



European Security and Defence Assembly
Assembly of Western European Union

DOCUMENT A/2059

3 December 2009

FIFTY-SEVENTH SESSION

EU and WEU Council information on
European security and defence policy

REPORT

submitted on behalf of the Political Committee
by Mr Michael Hancock (United Kingdom, Liberal Group) and Mr Giacomo Santini
(Italy, Federated Group), Rapporteurs

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Report transmitted to: the President of the Council of WEU; the Secretary-General of the WEU; the President of the Council of the European Union; the High Representative of the Union for Foreign Affairs and Security Policy; the President of the European Commission; the EU Commissioner for institutional relations and communication strategy; the Presidents/Speakers and the Chairmen of the Foreign Affairs, Defence and European Affairs Committees of the 39 national parliaments represented in the Assembly; the Presidents of the Parliamentary Assembly of the Council of Europe, the NATO Parliamentary Assembly, the OSCE Parliamentary Assembly, the Baltic Assembly, the Nordic Council, the Euro-Mediterranean Parliamentary Assembly, the Parliamentary Assembly of the Mediterranean, the Parliamentary Assembly of the Black Sea Economic Cooperation, the CIS Parliamentary Assembly, the Parliamentary Assembly of the Collective Security Treaty Organisation; the President of the European Parliament; the Secretaries General of the Parliamentary Assemblies of the Council of Europe, NATO and the OSCE.

EU and WEU Council information on European security and defence policy

REPORT¹

*submitted on behalf of the Political Committee
by Mr Michael Hancock (United Kingdom, Liberal Group) and Mr Giacomo Santini (Italy,
Federated Group, Rapporteurs*

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on EU and WEU Council information on European security and defence policy

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MEMBERS OF THE COMMITTEE

¹ Adopted by the Committee on 2 December 2009.

RECOMMENDATION 850²

on EU and WEU Council information on European security and defence policy

The Assembly,

- (i) Welcoming the Council of the European Union and WEU Council reports on European foreign, security and defence policy;
- (ii) Noting that these reports are dealt with separately, by one parliamentary body only;
- (iii) Considering it necessary to increase parliamentary debate and encourage dialogue between parliamentarians and governments on the subject of these reports;
- (iv) Welcoming the WEU Council's generally constructive replies to Assembly recommendations and written questions;
- (v) Stressing that Council replies to Assembly recommendations occupy a prominent and crucial place in the interparliamentary aquis built up over the many years of Council activities and that no equivalent provision exists for communications between the European Parliament and the Council of the European Union;
- (vi) Noting that the Council of the European Union report to the European Parliament intends to be inspired by the European Security Strategy Implementation Report; but considering that further efforts are necessary to forge a common European strategic culture among governments, as well as among parliamentarians and the public at large;
- (vii) Noting that the Presidency report on ESDP devotes only a few chapters to the development of civil and military capabilities, and in particular provides little information about the further development of the battlegroups,

RECOMMENDS THAT THE COUNCIL OF WESTERN EUROPEAN UNION:

1. Propose to the Council of the European Union that it regularly publish a written report on the implementation of the Common Security and Defence Policy (CSDP) to replace the half-yearly Presidency reports on ESDP to appear at the same time as the Council report on the main aspects and basic choices of the Common Foreign and Security Policy;
2. Propose to the Council of the European Union that it transmit all Council reports on European foreign, security and defence policy simultaneously to the European Parliament, the national parliaments of the EU member states and the Assembly;
3. Continue to respond to parliamentary recommendations and further enhance the quality of replies by fully addressing the questions raised and the suggestions made;
4. Encourage member states to increase their efforts in the framework of the European Union to develop civil and military crisis-management capabilities, with particular attention to greater battlegroup flexibility, deployability, interoperability and usability;
5. Encourage, in the framework of WEU and the European Union, a structured Europe-wide debate among parliamentarians on European security and defence policy, making use of both of the provisions of the Lisbon Treaty and in particular its protocol on the role of national parliaments in the EU and the existing forums for interparliamentary exchange.

² Adopted by the Assembly on 3 December 2009 at the 4th sitting.

EXPLANATORY MEMORANDUM

*submitted by Mr Michael Hancock (United Kingdom, Liberal Group)
and Mr Giacomo Santini (Italy, Federated Group), Rapporteurs*

I. Introduction

1. The Council of the European Union (EU Council) and WEU Council publish several documents for the purpose of keeping national delegations, parliamentarians and the public at large informed about developments in European foreign, security and defence policy.
2. In addition, the WEU Council gives written replies both to Assembly recommendations and to written questions from Assembly members. The EU Council does likewise with questions from Members of the European Parliament (MEPs). But there is no provision for the EU Council to respond to recommendations adopted by the European Parliament.
3. Within the EU, the two most important publications are the Presidency report on ESDP and the Council document on the main aspects and basic choices of the Common Foreign and Security Policy (CFSP). The latter is sent to the European Parliament in application of an *inter-institutional agreement* between the EP and the EU Council.
4. Within WEU, the Council is obliged by the modified Brussels Treaty to provide the Assembly with a written annual report about its activities. This report in fact takes the form of two separate half-yearly reports corresponding to each six-month presidency.
5. Overall, however, this is a very selective approach. Although these reports are intended to inform parliamentarians, they are not sent to both the European Parliament and the Assembly, nor are they sent to the member states' national parliaments. Each document is dealt with in one parliamentary body only.
6. Since the transfer of WEU's executive crisis-management functions to the EU, the WEU Council's annual report has gradually lost much of its previous interest, not least of all due to erosion of its content.
7. The first consequence of this arrangement is a paradoxical situation whereby the European Parliament receives a full report on CFSP and ESDP developments and activities, notwithstanding the little influence it has over member states' decision-making in this purely intergovernmental area of EU policy, while the Assembly, whose members decide in their national parliaments about the deployment of civil and military personnel, armaments programmes and security-related research funding, receives a document with little practical and even less political value and national parliaments receive no report at all.
8. A second consequence is inefficiency when it comes to informing public opinion about what parliamentarians think about CFSP and ESDP, because each report is dealt with in one parliamentary body only.
9. The EU Council is, and former CFSP High Representative Javier Solana was, aware of this situation and the latter appointed a personal representative for parliamentary affairs in charge of liaising not only with the European Parliament but also with national parliaments. He has also been liaising with the Assembly. But this only partly remedies the problem.
10. The Lisbon Treaty does not help either, as it changes nothing at all as regards the current set-up for the exchange of written information. The only improvement it brings is the obligation for the High Representative to make a second annual presentation to the European Parliament, but it is an oral and not a written one.
11. Moreover, there are rumours to the effect that the EU Council does not wish to continue producing the half-yearly reports which so far have been published by each EU Presidency on the ESDP, or CSDP as it will be known in future under the Lisbon Treaty.

