

**Bijlage 1: Nederlandse position paper inzake Toetsingskader bij militaire uitzendingen**

Dear colleagues,

The effectiveness and visibility of CSDP missions is one of the aspects of the Common Security and Defence Policy that is being reviewed by the High Representative of the Union for Foreign Affairs and Security Policy in the light of the European Council summit of 19 and 20 December 2013.

In the context of this review, the Dutch delegation would seize the opportunity to launch an exchange of views on the parliamentary procedures and practices regarding the national decision-making process on the deployment of armed forces and the participation in international missions, including missions in the framework of the CSDP. Such a discussion could lead to a better understanding and coordination of the various procedures in Member States, in this way strengthening the parliamentary dimension of CSDP missions.

In our opinion the Inter-Parliamentary Conference for the CFSP and the CSDP is a suitable platform for a discussion on this important subject. Our proposal is to request the next, Greek Presidency Parliament to add this topic to the agenda of the conference in Athens in Spring 2014.

To ensure a good and timely preparation, we suggest to consult the delegations on the respective national (parliamentary) procedures in advance of the conference in Athens. We have enclosed an outline of the procedures in the Netherlands as well as in some other EU Member States. We collected this information via the network of national parliaments' representatives in Brussels.

Wishing you a fruitful conference, dear colleagues,

Best regards,

**Angélien Eijssink**

Chair of the Standing Committee on Foreign Affairs  
Head of Delegation to the CFSP and CSDP Conference

***PROCEDURES FOR PARLIAMENTARY APPROVAL OF PARTICIPATION IN INTERNATIONAL PEACE KEEPING AND MILITARY MISSIONS***

**Content and legal source**

1. The Netherlands, Constitution (added in 2000)

2. Austria, *Bundesverfassungsgesetz über Kooperation und Solidarität bei der Entsendung von Einheiten und Einzelpersonen in das Ausland*, 1997
3. Belgium, Constitution
4. Denmark, Constitution
5. Estonia, Constitution and International Military Co-operation Act, amended in 2012
6. France, Constitution, amended in 2008
7. Germany, Deployment of Armed Forces Abroad (*Parlamentsbeteiligungsgesetz*), 2005
8. Luxembourg, *Loi relative à la participation du Grand-Duché de Luxembourg à des opérations pour le maintien de la paix (OMP) dans le cadre d'organisations internationales*, 1992
9. Slovenia, Defence Act
10. Sweden, Constitution
11. United Kingdom, General practices, no formal laws, although the practices are being revisited which might lead to codification

## 1. THE NETHERLANDS

The involvement of the Dutch Parliament (House of Representatives and Senate) in the decision making process regarding deployment of the armed forces is derived from article 100 of the Dutch Constitution (added in 2000). This article stipulates:

1. The Government shall inform the States General in advance if the armed forces are to be deployed or made available to maintain or promote the international legal order. This shall include the provision of humanitarian aid in the event of armed conflict.
2. The provisions of paragraph 1 shall not apply if compelling reasons exist to prevent the provision of information in advance. In this event, information shall be supplied as soon as possible.

The "Review Framework" (*Toetsingskader*) has become the general instrument to assess the government's intention to deploy the armed forces and structures the debate between government and parliament on individual military operations. This Review Framework - a list of particular political and military points of interest - was first introduced in 1995 and was linked to Article 100 of the Constitution - after that article came into force. The Review Framework is a flexible instrument as per individual mission, a decision will be made on which elements of the framework should be addressed. In general, the review will include an assessment of the political context of the conflict, the countries participating, the financial means available, the feasibility of the mission, the risks, the expected duration of deployment and the mandate of troops.

In a letter to Parliament, the government explains its decision along the lines of the Review Framework, followed by parliamentary scrutiny (predominantly in the House of Representatives). While parliamentary approval is not officially needed for deployments to start or continue, in practice the government will always strive for broad approval.

## 2. AUSTRIA

Austria has a special constitutional law regarding this matter but there seems to be no translation into English, only a German version:

*Bundesverfassungsgesetz über Kooperation und Solidarität bei der Entsendung von Einheiten und Einzelpersonen in das Ausland*

<http://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=10001504>

For further information, see also Federal Constitution Para. 23f 1-4 (goto pdf-version):  
[https://www.ris.bka.gv.at/Dokument.wxe?Abfrage=Erv&Dokumentnummer=ERV\\_1930\\_1&ResultFunctionToken=def8b4c9-67ef-48c6-aec0-d29207a1c312&Position=1&Titel=Federal+Constitutional+Law&Quelle=&ImRisSeit=Undefined&ResultPageSize=50&Suchworte](https://www.ris.bka.gv.at/Dokument.wxe?Abfrage=Erv&Dokumentnummer=ERV_1930_1&ResultFunctionToken=def8b4c9-67ef-48c6-aec0-d29207a1c312&Position=1&Titel=Federal+Constitutional+Law&Quelle=&ImRisSeit=Undefined&ResultPageSize=50&Suchworte)

### **3. BELGIUM**

Article 167, §1, second alinea, of the Constitution stipulates that the King is in command of the armed forces and that he establishes the state of war as well as the end of the hostilities and that he informs thereupon both the chambers of the parliament as soon as the interest and the security of the State allow it and together with the relevant announcements.

The Belgian Constitutions does not mention anything around the role of the national parliament for missions in foreign countries.

Following the recommendations of the Rwanda Committee (on the death of Belgian military at the start of the civil war (genocide) in Rwanda) arrangements have been made to inform the national parliament of the ongoing missions abroad.

A Committee for the monitoring of missions abroad has been put in place composed of members of the Belgian Senate and of the House of Representatives.

This committee meets on demand of the Chairman, the bureau, a member of the Committee or a member of the Government. Normally the Committee meets once a month or at least at the start of a new mission abroad, at the moment of the relief of troops, in cases of serious incidents and at the end of an operation. The meetings are behind closed doors (in camera).

The Minister of Defence is in charge to present the relevant information about the missions and to answer the questions of the Members of the Committee. The Committee is only involved after the start of a mission and so does not have to approve the missions. The kind of information transmitted at these meetings is not specified, but is given under the cover of Confidentiality.

