

Working Group VIII « Defence »

Subject: Introductory Note by the Secretariat on the scope of ESDP

In view of the meeting of the Working Group on 29 October, members of the Group will find attached a brief introductory note by the Secretariat on the scope of ESDP.

Introductory Note on the scope of ESDP

1. The scope of European Common and Security Policy is defined in Article 17 paragraph 1 of the Treaty on European Union. This states that CFSP covers "all questions relating to the security of the Union, including the progressive framing of a common defence policy.....,which might lead to a common defence, should the European Council so decide".
2. Paragraph 2 of the same Article states that such questions "shall include humanitarian and rescue tasks, peacekeeping tasks and tasks of combat forces in crisis management, including peacemaking". These are commonly known as the "Petersberg" tasks.
3. Given the wide range of issues considered to be covered by CFSP, and the fact that the Petersberg tasks are not exclusive, it is clear that ESDP is already potentially far-reaching in scope. It could indeed be argued that it covers all issues short of common (or collective) defence, although even the objective of common defence is foreseen as a possibility should the European Council so decide. The fact that common defence is currently outside the scope of ESDP is in part a reflection of the diversity of interests of the Member States, with 11 bound by a mutual undertaking to provide assistance under Article 5 of the Washington Treaty (NATO) and 10 of them also under Article V of the Brussels Treaty (WEU). The remainder ('non-aligned') do not subscribe to any such mutual undertaking.
4. The security environment in Europe has changed considerably. The countries of the European Union are confronted less by the risk of invasion by a foreign power, than by a more diffuse, if no less dangerous, range of threats. As a result the definition of collective defence as being essentially territorial no longer holds. The terrorist attacks against the US have highlighted the risk of asymmetric warfare. The linear scale of threat, with Weapons of Mass Destruction (WMD) at one end, and low level provocation at the other, is less applicable, as the lone terrorist (or group of terrorists) has increasingly easy access to WMD. To confront these threats, a more flexible approach, coupled with a wider range of instruments, is required. There is also an increasing requirement for more adaptable use of combinations of civil, police and military capabilities.

5. Since the definition of collective defence is less clear than in the past, the scope as well as the limits of action by the EU (as compared to organisations such as NATO which have mutual assistance guarantees) may also be less obvious. The Working Group might therefore wish to consider whether, given the new security environment, the Petersberg tasks as currently set out in the Treaty are still appropriate and/or sufficient. Consideration might also be given to the possible use of ESDP military capabilities and structures inside the EU in the event of terrorist attack. A further area which might be addressed is how the EU might develop a more coherent security response drawing on the full range of instruments at its disposal.
6. With this in mind, the Working Group might consider the following questions:
- Are the Petersberg tasks as set out in the Treaty still relevant? Can they be adapted/modernised/made more flexible to take into account the new security environment?
 - Should explicit provision be made for the use of the military capabilities and structures foreseen for ESDP inside the EU in the event of a security threat such as terrorist attack?
 - Should a solidarity commitment be introduced into the Treaty providing for mutual assistance? What form might this take (voluntary opt-in)?
 - How can the Union develop a comprehensive and coherent security concept, drawing on the range of civilian/military capabilities at its disposal? What should be the role of the High Representative in the area of Defence?
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