region.

120. On the other hand, both Israel and the PLO have an interest in reaching a peace agreement. The PLO, the Palestinians' main mouthpiece during a decade-long struggle for liberation and independence and now within reach of a compromise with its historic opponent, is feeling the mounting influence of Hamas, the Palestinian version of Islamic fundamentalism.

121. In a few months' time, Hamas has managed to occupy the foremost position in the armed resistance against Israel in the occupied territories. The deportation of some four hundred of its members to south Lebanon has only strengthened its position. With the hitherto slow progress in the peace process, the Israeli policy of maximum repression and few concessions, Hamas is a serious rival of the PLO and far less inclined, if not totally opposed to making compromises with Israel.

122. An agreement between Israel and Palestine is again the most important and urgent issue in the Middle East peace process.

123. The Israeli Government now seems to be prepared to discuss self-government for the Palestinians, not only regarding their citizens, but also regarding their territories. The peace process has apparently reached a decisive phase where important decisions will have to be taken.

124. At this stage, Europe certainly has a rôle to play. However, it should prepare itself for the more prominent rôle which it inevitably will have to play after a peace agreement, not only in stimulating trade and development in the Mediterranean, in accordance with its renovated Mediterranean policy, but also in promoting peace and security co-operation in the region⁶.

IV. Arab Maghreb Union

125. After a long history of failed initiatives to create a regional forum of co-operation in the southern Mediterranean, Algeria, Libya, Mauritania, Morocco and Tunisia signed a treaty on 19th February 1989 establishing the Arab Maghreb Union (AMU).

6. It should also be noted that the Parliamentary Assembly of the Council of Europe has always been concerned with the establishment of lasting peace in the Middle East: a report published in 1989 on the prospects of peace in the Near East (Rapporteur: Mr. Fourré) and another report expected in September 1993 on the situation in the Middle East (Rapporteur: Mrs. Baarveld-Schlaman) testify to this.

126. Under the treaty, the five countries agreed to formulate common policies on: (i) defence ("to safeguard the independence of every member state"); (ii) economic issues ("to achieve the industrial, agricultural, commercial and social development of the member states... by setting up joint ventures and preparing general and specialised programmes"); and (iii) international and cultural issues.

127. The administrative structure includes a Presidential Council (the supreme body), composed of the heads of member states, convening every six months. The chairmanship rotates annually. Other AMU structures include a council of foreign affairs ministers to prepare summits; a committee to oversee moves towards integration; and a Consultative Council composed of ten members from each state.

128. The main objectives of the AMU are economic, with its members intending to "follow a common policy in the various domains" and to "work gradually towards achieving the free movement of their people, goods, services and capital". At least some of the participants hoped that closer regional co-operation would also create attractive prospects for relations with the EC.

129. The AMU treaty also provides a security dimension, stating in Article 14 that "any aggression to which a member state is subjected will be considered as an aggression against the other member states".

130. Moreover, in Article 15, member states "pledge not to permit any activity or organisation in their territory that could harm the security, territorial integrity or political system of any other member state".

131. Since 1989, many meetings of the member states have been held at different levels, including summits attended by heads of state. Vital issues such as food, security, human resources, regional infrastructure, economy and finance are the main subjects of discussion. A schedule has been approved for the implementation of a complete customs union by 1995. On the other hand, it should be noted that, up until now and notwithstanding the existence of a follow-up committee, a council of foreign ministers and twice-yearly summits, these activities have not provided many concrete results.

132. The main reason for this is the lack of foreign investors and foreign currency needed to implement the ambitious projects. This is why the Maghreb countries are still interested in intensifying their relations with the EC, a partner with which the Maghreb countries actually exchange 75% of their trade.

133. On the other hand, one should allow the Maghreb countries more time to get organised, knowing that it took the EC member states more than thirty years before they signed the Treaty

on European Union and with some member states still seemingly reluctant over its full implementation.

134. The last AMU summit conference, preceded by a meeting of foreign ministers, was held in Nouakchott (Mauritania) on 10th and 11th November 1992. In the final communiqué, terrorism was condemned and it was said that the rise of religious fundamentalism constituted a threat to society and democracy. The AMU further called on the United Nations Security Council to reconsider its decision on an embargo against Libya.

135. Since then, there has been no progress. On 17th February 1993, it was announced that the AMU Foreign Ministers had decided to suspend momentarily the build-up of the AMU in order to assess what had been done and what should be done. In this framework, the Moroccan Foreign Minister mentioned the fifteen agreements signed since January 1989, of which not a single one had been or even could be implemented because each member country was following a different economic course.

136. Even if economic co-operation is still in its infancy, also because of the many structural differences between the various member countries, it should be noted that the AMU is already offering a regular opportunity for political consultation on issues such as the Gulf crisis, the Western Sahara dispute, Islamic fundamentalism, the Middle East peace process and economic sanctions against Libya.

V. The problem of Western Sahara

137. Following the discovery, in the late sixties, of an enormous phosphate deposit in Bou Craa, Spain, which still had authority over that desert territory, preferred to opt for the creation of a small independent state, free to decide its own economic commitments. Morocco, however, then immediately recalled its pre-colonial right over this land and, in 1969, Algeria even supported King Hassan II's territorial claims. Shortly afterwards, Algeria, disappointed by a joint agreement with Morocco concerning an iron deposit near Tindouf, willingly started to support the Sahraouis, who soon became the Polisario Front.

138. The withdrawal of Spain from this region without the establishment of proper governing authority to replace it, was followed by several consultation efforts which produced no clear consensus.

139. In 1976, a Saharan Arab Democratic Republic (SADR) was established by a government in exile, the independence of which the Polisario Front struggled to assert.

140. Algeria has been the SADR's main advocate over the years, while Libya has a policy

of alternately defending and withdrawing support from the SADR. Mauritania first participated with Morocco in the occupation of Western Sahara, withdrew its troops in the late 1970s declaring neutrality, and recognised the SADR in 1987. Tunisia has always been neutral in this dispute.

141. Since the beginning of the 1980s, Morocco has consolidated its position in Western Sahara by the construction of defensive positions and other military measures which have diminished the Polisario's possibilities to be a serious military threat. On the other hand, a purely military solution for the problem is excluded. In 1982, King Hassan agreed to take part in a summit meeting of the Organisation of African States. However, the subsequent admission of the SADR to the OAS, thus making it both judge and party, impeded efforts to find a solution in this framework.

142. In August 1988, both the Polisario and Morocco accepted a United Nations peace plan, which proposed that the choice between independence or integration with Morocco should be decided through a referendum based on the 1974 Spanish census of the Saharan population that was a basis for establishing electoral lists.

143. Since then, preparations for the referendum have dragged on and several deadlines for the referendum have not been met. A United Nations force (MINURSO) was sent to the region in 1991 to supervise the application of the cease-fire and troop movements following the coming into force of the cease-fire between the two parties concluded under the aegis of the United Nations.

144. One of the difficulties is to reach an agreement over the number of potential voters. The Spanish census mentioned a figure of 74 000 inhabitants, but Morocco added lists totalling some 120 000 other potential voters, which are now being verified by the United Nations, which has agreed to an enlargement of the electorate to an extent that still has to be defined.

145. The building of a strong Maghreb and the economic stake of a Euro-Maghreb axis depend on a peaceful settlement of the Saharan conflict without which there can be no fruitful co-operation between Algeria and Morocco. This complex issue, which has remained topical in the region for almost twenty years, might be solved in a manner satisfactory to all in the referendum on self-determination. On 2nd March 1993, the United Nations Security Council adopted Resolution 809 recalling that, in accordance with the plan to settle the Western Sahara question, it was for the Secretary-General to lay down instructions for examining requests to participate in the referendum. A report by the United Nations Secretary-

General to the Council on the result of his efforts is due in May 1993, and it is hoped that the referendum can take place before the end of 1993.

VI. The proposal for a Conference on Security and Co-operation in the Mediterranean and the Middle East (CSCM)

146. The Gulf war brought to the fore feelings and demonstrations of certain common security concerns shared by Western European and at least a number of Middle Eastern Arab states. At the same time, however, differences of view could be observed between the population of the northern and southern Mediterranean.

147. This led to a proposal by northern Mediterranean countries to establish a CSCM, involving all Arab countries and Iran, Mediterranean countries on both shores, as well as European countries, a number of former Soviet republics, the United States and Canada. It would be modelled according to the principles governing the CSCE.

148. Such a proposal can be seen only as a very long term project. Real progress in the Middle East peace process and peace, or at least a lasting and durable cease-fire, in ex-Yugoslavia, must be minimum conditions before anything useful can be done in this framework. Moreover, it may be a long time before all the different countries with their divergent political practices are able to agree on principles such as those adopted in the CSCE.

149. It should be noted here that, at the 1992 CSCE Helsinki summit, some decisions were made as regards the Mediterranean region.

150. Among other things, it was decided that the Committee of Senior Officials should "seek to relate issues regarding co-operation in the Mediterranean to the goals of the CSCE process" and should "examine, as appropriate, practical modalities for possible contributions to the CSCE by non-participating countries".

151. The establishment of an effective information exchange was encouraged and non-participating Mediterranean states are to be invited to future review conferences "to make contributions concerning security and co-operation in the Mediterranean". It is too early yet for any substantial results to be available, but these decisions could certainly lead to positive developments in the future.

152. A far more practical way would be for WEU to start a gradual dialogue with a restricted number of individual southern Mediterranean countries such as Morocco, Algeria, Tunisia and Egypt, which would later be formalised, institutionalised, and, if all goes well, extended to include others.

VII. NATO and the southern Mediterranean

153. Traditionally, NATO has given due attention to its southern flank, which includes the Mediterranean. During the cold war, its main interest in this area was to provide a counterbalance to the Soviet maritime presence. In particular, the presence of the United States sixth fleet was a guarantee for deterrence and equilibrium, passwords for survival in those years.

154. As is well known, the radical changes in East/West relations called for a thorough revision of the alliance's strategic concept, which was agreed by the heads of state and government in Rome on 7th-8th November 1991. Under the heading of "security challenges and risks", this new strategic concept was still mainly focused on possible events in Central and Eastern Europe.

155. Among the security risks mentioned were: "the adverse consequences of instabilities that may arise from the serious economic, social and political difficulties, including ethnic rivalries and territorial disputes, which are faced by many countries in Central and Eastern Europe".

156. Strangely enough, such risks were not mentioned for the southern Mediterranean and the Middle East, which were perceived rather as regions where a purely military threat could emerge. In the strategic concept, this was stated as follows:

"The allies also wish to maintain peaceful and non-adversarial relations with the countries in the southern Mediterranean and Middle East. The stability and peace of the countries on the southern periphery of Europe are important for the security of the alliance, as the 1991 Gulf war has shown. This is all the more so because of the build-up of military power and the proliferation of weapons technologies in the area, including weapons of mass destruction and ballistic missiles capable of reaching the territory of some member states of the alliance."

157. Later, the organisational consequences were decided in meetings of the Defence Planning Committee of 12th-13th December 1991 and 26-27th May 1992.

158. The Commander-in-Chief of Allied Forces Southern Europe (CINCSOUTH) is still an American. Allied Forces Southern Europe (AFSOUTH), in which there are no participating French or Spanish forces, cover the allied land forces of southern and south-eastern Europe, the allied air and naval forces of southern Europe and the naval intervention forces of southern Europe (sixth fleet).

159. In the framework of the new strategic concept with increased flexibility and mobility to respond to the requirements of deterrence, crisis management and peace-keeping, the Standing Naval Force Mediterranean (STANAVFORMED), which is an immediate reaction force at the disposal of SACEUR, has, since 30th April 1992, replaced the former allied naval force (NAVOCFORMED). Participating in STANAVFORMED are the navies of Germany, Greece, Italy, the Netherlands, Spain, Turkey, the United Kingdom and the United States.

VIII. WEU and the Mediterranean

160. In the first half of 1992, the Mediterranean sub-group of WEU met twice. According to the information given by the Secretary-General:

"The group continued its exchanges of view on three topical questions, namely, the situation in former Yugoslavia, efforts to resolve the problem in Western Sahara and the Cyprus question. The group concluded its work as regards the annotated list of principles likely to contribute to a resolution of security problems in the Mediterranean. It also took stock of progress in the "Five plus Five" process. Lastly, the group approved a draft mandate for future contacts between WEU and the Maghreb countries. As to the analysis of risks likely to affect security in the Mediterranean and in the Gulf region, the group is now in possession of a number of detailed national contributions on security in the Maghreb, and of a study prepared by the WEU Institute for Security Studies on the situation in Algeria and its consequences for the Maghreb and Europe."

161. It would be extremely useful for the Assembly to have more detailed information on the "annotated list of principles" which could help to solve the security problems in the Mediterranean.

162. The approved draft mandate for future contacts between WEU and the Maghreb countries was most probably referred to in the Petersberg declaration of 19th June 1992, in which:

"Ministers reaffirmed the importance of the Mediterranean sub-group's work on security in the Mediterranean. They also adopted terms of reference for the establishment by WEU of a gradual and phased dialogue with the Maghreb countries, taking into account the political developments both in these countries and in the region."

163. After the Petersberg declaration, the Mediterranean sub-group met again on 24th July, 21st September and 30th October 1992. According to the Secretary-General:

“ It continued its discussions on three topical questions, i.e. the situation in Algeria, the efforts to resolve the problem of the Western Sahara and the Cyprus question. The group was informed of the preliminary démarche already made by the presidency and the Secretariat-General pursuant to the decision taken by the Ministerial Council on 19th June 1992, progressively to establish a dialogue with the Maghreb countries.”

164. In fact, while the Council is apparently making the first move towards a security dialogue with the Maghreb countries, the Assembly has no knowledge of an approved mandate or the adopted terms of reference for such contacts.

165. This, notwithstanding the fact that many questions arise which are not without interest. Among these are:

- Will the dialogue be conducted with the Maghreb as a whole, assembled in the AMU, or will it take place on a quasi-bilateral level between WEU and each of the Maghreb countries individually?
- What will be the position of Egypt which, although it is part of the southern shore of the Mediterranean but does not belong to the Maghreb, has security problems very similar to those of the Maghreb countries?
- Will Libya be included in the dialogue despite the fact that the consequences of terrorist actions against the Pan Am and UTA aircraft are still being unsatisfactorily handled?

166. These questions, of which this is not an extensive list, should be the subject of debate in a plenary session, prior to the formal opening of the dialogue sought by the Council and the Assembly. In the present context of relations between Europe and the southern rim of the Mediterranean, WEU should assume its responsibilities. Henceforth, security and defence are essential to all these relations. WEU might become the instrument allowing Europe to develop a partnership with those countries in the security area.

IX. The Mediterranean policy of the EC

167. For the European Community, relations with the southern Mediterranean have the same level of priority as its relations with the coun-

tries of Central and Eastern Europe. For many years now, the Mediterranean policy of the European Community has been based on financial protocols and trade agreements.

168. In recent years, especially after the fall of the Berlin wall, it seemed that the EC's attention was very much focused on Central and Eastern Europe. Aware of this imbalance, the European Council has recently underlined the importance of its overall relations with Mediterranean countries.

169. Already in December 1990, the European Council had adopted its renovated Mediterranean policy, transforming its policy of co-operation into a policy of partnership, which beyond the economic dimension also takes account of the political dimension which is of equal importance in stabilising this region.

170. The idea of the renovated Mediterranean policy is to have a general and bilateral financial part which is structured and completed by different bilateral agreements.

171. Apart from this, there would be other agreements for Mediterranean countries not covered by the renovated Mediterranean policy.

172. The different agreements with the twelve Mediterranean countries covered by the renovated Mediterranean policy are as follows:

- association agreements, aiming at a customs union with Turkey, Cyprus and Malta, which have all applied for membership;
- a free-trade agreement with Israel, to be deepened in parallel with the Middle East peace process;
- preferential, non-reciprocal agreements, including free access to the Common Market and concessions for agricultural products on a product-by-product basis with Morocco, Tunisia, Algeria, Egypt, Syria, Jordan and Lebanon.

173. Partnership agreements are now being worked out with Morocco and Tunisia, with Algeria to follow later. It is hoped that ultimately such agreements will fit into a Maghreb, and later a Euro-Maghreb, economic area.

174. The EC's Mediterranean policy was detailed further when in Lisbon on 26th-27th June 1992 the European Council adopted a declaration on relations between Europe and the Maghreb⁷.

175. One of the reasons for the Lisbon declaration was that European Mediterranean countries feel responsible for convincing the other

7. See Appendix I.

member states that they have a common responsibility to help the Maghreb countries in developing their economies and a modern administration and society capable of taking up the challenge of the twenty-first century.

176. On the other hand, it stressed that only a common effort will provide the desired results. Moreover, no assistance will be effective if the Maghreb countries themselves do not embark upon structural reforms, such as improving the use of resources and mobilising savings by channelling them into productive investments.

177. Too many North African businessmen are still reluctant to invest in long-term projects. If the citizens of these countries fail to invest in their own countries, it will be difficult to attract foreign investments.

178. Integration of the different national economies in the region is also indispensable. Each of the Maghreb countries must open its markets to the others and seek new markets for its products.

179. As compared to the preceeding five-year programme, the new EC programme for the Mediterranean has increased its financial means by 270%. Apart from the existing system of financial protocols, a fund has been established in order to initiate the social consequences of structural adjustments, which is to be used as the restructuring takes place. More money will also be provided for projects of regional integration.

180. The most important innovation, however, in the EC's Mediterranean policy is economic co-operation which consists of measures to encourage relations and links between private companies. This enables European investors to get financial support for the creation of joint ventures in southern Mediterranean countries. It has now been decided that tariff barriers for agricultural products will be dismantled in 1993, instead of 1996 as originally planned. Remaining quotas for agricultural products will be increased by 5% each year.

181. The Community has therefore stressed time and again that the Maghreb countries should assume their own responsibility in transforming their economic, social and political structures, encouraging intra-Maghreb trade and convincing prosperous citizens and companies to make long term investments in their own homeland, thus stimulating their own economies.

X. Fundamentalism, who is responsible?

182. Until the Gulf war, fundamentalist movements received backing, including financial, from certain countries in the region. Egypt, Algeria and, to a lesser degree, Tunisia have now

repeatedly accused Iran and also Sudan of supporting Islamic fundamentalists and terrorists in their respective countries.

183. When Algeria decided to break its diplomatic ties with Iran on 27th March 1993, it accused Iran of trying "to destabilise not only Algeria, but the whole of the Muslim region and to undermine the image of Islam in the world".

184. It is indeed widely believed that Iran is giving financial assistance to the FIS in Algeria and that Sudan or Iran is backing Islamic terrorists in Egypt. Sudan offers an easy escape route for extremists who are active in Egypt and there is no doubt about the political and intellectual support from Iran and Sudan for Islamic fundamentalist movements elsewhere.

185. Another complaint of the southern Mediterranean countries confronted with fundamentalism is that many fundamentalist terrorists and Islamic extremists are former combatants of the war in Afghanistan, trained and armed by the West to help the Mujahiddin in their Jihad against the communist rulers.

186. Indeed, more than 35 000 non-Afghan volunteers, trained in Peshawar with the assistance of funds mainly from the United States and Saudi Arabia, were decisive in bringing down the communist régime in Afghanistan and in this way indirectly contributed to the end of the cold war.

187. It should be noted, however, that from the very beginning Egypt has played an important rôle in supporting operations for the Mujahiddin in Afghanistan. Most other countries in the Arab world have done their part.

188. As mentioned earlier, however, all this does not alter the fact that serious economic and social problems and the discontent of large sections of the population with government policies have been and still are a fertile breeding ground for the rise of these Islamic movements. A solution of these problems is mainly in the hands of the governments of these countries. European economic assistance can help, but the basic and fundamental steps have to be taken by the national governments.

XI. The hypothesis of a military threat and threat perceptions

189. It should be clearly stated that at the moment there is no military threat to Western Europe from any of the states south of the Mediterranean. The military capabilities and the political intentions needed to justify even the perception of such a threat do not exist in any of these states.

190. There are, however, risks and challenges which should be given due attention. There is a not negligible risk of proliferation of nuclear and other weapons of mass destruction and possibly of missile technology. If the proliferation of such weapons is combined with the seizure of power by strongly nationalist or Islamic fundamentalist movements in certain countries, it could lead to destabilisation of the region even if hostile intentions are most likely to be directed against neighbouring countries rather than against Western Europe. There may also be a risk of weapons proliferation concerning terrorist groups.

191. On the other hand, in its dialogue with these states, Western Europe should make it perfectly clear that the establishment of a European security and defence policy, including the identification of military forces answerable to WEU, should not be perceived as a threat.

192. In order to enhance security in the Mediterranean region, Western Europe should make a dedicated effort to prevent uncontrolled proliferation of different kinds of weapons systems in the southern Mediterranean region.

193. What can the West in general, and Western Europe in particular, do in order to avoid uncontrolled proliferation of weapons systems of all kinds in southern Mediterranean countries? Arms control policies through negotiation are probably the most important way to respond to these challenges, and these policies should include: a strengthening of the NPT régime in 1995, pressure on countries which have not signed in January 1993 the Chemical Weapons Convention to do so, reinforcing the biological and toxic weapons convention by means of verification, improving control of the transfer of ballistic missile and missile-production related technology (e.g. via the MTCR and Cocom). It should be mentioned here that Algeria has played a passive rôle in convincing some of its Arab neighbours to sign the Chemical Weapons Convention, which the Arab countries had planned to boycott as long as Israel would not sign the non-proliferation treaty. These are all areas in which a European common foreign and security policy could play an important rôle in the future – after the ratification of the Maastricht Treaty: the idea of providing economic aid in exchange for arms control compliance (as is the case with the United States vis-à-vis Ukraine for the NPT) could be considered in this context as one possibility for improving the chances of success. Finally, new arms control régimes in regard to both north-south and south-south relations in the Mediterranean could be developed in the future, for example for conventional weapons in the Mediterranean, confidence-building measures or naval forces, three areas which have not been covered by existing arrangements.