More detailed information can be found in attached document.

### **4. DENMARK**

The Danish Constitution establishes the framework for the deployment of soldiers. It is apparent that the government cannot without consent of the Folketing send Danish forces in an operation in which they may have to use force against foreign states. In practice the consent of the Folketing is normally obtained in all cases where Danish forces are to use force to solve their tasks.

The parliamentary consent is obtained by a parliamentary decision dealt with by the Defense Committee. In other cases regarding the deployment of Danish soldiers the government can engage the Foreign Policy Committee in order to obtain the conse

### **5. ESTONIA**

According to the Estonian Constitution and the International Military Co-operation Act the Parliament takes the decision to participate in international military operations (in Article 5

operations the decision of the Parliament has already been taken by ratifying the North Atlantic Treaty and the actual deployment can be decided by the Government). The procedure of the Parliament's decision is the following:

1. The necessary documents for the decision are drafted by the Ministry of Defence and approved by the Government, who then forwards them to the Parliament for adoption (technically, the Parliament could prepare the documents itself as well). When taking the decision to participate in an international military operation the Parliament sets the maximum duration of the deployment, the area where the Estonian units are to be deployed and also the maximum number of troops.
2. After the Parliament's decision the Minister of Defence orders the specific unit to commence participation in the operation. The President, the Board of the Riigikogu and the chairman of the National Defence Committee of the Parliament are immediately informed of that order.
3. Once a month the Defence Forces give an overview of all the operations to the National Defence Committee (that is not a requirement by law).

The International Military Co-operation Act is also available in English:

<http://www.legaltext.ee/et/andmebaas/tekst.asp?loc=text&dok=X90011K5&keel=en&pg=1&ptyyp=RT&tyyp=X&query=rahvusvahelise+s%F5jalise+koost%F6%F6>

## 6. FRANCE

According to the French constitution, in its article 35: A declaration of war shall be authorized by Parliament. The Government shall inform Parliament of its decision to have the armed forces intervene abroad, at the latest three days after the beginning of said intervention. It shall detail the objectives of the said intervention. This information may give rise to a debate, which shall not be followed by a vote.

Where the said intervention shall exceed four months, the Government shall submit the extension to Parliament for authorization. It may ask the National Assembly to make the final decision.

If Parliament is not sitting at the end of the four-month period, it shall express its decision at the opening of the following session."

So the French parliament is involved in different stages :

- It should be informed at the beginning (information under 3 days)
- It should authorize the pursuance of the intervention if it lasts more than 4 months

The procedure is rather new: it is the result of a change of the Constitution in 2008. The first application of this rule happened on September 22<sup>nd</sup> 2008, to authorize the continuation of French intervention in Afghanistan.

More than these constitutional rules, the minister of Defence can be received by the French parliament, in particular the Commission on foreign affairs, defence and armed forces at French Senate, in order to have formal or informal dialogue on these interventions.

Focus on the Serval operation :

- Information of the Parliament on January, 16<sup>th</sup> 2013
- Debate on the pursuance on April, 22<sup>nd</sup> 2013
- Meetings almost every week at French Parliament with Minister of Defence

## **7. GERMANY**

1) Act governing Parliamentary Participation in Decisions on the Deployment of Armed Forces Abroad of 18 March 2005 (Parlamentsbeteiligungsgesetz vom 18. März 2005 (BGBl. I S. 775), unofficial translation), 2) The influence of the Defence Committee on international missions of the Bundeswehr outside national and Alliance defence (description of the Defence Committee's role with regard to international missions of the Bundeswehr, cf. link on the Bundestag webpage:  
[http://www.bundestag.de/htdocs\\_e/bundestag/committees/a12/aufgaben/aufg06.html](http://www.bundestag.de/htdocs_e/bundestag/committees/a12/aufgaben/aufg06.html)

## **8. LUXEMBOURG**

Participation to this type of missions is regulated by a 1992 law from 27th of July (see end of mail):

The Government is authorized to instigate participation in peacekeeping operations that are implemented within the framework of international organizations whereof the country is a member. Participation is decided by the Government in council, after consultation with the Foreign and European Affairs and Defence Committee. For each operation, a Grand Ducal regulation adopted on the mandatory advice of the State Council and the Working Committee (Foreign and European Affairs) decides the implementation strategy.

See for more detailed information:

Loi du 27 juillet 1992 relative à la participation du Grand-Duché de Luxembourg à des opérations pour le maintien de la paix (OMP) dans le cadre d'organisations internationales.

## **9. SLOVENIA**

The Slovenian Constitution does not mention appointment of military units in international missions.

The National Assembly's competences regarding the armed forces include only situation when the peace in the country is endangered: in that case, the National Assembly decides on the use of the defence forces. In the event that the National Assembly is unable to convene, the President of the Republic shall decide on matters from the first and second paragraphs of this article. Such decisions must be submitted for confirmation to the National Assembly immediately upon its next convening.

The appointment of military missions abroad is however defined in the Defence Act, and it is solely in the competence of the Government.

Members of Slovenian armed forces are appointed to international missions only by the Government, while the National Assembly /committee on defence/ is only informed of it.

In the year 2010, in view of appointment of the members of Slovenian armed forces in Afghanistan, there was a debate that the National Assembly should give its approval to the appointment. At that time the political groups of the then coalition parties SD and Zares suggested the change of legislation, which however never happened.

## 10. SWEDEN

Please find below the link to the Instrument of Government (constitutional law)

<http://www.riksdagen.se/Global/dokument/dokument/laws/the-instrument-of-government-2012.pdf> and in Chapter 15 paragraph 16:

The Government may send Swedish armed forces to other countries or otherwise deploy such forces in order to fulfil an international obligation approved by the Riksdag. Swedish armed forces may also be sent to other countries or be deployed if:

1. it is permitted by an act of law setting out the conditions for such action; or
2. the Riksdag permits such action in a special case.

In each case the Government has to propose a bill to the Riksdag and has done so several times. The bill is referred to the committee on Foreign Affairs who calls to constitute a joint committee with the committee on Defence. This joint committee is ad hoc, but otherwise similar duties as a regular committee. However, it has a limited functioning period.

