IS A EUROPEAN UNION CENTRAL INTELLIGENCE AGENCY NEEDED?

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Abstract

The European Union (EU) has become a global actor after the end of the Cold War. In this new environment, the EU is facing significant new security threats with the predominant one being terrorism today. Parallel the EU has evolved and has become a major global actor. A European Union Central Intelligence Agency is needed for these reasons. For the provision of security through intelligence directed straight for and by the EU. To reinforce its position as a global power, independent from outsiders for its intelligence. It is a delicate process which should take into account the problems caused by the nature of 'sharing'. But, arguably the most important restraint is the nation state.

Introduction

The question under examination requires that the contemporary global political situation is considered and developed. This should be done in a context that would facilitate an understanding of the importance of intelligence and in particular intelligence-sharing in an entity like the EU.

There are two main issues affecting the context. The first is the current situation in the international political arena. With the end of the Cold War and the demise of the Soviet Union the international scene has changed. Security issues and concerns have shifted from the traditional military threat posed to Europe to a possible invasion of Soviet troops. Back in the days of the Cold War Security was largely defined in military terms[1]. This shift in security resulted in a broader security agenda which was effectively adopted by the European

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[1] See Heinz Gartner and Adrian Hyde-Price, "Introduction", in *Europe's New Security Challenges*, Lynne Riener Publishers, London, 2001, p.1.

Union (EU). A close look at the European Security Strategy (ESS) reveals how the EU perceives the new security threats it faces. The threat of terrorism is significant now, especially after the 9/11 attacks against the United States of America and the subsequent attacks in European cities. The second issue derives from this changed world order and the shape of the new security agenda. It consists of the blurring of the dividing line between external and internal security as it appears now that '*the main security threats...are neither purely internal nor purely external, but rather transnational*'[2]. Whilst it would not be appropriate at this point to attempt an in depth study of the new security agenda and the blurring of the dividing line between external and internal security, one thing must be pointed out; the role of intelligence and sharing in this new environment.

The importance of intelligence becomes evident and especially the need for further facilitation of intelligence cooperation within the EU. Even if collaboration in intelligence does not mean a desire for closer political relations, as stated by Lander, in the case of the EU this should be viewed as a necessity. Even though this point is used by Lander in relation to Al-Qaeda, it seems that it is applicable to the vast majority of the threats the EU is facing; '...*A threat that operates virtually irrespective of nationality alnd national borders poses particular challenges for intelligence services and for international collaboration within states*[3]'.

Despite the challenges such threats may pose, they must be overcome, in order to achieve the desired end, which is nothing else but security. This sets the stimulant in order to define the ways a new EU intelligence agency would benefit the EU.

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[2] Lutterbeck, Derek, Bluring the Dividing Line: The Convergence of Internal and External Security in Western Europe, *European Security*, Vol.14, No.2, June 2005, p.231.
[3] Lander, Sir Stephen, International Intelligence Cooperation: An Inside Perspective, *Cambridge Review of International Affairs*, Vol.17, No.3, October 2004, p.482.

In order not to venture into the political relations realm of the subject, it is stated that the purpose of this study is to identify the ways an agency can facilitate the best results in intelligence cooperation. This will be done in the context of having the EU's interests in mind, not those of individual member states.

Before reaching outcomes, one should first develop a general image of the current opinions around the intelligence cooperation in the EU. In order to do so, a substantial in terms of context, literature is available on the subject and must be reviewed. Through this literature, the reader receives a clear image of the current attitudes towards the subject of intelligence cooperation in the EU. What are the current propositions for the future of intelligence cooperation in the EU and the relevant factors shaping them become evident.

After the literature review, it is necessary to provide a definition of what is meant with the term 'intelligence'. This is a complex issue as there is no widely accepted definition of 'intelligence', which is due to the nature of the subject. What is meant by intelligence in this study will be described and as a second step the importance of sharing and cooperation will be portrayed.

Once the nature of 'intelligence' is established a discussion about the current developments in intelligence cooperation in the EU will follow. This will evolve around five main institutions engaging in intelligence at a European level. These are the Joint Situation Centre, the European Military Staff, the Satellite Centre, Europol and the group of Berne. Each institution will be described separately in terms of how it works and what its significance is. This will provide knowledge on the current intelligence functions of the EU and the European countries individually[4]. The flaws of the current institutions and their practices will be

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[4] As the Group of Berne has not official relation to the European Union.

outlined. This serves the purpose of identifying the sectors where there is room for improvement.

After these five institutions are analysed, their hindrances which derive from the theoretical nature of intelligence-sharing will be examined. This will lead to the final chapter in which the nature of an EU intelligence agency will be examined. The proposed agency will tend to matters, which cause drawbacks on further cooperation. The main idea behind the proposed agency will be to facilitate a devolved structure, which will consist of regional groups engaging in intelligence, which then will be pooled centrally in the EU

Methodology

The nature of the subject is such that a substantial amount of primary[5] sources, such as journal articles and secondary sources such as official documents, have been mainly reviewed. The benefits of this approach are that scholars, researchers as well as officials and official bodies concerned with the subject put out their views on the subject, engage in the academic discussion on the subject and even propose measures. Further more, the developments on the policy-making level can be observed and the reasons driving these developments are identified. These documents and articles provide an in-depth knowledge of the subject as well as diversity of opinions, which is vital in developing an impartial and objective argument. Furthermore, through the use of such sources one can establish common points of view from different experts on the subject as well as common argumentation apart from the different opinions expressed through this work. This provides the framework and the base for a developing discussion around the subject.

