



Civilian crisis management: Towards a new paradigm

by Thierry Tardy

Recent developments in and around Europe have challenged the conceptual and practical boundaries of EU civilian crisis management (CCM). More precisely, trends that had been observed over the last two decades have been tangibly confirmed in the last couple of years, a development that directly impacts CCM and the various types of EU responses in this field.

The evolution of the security environment as well as of the EU's institutional setting and operations has transformed CCM in at least two ways. First, CCM has become a broad-ranging activity that not only cuts across all forms of EU external action but also concerns the internal security agenda. Outside of the EU, CCM implies the combination of security-related activities and Commission-led programmes. Closer to the EU or even within it, security challenges such as organised crime, illegal migration or terrorism have made the traditional divide between internal and external security increasingly irrelevant and led to calls for greater interaction between different levels of EU action. Second, the range of EU bodies that now deal with CCM goes beyond the Common Security and Defence Policy (CSDP) and European Commission entities to include the Justice and Home Affairs (JHA) agencies.

These various changes bring new opportunities but also raise fresh questions about the scope of CCM, the need for each CCM actor to adapt to the new environment, and the quest for coherence among the various CCM policies.

The three CCM pillars

Civilian crisis management describes a policy which involves the deployment of civilian assets in response to an ongoing crisis, to tackle the consequences of a crisis or to address the causes of instability.

Over the last two decades, EU CCM has been the prerogative of two sets of actors carrying out activities outside of the EU: the European Commission through its role in relation to fragile states and in activities dealing with development, security sector reform, good governance, support to political processes, etc.; and the civilian component of CSDP, with 22 operations since 2003, mostly dealing with capacity-building, security sector reform and support to the rule of law. The tensions at times characterising the relationship between these two pillars as regards their respective prerogatives and approaches to CCM are well known. In the meantime, almost 20 years of interaction both in Brussels and in

the field have also attested to tangible progress in their propensity and ability to work together in their concomitant CCM mandates. The recent joint drafting of a SSR Strategic Framework is the latest case in point.

More recently, CCM has witnessed the emergence of a new type of actor, with JHA agencies *de facto* embracing a crisis management agenda. Over the last decade, these agencies have been involved in wider EU policies at the very frontiers – conceptual and geographical – of home affairs, whether in relation to CSDP missions or not. The involvement of JHA agencies is a response to a need for expertise and action on issues that directly impact on EU's internal security. The role of FRONTEX in the southern Mediterranean Sea in cooperation with EUNAVFOR Med, or in the Aegean Sea with the NATO-led operation; that of EUROPOL in Kosovo alongside EULEX, as well as EUROPOL and EUROJUST with EUBAM Libya; or EUROPOL and EUROJUST in the EU counter-terrorism political dialogues in MENA countries and Turkey, all attest to an evolution that brings JHA agencies into the world of crisis management.

It follows that EU civilian crisis management has become a three-pillar endeavour that brings together CSDP, European Commission-led and JHA-led activities.

These three pillars overlap in their mandates and operations, but are also distinct in their decision-making processes (unanimity vs. comitology or qualified-majority voting), financing modalities and resources, implementation (direct EU and member states' role vs. implementing agencies), location along the security spectrum, and specific experiences.

Adapting to the evolving context

These evolutions reflect a broader alteration of the security landscape that directly impacts on crisis management.

To start with, the nexus between security and development has been widening the spectrum of CCM for some time. Security is a pre-requisite to the recovery of countries in transition yet still dependent upon prospects for development, the latter therefore becoming an integral part of crisis management. As a consequence, from

Kosovo to Mali and the Democratic Republic of the Congo (DRC), CCM falls as much within CSDP as within the European Commission portfolio, a connection that has only been reinforced by the comprehensive approach adopted over the past few years.

Second, the blurring of the distinction between internal and external security that has characterised the post-Cold War environment has become even more evident in the context of both the terrorist attacks in France and Belgium and of the migrant crisis. In both cases, the traditional lines between internal and external security around which EU (as well as national) institutions, jurisdictions and responsibilities have been designed, have been called into question, and proven largely irrelevant in terms of both understanding the nature of the problem and responding to it. The terrorist acts which hit Europe in 2015 and 2016 were perpetrated by European and non-European citizens who could operate freely across EU borders and were connected to transnational actors and causes. This calls for action within and outside EU territory and, therefore, for synergies between different types of actors (police, intelligence, civil protection, military, development) that *a priori* operate either in or outside the EU.