Unfortunately no information in English is available. I enclose the link to the Swedish site where you at least can see the latest decisions taken to deploy forces:

<http://www.riksdagen.se/sv/Utskott-EU-namnd/Sammansatta-utrikes--och-forsvarsutskottet/Beslut-i-korthet/>

## 11. UNITED KINGDOM

Key points in the response from the Foreign Affairs Committee in the House of Commons:

The UK does not have a written constitution. Under the Royal Prerogative, the Government acts on matters pertaining to defence and the Armed Forces on behalf of the Crown. There is no legally established role for Parliament in such matters, but the House of Commons has a role based on conventions built up through precedents, such as the vote on military action to Iraq in 2003.

There are no procedures or arrangements set down in legislation - only a general understanding that Parliament will be given a chance to express a view.

There is no formal procedure/arrangement between the UK Government and Parliament setting out Parliament's involvement in these matters. It is for the Government to decide whether or not to initiate a plenary vote on such issues (although other members can call a vote agreeing a view on a military operation, this would not bind the Government to act in a certain way). As examples, the Government has never put to a vote the commitment of UK troops in Afghanistan, but retrospectively sought Parliament's approval for the deployment of forces to Libya (three days after it had happened).

Formalising the arrangements for Parliament's involvement in these decisions has been suggested, and the current Government have indicated that they are 'exploring' this option, but it seems unlikely to happen soon.

The "Waging war" reports mentioned are available directly here:

<http://www.publications.parliament.uk/pa/ld200506/ldselect/ldconst/236/236i.pdf>

<http://www.publications.parliament.uk/pa/ld200607/ldselect/ldconst/51/51.pdf>

There is currently an inquiry which is revisiting the issue – which is evolving . The latest position is best set out by Government Ministers in their oral evidence to the Constitution Committee on 26 June: [http://www.parliament.uk/documents/lords-committees/constitution/Armed%20Force/ucCONST260613ev4\(NB\).pdf](http://www.parliament.uk/documents/lords-committees/constitution/Armed%20Force/ucCONST260613ev4(NB).pdf). There is no Government memorandum.

## **Bijlage 2: Nederlandse amendementen op het Reglement van Orde**

1. The Dutch parliament considers the CFSP/CSDP conference to be a formal platform consisting of delegations of the national parliaments in the EU and of the European Parliament. Political groups cannot have an official status or formal rights in the CFSP/CSDP conference (contrary to the practices in the European Parliament and in certain parliamentary assemblies).

2. For budgetary and practical reasons, the delegations should be restricted to six delegates of each national parliament and to sixteen delegates of the European Parliament (at maximum).

3. In order to guarantee cost effectiveness and the involvement of all delegations to the conference, no permanent presidency or permanent secretariat or other form of institutionalisation should be established.

The delegation urges to state that it is not authorized to consent with proposals that contravene the official position of the Dutch Parliament; such proposals have to be discussed in both Houses of the Dutch Parliament beforehand.

4. The effectiveness of the conference and the interaction between the delegates can be improved by organising a number of (small group) topical debates, working groups, breakout sessions, presentations, side events et cetera instead of or next to the plenary meeting.

5. On a practical level, the communication and cooperation between conference delegations can be improved by setting up an e-mail group list for delegates (i.e. Heads of Delegation) and their clerks, in addition to the network of parliaments' permanent representatives in Brussels.

6. It is recommended that all delegations are consulted about the programme of the next conference before the draft is conveyed. This practice will give all delegations the opportunity to actively suggest agenda topics. It will strengthen the commitment to the conference and will facilitate the preparations as well.

7. The continuity of the CFSP/CSDP conference is better served by a good transfer between the consecutive presidencies. It is suggested to publish a (public) transfer report prior to the conference, elaborating on the efforts that have been made by the preceding presidency and on the priorities of the succeeding one.

8. The impact of the contributions delivered by the CFSP/CSDP conference towards the European institutions and the High Representative can be increased by better monitoring of the implementation of the conference conclusions and the follow up on the statements and commitments by the High Representative to the conference. These matters can be addressed in the suggested bi-annual „transfer report”.

## **Bijlage 3: Conclusies van de conferentie**

*The Inter-Parliamentary Conference,*

*Having regard to the decision of the Conference of Speakers of European Union Parliaments taken in April 2012 in Warsaw regarding the establishment and mandate of this Conference;*

*Having regard to Title II of Protocol I of the Treaty of Lisbon regarding the promotion of effective and regular interparliamentary cooperation within the Union;*

*Cognisant of the new powers and instruments foreseen by the Treaty of Lisbon for the European Union (EU) institutions in the area of foreign, security and defence policy; being aware that the new instruments create better opportunities for the Union to wield international influence commensurate with its political and economic weight;*

*Conscious of the multi-layered decision-making process in the areas of Common Foreign and Security Policy (CFSP) and Common Security and Defence Policy (CSDP); being aware that effective implementation of these policies must involve numerous policy actors at both the EU and national levels; conscious of the responsibility to engage in parliamentary scrutiny and advance interparliamentary cooperation in the areas of CFSP and CSDP;*

*Taking into account the fast-changing geopolitical environment and the increasing importance of new foreign and security policy challenges such as climate change, transnational crime and terrorism, maritime piracy, security of energy supply, cyber-attacks, pandemics, as well as fragile and failing states and the proliferation of WMDs and conventional weapons;*

*Aware that the evolution of the international geopolitical scenario has highlighted the central role of Parliaments which are at the core of global decision making with respect to crises and conflicts;*