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[5] Burnham, Peter, Karin Gilland, Wyn Grant and Zig Layton-Henry, Research Methods in Politics, Palgrave MacMillan, HampShire, 2004, p.165-167.

The approach followed is qualitative-driven, since the main sources which provide the knowledge and discussion around the necessity of such an agency are rather limited. The main arguments developed around the subject, provide opposing ideas. This is in turn the basis, which allows for the comparative research to develop. The focal point is the common elements contained in all the available arguments through the sources. These common points allow the research to be directed towards an outcome, which will determine the final answer to the research topic.

Following the logic of comparative research the variables of the research need to be identified. The depended variable in this research is identified as the current developments which lead to the practice of intelligence-sharing and cooperation in the EU based on the theory surrounding the nature of intelligence. For this purpose primary and secondary sources have been used in terms of defining intelligence and summarising its nature. In defining the importance of intelligence sharing, primary sources in terms of the work of experienced practitioners of intelligence have to be reviewed. This along the current developments in the international scene and the importance of the EU in this, are identified as independent variables. These are the factors shaping the current developments in the area of intelligence cooperation and could be termed as the driving force behind the current developments facilitating such cooperation.

Along these lines, a coherent argument as to whether a central EU intelligence agency will benefit the Union is developed. In order to clarify and point out these variables the relevant literature on the subject must be reviewed.

Literature Review

The question of whether the creation of an EU central intelligence agency would reduce the deficit of intelligence cooperation within the Union has multiple dimensions. In order to productively engage with the question, a broad literature available for the subject will be examined. To begin with, it would be better to define what is meant by the term intelligence and intelligence sharing to that extend.

Defining intelligence has been a quite controversial area. In the attempt to provide a definition for intelligence, at least in the context, which will be used in this thesis, a variety of sources was used. Gill and Phythian's book, Intelligence in an insecure world has been widely advised. In their work Gill and Phythian provide their own definition of intelligence, which appears to be all-encompassing. Their definition includes most of the widely accepted features of intelligence while emphasising on the main function; to forewarn of threats or potential threats. After consulting this source one can easily reach the conclusion that the ultimate cause of intelligence is to maintain and enhance security, by certain means. This is important since the EU security agenda is relatively broad, and includes non traditional[6] security threats. Therefore, this approach allows for the question of whether such a proposed agency will provide a solution to security concerns in the EU. Moving deeper in examining the nature of intelligence in order to attempt and define it, it is only natural to look at the way this process works.

The traditional concept of depicting the process through the intelligence cycle is followed. There is again great debate around whether the intelligence cycle provides an accurate picture of how intelligence works. Whilst it will not be attempted to enter this debate, the intelligence cycle will be adopted in this thesis as the most accurate approach. In order to provide an

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[6] Military threats directed against the state.

image of how this process works, sources from the official CIA web page will be used alongside the works of Gill and Phythian and Michael Herman amongst others. Once establishing that for the purposes of this study, intelligence is defined along the lines of Gill and Phythian's definition[7], it will be added that '*all intelligence is information but not all information is intelligence*' which derives from Mark Lowenthal's work. In order to reach a decision if further the establishment of the proposed agency would be beneficial in terms of enhancing EU intelligence cooperation it is important to study the relevant bibliography around the issues of intelligence sharing.

An in depth study on the issues surrounding intelligence sharing, is provided by a number of field experts with experience in the practice of intelligence, such as Michael Herman, Sir John Lander and Jean Heinrich. The reasons leading to such cooperation and the benefits are clearly stated in their work. This provides with reasons why such cooperation within the EU should be enhanced as a first step. On the other hand the drawbacks are also very evident and this provides with an important tool. A tool in terms of carefully examining the drawbacks of intelligence cooperation and propose ways in order to minimise them as possible.

Calvert Jones engages in a critical discussion about the concept of more sharing between the different US intelligence services. His main argument is that most of the weight of reform should be put on the correct analysis of intelligence rather than sharing for various reasons. It is important to keep in mind that what his argument is based on is the proposed reform suggested in the USA. The reason why this text has been advised, is due to the common comparison, notably from John Nomikos, of such a proposed EU agency with the early years of the CIA across the Atlantic. The text engages in critical discussion about the intelligence

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[7] That intelligence is an umbrella term which refers to a range of activities.

reform after the attacks of 9/11, and it is crucial to encompass the developments in the US and determine to which extend they can be applied to a new EU agency.

Since there have been some significant developments in the EU as far as intelligence cooperation is concerned, it would be wise to view them. Before this, it is essential to determine the current nature of the EU at the moment.

Professor Stephen Haseler for example in his book, '*Super – State: The New Europe And Its Challenge To America*' provides the reader with the process of how Europe and the European Union, developed since the Second World War, and it poses a challenge to the Unite States of America today. This source will be used in order to depict the concept that the European Union has evolved into a state, through the use of law and common currency as Haseler states and the development of a Common Foreign and Security Policy as Ewa Romaniuk-Calkowska would add, which is necessary for a state entity.

