

# **ESDP AND NEW SECURITY CHALLENGES: HOW THE PETERSBERG TASKS HAVE COME A LONG WAY**

*The Petersberg tasks refer to the scope of EU military missions. A military mission is defined by the requirement that it respond to threats and security challenges with available capabilities. For the EU, both emerging threats and available capabilities have gone through many changes since the inception of the original Petersberg tasks in 1992. This paper explores the changing dimension of EU military missions in response to the changing security environment and the EU's search for a global strategy.*

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The Petersberg tasks were drawn up at the WEU's (Western European Union) Petersberg summit of 1992. The full scope of the Petersberg tasks involve humanitarian and rescue tasks such as the evacuation of nationals as well as peacekeeping tasks and combat forces in crisis management, including peace-making and peace enforcement.<sup>1</sup> Although, the Maastricht Treaty, which created the Second Pillar of a Common Foreign and Security Policy (CFSP), had already been finalized the European Security and Defense Policy (ESDP) had not yet come into being as a functioning part of the CFSP. In fact, the Maastricht Treaty's reference to the development of an ESDP was ambivalent as it envisaged: "the eventual framing of a common defense policy which might in time lead to a common defense." Making the ESDP a reality meant adopting the 'Petersberg' tasks as the definition of its military missions. It also involved gradually absorbing the functions of the WEU into the EU Second Pillar. Since the WEU's Petersberg declaration of 1992, the most important milestones in this development of an ESDP have been:

- The St. Malo declaration between France and the United Kingdom in December 1998, which acknowledged the forthcoming absorption of the WEU and its functions into the second pillar of the EU. Hence, from then on the Petersberg tasks became essentially an EU function.
- The EU Cologne summit of 4 June 1999 not only established the CSDP (Common Security and Defense Policy) as an integral part of the CFSP (Common Foreign and Security Policy), but also emphasized the two ways in which the EU could implement Petersberg tasks. One by using NATO assets, which would be in accordance with the NATO Berlin decisions of 1996, and the other, the implementation of EU led operations without recourse to NATO assets and capabilities.<sup>2</sup>
- At the EU Helsinki summit December 1999, the EU announced the 'headline goal' of developing a 50,000-60,000 strong EU force by the year 2003. This was followed by a Capabilities Commitment Conference in November 2000, the adoption of a Helsinki Force Catalogue, and a Capabilities Improvement Conference in November 2001, all of which led to the adoption of the European Capabilities Action Plan (ECAP) in 2001.
- The EU Council Conclusions at the Feira Summit of June 2000 elaborated the military and civilian aspects of the role the EU could play in crisis management.
- These roles were further affirmed in the EU Nice summit of December 2000, which also spelled out the institutional working arrangements for ESDP in the EU.
- The subsequent adoption of the Amsterdam (1997) and Nice (2001) Treaties on Political Union, whereby the evolving missions and structures of the ESDP were documented.

By the time of the Amsterdam Treaty, which went into effect in 1999, the 'progressive' framing of a European Security and Defense Policy as referred to in the Treaty, became the order of the day in the EU, which is why the development of the ESDP from the Anglo-French St Malo Declaration of November 1998, to the Nice European Council of December 2000 was a period of intense activity focused on putting into place the mechanisms needed for a functioning ESDP. By the end of 2000, WEU functions had become absorbed under the EU's ESDP. New ESDP

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<sup>1</sup> Petersberg Declaration, Part II, paragraph 4; Bonn, 19 June 1992.

<sup>2</sup> Declaration of the European Council on strengthening the Common European Policy on Security and Defence. Cologne European Council, 3-4 June 1999.

institutions were created under the Second Pillar of the EU Treaty. A working plan to implement three important issues to make the ESDP a reality were put into place:

1. Capabilities, which since 2001 centered around the work of the ECAP.
2. A specification of the Petersberg tasks in both treaties, as they were now to be carried out by the EU.
3. The creation of consultation mechanisms for the participation of non-EU states in EU led military operations.
4. Finalization of the modalities for the EU to have access to NATO planning and operational capabilities for EU-led operations, otherwise known as ‘Berlin plus’ referring to the 1996 NATO ministerial summit in Berlin which worked out the modalities for military cooperation between the WEU and NATO.