### **CFSP: Conflict in Syria**

1. Expresses its deepest concern about the ongoing conflict in Syria that has already caused over 100,000 deaths, of which most are civilian; draws attention to the massive humanitarian crisis that has unfolded as a result of the conflict and that is affecting the whole region; notes with alarm that, according to estimates of the United Nations (UN) High Commissioner for Refugees, more than 2 million Syrians have fled their country and sought refuge in neighbouring countries;
2. Expresses extreme concern over the use of chemical weapons in Syria, in particular the chemical attack that took place in the Damascus suburbs on 21 August 2013 and which reportedly killed more than 1,400 people, including at least 400 children; looks forward to the conclusions of the investigation carried out by the mission of UN experts on the incident, yet regrets that the mission was not allowed to start the investigation immediately after the attack; considers that the use of weapons of mass destruction, banned by the 1997 Chemical Weapons Convention, is a crime against humanity that must be condemned in strongest terms and requires a strong international reaction, including a possible referral to the International Criminal Court;
3. Stresses the responsibility of the international community, and in particular the UN Security Council, to hold accountable the perpetrators of such crimes and to take appropriate measures, in accordance with the principles of the UN Charter, to ensure that such crimes are not repeated in the future; calls on Russia and China, as permanent members of the UN Security Council, to face their responsibility and unblock the UN Security Council and facilitate the achievement of a common position and a political solution to the Syrian conflict; believes that the EU together with its international partners should persist in promoting a political solution, which is critical in order to achieve a peaceful, inclusive and democratic transition in Syria; supports the convening of the Geneva II peace conference as a follow-up to the conference on the Syrian conflict held in June 2012;
4. Calls on the EU Member States to show solidarity to Syrian refugees and provide all the necessary assistance and aid to them; is of the view that the dramatic events in Syria make it necessary for the EU to embrace the idea of a humanitarian response; stresses that to this end it is necessary to allocate resources and define working methods and goals for a new Euro-Mediterranean framework;

### **CFSP: developing a Comprehensive Approach**

5. Believes that foreign and security policy objectives of the EU should be based on and further developed with the overall aim of contributing to peace, preventing conflict, promoting human rights, democracy and international law – principles that inspired the creation of the EU itself;
6. Considers that there should be more strategic foreign policy coordination at the Union level if the EU wants to increase its international influence as well as its effectiveness to implement its foreign policy objectives; is of the opinion that adequate resources should be provided for the EU to act effectively and consistently on the world stage;



7. Underlines that only by adopting a comprehensive approach to foreign and security policy, which includes not only the diplomatic and economic instruments but also development aid and, in the last resort and in compliance with the UN Charter, military means, can the EU expect to effectively counter global threats, promote its strategic interests and fundamental values; believes that the Treaty of Lisbon enables the EU to adopt such a comprehensive approach and looks forward to the High Representative of the Union for Foreign Affairs and Security Policy/Vice-President of the European Commission (HR/VP) setting this out in her report on the role of CSDP within the comprehensive approach;
8. Takes note of the review of the organisation and functioning of the European External Action Service (EEAS) published by the HR/VP in July 2013; notes that the EEAS was launched in the midst of the worst economic crisis in decades and in the context of unprecedented civic and political upheaval in the EU's Southern neighbourhood; recognises the efforts of the HR/VP to achieve greater coordination, synergies, economies of scale, complementarity and cohesion of the EU's various foreign policy instruments, including those of its Member States, and to forge a more united foreign and security policy in general; is of the view that the full potential of instruments foreseen in the Treaty of Lisbon, including the opportunities for structured cooperation, have yet to be fully realised;
9. Welcomes efforts by the HR/VP to promote and defend human rights in the world, in particular welcomes the adoption of the Strategic Framework and Action Plan on Human Rights and Democracy in 2012; is of the view that the EU Special Representative for Human Rights has enhanced the effectiveness and visibility of the EU's human rights policy; supports a more active engagement of civil society in defending human rights abroad and in the EU's external relations more generally; is looking forward to the accession of the EU to the European Convention on Human Rights and enhanced cooperation with the Council of Europe;
10. Highlights the importance of maintaining strengthened relationships with the EU's strategic partners; underlines that strategic partnerships must be based upon a common vision, not least a commitment to democracy and human rights, and should be reviewed regularly including through parliamentary cooperation; welcomes the start of negotiations between the EU and the US on the Transatlantic Trade and Investment Partnership, which not only has the potential of boosting jobs and growth of the two biggest economies in the world but also of promoting internationally the values and interests that are the basis of the transatlantic partnership;

### ***CFSP and the external dimension of the EU's energy policy***

11. Underlines the importance of ensuring coherence between the EU's foreign and energy policies including by improving internal energy efficiency and by reducing energy dependency on third countries, especially those countries that do not share or respect fundamental EU values or where there is a risk that energy resources will be used as an instrument to undermine the EU's foreign policy objectives;
12. Recalls the request made by the Council to the Commission to present a report before the end of 2013 on the status of implementation of the EU's external energy policy and looks forward to the ensuing debate on the matter; is of the opinion that ensuring nuclear safety in EU neighbouring countries has to be an integral part of the EU's external energy policy and that the EU should promote the highest nuclear safety standards internationally; underlines that energy security is a key concern of the Union and as such be integrated more strategically in CFSP including in dialogues with strategic partners and in relevant multilateral fora;

### ***CFSP and the European Neighbourhood Policy***

13. Emphasises the importance of the European Neighbourhood Policy (ENP), which is a Community policy and stresses the need to establish a closer link between the CFSP and the ENP as part of the comprehensive approach; given the centrality of the principle of effective multilateralism in the EU's foreign policy strategy supports the strengthening of multilateral cooperation within the regional ENP formats, namely the Eastern Partnership and the Union for the Mediterranean; recognises, however, that EU neighbours manifest different levels of aspiration in terms of cooperation with the EU and that as a result relationships with each of the partners are unique and ENP instruments should be tailored to serve each of those relationships individually; calls on the partner countries not to lower their ambition and commitment to reform and seek closer political and economic association with the EU;
14. Highlights the strategic importance to CFSP of the countries of the Eastern Partnership; calls therefore for the 3<sup>rd</sup> Eastern Partnership Summit in Vilnius to open the door to closer political association and deeper economic integration for those Eastern Partnership countries that meet their commitments and

requirements; recognises the aspirations of the Eastern partners on the basis of their ambitions and commitments arising therefrom, including those enshrined in Article 49 of the Treaty of European Union, provided they meet the relevant criteria;

