



European Security and Defence Assembly
Assembly of Western European Union

DOCUMENT A/2069

15 June 2010

FIFTY-EIGHTH SESSION

CSDP monitoring by national parliaments and in the
European Parliament - reply to the annual report of the
Council

REPORT

submitted on behalf of the Committee for Parliamentary and Public Relations by
Marietta Karamanli (France, Socialist Group) and Henrik Daems (Belgium, Liberal
Group), Rapporteurs

FIFTY-EIGHTH SESSION

CSDP monitoring by national parliaments and in the
European Parliament - reply to the annual report of the
Council

REPORT

submitted on behalf of the Committee for Parliamentary and Public Relations by
Marietta Karamanli (France, Socialist Group) and Henrik Daems (Belgium, Liberal
Group), Rapporteurs

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 Parliamentary Assembly of the Black Sea Economic Cooperation, the CIS Parliamentary Assembly; the President of the European Parliament; the Secretaries General of the Parliamentary Assemblies of the Council of Europe, NATO and the OSCE.

CSDP monitoring by national parliaments and in the European Parliament – reply to the annual report of the Council

REPORT¹

submitted on behalf of the Committee for Parliamentary and Public Relations by Marietta Karamanli (France, Socialist Group) and Henrik Daems (Belgium, Liberal Group), Rapporteurs

TABLE OF CONTENTS

RESOLUTION 138.....	2
on CSDP monitoring by national parliaments and in the European Parliament – reply to the annual report of the Council	2
EXPLANATORY MEMORANDUM.....	4
submitted by Marietta Karamanli (France, Socialist Group) and Hendrik Daems (Belgium, Liberal Group), Rapporteurs.....	4
I. Introduction	4
II. Recent developments and their impact on the WEU Assembly.....	5
III. What is new in the Lisbon Treaty in terms of the CSDP and the role of national parliaments	6
IV. The current debate on CSDP monitoring in the national parliaments.....	7
V. Defence committees of the national parliaments – current situation	9
VI. The role of the European Parliament.....	10
VII. Erosion of the role of national parliaments	11
VIII. Conclusions	13
APPENDIX I.....	14
TREATY OF LISBON (EXTRACTS).....	14
MEMBERS OF THE COMMITTEE.....	16

¹ Adopted by the Committee on 18 May 2010.

RESOLUTION 138²

on CSDP monitoring by national parliaments and in the European Parliament – reply to the annual report of the Council

The Assembly,

- (i) Noting the statement issued by the Permanent Council of the WEU on 31 March 2010 announcing the intention of the member states to terminate the modified Brussels Treaty and thus close down its parliamentary Assembly;
- (ii) Considering that the intergovernmental Common Security and Defence Policy (CSDP) requires interparliamentary scrutiny by the national parliaments of the European Union;
- (iii) Desirous that the provisions in the Lisbon Treaty be applied in such a way as to enhance input from national parliaments and for that input to be fully incorporated into European decisions;
- (iv) Regretting that the governments did not consider the benefits of setting up a new structure before closing down the WEU Assembly, thus forcing the pace of ongoing discussions on finding a suitable solution,
- (v) Welcoming the initiation of reflection, in particular at the initiative of the French and Belgian parliaments, on the need to find an institutional solution to ensure monitoring of CSDP-related matters and also welcoming the focus placed within the Conference of Speakers of Parliament thereon,

RESOLVES

to continue its work so long as the modified Brussels Treaty legally remains in force so as to be in a position to hand over in an orderly manner to the interparliamentary body which will be established to carry on the task of scrutiny of Europe's foreign, security and defence policy.

And

INVITES THE NATIONAL PARLIAMENTS AND THE COUNCIL OF THE EUROPEAN UNION TO:

1. Establish a steering committee, in accordance with the initiative taken by the European Security and Defence Assembly/Assembly of WEU through its President, to determine the way ahead and in particular to define the legal and financial basis for interparliamentary scrutiny of the Common Security and Defence Policy, such steering committee also to include representatives: of the defence, foreign affairs and European affairs committees of the national parliaments, reflecting their political composition; of the EU High Representative for Foreign Affairs and Security Policy and of the incoming EU/WEU Belgian Presidency (Presidents of the Chamber of Representatives and Senate of the Belgian Parliament);
2. Propose, as soon as possible, the most apt solutions to ensure their effective and real participation in decisions relating to the Common Security and Defence Policy;
3. Call for an ambitious implementation of the Lisbon Treaty provisions on interparliamentary cooperation in the area of the CSDP;
4. Promote a credible model of interparliamentary scrutiny which does not reduce the role of parliaments to that of mere spectator at general conferences but which constitutes a parliamentary body with permanent structures (secretariat and committees) the numerical composition of whose national delegations could be similar in proportion to that of the national delegations to the Parliamentary Assembly of the Council of Europe;
5. Consider the importance of acquiring sufficient resources to set up a cost-effective but permanent structure which is unaffected by the changes of national governments;

² Adopted by the Assembly on 15 June 2010 at the 1st sitting.

6. Build on the WEU Assembly's acquis so as to ensure continuity in the work accomplished thus far and draw on its experience to accentuate the positive aspects and make any necessary improvements.

