

CHAPTER 15

THE WIDER INSTITUTIONAL FRAMEWORK FOR SECURITY

The United Nations

The Organisation for Security and Cooperation in Europe

The European Union

The Western European Union

The Council of Europe

THE WIDER INSTITUTIONAL FRAMEWORK FOR SECURITY

THE UNITED NATIONS (UN)

The Charter of the United Nations was signed in San Francisco on 26 June 1945 by 50 nations. On 24 October 1945, the United Nations formally came into being.

Article 51 of the UN Charter establishes the inherent right of individual or collective self-defence of all UN member countries. It sanctions measures they might take in the exercise of this right until such time as the UN Security Council has taken the steps necessary to maintain international peace and security. It stipulates, in addition, that measures taken by member countries under the terms of this Article must be immediately reported to the UN Security Council and do not in any way affect the authority and responsibility of the Security Council to take what actions it deems necessary to maintain or restore international peace and security.

The relevance of the UN Charter to the North Atlantic Alliance is therefore twofold. First, it provides the juridical basis for the creation of the Alliance; and second, it establishes the overall responsibility of the UN Security Council for international peace and security. These two fundamental principles are enshrined in the North Atlantic Treaty signed in Washington on 4 April 1949. The preamble to the Treaty makes it clear from the outset that the UN Charter is the framework within which the Alliance operates. In its opening phrases, the members of the Alliance reaffirm their faith in the purposes and principles of the Charter. In Article 1 they also commit themselves both to settling international disputes by peaceful means in accordance with the goals of the Charter and to refraining from the threat or use of force in any manner inconsistent with the purposes of the UN. Article 5 of the Treaty makes explicit reference to Article 51 of the Charter in asserting the right of the signatories to take, individually or collectively, such action as they deem necessary for their self-defence, including the use of armed force; and, it commits the member countries to terminating the use of armed force in restoring and maintaining the security of the North Atlantic area when the UN Security Council has itself taken the measures necessary to restore and maintain international peace and security.

Further reference to the UN Charter is to be found in Article 7 of the North Atlantic Treaty, which reminds signatories of their rights and obligations under the Charter and reaffirms the primary responsibility of the UN Security Council for the maintenance of peace and security. And finally, in Article 12, a clause was included in the Treaty providing for it to be reviewed after ten years, if any

of the Parties to it so requested. It stipulated that the review would take place in the light of new developments affecting peace and security in the North Atlantic area, including the development of universal and regional arrangements under the UN Charter.

The North Atlantic Treaty came into force on 24 August 1949. None of the Parties to it have requested a review of the Treaty under Article 12, although at each stage of its development the Alliance has kept the implementation of the Treaty under continuous review for the purpose of securing its objectives. The direct relationship between the Treaty and the Charter of the United Nations is and will remain a fundamental principle of the Alliance.

From 1949 to the present day, the formal link between the United Nations and the North Atlantic Alliance has remained constant and has manifested itself first and foremost in the juridical relationship between their respective founding documents. Contacts between the institutions of the United Nations and those of the Alliance were, for most of this period, extremely limited, both in scope and in content. In 1992, in the context of the conflict in the former Yugoslavia, the situation changed.

In July 1992, against the background of growing conflict, NATO ships belonging to the Alliance's Standing Naval Force Mediterranean, assisted by NATO Maritime Patrol Aircraft, began monitoring operations in the Adriatic in support of a United Nations arms embargo against all republics of the former Yugoslavia. In November 1992, NATO and the Western European Union (WEU) began enforcement operations in support of UN Security Council resolutions aimed at preventing the escalation of the conflict by movements of additional arms into the area.

The readiness of the Alliance to support peacekeeping operations under the authority of the UN Security Council was formally stated by NATO Foreign Ministers in December 1992. The measures already being taken by NATO countries, individually and as an Alliance, were reviewed and the Alliance indicated that it was ready to respond positively to further initiatives that the UN Secretary General might take in seeking Alliance assistance in this field.

A number of measures were subsequently taken, including joint maritime operations under the authority of the NATO and WEU Councils; NATO air operations; close air support for the United Nations Protection Force (UNPROFOR); air strikes to protect UN "Safe Areas"; and contingency planning for other options which the UN might take. These measures and the basis on which they were undertaken are described in Chapter 5.

In December 1995, following the signature of the Bosnian Peace Agreement in Paris on 14 December, NATO was given a mandate by the UN, on the basis of Security Council Resolution 1031, to implement the military

aspects of the Peace Agreement. A NATO-led Implementation Force (IFOR) began operations to fulfil this mandate on 16 December. Details of the work of IFOR and its subsequent replacement by a NATO-led Stabilisation Force (SFOR) in December 1996, are also described in Chapter 5. Throughout their mandates both multinational forces have worked closely on the ground in Bosnia and Herzegovina with other international organisations and humanitarian agencies, including those of the United Nations, such as the UN High Commissioner for Refugees (UNHCR) and the UN International Police Task Force (IPTF).

In February 1998, after discussions with non-NATO contributors to SFOR, the North Atlantic Council announced that, subject to the necessary mandate from the UN Security Council, NATO was prepared to organise and lead a multinational force to continue the work in Bosnia and Herzegovina following the end of SFOR's mandate in June 1998. The new force retains the name "SFOR", reflecting the continuing need for stabilisation of the Bosnian situation and for laying the foundations for permanent peace in the region.

From the onset of the conflict in Kosovo in 1998 and throughout the crisis, close contacts were maintained between the Secretary General of the United Nations and the Secretary General of NATO. Actions taken by the Alliance in support of UN Security Council resolutions both during and after the conflict and the role of the Kosovo Force (KFOR) established on the basis of UN Security Council resolution 1244 of 12 June 1999, are described in Chapter 5.

Outside the context of the former Yugoslavia, in the face of other threats to world peace, NATO countries, while not directly involved as an Alliance, have lent their support and their voice to the efforts of the UN Security Council and the UN Secretary General to avert conflict and restore the rule of international law. In the early part of 1998, in the context of the implementation of UN Security Council resolutions relating to Iraq and of the international inspection régime established to ensure the identification and elimination of weapons of mass destruction and the capacity to produce such weapons, the Alliance called for full compliance by Iraq.

On 25 February 1998, the NATO Secretary General issued a statement welcoming the agreement between the Secretary General of the United Nations and Iraq on a diplomatic solution to the Iraq crisis. He paid tribute to the diplomatic efforts and determined stance of the international community, including the NATO Allies, and insisted on the need for full compliance with all the relevant UN Security Council Resolutions. When the North Atlantic Council discussed the situation in Iraq again, on 4 March 1998, it welcomed the unanimous adoption of UN Security Council Resolution 1154, relating to the implementation of the agreement between the UN Secretary General and Iraq. The Council expressed its support for the relevant UN decisions and emphasised

the importance of stability in the Gulf region to the security of the Euro-Atlantic area.

Both juridical and strong practical links thus exist between the UN Charter and the North Atlantic Treaty on the one hand, and the institutions of the UN and those of the Alliance on the other. Both these elements contribute to the wider institutional framework within which the Alliance operates. Other institutional relationships contributing to this framework are described below.

THE ORGANISATION FOR SECURITY AND COOPERATION IN EUROPE (OSCE)¹

The Organisation for Security and Cooperation in Europe (OSCE), formerly known as the Conference on Security and Cooperation in Europe (CSCE), was initially a political consultative process involving participating states from Europe, Central Asia and North America. It became an Organisation in January 1995.

Launched in 1972, the CSCE process led to the adoption of the Helsinki Final Act in 1975. This document encompassed a wide range of standards for international behaviour and commitments governing relations between participating states, measures designed to build confidence between them, especially in the politico-military field, respect for human rights and fundamental freedoms, and cooperation in economic, cultural, technical and scientific fields.

Institutionalisation of the OSCE

On 21 November 1990, the CSCE Summit Meeting of Heads of State and Government of the then 34 participating states adopted the Charter of Paris for a New Europe. The Charter established the Council of Foreign Ministers of the

1 List of participating states: Albania, Andorra, Armenia, Austria, Azerbaijan, Belarus, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Holy See, Hungary, Ireland, Iceland, Italy, Kazakhstan, Kyrgyz Republic, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Moldova, Monaco, the Netherlands, Norway, Poland, Portugal, Romania, Russian Federation, San Marino, Slovakia, Slovenia, Spain, Sweden, Switzerland, Tajikistan, the former Yugoslav Republic of Macedonia*, Turkmenistan, Turkey, Ukraine, United Kingdom, United States of America, Uzbekistan, the Federal Republic of Yugoslavia**.

