

BALANCE OF COMPETENCE FOREIGN POLICY REPORT: RECORD OF DISCUSSION WITH LORDS 27 FEB 13

1. Lord Astor of Hever, Parliamentary Undersecretary of State for Defence hosted a briefing for peers on the Balance of Competences Foreign Policy Report on 27 February 2013. The briefing addressed the question: **Is the balance of competences between the UK and the EU broadly right with regards to the Common Security and Defence Policy (CSDP)?** This record, in agreement with participants, is under the Chatham House Rule, i.e. remarks are not attributed by name to those present.

2. Introducing the session, Lord Wallace of Saltaire set out the context of the Balance of Competence Review. The FCO described the scope of the foreign policy report, emerging themes from the consultation process to date, and the proposed structure for the report.

3. Introducing the CSDP elements of the report, the FCO highlighted:

- a. That CSDP requires unanimity (except for a few small exceptions). Competence rests firmly with Member States. Decisions are subject to robust national Parliamentary scrutiny processes.
- b. The debate surrounding institutions has now given way to a more operational dynamic, with four new CSDP missions since 2008.
- c. That the EU Training Mission in Mali has been launched and the three CSDP missions in Somalia are continuing into 2013.

4. The MoD set out the EU's instruments for helping the Member States generate Defence capabilities, including EU Battlegroups, a rapid reaction capability stood up in 2005 but never deployed; and the European Defence Agency (EDA), designed to support Member States in improving their military capabilities.

5. The following points / questions were raised in discussion:

- CSDP / CFSP are different from the rest of the EU, as the only part that is intergovernmental.
- There is some limited treaty provision for CSDP decision-making by Qualified Majority Voting, such as within EDA budget procedures subject to prior unanimity.
- It is important to consider current discussions within the EU, looking ahead to the December European Council.
- The UK (largely through the House of Lords) subjects EU decisions to rigorous scrutiny, probably more so than occurs in any of the other Member States.

- ATALANTA is an excellent operation, but we should question if there is really a need for several different counter-piracy missions (including NATO and a US-led coalition force) within the same region. Could they be better coordinated?
- The EU / NATO blockage is very damaging, an example being the EU police training mission in Afghanistan with arguments over whether NATO can provide force protection.
- Constructive UK participation within CSDP is important because we can galvanise other Member States to be more proactive, and to burden-share. Equally, it is worth playing a role within CSDP to resist moves against the UK national interest, such as building institutions (a permanent EU Operational Headquarters) rather than investing in useful military capability.
- While there has been much soul-searching about EU Battlegroups and why they haven't deployed, it is worth noting that the equivalent NATO force, the NATO Response Force, has similarly never been used.
- Some thought has been given to different ways that could increase the likelihood of using the EU Battlegroups. For example, greater integration with civilian elements could be achieved, or individual capabilities (e.g. helicopters) could be extracted if needed for use as part of another force. But some Member States were concerned this could result in a move away from high-end use.
- There was still work to do on improving European External Action Service/Commission cooperation on foreign policy.
- The EU has had difficulty in generating forces to man some of its missions, for example there was considerable difficulty in obtaining medical evacuation capability for the EU Training Mission in Somalia, which was eventually provided by Belgium. However the fact that 20 out of 27 Member States have provided personnel for the mission is a real positive.
- CSDP missions/operations needed proper political legitimacy to launch either in support of a UN Security Council Resolution or by invitation of the host government.