194. One way of confidence-building is the exchange of military officers on a bilateral basis, which creates networks of personal relations. More of such practical steps could be taken in the near future.

195. Certainly, negotiations on further arms control policies are not the only way to create security in the region. More active protection systems should also be established. For this purpose, WEU has established a satellite image interpretation agency and is examining the possibility of satellite observation. The WEU Assembly has organised a symposium on the possibility of establishing anti-ballistic missile defences, and rapid intervention forces are being formed, while several WEU member states have taken the first steps towards creating a permanent maritime patrol unit in the Mediterranean.

196. It should be stressed, however, that all such activities should be integrated into a strategy to promote co-operation with southern Mediterranean countries in all areas, the main objective being to avoid confrontation and a return to the old concepts of pure deterrence and defence.

XII. Cultural, political, economic and demographic factors influencing security in the Mediterranean

(a) Cultural factors

197. In the southern Mediterranean states, different cultural trends can be distinguished, which all have an influence, be it negative or positive, on the attitude of their government towards Western Europe.

198. Nationalist movements often accuse Western Europe of preventing the spread of modernity by imposing trade restrictions or barriers and by limiting technology transfer and scientific exchanges. These movements are not anti-European; they claim to share the same essential cultural values and their ultimate aim is to be on a par with Europe. Islamic fundamentalists take the view that modernity may be reached only within the framework of indigenous values. According to fundamentalists, assimilation of western cultural values in general can only lead to subordination. The size of Islamic fundamentalism has spread and intensified anti-western sentiments throughout the southern Mediterranean region. In the longer term, this may have a negative influence on the dialogue between Europe and the southern Mediterranean region.

199. On the other hand, it should be noted that the large number of emigrants from the southern Mediterranean to Western Europe is resulting in a mirror image in Europe. A number of North

African immigrants prefer to maintain their own culture within their own ethnic communities rather than be integrated into the European culture. This phenomenon, combined with the consequences of a contracting economy, is one of the causes of intolerance and racism which, in many European states, lead to the adoption of restrictive legislation on immigrants and refugees.

200. One other cultural phenomenon should be mentioned. Through modern communication systems, including satellite television, the population in the southern Mediterranean region is increasingly swamped with the images and messages of the European mass media. Naturally, these mass media present a European perspective of the world and also a cross-section of European culture which does not necessarily respond to the highest standards. Moreover, these European programmes, while miles apart from the indigenous Islamic culture, often present a less flattering image of Islamism, thus fuelling existing or dormant anti-European feelings.

(b) Political factors and human rights

201. Understandably, the European attitude towards the political situation in the southern Mediterranean states is often perceived as ambiguous.

202. On the one hand, Europe is providing financial, economic and other assistance to the countries in the region, thus helping their governments to stay in power, even though Europe criticises them for being authoritarian and intolerant towards opposition movements. At the same time, opposition movements in those states are accusing Europe of helping these governments to retain control of the country.

203. On the other hand, all southern Mediterranean governments are criticising European states for being too tolerant towards opposition movements, fundamentalists and terrorists by providing them a safe haven.

204. It should be pointed out here that no democratic European government is prepared to support those who consider terrorism and violence as a legitimate means to attain political objectives. In fact, Europe is faced with an almost insoluble quandary. In the European democratic political context, it is perfectly legitimate and even wise for a government to have contacts with both the government and opposition parties of other states. After all, democratic elections can lead to a change of power from one party to the other which is considered legitimate and acceptable to everybody involved.

205. This, however, is not the case in today's more authoritarian power structures in the

southern Mediterranean, where opposition to the government is tolerated in most countries only if it does not have the strength and support to take power.

206. Those currently in power do not completely meet our criteria for democratic government and legitimacy is being challenged by the population, thus creating a further factor of instability; the varying degrees of imbalance that exist in the Maghreb countries, which are also faced with an almost complete range of socio-economic and socio-political difficulties, give rise to risks of political instability of which demonstrations by the population are but one of the various forms of violent expression. This is why in some countries fundamentalist Islam may become, to a certain extent, the most widespread way of challenging society and the economy. It may be hoped that the southern Mediterranean basin will turn clearly towards political régimes that are increasingly close to the western system. Morocco has revised its constitution, thus promising greater respect for institutions and, above all, the balance of power. Tunisia is starting to make significant changes in its political régime as regards respect for human rights. On the other hand, it is not clear how this new policy will be implemented in future years.

207. Where Algeria is concerned, political pluralism will be inevitable, but still difficult to put into practice for those in power. It remains to be seen how and when Libya and Mauritania will succumb to the call for democracy that comes from Europe.

208. According to a long-standing tradition and for reasons which need not be explained in full here, Europe is trying to promote the establishment of truly democratic structures in the southern Mediterranean. In particular, it is thought here that such democratic structures would create more balanced and stable societies, where in principle all citizens have the same rights and obligations and where nobody is "a priori" excluded from participation in democratic power structures. Democracy is also indispensable for the development of a modern social-economic structure of a country.

209. The sincerity and value of European arguments for democracy cannot be questioned and the promotion of democracy and respect for human rights must be an essential part of Europe's co-operation with all the states in that region.

210. All this cannot be put more clearly than as stated in the European Council's Lisbon declaration:

"The Community and its member states consider that their relations with the Maghreb countries must be founded on a common commitment to:

- respect for international law, the principles of the United Nations Charter and the resolutions of the United Nations Security Council;
- respect for human rights and fundamental freedoms in civil, political, economic, social and cultural matters and democratic values exemplified by free and regular elections;
- the establishment of democratic institutional systems guaranteeing pluralism, effective participation by citizens in the lives of their states and respect for the rights of minorities;
- tolerance and coexistence between cultures and religions. ”

211. On the other hand, it is necessary not to try to impose democratic systems, now part of the European cultural heritage, but which are alien to the indigenous Arab culture and identity.

212. It should be noted that the remarkable lack of cohesion and of effective political co-operation structures, and also the wide disparities between economies and economic, political and social systems in the southern Mediterranean constitute an obstacle to achieving a coherent and successful European policy of co-operation and partnership with that region as a whole. It would also be important to stimulate and start concrete projects of a common interest for the whole Maghreb region.

(c) Economic factors

213. The marked disparity of income among most countries in the area and economic/social underdevelopment fuel opposition (particularly Islamic) to Arab régimes, thus increasing instability. International and bilateral co-operation has recently made more effort to address these problems, launching major adjustment and restructuring programmes. The European Community has established a new programme (the renewed Mediterranean policy). This programme, despite an increase in funding, remains a modest effort considering EC interests in this region. It is weakened by the fact that member states hesitate to assign increased importance and resources to a common policy of co-operation as opposed to national ones. The EC should play a greater and more autonomous rôle in supporting programmes and projects aimed at increasing employment in the short/medium-term – an objective which is less important than the restructuring and adjustment programmes supported by IMF and the World Bank.

214. International economic co-operation, however, is limited by the severe disintegration

and fragmentation of some regional economies and by the lack of co-operation between states with extremely unequal demographic and income distributions. The Arab-Israeli conflict constitutes a fundamental disruption of relations between the countries of the region.

215. This state of disintegration is a destabilising factor and threat to the interests of Western Europe and other neighbouring countries. It results in market fluctuations and trade restrictions, weak infrastructures, threats to oil and other energy supplies, and the lack of mobility of goods and people, which contributes to migrations to Western Europe.

216. Progress in the current Arab-Israeli negotiations would have a very positive effect on international co-operation in the region, and would stimulate trade, technology transfer and development.

(d) Demographic factors

217. Inertia due to the size of the younger generation implies that demographic growth will remain very sustained in the next few years. The population of the Maghreb, now numbering 65 million, will, according to World Bank estimates, rise to 84 million in 2000.

218. However, the idea that the Maghreb has an “explosive” demography is perhaps not so accurate as it may seem. Arab birth rates now seem to be declining. When the studies were started in the sixties, many countries held a kind of record. For instance, the average number of children per women was more than 8 in Algeria. As from 1965, the figure started to fall in Tunisia and Egypt. Morocco followed suit a few years later. Where Algeria is concerned, by the end of the eighties it had almost made up for the ten years’ lag it had built up due to its hostility to family planning. In 1992, the fertility index in the various countries was as follows:

- Algeria: 5.4
- Tunisia: 4.1
- Morocco: 4.8
- Egypt: 4.5
- Libya: 6.9

219. However, the growth of the active population is still high. It represents about 670 000 persons a year between 1991 and 2000 for Algeria, Morocco, Tunisia, Mauritania and Libya, compared with 364 000 in the period 1979-89. A total of 6 million jobs will have to be created between now and 2000.

220. The various development plans have sought to encourage the creation of jobs. The Algerian 1985-89 plan had a target to create 180 000 jobs a year compared with 130 000 between 1980 and 1984. However, there was instead a steady fall in achievements: 122 000 in

1985, 74 000 in 1986, 64 500 in 1987, 60 000 in 1988 and 56 000 in 1989. The Tunisian 1982-86 plan provided for 60 000 new jobs a year, whereas 45 000 have actually been created.

(e) Urbanisation

221. A problem linked with demographic growth is that of the distribution of the population throughout the territory. A demographic growth rate of 2% per year corresponds to an urban growth rate of 8% in the shanty towns. Several Maghreb towns have become megalopolises with new problems relating to housing, access to education and medical care, communications, hygiene and pollution.

(f) Migration

222. Migration towards Europe is largely the direct consequence of the imbalances described above and of inadequate economic impetus in the southern Mediterranean countries. Migration, due to its extent, the size of the emigrant population already living in the European Community and the material and political difficulty of handling it, raises a serious problem of social and economic stability and, sometimes, even a cultural problem for some countries of the European Community.

223. There is a serious problem of social stabilisation if the host country and the country of origin both have surplus manpower. Badly handled migration leads to a transfer of unemployment, which implies an increase in the social cost of clandestine immigration for the host countries.

XIII. Conclusions

224. It has been said over and over again that Western Europe, in order to attain its main political objective of living in a peaceful, secure and prosperous environment, will have to establish and maintain balanced relations with both its eastern and southern neighbours.

225. During the cold war, Western Europe was mesmerised by the military threat from the East. Since the failure of communism and the disbandment of the Warsaw Pact, it is still concentrating most of its efforts eastwards, to help these countries build new political, economic and social structures which may, in the future, facilitate their full integration into a new Europe.

226. The understandable fixation on problems in its eastern areas almost made many people forget the Mediterranean region, and in particular the southern rim with the Maghreb and Egypt. This is a partly wrong impression,

probably also caused by the overwhelming attention of the mass media for events in Central and Eastern Europe.

227. Indeed, the Mediterranean member states of the EC have never betrayed their historical links with the southern Mediterranean and apart from their continuous bilateral relations and co-operation programmes, they have always managed to convince their European partners of the need for EC co-operation programmes with this region. In 1990, the European Council, adopting its renovated Mediterranean policy, transforming these programmes into a policy of partnership with both an economic and political dimension.

228. Meeting in Lisbon in June 1992, the European Council confirmed its interest in the Mediterranean region, in terms of both security and social stability, not only in the conclusions of the presidency, but also in a specific declaration on relations between Europe and the Maghreb. Rightly, this declaration insisted on a political dialogue which should permit a regular exchange of information and greater mutual consultation on political security matters. Moreover, as quoted earlier, the Community considers that its relations with the Maghreb countries must also be founded on a common commitment to respect for human rights and fundamental freedoms in civil, political, economic, social and cultural matters and for democratic values exemplified by free and regular elections.

229. Some days earlier, the WEU Council had adopted terms of reference for the establishment by WEU of a gradual and phased dialogue with the Maghreb countries.

230. At the moment, there seems to be a lack of balance between, on the one hand, the economic and social co-operation and even partnership now being established and, on the other, the political dialogue including security issues. Economic, social and security issues are inextricably linked and it would be wrong not to address both at the same time.

231. It should be admitted that in the southern Mediterranean region there is still a considerable lack of coherence in the policies of the various countries, which stands in the way of a coherent north-south dialogue. It is also true that the southern Mediterranean countries have a responsibility of their own to solve regional bilateral and multilateral problems. Likewise, each of these countries is naturally responsible for its own internal stability and security.

232. Western Europe can contribute to the creation of economic conditions favourable to global development, which indeed are vitally important, but it can and will not interfere in the internal political situation of any of them.

Furthermore, it is capable of transferring its administrative experience and techniques, essential for organising and managing a market economy, the community, the government and the administration of a modern state.

233. As regards the north-south Mediterranean security dialogue, it is advocated that WEU start a gradual dialogue with a restricted number of individual southern Mediterranean countries such as Morocco, Algeria, Tunisia and

Egypt, which would later be formalised, institutionalised and, if all goes well, extended to include others.

234. Europe must include the southern Mediterranean region in its global policy, not only because it has historic links with that region but because henceforth it will not be able to view the various regions around it in isolation from their surroundings. Partnership is essential and Europe has no time to lose.

APPENDIX I

***Declaration by the European Council
on relations between Europe and the Maghreb***

Lisbon, 26th-27th June 1992

1. The European Council reaffirms its solidarity with the Maghreb countries and its firm determination to continue its overall policy of contributing to the stability and prosperity of the Mediterranean region on the basis of an approach favouring partnership.

2. The Community and its member states consider that their relations with the Maghreb countries must be founded on a common commitment to:

- respect for international law, the principles of the United Nations Charter and the resolutions of the United Nations Security Council;
- respect for human rights and fundamental freedoms in civil, political, economic, social and cultural matters and for democratic values exemplified by free and regular elections;
- the establishment of democratic institutional systems guaranteeing pluralism, effective participation by citizens in the lives of their states and respect for the rights of minorities;
- tolerance and coexistence between cultures and religions.

3. The political dialogue between the European Community and its member states and the Maghreb countries should permit a regular exchange of information and greater mutual consultation on political and security matters. Similarly, the European Community and its member states hope that this dialogue will as soon as possible extend to elected representatives and the social partners. The Community and its member states are also ready, at the appropriate time, to continue the dialogue entered into with the AMU.

4. In the economic field, the European Council reiterates its support for the harmonious development of the Maghreb region with a view to its economic integration, the introduction of true market economies and the modernisation of economic systems.

In this context, the European Council, mindful of the possibilities for action already decided upon in the context of the RMP, to which the Community remains firmly committed, considers that a true Europe-Maghreb partnership should encourage the continuation of economic reforms and a substantial increase in private investment, and more particularly joint ventures between firms in Europe and the Maghreb, with a view to promoting job-creating activities.

The European Council states that the Community is ready to play a full part in such an undertaking, in particular through financial co-operation, especially in the context of the RMP, investment promotion, increased technical co-operation in all areas of common interest and ultimately, by stages, the setting up of a free-trade area. The European Council notes that talks have already made it possible to explore this approach with Morocco and hopes that rapid progress can be made along these lines. It proposes that a similar approach be adopted towards other countries in the region.

5. In the social field, the European Council considers that priority consideration must be given to the problems raised on both sides of the Mediterranean by:

- migration and the living and working conditions of migrant communities;
- demographic imbalances and the attendant economic and social disparities.

6. In the cultural field, the European Council considers that more exchanges, in particular of young people, university students and staff, scientists and those in the media, are vital for a better knowledge and mutual understanding of peoples and cultures in Europe and the Maghreb.

7. Through the progressive attainment of the objectives cited, in particular that of partnership, the European Council shows its firm determination to place relations between Europe and the Maghreb on a footing which, in scale and intensity, is commensurate with the links forged by geography and by history.

APPENDIX II

Acknowledgements

Your Rapporteur wishes to express his sincere gratitude to the many authorities who provided kind help and assistance in preparing this report. The embassies of Algeria, Egypt, Morocco and Tunisia in Paris, and the embassy of Morocco in Lisbon were helpful in preparing visits to these respective countries, where your Rapporteur had many interesting discussions on all of the different subjects dealt with in the report. The programme of this visit was as follows:

Egypt – 15th and 16th March 1993

- Discussion with H.E. Ambassador Mahmoud Farghal, Director of the Department of Information and Research
- Discussion with the Head of the Foreign Relations Committee of the People's Council, Dr. Mohamed Abdel Allah
- Discussion with the Minister Plenipotentiary, Director of the Department of the European Community, Mr. M. Sherif Sadek
- Discussion with H.E. Ambassador Mahmoud Osman, Director of the Department of Planning
- Discussion with the Minister for Foreign Affairs, Mr. Amine Moussa

Algeria – 16th and 17th March 1993

- Discussion with the Director General for Multilateral Relations, Mr. Amine Kherbi
- Discussion with the Secretary-General of the Ministry for Foreign Affairs, Mr. Houine Djoudi
- Discussion with the Minister for Foreign Affairs, Mr. Redha Malek
- Discussion with the Deputy Minister for the Budget, Mr. Benbitour

Tunisia – 18th and 19th March 1993

- Discussion with the Minister of Justice, Mr. Sadok Chaabane
- Discussion with the Minister for International Co-operation and External Investment, Mr. Mohamed Gannouchi
- Discussion with the Minister of Defence, M. Abdelaziz Ben Dhia
- Discussion with the Minister for Foreign Affairs, Mr. Habib ben Yahia

Morocco – 19th and 20th March 1993

- Discussion with the Director of the Private Office of the Minister of State for Foreign Affairs and Co-operation, Mr. Taib El-Fassi
- Discussion with H.E. Ambassador Maati Jorio, Director of European and American Affairs at the Ministry for Foreign Affairs

Moreover, your Rapporteur was represented at two conferences on this subject. The first, a seminar on security and co-operation in the Mediterranean, was organised by the Spanish Parliament and the North Atlantic Assembly in Granada, from 1st to 3rd February 1993.

The second, a seminar on the southern dimension of European security – the Mediterranean area and the European security identity, was organised by the WEU Institute for Security Studies in collaboration with the Istituto Affari Internazionali and the Centre for Military and Strategic Studies in Rome, on 5th and 6th March 1993 with, among others, particularly stimulating contributions by Roberto Aliboni and Roberto Zadra.

Security in the Mediterranean

AMENDMENTS 1 and 2 ¹

tabled by Mr. Atkinson and others

1. After paragraph (iv) of the preamble to the draft recommendation, insert a new paragraph as follows:

“Noting the proposals for a Conference on Security and Co-operation in the Mediterranean (CSCM) which would seek to emulate the success of the CSCE in arms control and reduction, enhanced security through confidence-building measures, and the protection of human and minority rights;”

2. After paragraph 3 of the draft recommendation proper, insert a new paragraph as follows:

“Commit itself to the principle of a CSCM and pursue its establishment with vigour and perseverance;”

Signed: Atkinson, Reddemann, Lentz-Cornette, Foschi, Colombo, Smith, Fenner, Lopez Henares, Müller, van der Linden, Fry, Lummer, Speed, Ward, Rathbone, Vogel, Bowden

1. See 2nd sitting, 15th June 1993 (amendments amended and agreed to).

Security in the Mediterranean

AMENDMENT 3 ¹

tabled by Mr. Parisi and others

3. After the last paragraph of the draft recommendation proper, add a new paragraph as follows:
“Hold effective consultations with the Community institutions and European political co-operation so that action to ensure military security may be co-ordinated with a strategy of political and economic co-operation in the region.”

Signed: Parisi, Foschi, Colombo

1. See 2nd sitting, 15th June 1993 (amendment amended and agreed to).

Security in the Mediterranean

AMENDMENTS 4 and 5 ¹

tabled by Mr. Roseta

4. After paragraph 1 of the draft recommendation proper, add a new paragraph as follows:
“ In the perspective of a global, integrated concept of security, affirm its interest in the development, prosperity and maintenance of peace and stability in the southern Mediterranean countries; ”
5. In the preamble to the draft recommendation, leave out paragraph *(ix)* and insert:
“ *(ix)* Convinced nevertheless that the risk of proliferation of weapons systems and technology, whether nuclear, biological, chemical or conventional, might, if confirmed, be a serious threat to peace and stability in the Mediterranean region; ”

Signed: Roseta

1. See 2nd sitting, 15th June 1993 (amendments agreed to).

Replies of the Council to Recommendations 526 to 536

RECOMMENDATION 526 ¹

*on European security policy –
reply to the thirty-seventh annual report of the Council:
European Union, WEU and the consequences of Maastricht ²*

I

The Assembly,

1. Is resolutely in favour of the ratification of the Maastricht Treaty by all signatory countries;
2. Considers the modified Brussels Treaty to be the only treaty providing the foundations for truly European solidarity in defence matters and, as such, the inevitable basis of a European Union in this area;
3. Recalls its Recommendations 490 and 504 urging the Council to revise the treaty to adapt it to the new situation in Europe without weakening the commitments it includes;
4. Notes that the Maastricht Treaty recognises this fact and specifies that WEU is part of the process of European Union;
5. Believes that, for WEU to assume the rôle attributed to it by Article I of the modified Brussels Treaty and by the Maastricht Treaty, it is essential for the modified Brussels Treaty to continue to be strictly applied;
6. Notes that the Council is apparently using various means to diminish the importance and juridical significance of the treaty, to circumvent its provisions and to weaken its political significance, e.g. by:
 - (i) feigning to ignore the way the responsibilities of WEU under Articles I, II and III of the modified Brussels Treaty, the exercise of which has been entrusted to other organisations, are effectively carried out, as can be seen from paragraph 4 of the reply to Recommendation 517, while paragraph 3 of the answer to Written Questions 302 and 303 recognises the Assembly's responsibility for "any matter arising out of the Brussels Treaty";
 - (ii) not reaching agreement with NATO to avoid duplication of work, as required by Article IV, as it emerges from the parallel decisions taken by NATO and WEU on the naval deployment to enforce the embargo against Serbia and Montenegro decided by the Security Council and on the deployment of armed forces from member countries to escort humanitarian assistance for Bosnia-Herzegovina;
 - (iii) introducing in the Petersberg Declaration a reservation that seems to be of general significance relating to the application of Article V;
 - (iv) wrongly taking Article VII as a basis for justifying this reservation, as it does in its answer to Written Question 301;
 - (v) making no reference, in the second part of its thirty-seventh annual report, to the Agency for the Control of Armaments, a subsidiary body of the Council in accordance with Article VIII;
 - (vi) thereby violating Article IX;
 - (vii) limiting the significance of this article by:
 - (a) not communicating to the Assembly important documents on its activities;
 - (b) providing for the implementation of the Petersberg Declaration in regard to the enlargement of WEU and the creation of the status of associate member and of observer without the Assembly having been able to discuss the matter;

1. Adopted by the Assembly on 30th November 1992 during the second part of the thirty-eighth ordinary session (8th sitting).

