



European Security and Defence Assembly Assembly of Western European Union

The President

Paris, 6 November 2008

Dear Mr Chairman, Dear Hubert,

My parliamentary colleagues and I wish to thank you for giving, under the French Chairmanship of COSAC, full and proper consideration to the question of interparliamentary scrutiny of the European security and defence policy. We welcome the fact that the 10th Bi-annual report of COSAC devotes an entire chapter to this important matter.

In points 3.2.2 (a) and (b) of the draft 10th Bi-annual report of COSAC, reference is made to the role of our Assembly. We should like to correct a factual error that appears twice in this section and should be grateful if you would delete the following two sentences: “*The status of the Assembly of the WEU is fragile as the Treaty creating the WEU expired in 2004 and therefore could be reneged on at any moment*” (3.2.2 (a)); “*And if the Treaty creating the WEU expired in 2004, a reflection has to be organised on its future*” (3.2.2 (b)). Our Secretary-General addressed a letter to the COSAC Secretariat to this effect, clarifying the legal situation regarding the Brussels Treaty.

In particular, the letter recalled that the Brussels Treaty had been signed in 1948 for an initial period of 50 years (Article XII). As from 1998, any signatory state therefore had the right to cease to be a party to the Treaty subject to giving one years’ notice of denunciation. None has done so. On the contrary, the signatory states have indicated that they are not prepared to denounce the Treaty. This provision is similar to that contained in Article 13 of the North Atlantic Treaty signed in Washington in 1949, the sole difference being that the initial period envisaged for the NATO Treaty to remain in force was 20 years. This treaty could therefore have been denounced by any of the parties as from 1969. It has not been. Does NATO therefore also have a “fragile” status question?

We should also like to draw your attention to the surprisingly “negative” tone of the French Senate’s replies to the COSAC questionnaire regarding the role of the Assembly over which I have the honour of presiding (excerpts from Annex No. 1 of the 10th Bi-annual report are enclosed).

Please do not hesitate to consult us on any matter that you or your colleagues might wish to raise. We sincerely hope that together we might further strengthen parliamentary scrutiny of the ESDP and would like to stress that we are happy to join you should you decide to establish a working group to explore ways of achieving such an ambition.

Yours sincerely,

Jean-Pierre MASSERET

Copy: COSAC Secretariat

Monsieur Hubert HAENEL
Sénateur
Président de la délégation pour l’Union européenne,
Sénat
Palais du Luxembourg
75291 Paris

Annex No. 1 to the 10th Bi-annual report by COSAC: replies to the questionnaire by the National Parliaments and the European Parliament (excerpts):

France: *Senate*

Chapter 3: Involvement of the parliaments of the European Union in the European Defence Policy

Questions:

(...)

2. Did your Parliament/Chamber hold a debate on the provisions of the Treaty of Lisbon regarding the future Common Security and Defence Policy (CSDP, the new designation of the ESDP)? Is it considering any changes or adaptations with regard to its scrutiny procedure applicable to ESDP issues in the light of the new provisions of the Treaty of Lisbon?

The report published by the delegation on the role of national parliaments in European affairs after the Lisbon Treaty stresses the need for real interparliamentary scrutiny of these matters which might, in the long term, take over from that exercised by the Assembly of Western European Union.

(...)

4. How does your Parliament/Chamber consider the possible cooperation between parliaments in the field of CSDP through Article 10 of the Protocol 1 of the Treaty of Lisbon on the role of national parliaments in the European Union, which would allow COSAC to organise interparliamentary conferences, in particular, on matters of CSDP? In this respect, how does your Parliament/Chamber envisage the relation that might be formed with the Parliamentary Assembly of the WEU?

As indicated in reply 2, the Senate's delegation for the European Union plans to engage in reflection on the means of implementing a new form of interparliamentary scrutiny of CSDP matters. The status of the WEU Assembly, which is currently tasked with such scrutiny, is indeed fragile as the Treaty creating WEU expired in 2004 and therefore could be reneged on at any moment. Twelve senators, one of whom is also a member of the delegation for the European Union, nevertheless participate in the WEU Assembly's work.