



Foreign and Commonwealth Office

London SW1A 2AH

30 April 1985

call
NBPM

CD 30/4.

Dear Charles,

Political Cooperation

The text which the Foreign Secretary sent to the Prime Minister under his minute of 26 April was prepared in consultation with the Attorney General. I can now confirm that he has approved the draft.

with CDPR
Yours ever,

Colin Budd

(C R Budd)
Private Secretary

C D Powell Esq
10 Downing Street

30 APR 1985



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DRAFT: minute/letter/teleletter/despach/note

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FROM:
Secretary of State

Reference

(A)

DEPARTMENT: TEL. NO:

SECURITY CLASSIFICATION

TO:
Prime Minister

Your Reference

- Top Secret
- Secret
- Confidential
- Restricted
- Unclassified

Copies to:

PRIVACY MARKING

SUBJECT:
POLITICAL COOPERATION

.....In Confidence

CAVEAT.....

1. In my minute of 15 April on the development of the European Community I said that we were preparing a draft agreement on political cooperation. I suggested that you might look at this with a view to handing it privately to Chancellor Kohl at Chequers and, subsequently perhaps, to one or two other heads of government in the run up to the Milan European Council. The aim would be to ensure that the discussions which will now be engaged anyway on the formalisation of political cooperation take place on the basis of our ideas, rather than those of others. By giving the Milan summit a substantial programme of work in this area, it could also reduce the pressure for progress on other parts of the Dooge Committee report which are less acceptable to us.

Enclosures—flag(s).....

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2. I now attach a draft agreement together with a commentary. To appeal to Chancellor Kohl, this does need to be a fairly full text covering all the major aspects of political cooperation as it has developed.
3. As you will see, the draft contains virtually nothing that is new. The points I should emphasise are as follows.
4. This will be an agreement between the member states. The preamble is drafted in such a way as to rule out any question of Community competence (and with it any Commission right of initiative, involvement of the European Court, etc). It would leave political cooperation in the same relationship to Community activity as at present.
5. Under Article 2 the obligation is to consult. Our record in that regard is second to none. We are not, however, committed to follow the views of others and would not be hindered in any way from acting in defence of essential British interests.
6. Article 2.4, however, would have made it much more difficult for Greece to have public rows with all other member states over the Korean airliner incident and INF

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deployment. Article 5.4 is intended to put pressure on our partners to take a less shaky line on the Falklands at the United Nations.

7. The short passages on security under Article 8 do no more than state what is the current practice. Article 8.1 places cooperation among the member states in this area firmly in the context of the contribution we make to the Alliance. Article 8.2 describes what is already going on in terms of cooperation between the member states in joint projects, though it would put some additional pressure on the French in relation to cooperation over the European fighter aircraft.

8. Consultation is at present conducted among the Ten in political cooperation on non-military aspects of security, in particular East-West relations and CSCE/CDE, UN disarmament issues, economic aspects of security, etc. The text does not change matters in this regard and, as drafted, should cause the Americans no legitimate concern.

9. The Irish will certainly not be able to accept these references to the security cooperation between member states within the Alliance since they do not participate in it. That is their problem. It would, however, be

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open to them to enter into this agreement while reserving their position on this passage. The references to our existing security cooperation are indispensable for Kohl and the other member states of the Community who are also members of the Alliance.

10. If you are broadly content with the draft, we shall prepare a German version to be available for your talks with Kohl. I would propose to draw on the content, though not necessarily to hand over the text, when I see Dumas in Paris on 21 May.

11. I am sending copies of this minute and enclosures to the Secretary of State for Defence, the Attorney General, and Sir Robert Armstrong.

