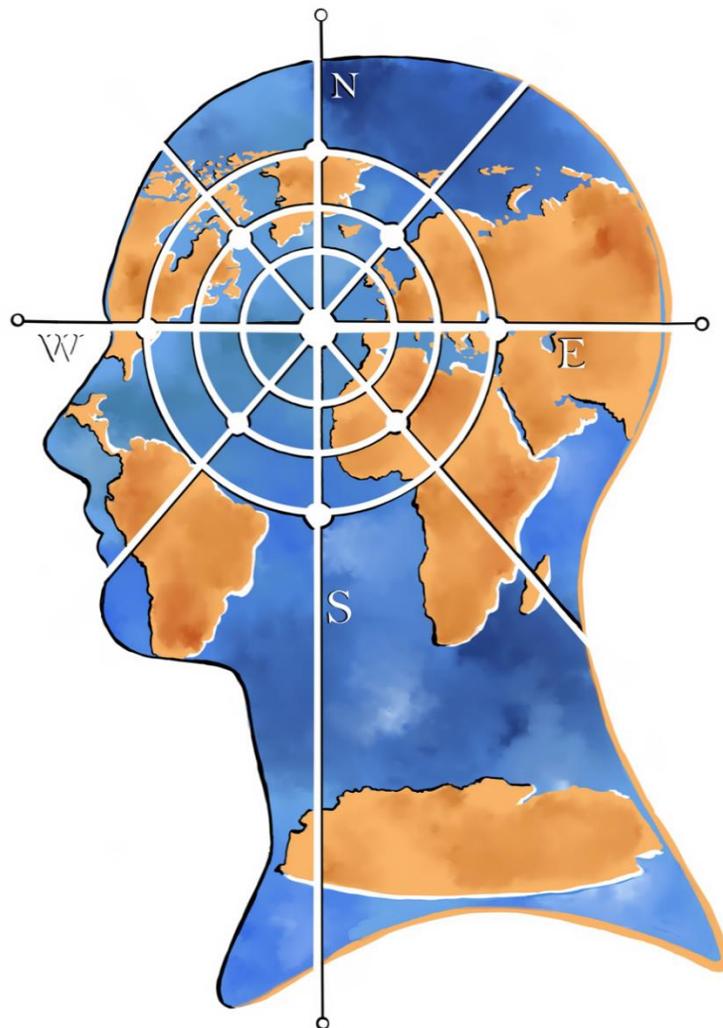


JOURNAL *of* EUROPEAN *and* AMERICAN INTELLIGENCE STUDIES

AN INTERNATIONAL PEER-REVIEWED JOURNAL



Research Institute for European and American Studies - RIEAS
Department of Security and Intelligence Studies - Coastal Carolina University

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The *Journal of European and American Intelligence Studies (JEAIS, formerly the Journal of Mediterranean and Balkan Intelligence – JMBI)* is published by the Research Institute for European and American Studies (RIEAS) under the editorial direction of the Department of Security and Intelligence Studies at Coastal Carolina University. It is an international academic-led scholarly publication that focuses on the field of intelligence and related areas of study and practice, such as terrorism and counterterrorism, domestic and international security, geopolitics, and international relations. The journal's rationale is driven by the global nature of security challenges, where we are called more than ever to communicate and work collaboratively to solve our common problems. Thus, the *JEAIS* aspires to promote an international dialogue between diverse perspectives and experiences, based on original research on the broader European and American practice and study of intelligence. The *JEAIS* is an all-inclusive academic platform that allows accomplished and emerging scholars and practitioners from both the public and private sectors to share their knowledge, ideas and approach to intelligence studies. By crafting each journal issue through a rigorous and highly selective screening process of potential contributors, and an exhaustive review process, the *JEAIS* adheres to its mission, which is three-fold: (a) to provide an equal opportunity for academics and practitioners of intelligence to discuss and challenge established and emerging ideas; (b) to address existent knowledge gaps by advancing new knowledge; and (c) to shape the evolution of intelligence scholarship beyond traditional communities of research.

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Editor's Note

Joseph Fitsanakis

Professor, Department of Intelligence and Security Studies, Coastal Carolina University

As the tumultuous year 2022 comes to a close, the editorial team of the *Journal of European and American Intelligence Studies (JEAIS)* is pleased to present yet another multi-themed issue of our publication. In this tenth issue of *JEAIS*, we have included six carefully reviewed studies that present our readers with a varied and comprehensive analysis of topics that are both timely and relevant. We believe that the subject of relevance is crucial here: never in the post-Cold War environment has the field of intelligence been more pertinent to our lives. The authors of our present issue aptly demonstrate that relevance through their work.

In his well-crafted article, “Counter-Terrorism in the European Union: The Role of Intelligence Co-operation”, Artur Gruszczak, Professor of Social Sciences at Poland’s Jagiellonian University, offers a detailed critique of what he refers to as the “diminished effectiveness in national counter-terrorism efforts” within the European Union. Professor Gruszczak employs a post-functionalist approach in order to trace and analyze the recent transformation of the European Union’s counter-terrorism intelligence cooperation (CTIC) “from the formula of strategic intelligence community to a multifarious conglomerate of bi- and multi-lateral networks.” He concludes that it is not too late or the European Union to mend its CTIC model. However, much work needs to be done to that end, and without delay.

Marco Fais, a highly accomplished analyst with the International Criminal Police Organization (INTERPOL), is an ally of this publication. His work was first hosted in

our pages in Volume 5, Issue 1 of *JEAIS*. Earlier this year, Marco entrusted us with yet another of his articles, which is titled “Recruitment Strategies and Methods of jihadist Groups in the Sahel”. In this article, he returns to his primary focus, which is the intricate mosaic of jihadist militancy in the volatile Sahel region of Africa. Fais points out that Sahelian armed groups place an inordinate amount of attention to recruiting new members. Yet it is wrong to suggest, he argues, that recruitment and retention methods are the same across all jihadist groups. In fact, groups that may operate in the same territory, follow widely differing approaches. For instance, Boko Haram recruits proportionally more children and women than any other group. Other groups, like Al-Qaida in the Land of the Islamic Maghreb (AQIM), tend to recruit mostly male rank-and-file personnel across the ethnic and racial spectrums, but hire commanders locally. Some groups have an international orientation and are staffed largely by a broad range of nationalities. Along with differences, there are common trends, Fais writes: for instance, in highly unstable areas, new recruits join these groups, “not because they believe in the[ir] ideology [...], but out of desperation.” Ultimately, these trends are utilized by the groups’ recruiters, “who are knowledgeable of the dynamics of local societies”, Fais concludes.

In our third article, Taylor Ham, an MA student at the University of Texas’s Center for Russian, East European, and Eurasian Studies, examines the obscure world of Russian Private Military Contractors (PMCs), from the point of view of Russia’s domestic news media. Ham notes that scholarly research has little to say about the way in which the Kremlin’s narratives are utilized to pacify the Russian population. The author focuses on the two most prolific Russian news agencies, RIA Novosti and TASS, and uses critical discourse analysis to identify patterns in their narratives about Russian mercenary operations in the Central African Republic (CAR) between 2016 and 2021. Ham finds that, rather than addressing the presence of PMCs in the CAR, these outlets sought to distract their audiences “from events involving mercenary groups and framed the situation through several core themes, namely beneficial economic and military cooperation, or violence.”

The timely subject of unmanned aerial vehicles (UAVs) and their role in regional conflicts is examined by our fourth author, Dimitrios Kalogiannis, a captain in the Hellenic Armed Forces. In his well-written article, Kalogiannis attempts to establish a link between this new technology and the phenomenon of combat escalation in regional conflicts around the world. He discusses a number of recent and ongoing regional conflicts in order to make the claim that the use of UAVs and other unmanned aerial systems is literally “shap[ing] new dynamics in regional conflicts.” This is likely to continue to happen, Kalogiannis argues, as shown by the propensity of military commanders and policymakers to use UAVs “increasingly aggressively and creatively” in order to “ensure multi-tiered battlefield supremacy in different combat situations.”

