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Subject: Mutually reinforcing Institutions

The Political Committee agreed on 22 June to recommend to the Council to take note of the attached updated version of the document on "Mutually reinforcing Institutions" (see Opinion 11/98 in document 9704/98 PESC 180 COSEC 7).

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MUTUALLY REINFORCING INSTITUTIONS

PREFACE

In April 1995, the CFSP Security Working Group prepared a document on mutually reinforcing institutions, for periodic review in the light of events. Since then, a number of important events and decisions have brought substantial progress in the development of international and European security architecture. The Madrid NATO Summit, the Lisbon and Copenhagen OSCE meetings, the signature of the Amsterdam Treaty and the WEU's Declaration of 22 July 1997 are examples. These events underline the importance of ensuring that existing institutions act in a way that is mutually reinforcing.

INTRODUCTION

The family of nations resort increasingly to the United Nations and other international organisations as means of resolving political, economic and humanitarian crises, and for military action to prevent or terminate conflicts. Intensive international efforts for crisis management and conflict resolution in former Yugoslavia, Africa, Central Asia and other areas are obvious examples.

Experience of crises has shown that several organisations and their Member States can be involved in efforts to solve the same conflict on the basis of similar political mandates. Whilst the involvement of more than one organisation and its Member States can be beneficial where this results in complementary and mutually supportive contributions to the settlement of a problem, including humanitarian assistance, ways and means should be sought of reducing unnecessary duplication of work and resources to a minimum to ensure that the organisations involved do not become mutually weakening instead of mutually reinforcing, and to prevent target/recipient countries from taking advantage of this multiplicity of institutions (forum shopping).

Those Member States of the European Union, who are represented in relevant organisations (UN, including on its Security Council; OSCE; WEU; NATO; Council of Europe) would be in a better position to handle this problem if they maintained a continuous exchange of information and drew up appropriate guidelines. Within the OSCE area participating states have already agreed a common concept for the development of cooperation between mutually reinforcing institutions within the context of work on the Platform for Cooperative Security. This can provide a useful model for wider improvements in cooperation between international organisations in the security field.

I. The first requirement is a continuous exchange of information among all organisations and states concerning their humanitarian assistance as well as conflict prevention and containment activities. Within the EU this finds expression in Article J.2.1 of the Treaty on European Union, under which Member States shall inform and consult one another within the Council on any matter of foreign and security policy of general interest in order to ensure that their combined influence is exerted as effectively as possible by means of concerted and convergent action.

II. Regional cooperation has gained in importance as an additional promoter of stability and security. The different regional initiatives and organisations enhance relations between states by strengthening networks of cooperation among authorities, nongovernmental organisations and citizens.

III. As a result of the experience gained by all relevant organisations in coping with the new challenges in the wake of the changed political environment, the following guidelines could be applied in considering and reaching decisions on possible action.

1. General Guidelines

- 1.1 Pursuant to article 24 (1) of the UN Charter, the Security Council bears primary responsibility for the maintenance of international peace and security, using powers provided under the UN Charter for preventive diplomacy, peacekeeping, peacemaking and coercive measures.
- 1.2 Each of the organisations mentioned in the introduction should as a rule take the action for which it is best suited.
- 1.3 If there is a need for further action in a particular case where one such organisation is already involved, another organisation should investigate whether the desired objective can be attained through political, financial or personnel-related support for the organisation already involved, should the latter so wish.
- 1.4 If an organisation reaches the conclusion that there is a need for it to act, any decision to this effect should be taken only after consultation with the organisation already involved, albeit without prejudice to the particular responsibilities of the organisations concerned.

