

FORWARDING NOTE

from Secretariat
to The Convention

Subject : **Text forwarded by Mr Nazaré Pereira, alternate member of the Convention:**
 - “115th Resolution of the WEU Assembly on security policy in an enlarged
 Europe”

The Secretary-General of the Convention has received from Mr Nazaré Pereira, alternate member of the Convention, the attached “115th Resolution of the WEU Assembly on security in an enlarged Europe” to which he wishes to draw the attention of the Convention.



**Assembly of Western European Union
The Interparliamentary European Security and Defence Assembly**

FORTY-NINTH SESSION

RESOLUTION 115

**on security policy in an enlarged Europe –
a contribution to the Convention**

**Adopted unanimously by the Assembly
on 3 June 2003 in Strasbourg**

RESOLUTION 115
on security policy in an enlarged Europe – a contribution to the Convention

The Assembly,

- (i) Aware that the Convention on the Future of Europe faces a challenge in determining the commitments that the EU Member States are prepared to enter into as regards a common security and defence policy;
- (ii) Desiring therefore that the Convention should propose appropriate solutions to make progress in the sensitive area of the common security and defence policy with determination and in a spirit of reconciliation, flexibility and openness;
- (iii) Considering that the draft articles of the proposed EU Constitutional Treaty and the ongoing discussion on the common security and defence policy affect key areas covered by the modified Brussels Treaty, whose parliamentary function is exercised by the Assembly;
- (iv) Desiring that certain proposals, principally in the areas of closer cooperation, mutual defence and the collective participation of national parliaments in the common foreign and security policy and the common security and defence policy, be supplemented and clarified;
- (v) Deploring that the proposal by the Convention Praesidium limits the collective involvement of national parliaments in the common foreign and security policy and the common security and defence policy to a non-compulsory body such as COSAC and constitutes a major step backwards, which is wholly inappropriate and unacceptable,

PROPOSES that the Convention on the Future of Europe and the governments of the states participating in the ensuing Intergovernmental Conference take into account the following:

***I. Proposals concerning a common defence in the EU
and mutual defence among a group of Member States***

A reinforced common defence policy including a mutual defence clause should be based on existing European practices, experiences and institutions and should be open to any Member States prepared to meet the obligations it entails.

1. The proposal to establish “closer cooperation on mutual defence” among a group of Member States by means of a mere Declaration is not sufficiently clear to justify the modified Brussels Treaty being made obsolete by virtue of such a procedure.
2. If the proposed arrangements are intended to replace the modified Brussels Treaty in its entirety, they must be set out in a Protocol to be appended to the Constitutional Treaty and duly ratified.
3. The content of the proposed mutual defence clause should not be weaker than the commitment already subscribed in Article V of the modified Brussels Treaty.
4. There needs to be a definition of what constitutes “armed aggression” as opposed to the term “terrorist attack” used in the draft article on a solidarity clause.
5. The geographical scope of the mutual defence clause needs to be no less than the phrase “in Europe” used in Article V of the modified Brussels Treaty.
6. It should be specified whether this clause relates to autonomous European commitments and capabilities or whether it establishes a link with NATO’s military responsibilities in the same way as does Article IV of the modified Brussels Treaty.