For its part, while the migrant crisis is predominantly an internal issue by way of its impact on EU member states' societies, economies and politics (the crisis is primarily dealt with by the JHA Council), it

has reached such a magnitude that any policy response requires a combination of domestic and foreign policy decisions. The JHA agencies operate in line with the Strategy on the External Dimension of the Area of Freedom, Security and Justice (COM(2005)491 final, 12 October 2005), while talks with Turkey or CSDP operations in the Mediterranean Sea – and possibly in Libya – clearly fall within the scope of EU external action.

As a matter of fact, EU institutions and documents that address internal and external security separately tend to converge on the identification of threats: such is the case of the Council Conclusions on the renewed EU Internal Security Strategy (2015-2020) and the new EU Global Strategy for Foreign and Security Policy.

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Terrorism, organised crime, cyber threats, or illegal migrations are now systematically mentioned in EEAS or Commission documents, therefore attesting to their blurred characteristics. Even threats emanating from Russia, which presumably fall within the category of external threats, would most likely materialise – if ever – in a ‘hybrid’ manner, i.e. through the combination of externally- and internally-driven operations.

What impact on CCM?

While EU CCM is being reshaped by the changing environment, the form that it will take and challenges that it will face are yet to be seen. At least three sets of issues need to be considered: the CCM actors’ respective agendas, their operational coordination, and the likely ensuing political challenges.

CSDP actors and the Commission are only starting to explore the meaning and consequences of the internal-external security continuum. This continuum questions the role of development or external security actors in tackling threats that carry an important internal security dimension. CSDP’s adequacy as a response to terrorism, hybrid threats or refugee flows is yet to be demonstrated, because of the external focus of CSDP (the Lisbon Treaty prohibits any role for CSDP *inside* the Union) but also as a result of a certain rigidity in its format and positioning. As an example, the recent Joint Communication on countering hybrid threats largely overlooks the added-value of CSDP as a response to this particular danger. In the meantime, in the near future CSDP missions are likely to move geographically closer to the EU and therefore closer to internal security activities.

As for the Commission, it has a potentially significant role when responding to terrorism or hybrid threats through building resilience of EU member states, as well as third states. In the humanitarian aid domain, the activation in March 2016 of the Emergency Support Instrument – in order to channel humanitarian assistance money to UN agencies and NGOs operating within EU member states (namely Greece) in response to the migrant crisis – has hinted at a change in policy patterns. So did EU assistance (through Community instruments such as ECHO) to Serbia and Macedonia in response to the flow of migrants coming from an EU country, Greece.

What CCM means to JHA agencies is even more challenging. How much thought have JHA

agencies given to their new role and the implications of their joining the crisis management ‘family’ in terms of the nature of their mandate, their own identity, or the type of interaction with other crisis management actors that this implies? Is there a specific JHA vision of security or approach to crisis management? How is an increased role in crisis management-like operations being addressed and perceived by DG Migration and Home Affairs and DG Justice, on which FRONTEX, EUROPOL and EUROJUST depend?

In the same vein, the issue of whether CSDP missions shall be confined to ‘outside the Union’ or could, if the need arises, also cross the border of a member state, has been raised in the context of the migrant crisis as well as of the debates on the implementation of the defence clause (Article 42.7 TEU) and even of the solidarity clause (Article 222 TFEU). In other words, how long will it be until there is a CSDP mission operating partly inside a member state while, conversely, the fact that FRONTEX operations will soon take place in third countries seems to be a given?

More generally, and in line with the priorities laid out in the new EU Global Strategy for Foreign and Security Policy, adequate consideration is still to be given to how CCM should embrace counter-terrorism, build resilience at home and in third states, link more clearly CSDP with migration policies (as is the case in Niger and Mali) and be part of a broader CFSP objective.

Operational coordination

Reshaping civilian crisis management calls for synergies between different actors, as well as coordination or division of labour based on comparative advantages.