EXPLANATORY MEMORANDUM

*submitted by Marietta Karamanli (France, Socialist Group) and
Hendrik Daems (Belgium, Liberal Group), Rapporteurs*

I. Introduction

1. The entry into force of the Lisbon Treaty has raised new challenges for national parliaments as regards the exercise of oversight and participation in European decision-making. New procedures and working methods have been introduced to ensure that parliamentarians are more fully informed of developments at European level and to enable them to participate in the decision-making process in all domains of EU competence.
2. However, some areas still fall within national competence, in particular security and defence matters which are dealt with at European level, in parallel, in both a community framework and an intergovernmental one. Security and defence are now also linked to related areas such as foreign policy, development cooperation and the fight against terrorism which fall within the remit of other national and supranational institutions – all of which forms a rather complex mosaic.
3. Different methods must therefore be applied to the relevant parliamentary work: where areas of competence overlap, formal contacts should be established with EU institutions; for matters falling within the national domain, it is important to avoid going it alone. In practice, national parliaments are exposed to two risks: on the one hand, an excessive daily workload if they are to monitor what is being done at Community level, and on the other, a loss of contact with what is being done in the other states as interparliamentary links are severed as a result of efforts being spread too thinly.
4. This report sets out to take a practical look at current procedures and working methods in this area of activity under national competence which, while linked to common European projects, does not fall directly within the Community framework. The number of different and overlapping areas to be dealt with makes the work of national parliamentarians highly complex and necessitates a far more consistent exchange and support structure than in the past. Committees often use traditional working methods that have remained more or less unchanged for the last 20 years or more and do not benefit from more modern structures, adapted to the changes which have taken place in their area of competence. Defence committees have not been provided with the resources commensurate with their evolving responsibilities, especially since all things military now occupy the forefront of international politics. Some national parliaments have attempted to find a practical solution by combining the work of defence and foreign affairs committees, and sometimes, in smaller countries or in lower chambers, a single committee has been set up to deal with both foreign affairs and defence. The latter solution is more in keeping with the need for a more comprehensive approach, but runs the risk of making a number of defence-related issues subsidiary to matters that are purely in the foreign policy domain.
5. There is also a need to reflect on working methods in the interparliamentary framework: existing interparliamentary assemblies, which provide a forum for the exchange of views at supranational level, such as our Assembly, NATO's and the OSCE's, are nowadays subject to criticism regarding their value and effectiveness and how their work is carried over into national parliaments.
6. In the meantime, the European Parliament has reorganised and set up a "security and defence" subcommittee within its Foreign Affairs Committee which looks at common European policies. This only goes to show how things develop in parallel in the area of defence.
7. The European Security and Defence Assembly/WEU Assembly is due to close down. Faced with the need to maintain interparliamentary dialogue on intergovernmental activities – a principle that is widely accepted – a replacement structure should see the light of day after all the reflection that has taken place in recent years. The aim of this report is to provide a basis for further reflection and an overview of the main points to have come out of our discussions.

II. Recent developments and their impact on the WEU Assembly

8. The Committee for Parliamentary and Public Relations has already explored the subject of oversight of the Common Security and Defence Policy in national parliaments on several occasions. Indeed, for some time now a report has been dedicated to that very subject at every session.³

9. These reports also aimed to keep members of the Assembly informed of the activities undertaken in other parliaments on the same subjects and to draw comparisons between developments in national policies and examine their potential impact on intergovernmental decisions at European level. Throughout these reports it has become clear to the Committee that each defence committee is somewhat isolated within its national parliament and that it takes a long time for information to be communicated between parliaments. It might even be said that there is a complete lack of systematic and consistent procedures for establishing interparliamentary contact. Apart from a few bilateral initiatives, the main problem lies in the fact that exchanges remain uncoordinated and have no institutional framework. Our Assembly is the only interparliamentary forum that provides a framework for a frank exchange of views on defence issues to a large group of states. It has played its role to the full, providing a vital link between parliaments, notwithstanding the constraints imposed by a certain lack of flexibility in the modified Brussels Treaty. As we are all aware, the treaty stipulates that the national delegations must be identical to those in the Assembly of the Council of Europe and sets no criteria for the area of competence of appointed members. As a result, the national delegations do not necessarily consist of a majority of defence committee members and though there are some, they are too few to achieve the desired level of expertise.

10. When the Charter and Rules of Procedure of our Assembly – now known as the European Security and Defence Assembly (ESDA) – were revised,⁴ it became evident that there were substantial gaps between the effectiveness sought and the practical constraints imposed on the means to achieve it, one of the main stumbling blocks being the variety of competences of the parliamentarians in the national delegations: if in their home parliaments they are not members of committees specialising in the areas we deal with, it is difficult for them to put to good effect both the work done within our Assembly and the experience gained at interparliamentary level.⁵ In the 1950s, this variety was explained by the desire to avoid a concentration of powers and interests in the area of defence and armaments within a body which might pose a threat to peace in Europe. Defence affairs were thus linked to human rights, a subject dealt with by the Assembly of the Council of Europe, and national delegations were obliged to take responsibility for the two fields in parallel.

11. 50 years down the line, the world has changed. Europe has also changed! International crises are almost always settled through military peacekeeping operations: the aims have maybe changed, being directed towards UN-led peacekeeping and law and order, but they are still military operations which are sometimes conducted in the manner of real wars. There is no denying reality: countries have to use their armies to meet the need to ensure security and defence. This concept, once national, has gone down the path of globalisation and today security is an issue that goes beyond national borders and is part of a geopolitical context which is increasingly a regionalised one. Europe has developed the idea of common security and defence, thanks especially to the 50 years of work carried out by WEU, the first structure to enable the concept to become accepted and grow at European level. It was through WEU that the Petersberg tasks were developed in 1992, defining the field of application for crisis-management activities, and joint military operations were first established.

12. Troop deployments beyond national borders are still the responsibility of the country deciding to engage in them and for years WEU and its organisation had a coordinating role, both politically and

³ Reports specifically dedicated to the subject include: Documents 1780 (2002); 1802 (2002); 1817 (2003); 1854 (2004); 1911 (2005); 1972 (2007); 1984 (2007).