The article selection in our present issue includes a guest appearance by Professor Christian Kaunert, who co-manages *JEAIS*' editorship. Professor Kaunert has teamed up with one of his PhD researchers, Kanishka Nawabi, in co-authoring the article: "Pashtuns: Madrassas' Cannon Fodders." The term madrassa refers simply to a school, but Nawabi and Kaunert focus on the historical transformation of madrassas into political organizations in Pakistan and Afghanistan. They argue that the emergence of the Afghan Taliban "is part of the same continuum of madrassa-led policy to instigate political violence against the Afghan state." In fact, the Pashtuns, who form the popular base of the Taliban movement, have been consistently targeted by madrassa-led "religious narratives [aiming] to recruit Pashtuns" to the Taliban, by glorifying violence. Consequently, the role of madrassas in promoting jihad in Pakistan and Afghanistan has been central to the history of that movement, the authors claim.

Our final author is a financial strategist, who employs the methodology of his trade in order to decipher the complex dynamics of the Greek-Turkish rivalry in the eastern Mediterranean. Vasileios Valasakis argues that recent developments in the region present Greece with a unique opportunity to "reposition herself in the peripheral chessboard." But, to do so, the country should seek to expand her territorial shelf to 8.5 miles, while "incorporating the doctrine of Anticipatory First Strike" against Turkey. This is bound to animate Turkey, and may be seen as aggressive, even by Greece's allies, Valasakis concedes. However, he claims that these moves by Athens will ultimately "comprise a dynamic deterrence policy" that will actually enhance dialogue between Greece and Turkey, "safeguard the interests of the Western alliance" and ultimately promote peace and stability in the Mediterranean.

The *JEAIS* editorial team thanks our authors for adding their informed voices to yet another well-timed and insightful issue of this publication. True to its founding mission, *JEAIS* remains responsive to its readership, whose members are encouraged to contact the editorial team with comments, suggestions and criticism about our content.

Counter-Terrorism in the European Union: The Role of Intelligence Co-operation

Artur Gruszczak

Professor of Social Sciences, Jagiellonian University, Krakow, Poland

Abstract

Counter-terrorism policies and practices increasingly depend on the availability, integrity and reliability of data and information on terrorist individuals and groups. Intelligence becomes, then, an intrinsic part of counter-terrorism and must take into account tendencies towards cross-border co-operation in information exchange and inter-institutional sharing of end-products. This is particularly important in the European Union in which shared security interests, as well as integration and co-operation mechanisms, facilitate co-ordination of counter-terrorism efforts. This article aims at analysing the dynamics of counter-terrorism intelligence cooperation (CTIC) in the European Union (EU). It stems from the assumption that intelligence co-operation in the EU has been determined in the past few years, especially after 2015, by four parallel phenomena: (1) a narrow interpretation of the “national security clause” enshrined in the Treaty on EU; (2) internal political fissions within the EU; (3) the insufficient development of practical measures; (4) the growing expectation gap between the needs of EU institutions and the Member States’ deliverables. Framed by post-functionalism, this paper employs the contested solidarity discourse in a process-tracing insight in the recent transformation of the EU’s CTIC. The argument developed throughout the paper points to a reconfiguration of the EU’s intelligence co-operation from the formula of strategic intelligence community to a multifarious conglomerate of bi- and multi-lateral networks. This process has diminished effectiveness in national counter-terrorism efforts. It also has reduced considerably the scale and intensity of international intelligence cooperation within the EU.

Introduction

Counter-terrorism policies and practices increasingly depend on the availability, integrity and reliability of data and information on terrorist individuals and groups. Intelligence becomes, then, an intrinsic part of counter-terrorism and must take into account trends towards cross-border co-operation in information exchange and inter-institutional sharing of end-products. This is particularly important in the EU, in which shared security interests, as well as integration and co-operation mechanisms, facilitate co-ordination of counter-terrorism efforts.

International intelligence cooperation has always been an ambitious, yet risky, venture. Numerous factors determine the scope, contents and effects of such cooperation. All must be taken into consideration when making a decision to start, maintain and shape collaboration in intelligence matters. As part of national security and a state's domestic and foreign policies, intelligence cooperation is primarily a question of national policies and decision-making at the executive level, mostly involving the government and relevant agencies. Considering intelligence cooperation in the context of international relations, it is important to note that it must rely on reciprocity, credibility and mutual confidence. The latter entails the quality (factuality), safeguards and usefulness of data and analyses (products) provided by cooperating entities. Accordingly, it requires that the counterparts adopt dedicated rules, establish appropriate institutions and introduce formal and informal practices.¹

Counter-terrorism intelligence cooperation raises the bar of credibility even higher. Methods, techniques and tools used in counter-terrorism are at times quite controversial and questionable from ethical, political and legal points of view.² Key information may be acquired with the use of secret means and kept under strict confidentiality. Intelligence operations may entail covert actions and clandestine connections, as well as the application of coercive measures.³ Consequently, they require a professional intelligence apparatus possessing specific skills, relevant experience and in-depth knowledge, which make inter-institutional liaisons and intelligence sharing practices feasible.

¹ See James Igoe Walsh, *The International Politics of Intelligence Sharing* (New York: Columbia University Press, 2009): 5-13; Stéphane Lefebvre, "The Difficulties and Dilemmas of International Intelligence Cooperation", *International Journal of Intelligence and Counterintelligence* 16 (2003): 527-42; Chris Clough, "Quid Pro Quo: The Challenges of International Strategic Intelligence Cooperation," *International Journal of Intelligence and Counterintelligence* 17 (2004): 601-13; Jeffrey T. Richelson, "The Calculus of Intelligence Cooperation," *International Journal of Intelligence and Counterintelligence* 4, no. 3 (1990): 307-22; Stephen Lander, "International Intelligence Cooperation: An Inside Perspective," *Cambridge Review of International Affairs* 17, no. 3 (2004): 481-93; Richard J. Aldrich, R. "Global Intelligence Co-operation versus Accountability: New Facets to an Old Problem." *Intelligence and National Security* 24, no. 1 (2009): 26-56; Jonathan N. Brown and Alex Farrington, "Democracy and the Depth of Intelligence Sharing: Why Regime Type Hardly Matters," *Intelligence and National Security* 32, no. 1 (2017): 68-84; Jennifer Sims, "Foreign Intelligence Liaison: Devils, Deals, and Details." *International Journal of Intelligence and Counterintelligence* 19, no. 2 (2006): 195-217; Adam Svendsen, "The Globalization of Intelligence since 9/11: Frameworks and Operational Parameters." *Cambridge Review of International Studies* 21, no. 1 (2008): 131-46.

² See Richard J. Aldrich, "US-European Intelligence Co-operation on Counter-Terrorism: Low Politics and Compulsion," *The British Journal of Politics and International Relations* 11, no. 1 (2009): 132-35.

³ Len Scott, "Secret Intelligence, Covert Action and Clandestine Diplomacy," *Intelligence and National Security* 19, no. 2 (2004): 322-41; Michael Herman, *Intelligence Services in the Information Age: Theory and Practice* (London: Frank Cass, 2001); Abram N. Shulsky and Gary James Schmitt, *Silent Warfare: Understanding the World of Intelligence*, 3rd ed. rev. (Dulles, VA: Potomac Books, 2002): 75-79.