12. This is why, on 16 September 2009, the President of the Assembly announced during the half-yearly meeting between the Assembly Committees and the Ambassadors representing member states on the WEU Permanent Council/EU Political and Security Committee (PSC) that the parliamentarians proposed: “to help you, the members of the PSC, disseminate this information to members of national parliaments, via a regular analysis of the reports on ESDP/CSDP. We will also let you know when we believe that information is lacking and help you improve the interinstitutional dialogue [both with the European Parliament and the Assembly].”

13. This report is the first step towards such an analysis of EU and WEU Council information on European security and defence policy. The Assembly hopes that it is a useful initiative that will contribute to transparency, increase awareness of ESDP/CSDP issues among parliamentarians and the general public and convince public opinion that it is worth continuing to invest in this aspect of Europe’s security.

14. The Assembly will have to decide, depending on future publication and availability of EU and WEU Council reports on European security and defence, on the appropriate way of analysing and commenting on them. In the past, the Assembly has chosen to respond to the annual report of the Council through the various reports its committees produce. Taken together, the recommendations adopted by the Assembly represent an extensive analysis of and comment on intergovernmental activity in the field of European security and defence. A future Assembly report, uniquely dedicated to responding to the EU and WEU Council reports could further enhance the visibility of the recommendations parliamentarians address to governments.

II. The Lisbon Treaty: new provision for parliamentary scrutiny

15. The Lisbon Treaty gives national parliaments a stronger role in the European Union than before and provides the EU Treaty with its first ever interparliamentary dimension (Article 12 (f) and Protocol No.1 on the role of national parliaments in the European Union). However, national parliaments have so far focused primarily on the subsidiarity issue, for which purpose they are extending their parliamentary structures at home and in Brussels.

16. While Protocol No.1 goes into detail on national parliaments and subsidiarity, the provisions dealing with intergovernmental policy-making, in particular CFSP and CSDP, are less clear. The reform process therefore needs further reflection and impetus.

17. It is likely that the implementation of the Lisbon Treaty will give rise to developments that make the final outcome unknown at this stage.

18. The reason is that the provisions on the role of national parliaments are open to interpretation. Moreover, divergent views are likely to emerge between national parliaments and the European Parliament about each other’s place in the interparliamentary set-up. In view of the European Parliament’s limited competence in these matters, it is only logical to strengthen the national parliaments’ role in the Union wherever possible.

19. A recent seminar of the European Parliament Bureau came up with interesting suggestions, but again focused primarily on the subsidiarity issue and pre- and post-legislative coordination between the European Parliament and the national parliaments.³

20. The European Parliament intends to organise a special conference with the Speakers of the national parliaments in the first half of 2010 with the aim of strengthening the links between the European Parliament and national parliaments. Among the ideas circulating in Brussels are the establishment of a permanent network of correspondent European Parliament and national parliament committees, a pre-legislative dialogue between the Parliament and national parliaments aiming at assisting national parliaments with subsidiarity issues and a post-legislative dialogue to improve implementation and enforcement of EU law.

³ See also the Report on the development of the relations between the European Parliament and national parliaments under the Treaty of Lisbon, document A6-0133/2009 dated 13 March 2009, and the subsequent Resolution adopted on 7 May 2009. www.europarl.europa.eu

21. One of the open questions that concerns national parliaments is the future of the Conference of Foreign Affairs Committee Chairmen (COFACC) and meetings of the Chairmen of Defence Committees, which are not mentioned in the Lisbon Treaty but which were regarded as very useful by those attending them. Will they be involved in the future interparliamentary exchange under the treaty or will their activities cease?

22. The Lisbon Treaty clearly promotes a conference model involving primarily the members of the national European Affairs committees. Title II of Protocol No.1 on the role of the national parliaments in the European Union (annexed to the Lisbon Treaty) stipulates the following:

Article 9

“The European Parliament and national Parliaments shall together determine the organisation and promotion of effective and regular interparliamentary cooperation within the Union”.

Article 10

“A conference of Parliamentary Committees for Union Affairs may submit any contribution it deems appropriate for the attention of the European Parliament, the Council and the Commission. That conference shall in addition promote the exchange of information and best practice between national Parliaments and the European Parliament, including their special committees. It may also organise interparliamentary conferences on specific topics, in particular to debate matters of common foreign and security policy, including common security and defence policy. Contributions from the conference shall not bind national Parliaments and shall not prejudice their positions”.

23. This article suggests that interparliamentary cooperation with regard to ESDP/CSDP could take place through a “conference of Parliamentary Committees for Union Affairs”. But as far as ESDP/CSDP is concerned, the European Parliament does not seem to be interested in giving COSAC,⁴ the existing forum of European Union affairs committees of national parliaments a role in the scrutiny of foreign, security and defence policy. In a resolution adopted on 7 May 2009 it calls for COSAC to “remain primarily a forum for the exchange of information and debate on general political issues and best practices” with regard to the scrutiny of national governments and that its work should secondly “be focused on legislative activities and [...] the principle of subsidiarity”.