* Turkey recognises the Republic of Macedonia with its constitutional name.

** Yugoslavia was suspended from the OSCE on 8 July 1992 because of the nature of its involvement in the conflict in Bosnia and Herzegovina. Following the election of Vojislav Kostunica as President in September 2000, the Federal Republic of Yugoslavia was admitted to the OSCE on 10 November 2000, as the 55th member state.

CSCE as the central forum for regular political consultations. It also established a Committee of Senior Officials to review current issues, prepare the work of the Council and carry out its decisions; and three permanent institutions of the CSCE: a secretariat in Prague (later subsumed into the general secretariat in Vienna), a Conflict Prevention Centre in Vienna, and an Office for Free Elections in Warsaw (subsequently renamed the Office for Democratic Institutions and Human Rights (ODIHR)).

On 19 June 1991, the first meeting of the Council of Foreign Ministers took place in Berlin. The Council adopted a mechanism for consultation and cooperation with regard to emergency situations in the area covered by the CSCE. This mechanism has been used in the case of the former Yugoslavia and that of Nagorno-Karabakh.

At the conclusion of the Helsinki Follow-Up Meeting on 9 July 1992, the Heads of State and Government of the CSCE participating states adopted the Helsinki Summit Declaration entitled "The Challenges of Change". The Declaration reflected agreement on further strengthening CSCE institutions, establishing a High Commissioner on National Minorities and developing a structure for early warning, conflict prevention and crisis management, including fact-finding and rapporteur missions.

At the Stockholm meeting of the Council of Foreign Ministers on 14 December 1992, a Convention on Conciliation and Arbitration within the CSCE was adopted. It was also decided to establish the post of CSCE Secretary General.

The Council of Foreign Ministers endorsed new organisational changes at their meeting in Rome on 1 December 1993, including the establishment of the Permanent Committee - the first permanent body of the CSCE for political consultation and decision-making - and the creation of a single general secretariat, both located in Vienna. The Foreign Ministers also expressed their concern about the number and scale of regional conflicts and reaffirmed their commitment to the resolution of these conflicts, particularly in the former Yugoslavia. They took steps to improve the capabilities of the CSCE in crisis management and conflict prevention and agreed that relations with other "European and Transatlantic Organisations" should be developed.

A number of institutional decisions to strengthen the CSCE were introduced at the 1994 Budapest Summit. These included the renaming of the CSCE, which would in future be known as the Organisation for Security and Cooperation in Europe (OSCE); the scheduling of the next meeting of OSCE Heads of State and Government in Lisbon, in 1996; the replacement of the Committee of Senior Officials by the Senior Council, which would meet at least twice a year, as well as before the Ministerial Council Meeting, and would also

convene as the Economic Forum; the establishment of the Permanent Council (formerly Permanent Committee), meeting in Vienna, as the regular body for political consultation and decision-making; and the scheduling of the review of implementation of all CSCE commitments at a meeting to be held in Vienna before each Summit.

At the Budapest Summit, CSCE states declared their political will to provide a multinational CSCE peacekeeping force following agreement among the parties for cessation of armed conflict in Nagorno-Karabakh.

At the OSCE Summit which took place in Istanbul in November 1999, it was decided to strengthen the political consultation process within the OSCE by establishing a Preparatory Committee under the OSCE Permanent Council as well as an Operations Centre, in order to plan and deploy OSCE field operations.

Security Dialogue, Arms Control, Disarmament and Confidence and Security Building Measures (CSBMs)

Significant landmarks in the evolution of the CSCE's work on Confidence and Security Building Measures (CSBMs) include the 1986 Stockholm Document, which was later expanded and improved in the Vienna 1990 and Vienna 1992 Documents. At the Helsinki Follow-up Meeting in July 1992 the participating states decided to establish the CSCE Forum for Security Cooperation (FSC) in Vienna, under whose auspices security dialogue is promoted and negotiations on arms control, disarmament and confidence and security building now take place.

The Forum was inaugurated on 22 September 1992. Over the next two years, in accordance with a mandate agreed upon at Helsinki entitled "Programme for Immediate Action", negotiations took place in the Forum on a series of documents addressing arms control issues, disarmament and confidence and security building measures, security enhancement and cooperation and conflict prevention.

In the light of the Programme for Immediate Action two further elements were agreed in December 1994 in the run-up to the CSCE's Budapest Summit: a new version of the Vienna Document (Vienna Document 1994), subsuming the earlier Stockholm and Vienna Documents and incorporating the Defence Planning and Military Contacts and Cooperation texts agreed in 1993; and a Document on the Global Exchange of Military Information. The Summit Document itself incorporated new Principles Governing Non-proliferation and took the important step of agreeing a Code of Conduct on Politico-Military

Aspects of Security, which included significant new commitments on the Democratic Control and Use of Armed Forces.

In the field of conventional arms control, the opening of the CSCE Summit in Paris on 19 November 1990 saw the signature by 22 members of NATO and the (then) Warsaw Treaty Organisation of the far-reaching Conventional Forces in Europe Treaty (CFE), which limits conventional forces in Europe from the Atlantic Ocean to the Ural Mountains. The Treaty entered into force on 9 November 1992. Its signature was followed by negotiation of the CFE-1A Concluding Act, which introduced limitations on military personnel as well as establishing additional stabilising measures. This was signed in the framework of the CSCE Helsinki Summit Meeting on 10 July 1992.

The 1995 Dayton Peace Agreement mandated negotiation of CSBMs amongst the entities of Bosnia and Herzegovina and of an Arms Control régime amongst the parties to the Dayton agreement itself. These were negotiated under OSCE auspices in 1996. Personal Representatives of the OSCE Chairman-in-Office (CIO) chaired the negotiations and have assisted with their implementation. A cell within the OSCE Secretariat in Vienna has responsibility for organising the necessary inspections, in which various OSCE participating states have taken part.

The OSCE Summit Meeting held in Istanbul in November 1999 saw the signing of an Adapted CFE Treaty, which now has 30 signatories, and a revised Vienna Document (Vienna Document 1999).

In 1999, the OSCE Forum for Security Cooperation also decided to explore methods to control trafficking of small arms and light weapons.

Conflict prevention and crisis management

In accordance with the 1992 Helsinki Summit Declaration, the OSCE has developed a number of methods of sending official missions and personal representatives of the Chairman-in-Office to areas of potential regional tension or conflict, for fact finding, rapporteur, monitoring and “good offices” purposes, in furtherance of its remit for crisis management and conflict prevention.

The Office of the OSCE Commissioner on National Minorities, for example, has a mandate to conduct on-site missions and to engage in preventative diplomacy at the earliest stages of tension. The role of the Office, which was established in 1992, is to seek early resolution of ethnic tensions that might endanger peace, stability and friendly relations between OSCE states.

Over the past several years such OSCE activities have been undertaken in Kosovo, Sandjak, Vojvodina, Skopje, Georgia, Estonia, Tajikistan, Moldova, Latvia, Nagorno-Karabakh and Chechnya. From September 1992, the CSCE operated Sanctions Assistance Missions (SAMs) in Albania, Bulgaria, Croatia, the former Yugoslav Republic of Macedonia², Hungary and Romania, to assist in monitoring the implementation of UN-Mandated sanctions against the Federal Republic of Yugoslavia (Serbia and Montenegro).

In 1996 the OSCE organised general elections in Bosnia and Herzegovina following the Dayton peace agreement and, in September 1997, it organised the ensuing municipal elections. In 1997 the OSCE Chairman-in-Office's Personal Representative assisted in finding a political solution to the crisis in Albania. The OSCE monitored the resulting elections.

The Kosovo conflict and international intervention to end the conflict and rebuild peace and stability combined to create one of the greatest challenges the OSCE has faced. Developments in the province continue to represent major demands on the Organisation in terms of resources, personnel and time. The growing relationship between the OSCE and NATO has been one of the important bi-products of the crisis, the consequences of which will remain high on the international agenda for many years to come.

From January to March 1998, the OSCE mounted a Kosovo Verification Mission to monitor compliance on the ground with the cease-fire agreements reached as a result of NATO intervention in support of UN Security Council Resolution 1199. NATO conducted a parallel aerial surveillance mission. Both missions were endorsed by UN Security Council Resolution 1203.

NATO established a special military task force to help with the emergency evacuation of the OSCE Kosovo Verification Mission, if renewed conflict placed the Mission at risk.