15. Welcomes, in line with the principle of more for more, the progress that has been achieved in the negotiations on the bilateral Association Agreements and Deep and Comprehensive Free Trade Agreements with the Eastern partners, including the conclusion of visa facilitation agreements and progress on visa liberalisation, which strengthen people-to-people contacts and improve the general political relations with these countries; in this regard welcomes the conclusion of the visa facilitation agreements with Azerbaijan and Armenia and progress in negotiations with Moldova, Georgia and Ukraine on the Visa Liberalisation Action Plans;
16. Underlines the need for a unanimous and consistent EU response to the political, economic and trade pressure the Russian Federation is applying towards the Eastern Partnership countries, which is against the principles of the Helsinki Accords, the WTO commitments and international law, and calls for the respect of the sovereign rights of these countries to freely pursue their political path towards the EU; urges the European Commission to reinforce its efforts in negotiations with the Eastern Partnership countries in order to ensure that decisions made in the Eastern Partnership Summit in Vilnius grant them irreversible progress towards ever closer partnership with the EU;
17. Calls for intensified cooperation with the countries of the Eastern Partnership in the framework of CSDP with the aim, inter alia, to further encourage their participation in EU crisis management operations and missions;
18. Welcomes the commitment of HR/VP in the Southern neighbourhood and her continuous efforts to promote peace, stability and democratic change in the region;
19. Expresses its deep concern about the situation in Egypt; condemns excessive violence by all parties, both state security forces and opposition forces, that has already caused hundreds of deaths of innocent civilians and security officers; urges all conflicting parties to resolve their differences through peaceful dialogue and calls for an inclusive political agreement for power to be transferred to democratically elected leaders in the nearest possible future;
20. Welcomes the initiative of the US Secretary of State to give a fresh start to the Middle East Peace Process by relaunching direct final status negotiations between Israel and the Palestinian Authority; encourages both parties of the conflict to take the negotiations seriously and to engage their respective societies in the discussion about the benefits and the necessity of achieving a lasting peace agreement; underlines that finding a solution to the conflict would serve the interests of both Israel and the Palestinian Authority, as well as the EU and the wider international community; calls upon all parties to refrain from initiatives which can either prejudice or undermine the successful conclusion of the talks with regard, in particular, to the recent decision of the Israeli government to authorise the expansion of some settlements;
21. Notes that EU parliaments have an important responsibility of supporting parliaments and civil society in countries undergoing transition and that such support could help lay the foundations for a robust and effective parliamentary democracy in those countries; takes the view that parliamentary diplomacy can play a significant role in contributing to the EU's foreign policy objectives of strengthening human rights and contributing to democratic reforms; in this regard stresses the importance of the full use of such platforms of parliamentary cooperation as EURONEST and EUROMED parliamentary assemblies;

### ***Review of the European Security Strategy***

22. Notes that the current European Security Strategy (ESS), which was adopted 10 years ago, does not fully meet the new global realities and that the time has come for the review of the strategy; points out that the revision process can by itself be a valuable process and provide an opportunity to reinvigorate the CSDP; considers that an appropriate time and place for the discussion on the review of the ESS could be the December European Council; expresses its position that national Parliaments and the European Parliament should be engaged in the review as much as possible to reach the maximum possible consensus on the new ESS;
23. Notes that while conventional security challenges and capabilities will continue to form the backbone of defence policy in general, emerging challenges in the field of cyber, space, maritime or energy security, need to have a special place in the EU's security and defence strategy and should be addressed at the

Union level in a comprehensive manner; points out that the EU Cyber Security Strategy is a value adding effort, while further discussion on the evolution of the EU's role and level of engagement in space is desirable; notes that the armed forces are the largest public consumers of energy in Europe and that efforts should be made to increase their efficient use of energy, especially in operations; supports the European Defence Agency's (EDA's) Military Green effort; welcomes the Commission's initiative to identify possible objectives and focus areas of action at the EU level for a comprehensive energy concept for armed forces;

### ***CFSP/CSDP: towards the December European Council***

24. Reiterates its call for the European Council to give a much needed boost to address the serious decline in European defence and to make proposals for speeding up CSDP decision making and the financing of CSDP operations as well as on structured cooperation and on the future of the EU Battlegroups; further reiterates its call for the European Council to set out a roadmap with specific timelines for achieving progress on defence issues, including all existing provisions in the Lisbon Treaty, to ensure the Union's security during a period of significant defence cuts in all Member States;
25. Considers that the EU Battlegroups have the potential of being one of the key tools of the CSDP but stresses that steps should be taken to better define their usability, such as by adopting the modular approach, enhancing training, exercises and certification, improving advance planning, and ensuring more equal burden sharing; in this regard supports the proposal for the European Council to endorse a new approach on the EU's rapid response assets in the December meeting;
26. Underlines that EU-NATO cooperation is essential for reversing the decline in European defence and for strengthening the European pillar of the transatlantic alliance; is of the opinion that closer coordination in defence planning between the EU and NATO would help avoid duplication between the two partners and that in this regard synchronising and harmonising European Capability Development Plan with NATO's Defence Planning Process would be desirable; acknowledges the progress that has been achieved in terms of practical cooperation between the EU and NATO in policy planning and the conduct of operations;
27. Considers that in efforts to streamline the capability development process clear geographical and engagement priorities should be set; believes that such priorities would better allow to determine the mix of soft and hard capabilities and provide guidance to procurement programmes; encourages to bridge the gap between the CSDP's ambitions and capabilities by adjusting both the former and the latter; calls for more efficient regional coordination between the different CSDP missions, especially between those taking place in the same geographical area, such as in the Horn of Africa for example;
28. Supports the pooling and the common use of EU military capabilities; notes that most of the Member States individually are not able to acquire modern state-of-the-art capabilities; emphasises the important role played by the EDA in streamlining defence procurement needs across the EU; underlines that more should be done to coordinate within the EU and with NATO the ongoing *de facto* specialisation in capabilities, to clearly identify the surplus capabilities that do not match operational needs and to agree upon their reduction targets; takes the view that defence standardisation and the common use of hybrid standards (military and civilian) would contribute to the EDA's Pooling and Sharing initiative and enhance cooperation and interoperability between the European armed forces; calls for effective implementation of the Code of Conduct on Pooling and Sharing; encourages more flexible use of EU funds to support dual-use technologies in defence-related activities;
29. Is of the opinion that a strong European industrial and technological base in the area of defence is essential in order to maintain sustainable European defence capabilities; stresses that European defence industry is not only important for Europe's security but that it also contributes to economic growth, provides jobs and fosters innovation; welcomes in this vein the Commission Communication towards a more competitive and efficient defence and security sector; hopes to see more progress on the implementation of such flagship European projects as the Air-to-Air Refuelling or the Remotely Piloted Aircraft Systems;