From the Nice Council of December 2000, right up to the Iraq crisis of 2003, the ESDP’s steady development has been preoccupied with these issues within the framework of the new ESDP institutions established at the Nice Council. These institutions being, the Political and Security Committee (PSC), the EU Military Committee (EUMC), and a EU Military Staff (EUMS).

Perhaps the second most intense phase in the development of the ESDP since the period from St Malo to Nice, came after the Iraq crisis of 2003. Now with a program to improving capabilities in place and the resolution of the participation issue for non-EU member states, the Iraq crisis became a catalyst that led to the search for a common EU strategy. ESDP lacked a strategic vision before Iraq, particularly vis-à-vis the US National Security Strategy of September 2002, outlining the concept of ‘proactive counter-proliferation’ for pre-emptive action and a ‘coalition of the willing’ to carry it out.<sup>3</sup> The Atlantic debate on strategy seemed one-sided, with the Europeans not being able to frame a coordinated response to the US strategy, and at the same time not having a clear vision as to the purpose of possessing a fully functioning ESDP. Part of the problem for the EU was finding a coherent threat assessment, which has been one of the issues the EU has been trying to address. The period from 2003-2004 was also an intense period because it saw the EU launching two military missions, the first military mission without recourse to NATO capabilities (Artemis in Congo) and the first military mission with recourse to NATO capabilities, thus the first ‘Berlin plus’ mission (Concordia in the Former Yugoslav Republic of Macedonia). Throughout this period, the nature of the Petersberg tasks first adopted in 1992, also needed to be explored further. Although the Petersberg tasks had already been incorporated into the Treaties of Amsterdam and Nice, the growing need to address new security challenges meant that if not in letter, the spirit of the original Petersberg tasks have changed.

### ***The Petersberg Tasks and Humanitarian Intervention***

At the time the Petersberg tasks were drawn up, the policy agenda for what was then referred to as ‘interlocking institutions’ or the ‘European Security Architecture’ was to deliver a system of collective security for the Euro-Atlantic area. As the security challenges of the post cold war era lost significance in the early 1990s and as the institutions of the EU, WEU, OSCE and NATO developed more significant roles and functions in the post Cold War era, humanitarian intervention became one of the core

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<sup>3</sup> See Ivo Daalder, James Lindsay and James Steinberg “The Bush Nation Security Strategy: An Evaluation,” *Brookings Policy Paper*, (Washington DC: the Brookings Institution, 4 October 2002).

tasks for multilaterally deployed military missions. However, since humanitarian intervention gradually came to embody peace enforcement, it was doubtful whether the WEU or the EU could take on military operations of an enforcement type which required greater military capabilities.

Since the end of the Cold War, humanitarian tasks, which were traditionally viewed as delivering aid and evacuating of civilians, came to encompass a large spectrum of functions including the upper scale of Chapter VII type enforcement measures such as military intervention of a peace-enforcement nature.<sup>4</sup> This is largely due to changes in customary international law, which since the beginning of the 1990s has involved the singling out of violations of humanitarian law as a major factor in the determination of a threat to peace, linking humanitarian law into an enforcement measure under Chapter VII. For example, the War Crimes Tribunal in the Hague was established by UNSCRs 808 and 827 in 1993. Similarly, UN Security Council resolution 836 concerning Bosnia in 1993 clearly stated the authorization of the use of air power in and around the safe areas. In the resolution it also stated that the Security Council was acting under chapter VII of the UN Charter.<sup>5</sup> Hence, in practice, humanitarian intervention has come to include peace enforcement, which means that humanitarian intervention can start from the lower end of the Petersberg tasks which does include deliverance of aid, and evacuation of civilians and extends to other conflict management tasks such as negotiation, peace keeping, monitoring and even peace enforcement. The latter requires effective military capability. However, Chapter VII, which is the only provision in the UN Charter authorizing the use of force, makes no mention of human rights. The objective of such action, which is stated in the phrase “to maintain or restore international peace and security,” is left open to interpretation according to the context.<sup>6</sup> But how far this context can be stretched to accommodate serious human rights violations is uncertain. Although there are principles regarding the defense of human rights in the UN Charter, they are not technically considered to warrant enforcement action of Chapter VII, which only mentions threats to international peace and security.