The OSCE Mission monitored human rights violations on both sides of the ethnic divide but concluded that there was overwhelming evidence of suffering on the Kosovo Albanian side at the hands of the Yugoslav and Serbian military and security apparatus.

At the beginning of 1999, the situation in Kosovo flared up again with acts of provocation on both sides. Some of these incidents were defused through the mediation efforts of the OSCE verifiers but the situation deteriorated further in mid January 1999, with the escalation of the Serbian offensive against the Kosovar Albanians. On 20 March 1999, the Kosovo Verification Mission was

2 Turkey recognises the Republic of Macedonia with its constitutional name.

forced to withdraw from the region, when obstruction by Serbian forces rendered it impossible for it to fulfil its task.

The OSCE Mission in Kosovo (OMIK) was established by the OSCE Permanent Council on 1 July 1999 to take the lead role, within the overall framework of the United Nations Mission to Kosovo (UNMIK), in matters relating to institution- and democracy-building and human rights. The OSCE Mission has since established a number of field offices and regional centres around Kosovo and is working together with other international and non-governmental organisations to build a democratic, stable future for Kosovo. Its work involves promoting the development of democratic political party training activities; building contacts with non-governmental and civil structures; addressing human rights issues and helping to integrate human rights training and protection into social structures; participating in development of judicial institutions and in police education and development; assisting in addressing the problems of civil and electoral registration; and helping to establish media and broadcasting structures which support freedom of press and information activities in Kosovo.

The OSCE's security model

At the Budapest Summit on 5-6 December 1994, Heads of State and Government of the CSCE launched a broad and comprehensive discussion on all aspects of security aimed at devising a concept of security for the 21st Century, taking into account the ongoing debates in participating states on this topic.

The 1996 Lisbon Summit Declaration on a Common and Comprehensive Security Model for Europe for the 21st Century reaffirmed that European security required the widest cooperation and coordination among participating states and European and transatlantic organisations, and identified the OSCE as a forum particularly well suited for enhancing cooperation and complementarity among such organisations and institutions. The Summit launched the development of a Charter on European Security, aimed at strengthening security and stability in the region and improving the operational capabilities of the OSCE. The declaration also expressed the intention of the OSCE to strengthen cooperation with other security organisations which are transparent and predictable in their actions, whose members individually and collectively adhere to OSCE principles and commitments, and whose membership is based on open and voluntary commitments.

The next step in the development of the Security Model was the OSCE Ministerial meeting in Copenhagen in December 1997, which issued guidelines for the development of a Document-Charter on European Security. At this

meeting, a Common Concept for the development of cooperation between mutually reinforcing institutions³ was also adopted.

The Charter on European Security was adopted at the OSCE Summit in Istanbul in November 1999. It reflected several policy initiatives including the development of the OSCE's role in peacekeeping operations; the adoption of a Platform for Cooperative Security; the creation of Rapid Expert Assistance and Cooperation Teams (REACT) to enable the OSCE to respond quickly to demands for civilian assistance and for large civilian field operations; the expansion of the OSCE ability to carry out police activities; the establishment of an Operations Centre in order to plan and deploy OSCE field operations; and the strengthening of the political consultation process within the OSCE by establishing a Preparatory Committee under the OSCE Permanent Council.

The Platform for Cooperative Security aims to further strengthen and develop reciprocal cooperation with competent organisations. At Istanbul, Heads of State and Government expressed readiness in principle to deploy the resources of international organisations and institutions of which they are members in support of the OSCE's work.

Alliance interaction with the OSCE

As the only forum which brings together all the countries of Europe, as well as Canada and the United States, the Organisation for Security and Cooperation in Europe (OSCE) represents a key component of Europe's security architecture. It provides a comprehensive framework for cooperation in the areas of human rights, fundamental freedoms, democracy, the rule of law, security and economic cooperation.

The Alliance has actively supported the CSCE/OSCE since its creation, and was among the proponents of the institutionalisation of the CSCE process agreed at the Paris CSCE Summit Meeting in 1990. At its Rome Summit in November 1991, the Alliance confirmed its commitment to the CSCE process and defined the roles of the CSCE and the Alliance, in the development of dialogue and cooperation in Europe, as complementary. Recognising that the

3 The concept of "mutually reinforcing institutions" in the security field, previously referred to as "interlocking institutions", can be traced back to the Rome Declaration on Peace and Cooperation issued at the NATO Summit Meeting in Rome in November 1991. The Declaration recognised that the challenges which would have to be faced in the new Europe could not be comprehensively addressed by one institution alone but only in a framework of interlocking institutions tying together the countries of Europe and North America. NATO countries would therefore work towards a new European security architecture in which NATO, the CSCE (later OSCE), the European Community (later the European Union), the WEU and the Council of Europe would complement each other and in which other regional frameworks of cooperation would also play an important role.

security of the Allies was inseparably linked to that of other states in Europe, the Alliance regarded dialogue and cooperation between the different institutions dealing with security as an important factor in helping to defuse crises and to prevent conflicts.

The importance ascribed to the CSCE by NATO was further underlined at Oslo, in June 1992. Foreign Ministers of the Alliance stated their preparedness to support peacekeeping activities under the responsibility of the CSCE, including by making available Allied resources and expertise. This important decision paved the way for increased NATO interaction with the OSCE, especially in the context of the Alliance's new tasks such as peacekeeping operations.

From December 1991 onwards, NATO's dialogue and cooperation with its Partner countries in Central and Eastern Europe and in the former Soviet Union took place in the framework of the North Atlantic Cooperation Council (NACC). The NACC obtained tangible results in a number of important areas, including the promotion of good neighbourly relations, disarmament and arms control, and cooperation in peacekeeping. The process provided a substantial contribution to the strengthening of cooperation among NATO Allies and Partner countries and in so doing supported the CSCE/OSCE role in these fields.

A stronger, more operational partnership between NATO and its NACC partners began to take shape in 1997, with the replacement of the NACC by the Euro-Atlantic Partnership Council (EAPC). The EAPC provides the overall framework for cooperation between NATO and its Partner countries, including Partnership for Peace (PfP) and raises it to a qualitatively new level. A body known as the Political-Military Steering Committee/Ad Hoc Group on Cooperation in Peacekeeping, working within the EAPC framework, provides an important institutional link to the OSCE. A representative of the OSCE Chairman-in-Office regularly attends its meetings and gives briefings on current OSCE issues of relevance to the Group. This formalised arrangement is particularly important in the field of peacekeeping. It provides evidence of the complementarity and transparency which characterises the development of cooperation in the field of peacekeeping which is now taking place in the EAPC and PfP framework.

Since its Budapest Summit in December 1994, the OSCE has been involved in a broad and comprehensive discussion on all aspects of security aimed at devising a concept of security for the 21st Century.

In December 1996, in their Lisbon Summit Declaration on a common and comprehensive security model for Europe for the 21st century, OSCE Heads of State and Government reaffirmed that European Security requires the widest cooperation and coordination among participating states and among European and transatlantic organisations. They also stated their intention to strengthen

cooperation with other security organisations. The Alliance has contributed to OSCE discussion of the security model in this context.

In their 1997 Madrid Declaration on Euro-Atlantic security and cooperation, NATO Heads of State and Government recognised the OSCE as the most inclusive European-wide security organisation. They emphasised the essential role it plays in securing peace, stability and security in Europe and underlined the importance of the principles and commitments adopted by the OSCE as a foundation for the development of comprehensive and cooperative European security structures.

In Madrid, NATO also expressed its continued support both for the OSCE's work on a Common and Comprehensive Security Model for Europe for the 21st Century and for giving consideration to the idea of developing a Charter on European Security in accordance with the decisions taken at the 1996 Lisbon Summit of the OSCE.

The Common Concept for the Development of Cooperation between Mutually Reinforcing Institutions, as agreed at the OSCE Ministerial in Copenhagen in December 1997, features a list of principles and commitments for the development of cooperation between mutually reinforcing organisations and institutions within the Platform for Cooperative Security. Within the relevant organisations and institutions of which they are members, participating states commit themselves to work to ensure the organisations' and institutions' adherence to the Platform. As a first set of practical steps towards the development of cooperation between the OSCE and those organisations and institutions, the Common Concept prescribes regular contacts, including meetings, through a continuous framework for dialogue, increased transparency and practical cooperation. This includes the identification of liaison officers or points of contact, cross-representation at appropriate meetings, and other contacts intended to increase understanding of each organisation's conflict prevention tools. NATO and the OSCE have been developing their relations on the basis of the Common Concept.