This paper aims to analyse the dynamics of CTIC in the EU. The main argument advanced in this paper suggests that CTIC has lost its momentum in the past few years, wasting to a considerable degree positive effects of joint undertakings of the earlier period. Efforts at stimulating intelligence sharing and producing synergies between the Member States and relevant EU agencies have been largely dispersed and ineffective, especially after 2015. That situation was caused by four parallel phenomena: (1) a narrow interpretation of the “national security clause” enshrined in the Treaty on EU; (2) internal political fissions within the EU; (3) the insufficient development of an EU intelligence tradecraft; (4) the growing expectation gap between EU institutions’ needs and the Member States’ deliverables.

Framed by post-functionalism as a ‘grand theory’ of European integration, this paper employs the contested solidarity discourse in a process-tracing insight in the recent transformation of the EU’s CTIC. It holds that a significant shift in the framing of intelligence cooperation was brought about jointly by the Member States and EU institutions and agencies. It caused a reconfiguration of the EU’s intelligence cooperation from the formula of a strategic intelligence community to a multifarious conglomerate of close bi- and multi-lateral networks. This process has diminished effectiveness of national counter-terrorism efforts. It has also considerably reduced the scale and intensity of intelligence sharing on the EU level.

Intelligence cooperation in the EU

Cooperation in security matters among European states has been predetermined mostly by threats to their national security and opportunities arising from collective efforts and mutual commitments. During the Cold War, the East-West confrontation consolidated West European countries as part of the transatlantic security community led by the United States. Integration processes launched and developed under the security umbrella provided by NATO lacked formal arrangements, which would better-protect the European Communities from old and new threats. Strategic deterrence was strong enough to “keep the Soviets out”, yet it was not sufficient to contain terrorist organisations and crime syndicates. That began to take a toll in the late 1960s. Secret and informal initiatives undertaken at that time by West European countries focused on counterterrorism. The Berne Club, formed in 1969, the Trevi Group, launched in 1976, the Vienna Club and the Police Working Group on Terrorism, set up in the late 1970s, are the most representative examples of the mobilisation of the governments and security services against the wave of terrorism at that time.⁴

The efforts at establishing and developing multilateral cooperation frameworks engaging the majority of West European countries, including all Member States of the European Communities, were supplemented with narrower forms of inter-governmental

⁴ See Aviva Guttman, *The Origins of International Counterterrorism. Switzerland at the Forefront of Crisis Negotiations, Multilateral Diplomacy, and Intelligence Cooperation (1969–1977)* (Leiden-Boston: Brill, 2018).

coordination activities.⁵ Some of them reached beyond Europe, involving key allies like the United States, Canada and Israel.⁶ Those diverse activities had many serious limitations and their effectiveness was relatively low. This applied also to intelligence cooperation, which, while accompanying coordinated efforts to localize, identify and fathom the most dangerous terrorist individuals and organisations, suffered from serious constraints and impediments resulting from secrecy, sensitivity and legal regulations of intelligence sharing.

The EU came into existence as a security community, taking advantage of synergetic connections between its Member States. Intelligence cooperation was determined by formal rules and institutional arrangements agreed between the Member States. It gained momentum only in the late 1990s, with the ambitious project of the formation of European forces capable of carrying out missions and operations under the Common Foreign and Security Policy. A similarly ambitious project was the establishment of the European Police Office (Europol) as a future European law enforcement agency and a criminal intelligence hub.

Essentially, intelligence cooperation emerged at the strategic level, responding to the growing need for an accurate, reliable and multi-source situational assessment contributing to the heightened strategic awareness of vital security policies of the EU and its Member States. It is commonly known, and taken for granted, that the main task of intelligence organizations is to optimize decision-making processes by providing timely, reliable and useful knowledge about key security risks and threats, sensitive to the policy context. Finished intelligence products are based on the collection, collation, processing and analysis of available data, information and other intelligence outputs. The use of intelligence for tactical and operational purposes is considerably reduced in the EU. In other words, it is national security and intelligence services who possess full responsibility of, and capability for, carrying out intelligence activities domestically and abroad. So, we may say that the trigger of collaboration rests in the domain of national security, while forms of international or cross-border co-operation emerge as isomorphic patterns of domestic intelligence settings. However, transnational forms and mechanisms may have a significant impact on national intelligence structures when sufficient synergy effects are produced by contributing national units. Something like that has been developed in the EU as a networked structure of intelligence hubs aspiring to advance autonomous capacities based on national inputs, EU's own resources (acquired by relevant agencies and bodies) and open source intelligence.⁷

⁵ Mathilde von Bülow, "Franco-German Intelligence Cooperation and the Internationalization of Algeria's War of Independence (1954–62)," *Intelligence and National Security* 28, no. 3 (2013): 397–419; Don Munton and Miriam Matejova, "Spies without Borders? Western Intelligence Liaison, the Tehran Hostage Affair and Iran's Islamic Revolution," *Intelligence and National Security* 27, no. 5 (2012): 739–60.

⁶ Aviva Guttman, "Combatting terror in Europe: Euro-Israeli counterterrorism intelligence cooperation in the Club de Berne (1971–1972)," *Intelligence and National Security* 33, no. 2 (2018): 158–175; Aviva Guttman, "Secret Wires Across the Mediterranean: The Club de Berne, Euro-Israeli Counterterrorism, and Swiss 'Neutrality'," *The International History Review* 40, no. 4 (2018): 814–33; Adam D. M. Svendsen, "Re-fashioning Risk: Comparing UK, US and Canadian Security and Intelligence Efforts against Terrorism," *Defence Studies* 10, no. 3 (2010): 307–35.

⁷ See Artur Gruszczak, *Intelligence Security in the European Union. Building a Strategic Intelligence Community* (London – New York: Palgrave Macmillan, 2016).

From that perspective, terrorism may be seen in three contexts:

• **A criminal offence, subject to cooperation in the fields of law enforcement and criminal justice.** The 2017 directive on combating terrorism⁸ designates terrorism as a criminal offence. Therefore, it is a subject of cooperation between relevant law enforcement services and judicial authorities in criminal matters.⁹ It follows that the activities on the EU level combine elements of strategic intelligence with operational intelligence support for national law enforcement authorities in EU Member States. In addition, Europol has been endowed with most of the powers in the area of criminal intelligence. It has not only developed its internal intelligence capabilities, focused on strategic intelligence products, such as SOCTA, iOCTA and TE-SAT, but also established and extended co-operation and exchange mechanisms and communication channels with other relevant EU bodies, primarily: Eurojust, Frontex and the EU Intelligence Analysis Centre (INTCEN).¹⁰ Agreements with non-EU states and organisations, such as the United States or Interpol, have included criminal information sharing.¹¹ This is why Rob Wainwright, the former director of Europol, depicted this agency as “a multilateral hub for law enforcement cooperation in Europe”.¹²

• **A security threat, both endogenous and originating outside the EU.** Security threats are managed by the use of mechanisms and instruments of early warning and situational intelligence. Crises and emergencies, including those provoked by terrorist threats and actions, fall within the remit of the EU’s crisis management capabilities. They seek to prepare and implement a coordinated response from the EU to disasters, terrorist attacks and non-military crises emerging within the territory of Member States. EU Emergency Crisis Co-ordination Arrangements scheme was established in 2006 with a view to the provision of rapid and co-ordinated EU horizontal policy responses to serious crises. It has enabled Member States, through their permanent representatives in Brussels, to exchange information and co-ordinate actions in case of an emergency, or an extremely serious crisis affecting several Member States. The Commission’s ARGUS —a rapid alert network linking together early warning systems— provides a platform for a speedy

⁸ “Directive (EU) 2017/541 of the European Parliament and of the Council of 15 March 2017 on combating terrorism and replacing Council Framework Decision 2002/475/JHA and amending Council Decision 2005/671/JHA,” *Official Journal of the European Union* L 88 (31 March 2017).

⁹ See Christine Andreeva, “The EU’s counter-terrorism policy after 2015—“Europe wasn’t ready”—“but it has proven that it’s adaptable,” *ERA Forum* 20, no. 3 (2020): 343-70.