### ***The future work of the Inter-Parliamentary Conference***

30. Encourages the next Presidency Parliament in the context of the review of the effectiveness of CSDP missions to organise an exchange of views on the parliamentary procedures and practices regarding such missions;

## **The future work of the AHRC**

31. Takes note of the initial work made by the Ad Hoc Review Committee regarding the practical arrangements of the Inter-Parliamentary Conference and the proposals made by the national Parliaments; takes note of the intention to convene a meeting of the Ad Hoc Working Group during the Greek Presidency in the first half of 2014; recalls that the decision on the final recommendations of the AHRC will have to be taken by the Inter-Parliamentary Conference during the Italian Presidency in the second half of 2014;
32. Asks the Presidency Parliament to forward these Conclusions to all delegations, to the Presidents of national Parliaments and of the European Parliament, to the Presidents of the European Council and the European Commission and the High Representative for Foreign Affairs and Security Policy.

## **ANNEX 1 – PROCEEDINGS OF THE INTER-PARLIAMENTARY CONFERENCE**

### **Introductory remarks**

The Inter-Parliamentary Conference for the Common Foreign and Security Policy (CFSP) and the Common Security and Defence Policy (CSDP) took place on 4-6 September 2013 in the Seimas of the Republic of Lithuania in Vilnius.

The Inter-Parliamentary Conference was opened by the hosts Prof. Benediktas JUODKA, Chair of the Committee on Foreign Affairs, and Mr Artūras PAULAUSKAS, Chair of the Committee on National Security and Defence of the Republic of Lithuania. Participants were welcomed by H.E. Dalia GRYBAUSKAITĖ, President of the Republic of Lithuania, Dr Vydas GEDVILAS, Speaker of the Seimas of the Republic of Lithuania, and Mr Elmar BROK, Chair of the Committee on Foreign Affairs of the European Parliament.

Debates focused on the following items: *Promoting democracy in a wider Europe: ideas and instruments* (keynote speaker Mr Linas LINKEVIČIUS, Minister of Foreign Affairs of the Republic of Lithuania), *Towards December European Council: Lithuania's priorities* (keynote speaker Mr Juozas OLEKAS, Minister of Defence of the Republic of Lithuania), *EU Priorities and Strategies of the CFSP and CSDP* (keynote speaker Baroness Catherine ASHTON, High Representative of the Union for Foreign Affairs and Security Policy, Vice-President of the European Commission (HR/VP)), and *Future of EU-NATO Cooperation* (keynote speaker Mr Anders Fogh RASMUSSEN, NATO Secretary General).

In addition, two thematic workshops were held on: *Bridging the gap between EU capabilities and ambitions: towards December European Council and Eastern Partnership and its strategic importance to the European Union*. Results of the two workshops were presented to all participants of the Inter-Parliamentary Conference by rapporteurs Mr Pat BREEN, Chair of the Joint Committee on Foreign Affairs and Trade of the Irish Houses of the Oireachtas, and Mr Ioannis KEFALOGIANNIS, Member of the Standing Committee on National Defence and Foreign Affairs of the Hellenic Parliament.

Pursuant to the decision made by the Inter-Parliamentary Conference on 25 March 2013 in Dublin, the first meeting of the Ad Hoc Review Committee (AHRC) on the practical arrangements of the Inter-Parliamentary Conference was held on 5 September 2013 in Vilnius. The AHRC approved the final timetable for the review process, the synopsis of the amendments proposed by the national Parliaments, and took note of the initial recommendations proposed by the Seimas of the Republic of Lithuania as the Presidency Parliament.

### **Overview of the presentations and debates**

#### **SESSION I**

In his presentation Minister Linas LINKEVIČIUS presented the priorities of the Lithuanian Presidency of the EU Council, which are credible Europe, growing Europe, and open Europe. In

the context of the latter priority, an important dimension is closer cooperation with the EU neighbours, particularly the Eastern Partnership countries. Mr LINKEVIČIUS stressed that the process of political and economic engagement of the Eastern neighbours can be a value adding effort in itself. He particularly emphasised the importance of Ukraine calling it a “litmus test” of the success of the Eastern Partnership. The Minister stressed that countries should have the right to freely choose their foreign policy objectives, while economic threats and political pressure from outside was not acceptable. While there were problems in Ukraine, such as instances of selective justice, the Minister emphasised that relations with Ukraine should always be seen in a broader geopolitical context. Therefore the EU should be proactive and encourage Ukraine to continue on the path of reform. The Minister also encouraged Armenia not to waste the effort that had been invested with regard to the Association Agreement and called for the engagement of Belarus albeit not at the expense of European values. He also called for the development of a clearer strategy for the future of the Eastern Partnership.

Minister of Defence Mr Juozas OLEKAS stressed the importance of the December European Council – the first such specialised Council in 5 years – to advance the debate on the future of European defence policy. According to the Minister, the EU was still a modest crisis management actor and now with decreasing defence budgets this role could further diminish. An important aspect of the EU defence policy should be to increase its visibility. He therefore raised the idea of having a defence formation of the EU Council and noted the importance of reviewing the 10 year old European Security Strategy, which failed to provide adequate strategic guidance. The Minister also stressed other important priorities of the EU defence policy: increasing the role of the EU as a security provider in the EU neighbourhood by engaging in security partnerships, such as with the Eastern Partnership countries; maintaining a strong transatlantic partnership essential for Europe’s security; focusing on the new security challenges such as cyber, energy and maritime security; increasing the efficient use of energy in the military; improving rapid deployment capabilities; and strengthening the defence dimension in the comprehensive foreign policy approach.