The Alliance's commitment to promoting security, prosperity and democracy throughout the Euro-Atlantic region was underlined in the revised Strategic Concept and other documents issued by NATO Heads of State and Government at the Washington Summit in April 1999. NATO member countries are thus fully supportive of both the OSCE's fundamental principles and of its comprehensive and cooperative approach to security. This support has been made manifest in Alliance statements of its readiness to support OSCE efforts to strengthen European security and stability and, in particular, to support peacekeeping operations under the responsibility of the OSCE. Progress in defining the OSCE's contribution to peacekeeping operations is reflected in its Charter on European Security.

The emphasis given in the Charter to closer cooperation among international organisations has also been welcomed by the Alliance. Cooperation developed between NATO and the OSCE in recent years in the areas of conflict prevention, peacekeeping, crisis management and post-conflict rehabilitation, is entirely in keeping with the spirit of the Platform of Cooperative Security to be developed under the Charter.

Close practical cooperation between the two organisations is amplified in the context of international efforts to bring peace to the former Yugoslavia, specifically in relations between the OSCE and the NATO-led Stabilisation Force (SFOR) in Bosnia and Herzegovina, and between the OSCE and the Kosovo Force (KFOR) (see below).

Among the initiatives adopted at the Istanbul Summit is the creation of Rapid Expert Assistance and Cooperation Teams (REACT). This rapidly deployable capability will cover a wide range of civilian expertise to assist in conflict prevention, crisis management and post-conflict rehabilitation. The strengthening of the OSCE's ability to deploy quickly the civilian components of a peacekeeping operation facilitates cooperation with NATO-led peacekeeping forces working alongside these civilian teams.

At the OSCE Forum for Security Cooperation (FSC), NATO member states, in association with other participating states, tabled a number of substantive proposals addressing issues such as the exchange of information on defence planning; non-proliferation and arms transfers; military cooperation and contacts; global exchange of military information; and stabilising measures for localised crisis situations. Between 1993 and 1995 all of these proposals contributed to the development of a number of OSCE documents. The Alliance also made proposals for the updating of the Confidence and Security Building Measures (CSBMs) contained in the OSCE's Vienna Document and this contributed to the completion of a revised and improved version of the document, which was agreed in December 1994 (the Vienna Document 1994). The 1994 version has since been replaced by the Vienna Document 1999.

Areas of practical cooperation

Although the roles of the Atlantic Alliance, the OSCE, and other intergovernmental organisations contributing to the wider Euro-Atlantic security framework remain quite distinct, practical cooperation and support between them has become increasingly necessary.

In Bosnia and Herzegovina, the NATO-led Implementation Force (IFOR) and its successor SFOR have cooperated closely with the OSCE in the implementation of the Dayton Peace Agreement. IFOR supported the OSCE in its

preparations for the September 1996 elections and it provided security and logistical support during the elections, which took place without any major incident. SFOR provided comparable support to the OSCE for the planning and conduct of the 1997 municipal elections.

IFOR and SFOR both supported the OSCE in a further practical way in the context of the implementation of Article II (CSBMs) and Article IV (Sub-Regional Arms Control Agreements) of the Dayton Agreement. Both IFOR and SFOR were able to assist the OSCE by providing relevant data on weapons cantonments. SFOR has also provided logistical support for arms control implementation, for example by transporting heavy weapons from cantonments to reduction sites.

The Kosovo crisis raised OSCE-NATO cooperation to new levels. The unique nature of cooperation between NATO and the OSCE's Kosovo Verification Mission in 1999 allowed the two organisations to work creatively together in very demanding circumstances. KFOR has subsequently continued to support the OSCE - and other organisations involved in the United Nations Mission in Kosovo - in particular by providing the secure environment necessary for them to carry out their work.

Further information about the OSCE can be obtained from the OSCE Secretariat, Kärntner Ring 5-7, 1010 Vienna, Austria. Tel: 43 1 514 360; Fax: 43 1 514 3696 (<http://www.osce.org>). The Secretariat also maintains an office in Prague: OSCE Secretariat Rytirska 31, 110 00 Prague 1, Czech Republic (<http://www.osceprag.cz>; E-Mail: webmaster@osceprag.cz).

THE EUROPEAN UNION (EU)

The European Union was established on the basis of the Treaty of Rome signed on 25 March 1957 by Belgium, France, Germany, Italy, Luxembourg and the Netherlands. In 1973 they were joined by Denmark, Ireland and the United Kingdom; in 1981 by Greece; in 1986 by Portugal and Spain; and in 1995 by Austria, Finland and Sweden. Accession negotiations were also successfully completed by Norway, but in a national referendum held in November 1994, 52.5 percent of Norwegian voters opposed membership of the European Union. Applications for membership of the EU have been submitted by Turkey and Cyprus, as well as the 10 associated countries of Central Europe (Bulgaria, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia, Slovenia).

At the Maastricht European Council on 9 and 10 December 1991, the Heads of State and Government adopted a Treaty on Political Union and a Treaty on Economic and Monetary Union, which together form the Treaty on

European Union. The Treaty came into force following ratification by all parties on 1 November 1993.

On 16 and 17 June 1997 in Amsterdam, EU Heads of State and Government agreed on a number of revisions to the Maastricht Treaty which have implications for the future Common Foreign and Security Policy of the Union. In particular it was agreed that:

- the Secretary General of the European Council would assume the functions of High Representative of the Common Foreign and Security Policy;
- a Policy Planning and Early Warning Unit would be established under his responsibility;
- the EU would draw up, together with the WEU, arrangements for enhanced cooperation between them within a year from the entry into force of the Treaty of Amsterdam;
- humanitarian and rescue tasks, peacekeeping tasks and tasks of combat forces in crisis management, including peacemaking (the so-called “Petersberg missions” of the WEU: see Chapter 4) would be included in the revised Treaty (Article J.7).

Conditional use of qualified majority voting was further elaborated in the context of the Common Foreign and Security Policy. According to the new structure of the Treaty, the European Council will decide on common strategies to be implemented by the European Union in areas where the member states have important interests in common. The European Council will implement them, in particular through undertaking joint actions and adopting common positions. These decisions will be by qualified majority, but include provision for a member state to take a position of “constructive abstention”. This would signify that the member state concerned chooses not to participate in the decision, but does not impede action by the other member states. Alternatively, if there are important questions of national policy at stake, a member state may choose to block a qualified majority vote, leaving open the possibility of appeal by other member states to the European Council.

The role of the European Union in international relations extends far beyond the positions and actions adopted within the framework of the Common Foreign and Security Policy. The EU is the world’s largest trade entity. It is one of the largest providers of funds for the developing countries, one of the biggest financial contributors in the context of the Middle East and the biggest financial contributor to international efforts aimed at laying the foundations for a lasting peace in the former Yugoslavia. Many other well-established EU policies, such as those on agriculture and fisheries, also have important external dimensions.

The Union's role in external relations will be further strengthened by the European Economic and Monetary Union and the establishment of a single currency.

Considerable importance is therefore attached to ensuring that the Common Foreign and Security Policy of the Union is in line with all its other external policies. The Council of Ministers and the European Commission both have the responsibility, within their respective mandates, for ensuring that the Union's external activities as a whole are consistent with its external relations, security, economic and development policies.

This approach has characterised policy development with regard to the enlargement of the EU, the EU pre-accession strategy towards the Central European candidate countries, EU-Russia relations and the EU's relations with the Mediterranean countries. The foundation for a future Euro-Mediterranean Partnership covering both political and economic relations, was laid at the Barcelona Conference in November 1995 (see Chapter 3).

Both political and economic elements were similarly included when the EU-Asian dialogue was launched at the March 1996 Bangkok Summit of Heads of State and Government of the 15 European and 10 Asian nations. At the mid-term revision of the Lomé Convention between the EU and the African, Caribbean and Pacific countries, the political elements of the convention were also reinforced. The European Union also maintains close cooperation with the Latin American countries. Furthermore, the Union maintains a continuing dialogue on political and economic issues of mutual interest and engages in direct negotiations on trade and investment issues with the United States, in the context of the General Agreement on Tariffs and Trade (GATT), and in the context of the EU-US Action Plan.