Lately, both the Council and the Commission have reiterated the need for CSDP and Freedom, Security and Justice (FSJ) to work more closely together, in line with the Roadmap ‘Strengthening Ties between CSDP and FSJ’. This has led to, *inter alia*, the creation of a CIVCOM-COSI Support Group, the signature (in January 2015) of working arrangements between the EEAS and JHA agencies (FRONTEX and EUROPOL) allowing for information exchange and regular consultations, the insertion of the CSDP/FSJ nexus in training curricula of CEPOL and the European Security and Defence College (ESDC), or the involvement of FSJ stakeholders in the design of CSDP missions. Also, the mandate given by

the Council to the High Representative and Commission to develop an EU-wide Strategic Framework for security sector reform asks that such a policy bring together CSDP and ‘all other relevant CFSP tools as well as development co-operation instruments and Freedom, Security and Justice actors’.

Nevertheless, the two worlds remain culturally and institutionally far apart, and their respective activities are largely unknown to the other side. And beyond the civilian sphere, coordination between these various civilian actors and the military – which is also going through dramatic evolutions of its crisis management role – is equally important.

Strategic analysis, planning and conduct of operations, and lessons learnt are areas where cross-fertilisation is needed. JHA agencies have so far not been part of the comprehensive approach, which has focused on the coordination of the various layers of the EU’s external action. However, the JHA agencies’ involvement in CCM *de facto* puts them under the remit of the comprehensive approach, with all its accompanying institutional, administrative, and political challenges.

Looming challenges and dilemmas

Finally, while the new environment requires synergy among the various CCM actors, it is also likely to generate competition. CSDP actors and the European Commission have learnt to operate in parallel despite institutional divergences at times, and are now by and large sharing the burden of security governance. How will this balance be maintained as their mandates evolve and JHA agencies enter the field?

More specifically, the similarities between CSDP missions in the field of border management and FRONTEX’s core mandate may lead to a degree of overlap between two actors receiving funding and personnel from the same source. For example, the recently created European Border and Coast Guard Agency will be able to conduct operations in third countries in a manner similar to CSDP missions like EUBAM Rafah or EUBAM Libya. Furthermore, they will be conducted with the same type of people (police, border guards, etc.). How will this affect CSDP in terms of relevance or access to human resources? How will this shape the relationship between the European Commission (DG Migration and Home Affairs in particular) and a more security-focused FRONTEX that would move closer to

CSDP? What will be the division of labour between these three sets of actors in the emerging ‘triangular’ relationship? A revamped FRONTEX with an external role would presumably take the lead in border control operations at the expense of CSDP, but will member states accept the ensuing loss of control and pooling of sovereignty?

The restructuring of EU CCM is shaped by a combination of a genuine need to adapt to change, EU institutions internal dynamics and member states’ eagerness to empower the various EU actors and to facilitate cooperation processes. EU actors may display comparative advantages at a certain moment or in response to particular situations, but are also subject to member states’ policy choices. In particular, the intergovernmental nature of CSDP gives EU member states a degree of control that is different in Commission-led or JHA-led activities and might therefore influence policy preferences. Similarly, inter-institutional cooperation – or competition – is to some extent the result of member states’ policies, of how they assess the comparative advantages of the various CCM agents and the merits of their integration.

Newly-emerged threats and the related internal-external security continuum tend to challenge the sovereignty of member states in the sense that they weaken their ability to respond by themselves and instead require European solidarity and assistance. No EU country is willing to acknowledge that a given crisis ‘clearly overwhelms the response capabilities available to it’, as the Council Decision on the implementation of the solidarity clause states (Article 222 TFEU). But in the meantime, no state can address the security challenges that it currently faces on its own.

What this means for civilian crisis management, its agents and their degree of autonomy *vis-à-vis* states, and the area of operation (inside vs. outside the EU), is still unclear. A new architecture and agenda are only starting to emerge, hopefully for a more effective civilian response to crises rather than for a new round of institutional battles and fragmented policy responses. At least, the latest evolutions on the EU side show a propensity to adapt to new circumstances rather than stick to old paradigms.

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