However, at the end of the Cold War, the fundamental human rights principles of the UN Charter were somehow made to fit into the provisions of legal enforcement action under Chapter VII. This was the case with the intervention in Northern Iraq after the Gulf War and the intervention in Bosnia to protect ‘safe areas.’ However, with NATO’s commencement of Operation Allied Force over Kosovo on 26 March 1999, the remaking of international law in the post Cold War era took another turn. This time, the UN Security Council resolutions did not clearly authorize the use of force by NATO as was the case in Bosnia. Therefore, all of the precedents of humanitarian intervention involving peace enforcement operations as well as other traditional tasks such as delivering aid, whether legally backed or not, have created a general confusion as to what constitutes humanitarian intervention and where this falls within the *scale* of various *conflict management* tasks. This can range from monitoring functions such as preventive deployments, fact finding missions and data collection,

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<sup>4</sup> Refers to Chapter VII of the UN Charter. The upper scale of Chapter VII refers to Article 42 which endorses the use of military force to carry out peace enforcement tasks where there is a threat to international peace and security. See Charter of the United Nations, available on <http://www.un.org/aboutun/charter>

<sup>5</sup> UN Security Council resolution 836, 4 June 1993 and UN Security Council resolution 844, 18 June 1993.

<sup>6</sup> See UN Charter, Chapter VII, Article 42, available on <http://www.un.org/aboutun/charter>

to programs fostering regional stability such as joint peace-keeping exercises, economic aid and integration and confidence building measures, and can even include negotiating, which involves the offering of ‘good offices’ and mediation, as well as peacekeeping and peace enforcement as traditional collective security functions under Chapter VII. Recent interventions show that humanitarian intervention might include any of these actions.

Particularly the enforcement type of humanitarian intervention has become prominent, most notably in the Balkans, but each time this kind of operation has been carried out whether under an institutional guise or not, they have been, in substance, carried out by a coalition of the willing and able. The Petersberg tasks as they were outlined in 1992 were envisaged to reflect the ability of the WEU’s at that time to carry out humanitarian intervention. This was more likely to be in a traditional peacekeeping role rather than a peace enforcement role, although this was not excluded in the upper end of the scale of the Petersberg tasks. Since the incorporation of the Petersberg tasks into the ESDP within the EU, their scope has widened in interpretation to encompass not just humanitarian crises, but crisis management as a whole, including conflict prevention, and civilian aspects of crisis management. The security agenda has moved beyond humanitarian interventions under collective security, to the necessities of projecting stability through a wide range of missions and means for the purpose of defense.

### *Revisiting the Petersberg Tasks*

The first enhancement to the Petersberg tasks came at the EU Council meeting in Feira in June 2000. The Feira Council emphasized the civilian dimension of crisis management under the Petersberg tasks which already incorporated the military aspects of crisis management. In particular, the areas of policing, law enforcement, civilian administration and protection were spelled out. At the Feira Council, member states also agreed to provide up to 5000 police personnel to be deployed for conflict prevention and crisis management operations. In this context, a Police Capabilities, Commitment Conference took place in November 2001.

The full range of Petersberg tasks was defined in Article 17.2 of the Treaty on European Union: “Questions referred to in this Article shall include humanitarian and rescue tasks, peacekeeping tasks and tasks of combat forces in crisis management, including peacemaking.” While in the early half of the 1990s the Petersberg tasks were envisaged largely to address the necessity of humanitarian intervention, as explained in the previous section, lately and particularly after 11 September 2001 and the Iraq crisis of 2003, the range of EU missions in response to new security challenges has gone beyond the traditional understanding of humanitarian rescue missions and peacekeeping. The new tasks involve, civilian as well as military crisis management, conflict prevention and non proliferation of WMD (weapons of mass destruction) as well as Consequence Management (the management of the aftermath of an attack involving biological, chemical or nuclear weapons.)