During the debate many speakers stressed their concern about the situation in Syria, and noted the importance of finding a political solution to the crisis. Members of Parliament also called for a truly common security and defence policy, especially in the current geopolitical context, but drew attention to the threat of declining defence budgets. Others stressed that if the EU aimed for a strong CSDP, it should also have a strong CFSP in order to establish the role of the EU as a legitimate international actor and a security provider. It was emphasised that there had been a lack of unity in the foreign and security policy and that this represented Europe’s weakness. Inefficiencies in the procurement market were emphasised, a greater role for the EDA was called for, and the idea of a possible defence commissioner in the European Commission was raised. Another important dimension of the discussion was EU relations with the Eastern partners and specifically the increasing pressure from Russia towards these countries. Concern was expressed about Armenia’s commitment to further its relations with the EU. Some delegates urged the EU to increase efforts to secure closer partnerships with countries like Moldova or Ukraine, without which the Russian-sponsored Eurasian Union would be a paper tiger.

## **SESSION II**

HR/VP Baroness Catherine ASHTON stressed that an arch of instability had developed around the EU and that the EU should be more actively engaged in conflict prevention in the region because it cost cheaper to prevent conflicts than to deal with their consequences. HR/VP reminded of her active mediation efforts in Egypt, which considered the EU as a trusted interlocutor. The EU should continue to engage Iran in the EU3+3 framework and should put all efforts to achieve a lasting political solution to the crisis in Syria, including convening the Geneva II peace conference. HR/VP also spoke about the external pressure the Eastern Partnership countries are facing in light of the upcoming 3<sup>rd</sup> Eastern Partnership Summit in Vilnius in

November 2013. She also drew attention to the progress that had taken place in Serbia-Kosovo relations, which was a direct consequence of active EU engagement.

During the debate Members raised many questions related to Syria, Egypt and the wider region. Some proposed to step up financial support to countries in the region calling for the EU's own Marshall Plan for the Middle East. Members also addressed questions to the HR/VP regarding the upcoming Eastern Partnership Summit in Vilnius and increasing pressure from Russia on the Eastern Partners.

Responding to questions, HR/VP stressed the importance of synchronising defence procurement standards across the EU and pointed to the success of the ATALANTA mission, due to which piracy has dropped by 93% in the mission's operational area. She also spoke about the instability spill-over in the Middle East and reminded that the EU was already the biggest provider of aid in the region. With regard to European neighbours, she singled out progress in Serbia-Kosovo relations as one of the biggest successes of EU diplomacy and stressed that the EU should continue with the enlargement policy in Western Balkans.

### **SESSION III**

NATO's Secretary General Anders Fogh RASMUSSEN condemned the chemical attack that had taken place in Syria in the strongest possible terms. He stressed that NATO was a forum for consultations between the members on all matters and that NATO was committed to protecting its South-Eastern border. He drew attention to the worrying tendency of shrinking defence budgets in the context of rising security challenges. He said that in 2015 defence spending in China would supersede the spending of the 8 largest European NATO allies combined. There was also too much duplication in capabilities as well as divergence in standards among NATO members – this led to poor economies of scale and inefficient training. Secretary General underlined the importance of maintaining a strong NATO and developing a strong European pillar of defence. In this context we should focus on three priorities: developing capabilities, developing strong forces and developing a robust defence industry. He also emphasised that the EU and NATO shared the same values and vision; they were on the same road heading towards the same destination. He therefore called for cooperation, not duplication, and the strong need to build capabilities, not bureaucracies.

During the debate several speakers emphasised the growing threat of cyber-attacks and the need to treat them similarly to conventional attacks. It was acknowledged that Europe could take the lead in crisis management but it lacked capabilities, which was clearly visible during the operation in Libya. A lively exchange of views regarding NATO's possible role in Syria also took place. Mr RASMUSSEN explained that NATO C2 was not necessary for the short and tailored operation in Syria planned by some of the Allies. Practical proposals on more effective EU-NATO cooperation included a wide range of ideas such as EU-NATO defence standardization, joint NATO NRF and EU Battlegroups training. Secretary General welcomed LTU-NED-POL non-paper on EU-NATO strategic partnership including all its elements. Delegates and the keynote speaker agreed that reacting to the chemical attack and finding a long-term solution to the Syrian conflict required two very different approaches, noting that the latter required a political solution.

#### **Workshop 1 – Eastern Partnership and its strategic importance to the European Union**

The workshop was moderated by Mr Audronius AŽUBALIS, Deputy Chair of the Committee on Foreign Affairs of the Seimas of the Republic of Lithuania. Presentations by Mr Gunnar WIEGAND, Director for Russia, Eastern Partnership, Central Asia, Regional Cooperation and OSCE of the European External Action Service, Ms Sofia ARKELSTEN, Chair of the Committee on Foreign Affairs of the Swedish Riksdagen and Dr Laurynas Kaščiūnas, expert of the Eastern

Europe Studies Centre were made. The rapporteur was Mr Pat BREEN, Chair of the Joint Committee on Foreign Affairs and Trade of the Irish Houses of the Oireachtas.

In the opening remarks the moderator of the workshop, Mr Audronius AŽUBALIS, emphasised the strategic importance of the region covering the Eastern Partnership countries to the EU. He stressed the responsibility of the EU in promoting the political, economic and social stability in the Eastern Partnership countries. The need to evaluate Russia's pressure towards them and to give a clear response from the EU side was emphasised.