2. European Union

- 2.1 The Common Foreign and Security Policy (CFSP) of the European Union aims to achieve the objectives referred to in Article J.1 of the Treaty on European Union (TEU). CFSP includes all questions relating to the security of the Union. Under the Amsterdam Treaty, these shall include humanitarian and rescue tasks, peacekeeping tasks and tasks on combat forces in crisis management, including peacemaking, as well as the progressive framing of a common defence policy. Common security policy is based on a global concept of security, which includes political, economic and military aspects, the latter being prepared and implemented in the Western European Union. It will be primarily aimed at reducing the risks and uncertainties likely to pose a threat to the integrity and independence of the Union, to its democratic character, its economic stability and the stability of its neighbouring regions.
- 2.2 The enlargement of the EU will contribute to the stability and security of the continent as an area where democracy, good governance, respect for human rights and the rule of law and freedom of expression go hand in hand with sustainable economic growth. It will offer both applicant states and current members of the Union new opportunities for prosperity and general well-being, the beneficial effects of which will extend beyond Member States' borders. At the same time, the process of enlargement of the Union should give additional weight to CFSP. The pre-accession strategy, in particular the association of associated countries to CFSP initiatives and actions, has already contributed to this.
- 2.3 In the framework of its CFSP, the EU, under the Amsterdam Treaty, will avail itself of the Western European Union (WEU), which is an integral part of the development of the European Union, to elaborate and implement decisions and actions of the Union which have defence implications. Under the Amsterdam Treaty, European Council guidelines shall also obtain in respect of the WEU for those matters which the EU avails itself of the WEU. The Protocol to Article 17 of the Treaty on European Union (TEU) as modified by the Amsterdam Treaty provides for the EU and WEU to draw up arrangements for enhanced co-operation between them.
- 2.4 The Union has a variety of instruments available to it with which to promote its objectives and to respond to new challenges. These include diplomatic, economic and political instruments, as well as assistance for humanitarian relief, rehabilitation, reconstruction and development co-operation. These instruments may be employed in a number of areas relating to crisis management, as in the case of the Union's decisions in support of the Middle East Peace Process, including the appointment of a Special Envoy, and its Common Position of 1997 on conflict prevention and resolution in Africa.

When as a result of a common position or joint action adopted in CFSP, Community action is required to interrupt or to reduce, in part or completely, economic relations with one or more third countries, the Council will take the necessary measures. The European Union is also well placed to co-ordinate an embargo involving other countries.

3. United Nations

- 3.1 In conformity with the relevant provisions of the UN Charter, the Security Council may, where appropriate, utilise regional arrangements or organisations for enforcement action under its authority. Such enforcement action shall not be taken without the authorisation of the Security Council.
- 3.2 If the Security Council authorises or requests the assistance of regional arrangements or organisations for enforcement action under its authority, the arrangements and the organisations will consider how they can best respond according to their procedures.
- 3.3 If, in implementing a Security Council resolution, the United Nations is assisted by regional arrangements or organisations, overall responsibility will rest with the United Nations while the practical arrangements and conduct of the operation, following agreement with the UN, might be the responsibility of the organisation concerned.
- 3.4 In making decisions on specific missions, preventive action or election observations, the UN Security Council and the Secretary-General, taking into account the activities of other organisations, may consider the added benefit of providing political support for the operations of another organisation or of the UN's taking action itself.
- 3.5 The Secretary-General also has authority to use his good offices to conduct preventive diplomacy and mediation missions, and to send Special Representatives of the Secretary-General to areas of incipient or actual conflict with the aim of bringing peace. Envoys from other organisations work in close consultation with such special representatives.

4. OSCE

- 4.1 The OSCE is a primary instrument for early warning, conflict prevention and crisis management in its area. At the Lisbon summit in 1996 participating states reaffirmed that European security requires the widest co-operation and co-ordination among participating states and European and transatlantic organisations. They agreed that the OSCE is the inclusive and comprehensive organisation for consultation, decision-making and co-operation in its region and a regional arrangement under Chapter VIII of the United Nations Charter.

As such it is particularly well-suited as a forum to enhance cooperation and complementarity among such organisations and institutions. They also confirmed that in exceptional circumstances participating states may jointly decide to refer a matter to the United Nations Security Council on behalf of the OSCE whenever, in their judgement, action by the Security Council may be required under the relevant provisions of Chapter VII of the UN Charter.

