



Petersberg tasks, and missions of the European Force

Martin ORTEGA

The missions assigned to the EU military force are currently described in Article 17.2 of the Treaty.

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.”

This text is taken from the WEU Petersberg declaration of June 1992. Therefore, the current description of the missions that the EU may undertake is perhaps antiquated and not tailored to the EU needs.

The Convention has adopted a new definition, which will have to be confirmed or reformed by the Intergovernmental Conference.

Article 40.1 of the draft Constitutional Treaty adopted by the Convention (July 2003):

“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.”

Arguably, this description of the EU force’s missions is correct for three reasons. First, it contains three sufficiently broad terms (peacekeeping, conflict prevention and strengthening international security) that encompass all possible operations. Second, it does not refer to any particular geographical zone. Finally, the description stresses the respect for the principles of the UN Charter.

As far as the geographical scope is concerned, it would be a mistake to introduce limitations. Although it can be expected that the EU force will be used mainly in the European region and its neighbourhood, the EU force could equally undertake operations in any part of the world. Indeed, operation Artemis took place in the Democratic Republic of Congo and, in the past, national peacekeeping forces of EU

members have been present in countries such as East Timor and El Salvador. The European security concept presented by Javier Solana to the Thessaloniki summit points out: “our traditional concept of self-defence –up to and including the Cold War– was based on the threat of invasion. With the new threats the first line of defence will often be abroad.”

As far as the UN Charter is concerned, the EU and its member states have always stressed the Security Council’s primary responsibility for the maintenance of international peace and security. Operations undertaken by the EU force must have, in principle, a mandate from the UN Security Council. Some EU member states have insisted that the EU should have a prior authorisation from the UN Security Council before any EU military operation. Other members, whilst agreeing on the principle, think that an explicit subordination is not necessary. The mandate issue, however, should not be overestimated. It was by and large solved in practice during the Kosovo crisis. Indeed, although all EU member states deem it necessary to have a UN mandate to validate the use of armed force (apart from self-defence), they all were agreed that the circumstances prevailing in Kosovo in 1999 justified military intervention without a previous mandate, as was recognised by the Berlin European Council of 25 March 1999. In Berlin, all EU members (even non-NATO members) endorsed the intervention. On the other hand, a number of EU members have undertaken unilateral interventions (for instance the UK in Sierra Leone in 2000), which have been generally considered as humanitarian and legitimate, even though they were not conducted under a UNSC mandate.

This means that, in addition to operations authorised by the UN Security Council, the EU force could also undertake military action in the absence of a UNSC mandate if needed. However, the situations in which this would be possible are quite limited: humanitarian (substantive aspect) interventions will be possible only when all member states agree (procedural/political aspect). If, for instance, there is a humanitarian catastrophe or an impending genocide, the EU (and European states, for that matter) would act even if a resolution from the Security Council cannot be obtained. In any case, as the project adopted by the Convention points out, EU military operations must always be conducted in accordance with the principles of the UN Charter.

On the other hand, since 11 September 2001, the European Union and its member states have enhanced cooperation in the fight against terrorism both with the United States and between themselves. This has led to a number of initiatives that have approached the fight against terrorism to the missions assigned to the EU force. In particular, the Seville European Council endorsed the following statement.

Declaration of the European Council (Seville, June 2002) on the contribution of CSFP, including ESDP, in the fight against terrorism

1. The European Council reaffirms that terrorism is a real challenge for Europe and the world and poses a threat to our security and our stability. To this end, the extraordinary European Council meeting on 21 September 2001 decided to step up the action of the Union against terrorism through a coordinated and inter-disciplinary approach embracing all Union policies, including development of the Common Foreign and Security Policy (CFSP) and making the European Security and Defense Policy (ESDP) operational.

2. The European Council has noted the significant achievements accomplished in the implementation of the Plan of Action to combat terrorism and reiterates that the fight against terrorism will continue to be a priority objective of the European Union and a key plank of its external relations policy. Solidarity and international cooperation constitute essential instruments in the fight against that scourge. The Union will continue to maintain

the closest possible coordination with the United States and other partners. The Union will seek to contribute further to those international efforts, both internally and in its relations with third countries and international organisations, such as the UN, NATO and the OSCE.

3. The Common Foreign and Security Policy, including the European Security and Defence Policy, can play an important role in countering this threat to our security and in promoting peace and stability. Closer cooperation among the Member States is being put into practice to take account of the international situation created by the terrorist attacks of 11 September.

4. The European Council welcomes the progress achieved since 11 September on incorporating the fight against terrorism into all aspects of the Union's external relations policy. The fight against terrorism requires a global approach to strengthen the international coalition and to prevent and contain regional conflicts.

Finally, it should be reminded that EU military missions would normally be carried out hand in hand with humanitarian and civilian missions. As the European security concept prepared by Javier Solana has indicated, “we need to develop a strategic culture that fosters early, rapid, and when necessary, robust intervention. We should think particularly of operations involving both military and civilian capabilities. This is an area where we could add particular value.”