⁴ See Document 1999, adopted on 6 May 2008: “Revision of the Charter and Rules of the Assembly”, report submitted on behalf of the Committee on Rules of Procedure and Privileges by Jean-Pierre Masseret, President of the Assembly (France, Socialist Group), and Hendrik Daems (Belgium, Liberal Group).

⁵ See Assembly 2055, adopted on 2 December 2009: “Models and structures for interparliamentary cooperation”, report submitted on behalf of the Committee for Parliamentary and Public Relations by Hendrik Daems (Belgium, Liberal Group).

practically. Little by little, WEU's technical bodies – the Torrejón Satellite Centre structures, the Institute for Security Studies – were taken into the institutions of the European Union and the WEAG and WEAO procurement cooperation systems absorbed into the European Defence Agency. The member states logically wanted to bring together all these bodies under the one roof to avoid fragmentation of resources and loss of efficiency. The interparliamentary Assembly alone has found no substitute as no other organisation has taken over from it and currently no equivalent structure is planned.

13. And yet the Presidency of the Permanent Council of WEU, considering that “the WEU has accomplished its historical role” and that “with the entry into force of the Lisbon Treaty, a new phase in European security and defence begins”, issued a statement on 31 March 2010 announcing the States Parties' intention to terminate the modified Brussels Treaty and close down the Organisation, including the interparliamentary Assembly. On the initiative of the British Government, June 2011 has been put forward as a deadline for the cessation of WEU activities: in a year's time, the ESDA will hand over the torch to another institution, yet to be invented.

14. The President of our Assembly wasted no time in proposing to set up a “steering committee” tasked with devising a substitute body and exploring proposals on how to continue interparliamentary scrutiny of the CSDP, the principle of which is in no way disputed. The highest bodies concerned should be represented on the committee which should be set up under the joint chairmanship of the High Representative of the Union for Foreign Affairs and Security Policy and the incoming Belgian EU Presidency. It should include, inter alia, the President of the ESDA, the Chairman of the European Parliament's Subcommittee on Security and Defence, the Chairman of COSAC and representatives of the defence and foreign affairs committees of the national parliaments. Proposals should be explored on the basis of the relevant provisions in the Lisbon Treaty.

III. What is new in the Lisbon Treaty in terms of the CSDP and the role of national parliaments

15. The Lisbon Treaty (see Appendix I) confirmed the intergovernmental character of the CSDP pending its transformation in a more distant future into a common defence policy for the Union. The present is therefore a transitional phase in which, all things being equal, national parliaments continue to have the same prerogatives and responsibilities as previously.

16. In parallel, the Lisbon Treaty, in the attached Protocol No. 1, seeks to give national parliaments a wider role in regard to matters falling within the community sphere, invoking the subsidiarity principle which gives national parliaments oversight of European draft legislation.

17. These two levels of responsibility co-exist alongside one another and various interpretations have been adduced, leading on the one hand to total confusion of the two or, on the other, maintaining a clear distinction between them. The interpretation that gives rise to most confusion is the one advocating parliamentary scrutiny of the CSDP by the European Parliament, while the latter has acquired no new responsibilities in this sphere. Conversely, an interpretation which continues to differentiate between both sets of responsibilities would support maintaining the status quo, and the presence of a body such as the ESDA to guarantee the exercise of a collective role by the national parliaments.

18. There is the risk of an intermediary solution, and an even more perverse one, being chosen. This would be to use the Conference of European Affairs Committees, usually referred to as COSAC, as a model. A specialist COSAC would be established made up of members of the defence committees of national parliaments. The set-up of this body would first need to be changed as it has not the interparliamentary status necessary for the purpose and its work consists of half-yearly meetings at which the discussion centres rather on procedural and practical matters than on oversight of European policy. It lacks a permanent base; it has no committee organisation, voting procedures or reports of proceedings, in short it lacks everything necessary to conduct a structured dialogue with the EU executive.

19. Nor is the equal representation of member states (according to the COSAC model) appropriate for representing the proportional influence of each one, unless some form of weighted voting is

introduced. Indeed this type of “conference model” distorts the independent scrutiny function of the national parliaments which are merely informed about what is happening within the EU, often after the event, without having any opportunity to proffer political guidance in real time and participate in decision-making.

IV. The current debate on CSDP monitoring in the national parliaments

20. At the Conference of Foreign Affairs Committee Chairpersons (COFACC) held in Madrid on 25 and 26 February, Norbert Hauptert, Chairman of the Luxembourg Delegation to the ESDA, asked Catherine Ashton, High Representative of the Union for Foreign Affairs and Security Policy, what her intentions were regarding the new interparliamentary structure for the CSDP and the future of WEU. “I have only just started thinking about this matter and, given that it is so complex, have not yet come up with any answers. But it is on my agenda and I will inform COFACC as soon as I look at it”, Mrs Ashton replied.

21. Following the announced closure of the WEU Assembly, the debate was opened in the national parliaments on the question of parliamentary scrutiny of the CSDP, since it has been made clear by the governments that it is the national parliaments which should deal with the parliamentary aspect, including the funding for the future structure.

22. The Belgian Senate, for its part, immediately got to grips with the matter and arranged for the President of our Assembly to speak at a hearing on 31 March 2010 before the Foreign Affairs and Defence Committee in the presence of members of the Belgian Delegation to the WEU Assembly. The move to close down the ESDA in fact served as a catalyst to ongoing efforts to find the most suitable mechanism to ensure proper involvement of national parliamentarians in the Common Security and Defence Policy. Members of the Belgian Parliament, including your Rapporteur (Hendrik Daems) supported the President’s call to the Belgian EU/WEU Presidency – in the second half of 2010 – to launch an initiative for a follow-up mechanism that could eventually replace the Assembly.