7. The Protocol should set out the arrangements for participation in closer cooperation on mutual defence and the obligations it entails. In particular it should specify whether or not the participating countries must be members of NATO and establish what kind of military obligations arise out of such participation.
8. Provision needs to be made for the decision-making process for such closer cooperation, in the form of a restricted Council whose composition, method of work and chairmanship need to be specified.
9. In the event of situations in which a participating state that is the victim of “armed aggression” is unable to request the aid and assistance of the others, a provision should be considered stipulating that at the request of any of the participating Member States or of the Minister for Foreign Affairs, the restricted Council shall be convened immediately to determine whether a state is the victim of “armed aggression” and whether the situation requires implementation of the measures for which provision is made in Article 30(7) of Part One.
10. A provision (on the model of Article VIII.3 of the modified Brussels Treaty) should be included stipulating that at the request of any of the participating Member States or of the Minister for Foreign Affairs, the restricted Council shall be convened immediately in order to deliberate on any situation that might constitute a threat to peace, wherever it may arise.
11. The Protocol should specify that the United Nations Security Council will be informed immediately of any measures taken in application of the provisions in Article 30(7) of Part One and that those measures will be terminated as soon as the Security Council decides on the steps necessary to maintain or restore international peace and security.
12. In the absence of an explanation of the difference between “common defence” as referred to in Article 30(2) of Part One and “mutual defence” as referred to in paragraph 7 of the same Article, there is no justification for the latter paragraph becoming obsolete when the European Council reaches a decision under paragraph 2 of the Article in question.
13. In the chapter concerning relations with international organisations, NATO should be included among the organisations with which the European Union intends to establish “all appropriate forms of cooperation”.
14. Should it prove impossible to agree on the subjects referred to in paragraphs I.1 to 13 above, it would be preferable for the European mutual defence commitment to continue to exist in the framework of the modified Brussels Treaty (ideally annexed as an optional protocol to the Constitutional Treaty).

II. Tasks outside the European Union undertaken by the Union or by a group of Member States

15. The proposed provisions on tasks outside the European Union should state that the Union is ready to make its military capabilities available to the United Nations for the purpose of taking coercive action in the event of a threat to peace, in accordance with Chapter VII of the United Nations Charter.
16. In order to observe the principle of inclusivity as regards participation in the EU tasks referred to in the relevant articles of the draft Constitutional Treaty, these should be open to non-EU European NATO Member States and to other interested European countries on the basis of arrangements to be defined by the Council in pursuance of the corresponding agreements between the EU and NATO. The same principle should be applied to a task whose implementation is entrusted to a group of Member States.

17. While the general principle of giving a group of Member States the possibility of establishing “structured cooperation” between themselves – as proposed in Article 30(6) of Part One and Article 20, Title B, of Part Two of the draft Constitutional Treaty – is wholly acceptable, the purpose of such cooperation should be defined more clearly.

18. The condition to be met by Member States wishing to participate in such cooperation should be their willingness to become actively involved in the full range of activities for which the first five paragraphs of Article 30 of Part One make provision.

19. The decision-making procedure should be set out by specifying how the “restricted Council for structured cooperation” referred to in Article 20, Title B, of Part Two is to work, what its composition will be and how it will be chaired.

III. The parliamentary dimension

20. It is essential to make provision in the Constitutional Treaty for the collective participation of national parliaments if the European Union is to achieve its ambition of making the common security and defence policy more democratic and transparent and bringing it closer to its citizens.

21. The common foreign and security policy and the common security and defence policy are subject to an intergovernmental decision-making process based on joint actions by Member States or a group of Member States and on national means. It is national parliaments which take decisions on financial resources and on making national capabilities available for external missions.

22. It is therefore necessary to place the Council under an obligation to report on its activities in this area to an interparliamentary body composed of representatives of the national parliaments and to consult it regularly.

23. Provision for the collective participation of national parliaments can and should be made in any or all of the following ways:

- (a) in the provisions on the common security and defence policy (Article 30 of Part One and Article 13, Title B, of Part Two);
- (b) in the provisions on the Union’s advisory bodies (Article 23 of Part One);
- (c) in the Protocol on the role of national parliaments in the European Union;
- (d) in a protocol that takes up the relevant provisions of the modified Brussels Treaty;
- (e) in the article which may be included on the role of a Congress.

24. The Assembly requests that the Convention amend the Praesidium’s proposals regarding the role of national parliaments in the European Union by making provision for an interparliamentary forum composed of representatives of national parliaments. This forum should be regularly consulted by the Council on common foreign and security policy and common security and defence policy matters. The interparliamentary forum should make arrangements for cooperation with the European Parliament.

IV. Armaments cooperation

25. The provisions concerning the creation of a European Armaments and Strategic Research Agency should specify:

- (a) that it is the Council's task to identify operational requirements for the common security and defence policy, and
- (b) that the Agency shall be open to all Member States, all WEAG Member States and any other European countries wishing to be part of it, in accordance with arrangements defined by the Council.