24. But merely attending conferences in Brussels would not give national parliaments any greater say in the EU. Many national parliaments are wary of a Brussels-centred system, with conferences taking place on European Parliament premises and organised by Parliament staff. No support at all would be available to national parliamentarians within such a set-up. Occasional conferences will not make for effective interparliamentary scrutiny. A permanent system of collective oversight would provide a better tool for national parliaments based on continuous committee work, the drafting of reports and the voting of recommendations.

25. Moreover, the Lisbon Treaty does not mention any obligation on the part of the governments to provide participants to this conference with a written report on CSDP. The upcoming negotiations about the implementation of the protocol will present an opportunity for national parliaments to make their interests clear and to include such a requirement. However, given the great number of national parliaments in the EU, they have difficulties in formulating common positions. This could increase the influence of the European Parliament over the implementation of the provisions of the Lisbon Treaty.

26. In parallel, the Assembly will have to engage in a communication drive to ensure a continued role for the tried and tested assembly-style model of interparliamentary scrutiny, a model which includes the obligation by the governments to provide parliamentarians with a written report on their activities, and affords parliamentarians the possibility to work in committees, elaborate substantive texts and vote on reports and recommendations.

27. In this way parliamentary scrutiny of security and defence will improve the EU’s lack of transparency instead of exacerbating it and will give national parliaments a deeper understanding of

⁴ Conference of European Affairs Committees.

the issues at stake and allow them to better perform their constitutionally mandated task: scrutiny of national governments, including in the field of their EU activities.

III. EU and WEU Council reports

1. Annual report of the EU Council to the European Parliament on the main aspects and basic choices of the CFSP

28. The Inter-Institutional Agreement of 6 May 1999 on budgetary discipline and improvement of the budgetary procedure stipulates in point H, paragraph 40, that “once a year the Council Presidency will consult the European Parliament on a Council document setting out the main aspects and basic choices of the CFSP, including financial implications for the general budget of the European Communities”. The Council adopted the first such report, covering CFSP actions agreed from July 1997 until March 1998, on 30 March 1998.

29. The Inter-Institutional Agreement of 17 May 2006 states that “each year, the Council Presidency will consult the EP on a forward-looking Council document, which will be transmitted by June 15 for the year in question, setting out the main aspects and basic choices of the CFSP, including the financial implications for the general budget of the EU and an evaluation of the measures launched in the year n-1”.

30. The EU Council has thus submitted its reports to the European Parliament every year between 30 March 1998 and 5 June 2009.⁵ The scope of the reports is limited to a description of CFSP activities such as common positions, joint actions and implementing decisions. These reports are complementary to the annual report on the progress of the European Union presented to the Parliament in application of Article 4 of the TEU and its chapter on the Union’s external relations, which sets out the priorities of the Union’s external policies. The Council’s yearly reports on the main aspects and basic choices of CFSP provide a more detailed account of specific CFSP and ESDP actions during the 12-month period than is provided by the Council’s annual progress report and moreover comment on prospective future priorities and actions. Where appropriate and necessary in order to provide a comprehensive overview of activities, reference is made to actions falling outside Title V of the TEU (provisions on the CFSP).

31. The European Parliament Foreign Affairs Committee adopts a “resolution report” on the Council’s report with feedback, conclusions and recommendations to the Council and the EU on all the CFSP areas covered by the Council’s report.

32. The Foreign Affairs Committee instructs the President of the Parliament to forward its resolution to the Council, the Commission, the governments and parliaments of the member states, the United Nations Secretary-General, the Secretary General of NATO, the Chairman-in-Office of the OCSE, the President of the OSCE Parliamentary Assembly, the Chairman of the Committee of Ministers of the Council of Europe and the President of the Parliamentary Assembly of the Council of Europe.

33. While the EU Council does not provide the European Parliament with a written reply to its recommendations, it has used the latest annual report to convey to the Parliament how its suggestions are received and states that “references to and analytical remarks on the EP resolutions on CFSP issues underline the connectivity of the EP’s and the Council’s work”. However, these “references” are most of the time mere footnotes, indicating that the Parliament has adopted a resolution on the subject at hand, and do not comment on the substance of the recommendation. On at least one occasion the Council states that a European Parliament resolution was “useful”.⁶ On another, it announces that a relevant EP resolution has been “taken into account”.

34. The EU is in an important transition period. With the entry into force of the Lisbon Treaty structural and procedural changes will be implemented that are expected to improve the potential of the Union’s foreign, security and defence policy. The 2008 Council report, however, is still under the

⁵ The latest report is on 2008, EU Council Document 10665/09. www.consilium.europa.eu

⁶ This was a human rights resolution on the case of the Afghan journalist Perwiz Kambakhsh adopted on 13 March 2008 (EP doc. P6_TA(2008)0106).

influence of the uncertainty (which prevailed at the time of its drafting) about whether the Lisbon Treaty would even be ratified. The term “Lisbon Treaty” does not appear once in the whole document! The sections about a more effective, capable and coherent Union could have been the ideal place to present the kind of advantages the new provisions offer. It would be a logical step for the Council to address fully the positive effects of the new provisions in the next report.

2. Annual report of the WEU Council to the Assembly on the activities of the Council

35. Under Article IX of the modified Brussels Treaty, the Council of Western European Union is obliged to provide the Assembly with an annual report on its activities, in particular in relation to the control of armaments. On the occasion of every [part] session the WEU Council therefore submits an activity report to the Assembly.