23. The Foreign Affairs and Defence Committee and the European Affairs Committee of the French Senate also held a hearing on 31 March 2010 with the French State Secretary for European Affairs, Pierre Lellouche, in order to make an initial assessment of the situation. Members of the French Delegation to the ESDA, in particular our colleagues Senators Josette Durrieu and Yves Pozzo di Borgo, took a very active part in the discussions and stressed the fact that the democratic deficit was widening with the demise of the Assembly. The committees eventually adopted the following draft resolution:

“The Senate,

....

- Takes the view that the disappearance of the WEU Assembly should be made subject to the creation of a structure that would bring together parliamentarians from the 27 member states – at least from those member states that so wish – who are specialised in defence matters (i.e. who are members of their parliaments’ defence committees). The organic model for this structure, which would be flexible, could be based on that of COSAC (at least six parliamentarians per member state; one meeting every six months; six members of the European Parliament). The organisation and secretariat for such a structure would be provided by the national parliaments on a six-monthly rotating basis.
- Is of the opinion that such an initiative, should it not meet with the interest of all 27 member states, could be organised by the most motivated national parliaments on a voluntary and cooperative basis, in which case the six-monthly meetings would be organised in turn by each of the national parliaments participating in such cooperation”.

The Chairman of the Foreign Affairs Committee, Josselin de Rohan, was appointed rapporteur.

24. Again on 31 March, the Defence Committee of the French National Assembly heard Arnaud Danjean, Chairman of the Subcommittee on Security and Defence of the European Parliament. Your Rapporteur (Marietta Karamanli) took part in the debate and talked about the closure of the WEU

Assembly and the prospects for its replacement. Mr Danjean acknowledged that the national parliaments retained control of oversight of the CSDP and went on to say that “even though many of my colleagues would argue differently, I would maintain it was not our place to be discussing military operations in Afghanistan. ... The European Parliament is not entitled to pass comment about French, Italian or German engagement in-theatre, but it is best placed to monitor the 13 or so operations, two of them military operations, being conducted under the CSDP. ... We are probably more in touch with what is going on with these operations than are the national parliaments, even though I feel that our links with them should be on a far more regular footing given that the Common Security and Defence Policy is involved”.

25. The Italian Parliament considered the matter briefly at a hearing of the Foreign Affairs and European Affairs Committees of the Chamber of Deputies and Senate. The hearing had been called on 31 March for the Foreign Affairs Minister, Franco Frattini, to deliver a communication on the results of the European Council of 25 and 26 March. The closure of WEU was announced at the hearing, without raising any eyebrows, and once again mention was made of the COSAC model as a substitute for our Assembly. It is regrettable that the Defence Committees did not take part in the hearing and it is to be hoped that they will react in time to voice an opinion about a future that concerns them directly. The issue arose again during a debate on ratification of the EUGENDFOR treaty, concerning the creation of a European gendarmerie force: indeed, parliamentarians are concerned about the vacuum that will be created by the closure of the WEU Assembly. At its plenary session on 28 April 2010, the Italian Senate adopted a motion (Ordine del giorno n. 9/2026) which recommends the establishment of a procedure guaranteeing parliamentary scrutiny over crisis-management operations, including those of a purely civil nature, and stresses the need to strengthen parliamentary dialogue with a view to promoting a European security and defence culture.

26. On 6 April, the UK Parliament held a question and answer session on future plans for parliamentary scrutiny of the Common Security and Defence Policy. Special emphasis was placed on the situation of non-EU member states which lose the opportunity to take part in debates in a common forum such as the WEU Assembly. The then Minister for Europe, Chris Bryant, referred to the “complexity of the WEU” which “had so many different categories of membership” and said that in the coming year there would be time to reflect on what the future replacement structure would look like. He encouraged parliamentarians to take the initiative and insisted that it would not be right for the European Parliament to take on responsibility for considering this matter.

27. The 12th Conference of the Association of European Senates, held in Rome on 16 April 2010, focused on the theme of parliamentary diplomacy and the crucial importance of exchanging information and best practice between the upper chambers of Europe’s parliaments. The President of the Belgian Senate, Mr Armand De Decker, spoke at length about the impending closure of the WEU Assembly and recalled, inter alia, the pioneering role it had played in the area of parliamentary diplomacy. He announced his intention to invite the upcoming Belgian EU/WEU Presidency to take practical measures to set up a permanent substitute structure and proposed the Belgian Senate adopt a resolution, the main principles of which he outlined as follows:

“The members shall come from the national parliaments of the 27 EU member states; the new assembly shall be close to the EU and strong, organic links shall be established with the Council of the European Union and the High Representative; the Council of the European Union – in particular the High Representative of the Union for Foreign Affairs and Security Policy – should report regularly to the new assembly which should be recognised as an official interlocutor; careful consideration should be given to the composition of the delegations within the new assembly; in order to ensure maximum impact at national level, delegation members should come from the defence, foreign affairs (...) committees of the national parliaments and the different parliamentary groups should be represented in proportion to their size. Consideration should be given to the question of European Parliament representation and to that of the involvement of non-EU European states”.

In the final statement of the Conference, it is said, inter alia, that “the denunciation of the WEU Treaty will imply the dissolution of the WEU Parliamentary Assembly, which is the only institutionalised

forum where members of national Parliaments have regular and structured meetings to debate European defence issues, and [the Heads of Delegation] believe that it would be appropriate to immediately start discussing the ways which will allow national Parliaments to continue to jointly address European defence issues, to exchange information on debates at a national level, and to interact with relevant policy-makers”.