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DRAFT AGREEMENT
ON POLITICAL COOPERATION

THE MEMBER STATES OF THE EUROPEAN COMMUNITIES,

MINDFUL of the many agreements which already bind them,
in particular, the Treaties establishing the European
Communities,

HAVING DECIDED to confirm and strengthen the commitments
which they have undertaken in European Political
Cooperation so as to provide an effective basis for their
cooperation in joint action in world affairs,

HAVE AGREED AS FOLLOWS:

ARTICLE 1

The Member States undertake to work for the following
objectives, for which purpose they have established
European Political Cooperation:

- To ensure by means of regular consultations and

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exchanges of information a broad identity of views on the main problems of international relations;

- To ensure that their combined influence is deployed in the most effective way through the concertation of their views, the alignment of their positions and, particularly, joint action;
- Progressively, to aim towards a common external policy.

ARTICLE 2

1. Member States shall consult on all important questions of Foreign Policy, including the political and economic aspects of security.
2. Such consultations shall take place before the Member States adopt final positions on major Foreign Policy questions of interest to them all.
3. Each Member State shall take full account of the position of its partners and give due weight to the desirability of the adoption and implementation of common European positions when working out national positions and taking national action.

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4. The Member States shall make every effort to avoid action damaging to their joint reputation as a coherent force in international relations.

ARTICLE 3

The work of Political Cooperation shall be carried out under the general guidance of the European Council. The structure is set out in Annexes I and II, which may be amended by unanimous agreement.

ARTICLE 4

1. The Member States shall ensure maximum coherence between the external policies of the Communities and the policies agreed in European Political Cooperation. To this end arrangements shall be made to ensure the full association of the Commission of the European Communities with Political Cooperation. In particular, unless in any particular case all Member States agree to the contrary, the Commission shall be invited to all meetings of Political Cooperation.

2. The Member States shall ensure that the European Parliament is informed of developments in Political Cooperation.

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3. The provisions of this agreement shall not affect the provisions of the treaties establishing the European Communities.

ARTICLE 5

1. Member States shall work for common positions in international organisations and at major international conferences attended by one or more of them and dealing with questions which are discussed in Political Cooperation.

2. Paragraphs 2 and 3 of Article 2 shall apply to actions by Member States in such organisations on questions involving all Member States.

3. Paragraph 4 of Article 2 shall also apply in such organisations.

4. A Member State shall not support a resolution in such organisations which directly criticises, or might gravely affect the vital interests of, another Member State. The Member States shall aim to avoid a situation where one or more of them co-sponsor a resolution which another or others of them intend to oppose.

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5. Nothing in this agreement shall affect the obligations of any member state under the charter of the United Nations.

ARTICLE 6

1. With the aim of making their joint diplomacy effective, the Member States shall ensure that Political Cooperation establishes the necessary contacts with third countries and regional groupings of interest to them.

ARTICLE 7

1. The Member States shall work to intensify cooperation between their missions in third countries and accredited to international organisations. The aim of such cooperation shall be to enable missions to perform their functions more effectively and economically through mutual assistance, shared facilities, shared information and joint action.

2. In particular Member States shall work both to take advantage of local opportunities, and to establish general schemes, for strengthened cooperation in third countries on the matters listed in Annex III. That annex may be amended by unanimous agreement.

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ARTICLE 8

1. The Member States agree that closer European cooperation on security matters is an essential component of the effort to develop Europe's external political identity. The aim of such cooperation shall be to maximise the contribution which Member States can make to the objectives of the organisations specifically established to guarantee Western security, in particular the North Atlantic Treaty Organisation and Western European Union.

2. Member States shall also work to enhance their contribution to the objectives of the Alliance and other relevant bodies by strengthened cooperation in the design, development and production of military equipment and systems.

3. The Member States are determined to maintain the technological and industrial conditions necessary for their security. They shall work both individually and, as appropriate, through their joint institutions for this end.

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ARTICLE 9

Signature and Entry into Force

(The usual final clauses on signature entry into force
etc would be added.)

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ANNEX I: THE STRUCTURE OF POLITICAL COOPERATION

(a) The Presidency of Political Cooperation shall be held by the same Member State as holds the Presidency of the Communities.

(b) The Presidency shall be responsible for the day to day management of Political Cooperation. It shall in particular be responsible for the timetable and other arrangements for meetings, and for the preparation of and circulation of drafts, agendas, conclusions and other necessary texts.