Since the outbreak of the conflict in the former Yugoslavia and the disintegration of the federal state of Yugoslavia, the European Union has been engaged in efforts to bring about peace to the region and to channel humanitarian aid to the war-stricken communities affected by the conflict. The London Conference on Yugoslavia held in August 1992, chaired jointly by the Secretary General of the United Nations and the Prime Minister of the United Kingdom (then President of the European Council), represented a new departure for the EU in the field of foreign policy. This was the first combined EU-United Nations international operation. A new European envoy to Bosnia, Ambassador Carlos Westendorp (Spain) was appointed in May 1997 following the resignation of his predecessor Carl Bildt, the former Prime Minister of Sweden. Carlos Westendorp was replaced in Summer 1999 by Wolfgang Petrisch, former Austrian ambassador and European Union envoy to Belgrade.

The structure of the European Union

The European Union is composed of three “pillars”:

- the European Community is the legal framework for Community policies relating to the single market, international trade, development assistance, monetary policy, agriculture, fisheries, environment, regional development, energy, etc;
- the Common Foreign and Security Policy (CFSP);
- Justice and Home Affairs, covering cooperation within the Union in areas such as civil and criminal law, immigration and asylum policy, border control, drug trafficking, police cooperation and exchange of information.

All these three major components of the European Union are governed in part by a set of fundamental objectives and basic principles and in part by a single institutional framework.

The major overriding internal objective of the European Union is to promote economic and social progress, notably through the creation of a border-free area, through the promotion of economic and social cohesion, and through the establishment of economic and monetary union, including a single currency. Externally, the main overall objective of the Union is to assert its identity on the international scene, in particular through a Common Foreign and Security Policy, including the development of a common defence policy. The central basic principles governing the Union are respect for national identities, democracy and fundamental human rights.

As for the single institutional framework of the Union, the main EU institutions are as follows:

- The European Parliament represents the 370 million citizens of the European Union. Its role is to pass legislation and to subject to scrutiny and control the use of executive power by the institutions of the European Union. Until 1979, Members of the European Parliament (MEPs) were nominated by national legislative bodies from among their own members. Direct elections to the Parliament commenced in June 1979. The most important powers of the European Parliament fall into three categories: firstly, legislative power, where the Parliament’s influence has been extended to amending and adopting legislation proposed by the Commission. Accordingly, the Parliament and Council now share power of decision in many areas; secondly, power over the budget, where the European Parliament approves the Union’s budget each year; thirdly, supervision of the executive branch of the Union, through its power of appointment of the President and members of the Commission. The European Parliament may question individual

Commissioners and ultimately has the power to dismiss the Commission itself. Individually, or as a group, European citizens have the right to petition the Parliament. An Ombudsman is responsible for investigating allegations of maladministration brought by citizens.

- The Council of the European Union, known as the Council of Ministers, which acts on proposals from the Commission and is the Union's primary decision-making body. The Council's role is to define political objectives, coordinate national policies and resolve differences between its members or with other institutions. The Council's competence extends across all three pillars of the Union. It is composed of ministers of the governments of the Member States. Ministerial meetings are prepared by the Permanent Representatives of the Member States.
- The Commission, which is responsible for safeguarding the EU Treaties and for initiating and proposing community legislation and policy, as well as overseeing the implementation of such legislation. In addition, the Commission acts as the guardian of European Community law and can refer cases to the European Union's Court of Justice. The Commission is in effect the manager and executive authority of European Union policies and international trade relations. It is the Union's executive body and consists of 20 Commissioners nominated by the Member States and appointed for a period of five years.
- The Court of Justice, which is the final arbiter on Community law. Its judges (one from each Member State, one of whom is appointed President) settle disputes over the interpretation and application of Community law and have the power to overturn decisions deemed to be contrary to the Treaties establishing the Community. Its judgements are binding on the Commission, on national governments, and on firms and individuals. It thus provides the judicial safeguards necessary to ensure that the law is observed in the interpretation and implementation of the Treaties and in EU activities as a whole.
- The Court of Auditors completes the list of the main institutions of the European Union. Its job is to oversee the financial aspects of the Community, to ensure that money is not misspent and to highlight cases of fraud. The Court thus represents the interests of the taxpayer.
- The European Investment Bank is the European's Union's financing institution, which provides loans for capital investment promoting the Union's economic development.
- The Economic and Social Committee advises the Parliament, Council and Commission on economic and social activity in the Union, either on its own initiative or at the request of the institutions.

- The Committee of the Regions was created to protect regional and local identities in the regions of the European Union and to ensure that they are taken into account in the manner in which EU policies are implemented.
- The European Ombudsman represents the mechanism which enables victims of any improper administration by EU institutions to have recourse to appeal.

In 1999, decisions taken by the European Council meeting in Helsinki resulted in the establishment of a number of interim and permanent structures to further the development of a Common Foreign and Security Policy. These are described in Chapter 4, together with the evolution of the European Security and Defence Identity (ESDI), the development of relations between the European Union and the Western European Union (WEU), the establishment of contacts between the European Union and NATO. Further information on the role of the WEU in relation to these issues is provided later in this chapter.

The Common Foreign and Security Policy (CFSP)

The framework for the political development of the Union during the 1970s and 1980s was formally known as European Political Cooperation or “EPC”. The establishment of a Common Foreign and Security Policy (CFSP) within the Treaty on the European Union which came into force in 1993 represented a substantive and qualitative leap forward. The main objectives of the CFSP, as set out in the Treaty, are as follows:

- to safeguard the common values, fundamental interests and independence of the Union;
- to strengthen the security of the Union and its Member States in all ways;
- to preserve peace and strengthen international security;
- to promote international cooperation; and
- to develop and consolidate democracy and the rule of law, and respect for human rights and fundamental freedoms.

The EU decision-making procedures in the field of foreign and security policy are essentially intergovernmental. The European Council defines the general guidelines for CFSP, and except for certain decisions on the implementation of joint actions described earlier, all subsequent decisions taken by the Council of Ministers are taken by unanimity.

As part of the continuing process of developing an effective CFSP, the EU has established a procedure for the nomination of special envoys to undertake

specific tasks as representatives of the Union. This procedure has, for example, been used to appoint special EU envoys to Bosnia, to the Great Lakes region in Africa, and to the Middle East.

At the conclusion of the EU Intergovernmental Conference which took place during 1996 and 1997, the Heads of State and Government concluded the Treaty of Amsterdam. The implications of this Treaty for the future Common Foreign and Security Policy of the Union and for EU-WEU relations are described later in the chapter.

Further steps in the implementation of the CFSP and the CESDP were taken at subsequent European Council meetings, and in particular in Cologne in June 1999, in Helsinki in December 1999, and in Lisbon in March 2000.

The CFSP is intended to be comprehensive and to cover all areas of foreign and security policy. In the Treaty on the European Union, as well as the associated declaration by the Member States of the Western European Union (WEU), it was decided that the WEU should be an integral part of the development of the Union, and that the EU should be able to request the WEU to elaborate and implement CFSP decisions and actions which have defence implications. In order to ensure coherence between the EU, the WEU and NATO, members of the European Union were invited to accede to the WEU or to become observers, and other European members of NATO were invited to become associate members of the WEU.

In approving these measures, European Union leaders emphasised that NATO remained the foundation of the collective defence of its members and would continue to have an important role in crisis management. Moreover, the development of the CESDP would be without prejudice either to the commitments of member countries under Article 5 of the Washington (NATO) Treaty or to Article V of the Brussels (WEU) Treaty.

At Helsinki, in December 1999, in addition to the new permanent bodies and interim measures described above, the Council established a common European headline goal for readily deployable military capabilities and agreed to develop collective capability goals in the fields of command and control, intelligence and strategic transport, to enable the EU to carry out the full range of the "Petersberg" tasks. These goals would be achieved through voluntary, coordinated national and international efforts.

The headline goal for developing European military capabilities calls for an ability to deploy rapidly, within 60 days, and to sustain for at least one year, operationally capable forces of up to 60 000 troops. Targets for smaller rapid response elements at very high levels of readiness were also set.

In Lisbon, three months later, the European Council welcomed the fact that the interim bodies foreseen at Helsinki had been established and that a process had been elaborated for implementing the headline goal and identifying the national contributions which would be needed to meet the above military capability targets. A Capabilities Commitment Conference was scheduled for autumn 2000⁴.

At the meeting of the European Council for Ministers in Santa Maria da Feira, Portugal, in June 2000, European Union leaders carried forward the CESDP process in a number of fields and in particular with respect to arrangements to be concluded by the Council with regard to contributions to EU military crisis management by third states.

These arrangements address the modalities of consultation and/or participation concerning non-EU European NATO members and other countries which are candidates for accession to the EU. The EU Council also agreed that Russia, Ukraine and other European states engaged in political dialogue with the Union, and other interested states might be invited to take part in EU-led operations. The Council welcomed the interest shown by Canada in this context.