¹⁰ Christian Kaunert, “Europol and EU Counterterrorism: International Security Actorness in the External Dimension,” *Studies in Conflict & Terrorism* 33, no. 7 (2010): 652-71; Madalina Busuioc and Martijn Groenleer, “Beyond Design: The Evolution of Europol and Eurojust,” *Perspectives on European Politics and Society* 14, no. 3 (2013): 285-304; Stephen Rozée, Christian Kaunert and Sarah Léonard, “Is Europol a Comprehensive Policing Actor?,” *Perspectives on European Politics and Society* 14, no. 3 (2013): 372-87.

¹¹ Julia Jansson, “Building resilience, demolishing accountability? The role of Europol in counter-terrorism,” *Policing and Society* 28, no. 4 (2018): 432-47; Helena Carrapiço and Florian Trauner, “Europol and its Influence on EU Policy-making on Organized Crime: Analyzing Governance Dynamics and Opportunities,” *Perspectives on European Politics and Society* 14, no. 3 (2013): 366-68.

¹² Rob Wainwright, *The future of the EU internal security after 2014: Will the UK remain a major player?*. Speech at the European Institute, University College of London, June 2012. Accessed 13 June 2012 at: <http://www.ucl.ac.uk/european-institute/highlights/europol>. See also Björn Fägersten, “Bureaucratic Resistance to International Intelligence Cooperation – The Case of Europol,” *Intelligence and National Security* 25, no. 4 (2010): 500-20; Oldrich Bureš, “Intelligence sharing and the fight against terrorism in the EU: lessons learned from Europol,” *European View* 15 (2016): 57–66.

information exchange and streamlining. The adoption of the EU Integrated Political Crisis Response (IPCR) arrangements in 2013 was another considerable effort to consolidate the fluctuant EU crisis management architecture. The Lisbon Treaty introduced an EU-wide mechanism of a direct response to terrorist attacks. Enshrined in Article 222 TFEU is the so-called solidarity clause, which commits the Union and its Member States to act jointly if a Member State is the object of a terrorist attack or the victim of a natural or human-made disaster.¹³ Although it has not been activated yet, the clause comprises mechanisms of multilateral cross-border intervention with the use of special intervention units of the Member States, including counter-terrorism units belonging to the Atlas network.¹⁴

- **A risk factor accompanying external dimensions of EU activities, focused in particular on Common Foreign and Security Policy (CFSP) and Common Security and Defence Policy (CSDP)**

Missions and operations abroad, especially those deployed in elevated risk areas that are prone to terrorist threats, must be given appropriate intelligence support. Military intelligence in the EU is directly and thoroughly bound up with the CSDP. It aims to facilitate an appropriate response to the demands of modern crisis management, military interoperability and the requirement capabilities for Petersberg missions. It has been largely dependent on defence intelligence organisations from Member States in terms of the availability, quality, usability, delivery and secrecy of processed information and intelligence. On the EU level, military intelligence belongs in the domain of the European External Action Service (EEAS). The European Union Military Staff (EUMS) is the core element of that security and defence hub. Its Intelligence Directorate is tasked to provide intelligence support to early warning and situation assessment, as well as to crisis response planning and assessment for operations and exercises. It relies principally on classified contributions from the military intelligence services of Member States. It works closely with INTCEN¹⁵, which is an EEAS body under the authority of HR/VP processing and analysing sensitive information delivered by civilian intelligence services from Member States. Intelligence Directorate and INTCEN jointly use the mechanism of Single Intelligence Analysis Capacity (SIAC) for the production of multi-source intelligence reports.

¹³ Antonio-Maria Martino, "The 'Solidarity Clause' of the European Union – Dead Letter or Enabling Act?," *SIAC-Journal – Journal for Police Science and Practice* 6 (2016): 40-51; Antonio Muñoz Aunión, "The Solidarity Clause in the European Union Treaty as a Human Security Vector. A Farewell to Terrorism or Legitimization of Inference in Internal Affairs?" *Europolity* 10, no. 1 (2016); Marie Fuchs-Drapier, "The European Union's Solidarity Clause in the Event of a Terrorist Attack: Towards Solidarity or Maintaining Sovereignty?" *Journal of Contingencies and Crisis Management* 19, no. 4 (2011); Roderick Parkes, "Migration and terrorism: the new frontiers for European solidarity," *ISS Brief* no. 37 (2015), accessed 26 September 2015 at: https://www.files.ethz.ch/isn/195209/Brief_37_Article_222.pdf

¹⁴ Christoph Lippay (ed.), *The Atlas-Network - European Special Intervention Units Combating Terrorism and Violent Crime* (Edewecht: Stumpf und Kossendey Verlag: 2021).

¹⁵ Rubén Arcos and José-Miguel Palacios, "EU INTCEN: A transnational European culture of intelligence analysis?," *Intelligence and National Security* 35, no. 1 (2020): 72-94; Ma' a K. Davis Cross, "A European Transgovernmental Intelligence Network and the Role of IntCen," *Perspectives on European Politics and Society* 14, no. 3 (2013): 388-402; John M. Nomikos, "European Union Intelligence Analysis Centre (INTCEN): Next stop to an Agency?," *Journal of Mediterranean and Balkan Intelligence* 4, no. 2 (2014): 5-13.

Reasons for the Trouble With an Effective CTIC.

The feeble response of the EU to terrorist threats and actions in the 1990s was indicative of legal restraints and practical shortcomings of the largely inter-governmental cooperation in the area of security.¹⁶ The dramatic terrorist attack on the United States on 11 September 2001 (9/11) marked a significant shift from a dispersed informal coordination, mostly based on bi-lateral agreements or non-EU working arrangements, to an intense co-operation within the EU's legal and institutional frameworks. This did not embrace the intelligence field, however. Information exchange and intelligence sharing on terrorism still was subject to informal deals, tacit agreements and ad hoc coordinated actions. The United States played an active role in involving European counterparts in intelligence support to the global war on terrorism through bilateral agreements with most EU Member States and multilateral arrangements such as 'Five Eyes' (signals intelligence and electronic surveillance), the SAG Group (international criminal issues), the Alliance Base (Islamist radicalism) or the TFTP/SWIFT programme (countering the financing of terrorism).¹⁷ A new stimulus for the EU came with the terrorist attacks in Madrid in 2004 and London in 2005. The European Council called upon the Member States "to improve mechanisms for cooperation and the promotion of effective systematic collaboration between police, security and intelligence services", as well as to simplify the exchange of information and intelligence between law enforcement authorities, focusing on proactive intelligence.¹⁸ It decided to establish the position of Counter-Terrorism Coordinator to consolidate EU-wide activities in the field of the prevention and countering of terrorism.¹⁹

In the aftermath of the terrorist attacks in London, the Council of the EU adopted a European criminal intelligence model inspired by the UK's national intelligence model based on the principles of intelligence-led policing.²⁰ In November 2005 the Council endorsed the European Union Counter-Terrorism Strategy, which encouraged the Member States to exchange information and intelligence collected and analysed at the

¹⁶ Monica Den Boer, "The fight against terrorism in the second and third pillars of the Maastricht Treaty: complement or overlap?" in Fernando Reinares (ed.), *European Democracies against Terrorism: Governmental Policies and Intergovernmental Cooperation* (Aldershot, UK – Brookfield, VT: Ashgate: 2000).

¹⁷ Richard J. Aldrich, "US–European intelligence co-operation on counterterrorism: Low politics and compulsion," 130–131; Wyn Rees, *Transatlantic counter-terrorism cooperation. The new imperative* (Abingdon and New York: Routledge 2006); Wyn Rees, "WEU-US cooperation on counter-terrorism and the internationalisation of law enforcement," in M. Cremona, J. Monar and S. Poli (eds.), *The external dimension of the European Union's area of freedom, security and justice* (Brussels: P.I.E. Peter Lang, 2011).