36. The Council was last convened on 28 May 2002 (Document 1807) to consider the letter of the President of the Assembly of 17 May 2002 on contributions to the WEU budgets. Since that date it has been stated in each Council report that no meetings of the Permanent Council and the Council Working Group have been held. The report does, however, refer to the informal meetings held (during each Presidency) with the Assembly’s committees. The Assembly received the most recent Council report, covering the period January to June 2009 on 25 August 2009.⁷

37. Each report of the Council outlines a number of activities including: ESDP developments (not included in the latest report of 25 August 2009), activities of the Permanent Council (and the Council Working Group) and participation of the Permanent Council in the ordinary sessions of the Assembly of WEU (included solely in the latest report dated 25 August 2009). In the past the reports also presented the work done by the Western European Armaments Group and the Western European Armaments Organisation Research Cell. Prior to 2002 they also provided details on the activities of a number of other structures including the WEU Military Committee, the WEU Military Staff, the WEU Satellite Centre and the WEU Institute for Security Studies.

3. Presidency reports on European security and defence policy

38. The Cologne European Council of 3-4 June 1999 reaffirmed its resolve that the European Union should play its full role on the international stage. It stated: “[...] we intend to give the European Union the necessary means and capabilities to assume its responsibilities regarding a common European policy on security and defence.” In its conclusions it states: “We therefore invite the Finnish Presidency to take the work forward within the General Affairs Council on the basis of this declaration and the report of the Presidency to the European Council meeting in Cologne. We look forward to a progress report by the Finnish Presidency to the Helsinki European Council meeting”.

39. The Helsinki European Council of 10-11 December 1999 adopted the first two Presidency progress reports on developing the Union’s military and non-military crisis-management capability as part of a strengthened common European policy on security and defence.

40. Since then each EU Presidency has submitted a report to the European Council setting out the progress made on all ESDP matters during the six months of its Presidency. The latest report was published on 15 June 2009.⁸

41. The initial “draft” and “preliminary” reports were preoccupied with developing the ESDP and the relevant instruments. Today the reports cover a wide range of ESDP activities such as operational activities and lessons learnt, capabilities, the activities of the EU Satellite Centre and Institute for Security Studies, civil-military cooperation/coordination, security sector reform, human rights, gender issues, children affected by armed conflict, conflict prevention; cooperation with NGOs, the European Security and Defence College and training, information to the European Parliament on ESDP; cooperation with international organisations, Mediterranean partners and third states, EU-NATO relations and EU-Africa relations. Finally each report sets out a mandate for the incoming Presidency.

⁷ Document 2046. www.assembly-weu.eu

⁸ EU Council document 10748/09. www.consilium.europa.eu

42. There is a certain amount of overlap between the Presidency report on ESDP and the Council report to the European Parliament. Chapter XIII of the former deals with information provided to the Parliament, including a shortlist of persons who briefed the European Parliament Subcommittee on Security and Defence. Annex II of the Council report to the European Parliament gives a much more exhaustive list of appearances by representatives of the Council and other senior EU officials. This impressive list shows the Council's readiness to engage in dialogue with the European Parliament. Nine of the 11 Special Representatives active in 2008 have spoken to the European Parliament members, some on repeated occasions. The Special Representative for Afghanistan and Pakistan is not on the list, possibly indicating a European Parliament focus on areas geographically closer to the Union where the EU has a bigger role and its missions higher importance.

43. The Presidency report much resembles what the WEU Council annual report was when the WEU Council and its working groups and the various armaments cooperation bodies (WEAG and WEAO) were active.

44. The European Parliament Subcommittee on Security and Defence submits a report on the implementation of ESDP intended as a parliamentary response to the Presidency report.

45. There have been rumours that the Council may decide to stop producing half-yearly reports on ESDP, the reasoning being that with the Lisbon Treaty in force there will be no more half-yearly presidencies. This would be a regrettable move by governments and one running counter to the spirit of the Laeken Declaration of December 2001 which set in train the reform process within the Union and identified lack of transparency as a major challenge needing to be remedied.

IV. Some remarks on the development of ESDP

46. Your Rapporteurs have chosen two aspects for detailed comment: the implementation of the European Security Strategy and EU battlegroups. The scope of the current report does not permit a full analysis of all EU and WEU Council documents.

1. Implementation of the European Security Strategy

47. The EU Council states in the introduction to its report on the main aspects and the basic choices of the CFSP that it "has been inspired by the ESS Implementation Report".⁹

48. The European Security Strategy (ESS) adopted in 2003 and reinforced in 2008 outlines what the EU considers to be its strategic objectives. The 2003 document summarises the EU's strategic interests as being to:

- prevent regional crisis, state failure and organised crime anywhere in the world from spilling over and threatening the security of Europe;
- establish functioning multinational forums that can deal effectively with global threats such as climate change, terrorism and the proliferation of weapons of mass destruction;
- stabilise Europe's neighbourhood, including the Middle East;
- contribute to better governance and improve the lives of people in the developing world.

49. The 2008 Implementation Report of the ESS further underlines:

- the importance of secure energy supplies, and
- the role of strategic partners such as Russia, India and China.

50. However, all this is still only a start and one could imagine a more ambitious approach: agreement could be reached not only on the strategic objectives and common interests but also on the capabilities needed to achieve the first and to defend the second.¹⁰ Nevertheless, given the particular

⁹ EU Council document S407/08, 11 December 2008. www.consilium.europa.eu

¹⁰ The Assembly has published two reports suggesting a wider revision of the European Security Strategy, Documents 2000 (3 June 2008) and 2028 (2 December 2008). <http://assembly-weu.eu>

circumstances at the time of its drafting (the Iraq crisis), the ESS is quite a remarkable document and has lost none of its relevance.

51. But there is no point in nourishing illusions. In theory there is a strategy, but putting it into practice is a different story. Building a security and defence policy that functions in good and bad weather alike, with 27 or more countries, is another matter altogether. That requires a common security and defence culture; but this is still at an early stage of development. At present, only about a third of the member states take defence seriously and believe in intervening to solve security problems. The fate of the battlegroups, which have not been used once, is an illustration of this.