V. Defence committees of the national parliaments – current situation

28. While discussions continue on the interpretation of the Lisbon Treaty provisions, the day-to-work of the national parliaments goes on. This report has drawn on a survey conducted among fellow parliamentarians who are members of the defence committees of their national parliaments in an attempt to convey the reality of their working conditions.

29. A questionnaire was sent to the national parliaments through the agency of the European Centre for Parliamentary Research & Documentation (ECPRD), a highly dynamic organisation involved in the field of information storage and exchange to which the Assembly subscribes. The following questions were put to respondents:

- The Defence Committee is composed of how many members?
- How often does the committee meet per month?
- The staff of the Committee’s secretariat is comprised of how many people and what are their functions?
- What are the responsibilities of the secretariat?
- Does the committee regularly use the services of external experts? If yes, are these experts recruited from the army, research institutes, or other institutions?
- Does the Committee have autonomy over the financing of its missions?
- What contacts does the Defence Committee have with the corresponding committees in other national parliaments?
- What contacts does the Defence Committee have with the European Parliament?

30. Prior to any analysis of the responses, it should first be noted that in some parliaments, or in one or other bicameral chamber, a single committee has responsibility for both foreign affairs and defence. Where this is the case the responses cannot be used for the purposes of our investigation as it is obvious that the work undertaken in such a committee is not comparable, either in terms of volume or the amount of resources given over to it. Foreign affairs committees have long been relatively advantaged in terms of standards of organisation, resources and external contacts.

31. For committees with defence as their sole area of responsibility the situation is quite different. Their role has long been the fairly narrowly defined one of administration of the nation’s armed forces, concerned largely with equipment and legal management of the service. But the years following the end of the cold war saw radical changes in the defence sector. With the inception of the Petersberg missions many international military crisis-management missions were set up and the national parliaments little by little again took on their political task of scrutinising government decisions. The Assembly had in the past drawn attention to inadequacies within some parliaments in this area⁶ and the position today is that in most countries a vote in parliament is required to authorise national forces’ initial or continuing engagement in external operations. Such authorisation is also required for European Union missions since there is no common institution to substitute for the national decision-making body. Parliamentary defence committees therefore face a very heavy responsibility since when the relevant acts of parliament are being drafted, they are the first to examine them and must then pilot them through the successive stages of the process. Defence

⁶ See Document 1762, adopted on 4 December 2001: “National parliamentary scrutiny of intervention abroad by armed forces engaged in international missions: the current position in law”, report submitted on behalf of the Committee for Parliamentary and Public Relations by Mrs Troncho.

committees must therefore be fully up to speed with both the political and technical aspects of highly complex situations and it is an open question as to whether they have resources commensurate with the effort required of them.

32. Our investigation showed that in fact and on the whole defence committees have made practically no change to the way in which they operate. The frequency of their meetings has not altered in line with the faster pace of parliamentary work and usually varies from once a week to eight per month. When it comes to approval for external operations deployments the defence committee is convened jointly with the foreign affairs committee, but there is nothing to indicate that joint follow-up also happens regularly. Furthermore the services supporting defence committees are far more modest than those for other committees (finance or industry for example) and are mainly made up of legal advisers and parliamentary administrators who cannot really be regarded as defence specialists despite their expertise. Most parliaments have a research and documentation service providing the bulk of the relevant documents and publications. However, experts are rarely called upon; it is more often representatives of the national defence staff or the minister's private office who are involved than speakers drawn from academic circles or specialist research institutions.

33. The area that leaves most to be desired is contact with the outside world, in other words with other parliamentary defence committees or European institutions. This area of parliamentary work remains somewhat underdeveloped in terms of support structures, notwithstanding the new dimension it has acquired as a result of the deployment of forces in European or international frameworks. It is left to the committees themselves to make contact with their counterparts, in neighbouring countries and in others which may be in a similar position, through courtesy visits by a small number of their members. Half-yearly meetings of the chairmen of defence committees do not take place systematically and such gatherings in any event tend to be limited to a few personal exchanges. Relations with the Security and Defence Subcommittee of the European Parliament, if they exist at all, are equally spasmodic and ill-defined. Besides that, there is an involvement in interparliamentary assemblies like those of NATO or WEU, where defence committee representation may not be very great, since members' main area of competence or the fact that they belong to the defence committee in their home parliament are unfortunately not the overriding criteria determining membership of national delegations.

34. In short, if there is one area in which our national parliaments need improving it is defence, as the relevant committees are called upon to deal with matters that go well beyond the "national defence" to which their title still often refers. The need for them to streamline the way they are organised so they might better engage in dialogue and work with others should be addressed now. The need is all the more pressing as, at intergovernmental level, there is a move afoot to give EU defence ministers greater autonomy and for them to hold separate meetings to deal with defence issues which, up until now, have been discussed in joint sessions with the foreign affairs ministers. In Luxembourg on 26 April, the 27 defence ministers, meeting with the High Representative Mrs Ashton, expressed the desire to set up an independent formation that would meet separately from the foreign affairs ministers – the joint session being the only formation formally provided for in the Lisbon Treaty – and to take decisions themselves on matters in their area of competence, in particular as regards capabilities.