From this point the current advances in facilitating intelligence in the EU and the sharing procedures as a further step will be analysed. This is a necessary step before determining the nature of the agency and how could it possibly incorporate any of the current institutions.

A useful source is Simon Duke's '*Intelligence, Security and Information Flows in the CFSP*'. An article published in '*Intelligence and National Security*' journal and indeed proves invaluable in its ability to provide the actual mechanisms of the different intelligence sharing and cooperation bodies and institutions. This source will be heavily relied upon for describing the functions of the European Union Military Staff which is assigned with early warning tasks amongst other duties. The Joint Situation Centre will be described using this source too. The Joint Situation Centre again has a vital role to play in the intelligence area of the European Union and the CFSP in particular. James Walsh's '*Intelligence In The European*

Union: Institutions are not Enough' is also an invaluable source which is used parallel to Duke's work for providing information on how several institutions like the Joint Situation Centre and the European Union Military Staff Work.

The third intelligence instrument for the CFSP which will be viewed upon is the Satellite Centre. Apart from Dukes description along with Bernard Molard's works in edited Chaillot Papers who discusses the whole effect of the Satellite Centre on future European Union Intelligence development, the European Union's Satellite Centre's internet home page will be used. It is remarkable how organised it is compared to other European Union websites, and what is even more remarkable is the amount of information it provides about the centre's activities and nature of work, as well as the clarity with which it addresses the visitors.

Outside the CFSP framework intelligence cooperation facilitated through Europol and the Club of Berne[8] will be considered. For Europol a number of official web sites again as well as documents are advised along with the primary sources and articles mentioned above like Walsh's work. One official publication from Europol titled '*Europol Intelligence Handling*' which was obtained from the Library of the European Union provides indeed an insider's view on how Europol Works and how intelligence is handled though different stages and different departments, and in addition the role of the member states is illustrated.

Stéphane Lefebvre's work on the difficulties of international intelligence cooperation provided an analytical description of the Club of Berne and in conjunction with James Walsh provided the main information on the Club, since the bibliography concerning it appears to be rather limited. This is probably, due to its secretive character and the secretive nature of its activities.

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[8] even though it is formally linked to the European Union

Once a general view of the current nature of intelligence in Europe and specifically the EU, it is necessary to identify the problems. The next step will be to determine whether the creation of an EU agency would benefit Europe. The main sources examined are the works of Bjorn Muller-Wille, John Nomikos, James Walsh and Jean Heinrich amongst those of others.

The main line of argument in Muller-Wille's work is that the current developments are preferred rather to the centralisation of intelligence under the EU umbrella. This line of argument follows Mitrany's position that '*form follows function*' which provides the explanation of the current developments in the EU. It is stated that the most suitable development should be the further development of bilateral cooperation which is proven to work and yield results. It is argued in his work that from an efficiency perspective, cooperation will take place and thrive when the intelligence agencies and customers of intelligence see that the resulting product is improved. This raises the question of how would this end be reached if there is no cooperation on a central basis in the first place and cooperation is viewed cautiously if not suspiciously. Even though Muller-Wille makes a very strong point why he proposes this approach, Nomikos on the other hand is a strong supporter of the creation of a European Union Intelligence Agency.

Throughout his work, Nomikos projects the necessity for the creation of an EU Central Intelligence Agency. The changed world order after the end of the Cold War is the first reason he provides for this necessity. The new role of the EU as a major player outside the European continent along with problems in its periphery, and other problems with most notable the one of terrorism make its creation necessary. Nomikos is along the lines supporting the calls of small EU states like Belgium and Austria, calling for the creation of such an agency. Nomikos, attempts to designate the role of this agency in the EU framework

and he provides the suggestion to fit such an agency in the EU in the sense the CIA is fitted in the US system.

Jean Heinrich and James Walsh appear moderate on the subject. Their views can be located somewhere in middle and provide proposals for medium solutions. Jean Heinrich for instance, would not argue against a central EU agency if the target was feasible. He states that such a development is unlikely due to the current political circumstances which have promoted national responses to threats. He proposes increase in bilateral relation ships, along the lines of Muller-Wille's argument. It is stated that this is agreed upon from intelligence experts across the EU and would be more likely to produce better results. This is, as explained, due to the lack of such a big threat that would put the EU in danger and cause everyone to think in terms of the EU instead of at a national basis. James Walsh on the other hand, even though he is not proposing a centralised agency, he calls for the centralisation of the EU institutions. It is suggested that through these institutions sharing should become obligatory. This is along the call for setting up safety barriers in order to protect from mishandling and reneging. As a further step, he suggests giving the institutions the capacity to monitor member's compliance to the aforementioned.

As a second option he provides the option of promoting a decentralised model of cooperation, based on regional groups. In this second scenario, full sharing is dismissed as unrealistic for now therefore this decentralised model appears as a better approach. The main drawback of such an approach would be creating a multi speed EU among other problems.