2. Explanatory Memorandum: see the report tabled by Mr. Goerens on behalf of the Political Committee (Document 1342, Part One).

(viii) not applying the provisions of Article XI to states that it is inviting to become associate members of WEU;

(ix) insisting on an arbitrary interpretation of Article XII and not following up paragraph 21 of Recommendation 517 which states that the Assembly considers that the period of fifty years ran from 1954 and where the Assembly invites the Council of Ministers to submit this issue to independent arbitration;

7. Considers that, by acting in this way, the Council, far from preparing the establishment of a European Union with clearly specified competences and responsibilities, is apparently weakening such a prospect.

IT RECOMMENDS THAT THE COUNCIL

1. Report effectively to the Assembly on every aspect of the application of the modified Brussels Treaty, even in cases where the responsibilities attributed to it by the treaty are exercised in other fora as it has undertaken to do on several occasions;
2. Seek an understanding with NATO to avoid duplication, while leaving WEU the possibility of exercising fully the responsibilities assigned to it by Article VIII of the modified Brussels Treaty;
3. Proceed to no modification in the scope of the modified Brussels Treaty by any process other than international agreements subject to ratification;
4. Report in its annual report on the application of Protocols Nos. II, III and IV;
5. Provide the Assembly in time with all the information it needs to exercise the mandate assigned to it by Article IX, *inter alia* by:
 - answering without delay Written Question 305 asking the Council to communicate its organogram to the Assembly;
 - reversing its refusal to answer Written Question 304 asking for details of the results of the operations of the naval force co-ordinated by WEU in the Adriatic;
 - communicating:
 - the report on practical measures necessary for the development of close working relationships with the European Union and the Atlantic Alliance;
 - the proposals of the Permanent Council for promoting co-operation between the respective secretariats of those organisations;
 - its report on the mandate of the WEU planning cell;
 - its report on the possible tasks of WEU forces;
 - its report on co-operation in armaments matters;
 - its report on current WEU activities in space matters;
 - its report on current WEU activities in regard to the verification of arms control agreements and implementation of the Open Skies Treaty;
 - its report on the activities of the Mediterranean Sub-Group;
6. Follow up paragraph 21 of Recommendation 517 according to which:

“Noting that the Assembly believes that the period of fifty years laid down in Article XII of the modified Brussels Treaty starts from the ratification of the 1954 Agreements while the Council considers the starting date is 1948,

THE ASSEMBLY STRONGLY URGES

That the issue be referred to a group of independent European legal experts for arbitration.”

II

The Assembly,

- (i) Considers that the European Union has a vocation to associate all Central European countries;
- (ii) Welcomes the fact that the Council, after the Assembly, has started to examine with those countries the conditions for a collective security organisation in Europe;
- (iii) Notes that the information it has received concerning requests from some of those countries about their approaches to the Council do not correspond to the information it receives from the Council;
- (iv) Considers that the rapprochement between the Central European countries and the European Union means that they must henceforth base their relations on the principles governing relations between the member countries of WEU.

IT RECOMMENDS THAT THE COUNCIL

1. Develop its exchanges with the CSCE with a view to making a more effective contribution to maintaining peace in Europe;
2. Offer the Central European countries any technical assistance they may request, in particular to allow them to play a better part in operations to verify all the disarmament or arms limitation agreements they may have signed;
3. Respond favourably to the requests some of those countries have made so as to improve the restoration of confidence and maintenance of peace in Central Europe;
4. Arrange for requests sent to the Chairmanship-in-Office to reach the Council and be the subject of real consultations;
5. Urge the Governments of Hungary and Slovakia to submit the dispute between them to conciliation procedure similar to that provided for in Article X of the modified Brussels Treaty.

REPLY OF THE COUNCIL ¹

to Recommendation 526

I.

1. The Council will continue to “report effectively to the Assembly on every aspect of the application of the modified Brussels Treaty”.
2. The Council is convinced that the development of WEU as the defence component of the European Union and as the means to strengthen the European pillar of the Atlantic Alliance will not result in “duplication” with NATO but in co-operation in a spirit of complementarity, transparency and reciprocity where applicable. This co-operation will not affect the probability of WEU exercising fully the responsibilities it is assigned by Article VIII of the modified Brussels Treaty.
3. The Council has no intention of proceeding with “modification in the scope of the modified Brussels Treaty by any process other than international agreements subject to ratification”.
4. The Council will continue to report in its annual report on the application of Protocols No. II, III and IV as appropriate.
5. The Council regrets that – for the time being – it cannot comply with the request made in Written Question 305 and reiterated in paragraph 5 of the recommendation. Preliminary discussions on an updated comprehensive organisation chart have taken place in the Council and its working groups, and the Council hopes to be able to make an updated organisational chart available to the Assembly after the details have been agreed by the competent bodies and submitted for final approval.

It should be recalled that in the declaration on former Yugoslavia adopted at the Council of Ministers in Rome on 20th November 1992, warships and aircraft of WEU member states, under Italian operational control, have been carrying out operations to monitor at sea compliance with the embargo established by United Nations Security Council Resolutions 713 and 757. So far, 3 649 ships have been monitored. In the light of United Nations Security Council Resolution 787, the Council takes due note of the Assembly's request to provide “details of the results of the operations of the naval force co-ordinated by WEU in the Adriatic”. At present, more specific data remains classified. In the opinion of the Council, any publication of more specific data could best be handled in the United Nations framework. The recommendations are classified documents. While the Council is willing, in principle, to examine additional ways of increasing the amount of information accessible to the Assembly, the need for confidentiality constitutes an objective restraint.

6. The Council takes due note of the Assembly's request in paragraph 6 of the first part of the recommendation and previously formulated in paragraph 21 of Recommendation 517.

II.

1. The Council attaches great importance to a further development of exchanges between WEU and the CSCE with a view to “making a more effective contribution to maintaining peace in Europe”. The development of the CSCE, and in particular the post-Helsinki forum on security co-operation, are on the agenda of the Council and its working groups.
2. The Council and its working groups will explore ways of offering Central European countries any “technical assistance they may request, in particular to allow them to play a better part in operations to verify all the disarmament of arms limitation agreements they have signed”. It should be recalled that the Council attaches special importance to co-operation with third parties in the fields of CFE verification and also Open Skies.
3. The Council takes due note of the Assembly's request to “respond favourably to the request some of those countries have made so as to improve the restoration of confidence and maintenance of peace in Central Europe”.
4. The Council takes due note of the Assembly's request made in paragraph 4 of the second part of the recommendation.
5. The Council advocates the settlement of all differences and conflicts by peaceful means in accordance with the United Nations Charter, the commitments entered into under the terms of regional arrangements and the other generally recognised principles and rules of international law.

1. Communicated to the Assembly on 18th February 1993.

RECOMMENDATION 527 ¹on Turkey ²

The Assembly,

- (i) Welcoming Turkey's associate membership of WEU, while looking forward to close co-operation in the framework of the association document;
- (ii) Recalling Turkey's most loyal membership of NATO and its vital contribution to security in Europe during the many years of East-West confrontation;
- (iii) Aware of Turkey's important geostrategic position which has changed to some extent but whose interest has remained undiminished since the end of the cold war;
- (iv) Stressing the importance of Turkey's participation in debates on Europe's future security in the framework of WEU;
- (v) Concerned about the volatile situation in the newly independent republics of Transcaucasia and Central Asia where political instability and ethnic strife seem to dominate the agenda;
- (vi) Noting that Turkey, which has historic, cultural, linguistic and religious affinities with the populations of many of these new republics, can serve as a model for their gradual development into modern states based on democratic government and a market economy;
- (vii) Aware of the specific contribution which Turkey can make in concerted efforts to bring about stable inter-ethnic and international relations in the Balkans;
- (viii) Recalling the report by the Parliamentary Assembly of the Council of Europe on the situation of human rights in Turkey (Document 6553) and Resolution 985 of that Assembly;
- (ix) Concerned about the mounting violence in south-eastern Anatolia which stands in the way of a balanced policy towards the Kurdish population in that area as announced by the Turkish Government;
- (x) Condemning all forms of terrorism, even if it is used as a means of attaining political objectives;
- (xi) Recalling paragraph 10 of the Council of WEU's Venice communiqué on 30th April 1986, which stated that " They gave special attention to the threat to security posed by international terrorism and underlined the importance of early and effective action to implement the measures that the countries of Western Europe have agreed upon to combat this scourge. " ;
- (xii) Convinced that Greece and Turkey, which both wish to be well-respected members of the community of civilised European states and to participate in WEU, cannot afford to continue to harbour differences over many issues which could be solved if approached in a positive manner,

RECOMMENDS THAT THE COUNCIL

1. Afford active encouragement to Turkey in the establishment of close relations with the newly independent republics in Central Asia and Transcaucasia, in particular in activities which may help to prevent or solve conflicts in those regions;
2. Be certain to involve Turkey in all its consultations and initiatives regarding the Balkan crisis;
3. Establish close co-operation with Turkey in containing the threat to security posed by international terrorism;
4. Make every effort to promote a solution to existing differences between Greece and Turkey in order to prevent such differences being a strain on security discussions in WEU, particularly taking into account Section A of Part III of the Petersberg Declaration which refers to the settlement of mutual differences by peaceful means, among others in accordance with Article X of the modified Brussels Treaty;
5. Endeavour, as matters now stand, to give Turkey guarantees allowing it to participate at the highest possible level in the tasks and missions of WEU, account being taken of its status of associate member as contained in the document on associate membership signed in Rome on 20th November 1992.

1. Adopted by the Assembly on 1st December 1992 during the second part of the thirty-eighth ordinary session (10th sitting).

2. Explanatory Memorandum: see the report tabled by Mr. Moya on behalf of the Political Committee (Document 1341, addendum).

REPLY OF THE COUNCIL¹***to Recommendation 527***

1. The Council is fully aware of the important rôle played by Turkey “ in the establishment of close relations with the newly-independent republics in Central Asia and Transcaucasia, in particular in activities which may help to prevent or solve conflicts in those regions ”. It also shares the Assembly’s assessment in paragraph (VI) of the recommendation that “ Turkey, which has historic, cultural, linguistic and religious affinities with the populations of many of these republics, can serve as a model for their gradual development into modern states ”.

2. In accordance with the provisions of the document on associate membership signed in Rome on 20th November 1992 as well as the other related texts, the associate members of WEU will be involved in the consultations and initiatives of the Council.

3. The Council is fully aware of the need to “ contain the threat to security posed by international terrorism ”. At present, no specific questions pertaining to international terrorism feature on the agenda of the Council and its working groups. In so far as the need for consultation on the subject of international terrorism could arise in the future, associate members of WEU will be involved in the consultations and initiatives of the Council in accordance with the provisions of the document on associate membership signed in Rome on 20th November 1992, as well as the other related texts.

4. The Council takes due note of the Assembly’s request made in paragraph 4 of the recommendation.

5. In accordance with the provisions of the document on associate membership signed in Rome on 20th November 1992 as well as the other related texts, the associate members of WEU will be “ able to participate at the highest possible level in the tasks and missions of WEU ”.

1. Communicated to the Assembly on 18th February 1993.

RECOMMENDATION 528 ¹

on defence: Central Europe in evolution ²

The Assembly,

- (i) Welcoming progress made in establishing a formal relationship between WEU and the states of Central Europe;
- (ii) Welcoming the extraordinary meeting of the WEU Council of Ministers together with the Foreign and Defence Ministers of Central European states on 19th June 1992;
- (iii) Welcoming the declaration agreed at the same meeting and aiming “to strengthen existing relations between WEU and the Central European states by structuring the dialogue, consultations and co-operation”;
- (vi) Welcoming the Council’s largely positive replies on those aspects of relations with the Central European states stressed in Recommendations 518 and 524;
- (v) Welcoming the various initiatives taken under the aegis of the WEU Institute for Security Studies to deepen the discussion with the Central European states;
- (vi) Determined to maintain the momentum of its own relationship with the governments and parliaments concerned;
- (vii) Recalling Recommendation 510 on “Defence industry in Czechoslovakia, Hungary and Poland” and extending the recommendations to include reference also to Bulgaria and Romania,

RECOMMENDS THAT THE COUNCIL

1. Fulfil the expectations of the Central European states by regular and relevant dialogue and timely discussion of current issues;
2. Follow closely possible moves in the European Community to create the new status of “affiliate member” which could have implications for the formal relationship between the Central European states and WEU;
3. Include the Central European states in appropriate seminars to provide an opportunity for debate on subjects of mutual interest, such as national service and conscription;
4. Invite the Central European states to observe the exercises to be co-ordinated by the WEU planning cell;
5. Encourage member states as appropriate to develop relations with the Central European states in the realms of:
 - higher staff training;
 - budgetary management;
 - procurement (especially for air defence);
 - personnel exchanges;
 - language training;
 - military survey and mapping;
 - command and control (C²) and identification friend or foe (IFF) systems;
6. Explore ways in which the Central European states might be associated with the development of a European armaments agency;
7. Seek the opinions of the Central European states on matters scheduled for discussion in the CSCE and NACC and wherever possible co-ordinate positions;

1. Adopted by the Assembly on 1st December 1992 during the second part of the thirty-eighth ordinary session (10th sitting).

2. Explanatory Memorandum: see the report tabled by Mr. Cox on behalf of the Defence Committee (Document 1336).

8. Institute regular meetings of the “Seventeen” in the context of the Vienna Forum for Security Co-operation;
9. Ensure that accounts of consultations with the Central European states at ministerial and WEU Permanent Council/Ambassador level and meetings of senior officials or seminars organised by the Institute for Security Studies are included in the annual report to the Assembly;
10. Establish information points in the capitals of the Central European states, by using the good offices of the embassies of WEU members;
11. Ensure that both WEU member states and Central European states develop effective arrangements to prevent the export of military equipment to those countries and groups which pursue policies of militant nationalism or of aggressive intention.

REPLY OF THE COUNCIL ¹*to Recommendation 528*

1. The Council is of the opinion that the implementation of the “concrete measures” adopted at the extraordinary meeting of the WEU Council of Ministers with states of Central Europe in Bonn on 19th June 1992 allows for “regular and relevant dialogue and timely discussion of current issues”. It should be recalled that paragraph 7 of the declaration adopted on this occasion reads:

“The foreign and defence ministers adopted the following concrete measures:

- Foreign and defence ministers will meet once a year. Additional meetings at ministerial level may be convened if circumstances require.
- A forum of consultation will be established between the WEU Permanent Council and the ambassadors of the countries concerned. It will meet at the seat of the WEU Council at least twice a year.
- These meetings will provide an opportunity to monitor the implementation of the measures adopted and, where appropriate, to make proposals for the inclusion of other fields of co-operation.
- Consultation at ministerial and WEU Permanent Council/ambassador level on security issues may be complemented by meetings with an ad hoc WEU troika at senior official level.

The following initiatives will be continued and encouraged: regular exchanges of documents and information, growing co-operation between the WEU Institute for Security Studies and the corresponding bodies in the countries concerned. An increasing number of seminars and colloquia will be organised. The programme of scholarship will be continued.”

Following the extraordinary ministerial meeting in Bonn on 19th June 1992 between the WEU foreign and defence ministers and their colleagues from Bulgaria, Czechoslovakia, Estonia, Hungary, Latvia, Lithuania, Poland and Romania, the first meeting of the forum on consultation at ambassadorial level was held in London on 14th October 1992. On the agenda for discussion between the members of the Permanent Council and the ambassadors of the eight partner countries of Central Europe were the expansion of this dialogue, the development of co-operation and also topical questions, including the withdrawal of Russian troops from the Baltic countries and the conflicts in former Yugoslavia.

Meeting in Rome on 20th November 1992, WEU ministers “welcomed this step in the development of relations with the partner countries of Central Europe and looked forward to meeting their colleagues in the spring of 1993” (paragraph 12 of the Rome communiqué).

2. The Council takes note of the suggestion made in paragraph 2 of the recommendation, but it is not aware of any moves within the European Community to create a new status of “affiliate member”. The Council recalls that paragraph 5 of the declaration adopted at the extraordinary meeting of the WEU Council of Ministers with states of Central Europe in Bonn on 19th June 1992 states: “The enhancement of WEU’s relations with Bulgaria, Czechoslovakia, Estonia, Hungary, Latvia, Lithuania, Poland and Romania should reflect the specific relations which exist and are developing between these countries and the European Union and its member states. Other appropriate forms of co-operation could be set up as required in the light of the development of these relations”.

3. Paragraph 7 of the declaration adopted at the extraordinary meeting of the WEU Council of Ministers with states of Central Europe on 19th June 1992 states, inter alia, that there will be “growing co-operation between the WEU Institute for Security Studies and the corresponding bodies in the countries concerned. An increasing number of seminars and colloquia will be organised”. National service and conscription could, in due course, become subjects for future seminars and colloquia.

4. The Council takes due note of the Assembly’s suggestion expressed in paragraph 4 of the recommendation.

5. The Council welcomes the fact that individual WEU member states are already developing relations with Central European states in fields such as those mentioned in paragraph 5 of the recommendation.

1. Communicated to the Assembly on 24th February 1993.

6. "Ways in which the Central European states might be associated with the development of a European armaments agency" can be explored in due course, in line with the progress made with the development of such an agency and with paragraph 5 of the declaration adopted at the extraordinary meeting of the WEU Council of Ministers with states of Central Europe in Bonn on 19th June 1992, which states: "The enhancement of WEU's relations with Bulgaria, Czechoslovakia, Estonia, Hungary, Latvia, Lithuania, Poland and Romania should reflect the specific relations which exist and are developing between these countries and the European Union and its member states. Other appropriate forms of co-operation could be set up as required in the light of the development of these relations".

7. The Assembly will note that, during the first meeting of the forum of consultation on 14th October 1992, subjects such as the development of the CSCE and in particular the post-Helsinki forum on security co-operation and also topical questions, including the withdrawal of Russian troops from the Baltic countries, were discussed.

8. The Council will bear in mind the Assembly's suggestion to "institute regular meetings of the Seventeen in the context of the Vienna forum for security co-operation".

9. The Council will study the the Assembly's suggestion to include "accounts of consultations with the Central European states at ministerial and WEU Permanent Council/ambassador level and meetings of senior officials or seminars organised by the Institute for Security Studies" in its annual report to the Assembly.

10. The Council will study the Assembly's interesting suggestions for "establishing information points in the capitals of Central European states, by using the good offices of the embassies of WEU members". For reasons of cost-effectiveness and the coherence of the organisation's public information efforts, however, the Council has no plans at present for implementing such a suggestion.

11. The Council is fully aware of the need to "develop effective arrangements to prevent the export of military equipment to those countries and groups which pursue policies of militant nationalism or of aggressive intention". It has repeatedly stated that such arrangements to prevent the export of military equipment to such countries and groups have not yet appeared on the agenda of the forum of consultation.

RECOMMENDATION 529 ¹

***on European security policy –
reply to the thirty-seventh annual report of the Council:
Europe and the crises in former Yugoslavia ²***

The Assembly,

- (i) Recalling its Recommendation 525;
- (ii) Noting with satisfaction that, in a number of respects, this recommendation has been followed up;
- (iii) Noting, however, that the decisions taken in WEU and NATO to protect humanitarian assistance to the people of Bosnia-Herzegovina are being implemented very slowly;
- (iv) Considering that the approach of winter makes the conditions for the survival of these people a matter of supreme concern;
- (v) Noting that the measures decided by the Security Council to ensure a cease-fire in Bosnia-Herzegovina still fall short of achieving such a result;
- (vi) Noting the slowness with which Security Council decisions are applied in the parts of Croatia that are outside the authority of that republic;
- (vii) Insisting that a statute must be created for the Republic of Bosnia-Herzegovina by qualified representatives of the three principal components of the population of that republic;
- (viii) Fearing a spread of hostilities to regions of former Yugoslavia which have remained safe from them, particularly in the region of Kosovo,

RECOMMENDS THAT THE COUNCIL

1. Speed up intervention by forces of member countries to protect the transport of humanitarian relief to Bosnia-Herzegovina;
2. Approach the Security Council to ensure that it makes effective the coercive measures it has taken to make the parties to the conflict put an end to military operations in Bosnia-Herzegovina;
3. Offer the United Nations a larger contribution to the peace-keeping operations it has undertaken;
4. Consider the possibility of extending the UNPROFOR mission to Kosovo;
5. Agree to its members urgently recognising the independence of the Republic of Macedonia with a name acceptable to the population of that republic.

1. Adopted by the Assembly on 2nd December 1992 during the second part of the thirty-eighth ordinary session (11th sitting).

2. Explanatory Memorandum: see the report tabled by Mr. Goerens on behalf of the Political Committee (Document 1342, Part Two).

REPLY OF THE COUNCIL¹***to Recommendation 529***

1. Meeting in Rome on 20th November 1992, WEU ministers adopted a declaration on former Yugoslavia in which they “reaffirmed the collective determination of WEU member states to contribute to the protection and delivery of humanitarian assistance to the population of Bosnia-Herzegovina under the responsibility of the United Nations and to offer further support to these operations. The member states of WEU are also prepared to study the possibility of and the requirements for the promotion of safe areas for humanitarian purposes”. Accordingly, the Contingency Planning Group has drafted an initial report on this subject which has been made available to the United Nations within the framework of the discussions on the Owen-Vance plan.

