

Historical choices after the massacres in Paris

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The tragic, unqualifiable attacks committed last week at Charlie Hebdo's office, in Montrouge and a kosher supermarket, which killed 17 persons, have created an unprecedented reaction from the French population. Demonstrations organised all over the country during the weekend have shown the population's attachment to freedom, in particular to the freedom of expression.

While taking place in France, these attacks have resonated across the planet, with spontaneous reactions and support from the major parts of the world including the US. The solidarity of France's European partners was highlighted by the participation of numerous EU leaders in the Paris demonstration. This should not come as a surprise: what occurred in France is not a national issue, but fundamentally a European and international one. France is not the first country hit by terrorist attacks and is not the only state on the list of possible future targets.

Now that rallies are over, it is time to act. Reaction at EU and national level are required to fight against such terrorist attacks. However, in responding to these crimes, European and national players should strike the right balance between security, liberty and human rights. And this could become a challenging task.

Security high on the agenda

The primary response to these killings will, beyond doubt, be security-based, with security issues climbing to the top of the EU's agenda. The meeting between 11 EU Ministers of Interior, EU Commissioner Avramopoulos and North American Officials (from the US and Canada) on Sunday in Paris is an illustration of this momentum. As the outcome of the meeting underlines, the months ahead will focus on counterterrorism, freedom fighters and radicalisation on the Internet.

In this regard, addressing how to better use existing rules and tools – as well as which new rules and tools the EU should adopt to increase security – will be discussed. Hence, criminal law, cooperation in the field of criminal justice, the modification of the Schengen Borders Code, the creation of an EU Passenger Name Record (PNR), the use of IT systems, interoperability between IT systems, access of law enforcement authorities to IT systems, data protection, the adoption of a new version of the data retention rules (since the previous was cancelled by the European Court of Justice), *inter alia*, will become key in Justice and Home Affairs meetings.

Remaining in the boundaries of the rule of law and human rights

The inclination to strengthen security is understandable given the violence of attacks already perpetrated in the EU and the threat terrorism puts on populations living in the EU and therefore on EU governments. It is also a matter of fact that more cooperation between national authorities in particular regarding intelligence is needed. However, security concerns should not overshadow the EU's basic values. On the contrary, these values should act as a frame within which future actions should take place.

These values are embedded in Article 2 of the Treaty which states the following: "The Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights (...)." This implies that EU and Member States actions in the security field should remain within the strict boundaries of the rule of law and human rights. Hence, any modification of current EU rules, any adoption of new EU rules and tools any national measures adopted to implement EU rules should respect human rights as protected by the Treaty, the EU Charter of Fundamental Rights, the Court of Justice, the

European Convention of Human Rights and the European Court of Human Rights. EU and Member States actions will only be legitimate if they respect these rights and principles.

National hawkish reactions, fuelled by politicians speaking about “going to war” or politicians tempted to establish a “French Patriot Act”, as well as the plea to establish emergency laws should not lead to overreactions and disproportionate measures which may infringe with human rights. National reactions may echo at EU level and it should be the role of EU institutions to safeguard common principles.

Linking terrorism to immigration or looking beyond?

Despite the fact that killers were French nationals, a link between terrorism and immigration has already been established. Some politicians have indeed claimed that there is a need to better control or even stop immigration. While this rhetoric is not new, it remains dangerous. It amalgamates foreigners with terrorists. One should keep in mind that terrorists are criminals and fall within the scope of criminal law where foreigners are individuals whose situation are governed by Aliens’ law. In addition, this rhetoric does not address the fact that immigration policies concern also legal migration and asylum, i.e. protection granted precisely to people fleeing terrorist regimes.

Two links may however be identified with immigration rules. The first one, which has been addressed by the Ministers on Sunday, relates to external border controls, i.e. controls on people entering and leaving the EU territory. In this view, a revision of the Schengen borders code with respect to external border controls could be expected in particular regarding EU citizens.

The second rapprochement with immigration would reside in the exact opposite of current policies and possible reactions. The magnitude of the shock felt in France and in Europe should drive decision-makers to profoundly redesign the partnerships with neighbouring countries, starting with Tunisia and Morocco. The security side of current partnerships should be accompanied with a broader agenda including a true people-to-people dimension, i.e. the possibly for citizens from these countries to move to and within the Union. Fostering human mobility and therefore the relationship with neighbouring countries will not only be a strong signal from the EU towards its neighbourhood but also towards Muslims communities.

Historical choices

Contrary to radical views portrayed by terrorists, the world is not divided between one group and others. On the contrary, EU history is an example of a process which has overcome divisions and united human being whatever their differences, their nationality and religion. States have been able to build an area of peace, based on human rights, precisely because the project improved cooperation between institutions, promoted unity instead of divisions and designed a common future. Replicating such a virtuous process with our closest neighbours should become a priority.

The countries of the EU are at a critical historical juncture. They could be driven by fear and react accordingly – with the risk of betraying our common values. Or they could believe in a common future with close neighbours and extend the area of peace and human rights.

The best legacy which can come out of last week’s atrocities is the strengthening of a tolerant, multi-faith society which takes the necessary steps to protect its citizens but without compromising its values. A prospect that Charlie Hebdo’s cartoonists and journalists would surely have endorsed.



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