

European security after the Paris attacks

Giovanni Faleg

24 November 2015

The military intervention against Daesh began in September 2014, when a coalition led by the United States was formed in the margins of the NATO Summit in Wales, to conduct air strikes against the Daesh sites in Syria and Iraq. The death of 130 people as a result of the November 13th terrorist attacks in Paris has dramatically changed the course of this military campaign, prompting the European Union to activate the mutual assistance clause contained in Art. 42.7 of the EU Treaty. Does this initiative mean that war being Europeanised, or are selected European states joining a French-led coalition of the willing?

Thus far, the latter appears to be the correct answer. Nevertheless, it can't be denied that recent events in Paris have compelled the EU to adopt a united response in defence of its values of democracy, peace and freedom. Europe seems to have re-discovered a practical notion of solidarity as the keeper of a safe and secure continent.

In practical terms, the rationale behind the activation of the clause, approved by EU Defence Ministers meeting on November 17th, is twofold. First, to substantiate previous rhetorical calls for the EU to stand united against common security threats. Second, to provide a more flexible framework to coordinate responses collectively as well as bilaterally, overcoming the unanimity required for operations under the Common Security and Defence Policy (CSDP) and outside of NATO.

With the activation of the assistance clause, EU member states are now entering the uncharted territory of large-scale conflict taking place outside as well as within their borders. The implications could be deeper than the clause itself, and might entail a redefinition of the global role of the Union, as well as a commitment by member states to maintain unity over time.

What is the mutual assistance clause?

Art. 42.7 of the Lisbon Treaty stipulates:

If a Member State is the victim of armed aggression on its territory, the other Member States shall have towards it an obligation of aid and assistance by all the means in their power, in accordance with Article 51 of the United Nations Charter. This shall not prejudice the specific character of the security and defence policy of certain Member States.

Giovanni Faleg is Associate Researcher in the CEPS Europe in the World research unit and Consultant to the World Bank Group.

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By invoking this article, the French government made a deliberate choice not to appeal to either of the other two other collective security agreements in place: the EU Solidarity Clause (Art. 222 TEU) and NATO's Article 5.¹

France's choice: A political act

Why did President François Hollande invoke the EU mutual assistance clause, as opposed to the other possible options? The first and perhaps most important reason is political. Art. 42.7 allowed France to send a strong political signal that Europe stands united against a common threat to its territory and society, especially as it implies a common European response in internal and border security – domains in which NATO could not take action. It defined the aggression as a matter of European security, leaving aside (possibly momentarily) the transatlantic link, especially considering that the debate in Washington could have been easily distorted by the presidential campaign.

The second reason is procedural. In the aftermath of the Paris attacks, the other options would have required more time, slowing down the decision-making and allowing potential divisions to arise between partners. The Solidarity Clause would have activated a wider array of EU instruments, but these require complex inter-institutional cooperation and a longer time frame for their execution. The procedures for the activation of NATO's Article 5 are relatively quick, but would require an explicit involvement of the United States, potentially triggering a protracted domestic debate on scaling up military engagement in the region, moving from a strategy focused on special operations raids and building capacity of local forces to a large-scale intervention on the ground. NATO's involvement would have been problematic also considering Russia's support to the Assad regime and potential opposition to the presence of the Atlantic alliance in Syria. Conversely, Art. 42.7 provides France with the flexibility to conduct bilateral consultations with EU member states on the types of aid and assistance required, bypassing Brussels' bureaucratic machinery and avoiding complex negotiations with external partners. As stated by HR/VP Federica Mogherini,

The article of the Treaty does not require any formal decision or council conclusions to be taken. So, we need no further formality to move on. And let me also clarify, this does not imply EU CSDP mission or operation. This calls for aid and assistance bilaterally and the European Union can facilitate this and coordinate this, whenever and however it is useful and necessary.²

Last, but not least, Art. 42.7 provides a basis for stronger and faster military action against Daesh sites outside EU territory, while at the same time leaving open the possibility to invoke the other clauses in future, for example to take longer-term measures against Daesh – for which the Solidarity Clause and the access to a broader set of EU instruments and financing might be more effective.

EU mutual assistance in practice

Since this is the first time the clause has been activated, we have no practical experience with how developments will actually unfold on the ground. Nevertheless, one can envisage EU member states' aid and assistance to France developing as follows.

¹ For a more detailed legal analysis, see C. Hillion and S. Blockmans, "EU self-defence: Tous pour un et un pour tous?", CEPS Commentary, 20 November 2015.