The possibility of creating a central EU intelligence agency, which will based on a decentralised model will be examined. The main problems, which will be attempted to address would be the elimination of mistrust and Muller-Wille's notion that there is cooperation only when there is something to be gained. After reviewing the relevant literature

on the developments of the EU the opinion that the battlegroups created can play an important role. This would happen while adopting Walsh's model of decentralised regional cooperation. It would be suggested that this model is followed under a central agency, and will be based on regional groups in terms of these battlegroups. This is perceived to provide a middle ground and a temporary solution to the intelligence cooperation deficit.

Intelligence

Before engaging in the discussion for the topic, a definition of 'intelligence' must be provided. An attempt to define Intelligence and provide an adequate explanation of the term has been ongoing for years, and still is. More or less, the average person can understand the term 'Intelligence' but it has been proved that it is one of the hardest, most intangible concepts to explain; thus, intelligence poses a challenge in terms of definition. Perhaps the best way to verify the aforementioned would be Michael Warner's statement that '... even today, we have no accepted definition of Intelligence'[9], hitherto no one has succeeded in crafting a coherent theory for Intelligence.

The problem is that intelligence is such an elusive subject with so many aspects to it. Gill and Phythian provide a helpful way of starting to look at Intelligence. They argue that Intelligence is a means to an end, which happens to be security.[10] What is meant by the term 'security' could be further elaborated but security is a huge area of study and is ever expanding; therefore engaging in another task of defining security would be unnecessary at this point and for the purposes of this thesis. Security can very simplistically be understood as the protection of a state or its citizens or both, from a wide range of threats, including but not limited to, military threats, terrorism, organised crime, and even threats such as illegal

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[9] Warner, Michael, Wanted: A Definition of "Intelligence", *Studies in Intelligence*, Vol.46, No.3, 2002, p.1.
[10] Gill, Peter & Phythian, Mark, *Intelligence in an Insecure World*, (Cambridge: Polity Press, 2006), p.1.

immigration.[11] One way of achieving and ensuring security is Intelligence. Therefore it is evident why the EU must develop substantial Intelligence capabilities as a first step.

As already stated, intelligence is a broad term, which inevitably incorporates several aspects; it is thus an umbrella term[12] for a process. This process is better known as the 'Intelligence Cycle', which is depicted and described in various forms. The most common form is the one used by the CIA, a cyclical process comprising of five steps: Planning and Direction, Collection, Processing, Analysis and Production and Dissemination.[13] The process is easy to follow - as a first step the aim is set, the research area is decided according to the customer's demands, and the process is usually planned. In the second step the data is collected through all means necessary, which can include open and secret sources, and then this data is processed to take the form of reports ready for analysis. Analysis involves the evaluation of data received and where upon its relativity to the subject is decided as well as the reliability of the data, amongst other tasks. Once the analysis is finished the outcome is disseminated to the customer and this concludes the process of the intelligence cycle.[14] Apart from this 'traditional' intelligence cycle there are countless other variations of the process. For example Europol's version of the Intelligence cycle consists of one extra step which is the re-evaluation of raw sources.[15]

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[11] For the deepened new security agenda as expressed by what is termed the Copenhagen School of Thought See Barry Buzan, Ole Waever, and Jaap de Wilde, *Security: A New Framework for Analysis,* Lynne Riener Publishers, London, 1998.

[12] Gill & Phythian, p.2, see also John Bruce Lockhart, 'Intelligence: A British View' in West N.(Ed.), *The Faber Book Of Espionage*, (London: Faber & Faber, 1993).

[13] Johnston Rob, *Analytic Culture in the US Intelligence Communit'*, (Washington DC: Centre for the Study of Intelligence, CIA, 2005), Ch.4. (https://www.cia.gov/library/center-for-the-study-of-intelligence/csi-publications/books-and-monographs/analytic-culture-in-the-u-s-intelligence-community/chapter_4_systems_model.htm) – accessed on August 5th 2008.

[14] The process of the Intelligence Cycle is described in all relevant literature.

[15] Europol, *Europol Intelligence Handling*, (Luxembourg: Office for Official Publications of the European Communities, 2003) p.5.

The intelligence cycle is under considerable criticism in terms of not providing a sufficient explanation of the process of intelligence and that it does not always follow the same course. It is true that the intelligence cycle will differ accordingly to whom or what service is engaging in intelligence. Arguably, there are other functions of intelligence, which are not included in the intelligence cycle, such as covert action.

Covert action should be considered as an activity in which the intelligence community engages in and which is not a part of the actual intelligence process.[16] It is rather a task assigned to intelligence agencies to carry out, rather than part of the actual intelligence process, because of the central and crucial role intelligence provides in such operations. Once again the debate around covert action and whether it should be considered intelligence or a separate body of activity depicts the great controversy in defining intelligence. In the case of the EU covert action should not be included in a proposed agency, since the Union does not have the means to support such activity yet. Even if at some point it develops such capabilities it is unlikely to engage in such action, due to the way it conducts policy.

Another important feature of intelligence is secrecy. Intelligence has a secretive character, which derives from the need to foresee and be able to prevent or be prepared for events. As argued by many scholars the primary aim of Intelligence is to prevent surprises[17], an important aspect which has been given extreme attention after Pearl Harbour, when the American fleet received an unexpected attack by the Japanese military; and has recently been repeated in the September 11th 2001 attacks against the United States.

