

Working Group VIII

Working document 18

## **WORKING GROUP VIII « DEFENCE »**

**Subject :** Paper by Mr Proinsias de Rossa

Members of the Working Group will find attached a paper submitted by Mr Proinsias de Rossa, member of the Convention.

-----

**Working Group on Defence****Submission by Proinsias de Rossa MEP, Member of the Convention**

1. I wish to place on record my position on a number of key points relevant to the remit of the Working Group and to make a number of proposals.

***CFSP and Defence***

2. The debate on defence must be seen in the context of the broader concept of Security. Security cannot be seen as just a military issue. To bring about real security and stability we must deal with issues such as those of democracy, globalisation and the environment. Security and social solidarity are two sides of the same coin.

***Values***

3. Defence must be dealt with at all times as a component of our Common Foreign and Security Policy (CFSP) and must be based on the fundamental principles which have informed the creation and development of the European Union.

4. The European Charter of Fundamental Rights summarises those principles as “**the indivisible, universal values of human dignity, freedom, equality and solidarity... Based on the principles of democracy and the rule of law.**”

5. It follows from this that to achieve security in a changing world involves a number of elements:

The rule of law within stable democratic institutions is central.

The principle of common security

The concept of comprehensive, sustainable security

The aspect of democratic security

**6. I propose that we adopt these four elements as the core of our approach.**

***Common Defence***

7. Proposals for common defence or defence solidarity are premature and unwise politically. Opening a politically futile debate on this issue will distract attention from the urgent and necessary tasks of strengthening CFSP and of providing the required resources – in terms of both finance and skills – for the already agreed ESDP.

**8. In this context I propose that the separate reference to defence in the preliminary draft constitution (Part Two, C) be incorporated in Part Two B, as number 3 of section IV.**

### ***European Security and Defence Co-operation (ESDP)***

**9. I propose that it is appropriate to continue to define EU military competencies in terms of the existing Treaty provisions and, in particular, of the Petersburg Tasks: “humanitarian and rescue tasks, peace-keeping tasks and tasks of combat forces in crisis management, including peace-making.”**

10. This definition covers scenarios including disaster relief, traditional peacekeeping operations and intensive military enforcement under the terms of Chapter VII of the UN Charter. It is sufficiently flexible to permit the Union to deal with any likely eventuality.

11. The European Rapid Reaction Force is an adequate instrument for the implementation of the Petersburg Tasks. The military capability of the ERRF is subject to political decision by unanimous vote of the Member States, each of which can further decide on a sovereign basis to provide or withhold personnel.

12. The ESDP requires the development of significant capacity and skills across a range of areas including threat assessment, crisis prevention, and civilian and police resources. These may be needed to monitor elections, clear mines, rebuild social and community structures and strengthen civil society.

13. An effective ESDP will require effective intelligence, research and planning systems capable of anticipating conflict and evolving appropriate responses. This will involve co-ordination between those responsible for CFSP and JHA at European level, and thus, well designed mechanisms. Structures for the pooling of national and EU resources are essential.

**14. The security aspects of combating terrorism is primarily the responsibility of Justice and Home Affairs Departments in Member States, with their Armed Forces coming to the aid of the civil authorities when required.**

**This should also be the approach at European level with the additional proviso that JHA becomes fully communitarised.**

### ***The United Nations***

**15. It should also be noted in our report that the objectives of the CFSP, as set out in Article J.1 of the Amsterdam Treaty, are situated firmly in the context of the principles of the UN Charter and of the founding acts of the OSCE. The EU must be prepared to contribute positively to the necessary reform and development of the United Nations. It must support and complement the important work of the OSCE, for instance in its work for ethnic minority rights.**

### ***Institutional Aspects***

16. The institutional aspects of CFSP and ESDP require serious consideration. In particular, the question of the future of the Presidency of the Council arises as a key question for decision by the Convention.

**17. The existing principal of rotating Council Presidencies should not be discarded. The system does need to be redesigned to guarantee coherence and continuity. One option would be the designation of the General Affairs Council as a Legislative Council which would make legislative decisions prepared by the Executive (i.e. sectoral) Councils. The presidency of the Legislative Council would continue to rotate between Member States but would consist of a troika and hold office for a period longer than six months. Mechanisms for such an approach to be agreed in the European Council. The Executive councils (e.g. CFSP Council) would have a chair for a period of say two and a half years and be nominated by the European Council on a basis which would ensure equality between the Member States.**

18. In an evolving CFSP the relations between the roles of the Council's High Representative and of the External Affairs Commissioner must also be addressed.

**19. I suggest that the High Representative become a Vice-President of the Commission on the nomination of the European Council and subject to confirmation by the European Parliament.**

#### ***Transparency and Accountability***

20. It is urgently necessary to deal with the longstanding problems of transparency and accountability in respect of CFSP and ESDP. While these are fields within which speed of response and confidentiality are seen to be important, the lack of openness in decision-making and implementation can only be effectively dealt with by applying the full community method to all such activity. The European Parliament and National Parliaments have a particular mission to exercise democratic control in areas where there is strong popular support for EU action and leadership but where insufficient explanation and inclusion can lead to a loss of consensus and legitimacy.

21. It is important to underline the danger of permitting 'security' considerations to cut across the generally open and accessible traditions of the EU institutions. The attempt to exclude ESDP documentation from the normal EU rules of public access was deplorable and rightly opposed by the European Parliament.

**22. The CFSP and Defence policy pillar (and the JHA Pillar) must therefore be fully integrated under the community method to ensure a full role for both the EU institutions – Commission, Council and European Parliament – and for National Parliaments.**

**23. Commissioner Chris Patten has made the suggestion at the National Forum on Europe in Dublin that there is a case for the European Parliament Foreign Affairs Committee together with the equivalent committees of the national parliaments to come together once or twice a year to subject the Presidency, the High Representative and the Commissioner for External Affairs to critical questioning about current policy issues. This is a very positive proposal, which could open up the debate on Europe's attempts to create and develop the Common Foreign and Security Policy and its defence component.**

### ***Armaments and Disarmament***

24. Addressing the question of arms purchase in this Working Group is not warranted in the context of our efforts to prepare a Constitution for Europe.

**25. An area we should address is the search for genuine disarmament and we should declare that this objective continues to be a priority to which the EU must devote both effort and resources and which should be embedded in our new constitution. Nuclear arms control and non-proliferation; disposal of fissionable material; destruction of chemical and biological weapons; land-mine clearance; small arms controls – the agenda is long and challenging.**

### ***New Relationships***

26. The forthcoming enlargement of the EU will add a new dimension to the CFSP as the candidate countries bring their own history and geography into the mix. One of the most challenging elements of this enlargement will be the creation of new borders for the Union in regions effected by past conflicts and potential instabilities.

27. Relations with the Russian Federation are also highly significant. As the borders of the Union move towards Russia, policy must aim at developing a real partnership with reference to geo-political realities – the Baltic dimension, and Kaliningrad for example. Issues such as nuclear decommissioning will call for a clear strategic approach and the deployment of considerable resources.

**28. The proposal for a privileged relationship between the Union and its neighbouring States under Title IX, Art. 42 of the Preliminary draft constitution should therefore be supported.**