(c) The Foreign Ministers shall discuss Political Cooperation matters formally at least four times per year, and informally as appropriate. These discussions may take place on the same occasion as meetings of Ministers in the Community framework.

(d) The Political Directors shall meet monthly in the Political Committee in order to maintain the continuity of Political Cooperation and to prepare discussions among Ministers.

(e) The Working Groups of experts from the Foreign Ministries of Member States, whether of a continuing nature or ad hoc to deal with particular problems, shall meet as directed by the Political Committee.

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(f) The Political Committee or, if necessary, a Ministerial meeting, shall convene within 48 hours at the request of three Member States.

(g) The Presidency shall be assisted by a small Secretariat based in the main place of work of the Community. The office space and services shall be provided by arrangement with the Council Secretariat. The Head of the Secretariat shall be appointed by agreement among the Member States.

(h) The functions of the Secretariat, which shall work under the direction of the Presidency, will include those set out in Annex II. That annex may be amended by unanimous agreement.

(i) As is required by their functions the Head and Members of the Secretariat shall be free to attend relevant meetings held in the Community framework.

(j) Formal Political Cooperation meetings at Ministerial level may take place in the capital of the Presidency. At official level they will normally take place at the places of work of the Communities unless otherwise agreed.

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ANNEX II: FUNCTIONS OF THE POLITICAL COOPERATIONSECRETARIAT

The Secretariat shall:

- (a) Advise the Presidency as necessary on the conduct of Political Cooperation, in particular on maintaining coherence between the external policies of the Community and the policies agreed in European Political Cooperation;
- (b) provide support for Political Cooperation meetings - including as necessary the preparation and circulation of texts, keeping of records and preparation of conclusions;
- (c) assist the Presidency in the preparation of texts to be issued on behalf of the Member States including replies to European Parliament questions;
- (d) keep a Political Cooperation archive;
- (e) prepare, and update as necessary, a full codification of Political Cooperation rules and practices.

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ANNEX III: AREAS FOR COOPERATION AMONG THE MISSIONS OF
MEMBER STATES IN THIRD COUNTRIES

1. Exchange of Political and Economic Information.
2. Shared Information on Administrative Problems.
3. Mutual Assistance and Sharing of Organisational Infrastructure.
4. Cooperation on Communications.
5. Exchange of Information and Joint Planning for Local Crises.
6. Cooperation on local Security Measures.
7. Cooperation on Consular Matters.
8. Cooperation on Health Matters.
9. Cooperation on Information Matters.
10. Cooperation on Cultural Matters.
11. Cooperation on Development Aid Matters.

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DRAFT AGREEMENT ON POLITICAL COOPERATION : COMMENTARY

Preamble: The key point in this is the reference to the Community Treaties. Kohl and others will be looking for such a reference to make clear the link between Political Cooperation and the Communities. The link does indeed need to be made clear but in such a way as to ensure that Political Cooperation is not a Community activity as such. This is an agreement between the Member States. We do not wish to see the Commission play more than its present ancillary role in Political Cooperation, or the European Court involved in any way. The present text achieves these objectives.

Article 1: This is based on the objectives set out in the 1970 Luxembourg Report which originally established Political Cooperation. The second objective has been made more operational in accordance with our view that discussions among the Ten need to be more firmly

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focussed on the achievement of joint action. The third objective is from "Europe - the Future".

Article 2.1: Sets out the scope of Political Cooperation exactly as described in the Luxembourg Report as modified by the Stuttgart Declaration on European Union.

Article 2.2 and 2.3: Are the key paragraphs on the commitment to consult and take notice of partners' views. If, having consulted, we decide to go it alone this commitment in no way limits our right to do so. The wording comes from the November 1981 Ministerial agreement on Political Cooperation (the London Report) and is reiterated in the Stuttgart Declaration. It is an undertaking that we have consistently observed. It would exert additional pressure on others eg the Greks, whose record is unsatisfactory.

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Article 2.4: Is intended to render more difficult Greek behaviour of the kind displayed over the KAL airliner incident.