Gill and Phythian conclude that a definition for intelligence should take into consideration that intelligence is more than merely information collection, it covers a range of linked

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[16] Lowenthal, Mark M., *Intelligence: From Secrets to Policy*, (Washington DC: CQ Press, 2006) p.1.
[17] Ibid, p.2, Gill and Phythian, p.7.

activities, it is security based, it encompasses the potential for intelligence agencies or other entities to engage in covert actions as a possible and appropriate response, it aims to provide advance warning and that secrecy is essential to gain the comparative advantage intended.[18] Their definition is as follows:

Intelligence is the umbrella term referring to the range of activities – from planning and information collection to analysis and dissemination – conducted in secret, and aimed at maintaining or enhancing relative security by providing forewarning of threats or potential threats in a manner that allows for the timely implementation of a preventive policy or strategy, including where deemed desirable, covert activities.

Tellingly, if further intelligence cooperation within the EU is necessary, one must clarify what is meant by intelligence in this capacity. In the case of such a question intelligence is understood as what is included in every step of the Intelligence Cycle described above, including information in the forms of raw data as well as analysed data and finalised intelligence reports. *'All intelligence is information; not all information is intelligence'*[19]. The first step of the cycle, which is setting the goal or requesting intelligence, can be considered as an area of cooperation within the European Union as well. For example, if France needs intelligence concerning the European borders with Russia it should be able to request and acquire such intelligence from countries like Latvia which would be more familiar with this geopolitical area and hence more suitably placed to provide specific intelligence pertaining to the region.

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[18] Gill & Phythian, p.7.
[19] See Lowenthal, pp.1-2.

Before providing an answer to the question, the importance of information and intelligence sharing must be critically assessed in order to have a complete view of the benefits from such cooperation.

In order to highlight the debate around the notion of 'sharing' the developments across the Atlantic will be discussed. This will provide a stimulation for thought in terms of a European context. After the attacks of 9/11 against the United States of America there has been a great rise in the debate regarding intelligence reform, mainly on the other side of the Atlantic. With the introduction of the *Intelligence Reform and Terrorism Prevention Act of 2004* the creation of an information-sharing environment is suggested. The reason for this is the need to adapt the intelligence environment and activity to the contemporary threats facing the United States, most notably the threat of terrorism and Al Qaeda. On the same note, the European Union with its own *European Security Strategy* in 2003 and the *Declaration on Combating Terrorism* in March 2004 has underlined the need for enhanced intelligence cooperation and information sharing amongst its member states.[20]

It is not hard to see why there are so many calls for such an overhaul. An opinion shared by many with experience[21] in the field of intelligence suggests that the existing intelligence community – both US and European – were built specifically for the Cold War (on that matter it should be noted under the aegis of NATO), when *'...Adversaries used very hierarchical, familiar, and predictable military command and control methods'* [22]. Today's threats however, vary in several aspects thus constituting a prerequisite for change absolutely

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[20] See *European Security Strategy: A Secure Europe in a Better World*, (Brussels: 2003) p.12 available at http://ue.eu.int/uedocs/cmsUpload/78367.pdf - see also Council of the European Union, Declaration on Combating Terrorism, (Brussels: 25 March 2004) p.9 available at http://www.consilium.europa.eu/uedocs/cmsUpload/DECL-25.3.pdf

[21] See Jean Heinrich the creator of France's Directorate of Military Intelligence and Sir Stephen Lander Former Director General of UK Security Service amongst others.

[22] National Commission on Terrorist Attacks on the United States, The 9/11 Commission Report (Washington DC: 2004), p.87.

integral to the development of intelligence-sharing and cooperation. It is for this exact reason that cooperation between European NATO members existed at remarkably high levels along with the crucial fact that the Warsaw Pact member states was a common enemy to all; thus cooperation was necessary and beneficial to all.[23]

It is within this new environment with the new idiosyncrasies shaping the new agenda that the benefits of intelligence sharing and cooperation are underlined. It is always best to take into consideration the opinions of individuals with experience in the field prior to engaging in academic criticism. Michael Herman provides a vast list of benefits deriving through such cooperation and even though his account is mainly about the US-UK special relationship, the benefits can be applied into sharing and cooperation in general. Following Herman's account one can notice that through such cooperation all parties benefit from the fact the there is always more potential information available than single agencies can gather on their own and uses the example that the KGB lost around 30% of its effectiveness in HUMINT when it lost the Eastern European states.[24] Further more, the benefits of cooperation include the factor that there are states who are able to carry out some unique collection with results, due to their ability to tap telecommunications of specific suspects as well as taking advantage of their unique geographical location (ie. Proximity to the Middle East). Other benefits include the economisation of resources and the reduction of costs in carrying out intelligence activity, as well as the exchange of single source ideas and interpretation and the all source analysis and output.