VI. The role of the European Parliament

35. On 10 March 2010 the European Parliament adopted two resolutions: on the main aspects and basic choices of the Common Foreign and Security Policy (CFSP) and on the implementation of the European Security Strategy and the Common Security and Defence Policy. It calls for a more comprehensive approach in the annual reports it receives on the CFSP, and specifically as regards the chapters on the interconnection between CFSP/CSDP missions and other instruments promoting the Union as an actor on the world stage, and appears to want immediately to accelerate the gradual framing of a common defence policy which the Lisbon Treaty itself envisages only as a long-term goal. In both texts, the Parliament stoutly affirms its determination to exercise all powers of parliamentary scrutiny in this sphere, advocating termination of the modified Brussels Treaty and closure of the WEU Assembly.

36. These are not new demands. In point of fact, in 2004 a Subcommittee on Security and Defence (SEDE) was set up under the Foreign Affairs Committee tasked with monitoring CFSP and ESDP. This body meets approximately once a month and organises hearings with EU officials and representatives of the government holding the rotating EU Presidency, and of agencies and other organisations. Draft reports prepared by the subcommittee are adopted by the Foreign Affairs Committee and transmitted for final approval to the plenary sitting of the European Parliament.

37. It seems entirely logical that such a subcommittee should have been set up in order to give parliamentarians the opportunity to manage their work in practical terms: within the Foreign Affairs Committee the very wide range of areas to be dealt with carries with it the risk of a piecemeal approach. As the Rules of the European Parliament make no provision for a proper committee with security and defence responsibilities (possibly an indication that there is some legal uncertainty about setting one up and about the role it might be intended to play), an ad hoc body currently meets the need to deal separately with European security and defence aspects, as opposed to foreign policy in the wider sense. It should be stressed that the responsibilities of the members of this European Parliament subcommittee are complementary but not identical to those of national parliamentarians: the one does not exclude the other as the work of each is directed towards a different field of analysis, reflecting at one and the same time the two essential aspects of the Common Security and Defence Policy, community and intergovernmental.

38. Moreover, the European Parliament is well aware of the legal difficulties as it has on several occasions complained of its lack of competence, particularly when it comes to deciding on funding for the CSDP. The principle of “he who pays the piper calls the tune” means that the decision is referred back to the national parliaments which approve defence budgets, authorise international military missions and therefore are responsible for taking political decisions and for the use of taxpayers’ money. It is the national parliaments which must answer to their electorates for all this and it is difficult to understand how the European Parliament can expect to take such decisions even under cover of an offer of joint collaboration.

39. We should beware lest, in the name of making savings, proposals are made for aggregating responsibilities and entrusting their discharge to the most centralised institution with an organisation suited in practical terms to carry out the task. The European Parliament is suggesting that it should have oversight and, given the political and economic means available to it, could impose that arrangement de facto on the national parliaments. The latter, forced at present to show that they are productive and willing to make savings to appease public opinion in their countries, and in the face of an economic recession in many of them, are far from presenting a united front.

40. While the European Parliament can legitimately claim to have a say in the CSDP, it has to be acknowledged that it has no real clout as it does not vote on the budget. As recalled above, it is the national parliaments which are responsible for sending and keeping troops abroad; it is the national parliaments which approve defence budgets and often define industrial armaments policy. Establishing a one-on-one dialogue between the European Council and the European Parliament leads us to question the wisdom of letting a European Parliament with limited and ill-defined powers go head to head with an experienced executive. Such a situation would in all likelihood increase the sway and influence of the executive in international crisis management and give it greater control over information on the conditions and consequences of related military operations.

41. Finally, the WEU Assembly, which includes associate members, partners and observers, reaches far beyond the 27 EU member states: non-EU NATO members and all the Caucasus states are represented in the Assembly, so too Russia and the Balkan states. The dialogue is thus broader and more open than in the European Parliament. Security matters are dealt with from a far wider perspective and debate goes beyond the borders of the European Union.

VII. Erosion of the role of national parliaments

42. Consideration of the role of national parliaments in the sphere of intergovernmental policy such as the CSDP leads us to draw attention to a wider phenomenon which could be described as a gradual

erosion of the role of national parliaments in the area of defence, while in most countries their competence and authority have often been formally reconfirmed.

43. Firstly, there is the competition from the media: government decisions are announced directly to the press and the reaction is immediate and gives rise to currents of opinion tending towards different ends. By the time government proposals are debated in parliament criticism and opposition have already been aired which shape the discussion and influence the outcome, to the point at times of making any further discussion superfluous or restricting the scope of the debate. Procedures are often curtailed because it is felt that all the angles have already been explored, there is nothing more to be said and the government wants parliament to reach a quick decision. Parliament's work can be pared down to voting for or against and the majority invariably carries the day.

44. The second explanation for this phenomenon of erosion is precisely this need to reach quick decisions, scarcely compatible with the ponderous nature of parliamentary procedures and the time required for consultation. Intergovernmental policies are hatched in the private offices of ministers with information and communication tools available enabling decisions to be taken far more quickly than by means of collective scrutiny through the coming together of large numbers of parliamentarians.

45. The CSDP is deeply affected by both problems: in the event of the need arising to define a country's contribution to the management of an international crisis, quick decisions are required and press coverage is intense, given that any recourse to arms activates opposition from sections of public opinion in which undercurrents of pacifism and neutrality are invariably to be found.

46. Is that any reason for bypassing proper, detailed consideration of such sensitive issues? Is it right to be rushing headlong to vote on decisions in the intergovernmental sphere, while giving them the seal of parliamentary approval that is the guarantee of parliament's responsibility to the electorate? Is it a crime to think deeply about issues and to want to try to change the viewpoint of our governments? If reflection and debate become inessential appendages to the parliamentary process, by sacrificing the democratic process to the pressures of globalisation and global technology, parliament as an institution will be imposing limits on itself and perhaps digging its own grave.