This is reflected in Article 40.1 of the draft Constitutional Treaty adopted by the Convention in July 2003, which broadens the humanitarian emphasis of the Petersberg tasks as they appear in the Treaty on Political Union:

The common security and defence policy shall be an integral part of the common foreign and security policy. It shall provide the Union with an operational capacity drawing on assets civil and military. The Union may use them on missions outside the Union for peacekeeping, conflict prevention and strengthening international security in accordance with the principles of the United Nations Charter. The performance of these tasks shall be undertaken using capabilities provided by the Member States.<sup>7</sup>

However, the EU's missions on the ground at present still reflect the traditional understanding of the Petersberg tasks. For example, in 2003, the EU launched three operations within the scale of the Petersberg tasks. Operation Concordia commenced in Spring 2003 in the Former Yugoslav Republic of Macedonia as a follow-on to NATO's Operation Allied Harmony to implement the Ohrid Framework Agreement. Because this operation was launched with access to NATO assets it became in effect the first 'Berlin plus' operation, enabling Deputy SACEUR (Supreme Allied Commander Europe) to be appointed EU Operation Commander simultaneously. Operation Artemis, which was launched in June 2003 at the request of the UN Secretary General to deploy an interim emergency multinational force in the Democratic Republic of Congo was also authorized by a UN Security Council resolution (1484). The two missions were quite different. While Concordia involved policing and implementation of an agreement, Artemis provided stabilization of the security and humanitarian situation to enable a reinforcement of the UN Mission to Congo (MONUC). Because Artemis was launched with France as the Framework Nation without recourse to NATO assets, it became the first EU autonomous military mission.<sup>8</sup> As Concordia wound down, it was replaced with a policing mission, Operation Proxima to further implement the stabilization process of the OHRID agreement. Proxima commenced in December 2003 with a mandate for one year. Its mission involved, overall improvement of the police force, crime investigations, border management, confidence building, promotion of European standards of policing in all areas and assistance with the implementation of reforms by the Ministry of Interior.<sup>9</sup>

The third of these operations, the EU Police Mission in Bosnia and Herzegovina, which commenced in January 2003, took over the tasks of the UN International Police Task Force (IPTF) mandated by the Dayton Agreement of 1995. With the ending of the UN IPTF mission, the EU took over the continuation of this mission. The EUPM (EU Police Mission in Bosnia and Herzegovina) is the first operation launched by the EU as part of its ESDP and incorporates the civilian aspects of crisis management including policing, and training emphasized in the Feira council conclusions of 2000.

One can conclude from the three missions of 2003, that the progress of creating and implementing the ESDP has come a long way in a short time. However, how far do

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<sup>7</sup> Draft Treaty Establishing a Constitution for Europe, Thessaloniki, 20 June 2003.

<sup>8</sup> General Affairs and External Relations Council, Luxembourg, 16 June 2003 and Statement by NATO's Secretary General –Berlin Plus, Brussels, 17 March 2003 and see also EU Council Joint Action 2003/92/CFSP Brussels, 27 January 2003.

<sup>9</sup> Termination of Operation Concordia and Launch of Mission Proxima, remarks by Javier Solana, Skopje, 15 December 2003. Cited in Antonio Missiroli (ed.), *From Copenhagen to Brussels, European defence: Core documents*, Vol. 4, EU-Institute for Security Studies, Chaillot Paper No. 67, December 2003.

these missions reflect the security concerns and requirements of EU member states? What is the *raison d'être* of EU missions? The answer to these questions should be found in the definition of the Petersberg tasks. Yet, beyond the fact that projecting stability through humanitarian missions and crisis management ought to be in the interests of EU member states, it gives little guidance on how the EU missions complement the EU's need to face new security challenges. After all, two of the 2003 missions are follow-on missions: Concordia follows on from an already established NATO mission that has come to an end. EUPM follows on from an established UN mission that has now also been terminated. So, is the EU's future role confined to providing follow on missions to other organizations that wish to bring their operations in one area to a close and move onto another one? This would indicate that the EU has no strategic vision with regard to threats to its security and how it should face new security challenges.

However, upon closer inspection we find that in the case of Concordia, Proxima and EUPM this type of judgment is too harsh as the missions are closely tied to the EU's wider strategy of the Stabilization and Association Process. The Process is designed to aid the countries of the Western Balkans to fulfil the conditions for eventual accession to the EU. It also complements the EU-NATO Concerted Approach to the Western Balkans, which reiterates the common vision and interests shared between NATO and the EU with regard to the Western Balkans and highlights areas of cooperation to achieve this. The common vision comprises the need to have self-sustaining stability in the region, with democratic governance and a viable free market economy and gradual integration into Euro-Atlantic structures.<sup>10</sup> The underlying common interest is to seal up any vacuums of instability in the Euro-Atlantic area, particularly the western Balkans with its geographical proximity to the EU.