It is only natural for drawbacks to exist in such cooperation and Michael Herman outlines a few, such as the fact that international cooperation costs time and effort, the mistrust between

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[23] Heinrich, Jean, 'The Case for a European CIA', *Europe's World*, Spring 2006, p.138. – also see Herman, Michael, *Intelligence Power in Peace and War*, (Cambridge: Cambridge University Press, 1996), p.202.
[24] See Herman, p.204.

national agencies and their belief that no one else's work is as reliable as their own and the danger posed to smaller agencies fearing that cooperation with bigger ones risks them getting 'swallowed' by their bigger counterparts. A significant restraint on such cooperation is the hesitation by intelligence agencies to work with others in fear of jeopardising their sources, a significant point shared by Jean Heinrich.

On the operational level criticism focuses on several factors. Calvert Jones, criticises the call for a new intelligence sharing environment by the intelligence reform act arguing that extensive sharing will cut back on the analytical level of intelligence which is what is mostly needed. His main line of argumentation is that further information sharing between the US intelligence agencies will create a largely bureaucratised flow of information '*at the expense of **context** that makes the information itself meaningful to analysts*'.[25] Furthermore, the argument follows that if these reforms take place collectors and analysts will be required to produce information for sharing and dissemination in an environment with unknown and untested recipients.[26] It is easy for one to imagine if this is a problem confronting several agencies of the United States, the magnitude of the problem the European Countries would have to tackle, many of which have conflicting interests outside the EU-structure.

It is understandable that what Jones suggests is an added emphasis on the correct analysis of information rather than the sharing of information, just for the sake of sharing. Consequently it is argued that there should be methods of improving the socio-technical environment of analysis and the bureaucratic standardisation that stifles innovation should be avoided where possible. Overall Jones does '*not argue against information sharing in principle; analysts need information to do their jobs, of course, and more collaboration and openness may well*

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[25] Jones, Calvert, Intelligence Reform: The Logic of Information Sharing, *Intelligence and National Security*, Vol.22, No.3, June 2007, p.390.
[26] Ibid

be essential. It does argue [his paper] that the logic and proposed mechanisms of sharing, based on problematic assumptions about 'information' and the advantages of its free flow through network infrastructures and bureaucratic routines, are not sufficiently developed'.[27]

Even though the above criticism concerns the American model and not the European it is still relevant in various ways. First of all the US probably has one of the most advanced and organised intelligence communities on the planet. Nonetheless, the problems in developing an 'information sharing' culture between its own departments is highly controversial and under heavy criticism. In the European Union, the difficulties that would arise out of attempting to implement an extended 'information sharing' regime would include more convoluted debate than merely posing the single question of whether there should be more emphasis on analysis. The European Union has yet, no real intelligence cooperation regime, which includes all of its member states. SITCEN for example, excludes the biggest number of EU member states, currently comprising just seven out of the twenty-seven states.[28] The problem with the European Union is that its member states do not yet view the EU's security as their own security, but rather their own security as separate and distinct to the EU's.

Even in such an environment, such as the EU's, cooperation might still be possible if the example of NATO is taken into account where arrangements were developed for receiving national outputs of finished intelligence[29], providing a possible blueprint for European Union intelligence cooperation in the future, but this could not possibly work under a centralised system, such as a central intelligence agency.

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[27] See Jones, p.396.
[28] Muller-Wille, Bjorn, The Effect of International Terrorism on EU Intelligence Co-operation, Journal of Common Market Studies, Vol.46, No.1, 2008, p.62.
[29] See Herman, p.207.

Current Institutions

It is indeed remarkable to consider what Europe has achieved in terms of integration. What is even more remarkable is the realisation that it has integrated so much, that it has begun to resemble a super state (mainly in terms of size) with a loose federal system or extensively devolved.

It would be interesting to observe that there are voices claiming that Europe is already a state but what is not clear, is what kind of state. Stephen Haseler in his book 'Super State: The New Europe and its Challenge to America' provides a useful account of the process that the EU has undergone to 'become a state' and furthermore substantiates his opinion that the EU is already a state.

What must be taken for granted, though, is that it is not a state in the traditional sense. Two main elements provide the justification for someone to claim that the EU is a state, apart from the typical things, like having a flag, anthem etc. The first one is the '...*great attribute of statehood – the rule and wit of law*'[30]. Its distinguishing feature is that EU legislation overrides national legislation in the event they conflict. As Haseler puts it, '*it is this key 'legal supremacy' of the EU over its nation states that is the very heart of the case that the EU is already a state*'. Further more, he compares it to the United States' federal system, where it is this 'legal supremacy' that binds together the central government to its federal states. It is because of this very supremacy over its states, that the USA has become an 'umbrella state' as it gathers sovereign bodies to form an umbrella state over them, to do certain things as the states should delegate to it.[31] Hence, if this umbrella character of the US legal system provides the states' federal character, so too is the EU an umbrella state, with the logical

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[30] Haseler, Stephen, 'Super-State: The New Europe and Its Challenge to America', London, I.B. Tauris 2004, p.86.
[31] Johnson, Paul, cited in Haseler, p.87.

corollary of qualifying as a federal state. The second element is the single European currency, the Euro. Compared to the USA again, the EU has one central bank, and it issues and controls its own money (even though Haseler argues that the countries not yet in the Euro-zone are left out of this state for the time being). The underlying factor, which contributes to considering the EU as a state, is that apart from its ability to issue and control its own money, the single currency in Europe is the '*engine powering the creation of an economic government for Europe*'.[32] A potential third element, would be what Haseler terms as 'the great sleeper', the European Court of Justice, which could potentially assume a similar role to that of the US Supreme Court, which even though was hardly noticeable in the 1787 constitution, was to become the greatest single engine propelling the US federal state forward.