Furthermore, the Council identified the principles on the basis of which consultation and cooperation with NATO should be developed. Specifically, they proposed to create four ad hoc working groups to address, respectively, security issues; capabilities goals; modalities enabling EU access to NATO assets and capabilities; and the definition of permanent arrangements for EU-NATO consultation.⁵

Further information can be obtained from the offices of the different institutions of the European Union described above, from regional information offices of the European Union, and from the European Commission.

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4 At the Capabilities Commitment Conference held in Brussels in November 2000, EU and Partner country Defence Ministers pledged substantial forces to the future European Rapid Reaction Force.

5 The Ad Hoc Working Groups began meeting in the summer. In December 2000, NATO ministers took stock of progress, welcoming the intensified NATO-EU dialogue and its contribution to increased understanding within the two organisations on how they might effectively cooperate.

THE WESTERN EUROPEAN UNION (WEU)⁶

The Western European Union has existed since 1954 and today includes 10 European countries: Belgium, France, Germany, Greece, Italy, Luxembourg, the Netherlands, Portugal, Spain and the United Kingdom. It has a Council and Secretariat formerly located in London and based in Brussels since January 1993, and a Parliamentary Assembly in Paris. The WEU has its origins in the Brussels Treaty of Economic, Social and Cultural Collaboration and Collective Self-Defence of 1948, signed by Belgium, France, Luxembourg, the Netherlands and the United Kingdom.

With the signature of the North Atlantic Treaty in 1949, the exercise of the military responsibilities of the Brussels Treaty Organisation or Western Union was transferred to the North Atlantic Alliance. Under the Paris Agreements of 1954, the Federal Republic of Germany and Italy acceded to the Brussels Treaty and the Organisation was renamed the Western European Union. The latter continued in being in order to fulfil the conditions and tasks laid down in the Paris Agreements.

The Western European Union was reactivated in 1984 with a view to developing a “common European defence identity” through cooperation among its members in the security field and strengthening the European pillar of the North Atlantic Alliance.

In August 1987, during the Iran-Iraq War, Western European Union experts met in The Hague to consider joint action in the Gulf to ensure freedom of navigation in the oil shipping lanes of the region; and in October 1987 WEU countries met again to coordinate their military presence in the Gulf following attacks on shipping in the area.

Meeting in The Hague in October 1987, the Ministerial Council of the Western European Union, made up of Foreign and Defence Ministers of the member countries, adopted a “Platform on European Security Interests” in which they affirmed their determination both to strengthen the European pillar of NATO and to provide an integrated Europe with a security and defence dimension. The Platform defined the Western European Union’s relations with NATO and with other organisations, as well as the enlargement of the WEU and the conditions for the further development of its role as a forum for regular discussion of defence and security issues affecting Europe.

⁶ In November 2000, the WEU Council of Ministers meeting in Marseilles welcomed the progress made by the European Union in the field of European security and defence policy and the Atlantic Alliance’s support for this process. The Council took a number of decisions relating to the transfer of its operational role to the European Union and arrangements to be put in place for the WEU’s residual functions and structures.

Following the ratification of the Treaty of Accession signed in November 1988, Portugal and Spain became members of the Western European Union in 1990 in accordance with the decisions taken in 1987 to facilitate WEU enlargement. A further step was taken in November 1989 when the Council decided to create an Institute for Security Studies, based in Paris, with the task of assisting in the development of a European security identity and in the implementation of The Hague Platform.

A number of decisions were taken by the European Council at Maastricht on 9-10 December 1991 on the common foreign and security policy of the European Union and by the member states of the Western European Union on the role of the WEU and its relations with the European Union and the Atlantic Alliance (set out in the Maastricht Declarations). These decisions were welcomed by the North Atlantic Council when it met in Ministerial Session on 19 December 1991. They included extending invitations to members of the European Union to accede to the WEU or to seek observer status, as well as invitations to European member states of NATO to become associate members; agreement on the objective of the WEU of building up the organisation in stages, as the defence component of the European Union, and on elaborating and implementing decisions and actions of the Union with defence implications; agreement on the objective of strengthening the European pillar of the Atlantic Alliance and the role, responsibilities and contributions of WEU member states in the Alliance; affirmation of the intention of the WEU to act in conformity with positions adopted in the Alliance; the strengthening of the WEU's operational role; and the relocation of the WEU Council and Secretariat from London to Brussels. A number of other proposals were also examined including a new role for the WEU in armaments cooperation.

On 19 June 1992, the Foreign and Defence Ministers of WEU member states met near Bonn to strengthen further the role of the WEU and issued the "Petersberg Declaration". This declaration set out, on the basis of the Maastricht decisions, the guidelines for the organisation's future development. WEU member states declared their preparedness to make available military units from the whole spectrum of their conventional armed forces for military tasks under the authority of the WEU. These tasks, the so-called "Petersberg missions", consisted of humanitarian and rescue tasks; peacekeeping tasks; and tasks of combat forces in crisis management including peacemaking. In the Petersberg Declaration, WEU members pledged their support for conflict prevention and peacekeeping efforts in cooperation with the CSCE and with the United Nations Security Council.

The first application of provisions set out in the Maastricht Treaty with regard to the WEU (Article J.4.2 of the Treaty of European Union) occurred in November 1996. At that time the Council of the European Union adopted a

decision requesting the WEU to examine urgently how it could contribute to the EU's humanitarian efforts in support of the refugees and displaced persons in the Great Lakes region in Africa. WEU-EU cooperation was also undertaken in relation to the planning of evacuation operations, supporting African peace-keeping efforts, and mine clearance.

Provisions established in accordance with the Maastricht Treaty were subsequently re-examined at the Inter-Governmental Conference (IGC) in 1996/97. At its Ministerial meeting in Madrid in 1995, the WEU agreed on a specific "WEU contribution to the European Union Intergovernmental Conference of 1996". This document assessed the organisation's development since Maastricht; set forth several options for the future EU-WEU relationship; and listed a number of agreed principles and guidelines to assist the IGC on European defence arrangements. It was formally submitted by the WEU to the Council of the European Union.

As a result of the Inter-Governmental Conference on 16 and 17 June 1997 in Amsterdam, EU Heads of State and Government agreed on revisions to the Maastricht Treaty with implications for the future Common Foreign and Security Policy of the Union and EU-WEU relations. In particular, the Petersberg missions, as defined by the WEU at the Ministerial meeting in June 1992, were included in the Treaty of Amsterdam.

The Amsterdam Treaty stipulated that the WEU is an integral part of the development of the European Union, providing the latter with access to an operational capability, notably in the context of the Petersberg missions. The WEU should support the EU in framing the defence aspects of the common foreign and security policy; and the EU should, accordingly, foster closer institutional relations with the WEU *"with a view to the possibility of the integration of the WEU into the EU, should the European Council so decide"*.

The Amsterdam Treaty also states that the *"Union will avail itself of the WEU to elaborate and implement decisions and actions of the Union which have defence implications"*, giving the European Council competence to establish guidelines in respect of the WEU for those matters for which the EU would avail itself of the WEU. In such cases, all EU member states, including those who are not full members of the WEU, would be entitled to participate fully in the tasks in question. In the same vein, the EU Council, in agreement with the institutions of the WEU, would adopt the necessary practical arrangements to allow all EU member states making a contribution to participate fully and on an equal footing in planning and decision-taking in the WEU.

The Protocol to Article 17 of the Amsterdam Treaty stated that the EU would draw up, together with the WEU, arrangements for enhanced cooperation between them within a year from the entry into force of the Treaty. The

WEU, in its “Declaration on the Role of Western European Union and its Relations with the European Union and with the Atlantic Alliance”, adopted by WEU Ministers on 22 July 1997, took note of the parts of the Treaty of Amsterdam pertaining to the WEU. The Declaration also set out the WEU’s understanding of its role and relations with the EU as well as with the Atlantic Alliance, describing the WEU as an integral part of the development of the European Union, providing it with access to operational capability, notably in the context of the Petersberg missions, and an essential element of the development of the ESDI within the Alliance, in accordance with the Paris Declaration and with the decisions taken by NATO Ministers in June 1996 in Berlin.

Following the Amsterdam and the WEU Declaration of 22 July 1997, further steps were taken in developing WEU-EU relations. In September 1997 the WEU Council introduced measures to harmonise as much as possible the six-monthly presidencies which rotate between members countries in both the WEU and the EU. At their meeting in Erfurt, Germany, in November 1997, EU Ministers endorsed a decision enhancing the operational role of WEU observer countries, in line with the provisions contained in Article 17.3 of the Amsterdam Treaty. In Erfurt Ministers also endorsed a decision concerning the participation modalities of associate members and observers in all WEU operations.