- 4.2 At the Ministerial Council Meeting in Copenhagen in 1997, participating states adopted guidelines on a Document-Charter on European Security. Building on these guidelines the OSCE will be strengthened and the effectiveness and capabilities of the OSCE will be further enhanced. The development of the EU proposal for a Platform for Co-operative Security will further strengthen non-hierarchical co-operation between the OSCE and other organisations. The Common Concept annexed to the Copenhagen guidelines sets out practical steps for this cooperation.
- 4.3 The OSCE plays a major role in conflict prevention, crisis management and post-conflict rehabilitation, in particular through the work of the OSCE Chairman-in-Office and his personal representatives, Missions in the field, and the activities of the OSCE High Commissioner on National Minorities. The EU fully supports these activities, including through secondment of personnel to OSCE Missions. The OSCE's mode of operation is characterised by flexibility and pragmatism - for example the mission in Croatia developed a police monitoring capacity in response to a defined requirement. In light of the role the OSCE has come to play across the full spectrum of early warning, conflict prevention, crisis management and post-conflict rehabilitation, and in the light of practical experience gained by other organisations within the field of peacekeeping, participating states agreed at Copenhagen to examine rigorously the OSCE's appropriate role in connection with peacekeeping operations, bearing in mind relevant OSCE documents.
- 4.4 The human dimension is at the core of the OSCE's comprehensive concept of security. The OSCE Office for Democratic Institutions and Human Rights plays a key role in promoting respect for human rights and democracy and as an observer of elections in participating states. The EU regularly contributes personnel to ODIHR human rights projects and election-monitoring activities. There is a need for continued co-operation between ODIHR and other international institutions and organisations active in the human dimension, including the United Nations High Commissioner for Human Rights and the Council of Europe. Close cooperation should also be ensured between the OSCE High Commissioner on National Minorities, the newly-appointed Media Representative and other relevant institutions such as the Council of Europe.
- 4.5 In the politico-military field, confidence and security building measures agreed within the OSCE, as well as the Treaty on Conventional Armed Forces in Europe (CFE) and the Treaty on Open Skies, are fundamental to the maintenance of military stability and confidence in Europe.

5. WEU

- 5.1 In their Declaration of 22 July 1997, WEU Member States confirmed that WEU is an integral part of the development of the European Union providing the Union with access to an operational capability, notably in the context of the Petersberg tasks (humanitarian and rescue tasks, peacekeeping tasks, and tasks of combat forces in crisis management, including peacemaking), and is an essential element of the development of the European Security and Defence Identity within the Atlantic Alliance. They also reaffirmed their aim to build up WEU in stages as the defence component of the European Union as developed by the Treaty of Amsterdam.
- 5.2 WEU is developing its role as the European politico-military body for crisis management, by using the assets and capabilities made available by WEU nations on a national or multinational basis, and having recourse, when appropriate, to NATO's assets and capabilities under arrangements being worked out. In this context, WEU will also support the UN and OSCE in their crisis management tasks. Although WEU's primary role is military crisis management, it has demonstrated flexibility in adopting civilian police and other tasks linked to crisis management.
- 5.3 WEU supports the European Union in framing the defence aspects of the EU's CFSP as set out in Article 17 of the TEU as modified by the Treaty of Amsterdam. It will contribute, in the framework of this Article, to the progressive framing of a common defence policy and carry forward its concrete implementation through the further development of its operational role. WEU has confirmed that, when the EU avails itself of WEU, WEU will elaborate and implement decisions and actions of the Union which have defence implications, acting consistently with guidelines established by the European Council.
- 5.4 WEU should, if called upon by the United Nations or the OSCE to participate in peace missions, become active first and foremost where the conflict affects the security interests of the European Union.
- 5.5 It is noted that in future contingencies, especially if NATO is also called upon to render support in peacekeeping operations designed to help resolve a European conflict, either under UN or OSCE auspices, NATO and WEU have agreed to consult including as necessary through joint council meetings on how to address such contingencies.
- 5.6 In such cases the principles of transparency, complementarity and compatibility will be of the utmost importance.