It is obvious that the European Union is moving closer to becoming a federation as time goes by, even though this may not be the goal of its leaders; and it lacks a very important element in achieving this goal. It may have exclusive responsibility over monetary policy, trade policy, common commercial policy, customs union and fishery policy but it is still lacking a monopoly on the legitimate use of coercion or force. It seems that this is changing with the increased attempts to develop a coherent Common Foreign and Security Policy (CFSP) part of which the European Security and Defence Policy (ESDP) is an important element.

As Ewa Romaniuk-Calkowska points out, one of the three possible outcomes of the future development of the CFSP could be to create a '*European super-state with a common defence, foreign and security policy...*'[33]; a statement which strengthens the voices seeking further integration and creating a state-like entity; and arguably a strong CFSP is leading straight to

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[32] See Haseler, p.87.
[33] Romaniuk-Calkowska, Ewa, Models for European Union's Common Foreign and Security Policy, *The Polish Quarterly of International Affairs*, 2004, no.4, p.43.

that direction. This increases the necessity for a central agency for intelligence in the EU. In order to engage in an in-depth analysis of the nature of such, the development of the CFSP and the current institutions dealing with intelligence should be analysed.

The CFSP was established under the Maastricht treaty in the early 1990's, in order to cover the areas of Foreign and Security policy. Because of the fact that the CFSP was designed to function within the framework of NATO, voices demanding change gained ground. Mainly after calls from central Europe, and more specifically France, in 1998 France and the United Kingdom issued the Saint Malo declaration[34] stating that the EU should be provided with the capabilities to independently act with military forces, intelligence, communication and control, strategic analysis and planning, as well as military industry and technologies having military application.[35] This was the point when the European Union started to rapidly develop the ESDP after incorporating the Western European Union (WEU) functions within this framework and assigning the Petersberg tasks followed by the creation of several institutions. One of these institutions, the European Military Staff is one of the main bodies handling intelligence within the European Union, and its role in intelligence, amongst those of other agents will be further examined.

Before looking at the CFSP intelligence sharing it would be useful to note that after the establishment of the ESDP with the Treaty of Nice, the intelligence and other functions of the Western European Union (WEU) were absorbed within the framework of the ESDP. Along with this development the CFSP information flows through a network formed with the Council's General Secretariat, the national capitals of the member states, the Commission as

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[34] Although complete independence from NATO structures seemed, and still does, limited for several reasons such as the intelligence cooperation the US with NATO, the EU heavy dependence on NATO infrastructure, assets and Intelligence, as well as due to individual member states' relations with the US.

[35] Cited in Romaniuk-Calkowska, Declaration Franco-Britanique sur la defense europeene, Saint-Malo – Vendredi 4 decembre 1998, *Politique Etrangere*, 1999, no.2, pp.242-243.

well as other organisations.[36] Attention will be drawn to the more technical aspects contributing to the CFSP intelligence function; the Joint Situation Centre (SitCen), the European Military Staff already mentioned above, as well as the Satellite Centre (SatCen).

The Military Staff of the European Union was established after the European Council meeting at Nice in December 2000 and came to being soon afterwards, and is comprised of seconded military personnel from member states of the EU. Its mission is to:

'...Perform early warning, situation assessment and strategic planning for missions and tasks referred to in Article 17(2)[37] of the TEU, including those identified by the European Security Strategy. This also encompasses the identification of European national and multinational forces and to implement policies and decisions as directed by the European Union Military Committee (EUMC)'.[38]

Intelligence is a vital instrument in the Military Staff of the European Union's (EUMS) conduct capabilities. The Intelligence Division of the EUMS is responsible for handling intelligence collection and coordination relating to EUMS matters. The Intelligence Division consisting of a staff of 30, or so, is responsible for the early warning of threats, the assessment and operational support on external security matters, including terrorism[39]. The Intelligence Division is primarily assessing and collating intelligence from a various number of sources. The Intelligence Division has a very wide range of monitoring duties, suggesting that its primary mission is to provide accurate assessments for the Military Committee, the

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[36] Duke, Simon, Intelligence, Security and Information Flows in CFSP, *Intelligence and National Security*, Vol.21, No.4, August 2006, p.612.

[37] includes all questions relating to the security of the Union, including the progressive framing of a common defence policy, which might lead to a common defence, should the European Council so decide as, stated in the Consolidated version of the TEU, later amended by the Treaty of Nice stating that it includes humanitarian and rescue tasks, peacekeeping tasks and tasks of combat forces in crisis management, including peacemaking.

[38] See Council Decision of 22 January 2001 on the Establishment of the Military Staff of the European Union, 2001/80/CFSP, p.4.

[39] Walsh, James I., Intelligence-Sharing in the European Union: Institutions Are Not Enough, *Journal of Common Market Studies*, Volume 44, No.3, p.633.