52. Certainly, all ESDP operations have been declared successful. But in reality, it has to be recognised that it has not always been easy to assemble the troops and other personnel and the requisite equipment (for example for the operation in Chad). As of mid-September, the EU monitoring mission in Georgia was prolonged by a year, but although the mandate extends to the whole of the country, including the breakaway regions of Abkhazia and South Ossetia, the EU monitors have been refused entry to these two regions. In practice therefore, they only monitor a part of the territory under dispute. The mission in Georgia is not the only one for which the EU has had to accept that it depends on a party to the conflict for the performance of its mission (another example is EU BAM Rafah). The recent analysis of all past and present missions (“ESDP: a reality check”) by the EU Institute for Security Studies (EUISS)¹¹ provides a further example of the challenges EU operations face. The Institute shows remarkable independence in its commentary, identifying three major ESDP “deficits”: the political deficit which the researchers also call the “Common Foreign and Security Policy gap”, the lack of coherence and the capability deficit.

53. Nothing can be achieved without the appropriate tools and a disparity still exists between the level of the EU’s ambition and the reality of its capabilities. The EU is different from many nation states in as much as it does not pursue hegemonic ambitions or have territorial aspirations. This does not mean that the EU should not have or does not need modern and capable military forces. Over the past 10 years, the European security and defence policy has developed into one of the EU’s most dynamic policy areas. But major difficulties are still experienced in many essential areas such as helicopters, satellite intelligence and strategic transport, effectively hamstringing the capacity to act as well as limiting policy options.

2. Capabilities development: the example of the EU battlegroups

54. The battlegroup concept is fundamental to the understanding of the current situation of the ESDP. Addressing in 2003 the lack of responsiveness detected in the run-up to previous crisis situations, the battlegroups were to have an essential role in furthering the development of military capabilities and in responding to shortcomings detected. It was also a signal that more ambitious objectives, such as the Headline Goal target of establishing deployable forces of up to 60 000 troops were relegated to a lower priority.¹²

55. From 2007 onwards, two battlegroups have been on call at all times. However, so far, no battlegroup has actually been deployed in an operation. Political resistance on the part of member states prevented their use although there were significant operational opportunities for their deployment.

56. Each of the 15 existing battlegroups comprises between 1 500 and 2 500 troops and can attain a maximum strength of 3 000 if all capabilities are included. Standby duty is subject to six-monthly rotation. Some battlegroups are national, others, like the Nordic Battlegroup, are multinational. They must be able to deploy within five to 10 days of a unanimous decision to that effect by all EU member states. Non-EU countries can also contribute to the battlegroups, as in Norway’s case with the Nordic Battlegroup.

¹¹ “European Security and Defence Policy, the first 10 years”, edited by Giovanni Grevi, Damien Helly and Daniel Keohane, Paris 2009. www.euiss.europa.eu

¹² See also the Assembly’s report entitled “The EU battlegroups”, Document 1964, 4 June 2007. <http://assembly-weu.eu>

57. Although the battlegroups are central to the operational potential of ESDP, the latest Presidency report mentions them only twice: once in reference to a Battlegroup Coordination Conference held in April 2009, at which it was possible to fill the stand-by periods up to 2011 with offers from the member states. However, they had to be “encouraged” to fill the remaining vacant slots from 2012 onwards. The second reference to battlegroups is in the mandate for the next Presidency which is being asked to promote “increased usability and flexibility of the EU battlegroups as instruments for crisis management”. The Presidency report leaves out a meeting of the EU Military Committee in November 2008 which is mentioned in the EU Council report to the European Parliament. This meeting finalised a study on ways to satisfy the demanding battlegroup timelines for operational planning documents.

58. The Swedish Presidency of the European Union has made the battlegroups one of its European security and defence policy (ESDP) priorities and put forward proposals to encourage more flexibility in the use of the battlegroups. It proposes examining whether they can be made available for missions other than rapid reaction operations and how cooperation between battlegroups on standby can be improved.

59. The non-use of the battlegroups has many causes: political reasons, lack of intergovernmental consensus, financial reasons (the rule of “costs lie where they fall” which puts the bulk of the cost on the providing countries), other military engagements (Afghanistan, Kosovo, Bosnia and Herzegovina, UN forces in the Lebanon or in Africa). The result is that the EU has been reduced to using a “coalition of the willing” as the example of the response to a UN request for help in Chad demonstrates.

60. General Henri Bentégeat, outgoing Chairman of the EU Military Committee, recently declared in an interview that it is “absolutely imperative that [the battlegroups] should not just be on paper”.¹³ He recalled that defence ministers had now agreed on improving the prospects of using the battlegroups by asking to add more flexibility to the concept, which he believes showed that “there had been a slight change in states of mind”.

61. General Bentégeat considers that given major interests common to all member states the battlegroups would be used. He considers two scenarios in which there would be no resistance to deploying the battlegroups. The first would be a “disaster in the Balkans”, the second a “miracle in the Middle East”, in other words an agreement between Israelis and Palestinians which required urgent deployment of a protection force.

62. Establishing and maintaining a battlegroup, in particular the multinational type, on alert is a costly endeavour. During a recent Assembly colloquy¹⁴ in Helsinki, the Swedish Minister for Defence, Jyri Häkämies, explained that 100 million euros were required to set up the Nordic Battlegroup, made up of troops from Estonia, Finland, Ireland, Norway and Sweden.

63. A battlegroup has to be at high readiness while on standby duty. That means having the proper equipment, training, formation and resources needed for rapid deployment. Exercises and certification to NATO standards are part of this six-month process.