2. In the same declaration, WEU ministers “expressed dismay at continuing acts of aggression and violence in Bosnia-Herzegovina, at the unacceptable practice of ethnic cleansing as well as at the repeated gross violation of humanitarian operations”. They called on all parties to respect the principles and decisions agreed at the London conference and to work with the United Nations and EC special envoys to seek a peaceful and negotiated settlement to the problems of former Yugoslavia. They reaffirmed the need for strict compliance with all relevant United Nations Security Council resolutions and stressed that violation of those resolutions would call for consideration of further measures by the United Nations Security Council.

3. In their declaration on former Yugoslavia, ministers “also reaffirmed their determination to reinforce the contribution WEU and its member states were making in support of the efforts of the whole international community to bring peace to former Yugoslavia and to relieve the suffering of its people”.

The same declaration also specifies that “WEU member states are contributing in a variety of ways to the enhanced operations of UNPROFOR in Bosnia-Herzegovina which are now beginning their tasks of ensuring the delivery of humanitarian assistance”. They reaffirmed the collective determination of WEU member states to contribute to the protection and delivery of humanitarian assistance to the population of Bosnia-Herzegovina under the responsibility of the United Nations and to offer further support to these operations.

4. The Council is fully aware of the dangers of the conflict in former Yugoslavia spilling over to Kosovo and agrees with the Assembly on the need for preventive diplomacy.

5. The Council takes due note of the Assembly's request in paragraph 5 of the recommendation.

1. Communicated to the Assembly on 24th February 1993.

RECOMMENDATION 530¹

on WEU's operational organisation and the Yugoslav crisis²

The Assembly,

- (i) Recalling Recommendations 506, 512, 519 and 525 which have all sought to prompt precise action by WEU to help solve the crisis in the former Yugoslavia;
- (ii) Fully endorsing United Nations Resolutions 713, 757, 770, 771 and 781 and the efforts being made by Lord Owen and Mr. Vance to resolve the crisis;
- (iii) Dismayed that so little apparent progress has been made in finding a political solution to the crisis and that the suffering of the peoples concerned is likely to be intensified still further with the onset of winter;
- (iv) Urging the Council to multiply efforts within the United Nations, the CSCE, the EC and the new WEU Forum for Consultation with the Central European states, to seek greater co-operation at all levels in a further attempt to convince the various belligerents to stop fighting;
- (v) Disappointed that the United Nations Security Council has not heeded WEU's call for reinforcement of the embargo on Serbia and Montenegro and that consequently the fighting is being prolonged;
- (vi) Congratulating the Council for promptly following up a number of the Assembly's recommendations and applauding the Italian presidency for its pragmatic and positive initiatives over WEU co-ordination and liaison with the United Nations, CSCE and NATO;
- (vii) Pleased that all WEU countries have offered to contribute either forces, logistic support or facilities, or a combination of such assets, but insisting on the need for an equitable sharing of costs;
- (viii) Convinced that an air defence capability plus associated intelligence-gathering measures to help protect United Nations forces are essential;
- (ix) Considering that similar WEU and NATO naval and maritime air assets might well be combined to form composite forces to stress complementarity and in a demonstration of cost-effectiveness rather than duplication;
- (x) Believing that when WEU forces are operating as such they should be readily identifiable,

RECOMMENDS THAT THE COUNCIL

1. Intensify efforts within the United Nations, the CSCE, the EC and the new WEU Forum for Consultation to support Lord Owen and Mr. Vance's endeavours in Geneva and to sponsor a possible fresh initiative to convince the belligerents in all parts of the former Yugoslavia to stop fighting and seek a political solution to their grievances;
2. Prepare a resolution to be tabled by WEU members of the United Nations Security Council to reinforce the present embargo at least to the level of that enforced against Iraq in 1990/91 and in particular to take account of the problem of cargo in transit and also of the complications of the Danube Convention and to publish evidence at an early stage of any significant breach of the embargo;
3. Fulfil its pledge for WEU member states to "offer expertise, technical assistance and equipment to the governments of Danube riparian states to prevent the use of the river Danube for the purpose of circumventing or breaking the sanctions imposed by United Nations Security Council Resolutions 713 and 757" and in particular respond to Romania's request for assistance;

1. Adopted by the Assembly on 2nd December 1992 during the second part of the thirty-eighth ordinary session (11th sitting).

2. Explanatory Memorandum: see the report tabled by Mr. Marten on behalf of the Defence Committee (Document 1337).

4. Ensure that all WEU nations which have offered forces, logistic support or facilities are permitted to participate in operations, although not necessarily those organised exclusively under the direct aegis of the United Nations. Both the CSCE and the EC, for example, require considerable support for observer missions;
5. Prepare a special supplementary budget for 1992 to take account of operations concerning the former Yugoslavia and also to enable the WEU planning cell to function correctly;
6. Make contingency arrangements to provide an adequate air defence capability to help protect United Nations forces engaged in the former Yugoslavia;
7. In conjunction with the NATO authorities, rationalise naval and maritime air operations in the Adriatic area to form composite and cost-effective forces;
8. Design a symbol of specific European identity to represent WEU and urge member countries to use it to distinguish their military forces – ships, aircraft, vehicles and personnel – taking part in WEU operations. Personnel serving in the planning cell should be among the first recipients of such a badge.

REPLY OF THE COUNCIL ¹

to Recommendation 530

1. Meeting in Rome on 20th November 1992, WEU ministers adopted a declaration on former Yugoslavia in which they “expressed dismay at continuing acts of aggression and violence in Bosnia-Herzegovina, at the unacceptable practice of ‘ethnic cleansing’ as well as at the repeated gross violations of human rights”. They condemned all forms of obstruction of humanitarian operations. They called on all parties to respect the principles and decisions agreed at the London conference and to work with the United Nations and EC special envoys to seek a peaceful and negotiated settlement to the problems of former Yugoslavia. They reaffirmed the need for strict compliance with all relevant United Nations Security Council resolutions and stressed that violations of those resolutions would call for consideration of further measures by the United Nations Security Council. They also reaffirmed their determination to reinforce the contribution WEU and its member states were making in support of the efforts of the whole international community to bring peace to former Yugoslavia and to relieve the sufferings of its people.

It should be recalled that – following the extraordinary ministerial meeting in Bonn on 19th June 1992 between the WEU foreign and defence ministers and their colleagues from Bulgaria, Czechoslovakia, Estonia, Hungary, Latvia, Lithuania, Poland and Romania – the first meeting of the forum of consultation at ambassadorial level was held in London on 13th October 1992. On the agenda for discussion between the members of the Permanent Council and the ambassadors of the eight partner countries of Central Europe were topical questions, including the conflicts in former Yugoslavia.

The Council is aware of the need for fresh political initiatives to convince the belligerents in all parts of former Yugoslavia to stop fighting and seek a political solution to their grievances.

2. Meeting in Rome on 20th November 1992, WEU ministers adopted a declaration on former Yugoslavia in which they “welcomed the adoption of United Nations Security Council Resolution 787. They decided that WEU will contribute to its implementation and that, to this end, warships and aircraft of WEU member states, on the basis of approved joint planning, will start operations aimed at ensuring the strict implementation of the embargo at sea. These will include stop and search actions and other measures as necessary. The participation of the member states will be subject to the provisions of their national constitutions”. In the light of United Nations Security Council Resolution 787, the Council takes due note of the Assembly’s request to “publish evidence at an early stage on any significant breach of the embargo”. At present, the relevant data remains classified, however. In the opinion of the Council, publication of evidence relating to “any known breach of sanctions” should properly be handled in the United Nations framework.

3. The declaration on former Yugoslavia specifies: “WEU member states emphasised the importance of the sanctions assistance missions to which they contribute as members of the EC. They appealed to the Danube riparian states to ensure the strict application of the relevant United Nations Security Council resolutions and confirmed that they were prepared to offer, if requested, expertise, technical assistance and equipment to those states to prevent the use of the Danube for the purpose of circumventing or breaking sanctions. They also affirmed their willingness to make similar contributions to the implementation of the control of the land embargo at the frontiers”.

4. In the same declaration, WEU ministers “also reaffirmed their determination to reinforce the contribution WEU and its member states were making in support of the efforts of the whole international community to bring peace to former Yugoslavia and to relieve the suffering of its peoples”. The Council is well aware that – in the context of the crisis in former Yugoslavia – not only the United Nations but also the CSCE and the EC require considerable assets.

5. Meeting in Rome on 20th November 1992, WEU ministers “welcomed the establishment of the WEU planning cell in Brussels on 1st October and looked forward to it becoming operational by April 1993. Ministers asked the Council and its working groups to guide and encourage the planning cell in implementing its tasks and responsibilities, including developing planning options and designating military units for missions under WEU auspices. Ministers tasked the Defence Representatives Group to finalise the guidelines for selecting headquarters for these missions” (paragraph 3 of the Rome communiqué). Adequate funds have been made available for the planning cell to become operational by April 1993.

1. Communicated to the Assembly on 18th February 1993.

6. Meeting in Rome on 20th November 1992, WEU ministers adopted a declaration on former Yugoslavia in which they "reaffirmed the need for strict compliance with all relevant United Nations Security Council resolutions and stressed that violations of those resolutions would call for consideration of further measures by the United Nations Council".

7. It should be recalled that the declaration on former Yugoslavia specifies that "WEU operations in the Adriatic have been undertaken and will continue to be carried out in close co-ordination with NATO. WEU will continue to ensure that the two organisations work closely together". In the Council's opinion, co-ordination with NATO in the implementation of the naval embargo operations is excellent at all levels. In conjunction with NATO authorities, consideration will be given to further possibilities for rationalising naval and maritime air operations in the Adriatic area.

8. Preliminary discussions on a possible official symbol to represent WEU have already taken place in the Council. The Council hopes to make progress with this question in the near future.

RECOMMENDATION 531 ¹

on WEU's operational organisation and the Yugoslav crisis ²

The Assembly,

- (i) Welcoming United Nations Security Council Resolutions 786 (on an air exclusion zone) and 787 (reinforcing the present embargo to the level of a blockade) which respond directly to the Assembly's recommendations;
- (ii) Welcoming the United Nations Security Council's decision to set up a peace-keeping force for the former Yugoslav Republic of Macedonia and wishing to see the initiative extended to Kosovo and elsewhere;
- (iii) Welcoming the WEU Council's prompt responses to the Assembly's Recommendation 525 adopted on 3rd September 1992 and also the Council's "Declaration on former Yugoslavia" issued on 20th November 1992,

RECOMMENDS THAT THE COUNCIL

1. Urge all member nations to review and improve their participation in at least the humanitarian aspects of operations concerning the Yugoslav crisis;
2. Actively promote the idea of establishing safe areas for refugees and displaced persons throughout the territory of the former Yugoslavia;
3. Transform the Ad Hoc Group into a standing advisory group to manage WEU's response to the Yugoslav crisis for as long as the crisis lasts;
4. Publish the evidence of any known breach of sanctions and particularly of cases where arms or other military equipment were exported to the Serbs and other warring factions in the former Yugoslavia;
5. Take measures for and announce sanctions to be taken by member states against all sea or air transport operators guilty of violating the embargo decreed by the United Nations;
6. Study plans for a European military operation to relieve the region of Sarajevo, liberate the prison camps and put an end to the policy of occupation and ethnic cleansing pursued by the Serbs in Bosnia-Herzegovina.

1. Adopted by the Assembly on 2nd December 1992 during the second part of the thirty-eighth ordinary session (11th sitting).

2. Explanatory Memorandum: see the report tabled by Mr. Marten on behalf of the Defence Committee (Document 1337 supplementary draft recommendation).

REPLY OF THE COUNCIL ¹

to Recommendation 531

1. The declaration on former Yugoslavia adopted by the WEU Council of Ministers at its meeting in Rome on 20th November 1992 states: "WEU member states are contributing in a variety of ways to the enhanced operations of UNPROFOR in Bosnia-Herzegovina which are now beginning their task of ensuring the delivery of humanitarian assistance. They reaffirmed the collective determination of WEU member states to contribute to the protection and delivery of humanitarian assistance to the population of Bosnia-Herzegovina under the responsibility of the United Nations and to offer further support to these operations."

2. The same declaration specifies that "the member states of WEU are also prepared to study the possibility of and the requirements for the promotion of safe areas for humanitarian purposes". The Contingency Planning Group considered these in its meetings of 1st-2nd December 1992 and 12th-13th January 1993.

3. The Council will keep in mind the Assembly's suggestion to transform the ad hoc Group on Yugoslavia "into a standing advisory group".

4. Meeting in Rome on 20th November 1992, WEU ministers adopted a declaration on former Yugoslavia in which they reaffirmed their determination to reinforce the contribution WEU and its member states were making in support of the efforts of the whole international community to bring peace to former Yugoslavia and to relieve the suffering of its peoples. In this regard, they noted that, since 16th July 1992, warships and aircraft of WEU member states, under Italian operational control, had been carrying out operations to monitor at sea compliance with the embargo established by United Nations Security Council Resolutions 713 and 757. So far, 3 649 ships had been monitored by WEU operations and 71 suspected violations had been reported. Ministers therefore welcomed the adoption of United Nations Security Council Resolution 787. They decided that WEU would contribute to its implementation and that, to this end, warships and aircraft of WEU member states, on the basis of approved joint planning, would start operations aimed at ensuring the strict implementation of the embargo at sea. These would include stop and search actions and other measures as necessary. The participation of the member states would be subject to the provisions of their national constitutions.

In the light of United Nations Security Council Resolution 787, the Council takes due note of the Assembly's request to "publish the evidence of any known breach of sanctions and particularly of cases where arms or other military equipment were exported to the Serbs and other warring factions in former Yugoslavia". At present, the relevant data remains classified, however. In the opinion of the Council, publication of evidence relating to "any known breach of sanctions" should properly be handled in the United Nations framework.

5. WEU member states are fully aware of the need to "take measures for and announce sanctions to be taken by member states against all sea or air transport operators guilty of violating the embargo decreed by the United Nations".

6. Meeting in Rome on 20th November 1992, WEU ministers adopted a declaration on former Yugoslavia in which they "reaffirmed the need for strict compliance with all relevant United Nations Security Council resolutions and observed that violations of those resolutions would call for consideration of further measures by the United Nations Council".

1. Communicated to the Assembly on 18th February 1993.

RECOMMENDATION 532 ¹

on European armaments co-operation after Maastricht ²

The Assembly,

- (i) Recalling that the new tasks attributed to allied forces in Europe make essential an in-depth re-examination of defence equipment and technology requirements, taking account inter alia of:
 - the disappearance of the threat of a mass attack against Europe;
 - uncertainty about the risk of conflicts and tension that exist or may emerge in several regions of the world;
 - reductions in defence budgets in the majority of WEU member countries;
 - the rapid evolution of advanced technology in the defence area;
- (ii) Stressing that the creation of multinational forces in the framework of NATO and WEU shows how urgent it is to make more effort to enhance the standardisation and interoperability of their equipment;
- (iii) Noting with satisfaction the increased activities of the Independent European Programme Group (IEPG) in joint research on and development of defence equipment;
- (iv) Noting nevertheless with concern the existence of a number of bi- and multilateral equipment co-operation programmes which are not certain to be either developed or completed;
- (v) Welcoming, on the one hand, WEU's Maastricht and Petersberg declarations, in which it is suggested that a deeper study be made of strengthening European armaments co-operation with a view to setting up a European armaments agency, and, on the other, the Council's proposal to instruct WEU and IEPG experts to study this problem together so that it may be settled without delay;
- (vi) Astonished nevertheless that, more than seven months after the IEPG defined its positions relating to the conditions for possible association of the IEPG and WEU, the Council has still done nothing to implement these proposals;
- (vii) Convinced that it is the duty of the public authorities, as defence industries' principal customers, to try to help them to find means of facilitating their conversion and adapting themselves to the new conditions;
- (viii) Convinced that defence industries should not be excluded from the European market but noting that the Twelve did not reach agreement in Maastricht on abolishing Article 223 of the Rome Treaty,

RECOMMENDS THAT THE COUNCIL

1. Speed up its work in order to work out a concept of the rôle and operation of a European armaments agency;
2. Appoint representatives immediately to contact without delay the team made responsible by the IEPG for the dialogue with WEU with a view to studying together the conditions for a merger between the IEPG and WEU;
3. Ensure that the future agency has adequate authority and powers to enable it to facilitate the process of harmonisation, by member countries, of their armed forces' defence equipment in a sensible, not too burdensome manner;
4. Ensure that all the IEPG member countries participate fully in the agency;

1. Adopted by the Assembly on 2nd December 1992 during the second part of the thirty-eighth ordinary session (12th sitting).

2. Explanatory Memorandum: see the report tabled by Mr. Lopez Henares on behalf of the Technological and Aerospace Committee (Document 1332).

5. Reach agreement on its policy towards exports of military equipment and end-destination controls on exports of jointly-produced equipment and promote the notification of such exports to the United Nations Register of International Arms Transfers;
6. Draw up an inventory and a financing plan for all medium- and long-term plans and studies launched by WEU and the IEPG for equipment, and draw up a list of priorities;
7. Inform the Assembly of the results of its study on Europe's strategic mobility needs;
8. Inform the Assembly of the conclusions it drew from the first stage of the feasibility study for the creation of a European space-based observation system.

REPLY OF THE COUNCIL ¹***to Recommendation 532***

1. The Council takes due note of the Assembly's request that it " speed up its work in order to work out a concept of the rôle and operation of a European armament agency ". It notes, however, that the transfer of the IEPG functions to WEU is already a first step towards developing WEU's capability in the field of armaments co-operation.
2. It should be recalled that the defence ministers of the thirteen IEPG nations met in Bonn on 4th December 1992. They issued a communiqué which states: " Recalling their decision at their last meeting in Oslo to task the National Armaments Directors (NADs) to examine the IEPG's future rôle in depth, ministers noted with satisfaction the work done. This work has concentrated on the possible incorporation of the IEPG into WEU, based on six key principles developed for and approved by IEPG ministers... Ministers also noted the positive results of the WEU Council on 20th November and agreed that a transfer of IEPG functions to WEU would represent an important step toward enhanced European armaments co-operation based on the work undertaken by the NADs. IEPG ministers have therefore decided today that this transfer will take place forthwith. They invited the Belgian Minister of Defence, in his capacity of Chairman for the IEPG, to inform WEU accordingly. They also emphasised the need to maintain the momentum of the activities currently being taken forward by the IEPG ".
3. The Council takes due note of the Assembly's request that it " ensure that the future agency has adequate authority and powers to enable it to facilitate the process of harmonisation, by member countries, of their armed forces' defence equipment in a sensible, not too burdensome manner ".
4. The Bonn communiqué issued by the thirteen IEPG nations on 4th December 1992 specifies: in reaching this fundamental decision, they confirmed that the thirteen nations will continue to have equal rights and responsibilities in the field of armaments co-operation and the links with NATO will be maintained. They also emphasised the need to maintain the momentum of the activities currently being taken forward by the IEPG.
5. The Council has repeatedly stated its position on exports of military equipment, inter alia in its reply to Recommendation 520.
6. The Council will bear in mind the Assembly suggestion to " draw up an inventory and a financing plan for all medium- and long-term plans and studies launched by WEU and the IEPG for equipment, and draw up a list of priorities ".
7. Information on progress made with the Franco-German study on the European requirement for strategic mobility will be made available to the Assembly in due course.
8. Information on the Council's conclusions from the first stage of the feasibility study for the creation of a European space-based observation system will become available to the Assembly in due course.

1. Communicated to the Assembly on 18th February 1993.

RECOMMENDATION 533 ¹

on anti-ballistic missile defence ²

The Assembly,

- (i) Gratified that Europe is no longer threatened by a ballistic missile attack from the territory of the former Soviet Union;
- (ii) Recalling nevertheless that the danger of proliferation of ballistic technology and nuclear, biological and chemical warheads stockpiled on the territory of the Commonwealth of Independent States has not yet been averted;
- (iii) Noting that several third world countries, particularly in the Mediterranean and the Near and Middle East, are making considerable efforts to procure ballistic systems capable of reaching European countries;
- (iv) Noting further that a number of countries that have not joined the missile technology control régime (MTCR) are endeavouring to develop ballistic technology and to export it to third world countries;
- (v) Disturbed at the growing number of countries endeavouring to develop nuclear, biological and chemical weapons;
- (vi) Recalling the uncertainty that still remains about the completion of the United States programme for establishing a system of global protection against limited strikes (GPALS) and its consequences for Europe;
- (vii) Considering that such a system of protection will mean renegotiating the anti-ballistic missile treaty of 26th May 1972;
- (viii) Stressing the importance of the evolution of Russian-American co-operation in this matter in the framework of which the possible creation of an early warning centre to avert the risks of ballistic attacks is being studied;
- (ix) Recalling that the technical difficulties encountered during the Gulf war in intercepting with Patriot systems Iraqi missiles launched against Tel Aviv and Riyadh showed that protection against this new type of threat was still far from perfect;
- (x) Convinced, therefore, that it is high time for the Western European countries to adopt a joint position, on the one hand on the assessment of the possible risks for Europe of the development of ballistic technology throughout the world and, on the other, on the corresponding response;
- (xi) Also convinced of the need to ensure that efforts to afford protection against ballistic missiles do not lead to an arms race in space,

RECOMMENDS THAT THE COUNCIL

1. Assess without delay the risks to Europe stemming from:
 - (a) the development of strategic and theatre ballistic capability and nuclear capability in several countries of the world;
 - (b) the proliferation of ballistic technology in countries close to Europe's southern and south-eastern flanks;
2. Identify without delay Europe's needs and the means available to it to counter the ballistic missile threat;
3. Adopt without delay a joint European position towards the American programme for global protection against limited strikes (GPALS) ;
4. Promote the participation of the largest possible number of countries and competent international and national institutions to share the burden of the establishment of a global protection system;
5. Submit its conclusions to the Assembly.

1. Adopted by the Assembly on 2nd December 1992 during the second part of the thirty-eighth ordinary session (12th sitting).

2. Explanatory Memorandum: see the report tabled by Mr. Lenzer on behalf of the Technological and Aerospace Committee (Document 1339).