¹⁸ European Council, "Declaration on Combating Terrorism, Brussels, 25 March 2004," accessed 20 March 2022 at: https://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/ec/79637.pdf

¹⁹ Oldrich Bures, "The Counterterrorism Coordinator and the Commissioner for the Security Union: Does the European Union Need Two Top-level Counterterrorism Officials?," *Terrorism and Political Violence* online first (2020), accessed 11 May 2020 at: <https://doi.org/10.1080/09546553.2020.1730329>; Alex Mackenzie, Oldrich Bures, Christian Kaunert and Sarah Leonard, "The European Union Counter-Terrorism Coordinator and the External Dimension of the European Union Counter-Terrorism Policy," *Perspectives on European Politics and Society* 14, no. 3 (2014): 337.

²⁰ Artur Gruszczak, "EU Criminal Intelligence Model - Problems and Issues", in Joanna Beata Banach-Gutierrez and Chris Harding (eds.), *EU Criminal Law and Crime Policy. Values, Principles and Methods* (London – New York: Routledge, 2016): 155-56; Steven J. Ryder, "European Criminal Intelligence," in Jan-Hendrik Dietrich and Satish Sule (eds.), *Intelligence Law and Policies in Europe. A Handbook* (München: Verlag C.H. Beck, 2019).

national level by the competent authorities.²¹ In December 2006 the Council, following a Swedish initiative, adopted the framework decision on simplifying the exchange of information and intelligence between law enforcement authorities of the EU's Member States.²²

Terrorist attacks in Madrid and in London caused political mobilisation in most EU Member States, but over time brought a routinisation of counter-terrorism cooperation.²³ The exchange of information and intelligence sharing either collided with national rules and limitations, or were slowly transposed into domestic legislation.²⁴ As Monica den Boer aptly observed, “on the one hand, there is a strong encouragement of central coordination, professionalization, standardization and management, which could be characterized as a ‘verticalization’ of intelligence. On the other hand other logics are at work which encourage networking, interoperability and the exercise of discretionary autonomy, thus leading to a ‘horizontalization’ of intelligence”.²⁵

The wave of terrorist attacks in Europe, which was inspired, and usually perpetrated, by the Islamic State of Iraq and al-Sham (ISIL) was a crude awakening for the EU and its Member States. It coincided with the migration crisis and concerns raised by uncontrolled inflow of migrants and refugees from the Middle East and North Africa. Jihadist attacks by foreign terrorist fighters in France and Belgium in 2015-2016 again exposed the weaknesses of the intelligence co-operation in the EU. According to David Omand, “a French parliamentary commission of inquiry into the Paris attacks concluded that Europe was not up to the task of fighting terrorism, identifying failures in French intelligence and in the communication between intelligence and law enforcement bodies. Belgian authorities have accepted that their counterterrorism policies are inadequate: the Belgian interior and justice ministers offered their resignations over the evident failures in Belgian intelligence.”²⁶

²¹ Council of the EU, “The European Union Counter-Terrorism Strategy”, doc. 14469/4/05, Brussels, 30 November 2005.

²² “Council Framework Decision 2006/960/JHA of 18 December 2006 on simplifying the exchange of information and intelligence between law enforcement authorities of the Member States of the European Union,” *Official Journal of the European Union* L 386 (29 December 2006).

²³ See Christian Kaunert and Sarah Léonard, The collective securitisation of terrorism in the European Union,” *West European Politics* 42, no. 2 (2019): 271-72. Comp. Javier Argomaniz, *Post-9/11 European Union Counter-terrorism: Politics, Polity and Policies* (Abingdon and New York: Routledge, 2011); Raphael Bossong, *The Evolution of EU Counter-terrorism: European Security Policy after 9/11* (Abingdon and New York: Routledge, 2013).

²⁴ See Oldrich Bures, *EU counterterrorism policy: a paper tiger?* (Farnham and Burlington: Ashgate, 2011): 140. Comp. Doran Zimmermann, “The European Union and Post-9/11 Counterterrorism: A Reappraisal,” *Studies in Conflict & Terrorism* 29, no. 2 (2006): 133-34; Thomas Renard, *EU Counterterrorism Policies and Institutions After the Lisbon Treaty* (New York: Center on Global Counterterrorism Cooperation, 2012).

²⁵ Monica Den Boer, “Counter-Terrorism, Security and Intelligence in the EU: Governance Challenges for Collection, Exchange and Analysis,” *Intelligence and National Security* 30, no. 2-3 (2015): 413. See also Jörg Monar, “The EU as an International Counter-terrorism Actor: Progress and Constraints,” *Intelligence and National Security* 30, no. 2-3 (2015): 333-56; Javier Argomaniz, Oldrich Bures and Christian Kaunert (eds.), *EU Counter-Terrorism and Intelligence. A Critical Assessment* (Abingdon and New York: Routledge, 2016); Artur Gruszczak, *Intelligence Security in the European Union. Building a Strategic Intelligence Community*, 274-277.

²⁶ David Omand, “Keeping Europe Safe: Counterterrorism for the Continent”, *Foreign Affairs* 95, no. 5 (September/October 2016): 83-84.

Presumably, the elevated risks and direct threats to the EU's security provoked by jihadist terrorism, migration crisis and conflict hotspots in Europe and other continents would contribute to a better coordination and a stronger commitment to intelligence cooperation. However, this did not happen and led to pessimistic assessments of EU capabilities in that field.

The main formal obstacle to the deepening of intelligence sharing has been a narrow interpretation of the “national security clause”, as enshrined in Article 4.2. of the Treaty on European Union (TEU).²⁷ In the context of the Edward Snowden affair, the Central Intelligence Agency (CIA) secret flights in Europe and discrepancies in counter-terrorism intelligence exchange, some initiatives of setting up a European intelligence service were voiced in the public discussion by EU officials and representatives of some Member States.²⁸ However, relevant European Commissioners, the High Representative/Vice President of the Commission, the head of INTCEN and Council officials consistently stated that intelligence fell within the remit of national security and as such should avoid exerting any impact on EU policies which are not related to national security of the Member States. The Council invoked the provision of Article 4.2. TEU and decisively argued that “the work of Member States’ intelligence agencies for national security matters remains the sole responsibility of Member States”.²⁹ Irrespective of controversies surrounding the interpretation and implementation of relevant provisions of EU law,³⁰ national and supranational stakeholders of EU intelligence cooperation have recurrently invoked the national security clause to justify unwillingness or incapability to deliver relevant information or share intelligence products.

It is a common opinion that the “real work” in intelligence cooperation is done through the intergovernmental channels set outside the EU's legal and institutional framework.³¹ The Counter Terrorism Group (CTG) has been the most relevant venue for the informal exchange of information, expertise and operational support. It was set up in the aftermath of the terrorist attacks of 9/11 in response to a recommendation adopted by Justice and Home Affairs Ministers of the EU on 20 September 2001.³² The CTG was

²⁷ “[The Union] shall respect essential State functions [of its Member States], including ensuring the territorial integrity of the State, maintaining law and order and safeguarding national security. In particular, national security remains the sole responsibility of each Member State.”

²⁸ See Artur Gruszczak, *Intelligence Security in the European Union. Building a Strategic Intelligence Community*, 274-77; José-Miguel Palacios, “EU intelligence: On the road to a European Intelligence Agency?,” in Jan-Hendrik Dietrich and Satish Sule (eds.), *Intelligence Law and Policies in Europe. A Handbook* (München: Verlag C.H. Beck, 2019); John M. Nomikos, “European Intelligence Cooperation: A Greek Perspective,” *National Security and the Future* 22, no. 1-2 (2021): 80-81.