64. The battlegroups have an added-value potential in terms of military capabilities. It is this potential that the Swedish EU Presidency wants to transform into a real capability. Three proposals have been put forward for:

- introducing more flexibility in the way the battlegroups are used (from a first-entry force to a strategic reserve);
- finding alternative funding solutions (forces providers pay twice over, as they meet training and deployment costs as well as contributing to the common costs of operations); and

¹³ European Diplomacy and Defence, No 267, 5 November 2009. www.agenceurope.com

¹⁴ “Towards a new European security concept?”, held on 22 October 2009 at the invitation of the Finnish Parliament.

- providing the battlegroups with the means and capabilities they need for their operations (airlift and sealift capabilities, interoperable Command, Communications & Control systems, etc).

65. These proposals are being discussed by the EU member states, with input from the non-member states that contribute to the battlegroups (Croatia, the former Yugoslav Republic of Macedonia, Norway and Turkey). Your Rapporteurs hope that, by the close of its Presidency, the Swedish Government will have successfully achieved its objective of turning the battlegroup concept into an operational reality.

V. Council replies to Assembly Recommendations

66. The Council's replies to the Assembly's recommendations occupy a prominent and crucial place among the interparliamentary aqis built up over the many years of Council activities. No equivalent provision exists for the communications between the European Parliament and the EU Council.

67. Unfortunately, the quality of the WEU Council's replies is not always very satisfactory, although the clarity and quality of some of the more recent set of replies was appreciated by the Rapporteurs and the other members of the Assembly. The Council's replies to recommendations are a good supplement to the comprehensive work done by the Rapporteurs.

68. The following assessments illustrate the variable quality of the Council's replies to the recommendations adopted by the Assembly at its June 2009 plenary session.

I. Defence Committee

(a) Recommendation 836 (3 June 2009) on "The war in Afghanistan: what strategy for Europe?", Rapporteurs Jean-Pierre Kucheida and Françoise Hostalier

69. Recommendation 836 deals with operational issues, Afghanistan's reconstruction needs and the importance of engaging Pakistan in settling the conflict in Afghanistan.

70. The recommendation also synthesises previous texts put forward and adopted by the Defence Committee and Political Committee in 2006, 2007 and 2008. The Assembly notes the general deterioration in the security situation and the military deadlock in Afghanistan. It regularly recalls the conclusions drawn in the 2006 report where it was stated that "With no security, there will be no reconstruction, without economic and social progress, there will be no security. They are two sides of the same coin and are decisive in ultimately building an Afghan State that is sovereign and modern".

71. The need to develop a global and multidimensional strategy in which the military instrument is only one of the components and the main focus is on the role of assistance and training, as set out in the ISAF mandate, is also at the heart of the recommendations proposed in the second half of 2009.

72. The solution also lies in a regional approach to Afghanistan, one that involves neighbouring states, first and foremost Pakistan, but also Russia, China and Iran. Europe is struggling to distinguish itself from the United States in the region and that is restricting its influence. For the regional actors dialogue with the United States is by far preferable, as they know that the European allies will follow.

73. In its reply to Recommendation 836, the Council only tackles one very small aspect of European action: the European Union's Afghan police training mission, EUPOL Afghanistan. This mission to "train the trainers" is however suffering from the reluctance of the member states to provide the human and financial resources required for the fast-track training of tens of thousands of police officers that will be needed to accompany the strategy for counter-insurgency and the "Afghanisation" of security proposed by the United States.

74. The planned strength of 400 trainers has not yet been reached and there are very few trainers present in the regions outside Kabul. The necessary relations with NATO as regards protection, communications and exchange of information are not satisfactory. Instead of replacing separate programmes undertaken by some European states, EUPOL Afghanistan comes across as being an

additional initiative. The United States is also involved in the police training process and all these actors are taking autonomous action with no central coordination.

75. Furthermore, the Council's reply does not touch on the military, political and economic commitment of the WEU and EU states, in particular the matter of rules of engagement (caveats) and equipment. Nor is there any mention of the relations between the European states and the EU with Pakistan.

(b) Recommendation 840 (4 June 2009) on "The role of the European Union in combating piracy", Rapporteurs: Kurt Bodewig, Aristotelis Pavlidis and Tarmo Kõuts

76. The WEU Council replied at some length to Recommendation 840 on the role of the European Union in combating piracy. The reply sets out the main aspects of EU policy in this connection.

77. It dwells on the initiatives taken by the Committee concerning judicial treatment of suspected pirates, making reference to arrangements reached with Kenya and the Seychelles.

78. The Council also recalls the pledges given at the Brussels Conference on Somali Security, on 23 April 2009, which it views as a promising step towards the establishment of an efficient Somali National Security Force and the civilian Somali Police Force – all of which is very much in line with the recommendations made by the Assembly.

79. It is regrettable however that no mention is made of efforts at European Council level to organise coordination among member states to encourage them to enact in their own countries legislation, harmonised at European level, to enable them to prosecute captured pirates.

(c) Recommendation 839 (4 June 2009) on "European Union military operations", Rapporteurs: Andrea Rigoni and Rene Rouquet

80. Recommendation 839 deals with the principles underlying EU external operations and the methods of work employed, with particular emphasis on the outcome of operation EUFOR Tchad/RCA. It draws attention to the importance of cooperation between the EU and regional organisations in Africa with regard to peacekeeping.

81. The recommendation also picks up on points made by the Assembly regarding the reform of the ATHENA funding mechanism, the principles underlying selection of a framework nation and the development of operational planning and control capabilities.

82. The Council has given a detailed reply dealing in depth with a number of questions, particularly with regard to peacekeeping in Africa. It summarises the EU's commitments in this area, referring to the operations actually underway on that continent and their spheres of action with explanations of how cooperation and coordination between international and regional bodies are being pursued (with particular reference to EU-UN and African Union-NATO relations respectively) and of the practical outcomes of such coordination.

83. On the subject of Africa, the Council in its reply underlines reinforcement of the African Peace and Security Architecture which provides the framework for development of Europe's action in Africa, especially in regard to strategic planning and capability enhancement.