REPLY OF THE COUNCIL ¹

to Recommendation 533

1. The Council is fully aware of the need to assess the risks to Europe stemming from “ the development of strategic and theatre ballistic capability and nuclear proliferation of ballistic technology in countries close to Europe’s southern and southeastern flanks ”.
2. Questions pertaining to a global protection system (GPS) are on the agenda of the Council’s Special Working Group.
3. An in-depth study of questions pertaining to a global protection system would necessarily have to precede any “ adoption of a joint European position towards the American programme for global protection against limited strikes (GPALS) ”.
4. The Council will bear in mind the Assembly’s request to “ promote the participation of the largest possible number of countries and competent international and national institutions to share the burden of the establishment of a global protection system ”.
5. Additional information will become available to the Assembly in due course.

1. Communicated to the Assembly on 18th February 1993.

RECOMMENDATION 534¹*on European security – reserve forces and national service*²

The Assembly,

- (i) Recognising that adequate standing forces must still be maintained to preserve the requirement for defence incumbent in Article 5 of the Washington Treaty and Article V of the more binding modified Brussels Treaty;
- (ii) Conscious that with the ending of East-West conflict in Europe there is a reduced need for sizeable standing and largely conscript armies and that instead, smaller, flexible, mobile and more professional forces are required;
- (iii) Bearing in mind, however, the imperative of maintaining a capability for home defence in Europe which might be increasingly entrusted to reserve forces;
- (iv) Recognising the devotion to duty of the Atlantic Alliance's reserve forces and mindful of the sacrifices made by those who serve in the reserves;
- (v) Underlining the important liaison rôle played by reserve forces in linking the armed forces with the civilian population, which strengthens public spiritedness and promotes better understanding in our nations of defence problems;
- (vi) Considering the current debate in many member countries on the relative advantages of conscription vis-à-vis all-volunteer and professional forces, although aware that the latter are proportionally more costly;
- (vii) Witnessing the general reductions in the length of national service in the majority of member countries, or its abolition, and wishing to highlight the obvious effect on the availability of properly-trained reservists;
- (viii) Determined to promote full and frank debate in WEU on the subject of national service and reserve forces in member countries;
- (ix) Convinced that more coherent arrangements for assuring a cost-effective European security system should be possible, given greater co-operation and consultation between member states, both within WEU and together with the other nations of the Atlantic Alliance and the North Atlantic Co-operation Council;
- (x) Knowing that the Central European states would welcome the opportunity to discuss matters such as national service and reserve forces;
- (xi) Supporting the efforts of the Interallied Confederation of Reserve Officers (CIOR) to stimulate informed discussion among its members on a wide variety of issues, and hoping that the CIOR will soon include all Atlantic Alliance nations, at least as observers, and liaise with the Central European nations which are full members of the North Atlantic Co-operation Council;
- (xii) Recalling Recommendation 469 adopted by the Assembly on 6th June 1989;
- (xiii) Believing that multinational units such as the Franco-German Brigade serve as a channel for the enthusiasm of those who wish to place their national service in a European context and that the idea of attributing reserve forces for the European Corps provides a further opportunity for integration;
- (xiv) Considering the increasingly strong calls by the armed forces for modern, varied technologies enabling them to provide further training, particularly for the volunteers who are required to serve for a long enough period, which will be useful for their subsequent employment as civilians;
- (xv) Asserting that the arrangements for organising and mobilising reserve forces in Austria, Finland, Sweden and Switzerland may serve as a future model for both the Western European and especially the Central European states,

1. Adopted by the Assembly on 3rd December 1992 during the second part of the thirty-eighth ordinary session (13th sitting).

2. Explanatory Memorandum: see the report tabled by Mr. De Decker on behalf of the Defence Committee (Document 1338).

RECOMMENDS THAT THE COUNCIL

1. Take every opportunity to ensure that the debate on reserve forces and national service in any member country benefits from a common fund of experience and requirements and include discussion on the subject on the agenda of the next WEU Chiefs of Defence Staff meeting;
2. Stimulate informed debate in member countries on revised rôles for reserve forces as well as on reductions in and possible restructuring of national service;
3. Provide a forum for discussion of such matters among member states and also with Austria, Finland, Sweden and Switzerland and interested Central European states;
4. Strongly encourage WEU countries without volunteer reserve forces to consider the example of those which already possess such an asset which is indispensable for countries abolishing national service and to provide proper equipment and training for the reserves;
5. Explore the idea of creating a European "national guard" for territorial defence, using the reserve forces of WEU member states;
6. Reconsider the Assembly's previous recommendation to "take specific action to allow at an individual level the exchange of military personnel between countries to enhance their awareness of European co-operation, give them greater opportunity for travel and a more interesting work environment, and serve as a useful recruiting incentive at a time when the demographic levels are making recruiting most difficult" (Recommendation 469);
7. Give priority to training volunteers who would be asked to form reserve forces whose training would be continued for long enough after their return to civilian life for them to be, if necessary, a useful complement to regular military personnel;
8. Decide to give a symbol of European identity to all forces – ships, aircraft, vehicles and regular and reserve personnel – taking part in WEU operations;
9. Establish and develop a liaison with the Interallied Confederation of Reserve Officers (CIOR);
10. Ask the WEU Institute for Security Studies to make a thorough examination of national service and the structure of reserve forces in member states and of the possibilities for co-operation;
11. Invite WEU parliamentarians to participate in discussions on these topics.

REPLY OF THE COUNCIL ¹***to Recommendation 534***

1. Questions pertaining to the “debate on reserve forces and national service in any member country” are not, at present, on the agenda of the Council and its working groups. Discussion on the subject of reserve forces and national service in any member country could possibly be included on the agenda of a future meeting of the WEU chiefs of defence staff.
2. The Council welcomes any “informed debate in member countries on revised rôles for reserve forces as well as on reductions in and the possible restructuring of national service”.
3. As questions pertaining to the “debate on reserve forces and national service in any member country” are not, at present, on the agenda of the Council and its working groups, it would be premature for the Council to consider the creation of “a forum for discussion of such matters among member states and also with Austria, Finland, Sweden and Switzerland and interested Central European states”.
4. The Council has no competence for “strongly encouraging WEU countries without volunteer reserve forces to consider the example of those which already possess such an asset”.
5. The idea of establishing a “European ‘National Guard’ for territorial defence, using the reserve forces of WEU member states” is not at present on the agenda of the Council and its working groups.
6. The Council welcomes any “specific action to allow at an individual level the exchange of military personnel” between member states of WEU or the Atlantic Alliance, be it on a bi- or multilateral basis.
7. As questions pertaining to the “debate on reserve forces and national service in any member country” are not, at present, on the agenda of the Council and its working groups, it would be premature for the Council to reply to the Assembly’s request in paragraph 7 of the recommendation.
8. Preliminary discussions on a possible official symbol to represent WEU have already taken place in the Council. The Council hopes to make progress with this question in the near future.
9. The Council is aware of the importance and constructive rôle played by the Interallied Confederation of Reserve Officers (ICRO).
10. A “thorough examination of national service and the structure of reserve forces in member states and of the possibilities for co-operation” could possibly be the subject of a future study to be prepared by the WEU Institute for Security Studies.
11. As questions pertaining to the “debate on reserve forces and national service in any member country” are not at present on the agenda of the Council and its working groups, it would be premature for the Council to invite WEU parliamentarians to participate in discussions on these topics.

1. Communicated to the Assembly on 18th February 1993.

RECOMMENDATION 535 ¹

on European security – reserve forces and national service ²

The Assembly,

Further developing the theme of “European security – reserve forces and national service”,

RECOMMENDS THAT THE COUNCIL

1. Encourage member states to consult with a view to:
 - (a) safeguarding the status of national servicemen or reservists from both the public and the private sectors to allow them “leave of absence” to serve in the forces;
 - (b) introducing fiscal advantages for firms which employ reserve servicemen;
 - (c) proposing European norms for equipment, service structures and command organisation;
2. Consider forthwith the idea of establishing a “European guard” composed of reserve forces which would be used to help defend the common European territory of all member states;
3. Propose that member states which shorten the length of, or abolish, conscription should make the terms of voluntary military service more attractive especially with regard to pay and allowances and also give those leaving the forces priority treatment for employment within the public sector;
4. Urge member states abandoning the practice of conscription to *suspend* legislation relating to national service rather than revoking it entirely, thus leaving current legislation on the statute books in case of future requirements;
5. Ask the ministries of defence of member states to organise the dissemination of appropriate information regarding military matters to all parliamentarians and especially those who have no service background.

1. Adopted by the Assembly on 3rd December 1992 during the second part of the thirty-eighth ordinary session (13th sitting).

2. Explanatory Memorandum: see the report tabled by Mr. De Decker on behalf of the Defence Committee (Document 1338 supplementary draft recommendation).

REPLY OF THE COUNCIL ¹***to Recommendation 535***

1. Questions pertaining to the status of national servicemen or reservists and to fiscal legislation do not fall within the competence of the WEU Council. Questions related to “European norms for equipment” could be a field of activity for a future European armament agency. The Council has no plans for discussions on “European norms” for service structures and command organisation.
2. The idea of establishing “a ‘European guard’ composed of reserve forces” is not, at present, on the agenda of the Council and its working groups.
3. The questions raised in paragraph 3 of the recommendation do not fall within the competence of the WEU Council.
4. The WEU Council has no competence for “urging member states abandoning the practice of conscription to suspend legislation relating to national service rather than revoking it entirely”.
5. Questions pertaining to the “dissemination of appropriate information regarding military matters by the ministries of defence of the WEU member states to all parliamentarians and especially those who have no service background are within the competence of the respective governments of WEU member states, not within that of the Council.

1. Communicated to the Assembly on 18th February 1993.

RECOMMENDATION 536 ¹*on the enlargement of WEU* ²

The Assembly,

- (i) Welcoming the Council's energetic action, which resulted in a protocol of accession to WEU with Greece, a declaration on WEU observers regarding Denmark and Ireland and a document on associate membership regarding Iceland, Norway and Turkey within a year after the WEU declaration on enlargement issued at Maastricht on 10th December 1991;
- (ii) Regretting that the Council has felt it necessary to declare that the field of application of Article V of the modified Brussels Treaty will be subject to certain restrictions;
- (iii) Noting that at an earlier stage it strongly expressed the wish for both Greece and Turkey to be admitted simultaneously as full members and regretting that the Council was not willing to accept this view;
- (iv) Welcoming the fact that, according to the document on associate membership of WEU, Iceland, Norway and Turkey will become associate members on the day that Greece becomes a member of WEU;
- (v) Considering that Article IX of the modified Brussels Treaty is the foundation of the Assembly's rôle and existence;
- (vi) Noting the Council's reply to Written Questions 300, 311 and 312, where it suggests that the existence of Article IX of the modified Brussels Treaty does not preclude the Assembly retaining its full autonomy for resolving the problems of participation in the Assembly's activities of representatives from states which are associate members of, or observers in, WEU;
- (vii) Stressing that the enhancement of WEU's relations with Bulgaria, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania and the Slovak Republic should also find expression in specific relations between the WEU Assembly and the parliamentarians of those states;
- (viii) Considering that national parliaments, when examining for ratification the protocol of Greece's accession to WEU, will have to take account of the proposed suspension of Article V of the modified Brussels Treaty and of Greece's rôle in European efforts to solve the crisis in former Yugoslavia;
- (ix) Stressing that the participation of parliamentary representatives from new member states, associate member states and observer states in the activities of the Assembly will be a significant burden on the budget, personnel, office space and chamber required for the Assembly to perform its task properly,

RECOMMENDS THAT THE COUNCIL

1. Confirm the Assembly's full autonomy for resolving the problems of participation in its activities of representatives from states which are associate members of, or observers in, WEU and provide sufficient accommodation and financial means for the Assembly to implement the consequences of the accession of Greece, associate membership of Iceland, Norway and Turkey, and observer states of Denmark and Ireland, as decided in Rome on 20th November 1992;
2. Indicate which countries will be asked to participate in the budget of the Assembly, and their respective contributions to the financing of this budget, so that the Assembly may keep an account of the effective participation in WEU;
3. Indicate whether Greece, which has not signed the document on associate membership, is nevertheless committed to this text;
4. Take no steps to promote ratification of the protocol of Greece's accession to WEU before Greece has clarified its position regarding the solution of the crisis in former Yugoslavia.

1. Adopted by the Standing Committee in Rome on 19th April 1993.

2. Explanatory Memorandum: see the report tabled by Mr. Ward on behalf of the Political Committee (Document 1360).

REPLY OF THE COUNCIL
to Recommendation 536

No reply has yet been received from the Council.

*Written questions 306 to 321 and replies of the Council***QUESTION 306***put to the Council by Lord Finsberg
on 15th October 1992*

Does the answer of the Council in paragraph 16 of its reply to Recommendation 517 mean that it refuses to refer to independent arbitration?

QUESTION 309*put to the Council by Mr. Goerens
on 15th October 1992*

Article XI of the modified Brussels Treaty draws a clear distinction between the high contracting parties to the treaty which, account being taken of Article I to Protocol No. I, include Germany and Italy, and any other state invited subsequently to "become a party to the treaty" "on conditions to be agreed between them and the state so invited". In these conditions, can the Council say, basing its answer on serious legal considerations:

1. Whether it is possible to consider Germany and Italy as high contracting parties and at the same time claim that the period of fifty years provided for in Article XII started in 1948?
2. Whether, in the event of Greece acceding to the modified Brussels Treaty, it would be entitled, as a state acceding to the treaty, to participate in the decision relating to the conditions for the accession of other countries as they have to be agreed with the high contracting parties to Protocol No. I?
3. If the Council is prepared to submit to recognised experts in international law the Assembly's well-founded considerations concerning the interpretation of Article XII of the treaty or whether it intends to confine itself to its "opinion" which has never been justified, even in the answer to Written Question 297, in order to reject the Assembly's point of view on this matter?

QUESTION 314*put to the Council by Lord Finsberg
on 29th January 1993*

At the meeting in Rome held on 18th November 1992 between the Chairman-in-Office of the Council of Ministers and the

Presidential Committee, the Minister agreed to invite legal experts to consider the views of the Assembly which believes that the fifty-year period of the modified Brussels Treaty commenced in 1955 and the views of the ministers which is that 1948 is the commencement date. Will the Minister now say when that examination will take place and will the Assembly be invited to make available to the experts, either orally or in writing, its opinion and evidence.

QUESTION 315*put to the Council by Lord Finsberg
on 22nd February 1993*

What is meant by "The Council takes due note" of the request in paragraph I (6) of Recommendation 526 and in paragraph 21 of Recommendation 517?

May it be assumed that "due note" means that the Council intends to take further action along the lines indicated in Rome by the Chairman-in-Office to the Presidential Committee.

REPLIES OF THE COUNCIL*communicated to the Assembly
on 15th April 1993*

A. Following further examination with the participation of legal experts, the Council remains of the opinion that the period of 50 years specified in Article XII (a denunciation clause, not a termination clause) of the modified Brussels Treaty, formerly Article X of the treaty signed in Brussels on 17th March 1948, runs from the date on which the Treaty of Economic, Social and Cultural Collaboration and Collective Self-Defence, signed at Brussels on 17th March 1948, came into force, i.e. 25th August 1948, the date of the deposit of the last instrument of ratification. Indeed, a multilateral treaty establishes a community of interests, rights and obligations, the duration of which must be explicitly defined and accepted by all the parties. In no case can an extension of duration be imposed to parties by other parties subsequently acceding. A change in the numbering of an article does not seem to constitute grounds for considering this to be a new provision (this position of the Council has already been explained in Council Reply to Written Question 288). Moreover, the modified Brussels Treaty was not conceived as a new treaty, but as an evolution of the Brussels Treaty: international practice and doctrine clearly show that a

modification in the provisions does not imply the opening of a new term of duration, nor does the fact that such modification occurs simultaneously with the accession of new members.

B. A legal obligation to submit diverging interpretations or disputes to independent arbitration cannot be found in the modified Brussels Treaty, nor in any other binding act applicable within WEU. There is no evidence of a constitutional practice within WEU envisaging independent arbitration upon request by one of its bodies. Furthermore, there exists no general legal obligation upon the bodies and organs of an international organisation to submit diverting interpretation or disputes to independent arbitration. However, the Council does not foreclose the possibility for further evaluation of additional considerations that the Assembly might wish to present.

C. In the event of accession to the modified Brussels Treaty, Greece would be entitled to fully participate in decisions and activities of member states, including the decisions concerning the accession of other countries, unless otherwise specified (e.g. space activities during the experimental period) in a binding act.

QUESTION 307

*put to the Council by Mr. Goerens
on 15th October 1992*

According to the Petersberg declaration, associate member states of WEU "will take part on the same basis as full members in WEU military operations to which they commit forces".

In view of the fact that the two "bases" for military action by WEU are Article V and Article VIII of the modified Brussels Treaty, can it be considered that these articles may be the "basis" for a military commitment by countries that will not be acceding to the modified Brussels Treaty? Should it be considered that WEU military operations might have other "bases" than the modified Brussels Treaty and, if so, which?

REPLY OF THE COUNCIL

*communicated to the Assembly
on 15th April 1993*

Legal bases for military action of WEU are to be determined in accordance with principles of international law. Principally:

- exercise of right of individual and collective self-defence as recognised in Article 51 of the United Nations Charter and Article V of the modified Brussels Treaty;

- resolutions adopted and measures decided by the United Nations Security Council pursuant to Chapter VII and/or VIII of the Charter (i.e. United Nations Security Council resolutions) ;
- the consent of the state concerned where (for example) peace-keeping operations take place.

These legal bases for action are of general application to all states.

The references in the Petersberg declaration to associate members taking part in operations "on the same basis" as member states does not refer to these points, but to the fact that associates will be subject to the same rights and obligations arising from their participation in operations (for example, the right to participate in command structures and the obligation to contribute to costs).

QUESTION 308

*put to the Council by Mr. Goerens
on 15th October 1992*

Do the acts of accession of Portugal and Spain to WEU imply that those two countries subscribed to Protocols Nos. II, III and IV of the Paris Agreements? Do those countries assume all the obligations implied by the said protocols?

REPLY OF THE COUNCIL

*communicated to the Assembly
on 15th April 1993*

Spain and Portugal bear the same rights and obligations as all other member states, as stated in the relevant protocols of accession.

QUESTION 310

*put to the Council by Mr. Caro
on 15th October 1992*

The Petersberg declaration is an understanding between states with a view to creating, modifying or abolishing a legal relationship between them in two respects:

1. because it provides for non-application of a fundamental article of the modified Brussels Treaty (Article V) in the event of a dispute between a country acceding to that treaty and a country having acceded to the North Atlantic Treaty,

2. because it creates a status of "associate member" in an organisation set up by the 1954 Paris Agreements.

Does the Council not consider that the adoption of acts having such effects requires the intervention of constitutional authorities in member states conversant with the conclusion of treaties? Can it specify the nature of these acts?

REPLY OF THE COUNCIL

*communicated to the Assembly
on 15th April 1993*

The Petersberg declaration is a joint political declaration by WEU member states, with the aim of, inter alia, preparing the political framework for establishing new links with other states and other international organisations.

Its adoption does not therefore require those constitutional procedures followed by states, when adopting legally binding international acts.

QUESTION 311

*put to the Council by Lord Finsberg
on 30th November 1992*

Irrespective of any reasons the Assembly may have, is the Assembly fully entitled to assign voting rights to countries to which the Council of Ministers have granted associate or observer status?

QUESTION 312

*put to the Council by Mr. Stoffelen
on 15th December 1992*

In its reply to Written Question 300, the Council stated that associate members of WEU are not parties to the modified Brussels Treaty. In conjunction with Article IX of the modified Brussels Treaty, the Council then concludes: "Hence it appears that only the representatives of the 'Brussels Treaty powers' (i.e. full member states of Western European Union) to the Consultative Assembly of the Council of Europe could be full members of the WEU parliamentary Assembly".

On the other hand, both the Chairman-in-Office of the Council and the Secretary-General have stated in public that in their opinion the Assembly is "completely autonomous and sovereign as regards the possibility of including representatives from associate member countries' parliaments in its activities".

These statements may have been intended to be an update of the earlier answer to Written Question 300 and a guideline for the Assembly, but it is not clear on which article of the modified Brussels Treaty they are based.

Could the Council provide clarification regarding the apparent contradiction between the two different opinions?

REPLIES OF THE COUNCIL

*communicated to the Assembly
on 24th February 1993*

In its answer to Written Question 300, the Council gave as its opinion that "only representatives of the Brussels Treaty powers... could be full members of the WEU parliamentary Assembly". In the Council's view, however, this does not preclude full participation in the Assembly's activities of representatives from states who are associate members of, or observers in WEU, on a basis to be decided by the Assembly.

The Assembly therefore retains its full autonomy for resolving the problems in question. The Council is nevertheless confident that the Assembly will, in its debates, take account of the importance of the texts adopted, and the declarations made by the Council regarding the general position of associate members and observers in the WEU structure that each country has a balanced place within the organisation.

QUESTION 313

*put to the Council by Mr. Pécriaux
on 25th January 1993*

At the close of the meeting of the WEU Permanent Council, Mr. van Eekelen, the Secretary-General, suggested to the press that WEU should be prepared to take action to stop the massacre in former Yugoslavia if the United Nations was not prepared to do so.

Was this declaration the view of Mr. van Eekelen alone or does it reflect a discussion in the Permanent Council? What is the Council's position on this matter? Is such a scenario for intervention being studied by the WEU planning cell?

REPLY OF THE COUNCIL

*communicated to the Assembly
on 8th March 1993*

The statements referred to in Written Question 313 and attributed by the press to the Secretary-General of WEU, Mr. Willem van

Eekelen, were not of a public nature and were made in a personal capacity. The Secretary-General has always refrained from making statements that might give the impression that WEU member states could take a military initiative in former Yugoslavia without a clear mandate from the United Nations Security Council.

For its part, the WEU Permanent Council discusses the prospects for a political solution to the Yugoslav crisis at its regular meetings. The practical aspects of the commitment by WEU countries are matters for the Ad Hoc Group and the Contingency Planning Group in which representatives of the planning cell participate.