47. It is genuinely very difficult to obtain a hard and fast measure of a task that is essentially carried out at the level of ideas and policy, the effects of which may manifest themselves in a number of shapes and forms and may not be apparent in the shorter term. Forming opinions, gathering information, sharing views and grasping the multifarious aspects of a problem are, to an extent, subjective activities that precede the political step of the vote in parliament. Nowadays, this activity tends to be denigrated and devalued and dismissed as a waste of time and therefore a waste of money – especially taxpayers' and public money – and this all leads to a dangerous decline in parliamentary business which, it is felt, should be "governed" by criteria of productivity, competitiveness, speed and economy – like that of a business. It is therefore clear that institutions whose job it is to keep parliamentarians informed, to investigate issues and engage in political debate are now seen by the less aware members of the general public to be time wasters: the European Security and Defence Assembly is part and parcel of that group, essentially because the vast majority of people are unaware of the work it does, as are also unfortunately the parliamentary circles with which it is associated.

48. From that point of view, our institution was therefore an easy prey if one looks no further than arguments of appearance and expediency.

49. A solution consisting of the de facto transfer of the competences of our Assembly to the European Parliament runs the risk of undermining the principle of national parliamentary scrutiny on the pretext of rationalisation and efficiency. This appropriation of competence by a body that supposedly embodies democratic principles in point of fact serves to distort democracy, as power would be given to a central decision-making body which is not answerable on that score to those that elected it. It is not the European Parliament which takes decisions about the deployment of troops abroad or the terms of their engagement and the purposes of international operations, or approves funding for such missions. Therefore how can it be answerable in any responsible way to the citizens of Europe? Public opinion will invariably call national parliamentarians to account in such matters.

VIII. Conclusions

50. When the closure of WEU and our Assembly was announced, the governments let it be understood that national parliaments should take responsibility for interparliamentary scrutiny of the CSDP in the future and that they should take steps to determine the structure and organisation of a potential new body and should also be responsible for funding that body. What we have here is a woeful example of a government-funded parliamentary institution, a democratic forum for debate available to national parliaments, being closed down by those same governments for reasons of economy. But once bitten twice shy: the same mistake will not be repeated.

51. The ball is now in the court of the national parliaments. On the basis of the somewhat vague provisions in the Lisbon Treaty, we will follow up Protocol No. 1 which provides for the establishment of some form of interparliamentary "Conference" to debate foreign policy and the Common Security and Defence Policy. Such a conference would be more or less based on the COSAC model which needs reviewing and reworking for it to be truly effective.

52. Our report therefore provides an overview of the ongoing debates and we invite all our colleagues to rally their committees to action, especially those who are members of committees responsible for foreign affairs and defence. It is now up to us to put forward proposals before other bodies step in and steal a march by imposing their own undesirable interpretations which might reduce the role of national parliaments to that of mere spectator.

53. A range of discussions are under way and it is too soon yet to report on the various initiatives which for the moment remain unofficial. Our Committee will continue monitoring the situation closely and will inform the Assembly about any new developments during the December 2010 plenary session.

APPENDIX I

TREATY OF LISBON (EXTRACTS)

**AMENDING THE TREATY ON EUROPEAN UNION
AND THE TREATY ESTABLISHING THE EUROPEAN COMMUNITY**

***Provisions concerning the Common Foreign and Security Policy (CFSP),
including the Common Security and Defence Policy (CSDP)***

The parliamentary dimension of the common security and defence policy

ARTICLE 8C (TL) [ARTICLE 12 TUE]

National Parliaments shall contribute actively to the good functioning of the Union:

- (a) through being informed by the institutions of the Union and having draft European legislative acts forwarded to them in accordance with the Protocol on the role of national Parliaments in the European Union;
- (b) by seeing to it that the principle of subsidiarity is respected in accordance with the procedures provided for in the Protocol on the application of the principles of subsidiarity and proportionality;
- (c) by taking part, within the framework of the area of freedom, security and justice, in the evaluation mechanisms for the implementation of the Union policies in that area, in accordance with Article 61C (TL) [Article 70 TFEU] of the Treaty on the Functioning of the European Union, and through being involved in the political monitoring of Europol and the evaluation of Eurojust's activities in accordance with Articles 69G (TL) [Article 88 TFEU] and 69D (TL) [Article 85 TFEU] of that Treaty;
- d) by taking part in the revision procedures of the Treaties, in accordance with Article 48 (TL) [Article 48 TEU] of this Treaty;
- (e) by being notified of applications for accession to the Union, in accordance with Article 49 (TL) [Article 49 TEU] of this Treaty;
- (f) by taking part in the interparliamentary cooperation between national Parliaments and with the European Parliament, in accordance with the Protocol on the role of national Parliaments in the European Union.

ARTICLE 21 (TL) [ARTICLE 36 TUE]

The High Representative of the Union for Foreign Affairs and Security Policy shall regularly consult the European Parliament on the main aspects and the basic choices of the common foreign and security policy and the common security and defence policy and inform it of how those policies evolve. He or she shall ensure that the views of the European Parliament are duly taken into consideration. Special representatives may be involved in briefing the European Parliament.

The European Parliament may ask questions of the Council or make recommendations to it and the High Representative of the Union. Twice a year it shall hold a debate on progress in implementing common foreign and security policy, including the common security and defence policy.

PROTOCOL No. 1
ON THE ROLE OF NATIONAL PARLIAMENTS IN THE EUROPEAN UNION

THE HIGH CONTRACTING PARTIES, [...]

DESIRING to encourage greater involvement of national Parliaments in the activities of the European Union and to enhance their ability to express their views on draft legislative acts of the Union as well as on other matters which may be of particular interest to them,

HAVE AGREED UPON the following provisions, which shall be annexed to the Treaty on European Union, to the Treaty on the Functioning of the European Union and to the Treaty establishing the European Atomic Energy Community: [...].