While there is a definite EU vision with regard to the Western Balkans, it is not always evident that the EU is as focused in defining the wider global security challenges and how it intends to meet them. Between 2002-2003, the further refinement of the nuances of the Petersberg tasks took place in various EU declarations with regard to facing new security challenges.

The deteriorating situation in the Middle East and the threat of terrorism led to the broadening of the scope of the ESDP at the European Council summit in Seville, in June 2002. This included a broader strategic mission for the EU in the future as well as increasing capabilities in the area of the rule of law, by bringing into the fold of the ESDP the contribution to be made by police forces, judges, prosecutors and legal administrators. The work on the EU's Programme for the Prevention of Violent Conflicts, launched at the Göteborg European Council meeting in June 2001 was further enhanced at Seville in 2002. The need to have a systematic EU approach to conflict prevention, making full use of existing ESDP institutions as well as Head of EU Missions as the main 'sensors' of flashpoints in various regions was stressed. The need to cooperate more fully with NGOs and other international organizations, particularly in the area of intercultural dialogue was also emphasized. The tools available to the EU for long term and short term conflict prevention, ranging from fact

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<sup>10</sup> EU-NATO Concerted Approach to the Western Balkans, Brussels, 29 July 2003. See also EU-Western Balkans Summit, Thessaloniki, 21 June 2003.

finding missions and rapid deployment to international financial policies, promotion of human rights and arms control were explored.<sup>11</sup>

In terms of long-term conflict prevention, the EU's then preliminary work on how it could contribute to the fight against international terrorism was given a head start at Seville. This was further re-iterated in the European Council meeting at Thessaloniki in June 2003, in the Presidency Report on EU External Action in the Fight Against Terrorism. This was an indication of how far the original Petersberg tasks defining ESDP missions had evolved. At Thessaloniki the EU established a database of EU capabilities to deal with the protection of civilian populations against the effects of a terrorist attack involving, chemical, biological, radiological and nuclear weapons (CBRN). A special report by the High Representative for ESDP was also presented on the threat of CBRN terrorism for EU countries. Threat assessment studies were carried out and reported on for 3 regions and 14 countries. The EU also incorporated aspects of the fight against terrorism into its relations with third countries. Guidelines for a Common Approach to the Fight Against Terrorism emphasized the role the EU could play in assisting third countries to fulfill their obligations under UN SCR 1373, and also the EU's contribution regarding the freezing of funds and economic resources that finance international terrorism. Enabling the EU to become better equipped to deal with the threat of terrorism entailed enhanced cooperation and coordination across the three pillars especially between CFSP and Justice and Home Affairs (JHA).<sup>12</sup>

In terms of defining the threat from Weapons of Mass Destruction (WMD), the EU also took a significant leap in its commitment and programs for dealing with this security challenge in June 2003. The 'Basic Principles for an EU Strategy Against Proliferation of Weapons of Mass Destruction' was adopted at the Council Meeting in Luxembourg on the 16 June 2003. The document was accompanied by an Action Plan for the implementation of these Basic Principles. The Action Plan was put in place with the 'EU Strategy Against Proliferation of Weapons of Mass Destruction' adopted at the Brussels Council in December 2003.

Both documents stressed the CFSP's commitment to multilateralism in solving the problem of WMD proliferation. The key roles that the EU could play were identified as a focused dialogue with countries suspected of proliferating, exercising cooperative threat reduction initiatives, allocation of resources to international arms control and inspection regimes, and bolstering the EU's central role in export controls. Most significant was the statement that if all diplomatic initiatives should fail in preventing proliferation of WMD, then the use of force could be taken as a measure of last resort, but only in accordance with the UN Charter. Therefore, the previous emphasis in the early 1990s of making the provisions of the UN Charter fit with humanitarian intervention were interchanged with using the same provisions of international law to intervene militarily to prevent proliferation of WMD. The emphasis of 'in accordance with the UN Charter' reflected the EU's growing need to have a common ground with the US on WMD proliferation, while stressing the EU's commitment to avoid a replay of the Iraq crisis. While spelling out its vision of new security challenges, the EU was

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<sup>11</sup> European Council, Seville, 21-22 June 2002, Presidency Report on ESDP, and Presidency Report on the EU Programme for the Prevention of Violent Conflicts.