The Council has always supported the position that political decisions regarding action by the international community in the Yugoslav crisis must be taken within the United Nations Framework.

QUESTION 316

*put to the Council by Mr. Lopez Henares
on 25th February 1993*

Does Article IX of the modified Brussels Treaty not imply that the Council informs the Assembly of its organisation? Does the organogram of the Council not come under "every aspect of the application of the modified Brussels Treaty" which the Council again promises "to report effectively to the Assembly" in paragraph I 1. of its reply to Recommendation 526? How does the Council reconcile this commitment with paragraph I 5 of the same reply?

REPLY OF THE COUNCIL

*communicated to the Assembly
on 5th April 1993*

The Council regrets that it is unable to give a positive reply to this question, which is a restatement of Written Question 305.

The new version of the detailed and updated organisational chart is still under discussion. The competent bodies will re-examine it at the end of the transitional period set by the Permanent Council for an evaluation of the organisation's operation in Brussels. Once it has been finally approved, this organisational chart will be formally sent to the Assembly.

QUESTION 317

*put to the Council by Lord Finsberg
on 1st March 1993*

Where the reply of the Council to the Assembly states that an item "is not on the agenda of the Council and its working groups"

is the Assembly to understand that this means the Council is not even willing to place it on the agenda for discussion and eventual report back to the Assembly?

REPLY OF THE COUNCIL

*communicated to the Assembly
on 5th April 1993*

The Council's agenda and that of its working groups is determined by the mandate given by the Ministerial Council and by proposals made by member states' representatives on instruction from their governments. The parliamentary Assembly of WEU is informed of the resulting activities in accordance with the procedures laid down in Article IX of the modified Brussels Treaty. In this context, the Council endeavours as far as possible to take account of the suggestions made by the Assembly.

The wording quoted in the written question is therefore simply intended to show whether or not a particular subject debated by the Assembly is on the Council's agenda for the period in question.

QUESTION 318

*put to the Council by Lord Finsberg
on 31st March 1993*

Has the Council's attention been drawn to the statement which appeared in London newspapers that, according to European Community officials, the blockade of Serbia and Montenegro is being regularly broken by means of railway trains transiting from Greece across Bulgaria? Is the Council further aware that the Bulgarian authorities are prepared to take the appropriate action if proof of sanction-breaking is supplied and will they urgently arrange for the proof, apparently available to the European Community, to be given to Bulgaria?

REPLY OF THE COUNCIL

No reply has yet been received from the Council.

QUESTION 319

*put to the Council by Lord Finsberg
on 21st April 1993*

Does the Council of Ministers ever intend to take any action upon the unanimous proposal of the Assembly contained in Recommendation 490 which requested that Article IX be so

amended as to permit each parliament to decide if its delegation to WEU should be the same as that to the Council of Europe as it is now or if parliaments appoint some, all or no members holding such a dual mandate?

Why was the opportunity not taken to make such a change, which was decided by the democratic parliamentary assembly, when the issue of Greek membership was under discussion?

REPLY OF THE COUNCIL

No reply has yet been received from the Council.

QUESTION 320

*put to the Council by Lord Finsberg
on 21st April 1993*

Will the Council inform the Assembly whether the legal experts referred to in its answer to question 306 were employees of their respective governments or independent persons?

REPLY OF THE COUNCIL

No reply has yet been received from the Council.

QUESTION 321

*put to the Council by Mr. Pécriaux
on 6th May 1993*

During the exchange of views between the Political Committee and the Secretary-General of WEU in Rome on Monday, 19th April 1993, the latter said WEU might act independently on the territory of former Yugoslavia if it considered it should do so in accordance with the modified Brussels Treaty. He rejected the idea that it was necessary to obtain the prior agreement of the United Nations, although it is clearly preferable for WEU to act with the agreement of the Security Council. In particular, Mr. van Eekelen rejected the argument that WEU must be considered as a regional organisation within the meaning of Article 52 of the United Nations Charter.

On 22nd April 1993, the External Relations and Defence Committees of the Belgian Chamber of Representatives and Senate jointly met the Secretary-General of the United Nations. At this meeting, I asked Mr. Boutros-Ghali what was his point of view on this aspect of the relationship between WEU and the United Nations. Mr. Boutros-Ghali answered as follows: "In accordance with Article 52 of the Charter, a regional group can act only with the agreement of the Security Council. If WEU decides to act, it must obtain authorisation or a mandate from the Security Council."

What is the Council's position on this essential juridical question?

REPLY OF THE COUNCIL

No reply has yet been received from the Council.

The situation in East Timor

MOTION FOR A DECISION ¹

*tabled by Mr. Stoffelen on behalf of the Political Committee
under Rule 44 of the Rules of Procedure
with a request for urgent procedure*

The Political Committee,

- (i) Considering the Indonesian court's condemnation of "Xanana" Gusmao to life imprisonment;
- (ii) Considering that the Indonesian Government's policy of forced annexation continues to be accompanied by non-respect for human rights and the right of peoples to self-determination and independence;
- (iii) Considering that the international community must take further action to bring about conditions in which the people of East Timor may exercise the right to self-determination and independence;

REQUESTS an urgent debate on East Timor to be held during the present session of the Assembly.

1. See 1st sitting, 14th June 1993 (urgent procedure agreed to).

The situation in former Yugoslavia

MOTION FOR A DECISION¹

*tabled by Mr. Stoffelen on behalf of the Political Committee
under Rule 44 of the Rules of Procedure
with a request for urgent procedure*

The Political Committee,

- (i) Considering the recent developments in the conflict on the territory of former Yugoslavia;
- (ii) Noting that at present there still seem to be major obstacles to an early solution of the conflict, which may spread to other regions;
- (iii) Noting that every new day of inconclusiveness by the international community constitutes encouragement for the warring parties to make new territorial conquests,

REQUESTS an urgent debate on the situation in former Yugoslavia to be held during the present session of the Assembly.

1. See 1st sitting, 14th June 1993 (urgent procedure agreed to).

MOTION TO DISAGREE ¹

*to the content of the thirty-eighth annual report of the Council
tabled by MM. Péciaux, Stoffelen, Soell and others*

The Assembly,

Noting that the Council is showing less and less respect for the Assembly's prerogatives under Article IX of the modified Brussels Treaty, inter alia by:

- refusing, for the first time, to transmit to it the information necessary for preparing its annual opinion on the budget of the ministerial organs of WEU in the very year when there have been major changes in this budget;
- persisting, in spite of undertakings given in the reply to Recommendation 521, in refusing to transmit its organogram (answers to Written Questions 305 and 316 and its reply to Recommendation 526) ;
- refusing, in spite of requests by the Chairmanship-in-Office, any dialogue with the Assembly about the modified Brussels Treaty, its possible revision and its interpretation (press communiqué of 17th March 1993 which wrongly affirms that WEU has been in existence since 1948 and replies to Recommendations 490, 504, 517 and 526 and answers to Written Questions 297, 306, 309, 314 and 315) ;
- accelerating its exchanges with the Assembly, through its answers to recommendations and written questions, only by omitting all substance from its communications;
- not applying undertakings made, inter alia, in the replies to Recommendations 298, 319, 330, 420, 472, 509 and 526 to inform the Assembly about everything relating to the application of the modified Brussels Treaty, even when this has been entrusted to organisations outside WEU;
- refusing to give information on cases of violation of the embargo against the successor states of Yugoslavia that have been noted by WEU naval forces when, far from being "classified" as the Council claims in its reply to Recommendation 531, it has been communicated to the parliaments of certain member countries;
- feigning, in some of its press communiqués, not to consider the Assembly to be an organ of WEU (communiqué of 27th April 1993) ;
- for the second time running, giving priority to an organ of the European Parliament when providing information on the results of ministerial meetings of the Council;
- refusing to adjust the Assembly's budget for 1993 to the new requirements arising from an extension of its activities, although this is in conformity with the Council's wishes;
- not following up the Assembly's proposal concerning the adoption of new procedure for approving its budget which would allow it to take cognisance of the Council's opinion in time to organise its work correctly;

Considering that the communication of information necessary for preparing a report on the budgets of the ministerial organs of WEU is one of the obligations imposed on the Council by Article IX of the modified Brussels Treaty,

Disapproves the thirty-eighth annual report of the Council

and asks the Council to resume satisfactory application of Article IX of the modified Brussels Treaty and everything it implies.

Signed: Péciaux, Stoffelen, Soell, Davis, Godman, Holtz, Brito, Ferrarini, de Puig, Martinez, Antretter, Tummers, Cummings, Cunliffe, Baarveld-Schlaman

1. See 1st sitting, 14th June 1993 (motion referred to the Political Committee for an opinion).

The situation in Somalia

MOTION FOR A RECOMMENDATION ¹

***tabled by Mr. De Decker and others with a request for
urgent procedure under Rule 44 of the Rules of Procedure***

The Assembly,

- (i) Noting that the United Nations operation in Somalia is degenerating in a way that may be harmful to the authority of the United Nations;
- (ii) Recalling that armed forces from four member countries of WEU are taking part in Operation UNSOM 2;
- (iii) Considering that it is for WEU to ensure that any action in which forces of several of its members are involved conforms with Articles VI and VIII, paragraph 3, of the modified Brussels Treaty,

RECOMMENDS THAT THE COUNCIL

Meet as a matter of urgency to co-ordinate the efforts of member countries in order to ensure that the operation in Somalia respects the principles governing action by the United Nations.

Signed: De Decker, Baumel, Foschi, Goerens, Gottardo, De Hoop Scheffer, de Lipkowski, Parisi, de Puig, Reddemann, Rodrigues, Roseta, Soell, Geoffroy

1. See 1st sitting, 14th June 1993 (urgent procedure agreed to).

The Assembly's communication policy

REPORT ¹

*submitted on behalf of the Committee for Parliamentary and Public Relations ²
by Sir Russell Johnston, Rapporteur*

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1. Adopted unanimously by the committee.

2. *Members of the committee:* Mr. Tummers (Chairman); Mrs. Fischer, Sir John Hunt (Alternate: Baroness Hooper) (Vice-Chairmen); MM. Amaral, Birraux, Bühler, Caldoro, Colombo, Decagny, Sir Anthony Durant, Mrs. Err., MM. Eversdijk (Alternate: Dees), Floch, Mrs. Frias, Mr. Ghesquière, Dr. Godman, Mr. Gouteyron, Sir Russell Johnston, MM. Kempinaire, Lopez Henares, Nuñez, Pfuhl, Reimann, Rodotà, Speroni.

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

Draft Order
on the Assembly's communication policy

The Assembly,

- (i) Welcoming the Assembly's efforts in questions of communication in recent years and noting that they have achieved significant results;
- (ii) Aware nevertheless that the public still has very little knowledge of the rôle and activities of WEU as a whole and of its parliamentary Assembly in particular;
- (iii) Convinced that priority should be given to communication policy,

INSTRUCTS ITS PRESIDENTIAL COMMITTEE

1. To ensure that, in all its activities, the Assembly gives priority to its communication policy;
2. To make provision for the financial resources necessary for taking the following initiatives in the immediate future:
 - (a) procurement of equipment allowing audiovisual presentations to be given to interested members of the public;
 - (b) production of a video clip to be made available to television channels;
 - (c) publication of a brief, attractive booklet on WEU;
 - (d) invitation to a group of American journalists to the capitals of two or three member states to meet the chairmen of national delegations and of foreign affairs and defence committees, the visit winding up in Paris with a meeting of the Presidential Committee;
 - (e) creation of an annual prize to recompense work making a particularly significant contribution to the security and defence of Europe;
 - (f) prior study and installation of an electronic server allowing access to Assembly documents by telephone;
3. To take appropriate steps to increase and organise regular visits to the Assembly, during or outside sessions, by groups of interested persons – students, parliamentarians, officials, members of specialised associations or institutes, journalists, etc. – by reaching agreements with the institutions to which these persons belong;
4. To organise, at the seat of the Assembly, a seminar to consider WEU's means of communication to be attended by committee members, staff of information services in the ministries for foreign affairs and defence of member countries, staff of information services in national parliaments and staff from the Assembly and the Secretariat-General responsible for information.

Draft Resolution
on the Assembly's communication policy

The Assembly,

- (i) Noting with satisfaction the considerable progress achieved in circulating detailed information to the general public on its aims and activities;
- (ii) Aware of the importance of the rôle that national delegations and individual parliamentarians should play in order to offset the remaining shortcomings in keeping the public informed about WEU as a whole and our Assembly in particular,

INVITES THE PARLIAMENTS OF MEMBER COUNTRIES

1. To study the possibility of inviting groups of journalists from their respective countries to accompany their delegations to the WEU Assembly during plenary sessions so that they may obtain first-hand information on the activities of the Assembly and of the parliamentarians from their countries;
2. To ensure that all activities in which their parliamentarians participate within the framework of the Assembly's work and visits by Assembly committees are publicised as widely as possible;
3. To require their national delegations to produce regular reports of its activities to parliament and to ensure the reports are distributed to the press;
4. To hold regular debates on the work of their national delegations and to encourage their foreign affairs and defence committees to take an active interest in the work of WEU and its Assembly;
5. To encourage the participation of parliamentarians, in their capacity as members of the WEU Assembly, in symposia, seminars and other similar activities dealing with European security and defence policy.

Draft Recommendation
on the Assembly's communication policy

The Assembly,

- (i) Convinced that the use by WEU of a form of graphic identification might help to ensure a clearer perception of the organisation and eventually a better knowledge of it among the public;
- (ii) Considering it necessary therefore that WEU, on the one hand, and its subsidiary organs, on the other, adopt a logo of their own;
- (iii) Taking into account paragraph 8 of Recommendation 530 asking that the Council:
“Design a symbol of specific European identity to represent WEU and urge member countries to use it to distinguish their military forces – ships, aircraft, vehicles and personnel – taking part in WEU operations. Personnel serving in the planning cell should be among the first recipients of such a badge”.
- (iv) Recalling Order 74,

RECOMMENDS THAT THE COUNCIL

1. Arrange for WEU as an organisation and its subsidiary organs to adopt a form of graphic identification that might be based on the logos proposed in Appendix III to the report on the Assembly's communication policy;
2. Include WEU's information policy in its agenda as a matter of urgency with a view to examining specific measures that it might take, including:
 - (a) the publication of guidelines for the press at the close of meetings of the Permanent Council;
 - (b) the preparation and publication of basic information on WEU, presented in an understandable form with a view to wide circulation in all member countries;
 - (c) the establishment of WEU information offices in the European member countries of the alliance, the United States and Canada;
 - (d) the development of initiatives taken by the Institute for Security Studies to strengthen co-operation with groups, associations and private institutes that already exist in order to increase the interest aroused by studies of Western European security matters;
3. Take the necessary steps to ensure closer co-operation between its own press and information service and that of the Assembly.

Explanatory Memorandum

(submitted by Sir Russell Johnston, Rapporteur)

I. Introduction

1. The Assembly's adoption and implementation of a communication policy, as from 1988, implied making optimum use of the human and financial resources available to it in a particularly important area, that of communication.

2. At present, the rôle attributed to the organisation by the treaty on European Union, on the one hand, and the provisions of the Petersberg declaration, on the other, led the Committee for Parliamentary and Public Relations to analyse communication policy, assess the scale of progress achieved and try to strengthen measures to make public opinion better aware of the work of our Assembly in promoting European security and encouraging the participation of the public in attaining this aim.

3. The WEU Assembly will have to continue to give priority to its communication policy and, in pursuing it, must insist that the Council give it the financial resources necessary for the effective accomplishment of its work.

II. The 1988 communication plan

4. The Assembly's 1988 communication plan established degrees of priority for implementing the actions it proposed. There were three categories of priority: essential, important and useful, relating to four areas of action:

- (a) Capital image
- (b) Press relations
- (c) External relations
- (d) Evaluation of reputation

5. (a) As regards the first of these, capital image, there is only one degree of priority to be applied to the planned initiatives (logo and graphic charter), i.e. essential.

6. It was absolutely fundamental to establish this capital image for the Assembly to be seen and distinguished. According to the plan, this meant the essential creation of basic means to be used in a permanent manner, i.e. a name, a logo, a position and a graphic charter.

- (i) Since the name "Assembly of Western European Union" already existed, it had to be given a clearer personality through the use of graphics characteristic of each aspect of its visual communication, i.e. the logo.
- (ii) The Assembly's logo is an important and successful achievement. In the appropriate chapter of this report,

your Rapporteur will present proposals for the organisation as a whole and its subsidiary bodies to adopt, in accordance with the wishes previously expressed by our Assembly, its own forms of identification taking due account of the Assembly's logo.

- (iii) Our Assembly's singularity is defined in its position. The WEU Assembly is the only European assembly to which a treaty of alliance has given responsibility for debating defence questions. This singularity has led to the undisputed view that its position must be that of a European security parliament.

- (iv) The graphic charter comprises all the rules governing the harmonisation of the appearance, size, colour, presentation and use of the logo in the Assembly's documents. Its aim is to present a unity of graphic expression in order to help to strengthen the Assembly's internal and external communication.

Definition of a complete, structured graphic charter is a very important task requiring the combined know-how of communication experts, graphic artists, typographers and reproduction experts. The general rule is to approach a specialised communication agency that groups all these branches and makes a synthesis in each specific case. For instance, the French Senate had its logo and graphic charter redefined last year by a communication group. The budget necessary for this operation is practically the same as our Assembly's annual information budget. Since there could be no question of considering such expenditure and the number of documents we produce is relatively small, the Assembly's Information Service had to confine itself to defining a series of general rules that the Reproduction Service applies on a case-by-case basis.

- 7. (b) Regarding press relations, two actions were considered essential: the extension of mailing to what is called the strike force and the press file. Considered important were the installation of a telex, more contacts abroad and monitoring of the press. Finally, the production of a video clip was considered useful.

8. The data given at Appendix I relating to the dispatching of greater numbers of documents to a wider audience clearly show that our Assembly has been able to respond effectively to the challenges of the Gulf crisis, the treaty on

European Union and the crisis in former Yugoslavia.

9. (i) The periodic transmission to journalists of a press file containing basic information on the Assembly was one of the initiatives described in the communication plan. Updated before each session, this file briefly reviews the background of our Assembly, its rôle, its operation, its composition, the political groups and committees and gives a few biographical notes on its presidents and chairmen and the list of questions to be debated at the following session.

10. (ii) The importance of information and its topicality are the main factors sought by a press agency when providing information to newspapers. To provide the Assembly with a telex, an important means of communication with press agencies, was therefore considered extremely necessary for improving communication.

11. Moreover, it was considered that more intensive personal links between the Assembly's Press Counsellor and journalists from member countries would be significant in promoting a better media coverage of our Assembly: it was therefore proposed that the Press Counsellor maintain personal contacts once a year in each of the member countries.

12. (iii) In the category of useful initiatives was the production of a video clip which has still not yet been achieved for lack of financial means but to which your Rapporteur attributes great importance. This matter will be discussed later.

13. (c) Under external relations, the publication of the letter from the Assembly was considered essential and the category of useful actions included a WEU scholarship, the development of visits, audiovisual information and the document presenting the Assembly.

14. (i) The quarterly publication of the letter from the Assembly allowed the latter to contact public opinion directly in the same manner as the other parliamentary assemblies (European Parliament, Council of Europe, North Atlantic Assembly, etc.) and to propose opinions and specific information on topical questions, its activities, documents of interest and the timetable of its future activities.

15. At present, 4 750 copies of the letter from the Assembly are sent to parliamentarians in the member countries and in the United States, Canada, Norway, Denmark, Greece and Turkey and also to the European Parliament, embassies in Paris, the staff of heads of state and of government and the ministries for foreign affairs and defence of the member countries and to specialised institutes, the press and all persons wishing to receive it. The graphs at Appendix II

show the geographic origin and category of those receiving the letter from the Assembly, both globally and in WEU member countries.

16. It should be pointed out that, since the letter from the Assembly was introduced, the Information Service has been receiving a steady flow of requests for reports referred to in the letter. For instance, the letter from the Assembly reporting on the last session in December 1992 has so far, four months later, produced 205 individual requests for 1 245 reports.

17. Many of these requests are from students from universities or research institutes which are increasingly equipped with data bases on microcomputers and some of them have already asked whether it was possible to receive Assembly documents electronically, transmitted directly through telephone lines. Anyone with a computer and a modem, anywhere in the world, could dial this telephone number and bring up on the screen a list of Assembly reports and documents and, in a few minutes, load the desired reports on to his or her own computer. The development of such an electronic server would make a major contribution to meeting this growing need and at the same time extend the circulation of our documents while reducing postal charges and the already very heavy workload of the mailing office of the Office of the Clerk.

18. (ii) Among the proposals for action considered useful, first and foremost is the creation of an Assembly scholarship for promoting the study of European security-related questions among diplomatic and political science students. It has not yet been possible to implement this initiative, although the WEU Institute for Security Studies has already started such a programme, but your Rapporteur recalls the proposal by our Assembly's Press Counsellor to the Committee for Parliamentary and Public Relations at its meeting on 30th October 1992 concerning the creation of a prize for the best book dealing with European security.

19. Furthermore, our Assembly is already receiving as trainees (at present three) for periods of six months, students reaching the end of their university studies or persons who have just completed their studies. The Assembly's budget allows them no remuneration and the rules allow them no special status. In spite of this not very enviable situation, the number of candidates for traineeships is steadily increasing, while the Office of the Clerk still has very limited space available to accommodate them. It would be fair to consider introducing a remunerated status for trainees, who provide the Office of the Clerk with considerable assistance.

20. Visits to the Assembly by persons or groups interested in our organisation are an excellent means of making our work and pro-

cedure known to those who, by their attendance, demonstrate that they are particularly receptive to the work of the Assembly. The systematic development of such visits will be proposed in due course in this report.

21. The presentation of the Assembly by audiovisual means, followed by comments or discussions with its representatives, would make individual or group visits more fruitful.