² Remarques introductives de la Haute Représentante et Vice-Présidente Federica Mogherini lors de la conférence de presse avec Jean Yves Le Drian, Ministre de la Défense Français, 17 novembre 2015 (http://eeas.europa.eu/statements-eeas/2015/151117_01_fr.htm).

Process. France and member states are to agree on a bilateral basis on the specific support required, with the High Representative in a coordinating role to ensure effectiveness in the common response.

Focus and scale of the contributions. According to French Defence Minister Jean-Yves Le Drian, member states are expected to provide capacities in support of French interventions in Syria and Iraq, as well as to contribute towards interventions (ongoing or future) in other operational theatres, including North Africa, the Sahel and Central African Republic. This broad characterisation of the tasks provides a wide margin in which each member state's contribution can be negotiated and agreed upon based on its particular defence and foreign policies and the assets available. One might naturally ask what chain of command and accountability framework will be established, and to what extent will such arrangements be sustainable in the long run.

Europe's fight against terror: Implications and significance

With the activation of the mutual assistance clause, the fight against Daesh has been significantly Europeanised beyond the justice and home affairs domain, to include security. Such a dynamic, however, follows an intergovernmental logic of consultations. Europe finds itself in a gray area between an 'EU war on terror' and a 'French-led coalition of the willing'. Art. 42.7 gives sufficient flexibility and discretion to member states to decide their own level of contribution and political engagement under French political and operational command, but the EU has chosen to unequivocally stand up in response to the horrific attacks in Paris on November 13th. And the fact that some of the terrorists in Paris originated from and have subsequently returned to their home in Brussels underlines the European character of the threat posed by Daesh and the need to muster a European response. Spain, the UK and other member states have similarly suffered deadly attacks by Islamists, which should predispose all these countries to look favourably on Hollande's initiative.

What now? European security is entering uncharted territory of a large-scale conflict. While the implementation, outcome and implications are undetermined, three recommendations can be offered to avoid uncoordinated or piecemeal responses that may result in a prolonged campaign with and eventually strengthen Daesh:

1. *Don't go national, be united.* Mutual assistance is a declaration of principle, but action and deliverables must now follow. This will be the trickiest part, as states will have divergent views over how to conduct military operations, the means to be deployed and the potential risks for the civilian population. The EU should therefore *remain united*, and this can be achieved by gradually moving from providing short-term, flexible, intergovernmental military assistance to France (the practical interpretation of Art. 42.7), to a longer-term strategic vision entailing the use of broader security and conflict management instruments, more in tune with Article 222 TFEU. Appropriate funding mechanisms should be adopted to foster cooperation in critical sectors, beginning with intelligence sharing, leading to a fully-fledged EU intelligence agency and better coordination of intelligence operations. *Mutatis mutandis*, a permanent and more structured framework for defence cooperation (a European Defence Union) could help achieve this purpose.³
2. *Use soft and hard power.* Military force may weaken Daesh, but comprehensive efforts will also be needed to tackle the root causes of terrorism, which air strikes cannot fix. Root causes should be tackled outside the EU borders, by fully implementing comprehensive

³ S. Blockmans and G. Faleg, *More Union in European Defence*, Report of the CEPS Task Force on European Security and Defence, Chaired by Javier Solana, CEPS, Brussels, March 2015.

conflict prevention and post-conflict reconstruction policies in fragile countries in the Middle East, North Africa and sub-Saharan Africa, linking security to development, economic growth and good governance; as well as inside the EU member states, by creating conditions for peaceful and inclusive communities, preventing the formation of *banlieues* and urban enclaves. Both state fragility and social exclusion of immigrants are perfect breeding grounds for terrorism.

These principles should also be reflected in the EU's approach to migration. While strengthening controls at the EU's external borders can be a reasonable measure to prevent the inflow of terrorists, calling Schengen into question or the massive rejection of immigrants would compromise those values the EU is fighting for.

3. *Engage partners.* This is also a global crisis, for which a smarter use of the EU's multilateral strategy is needed. An agenda based on comprehensiveness in crisis response requires a rethinking of current methodologies of engagement, a better division of labour with other international organisations and a political consensus with regional and global powers. New partnerships should be forged on a case-by-case basis, taking into account local conditions and needs in operational theatres, along the lines of the La Valletta Summit - but with more substantial financial and political pledges. Closer monitoring of conditions in fragile countries and timely intervention are necessary to implement effective prevention and reconstruction policies. Similarly, the engagement of the United States, Russia and other players, especially from the region around Syria and Iraq (such as Turkey and the Gulf states), will be important in defining a comprehensive strategy for the EU and in reaching political deals (as in the case of Syria), and rebuilding peaceful communities in territories currently occupied by Daesh.