<sup>12</sup> Presidency Report to the European Council on EU External Action in the Fight Against Terrorism, Thessaloniki, 19-20 June 2003.



also laying the ground for future US-Europe cooperation on the basis of multilateralism.<sup>13</sup> Thus the groundwork for creating a coherent EU strategy to address the threat of proliferation was laid in the Basic Principles as well as the Declaration on Non Proliferation of Weapons of Mass Destruction.<sup>14</sup>

Therefore, as the EU sought to address new security challenges throughout 2002-2003, the Petersberg tasks as embodied in the Treaty of Political Union had significantly changed, because of the broader scope of the EU missions. By the end of 2003, the definition of EU missions was no longer confined to the Petersberg tasks, but outlined in a new strategy for the European Union.

### *In Search of an EU Strategy*

The European Security Strategy adopted at the Brussels European Council in December 2003, was based on an earlier paper presented by the High Representative Javier Solana at the Thessaloniki summit in June. It was the first document of its kind, which outlined a global vision and purpose for the EU, vis-à-vis global security challenges and threats. The strategy defines four key threats to European security: Terrorism, proliferation of WMDs, regional conflicts whether close or far from Europe which could impact European interests directly or indirectly, failed states, and organized crime. The emphasis on distant threats that ought to be as much of a concern for Europe as they are for neighboring states indicates the need for the EU to play a far more active, global role with regard to security, rather than a regional one, concentrating only on its borders and periphery. In this context Europe's new neighborhood is defined as the near East of the EU, the borders of the Mediterranean and even the Southern Caucasus, which is in due course going to be a neighboring region. The EU strategic objective in building a safer neighborhood is to: "promote a ring of well governed countries to the East of the European Union and on the borders of the Mediterranean."<sup>15</sup> One area where transatlantic relations must find a common ground and working relationship is the Middle East Peace Process, which is outlined as one of the strategic objectives of the EU. The two-state solution advocated by the strategy paper is seen as a priority for the EU.<sup>16</sup>

The EU strategy also emphasizes multilateralism amongst its strategic objectives. Particularly the commitment to international law. Once again, one can see the need to emphasize the common ground with the USA and at the same time, reiterate the importance of multilateralism. Therefore, while the paper advocates multilateralism it also advocates strengthening international organizations, regimes and treaties so that they are effective and can take the necessary actions when their rules are broken. Since the Iraq crisis American policy makers have emphasized that the credibility of

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<sup>13</sup> Basic Principles For an EU Strategy Against Proliferation of Weapons of Mass Destruction, Brussels 10 June 2003. Adopted as a living document at the General Affairs and External Relations Council, Luxembourg, 16 June 2003.

<sup>14</sup> Declaration on Non Proliferation of Weapons of Mass Destruction, European Council, Thessaloniki, 19-20 June 2003. See also EU Strategy Against Proliferation of Weapons of Mass Destruction, European Council, Brussels, 12 December 2003.

<sup>15</sup> European Security Strategy: A Secure Europe in a Better World, Brussels, 12 December 2003.

<sup>16</sup> The strategic objectives for the EU vis-à-vis the Middle East and Mediterranean were further spelled out in an interim report to the Council in March 2004. See Interim Report on "EU Strategic Partnership with the Mediterranean and the Middle East" Brussels, 19 March 2004, 7498/1/04.

institutions is not upheld merely by living by the rules but enforcing them. To an extent the EU strategy finds middle ground on the issue that multilateralism is paramount, but it has to be effective at accomplishing tasks.

The EU strategy also sees the strengths of the EU in being an important persuasive power in initiating democratic reform, in particular through its trade and development policies, and its contribution to better governance through assistance programs. However, the EU needs to address how the ‘carrots’ it has to offer can be as effective in regions and countries where the prospect of EU membership is not a powerful persuader.

In the short term, the objectives of the EU’s strategy sets in place many tasks for the EU. Five key areas are emphasized as having policy implications for Europe:

First, the EU needs to be more active, with a strategic culture in place for early, rapid and robust intervention. The development of operations of military and civilian capabilities is seen as more cost effective for the EU.

Second, the EU needs to increase its capabilities. To this end, the strategy paper notes the establishment of an agency in the field of defense capabilities development, research, acquisition and armaments.

Third, the need to have common threat assessments is linked to the requirement to improve sharing of intelligence among member states.