Mr Gunnar WIEGAND emphasised that Eastern Partnership was a strategic policy of the EU designed to respond to the legitimate aspirations of the partner countries and the prime example of the comprehensive approach. He pointed out that the support from the EU to the Eastern Partnership countries is based on the principle of "more for more" reflecting the ambitions of each partner country. Mr WIEGAND presented briefly the *status quo* in the Eastern Partnership countries regarding the Association Agreements and Deep and Comprehensive Free Trade Agreements and outlined the expectations for the 3<sup>rd</sup> Eastern Partnership Summit in Vilnius. In this context concern over pressure from Russia towards these countries was expressed. It was emphasised that each country's sovereign rights to freely pursue their political path towards EU should be respected. The speaker stressed the significant work that has been done during the process of negotiations. He mentioned the need of further efforts in the process of dealing with unresolved conflicts in the Eastern Partnership countries. According to Mr WIEGAND, the Vilnius Summit is expected to be an important milestone on the way of the Eastern Partnership countries towards the EU. He highlighted the important role of national Parliaments and the European Parliament working together towards closer cooperation with the Eastern Partnership countries, particularly with regard to the engagement of the civil society.

Ms Sofia ARKELSTEN recalled that Sweden had always been an advocate for a strengthened and deepened relationship between the EU and its Eastern European neighbours. She emphasised that the Eastern Partnership was an expression of the EU's solidarity and long-term commitment towards Eastern Europe and demonstrated the EU's interest in the region. It was also a response to the aspirations of the partner countries for closer cooperation with the EU. Ms ARKELSTEN shared her firm belief that the Eastern Partnership should be further developed as a priority of EU foreign policy. She emphasised as well that the universal values such as democracy, rule of law and respect for human rights should be at the core of the Eastern Partnership. In this context she urged to promote the rights of lesbian, gay, bisexual and transgender people. The speaker stressed the need to increase support and involve civil society by enhancing people-to-people contacts. Ms ARKELSTEN underlined the special role of parliamentarians as their involvement was crucial in order to continue the dialogue and to promote democratic reforms in the Eastern Partnership countries. Finally, it was emphasised, that Europe did not end with what were the external borders of the EU and that the Eastern Partnership countries had a perspective to accede to the EU according to Article 49 of the Treaty on European Union.

Dr Laurynas KAŠČIŪNAS presented a comprehensive geopolitical overview of the Eastern Partnership countries and their strategic importance to the EU. He emphasised that the strategic environment in the region was very complex because the EU and its Eastern Partnership programme was not the only "player in town". The Eurasian Union initiated by Russia was qualitatively different from all the previous initiatives in CIS countries. The speaker outlined that there was clear evidence that the EU and the Eurasian Union were based on essentially different rules and standards. In contrast to the EU, the Eurasian Union was marked by authoritarian politics, oligarch-dominated business and an unhealthy link between economy and politics. According to Mr KAŠČIŪNAS, further development of the Eastern Partnership would depend on the results of the Eastern Partnership Summit in Vilnius. In addition, he emphasised that the EU should understand that the construction of a safe Europe was not over and in order to complete

the process the EU should learn to play by the *realpolitik* rules. The speaker stressed the need to start thinking about the incentives the Eastern Partnership could offer to partner countries following the Vilnius Summit. Some possible ideas were presented – the possible new concept of Privileged Eastern Partnership modelled on relations between the European Economic Area and Switzerland, or offering the Eastern Partnership countries the right to participate in the initial stages of EU policy-shaping.

A number of key issues emerged in the course of the debate among delegates and speakers. The concern over Russia's political, economic and trade pressure on the Eastern Partnership countries and the need for a consistent EU response, issues regarding the respect for human rights, differences and challenges with regard to the internal situation in each of the six partner countries, the ongoing preparations for the Vilnius Summit and its strategic importance, EU action towards Belarus, the "frozen" conflicts in South Caucasus and Moldova were the main issues touched upon during the debate.

## **Workshop 2 – Bridging the gap between EU capabilities and ambitions: towards the December European Council**

The workshop was moderated by Mr Petras AUŠTREVČIUS, Deputy Speaker of the Seimas of the Republic of Lithuania. The rapporteur was Ioannis KEFALOGIANNIS, Member of the Standing Committee on National Defence and Foreign Affairs of the Hellenic Parliament.

In the introductory remarks Mr Petras AUŠTREVČIUS emphasised that EU ambitions in the area of defence are high as they have been set during the economic upturn when defence funding was steadily increasing. Therefore there was a growing gap between the ambitions and the capabilities at hand. The moderator stressed that it was not only greater funding that could pave the way for the development of priority capabilities; reducing or scrapping some surplus capabilities altogether could serve the purpose just as well.

Mr Arnaud DANJEAN, Chair of the Security and Defence Sub-Committee of the European Parliament, stressed that expectations must be reasonable with regard to the December European Council. According to him, the main reason the ambitions of the EU in the area of defence had not been met was the lack by the Member States of the key capabilities and the political will to efficiently allocate the capabilities in possession. The speaker also noted that the EU needed to work collectively and to play a more proactive role.

Ambassador Michael ZILMER-JOHNS, Special Advisor on Security and Defence to the Deputy Secretary General of the European External Action Service, stressed that ambitions were absolutely necessary in order to protect European citizens and businesses. According to him, the EU should do much better with the current budget. The speaker also noted the need to invest in technology and develop further civilian capabilities. In this regard, the support of Parliaments was much appreciated.

Ms Claude-France ARNOULD, Chief Executive of the European Defence Agency, stressed that the EU had to have reasonable expectations. Ms ARNOULD underlined the necessity to focus on doing more with the same level of funding and the need for clear programmes, common standards, and common requirements. If the EU had the right programmes and efforts, it could save small and medium size enterprises in the defence sector. The speaker stressed that the EU could not rely operationally solely on the United States. For this reason it was important to have a defence roadmap in order to achieve a positive outcome during the December Summit.

A number of key topics emerged in the course of the debate among the delegates. The participants mainly spoke about the upcoming December European Council. The need for a new defence roadmap was emphasised in order to effectively manage defence issues in the next decade. Members of Parliament noted the need to persuade the heads of states to allocate more



funding for defence and that defence matters should be a priority. Some emphasized that EU structural funds could be used for defence as well.

In her reply, Ms ARNOULD stressed that the efficient use of energy resources in the military sector would allow saving resources and said that the European Commission was ready to work in this area in the future. She noted the importance of having strong European companies in the defence sector that would be international players and stressed that industrial solutions could deliver the capabilities the EU needed.