22. Finally, the plan provided for the preparation of a document presenting the Assembly which should answer the following questions: "who are you and what do you do?"

23. This document, which might be in the form of a booklet on the Assembly, should be brief, precise and attractive. According to the ideas in the 1988 communication plan, this booklet should be in more or less publicity form. It should be given to everyone having a first contact with the Assembly, journalists, visitors and students taking an interest in our work.

24. (d) In the evaluation of reputation category, it was considered that a study of the reputation and image of WEU and of its Assembly in the member countries was a useful action. This study should be in two stages: a first qualitative one, directed towards the centre of the target grouping leading people in the political and social life of member countries with a view to determining a certain number of guidelines; the second would be a quantitative one, directed towards a selection of from one to ten persons per category with the aim of obtaining a clearer idea of the statistical weight of the ideas expressed and the goals of such ideas.

25. The financial assessment of the action proposed for the plan was a deciding factor in the implementation or abandonment of some of the proposals already mentioned.

26. In an information document dated 3rd December 1990, the Committee for Parliamentary and Public Relations noted that the financial means earmarked for the Assembly's public relations had increased from F 320 000 in 1988 to F 410 000 in 1989 and F 455 000 in 1990; inter alia, this increase had allowed two table-top computers to be purchased for the Press and External Relations Service of the Assembly, better systematic monitoring of the press, more press contacts abroad and the organisation of a competition in member countries for the creation of an Assembly logo. The document noted that the percentage the Assembly devoted to public relations as a percentage of its overall budget was in the region of 2%, which was similar to the figure for national parliaments and the Council of Europe. (No percentage was available for the European Parliament, but in 1990 the sum earmarked for public relations reached a total of 12 792 000 ecus.) The figure of 2% just quoted does not

signify that the means available to WEU are in proportion to those of other assemblies since all information services have identical fixed expenditure quite independent of the size of the service's budget: subscriptions to press-cutting agencies and newspapers and the cost of organising a press conference are identical. Once these are paid, the level of 2% means simply that the WEU Assembly has less financial resources than other assemblies to guide its work in one direction or another.

27. The same document included an estimate of the cost of certain initiatives considered necessary: in 1990 the production of a video clip presenting WEU was estimated to cost about F 300 000 and the publication and distribution of a booklet as described in paragraph (c) (ii) was assessed at F 350 000.¹

28. The fact remains that the communication plan was an appropriate move at the right time, but for lack of adequate financing the efforts made at an albeit favourable juncture failed to overcome the shortcomings of information about our organisation whether among public opinion or among those who help to form that opinion.

III. The Assembly's communication today

29. At its meeting in Paris on 30th October 1992, the Committee for Parliamentary and Public Relations was briefed by the Assembly's Press Counsellor on the development of the Assembly's communication activities. Mention was first made of the overall environment of the Assembly's communication policy: the crises in the Gulf and the former Republic of Yugoslavia and the treaty on European Union.

30. The Assembly is faced with this new situation at a time when many of the aims set out in the 1988 communication plan have been achieved: logo, graphic charter, press file, faster communications, more contacts with and monitoring of the press, letter from the Assembly. All these means are directed towards relays of opinion: press, governments, national parliaments and university and specialised circles. The main trump card of our Assembly's relations with the press is the interest of its reports whereas its weakness is the absence of decision-making powers: a recommendation, even if it obtains a unanimous vote in the Assembly, is a formal obligation neither for the Council nor for the governments of member countries. Two types of person receive the Assembly's instruments of communication: on the one hand, a hard core, i.e. journalists who follow our activ-

1. It should be emphasised that the information budget in 1992 was F 445 000 and that the estimate for 1993 is F 460 000.

ities very regularly and automatically receive communiqués and press files, reports and documents for the sessions as well as the letter from the Assembly, and, on the other hand, other journalists who receive only documents for sessions and the letter from the Assembly.

31. Finally, a number of suggestions were made at the committee meeting already mentioned and your Rapporteur will list them, while pointing out that they will also be taken into account in the conclusions of the present report.

32. First, it was necessary to develop visits by American journalists in Europe. It was clearly necessary to direct action towards the United States in order to improve knowledge of our views, work and aims on the other side of the Atlantic and to rectify the sparse, partial or even lack of information on these matters and to eliminate the distrust that the lack of communication could but engender or increase. In response to this aim, in 1990 our committee envisaged the possibility of engaging a lobbyist or a public relations agency in Washington; your Rapporteur believes, however, that visits by journalists should be enough provided they are on a regular basis.

33. Second, it was proposed to produce a short video clip for television giving basic information which might be used by television channels in support of appropriate news items. It is certain that television channels are an exceptionally effective means, or perhaps the most effective, of transmitting a clear picture of the Assembly, its activities and its aims. Priority should be given to providing them with the minimum facilities necessary (appropriate lighting, a place for interviews, rooms for viewing or editing) or providing them with the finished product, i.e. offering them views of our activities, be it of the session, observation of manoeuvres, a symposium or any other initiative. However, one must be aware of the high cost of undertaking anything whatsoever in the audiovisual sector. A recent example is the assessment of the possibility of holding our plenary session in Strasbourg. Use of the normal audiovisual facilities at the disposal of the Council of Europe and the European Parliament for each of their sessions was offered to us at a cost of F 160 000 per day, which means that, after two and a half days of normal use, the Assembly's entire information budget would have been spent. The service envisaged consisted simply of having two cameras in the chamber, using a control room, ensuring reception of pictures and sound in the press room and, possibly, recording a few moments of the session for broadcasting by television channels.

34. The third proposal was for national delegations to invite journalists from their various

countries to attend sessions of the Assembly. Thus, by observing the work and participation of parliamentarians in the conduct of sessions, journalists might be able to obtain direct and clear knowledge of work whose follow-up in the various countries is generally quite limited. Such a practice would also have had the advantage of tightening links between parliamentarians from each delegation and their national press. It should be noted that the German Delegation has some means of doing this and that it has already done so on several occasions with good results.

35. The use of committee visits to various capitals was another proposal which is already being implemented; it can be noted with satisfaction that when efficient organisation produces broad coverage by the press these visits are an excellent means of making WEU known and interesting public opinion in a more tangible, closer and more topical manner and of demonstrating WEU's interest in specific national problems.

36. The delegations as a whole and parliamentarians individually can help by monitoring the national press. Their answers, their statements and their articles giving their opinions as members of the WEU Assembly can clarify and improve knowledge of the image, work and aims of the Assembly.

37. Other proposals made and welcomed by the committee were the issue of a commemorative stamp on the occasion of the fortieth anniversary of WEU in 1994, the creation of an annual prize for security and defence in Europe for a work making an important contribution in this area and the adoption by WEU and its subsidiary bodies of a logo in harmony with that adopted by the Assembly. These matters will be examined in greater detail later.

IV. Proposals

38. First, the Assembly should include communication policy in its agenda as a matter of priority; it should also endeavour to earmark the necessary sums in the budget for implementing those proposals which require financial resources. The proposals set out below may be subdivided into two categories: (a) those with financial implications and (b) those that seek to make maximum use of personal abilities and efforts without involving any expenditure at all for the Assembly, as follows:

(a) Proposals with financial implications

(i) Procurement of equipment allowing audiovisual presentations to be given to interested members of the public. Ideally, this should be a slide system with two projectors and means

for programming it in several languages. The cost of this equipment and the production of the accompanying text (in the two official languages) is estimated at F 130 000.

(ii) Production of a video clip that might be made available to television channels and specialised institutes and associations on request. These would be simple images, with no sound, accompanied by a written commentary summing up in three or four minutes the more visual aspects of the life of the organisation. Approximate cost: F 325 000.

(iii) Invitation to a group of ten American journalists to the capitals of two or three member states to meet the chairmen of national delegations and of the foreign affairs and defence committees, the visit winding up in Paris with a meeting of the Presidential Committee. Such an operation might cost about F 200 000.

(iv) Publication of a brief, attractive booklet in colour which would have to be widely circulated. Approximate cost: F 390 000.

(v) Creation of an annual prize to recompense work making a particularly significant contribution to security and defence.

(vi) After a prior study of technical requirements, creation of an electronic server for Assembly reports. Approximate overall cost: F 60 000.

(b) Proposals to make maximum use of personal abilities and efforts without involving any expenditure at all for the Assembly

(i) Adoption by WEU as an organisation and by its subsidiary organs of a graphic means of identification based on the logos proposed in Appendix III to this report. For this purpose, paragraph 8 of Recommendation 530 should be stressed. This asks that the Council: "Design a symbol of specific European identity to represent WEU and urge member countries to use it to distinguish their military forces – ships, aircraft, vehicles and personnel – taking part in WEU operations. Personnel serving in the planning cell should be among the first recipients of such a badge."

(ii) Adoption of the necessary measures by chairmen of national delegations to ensure the issue of a commemorative stamp on the fortieth anniversary of the organisation on 23rd October 1994.

(iii) Increased contacts with the press during committee visits abroad; establishment of contacts with specialised institutes and university circles.

(iv) Co-operation of national delegations as a whole or of individual members, as

members of the WEU Assembly, in organising symposia and seminars in their respective countries and contributing to publications in liaison with specialised institutes, universities and governmental bodies. Parliamentary delegations to the Assembly and individual representatives should also encourage the publication of articles containing opinions on WEU and its rôle in European security and defence and try to participate in university summer courses.

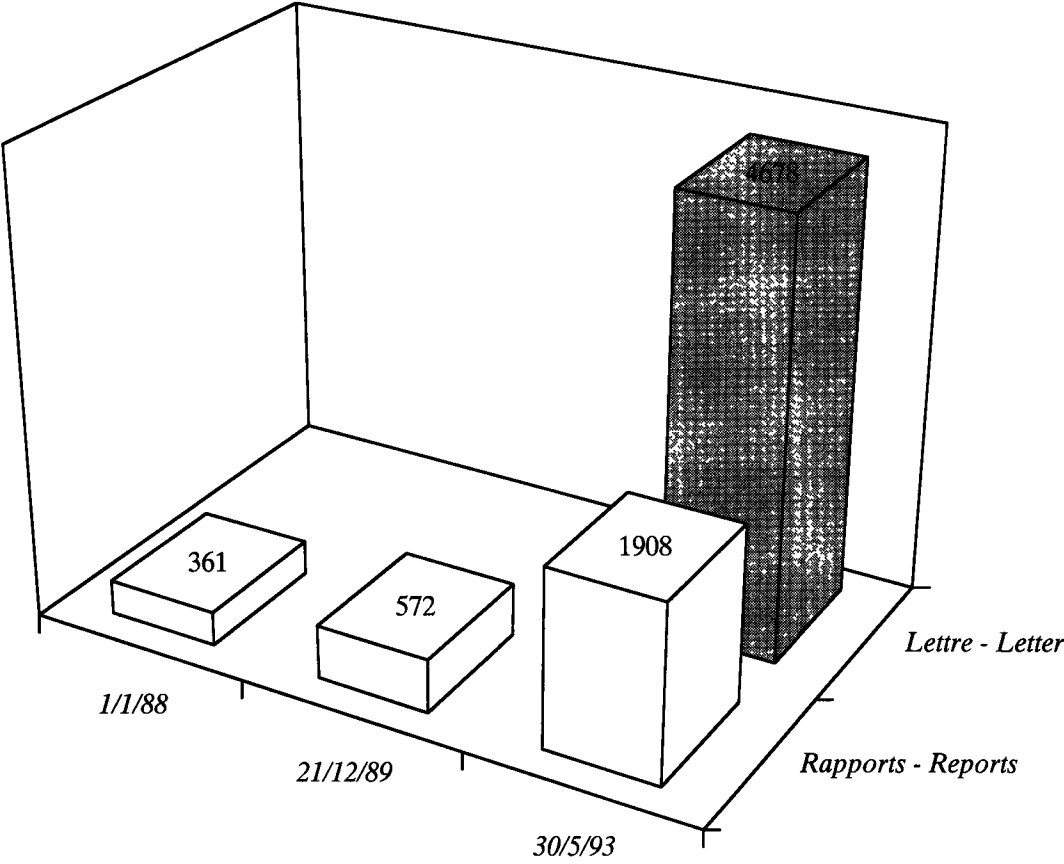
(v) Visits to the Assembly during or outside sessions by groups of university students, parliamentarians who are not members of the Assembly, officials dealing with security and defence, members of specialised associations or institutes, journalists or any group of persons interested in the subject; these visits should be encouraged and, as far as possible, they should become regular thanks to agreements with the abovementioned institutions, thus allowing a time-table to be prepared and the presence of parliamentarians and/or members of the Office of the Clerk to welcome them.

(vi) In accordance with the opinion expressed at the committee meeting on 30th October 1992, it would be useful to organise, at the seat of the Assembly, a seminar on means of improving the organisation's communication. This seminar should last not more than one day and group members of the committee, staff of information services in the ministries for foreign affairs and defence of member countries, staff of information services in national parliaments, staff from the Assembly and the Secretariat-General and two or three representatives of the press (who would help to stimulate thinking through "outside" views).

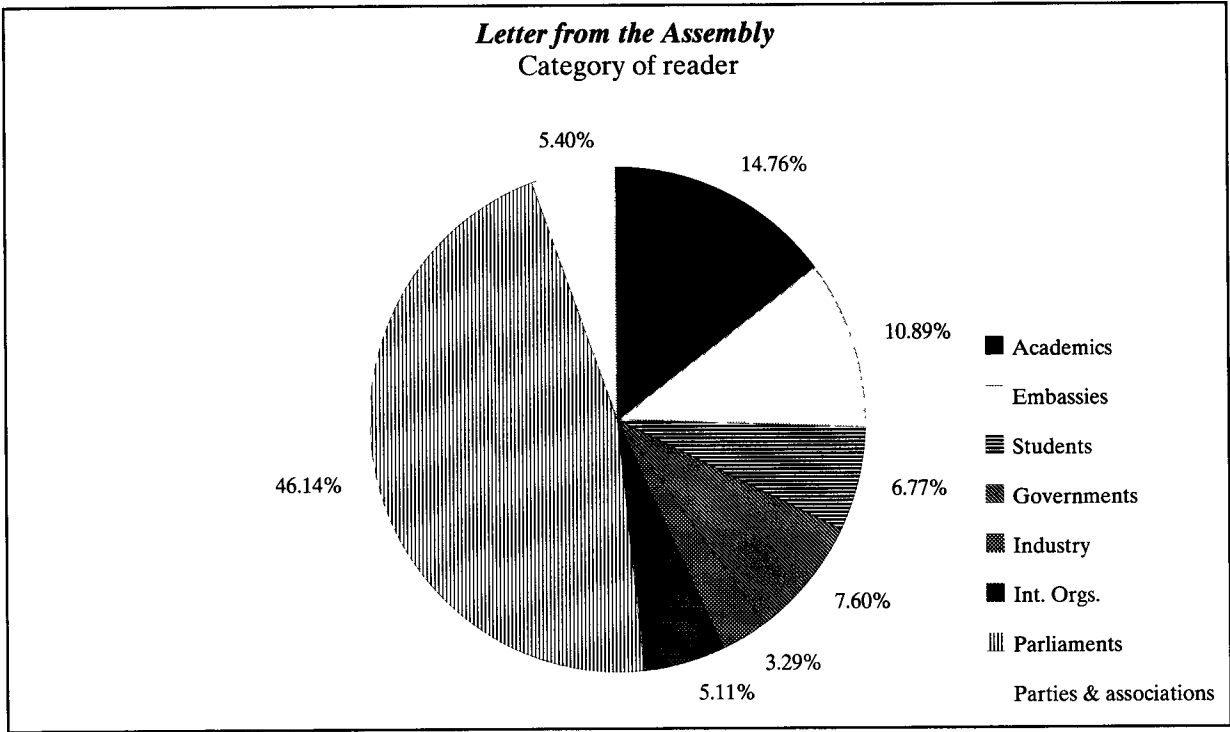
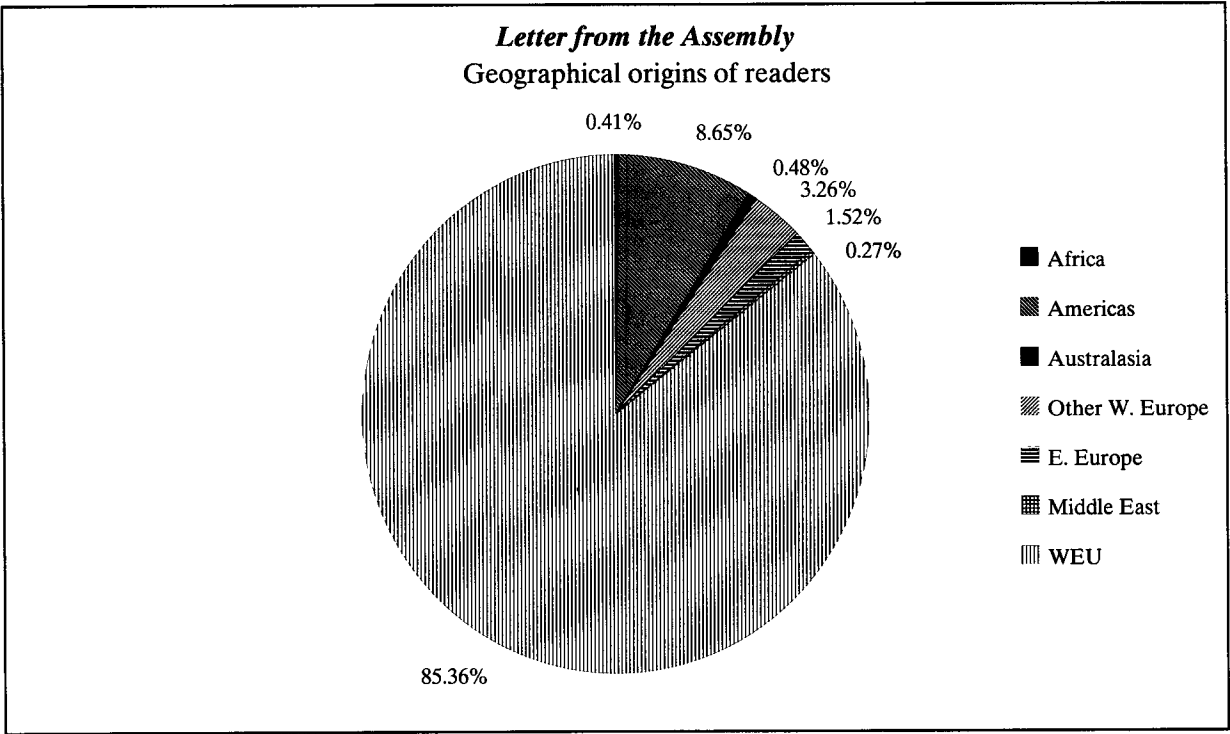
(vii) Finally, the Committee for Parliamentary and Public Relations should examine the need to prepare a working paper or, if expedient, a report considering the possibility of promoting the creation in member countries of national associations to support WEU on the lines of the Atlantic Associations: in this way, an organisation would be set up in each member country with the aim of facilitating the spread of the ideals upheld by our organisation. This could be done through publications, seminars and other activities, which might be financed from public funds and private contributions, as is the case for the abovementioned associations.