Fourth, a more coherent structural approach of the EU is needed. This would involve not only better coordination between CFSP and ESDP but other tools of the EU such as the European Development Fund and assistance programs, as well as better cross-pillar cooperation between CFSP and Justice and Home Affairs. A streamlining of all the different EU instruments means a more efficient means to combat terrorism and organized crime.

Fifth, the importance of working with partners. The strategy paper stresses the importance of the transatlantic relationship, calling it “irreplaceable” but also emphasizes the need to build a closer working relationship with Russia as well as the development of strategic partnerships with Japan, China, Canada and India.

Although terrorism was identified as a key threat in the strategy paper, the policy implications for the EU were brought to the forefront after the tragic terrorist attacks in Madrid on 11 March 2004. Its impact on how the EU integrates policy planning and implementation with strategy has been a speeding up of the mechanisms and legislation needed to combat terrorism. First, the EU states decided to act jointly in the spirit of the Solidarity Clause in the Article 42 of the draft Constitution. While, this does not constitute a collective defense provision, it nevertheless is a commitment of joint action in the event of a terrorist attack:

The Union and its Member States shall act jointly in a spirit of solidarity if a Member State is the victim of a terrorist attack or natural or man-made disaster.

The Union shall mobilise all the instruments at its disposal, including the military resources made available by the Member States...<sup>17</sup>

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<sup>17</sup> Article 42, Draft Treaty Establishing a Constitution For Europe, 20 June 2003.

In terms of stepping up the legislative process to combat terrorism in the aftermath of 11<sup>th</sup> of March 2003, the EU adopted the Declaration on Combating Terrorism, which emphasized how urgent it is for member states to implement the legislative measures for combating terrorism that were already put in place. These included, the European Arrest Warrant, freezing and confiscation of proceeds of crime, and police and judicial cooperation. The EU also tasked the Council to examine ways to enhance exchange of information on convictions for terrorist offences, the establishment of a European register of conviction, and a data base on forensic material. The Declaration also called for enhanced cooperation between the existing EU bodies of Europol and Eurojust.

Better information systems across Europe was also emphasized in the Declaration. The Schengen Information System (SIS), which will go into effect in June 2004, is viewed as an important step in realizing this goal. Consequence management after a terrorist attack, addressing the factors which contribute to new recruitment by terrorist organizations and better sharing of intelligence were among the strategic objectives outlined in the declaration, whose objective was to make the EU's policies in combating terrorism more effective. Specific measures were called for to protect transport and populations and the appointment of a Counter-Terrorism Coordinator. One of the Coordinator's key tasks is going to be the overseeing of the implementation of legislation. Meanwhile, a report by the High Representative Javier Solana addresses the issue of how intelligence cooperation can be made more effective. In particular how the Intelligence Group already established within the European Council can cooperate more effectively with national intelligence agencies.<sup>18</sup>

### *Conclusion*

There are several policy implications for the EU on how it deals with the global security challenges it has identified in its strategy. Already, from the period of 2001 to 2004, EU's missions have changed significantly since the original Petersberg tasks of 1992, which are now embedded in the Treaty on Political Union. Though the work program for the EU is an ambitious one, in the short run the imperative issue is not development of military capabilities but the balancing of common priorities and a strategic vision with the USA.

In the short term, the EU has several capabilities to deal with many of the new threats it has identified in its strategy. These capabilities are mostly civilian and to some extent military. However, the EU's strength in diplomacy with third countries, the freezing of assets that finance terrorism and organized crime, and the passing of new legislation and the implementation of existing legislation to enforce commitments in the fight against terrorism, means that the EU has much to accomplish in a short time. In the long run, it will have to build better military capabilities, further developing the work set in place by ECAP and the new agency for defense capabilities. Also, by taking over the mission of SFOR (Stabilization Force) in Bosnia and Herzegovina at the end of 2004 and having already completed a successful mission in the Former Yugoslav Republic of Macedonia, it has demonstrated that it is up to the challenge of

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<sup>18</sup> 'Declaration on Combating Terrorism' EU Council. See also Summary Transcript Joint Press Briefing, Brussels, 30 March 2004, S00090/04.

military operations as well as policing missions. The key issue is balancing the EU strategy and its common vision with that of the US in terms of identifying new security challenges, how to tackle them and on what basis cooperation is necessary to build greater stability whether in Europe's immediate neighborhood or beyond.