Article 3 is a statement of existing practice, and a peg on which to hang a description of the structure of Political Cooperation without incorporating it in the main text of the agreement.

Article 4.1: Underlines our wish to see coherence between the external policies of the Community and Political Cooperation. It confirms the already established association of the Commission with Political Cooperation, without giving the Commission any additional rights.

Article 4.2: Authorises the maintenance of the existing links (notably through parliamentary questions and regular colloquies with the President in office) between the European Parliament and Political

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Cooperation without giving the Parliament any additional role.

Article 4.3 simply ensures that this new agreement does not affect the existing treaties.

Articles 5.1 and 5.2: Are existing practice.

Article 5.3: Extends the operation of Article 2.4 to international organisations.

Article 5.4: Is a tighter version of rules of procedure for the Ten at the UN which were approved by the Ministers of the Ten in 1977. We have always observed them. Others (eg over the Falklands) have not.

Article 5.5: Ensures in particular that more of the above can be interpreted in a way that would affect our freedom of action in the UN Security Council.

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Article 6: Authorises the maintenance of existing means whereby the Ten in Political Cooperation maintain joint contact with a number of interested third countries (eg through the Presidency). The idea is not to establish 'Community Embassies' in third countries. Neither we nor others would agree to this.

Article 7.1 and 7.2: Authorise the continuation and intensification of existing cooperation among Embassies of the Ten in third countries eg on consular matters. There is potential for economies as such cooperation grows closer.

Article 8: The Germans, and others, will certainly insist that there be a section on security in this text. This section places activity by the Ten in this field firmly in the context of contributing to the objectives of NATO. The Ten at present concert together on East/West relations, CSCE/CDE, UN disarmament subjects, economic aspects of security etc. The text would not change that or impinge on consultations in the Alliance. Paragraphs 2 and 3 restate objectives to which we are already committed.

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Paragraph 2 describes what happens already in terms of collaborative projects, but would put some additional pressure on the French in relation to the European Fighter Aircraft.

Annexes I and II: Summarise the present structure of Political Cooperation with the addition of the small political Secretariat recommended by the Dooge Committee. The passages on the Secretariat are designed to keep it small, useful and cheap.

Annex III: Lists the areas on which the Ten are already working to strengthen their cooperation in third countries.

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513-9970
ext 117

10 DOWNING STREET

Chasler -

Colin Budd rang about the Foreign Sec's minute, dated 26/4, on Political Co-operation.

He said that the Attorney General was content with the papers attached to it.

CST
30/4.

(C)

01-936- 6229 w.e.f. 28 May 1985
01-405 7641 Ext.

Communications on this subject should
be addressed to

THE LEGAL SECRETARY
ATTORNEY GENERAL'S CHAMBERS

ATTORNEY GENERAL'S CHAMBERS,
LAW OFFICERS' DEPARTMENT,
ROYAL COURTS OF JUSTICE,
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H Darwin Esq. CMG.
Legal Advisers
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Downing Street
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Mr Fairweather

✓ PS
PS/Mr Riskind
24 April 1985

Mr Renwick

Mr A. Fergusson

C Budd

24/4

Jean Henry,

DEVELOPMENT OF THE EC

The Attorney General has seen a copy of Colin Budd's letter to Rachel Lomax of 18 April which attached a minute from your Secretary of State to the Prime Minister dated 15 April. Your Secretary of State suggested in paragraph 11 of that minute that we should aim to produce our own draft agreement on political cooperation and mentioned that he was in the process of considering a possible text. The Attorney considers that this text may be of such importance that it should be seen by him before it is put to the other Member States. I should therefore be grateful if you could provide me with the text and any necessary background material. The Attorney has also noted that the French idea of reducing the number of Treaty Articles requiring unanimity would be much more attractive to us if it were accompanied by "formalisation of the Luxembourg Compromise in the Treaty". He has asked whether consideration has been given by FCO Legal Advisers as to how this formalisation should be effected and whether you have prepared a draft Treaty amendment.

I am copying this letter only to Colin Budd and Charles Powell.

Jean Henry
Richard Powell

M L SAUNDERS