²⁹ European Parliament, “Reply (17 June 2013) to the question for written answer E-001671/13 to the Council Inês Cristina Zuber (GUE/NGL) and João Ferreira (GUE/NGL) (18 February 2013),” *Official Journal of the European Union* C 371 E (18 December 2013).

³⁰ See an excellent analytical paper by Satish Sule, “National Security and EU law restraints on Intelligence Activities,” in Jan-Hendrik Dietrich and Satish Sule (eds.), *Intelligence Law and Policies in Europe. A Handbook* (München: Verlag C.H. Beck, 2019).

³¹ Christine Andreeva, “The evolution of information-sharing in EU counter-terrorism post-2015: a paradigm shift?,” *Global Affairs* 7, no. 5 (2021); Oldrich Bures, “Informal counterterrorism arrangements in Europe: Beauty by variety or duplicity by abundance?,” *Cooperation and Conflict* 47, no. 4 (2012): 495-518.

³² See point 14 of Conclusions adopted by the Council on 20 September 2001: “The cooperation and information exchange between [the Security and Intelligence] services must be intensified. In order to speed up this process the heads of those services of the Member States of the European Union will meet on a regular basis to start before 1 November 2001. They will take without delay the necessary steps to further improve their cooperation.” Council of the EU, “Conclusions adopted by

formed by the members of the Bern Club (Club de Berne), an informal forum of 30 Western European security and intelligence agencies established in 1969 to discuss terrorism-related risks and threats.³³ It works under the chairmanship of the country holding the EU Council Presidency. The CTG's tasks include the deepening the co-operation between the domestic intelligence services, improvement of the exchange of information, and strengthening co-ordination with relevant EU institutions and agencies. The Group's members exchange regularly and intensively information, joint analytical reports and threat assessments with the aim of countering terrorism.

In a direct reaction to the terrorist attacks in France in 2015, the cooperation within the CTG was structured, permanent representatives and liaison officers were seconded to CTG permanent office in The Hague.³⁴ A common operative platform embracing CTG database and a communication network were established.³⁵ Gaps in the sharing of key intelligence which were evidenced by a series of terrorist attacks across the EU prompted a more systemic response. In 2016 EU Justice and Home Ministers agreed to start an exchange between the CTG and Europol in areas of common interest on a regular basis. The European Counter-Terrorism Centre established in January 2016 within Europol became the main institutional counterpart for the CTG. The EU Counter-Terrorism Coordinator reported still in April 2018 that "Europol and the Counter-Terrorism Group (CTG) continue to explore possibilities for cooperation".³⁶ However, there several joint workshops on key counter-terrorism issues were co-organised by Europol and the CTG in the late 2010s. Moreover, Europol hosted several fact-finding missions and workshops with the participation of interested CTG member services, focusing on such areas as terrorist foreign fighters, online terrorist propaganda and extremism, and terrorism financing.³⁷ Consultations between EU institutions and CTG were extended in 2020. The European Commission held informal talks with the CTG Presidency on a mechanism of coordination and consultation of some specific matters, such as a list of suspected foreign terrorist fighters.³⁸ CTG also cooperates with the EU INTCEN.³⁹

the Council (Justice and Home Affairs) Brussels, 20 September 2001," doc. SN 3926/6/01 REV 6, accessed 20 March 2022 at: https://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/jha/ACF6BA.pdf

³³ Aviva Guttman, "Combatting terror in Europe: Euro-Israeli counterterrorism intelligence cooperation in the Club de Berne (1971–1972)," 158–59.

³⁴ Christine Andreeva, "The evolution of information-sharing in EU counter-terrorism post-2015: a paradigm shift?," 766.

³⁵ Raffaello Pantucci, "A View from the CT Foxhole: Gilles de Kerchove, European Union (EU) Counter-Terrorism Coordinator," *CTC Sentinel* 13, no. 8 (2020): 15; "Fragen von Andrej Hunko an die Bundesregierung Donnerstag, 28. April 2016. Mündliche Frage zur Verbesserung des „informationstechnischen Erkenntnisaustausches" durch die informelle Geheimdienstgruppe "Counter Terrorism Group" (CTG)," accessed 20 March 2022 at: <https://www.andrej-hunko.de/bt/fragen/3089-muendliche-frage-zur-verbesserung-des-informationstechnischen-erkenntnisaustausches-durch-die-informelle-geheimdienstgruppe-counter-terrorism-group-ctg>.

³⁶ Council of the EU, "JHA agencies' role in counter-terrorism," doc. 6146/18 ADD 1 EXT 1, Brussels, 6 April 2018.

³⁷ "Answer given by Ms Johansson on behalf of the European Commission (26.2.2020)," accessed 20 March 2022 at: https://www.europarl.europa.eu/doceo/document/E-9-2019-004226-ASW_EN.html

³⁸ Council of the EU, "Defining a process for entering information from third countries on suspected non-EU terrorists in the Schengen Information System," doc. 11564/20, Brussels, 7 October 2020, 2, 4.

³⁹ "Communication from the Commission to the European Parliament, the European Council and the Council. Enhancing security in a world of mobility: improved information exchange in the fight against terrorism and stronger external borders," doc. COM(2016) 602 final, Brussels, 14 September 2016.

Apart from the legal restrictions, which push the Member States towards informal arrangements and tacit accords, other reasons for the declining effectiveness of EU intelligence cooperation may be found in three parallel phenomena: (1) internal political fissions within the EU; (2) the insufficient development of practical measures; (3) the growing expectation gap between EU institutions' needs and the Member States' deliverables.

Internal Political Fissions Within the EU.

Recent years have witnessed deepened divisions between EU Member States and sharpened differences over EU security policies. They were reflected also in matters of intelligence cooperation. Even though the EU gave up the controversial idea of establishing a European intelligence body (the last proposal by Jean-Claude Juncker voiced in September 2017 had no follow-up), Member States have not been fully convinced of indispensability of advanced collaboration in information analysis and intelligence sharing. Controversies over the rule-of-law principle in Poland and Hungary and the defiant position taken by the governments of both states have caused a breach in the community of European democratic states and largely reduced the level of cooperation in intelligence matters. Heightened intelligence and espionage activities of foreign services, mainly of Russia and China, have threatened secure communication and confidentiality in the works of EU institutions and Member States' representatives. An example of this is the investigation in May 2020 of potential Chinese espionage at Malta's embassy in Brussels with the use of surveillance equipment installed by a Chinese construction company during the renovation of the embassy building in 2007.⁴⁰ Given that, in a time of pandemic, the Permanent Representations of the Member States to the EU (PermReps) had to communicate online or by videoconferences with EU institutions, the risk that non-authorised third-country personnel could eavesdrop confidential meetings and even intercept sensitive documents raised concerns among several Member States and MEPs.

On this occasion, a dispute over responsibility for protection of Brussels-based facilities of EU institutions and agencies sparked off between High Representative/Vice President Josep Borrell, Executive Vice President Valdis Dombrovskis and the Belgian government. There was also a disagreement about how to exclude Chinese intelligence agents from lobbying groups at EU institutions and think tanks advising EU officials.⁴¹

Moreover, links of top intelligence and security officials in Austria and Germany with far-right groups, many of them having connections with Russia, undermined trust in state agencies domestically and abroad. In Austria rightwing Chancellor Sebastian Kurz, representing the conservative People's Party, grappled with a junior coalition partner, the far-right Freedom Party's close ties with Russia. A cooperation agreement signed in 2016 between the Freedom Party and Vladimir Putin's United Russia was followed by

⁴⁰ Andrew Rettman, "Belgium confirms probe into China-Malta spy threat," *EU Observer*, 19 May 2020, accessed 23 May 2020 at: https://euobserver.com/foreign/148409?utm_source=euobs&utm_medi

⁴¹ Corporate Europe Observatory, "Follow the New Silk Road: China's growing trail of think tanks and lobbyists in Europe," accessed 19 April 2019 at: <https://corporateeurope.org/en/2019/04/follow-new-silk-road-chinas-growing-trail-think-tanks-and-lobbyists-europe>.

the development of economic ties in the energy and banking sectors⁴², and by Putin's official visit to Vienna in June 2018.