6. NATO

- 6.1 The Atlantic Alliance will continue to assume a larger political and security role. Its enlargement will be part of a broad European security architecture based on cooperation throughout the whole of Europe. It will complement the enlargement of the European Union, a parallel process which also, for its part, contributes significantly to extending security and stability to the new democracies in the East.
- 6.2 NATO's decision, on an ad hoc basis in accordance with its own procedures, takes account of the political and security interests of the Alliance partners.
- 6.3 NATO members have given their full support to the development of the European Security and Defence Identity (ESDI) within the Alliance. The Alliance is well placed, given its transatlantic link and the resources and expertise which could be provided, to contribute to peacekeeping and other operations in support and under the authority of the United Nations or the responsibility of the OSCE, especially should robust military capabilities be required.
- 6.4 It is noted that in future contingencies, especially if WEU is also called upon to render support in peacekeeping operations designed to help resolve a European conflict, either under UN or OSCE auspices, WEU and NATO have agreed to consult including as necessary through joint Council meetings on how to address such contingencies. As confirmed in its Declaration at Brussels in January 1994, NATO stands ready to make collective assets of the allies 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. ESDI in NATO will permit the creation of militarily coherent and effective forces capable of operating under the political control and strategic direction of WEU.
- 6.5 The Euro-Atlantic Partnership Council (EAPC), which replaced the North Atlantic Cooperation Council, was created as the framework for expanding the political and security dimensions of partnership with NATO and for practical cooperation between NATO and its partners, including through the Partnership for Peace program (PfP). Under PfP, NATO's partner countries are working in concrete ways towards transparency in defence planning and budgeting, democratic control of defence forces, and the development of cooperative military relations with NATO for joint planning and military exercises; and are creating an ability to operate with NATO forces in such fields as peace support and humanitarian operations.
- 6.6 The NATO/Russia Founding Act and the NATO/Ukraine Charter specifically address the needs of those two countries with regard to military and security cooperation with NATO. Under the Founding Act NATO and Russia consult, cooperate and, where appropriate, act together to address security issues in Europe. Under the NATO/Ukraine Charter consultation and cooperation with Ukraine are strengthened.

7. Council of Europe

- 7.1 The enlargement of the Council of Europe as a response to the political changes in Europe has resulted in an enhanced political and operational importance of the organisation. At the Council of Europe's second summit in Strasbourg in 1997 Member States reaffirmed their attachment to the fundamental principles of the Council of Europe - pluralist democracy, respect for human rights and the rule of law. The Council of Europe has an essential standard-setting role in the field of human rights and is the only organisation in Europe with a control system for the protection of individual human rights which is binding under international law. Central to this system is the European Convention on Human Rights. The Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority languages are the first ever specific legally-binding instruments for the protection of persons belonging to national minorities and examples of the Council of Europe's ability to set legal standards higher than those adopted at the global level.
- 7.2 At the 1997 Summit Member States also agreed to give full support to the Council of Europe with a view to intensifying its contribution to cohesion, stability and security in Europe, and welcomed the development of its cooperation with other European and transatlantic organisations, in particular the EU and the OSCE.
- 7.3 In order to become a member of the Council of Europe an applicant country has to fulfil specific criteria related, e.g. to the European Convention of Human Rights and other legal instruments. The organisation has introduced comprehensive programmes to assist the new Member States to fulfil the obligations of membership. The monitoring mechanisms of the Committee of Ministers as well as the Parliamentary Assembly complement the independent judicial control exercised by the European Court of Human Rights.

8. Practical Application

- 8.1 Regular contacts, including meetings, through a continuing framework for dialogue, increased transparency and practical co-operation, including the identification of liaison officers or points of contact; cross-representation at appropriate meetings; and other contact intended to increase understanding of each organisation.
- 8.2 The Member States of the European Union will use these common guidelines in the relevant decision-making processes in the above-mentioned organisations - in accordance with established procedures of consultation in each organisation - whenever the issue of competences is being raised.

The EU is able to interact coherently and cohesively with other international organisations. Under CFSP, EU Member States are committed to support the Union's external and security policy actively and unreservedly in a spirit of loyalty and mutual solidarity. To this effect they inform and consult one another at all levels and are committed to coordinating their positions in third countries and international fora, and to upholding agreed EU policies, taking into account the provisions of Article J.5 and Article J.4.4 of the TEU (Articles 19 and 17.1 of the TEU as modified by the Treaty of Amsterdam). The Presidency represents and implements agreed EU policies in third countries and international fora, assisted if need be by the previous and next Presidencies. The Commission is fully associated with these tasks. Once the Amsterdam Treaty enters into force, the Presidency will be assisted if need be by the next Presidency and by the High Representative.

- 8.3 The Security working group should continue to monitor these efforts and the need to review these guidelines taking into account any relevant political developments in this field.
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