84. Positive effects of the EU and NATO drawing closer together are also apparent in relation to capabilities, specifically the future development of a common information-gathering tool.

85. The Council's reply unfortunately makes no mention of other important "intra-European" recommendations, most markedly the reform of the ATHENA mechanism. In the matter of planning capabilities, it confines itself to the statement that "lessons were identified on the planning phase for the EU Monitoring Mission in Georgia (EUMM Georgia) focusing on rapid deployment" and the EU mission in support of security sector reform in Guinea-Bissau (EU SSR Guinea-Bissau), but without alluding to specific measures.

2. Political Committee

(a) Recommendation 835 (2 June 2009) on “New opportunities for EU-US foreign and security policy cooperation”, Rapporteur: Jordi Xuclà i Costa

86. In its reply, the WEU Council thanks the Assembly for its recommendation and confirms that the EU member states are committed to developing a coordinated response to the new US Administration. The Council further declares that the EU member states are in favour of an open-ended dialogue with Washington on enhancing the existing European security architecture, whereas the Assembly’s recommendation was in fact referring to the need for such a dialogue with Russia.

87. The Council goes on to present the ongoing EU missions in Iraq and the Palestinian Territories. It concludes with a reference to the work being done by the EU on conflict prevention (the 2001 Gothenburg Programme).

88. While the EU missions form part of the cooperation with the US, also serve American interests and most certainly make a contribution to transatlantic security cooperation, it must also be said that the EU missions in Iraq and the Palestinian Territories are not the most significant ones.

89. The Council’s reply does not refer to the EU missions in Afghanistan and Kosovo, where there is a similar if not even greater coincidence of strategic interests between the two sides of the Atlantic. Moreover the significance of those two missions is without a doubt much greater and their success or failure will have much more far-reaching consequences.

90. Given that the Assembly recommendation specifically addressed the European civil and military commitment in Afghanistan and the western Balkans, this omission from the Council reply is all the more regrettable.

91. The Assembly recommendation also specifically addressed Iran’s nuclear activities, which are among Washington’s top-priority foreign policy issues. Throughout the E3 plus E3 process, Europeans and Americans together met with reluctance on the part of China and Russia and a common strategy is vital.

92. In its reply the Council does not address the Assembly’s call for a common and positive response to the announced closure of the Guantanamo prison facility and for a dialogue with the new administration on developing common standards for the treatment of persons captured during crisis-management operations (e.g. anti-piracy operations).

(b) Recommendation 838 (3 June 2009) on “ESDP and the future of the western Balkans – reply to the annual report of the Council”, Rapporteur: Pedro Agramunt Font de Mora

93. The WEU Council provided an extensive reply to Recommendation 838 on ESDP and the future of the western Balkans – reply to the annual report of the Council.

94. In this, the Council thanks the Assembly for its “useful recommendations on the ways and means to which the EU may have recourse to ensure further progress in the political stabilisation, as well as social and economic recovery, of south-east Europe with a view to improving the foundations of an enduring peace”.

95. The reply of the Council does not, however, take into account any of the topical recommendations of the report for improving the political, security and social situation in the western Balkans.

96. It does not express an opinion on the recommendation that both EUFOR Althea and the OHR/EUSR not be transitioned until the political situation in BiH improves. In fact a transition has not taken place to date.

97. It does not express an opinion on the recommendation that the Council invite the WEU nations as members of the EU to intensify their work on establishing closer ties between Republika Srpska, the Federation of Bosnia and Herzegovina and the central government. This has proven to be a matter of crucial importance to the stability of the country and of the region.

98. Further recommendations are made in the report regarding the need to find solutions to existing bilateral regional disputes such as the one between Slovenia and Croatia and the naming dispute between Greece and the former Yugoslav Republic of Macedonia. Both disputes prevent the latter countries from realising their European and Euro-Atlantic aspirations and the continuation of both raises political, social and economic concerns for the wider region.

99. The Council's reply is, nevertheless, informative. It refers, in particular, to information published by the EU Council on progress being made with the three EU operations in the region: Operation Althea in BiH, the EU Police Mission (EUPM) in BiH and the EULEX Kosovo Mission.

100. Therefore, the Council's reply outlines an accurate picture of the latest developments in the region concerning the operations and the main work of the EU.

3. Technological and Aerospace Committee

(a) Recommendation 837 (3 June 2009) on "European armoured vehicles: current programmes", Rapporteurs: Axel Fischer and Tujia Nurmi

101. Recommendation 837 is mainly concerned with strengthening the European defence industrial and technological base (EDTIB) and developing the European and transatlantic defence equipment market (ETDEM).

102. The land vehicle sector, which is highly fragmented and compartmentalised but also dynamic and innovative, served as a basis for reflection on the above topics which were dealt with at several different levels: in Europe, in the member states, in intergovernmental dialogue and cooperation and in the framework of bodies such as the European Defence Agency, the European Commission and NATO.

103. The Agency plays a key role but is not the only actor. It is the member states that are the real decision-makers within the Agency which has only very limited powers of initiative, few financial resources and no political autonomy. Yet the Council's reply focused on the Agency's activities, thus only partially dealing with such a complex subject as the EDTIB and the ETDEM.

104. Moreover, for the reasons outlined above, the Agency could not take on the task of organising the EDTIB or the ETDEM, a role that falls to the member states, industry and, since recently, the European Commission through its directives on defence procurement and defence equipment and technology transfers. The Agency is an effective coordinator and helps identify potential areas of cooperation and collaborative programmes to be undertaken entirely by the participating member states (pMS).

105. In no way can its activity be compared to that of the Organisation for Joint Armament Cooperation (OCCAR) – with its 40 billion euro programme budget administered on behalf of the member states – or that of the European Commission which invests over 200 million euros per year in research into security as part of the Framework Programme for Research and Technological Development 2007-2013.