In February 2018, the Austrian federal police made a raid on the headquarters of the BVT domestic intelligence agency and seized classified files. August Hanning, a former head of Germany's foreign intelligence service (Bundesnachrichtendienst, BND), warned at the time that: "It is essential for international intelligence sharing that all sides can be sure their sensitive information is secure with a partner service. Secrecy must be maintained. That is, of course, incredibly difficult when you have such a situation in Austria".⁴³ He also expressed concerns about close ties between senior Austrian politicians, including members of the government, and Russia. The most controversial evidence, widely covered by the media, was the attendance of the Russian president Putin of the wedding ceremony of Karin Kneissl, then Austria's foreign minister. The day before the wedding, *The Washington Post* reported that several Western intelligence agencies had stopped sharing sensitive information with Austria, for fear that Austria might pass their secrets to the Kremlin.⁴⁴

Another spy scandal was revealed in November 2019 by Austrian prosecutors in Salzburg. They charged a retired army colonel with spying for the Russian GRU military intelligence for at least 25 years. He allegedly provided comprehensive information on weapons systems and the assignment of tasks of the Austrian armed forces. He continued to work for Russian military intelligence (GRU) even after he retired, being part of a spy network.⁴⁵

In Germany, the head of the MAD military counterintelligence agency, Christof Gramm, was dismissed in September 2020 because the agency on his watch had repeatedly failed to monitor and detect extremism of a "shadow army" within the armed forces.⁴⁶ In Poland and Hungary the 'democratic backsliding' towards 'illiberal political regimes' raised concerns about politicisation of intelligence services and their professionalism and accountability.⁴⁷

⁴² Andrew S. Weiss, *With Friends Like These: The Kremlin's Far-Right and Populist Connections in Italy and Austria* (Washington, DC: Carnegie Endowment for International Peace, 2020): 5.

⁴³ Jamie Dettmer, "Former German Spy Chief Warns of Perils of Intel Sharing With Austria," *VOA*, 23 August 2018, accessed 1 September 2018 at: <https://www.voanews.com/a/former-german-spy-chief-warns-of-perils-of-intelligence-sharing-with-austria/4541166.html>.

⁴⁴ Souad Mekhennet and Griff Witte, "Austria's far-right ordered a raid on its own intelligence service. Now allies are freezing the country out," *The Washington Post*, 17 August 2018, accessed 20 March 2022 at: https://www.washingtonpost.com/world/national-security/austrias-far-right-government-ordered-a-raid-on-its-own-intelligence-service-now-allies-are-freezing-the-country-out/2018/08/17/d20090fc-9985-11e8-b55e-5002300ef004_story.html.

⁴⁵ Reuters Staff, "Austria charges retired army colonel with spying for Russia for decades," *Reuters*, 8 November 2019, accessed 20 March 2022 at: <https://www.reuters.com/article/uk-austria-russia-spy-idUKKBN1XI21T>.

⁴⁶ Katrin Benhold, "Germany Dismisses Military Intelligence Official After Neo-Nazi Scandals," *The New York Times*, 24 September 2020, accessed 20 March 2022 at: <https://www.nytimes.com/2020/09/24/world/europe/germany-military-intelligence.html>; Cristina Burack, "Germany: Over 500 right-wing extremists suspected in Bundeswehr," *Deutsche Welle*, 26 January 2020, accessed 20 March 2022 at: <https://www.dw.com/en/germany-over-500-right-wing-extremists-suspected-in-bundeswehr/a-52152558>.

⁴⁷ See Richard J. Aldrich and Daniela Richterova, "Ambient accountability: intelligence services in Europe and the decline of state secrecy," *West European Politics* 41, no. 4 (2018): 1012-15; Artur Gruszczak, "The Polish Intelligence Services and Security Dilemmas of a Frontline State," *Revista Română de Studii de Intelligence / Romanian Intelligence Studies Review* no. 17-18 (2017): 65-80.

The Insufficient Development of an EU Intelligence Tradecraft.

The issue of intelligence education is particularly important for every form and content of international cooperation. Specific intelligence tradecraft, comprising knowledge, expertise, communication, skills and competences, needs to be developed in order to mitigate systemic differences (in culture, law, politics, language, technology) and stimulate synergetic connections between intelligence authorities and services. EU Member States have developed some forms of loose exchange of training and expertise building on the existing, largely informal, collaboration schemes, such as the Berne Club/Counter-Terrorism Group. On the EU level, there are varied collaborative schemes maintained and administered mostly by relevant EU agencies, such as Europol (especially in ECTC, through the CONAN project), CEPOL (dedicated courses and seminars/webinars), EUSC (geospatial intelligence) and Frontex (thematic training, parts of core curricula). Such variety, dispersion and multi-level positioning of intelligence professionalisation activities within the EU does not help to provide better training opportunities for an effective tackling of the most serious threats to the EU's security, including terrorism. The intensification of terrorist activities, transnational serious organised crime and cyberthreats in the middle of the 2010s provoked some initiatives for the consolidation of the scattered professionalisation and training capabilities and the tightening of intelligence bonds on various levels.

Currently, the best known initiative is that of an Intelligence College in Europe (ICE). In a widely quoted speech at the Sorbonne University in Paris in September 2017, the French President Emmanuel Macron outlined his vision for a new, strong and sovereign Europe, endowed with significantly more powers, capable of coping effectively with the many challenges facing European states and societies. He proposed to foster a common security culture and expand it, in the fight against terrorism, to intelligence services from all European countries. He stated: "I thus want a European Intelligence Academy to be created, to strengthen the ties between our countries through training and exchanges".⁴⁸

As a result of intergovernmental consultations, the new initiative, baptized the Intelligence College in Europe, was inaugurated in Paris in March 2019 in the presence of representatives of 66 intelligence services from 30 European countries (all members of the Counter Terrorism Group). It was envisaged as a space for reflection, sharing and outreach, laying foundations for a common strategic culture between national intelligence communities.

Under Croatia's Presidency, a meeting took place in Zagreb in February 2020, with the aim of putting a more formal shape to ICE as an intergovernmental network dedicated to intelligence education and sharing. A letter of intent was signed there by representatives of 23 participating countries as a pledge of support to the mission and objectives of the Academy as a voluntary, non-prescriptive "platform for reflection,

⁴⁸ "Sorbonne speech of Emmanuel Macron - Full text / English version," *Ouest France*, 26 September 2017, accessed 5 May 2021 at: <http://international.blogs.ouest-france.fr/archive/2017/09/29/macron-sorbonne-verbatim-europe-18583.html>.

sharing and outreach”.⁴⁹ The College’s mandate is to stimulate professional and academic views on a wide range of intelligence-related topics and disseminate the outcomes of such reflection with the intention of contributing to the development of a strategic intelligence culture in Europe.

For the time being, ICE’s Permanent Secretariat has organised several events in the form of seminars, webinars and round-table debates, aimed at providing a space for debate and exchange between representatives of intelligence services, academia and society, when possible. In October 2021, the first academic course was offered as part of an ICE Executive Programme. It was organised in Madrid and attended by 21 participants from both intelligence agencies and academic institutions.⁵⁰ Nevertheless, ICE’s activities seem to be sporadic and reduced to occasional minor events, primarily single undertakings organised by individual member states, with which ICE has been affiliated. The College has not improved ‘actionable’ (operational) knowledge, nor has it stimulated working meetings on ‘actionable’ aspects of intelligence.⁵¹ The Letter of Intent stipulates that the College “is not an operational platform, an intelligence sharing forum”. This means that some practice-driven educational and training activities in such fields as counter-terrorism intelligence sharing reach beyond ICE’s remit and prospects for running them at a coordinated European level are bleak.