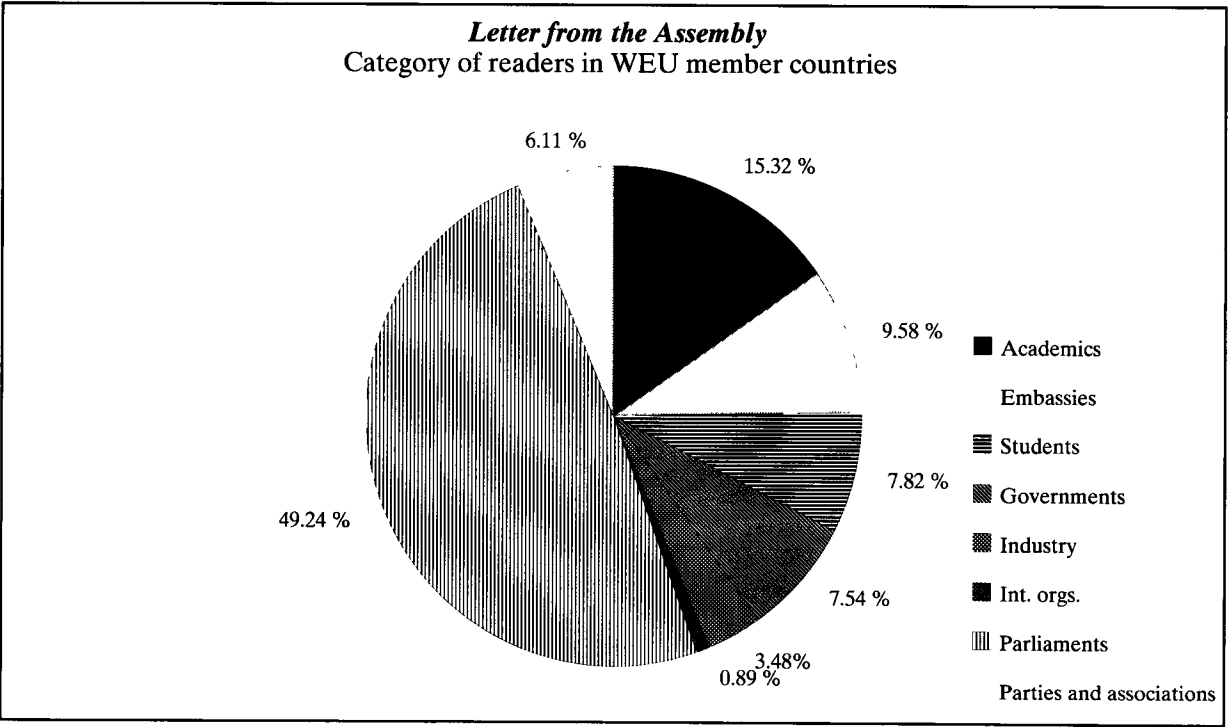
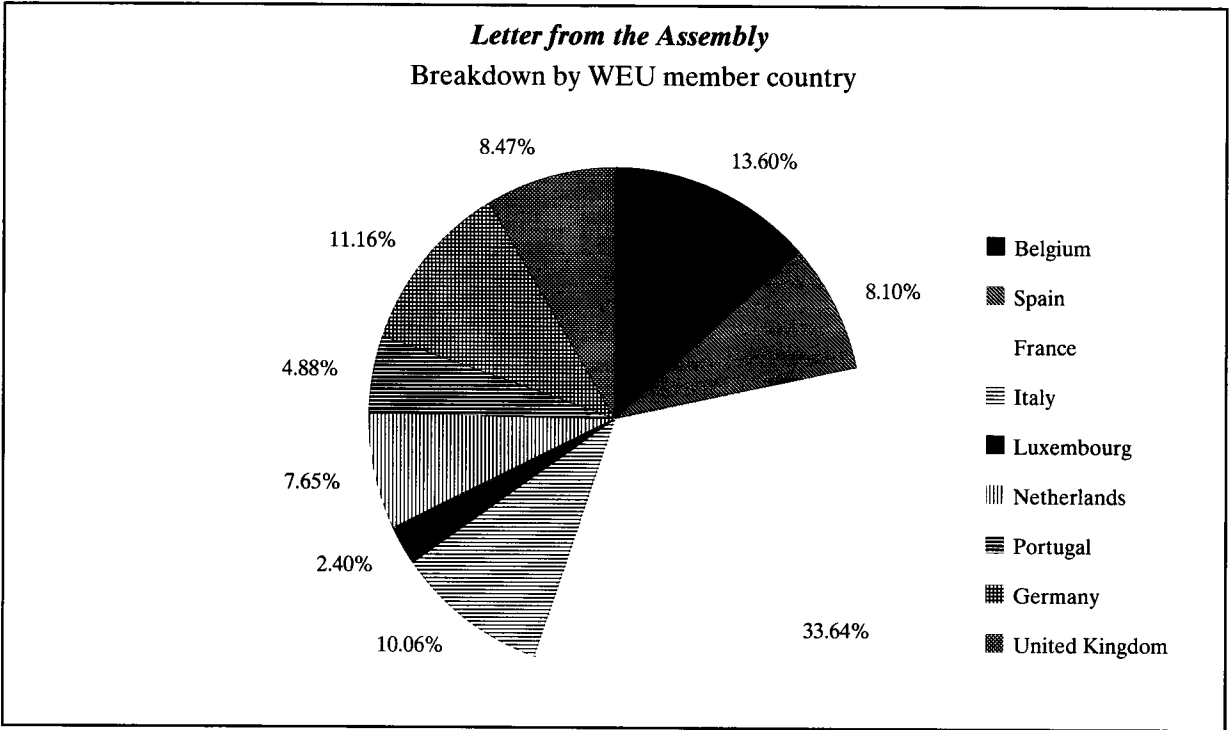
39. These proposals are intended, on the one hand, to help to complete programmes already started and, on the other, to make maximum use of existing possibilities while involving the national delegations to a greater extent in the joint effort to ensure that the WEU Assembly, through better communication, interests the public in the establishment of European security and defence.

APPENDIX I



APPENDIX II

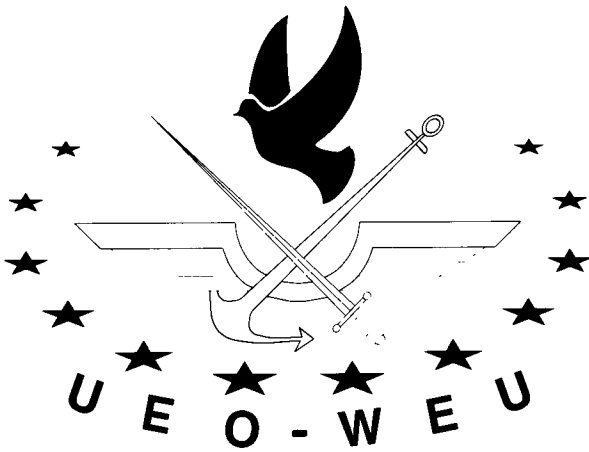




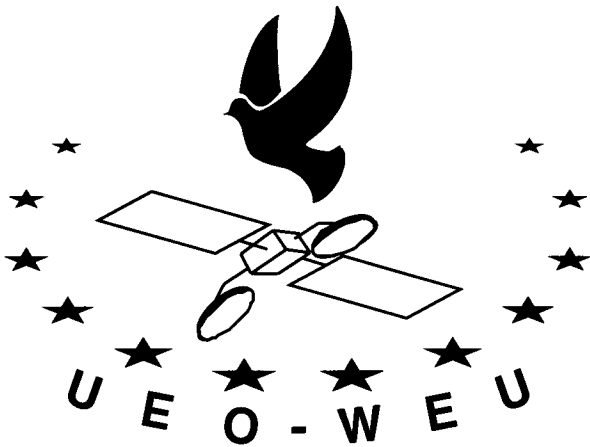
APPENDIX III



Assembly



Planning Cell



Satellite Centre



Institute

The Assembly's communication policy

AMENDMENT 1¹

tabled by Mr. Lopez Henares

1. Leave out paragraph 1 of the draft recommendation proper and add a new paragraph as follows:
“ Arrange for WEU to adopt a specifically European form of graphic identification;”

Signed: Lopez Henares

1. See 6th sitting, 17th June 1993 (amendment agreed to).

The Assembly's communication policy

AMENDMENT 2 ¹

tabled by Mr. Paire

2. At the end of the draft order proper, add a new paragraph as follows:
“ In consultation with the delegations of national parliaments, to organise a press and information network in the capitals of member countries to act as a sound box for the activities of WEU, including its Assembly, at a time that is crucial for the organisation, the delegations of national parliaments financing the section of the network set up in their own country. ”

Signed: Paire

1. See 6th sitting, 17th June 1993 (amendment negatived).

*The situation in former Yugoslavia***DRAFT RECOMMENDATION ¹**

*submitted on behalf of the Political Committee ²
by Mr. Baumel, Rapporteur*

The Assembly,

- (i) Noting that the lack of an effective international response to counter the policy of ethnic cleansing perpetrated by Serbian forces has created the precedent of impunity which has allowed them to continue their action and which has encouraged Croatian forces to adopt the same policy;
- (ii) Considering that the Security Council resolution authorising troops to be sent to protect the six "safe areas" in Bosnia-Herzegovina, combined with the apparent lack of willingness among the United Nations member states to provide the additional troops and equipment required to implement this resolution effectively is most probably further proof of the international community's inability to put an end to the conflict in former Yugoslavia;
- (iii) Aware that defensive air protection of blue berets throughout Bosnian territory is to be ensured by NATO, under the control of the United Nations, on the basis of structures already in place for monitoring air space;
- (iv) Considering that the lives of peace-keeping troops (blue berets) in Bosnia should not be put at risk by what might seem to be an undermining of their neutral status following air strikes against Bosnian Serb positions or a lifting of the United Nations arms embargo;
- (v) Considering that any plan of action which, on the one hand, in fact accepts the status quo, including the territorial gains made by the Serbs, and, on the other hand, fails to include guarantees for terminating ethnic cleansing practices and protection for the Muslim population in the safe areas is not a just and equitable solution to the conflict and may create a situation of permanent instability and violence;
- (vi) Noting that, despite operation Deny Flight, it is said that there have been some 500 violations by Croat and Serb helicopters making night flights to transport equipment, ammunition, food and even troop reinforcements to the Bosnian lines;
- (vii) Noting that there is still a serious risk of the present conflict spreading to the former Yugoslav Republic of Macedonia and Kosovo where heavily-armed Serbian security forces retain control over a 90% ethnic Albanian population, which is liable to lead to a further extension of the conflict;
- (viii) Aware that the United States has decided to send 300 troops to the former Yugoslav Republic of Macedonia to avoid an extension of the conflict;
- (ix) Noting that both humanitarian aid convoys and United Nations forces in former Yugoslavia are increasingly under deliberate attack by the warring parties;
- (x) Noting that the sudden removal of Dobrica Cosic from the post of Federal President, the ill-treatment of Vuk Draskovic, head of the Serbian Renewal Movement (SPO), the largest opposition party, and his arrest together with his wife and other opposition politicians and journalists are further evidence of the anti-democratic character of those holding power in Serbia-Montenegro;
- (xi) Noting that the action programme has put a de facto end to the territorial integrity and the maintenance, wanted by some, of the sovereignty of Bosnia-Herzegovina, independently of its future constitutional organisation;
- (xii) Noting that the refusal of the WEU countries to accept any fait accompli in Bosnia-Herzegovina is coming up against the fact that they are proving incapable of ensuring application of the Vance-Owen plan and the implementation of United Nations resolutions on this matter, including those demanding the retreat of Bosnian Serb forces from the territories they have conquered;

1. Adopted unanimously by the committee.

2. *Members of the committee:* Mr. Stoffelen (Chairman); Lord Finsberg, Mr. De Decker (Alternate for Mr. Wintgens) (Vice-Chairmen); MM. Aarts, Agnelli (Alternate: *Ferrarini*), Alegre, Andreotti, Benvenuti, Bowden, De Hoop Scheffer, Ehrmann, Fabra (Alternate: *Rodriguez-Gomez*), Feldmann, Foschi, Goerens, Homs I Ferret, Sir Russell Johnston, Mr. Kaspereit, Lord Kirkhill, MM. Kittelmann, de Lipkowski (Alternate: *Baumel*), Maroni, Moya, Müller, d'Ornano, Péciaux, de Puig, Reddemann, Rodrigues, Roseta, Seeuws, Seitlinger, Soell, Ward.

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

- (xiii) Also noting the apparent resignation of the international community in face of this situation;
- (xiv) Noting that every new day of inconclusiveness by the international community constitutes new encouragement for Bosnian Serbs and Croats to make new territorial conquests;
- (xv) Convinced that, in spite of tacit agreement by the West on the “evolving” status quo in Bosnia-Herzegovina, including the territorial gains made at the expense of the Muslim population, such gains will certainly be challenged by that population and this will lead to the creation of a Palestinian-type situation in the heart of Europe;
- (xvi) Wishing the working methods of the United Nations to be strengthened and a more effective command to be created for its operations;
- (xvii) Noting that, at present, diverging opinions among Western European countries and the indifference of the United States are major obstacles to any early solution of the conflict;
- (xviii) Convinced that, in view of continuing hesitation and delay in implementing the Washington common action programme, economic sanctions seem, for the time being, to remain the main means of leverage for ending the fighting;
- (xix) Noting that, under the Security Council resolution adopted last April on tightening economic sanctions against Yugoslavia, United Nations members are required to take action against firms identified as working on behalf of Belgrade;
- (xx) Noting that, on its borders with Bosnia, the Republic of Serbia does not accept the deployment of United Nations monitors responsible for ensuring that it stops sending supplies to the warring Serbs in Bosnia, except for food and medical supplies,

RECOMMENDS THAT THE COUNCIL

1. Support and strengthen the action of the United Nations, now involved in a series of regional conflicts which are bringing it face to face with a serious crisis of responsibility;
2. Ensure the strict application of Resolution 836 on the creation of security areas on the territory of Bosnia-Herzegovina, adopted by the Security Council on 4th June 1993;
3. In particular, help the adjustment and reinforcement of forces of WEU countries that may be required by the implementation of Resolution 836 and consider assigning some of these forces to the support of units responsible for protecting security areas;
4. Help to strengthen measures to apply economic sanctions against Serbia and Montenegro and to maintain the embargo on arms for all the belligerent parties, including Croatia;
5. Make every effort to avoid the conflict spreading to Vojvodina and Kosovo;
6. Arrange to send WEU units to the former Yugoslav Republic of Macedonia to ensure stability and security in that area of the Balkans;
7. Strengthen the operational structures and arrangements of WEU so that it may play a major rôle in preventing future crises under the aegis of the United Nations and, if necessary, in agreement with NATO.

The situation in East Timor

REPORT ¹

submitted on behalf of the Political Committee ²
by Mr. Roseta, Rapporteur

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on the situation in East Timor

EXPLANATORY MEMORANDUM

submitted by Mr. Roseta, Rapporteur

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 - II. East Timor and the United Nations
 - III. Other developments
-

1. Adopted in committee by 21 votes to 1 with 0 abstentions.

2. *Members of the committee:* Mr. *Stoffelen* (Chairman); Mr. *De Decker* (Alternate for Mr. Wintgens), Lord *Finsberg* (Vice-Chairmen); MM. *Aarts*, *Agnelli* (Alternate: *Ferrarini*), *Alegre* (Alternate: *Brito*), *Andreotti*, *Benvenuti*, *Bowden*, *De Hoop Scheffer*, *Ehrmann*, *Fabra*, *Feldmann*, *Foschi*, *Goerens*, *Homs I Ferret* (Alternate: *Rodriguez-Gomez*), *Sir Russell Johnston*, Mr. *Kaspereit*, Lord *Kirkhill*, MM. *Kittelmann*, *de Lipkowski* (Alternate: *Baumel*), *Maroni*, *Moya*, *Müller*, *d'Ornano*, *Péciaux*, *de Puig*, *Reddemann*, *Rodrigues*, *Roseta*, *Seeuws*, *Seitlinger*, *Soell*, *Ward*.

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

Draft Resolution
on the situation in East Timor

The Assembly,

- (i) Recalling its Resolution 84 on the situation in East Timor adopted in December 1991;
 - (ii) Considering the Indonesian court's condemnation of "Xanana" Gusmao to life imprisonment for "rebellion", "secessionism" and "illegal possession of fire-arms" and the arbitrary arrest of many other Timorese;
 - (iii) Recalling that the annexation of East Timor by Indonesia has still not been recognised by the United Nations;
 - (iv) Considering that the Indonesian Government's policy of forced annexation continues to be accompanied by non-respect for human rights and the right of peoples to self-determination and independence;
 - (v) Considering that the international community must take further action to bring about conditions in which the people of East Timor may exercise the right to self-determination and independence, a right recognised by the Charter of the United Nations and resolutions of that organisation's Security Council and General Assembly, the Parliamentary Assembly of the Council of Europe and the European Parliament,
1. Calls upon the Indonesian Government:
 - (a) to stop all violence and violation of international standards guaranteeing respect for human rights and the right of peoples to self-determination and independence and to free political prisoners;
 - (b) to withdraw armed forces from the territory of East Timor and create the political conditions necessary for the free exercise of self-determination;
 - (c) to allow international aid and human rights organisations and United Nations missions to exercise their humanitarian activities on the territory of East Timor and assess the situation in regard to the violation of human rights;
 2. Asks all member states of WEU:
 - (a) to place an immediate embargo on arms for Indonesia;
 - (b) to suspend immediately military agreements with and assistance to Indonesia;
 - (c) to encourage Portugal and Indonesia to approach their dialogue on East Timor with a view to securing an internationally-acceptable solution to the East Timor problem.

Explanatory Memorandum

(submitted by Mr. Roseta, Rapporteur)

I. The situation in East Timor

1. The territory of East Timor was part of the Portuguese colonial empire from the beginning of the sixteenth century. While, before the arrival of the Portuguese, the inhabitants of East Timor already had their own identity, the consequences of colonisation further accentuated their specific character compared with neighbouring peoples. Nor can one ignore the influence of the catholic church which, since the sixteenth century, has helped to create and develop Timorese national awareness and culture.

2. In 1951, East Timor changed its status from that of a colony to an overseas province, a juridical strategem which allowed the island to be considered an integral part of Portuguese territory on the same basis as the metropolitan provinces. In 1960, the United Nations General Assembly decided, as for the other territories under Portuguese administration, that East Timor was a non-self-governing territory within the meaning of Chapter XI of the Charter of the United Nations, a status that Lisbon never recognised before the fall of the Portuguese dictatorial régime.

3. With the overthrow of the Portuguese dictatorial régime in April 1974, a process of decolonisation began which also concerned East Timor. By the end of the same year, three pro-independence movements had been started on the territory of Timor:

- the UDT (Democratic Union of Timor), whose programme advocated a progressive process of autonomy under the Portuguese flag;
- the ASDT (Timorese Social Democratic Association), which later became the Fretilin (Revolutionary Front for Independence), calling for the total independence of East Timor;
- the Apodeti (Timorese Democratic People's Union), which wanted East Timor to be integrated in Indonesia.

4. In July 1975, the Portuguese Government passed a bill putting an end to colonisation in East Timor. The law provided for the establishment of a provisional authority to organise elections in the territory. A constituent assembly was to be elected in October 1976, responsible for defining the future status of East Timor.

5. Shortly afterwards, in August 1975, a civil war broke out in which the two main Timorese

political factions, the UDT and Fretilin, tried, each in turn, to seize power. On 28th November 1975, at the end of the civil war, Fretilin unilaterally declared the independence of Timor. This was not recognised by Portugal, Indonesia or the United Nations. On 30th November 1975, sections of the UDT and Apodeti appealed to Indonesia to intervene against Fretilin. On 7th December 1975, taking this as a pretext, Indonesian armed forces invaded the territory of East Timor, a provisional government was formed, a "popular assembly" was created, many thousands of people were killed and, on 17th July 1976, the Indonesian Republic proclaimed the integration of East Timor as its twenty-seventh province, a situation that the international community has never recognised.

6. After Indonesia had invaded Timor and taken power, Fretilin took over the leadership of the resistance movement. In 1986, Fretilin and the UDT, once opponents, united to strengthen resistance to Indonesian occupation and formed the Timorese Nationalist Convergence coalition.

II. East Timor and the United Nations

7. On 12th December 1975 the United Nations General Assembly (at its thirtieth annual ordinary session) adopted Resolution 3485 condemning the Indonesian invasion and recognising Portugal as the power responsible for administering East Timor. On 22nd December 1975, the United Nations Security Council unanimously adopted Resolution 384 on the same subject, drafted in like terms, insisting that Indonesia withdraw its armed forces from East Timor and recalling the right of the Timorese people to self-determination and independence.

8. Between 1976 and 1982, the General Assembly adopted, on the initiative of several countries, seven resolutions on the situation in East Timor.

9. On 23rd November 1982, in Resolution 37/30 the General Assembly mandated the Secretary-General to seek, in consultation with all the parties concerned, a global solution to the problem of East Timor. Since then, there have been regular contacts between Portugal and Indonesia through the intermediary of the Secretary-General of the United Nations, who submits an annual report to the General Assembly on this question. However, on the spot the situation is unchanged, in spite of con-

tinued resistance between Fretilin forces and Indonesian troops.

10. On 17th December 1992, the first of a series of meetings sponsored by the United Nations was held at United Nations headquarters in New York between the new Minister for Foreign Affairs of Portugal, Mr. Durao Barroso, and his Indonesian opposite number, Mr. Ali Alatas. No significant result was obtained and another meeting was fixed for 20th April.

11. The meeting on 20th April merely allowed it to be noted that the two parties' views on the matter differed and the authorities in Djakarta continue to assert that East Timor belongs to Indonesia. However, the two countries agreed to continue the dialogue on confidence-building measures designed to improve the atmosphere surrounding the negotiations and to allow progress towards a solution to the substance of the question. Another meeting was fixed for 17th September.

III. Other developments

12. On 22nd February 1991, Portugal appealed to the International Court of Justice, contesting the validity of the agreement signed on 11th December 1989 between Australia and Indonesia on the exploitation of oil deposits off the coast of East Timor (the Timor Gap). On 12th November, Indonesian security forces fired on unarmed Timorese demonstrators, killing scores of people. This massacre was strongly criticised by several countries and the WEU Assembly condemned it in Resolution 84 adopted unanimously on 5th December 1991. In the meantime, the Indonesian authorities have lightly punished a few senior army officers who had some responsibility for the shooting in November 1991, while a group of young Timorese accused of organising the demonstration or taking part in it were condemned to long terms of imprisonment, and even a life sentence for one of them.

13. The consequence of Indonesia's policy towards East Timor is that negotiations on a new EEC/ASEAN agreement have still not started.

14. On 20th November 1992, José Alexandre ("Xanana") Gusmao, leader of the pro-independence movement and of the armed resistance movement, was arrested by the Indonesian authorities. His trial was started in Dili


on 1st February 1993 in conditions that are open to criticism. Gusmao was not allowed to choose his lawyer, the lawyer he was given did not attend the hearing and Amnesty International was not authorised to attend the hearings. On 17th May, at the penultimate hearing, the judges forbade "Xanana" to read out a twenty-six page document that he had prepared. His lawyer said that this was contrary to Indonesian law. Held up at the stopover in Bali, the United Nations observer was able to attend only two of the trial's last four hearings, contrary to undertakings given by the Minister for Foreign Affairs, Ali Alatas. On 21st May, "Xanana" Gusmao was given a life sentence.

15. In the meantime, on 5th April 1993 the Indonesian army announced the capture of Antonio Gomes da Costa, alias Ma'huno Bulerek Karathayano, who had taken over the leadership of Fretilin following the capture of Gusmao. At the time of writing, nothing is known about the situation of Ma'huno Bulerek and many other prisoners arrested after Gusmao.

16. In March 1993, Mr. van den Broek, European Commissioner responsible for the Community's external political relations, insisted that a political solution must be found by attempting to bring Indonesia and Portugal closer together since the situation in East Timor was affecting relations between the Community and Indonesia and also those between the Community and ASEAN.

17. The United Nations Committee on Human Rights, meeting in Geneva on 11th March 1993 during the forty-ninth session, adopted a resolution criticising Indonesia's policy of repression and the use of torture in East Timor. This condemnation was rejected by the Indonesian authorities who did, however, say they were willing to receive a personal representative of the United Nations Secretary-General.

18. At the present juncture, while bilateral negotiations between Portugal and Indonesia are desirable in the context of the search for a diplomatic solution, it must be borne in mind that the question of East Timor brings into play principles and rules that concern the entire international community. The utmost pressure must therefore be brought to bear on the Indonesian Government to bring about the restoration of law and order in East Timor and in particular to allow the Timorese people to exercise their right to self-determination while taking into account the geopolitical environment.

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