After 1991, the WEU developed a framework under which an increasing number of European countries became associated with its activities. In the second WEU Maastricht Declaration of 1991, the WEU invited states which were members of the EU to accede to WEU, on conditions to be agreed in accordance with Article XI of the modified Brussels Treaty, or to become observers. Simultaneously, other European members of NATO were invited to become associate members of WEU “*in a way which will give the possibility to participate fully in the activities of WEU*”. The Petersberg Declaration defined the rights and obligations of those states which are members of the European Union and NATO, as future members, observers or associate members. At the Rome Ministerial meeting on 20 November 1992, WEU members agreed to enlarge the organisation and invited Greece to become its tenth member, subject to parliamentary ratification.

On 9 May 1994, at their meeting in Luxembourg, the WEU Council of Ministers issued the “Kirchberg Declaration”, according the nine Central and Eastern European countries which had signed “Europe Agreements” with the EU the status of “Associate Partners”⁷ (as distinct from the Associate Membership of Iceland, Norway and Turkey). Slovenia became the tenth Associate Partner country in 1996.

7 Bulgaria, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania and Slovakia.

Greece joined the WEU formally in 1995. Iceland, Norway and Turkey, as member countries of NATO, were granted Associate Member status; and Denmark and Ireland, as members of the European Union, became Observers. Following their accession to the European Union on 1 January 1995, and after completion of parliamentary procedures, Austria, Finland and Sweden also became WEU Observers. On 23 March 1999, following their accession to NATO, the Czech Republic, Hungary and Poland became Associate Members.

These decisions thus created a system of variable geometry with three different levels of membership and affiliation, as well as observer status:

- Members (also members of both NATO and of the EU);
- Associate Members (NATO but not EU members);
- Associate Partners (neither NATO nor EU members), and;
- Observers (EU but not NATO members. Denmark also opted for Observer status).

Implementation of the Petersberg Tasks

During the 1990's, the WEU developed relations with a number of other countries and regions. A dialogue with Russia provided for political consultations and practical cooperation on subjects of mutual interest. This included, for example, the supply of Russian imagery to the WEU Satellite Centre. The WEU also developed a dialogue with Ukraine on the basis of a joint WEU/Ukraine communiqué of September 1996; and a dialogue with six non-WEU Mediterranean countries (Algeria, Egypt, Israel, Mauritania, Morocco and Tunisia). These dialogues have provided an opportunity to inform those countries about WEU activities and to exchange views on subjects of mutual interest, such as the experience gained from peacekeeping operations. In the context of efforts by the international community, the WEU has also undertaken work to assist African countries in developing effective peacekeeping capabilities.

Following the decisions taken at Maastricht and Petersberg, steps were undertaken to develop the WEU's operational capabilities in order to provide the organisation with the necessary tools to undertake the Petersberg missions. In this context, a WEU Planning Cell was set up, under the authority of the WEU Council, to carry out planning for possible WEU operations and to establish and to keep up-to-date the list of Forces Answerable to WEU (FAWEU). The WEU has no standing forces or command structures of its own. Accordingly, the military units and command structures designated by WEU members and associate members can be made available to WEU for its vari-

ous possible tasks. They include both national units and several multinational formations, such as the Eurocorps; the Multinational Division Central; the UK/NL Amphibious Force; Eurofor and Euromarfor; the Headquarters of the First German-Netherlands Corps; and the Spanish-Italian Amphibious Force.⁸

Other measures aimed at developing the WEU's operational capabilities included the establishment of the Satellite Centre in Torrejon, Spain, inaugurated in April 1993, to interpret and analyse satellite data for the verification of arms control agreement, crisis monitoring and management in support of WEU operations; the creation of a Situation Centre (which became operational in June 1996) to monitor crisis areas designated by the WEU Council and the progress of WEU operations; and the creation of a Military Delegates Committee and the reorganisation of the military structure of the WEU headquarters in 1998, in accordance with decisions taken by WEU Ministers at their meetings in Paris and Erfurt in May and November of 1997.

Cooperation between the Western European Union and NATO underpinned the process of the reactivation of the WEU and became progressively more intensive and more frequent. On 21 May 1992, the Council of the Western European Union held its first formal meeting with the North Atlantic Council at NATO Headquarters. Subsequently, the Secretary General of the WEU regularly attended ministerial meetings of the North Atlantic Council, and the NATO Secretary General likewise participated in WEU ministerial meetings. The North Atlantic and WEU Councils began to meet four times a year, with the possibility of further meetings if necessary. A Security Agreement was agreed between NATO and WEU to facilitate the exchange of classified information. Other examples of enhanced practical cooperation included WEU access to NATO's integrated communications system on the basis of a NATO-WEU Memorandum of Understanding; and regular consultations between the secretariats and military staffs of both organisations.

An important further step towards closer cooperation between NATO and WEU was taken during the January 1994 NATO Summit in Brussels. The 16 member countries of the Alliance gave their full support to the development of a European Security and Defence Identity which would strengthen the European pillar of the Alliance while reinforcing the transatlantic link and would enable European Allies to take greater responsibility for their common security and defence. They expressed their support for strengthening this European pillar of the Alliance through the Western European Union, which was being

8 Eurocorps: Belgium, France, Germany, Luxembourg, Spain. The Multinational Division Central (MND(C)) forms part of the Reaction Forces available to the Supreme Allied Commander, Europe, within NATO's integrated military structure. The Eurofor (rapid deployment force) and Euromarfor (maritime force) include forces from France, Italy, Portugal and Spain.

developed as the defence component of the European Union. In order to avoid duplication of capabilities, NATO agreed to make its collective assets available, on the basis of consultations in the North Atlantic Council, *“for WEU operations undertaken by the European Allies in pursuit of their Common Foreign and Security Policy”*. In addition, Heads of State and Government endorsed the concept of Combined Joint Task Forces (CJTFs - see Chapter 12) as a means of facilitating contingency operations. They directed that the concept should be implemented in a manner that provided separable but not separate military capabilities that could be employed by NATO or the WEU and would respond to European requirements and contribute to Alliance security. At the same time, they reaffirmed that the Alliance remained the essential forum for consultation among its members and the venue for agreement on policies bearing on the security and defence commitments of Allies under the Washington Treaty.

At their meetings in June 1996, NATO Foreign and Defence Ministers decided that, as an essential part of the internal adaptation of NATO, the European Security and Defence Identity should be built within NATO. This would enable all European Allies to make a more coherent and effective contribution to the missions and activities of the Alliance as an expression of their shared responsibilities; to act themselves as required; and to reinforce the transatlantic partnership. Taking full advantage of the CJTF concept, this identity would be based on sound military principles, would be supported by appropriate military planning and would permit the creation of militarily coherent and effective forces capable of operating under the political control and strategic direction of the WEU, taking into account the full participation of all European Allies if they were so to choose. At the Summit meeting in Madrid in July 1997, NATO Heads of State and Government welcomed the major steps taken on the creation of the European Security and Defence Identity within the Alliance, implementing the important political decisions made by Foreign and Defence Ministers in June 1996, and tasked the North Atlantic Council in Permanent Session to complete its work expeditiously in cooperation with WEU.

A WEU/NATO Joint Crisis Management Exercise was held for the first time in February 2000, to test ESDI-related concepts and arrangements for handling WEU-led operations making use of NATO assets and capabilities, and a joint NATO-WEU Exercise Study (JES-01) was scheduled for 2001.

In the light of the decisions taken by the European Council in Helsinki in 1999, WEU Foreign and Defence Ministers recognised that the fulfilment by the EU of new responsibilities in the security field would have profound repercussions for the WEU as an organisation. At their meeting in Porto, Portugal, in May 2000, they instructed the Permanent Council of the WEU to examine the measures that would be needed at the appropriate time. Clarifications were also issued regarding the implications of the Common European Security and

Defence Policy on the Treaty of Brussels and the WEU. On the basis of the decisions taken at the Marseilles Ministerial meeting of the WEU, in November 2000, the incoming French Presidency of the WEU emphasised that Article V of the Brussels Treaty would continue to reflect the mutual commitment of the member countries with respect to their collective defence. Arrangements were put in place for carrying out the residual functions of the WEU, once the European Union had become operational.