106. Nor does the Council's reply refer to the initiatives of the Aerospace and Defence Industries Association (ASD) or to the discussions among the parties to the Framework Agreement on restructuring the defence industries based on the Letter of Intent. And there is no specific reference to the land-based defence equipment and technology sector.

(b) Recommendation 841 (4 June 2009) on "Space Situational Awareness", Rapporteur: Edward O'Hara

107. Recommendation 841 aims to ensure dialogue and cooperation with the United States in the area of space situational awareness once a consensus on governance and data policy has been reached within the European Space Situational Awareness Preparatory Programme.

108. The recommendation also underlines the importance of using existing national and European Space Agency (ESA) capabilities to implement the programme and to that end encourages cooperation

between France and Germany on the GRAVES and TIRA sensors which are fundamental components of the European programme.

109. In its reply, the Council thanks the Assembly “for its topical recommendations, which WEU member states may use as they see fit in their consideration of this important issue in the relevant fora of the European Union and the Atlantic Alliance”. However, it insists on the fact that defence-related space activities “are addressed within the framework of the European Security and Defence Policy which the WEU Council fully supports”.

110. The Council nevertheless shows its good will by mentioning the activities of the EU Satellite Centre in Torrejón in support of the ESDP and EU operations and missions, even though these very important questions were not the subject of the said recommendation.

4. Committee for Parliamentary and Public Relations

111. During the last plenary session (56th of June 2009), the Committee for Parliamentary and Public Relations adopted a resolution addressed to national parliaments only. Resolutions that are not addressed to the Council do not receive a Council reply. It is therefore preferable for the Assembly to systematically address all voted texts to the Council.

VI. EU and WEU Council replies to written questions

112. Government replies to written questions put by parliamentarians can be an important additional source of information both to parliamentarians and the general public.

113. The parliamentary right to put questions to governments is a fundamental one and both sides, the parliamentary questioner and the responding government need to accept and apply certain rules in order for this basic instrument of democratic scrutiny to be useful.

114. Since its election in June 2009, a total of 15 written questions on matters pertaining to European of security and defence were put by members of the European Parliament to the EU Council, 10 of which have received a written reply.

115. No written questions were put to the WEU Council in the period covered by this report (57th session, June to November 2009). This could be the result of the discouraging reply given by the Council to a written question on cyber security put to the Council in November 2008 by Claire Curtis-Thomas (United Kingdom, Socialist Group), in which the Council “regrets to state that it is not empowered to provide information on any measures and/or work programmes implemented by the European Council and its subordinate bodies”.

116. Instead, the WEU Council expressed its “firm conviction”, that EU action in this field will be in the interest of WEU countries. The question must be allowed as to what is the basis for the Council’s conviction. Parliamentarians and the general public would be interested to learn more about the EU programmes in the field of cyber defence that have given the WEU Council the kind of firm belief it mentions.

117. As in the past, WEU parliamentarians made intensive use of the half-yearly meeting with the Ambassadors of the WEU Permanent Council/EU Political and Security on 16 September 2009¹⁵ and meetings with other EU representatives to put questions to them directly. But these meetings are not open to the public and therefore do not have the same impact on transparency of government activities in the field of European security and defence.

118. In the past, many Council replies to written parliamentary questions were substantive and informative. The European Parliament and the Assembly should therefore encourage its members to continue to make use of this important parliamentary tool and to ask the respective Councils to provide substantive and informative replies.

¹⁵ See Assembly press release No. 36 for more details. <http://assembly-weu.eu>

VII. Conclusions

119. The development of a genuine European security and defence policy depends not only on the capacity of Europeans to agree on what their common strategic interests are but also on how to pursue them. A real foreign and security policy can only exist if all EU member states – including the larger ones – would be prepared to give up their sovereign right to act unilaterally if they think that their national interests are at stake.

120. One can argue that according to its text, the Lisbon Treaty will take ESDP further forward, but the careful phrasing of the articles and appended protocols and the insistence on the intergovernmental character of that policy leave enough escape hatches open to those who wish to use them. It is very likely that with the Lisbon Treaty, the limits have been reached for a considerable time of what is considered to be feasible and acceptable to member states.

121. Governments have also made it clear that they do not wish to give the European Parliament any more powers with respect to ESDP/CSDP. It is therefore only logical to make the most of the existing provisions, resist any attempts to reduce reporting requirements and at the same time improve cooperation between national parliaments and the European Parliament. But cooperation does not mean subordination and national parliamentarians need to ensure that their role in the EU is commensurate with their prerogatives, in particular with respect to providing political guidance and funding for ESDP operations.

122. It is also clear that when governments refuse to increase the powers of the European Parliament, they cannot be allowed to limit the working conditions for national parliamentarians at the same time. There is a continued role for the assembly-style model of interparliamentary cooperation.

123. The EU lacks certain structural elements which, if they could be developed, would facilitate the emergence of a European strategic culture. The European Defence College and the European Institute for Security Studies are contributing to a European vision of strategic questions, but they are limited to the military and the research and academic communities.

124. The European Parliament and the European Security and Defence Assembly/WEU Assembly also foster a joint vision among European and national parliamentarians on the European dimension of security and defence. But we need a European-wide debate that also involves our citizens.

125. European governments have not given the EU the same status as a nation state. As a consequence, they have not made it easier to develop a European identity. Consequently, rather than a common European political debate there are 27 national debates and these are mostly about each country's role in the EU and not about the role of Europe as a whole.

126. The Council information reports need to address these and other shortcomings if they are to remain relevant and to continue to contribute to the further development of a European security and defence policy and the necessary common strategic vision.

127. The role of the European Parliament, the European Security and Defence Assembly/WEU Assembly and the national parliaments is to support governments in their efforts to improve ESDP/CSDP, but also to encourage them where necessary. The publication and debate of substantive and informative Council information documents is a part of the democratic process which governments should take more seriously.

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