Interparliamentary cooperation

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.

MEMBERS OF THE COMMITTEE

Chairman

Mr Paul WILLE (BE) (Lib)

Vice-Chairmen

Lord ANDERSON of SWANSEA (UK) (Soc)

Mr Marco ZACCHERA (IT) (Fed)

Titular Members

Mr Xhevat ADEMI (MK)

Mr Kornel ALMASSY (HU) (Fed)

Mr Anton ANDERLIČ (SI) (Lib)

Mr Gerolf ANNEMANS (BE) (n-a)

Mr Pawel ARNDT (PL) (Fed)

Mr Lokman AYVA (TR) (Fed)

Mrs Rossana BOLDI (IT) (Fed)

Mrs Anne BRASSEUR (LU) (Lib)

Mrs Anna Maria CARLONI (IT) (Soc)

Lord CHIDGEY (UK) (Lib)

Mr Vladimiro CRISAFULLI (IT) (Soc)

Mr Imre CZINEGE (HU) (Soc)

Mrs Anna DALARA (GR)

Mr Constantin DASCALU (RO) (Fed)

Mr Jean-Claude FRECON (FR) (Soc)

Baroness GALE (UK) (Soc)

Mrs Angelika GRAF, MdB (DE) (Soc)

Mr Michael HENNRICH, MdB (DE) (PPE/CD)

Mr Kalev KALLO (EE) (Lib)

Ms Liana KANELLI (GR)

Mr Paul KEHOE (IE) (Fed)

Ms Sarmite KIKUSTE (LV) (Fed)

Mr Jozef KLIM (PL) (Fed)

Mr Jaakko LAAKSO (FI) (Soc)

Mr Markku LAUKKANEN (FI) (Lib)

Mr François LONCLE (FR) (Soc)

Mr Humfrey MALINS, MP (UK) (Fed)

Mrs Muriel MARLAND-MILITELLO (FR) (PPE/CD)

Mr Patrick MEINHARDT, MdB (DE) (Lib)

Mrs Manuela de MELO (PT) (Soc)

Mr Alejandro MUNOZ ALONSO (ES) (PPE/CD)

Mr Ionas NICOLAOU (CY) (PPE/CD)

Mrs Marija PEJCINOVIC BURIC (HR) (PPE/CD)

Mr Yves POZZO DI BORGIO (FR) (PPE/CD)

Mr Freddy de RUITER (NO)

Mr Aleksandr SACHARUK (LT) (Lib)

Mrs Malgorzata SADURSKA (PL) (Fed)

Mrs Luz Elena SANIN NARANJO (ES) (Fed)

Mr Jozef SIMKO (SK) (Fed)

Mr Cornel STIRBET (RO) (Fed)

Mrs Tineke STRIK (NL) (Soc)

Mr Tugrul TURKES (TR) (Fed)

Mr Mustafa UNAL (TR) (Fed)

Mr Harm-Everta WAALKENS (NL) (Soc)

Mr Karl-Georg WELLMANN, MdB (DE) (Fed)

Alternate Members

Mrs Fatima ABURTO BASELGA (ES) (Soc)

Mr Hendrik DAEMS (BE) (Lib)

Mr Nikolaos DENDIAS (GR) (Fed)

Mr Metin ERGUN (TR) (Fed)

Mrs Lydie ERR (LU) (Soc)

Mr Gianni FARINA (IT) (Soc)

Dr Thomas FEIST, MdB (DE) (Fed)

Mr Paul FLYNN, MP (UK) (Soc)

Mr John GREENWAY, MP (UK) (Fed)

Ms Annette GROTH, MdB (DE)

Mr Kenan HASIPI (MK)

Mr Denis JACQUAT (FR) (Fed)

Mr Reijo KALLIO (FI)

Mrs Marietta KARAMANLI (FR) (Soc)

Mr Mieczyslaw KASPRZAK (PL) (Fed)

Mr Tiny KOX (NL) (Soc)

Mr Geert LAMBERT (BE) (Soc)

Mrs Izabela LESZCZYNA (PL) (Fed)

Mr Daniel LIPSIC (SK) (Fed)

Ms Christine MCCAFFERTY, MP (UK) (Soc)

Mr Andrew McINTOSH (UK) (Soc)

Mrs Ines de MEDEIROS (PT) (Soc)

Mrs Nursuna MEMECAN (TR) (Lib)

Mr Atanas MERDJANOV (BG) (Soc)

Mr Jean-Claude MIGNON (FR) (PPE/CD)

Mr Philippe NACHBAR (FR) (Fed)

Mrs Fiamma NIRENSTEIN (IT) (PPE/CD)

Mrs Tuija NURMI (FI) (PPE/CD)

Mr Rory O'HANLON (IE) (Lib)

Mr Dimitrios PAPADIMOULIS (GR)

Mr Marian Iulian RASALIU (RO) (Fed)

Mr Gonzalo ROBLES OROZCO (ES) (Fed)

Mr Johannes RÖRING, MdB (DE) (PPE/CD)

Dr Stefan RUPPERT, MdB (DE) (Lib)

Mr Maurizio SAIA (IT)

Mrs Ana SANCHEZ HERNANDEZ (ES) (Soc)

Mrs Mihaela Ioana SANDRU (RO) (Fed)

Ms Aurelija STANCIKIENE (LT) (Fed)

Mr Stanislaw SZWED (PL) (Fed)

Mr Mehmet TEKELIOGLU (TR) (Fed)

Mr Luca VOLONTE (IT) (PPE/CD)