Operational Tasks undertaken by the WEU

The WEU contributed to efforts undertaken by the international community in the context of the conflict in Bosnia and Herzegovina from 1992 on, and the crisis in Albania in 1997, both by mounting WEU operations and by conducting a joint operation with NATO to support the efforts of the United Nations to end the conflict in the former Yugoslavia.

In July 1992, the member countries of the WEU decided to make available naval forces for monitoring compliance in the Adriatic with UN Security Council Resolutions against the Federal Republic of Yugoslavia (Serbia and Montenegro). Similar measures were also taken by the North Atlantic Council in a Ministerial Session held on the margins of the OSCE Summit in Helsinki on 10 July 1992 in coordination with the WEU.

At a joint session on 8 June 1993, the North Atlantic Council and the Council of the Western European Union approved the concept of combined NATO/WEU embargo enforcement operations under the authority of the two Organisations. A single commander was appointed to head the combined NATO/WEU task force in the Adriatic. The implementation of this decision is described in more detail in Chapter 5.

On 5 April 1993, the WEU Council of Ministers decided to provide assistance to Bulgaria, Hungary and Romania in their efforts to enforce the UN embargo on the Danube. The assistance took the form of a civilian police and customs operation coordinated with other organisations and in particular with the EU and the CSCE. Following the termination of the UN sanctions, both the Adriatic and Danube operations were ended.

In early July 1994, the WEU responded to a request to provide support to the EU Administration being established in Mostar by dispatching a police contingent. The aim of the WEU police contingent was to assist the Bosnian and Croat parties in Mostar to set up a unified police force for Mostar. Following the termination of the EU Administration's mandate in July 1996, an EU Special Envoy was appointed until the end of the year. The WEU police contingent con-

tinued to provide assistance until the transfer of the Envoy's executive powers to the local authorities on 15 October 1996.

In 1997, the WEU Council, in the context of the Albanian crisis, decided to deploy a Multinational Advisory Police Element (MAPE) to complement the action of the Multinational Protection Force created and deployed by several European countries under the authority of the UN Security Council (Resolution 1101). The first WEU operation to be directed by the WEU Council with the support of the WEU Secretariat and Planning Cell on the role of the MAPE was to give the Albanian police authorities information and advice on appropriate aspects of policing and restoring order, as well as on their responsibilities in the electoral process. Deployment started in May 1997, with WEU Members, Associate Members, Observers and Associate Partners all contributing to this mission. In response to requests by the Albanian government, the MAPE's mandate was subsequently extended.

In May 1999, at the request of the European Union, the WEU initiated a Demining Assistance Mission to the Republic of Croatia. A decision was taken by the WEU Council of Ministers in Marseilles, in November 2000, that the mission should be undertaken within the WEU framework until its mandate expired in May 2001.

Further information on the Western European Union and on decisions relating to the transfer of the WEU's operational role to the EU and arrangements for the WEU's residual functions and structures can be obtained from:

Western European Union Secretariat-General 4 rue de la Régence Brussels, Belgium Tel: 32 2 500 4455 Fax: 32 2 511 3519 E-mail: eo.presse@skynet.be Website: http://www.weu.int	Western European Union Assembly 43 avenue du Président Wilson 75775 Paris Cedex 16, France Tel: 33 1 53 67 22 00 Fax: 33 1 47 20 45 43 E-Mail: 100315.240@compuserve.com Website: http://www.weu.int/assembly
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THE COUNCIL OF EUROPE

The Council of Europe was established on 5 May 1949, “to achieve a greater unity between its members for the purpose of safeguarding and realising the ideals and principles which are their common heritage and facilitating their economic and social progress”. The Council’s overall aim is to maintain the basic principles of human rights, pluralist democracy and the rule of law and to enhance the quality of life for European citizens⁹.

The Council of Europe has 43 member countries (see below). The most recent new members are: Hungary (1990); Poland (1991); Bulgaria (1992); Estonia, Lithuania, Slovenia, the Czech Republic, Slovakia and Romania (1993); Andorra (1994); Latvia, Albania, Moldova, the former Yugoslav Republic of Macedonia¹⁰ and Ukraine (1995); Russia and Croatia (1996); Georgia (1999), and Armenia and Azerbaijan (2001).

The Council is composed of a Committee of Ministers, in which agreements are reached on common action by governments, and a 291 member Parliamentary Assembly, which makes proposals for new activities and serves, more generally, as a parliamentary forum. Some of the Council of Europe’s activities are open to non-member states. Bosnia and Herzegovina (since 28 January 1994) and the Federal Republic of Yugoslavia (since 22 January 2001) have special guest status with the Parliamentary Assembly. In 1997, Belarus’ special guest status with the Parliamentary Assembly was suspended and the procedure for accession to the Council of Europe was frozen. Canada, Israel and Mexico are Observers to the Parliamentary Assembly and Canada, the Holy See, Japan, Mexico and the United States have observer status with the Committee of Ministers of the Council.

Some 165 inter-governmental conventions and agreements have been concluded by the Council, chief among which are the Convention for the Protection of Human Rights and Fundamental Freedoms; the European Cultural Convention; and the European Social Charter. At its Summit meeting in Vienna in 1993, the Council of Europe underlined its contribution to democratic security in Europe. The concept of democratic security has two aspects: first, absolute insistence on pluralistic and parliamentary democracy, on the indivisibility and universality of human rights, and on the rule of law and a common cultural heritage enriched by its diversity, as fundamental preconditions for security; and second, a strong emphasis on European cooperation on the basis of these values as a method of building networks of trust across the continent, which can simultaneously prevent conflicts and help find solutions to

9 The Statute of the Council of Europe, Chapter 1, Art. 1.

10 Turkey recognises the Republic of Macedonia with its constitutional name.

common problems. The promotion of democratic security contributes to the task of dealing with a significant range of security risks in Europe. Apart from diminishing the risks of any reversion to totalitarian rule, it responds to challenges stemming from: serious and massive violations of fundamental freedoms and human rights, including discrimination against a part of the population; major deficiencies in the structures for the rule of law; aggressive nationalism, racism and intolerance, as well as interethnic tensions and conflicts; terrorism and organised crime; and social disintegration, disparities and tension at local and regional level.

The Council of Europe held its second Summit Meeting in Strasbourg in October 1997, adopting an Action Plan for the main tasks of the Council in the period leading up to its 50th anniversary in May 1999 and beyond. The Action Plan addressed issues relating to democracy and human rights; social cohesion; security of citizens; and democratic values and cultural diversity. On 1 February 1998, the Council of Europe's Framework Convention for the protection of National Minorities entered into force. In addition, with effect from 1 November 1998, the Council approved the establishment of a new full-time Court of Human Rights, under the terms of the Protocol on the European Convention of Human Rights which establishes the Court.

The Action Plan also set in hand arrangements for appointing a Council of Europe Commissioner for Human Rights, the first of whom was appointed in 1999. Finally, a monitoring procedure has been set up to ensure that the commitments accepted by member states are effectively honoured. A confidential, constructive and non-discriminatory dialogue is carried out both at governmental level in the Committee of Ministers and at parliamentary level by the Parliamentary Assembly.

The significant extension of the membership of the Council of Europe since the end of the Cold War and the increasing number of conventions achieved represent a determination by the member governments to establish cooperative structures designed to avoid new rifts in the continent and to build a common European civilisation of democratic nations. The Council of Europe's efforts in these spheres are therefore complementary to those of the North Atlantic Alliance. The Council of Europe seeks implementation of its Action Plan in cooperation with European and other international organisations, notably the European Union and the OSCE.

Council of Europe - Member States

Albania	Finland	Luxembourg	Spain
Andorra	France	Malta	Sweden
Armenia	Georgia	Moldova	Switzerland
Austria	Germany	Netherlands	The former
Azerbaijan	Greece	Norway	Yugoslav
Belgium	Hungary	Poland	Republic
Bulgaria	Iceland	Portugal	of Macedonia ¹¹
Croatia	Ireland	Romania	Turkey
Cyprus	Italy	Russia	Ukraine
Czech Republic	Latvia	San Marino	United Kingdom
Denmark	Liechtenstein	Slovakia	
Estonia	Lithuania	Slovenia	

Applicant Members

Bosnia

Special Guest Status with the Parliamentary Assembly

Bosnia The Federal
 Republic of
 Yugoslavia

Observer Status with the Committee of Ministers

Canada Holy See Japan Mexico United States

Observer Status with the Parliamentary Assembly of the Council

Canada Israel Mexico

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¹¹ Turkey recognises the Republic of Macedonia with its constitutional name.