The Growing Expectation Gap Between EU Institutions and Member States

The EU has aspired to play a vital role in a fragile world. The Global Strategy set ambitious political tasks for the EU: “to promote peace and guarantee the security of its citizens and territory where internal and external security are ever more intertwined.” Terrorism was perceived as one of the biggest challenges and the source of insecurity. Therefore, “greater information sharing and intelligence cooperation between Member States and EU agencies” was proposed as a form of increased investment in counter-terrorism.⁵² Against that backdrop, the Commission in the Communication on the EU Security Union strategy, issued in July 2020, painted a rosy picture claiming that: “Much progress has been made to improve the exchange of information and intelligence cooperation with Member States and to close down the space in which terrorists and criminals operate.” However, a spoonful of tar is found in a barrel of honey: “Fragmentation remains”.⁵³ This is an elegant way of expressing substantial deficits and serious shortcomings.

⁴⁹ “Collège du Renseignement en Europe. Activités,” accessed 5 May 2021 at: <https://www.intelligence-college-europe.org/?lang=fr#activities>.

⁵⁰ “Launch of the Academic Programme in Madrid,” October 2021, accessed 20 March 2022 at: <https://www.intelligence-college-europe.org/launch-of-the-academic-programme-in-madrid/>

⁵¹ This does not preclude, however, that this matter has been discussed during confidential meetings of national representatives and at the seminars initiated by ICE.

⁵² “Shared Vision, Common Action: A Stronger Europe. A Global Strategy for the European Union’s Foreign and Security Policy,” June 2016, accessed 20 March 2022 at: https://eeas.europa.eu/archives/docs/top_stories/pdf/eugs_review_web.pdf.

⁵³ “Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions on the EU Security Union Strategy,” doc. COM(2020) 605 final, Brussels, 24 July 2020.

A new Counter-Terrorism Agenda,⁵⁴ adopted in December 2020, conveyed the view of the European Commission, supranational to the core. Member States are invited to ‘a close cooperation’ with the Commission and urged to address gaps and remedy prolonged shortcomings. Strategic intelligence is considered as a key element of a threat-based EU counter-terrorism policy. In this context, the EU INTCEN is vital to increase situational awareness and support risk assessment capabilities. INTCEN’s products and deliverables should be better-integrated in counter-terrorism policies. A plethora of supranational legal, institutional and policy measures is going to be managed by the Commission’s counter-terrorism coordinator. It seems somewhat doubtful that the Member States can satisfy the Commission by responding quickly and effectively to countless obligations and tasks. Regardless of standardisation problems concerning information exchange and data processing, differences between the governments on legal, ideological, political and technical bases may probably discard the most ambitious and promising EU-wide projects. Additionally, intelligence is only occasionally mentioned, with direct reference to the financing of terrorism and civil aviation safety. This may signify the Commission’s “low profile” in the field of CTIC and lowered expectations of the role of intelligence cooperation in the practical implementation of the EU’s security agenda. This is confirmed in the Commission’s latest report on the implementation of the EU Security Union Strategy. Intelligence is mentioned in connection with some minor aspects of the EU’s overall security, namely the monitoring and analysis of hybrid threats, external cooperation on drug trafficking and the tackling of fraud against the EU budget.⁵⁵

Conclusions

A robust international intelligence cooperation based on institutional synergies, information sharing and mutual confidence is a critical factor in the prevention and combating of terrorism. The EU has aspired to make every endeavour to improve the effectiveness of its counter-terrorism policies, by encouraging its Member States to deliver substantial intelligence data and products and to take advantage of opportunities offered by EU institutions and agencies. However, the cooperation in the field of counter-terrorism intelligence has been affected by legal impediments, practical obstacles and political constraints.

The post-functionalist approach offers a convincing explanation of the reasons why the EU’s intelligence cooperation has lost its momentum. The main tenets of post-functionalism are:

- A growing disjunction between the need for functional cooperation according to EU norms and rules and the territorial dimension of community where national

⁵⁴ “Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions. A Counter-Terrorism Agenda for the EU: Anticipate, Prevent, Protect, Respond,” doc. COM(2020) 795 final, Brussels, 9 December 2020.

⁵⁵ “Communication from the Commission to the European Parliament and the Council on the Third Progress Report on the implementation of the EU Security Union Strategy,” doc. COM(2021) 799 final, Brussels, 8 December 2021.

interests and preferences are crisscrossing with supranational forces and cross-border linkages;

- A complex, often confounding interplay of permissive consensus and constraining dissensus;
- An increasing politicisation of European integration matters, on both domestic and supranational levels.⁵⁶

Therefore, CTIC perfectly matches the features of postfunctionalist integration processes on the EU level. First, it exemplifies the loss of dynamics of cooperation due to normative impediments, institutional shortcomings and personal ambitions. National initiatives have been downplayed by top EU officials or blocked by other Member States. This is the case, for instance, of the Swedish framework decision on the exchange of information and intelligence. Likewise, EU proposals do not enjoy support of national governments or are backed to a limited extent.

Second, constraining dissensus weakens axiological bases and cardinal principles of European integration encouraging national actors to question usefulness of permissive consensus on the EU level. The origins and development of non-EU counter-terrorism initiatives, such as Club de Berne or the Prüm Treaty on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime, have shown that permissive consensus in the EU is too weak or too limited to be accepted by all Member States as a viable long-standing solution. Concurrently, constraining dissensus affirms the belief in effectiveness of national policies and methods of handling terrorist threats without sharing intelligence with anybody.

Third, politicisation has often been a mechanism used by the governments for justifying their selfish reasons to hamper or weaken common channels of intelligence exchange. Counter-terrorism has been a good example of discrepancies between intelligence capacities and prevention and combating enforced by appropriate national authorities. Politicisation of counter-terrorism has been typical for countries affected by terrorist threats which sought to enforce extraordinary measures to regulate or control intelligence sharing.⁵⁷ Criticism and skepticism of viability of a “European security identity”, including intelligence cooperation, has been a typical feature of nationalist and populist parties which have grown in strength since the mid-2010s.

In the contemporary fragile world, the EU can no longer be a mild defanged actor. Ambitious plans lose viability if not founded on trust, reliability, and shared awareness. No counter-terrorist strategy or blueprint is effective without effective intelligence and proved early-warning mechanisms. The EU has garnered sizeable and apparently impressive resources. Alas, they remain subject to political fluctuations in the Member

⁵⁶ See Liesbet Hooghe and Gary Marks, *Multi-Level Governance and European Integration* (Lanham, MD: Rowman and Littlefield, 2001); Liesbet Hooghe and Gary Marks, “The Neofunctionalists Were (Almost) Right: Politicization and European Integration,” in C. Crouch and W. Streeck (eds.), *The Diversity of Democracy: A Tribute to Philippe C. Schmitter* (Cheltenham: Edgar Elgar, 2006): 205–22; Liesbet Hooghe and Gary Marks, “A Postfunctionalist Theory of European Integration: From Permissive Consensus to Constraining Dissensus,” *British Journal of Political Science* 39, no. 1 (2009): 1–23.

⁵⁷ Andrew W. Neal, *Security as Politics Beyond the State of Exception* (Edinburgh: Edinburgh University Press, 2019): 84–88.

States and frustrated ambitions on the EU level. If the Union wants to be a respected global actor and a stable security structure, it should not waste its potential of information gathering, analytics, interoperability of data bases and, lastly, institutional intelligence sharing. The Union must not be a whipping boy every time terrorists threaten and shock the European public.

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