High Representative for foreign policy and other EU bodies with which operational decisions can be reached.[40] The seconded staff, nevertheless, retain secure links to their national intelligence agencies to whom they communicate relevant intelligence and in turn receive information which is in their interests. The national Intelligence agencies will then, in case of a Joint Action of the CFSP, receive information from the EUMS' Intelligence Division and communicate with the command responsible for the ground forces parallel to the Intelligence Division's open communication with the operational headquarters. Personnel from the EUMS' Intelligence Division are seconded to the SitCen, with which they interact. The Intelligence Division of the EUMS supplies the SitCen with Information on Military matters and receives the output.

The SitCen is staffed by seven analysts (one from each country: France, Germany, Italy, The Netherlands, Spain, Sweden and the United Kingdom), two diplomats from the Policy Unit and three military officers from the EUMS (two from the Intelligence division as stated above and one from the Operations Division) and a police officer from the police Planning Team.[41] SitCen's purpose is to monitor and assess events and situations world wide around the clock, focusing on proliferation of Weapons of Mass Destruction, potential crisis regions and terrorism[42]. Therefore, the SitCen focuses mainly on the provision of detailed intelligence reports and assessments instead of advocating policy options, since this is an area covered by the Policy Planning and Early Warning Unit; also known as the Policy Unit. SitCen is divided into three main divisional departments or units. The Civilian Intelligence Cell, comprising of civilian analysts engaging in political and counter-terrorism assessment. The General Operations Unit provides continuous operational support as well as research and non intelligence analysis. The Communications Unit is manned by two persons, who are

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[40] See, Duke p.620, also see Walsh, p.633.
[41] See Muller-Wille, The Effect of International Terrorism on EU Intelligence Co-operation, p.62.
[42] House of Commons written answers, cited in Duke, p.618.

responsible for handling communication security issues and for running the Council's Communication centre.[43] By accomplishing its mission which was appointed by Javier Solana and outlined in terms of '*...the production of intelligence analyses with a view to support EU policy*'[44], the SitCen is gradually growing and its importance is being made clear in the Institutions of the EU such as the Council. It has potential for growth and even to provide the basis for a future development and evolution of the European Union Intelligence community.

The third main contributing institution to CFSP's intelligence activity is the Satellite Centre set up by the WEU in 1992 and it is one of its functions which were incorporated in the ESDP as mentioned earlier on. It aims to strengthen the ESDP's capabilities in crisis management functions by providing, as appropriate, products resulting from the analysis of satellite imagery and collateral data, including aerial imagery, and related services and early warning.

The EUSC engages in Geospatial Intelligence, *which is a discipline that comprises the exploitation and analysis of imagery and geospatial information to describe, assess, and visually depict physical features and geographically referenced activities on the Earth*[45] and combines mapping, charting, imagery analysis and imagery intelligence. Moreover, taking into consideration, the changing nature of the security agenda as mentioned in the first chapter, the EUSC also engages in projects like the Global Monitoring for Environment and Security, the Global Monitoring for Security and Stability, the Telecommunications advanced

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[43] See Duke, p.619.
[44] Summary of Remarks by Javier Solana, EU High Representative for CFSP on terrorism and Intelligence co-operation, S0159/04, Brussels, 8 June 2004, p.1.
[45] EUSC web page, at
http://www.eusc.europa.eu/index.php?option=com_content&task=view&id=8&Itemid=16

Network for GMES Operations and the ASTRO+ project. All these projects are aiding the EUSC role as an agency supporting ESDP.

The EUSC has close ties and is in deep cooperation with the European Defence Agency (EDA) and participates in its intelligence project team working groups in developing the EU intelligence capability, in the development of a common Intelligence, Surveillance, Targeting and Reconnaissance (ISTAR) management tool. Additionally it provides Imagery Intelligence training services to member states and finally, it contributes to the work done on its vendor coding standards. Furthermore, because of the nature of its activity, EUSC cooperates closely with the European Maritime Safety Agency (EMSA).

The centre's relevance and importance for a central agency is evident if one looks at its main customers. The EUSC has five main users of its products. The Council and its bodies is the main customer. Its main activity with the council takes form in the collaboration with the EUMS and the SitCen in areas mentioned before. Other users include the member states in several areas of interest, the EU Commission which is entitled to task the EUSC and receive its products and services, third countries which are entitled to engage in the centre's activities, as well as international organisations such as the UN, OSCE and even NATO.

Even though the EUSC has secure means of transmitting data and information, it has no satellites of its own and therefore needs to purchase images and other information collected by national means of member states as well as non members like the US and Russia and India, something which could jeopardise secrecy. Set that aside, the centre is able to perform and provide valuable help on the evaluation of risks before they constitute threats, ensure the provision of decision-makers with a warning period that they can use to prepare, initiate and

control diplomatic and military measures and helps develop a more effective management of crises and military operations[46].

It is obvious that the final operational and intelligence handling responsibilities in operational circumstances rely upon national intelligence services and commands. According to Bjorn Muller-Wille, if the EU wants a competent and functional ESDP the Union should extend its willingness to operate outside confining areas of action as this would change the nature of the military intelligence support which is needed. It could also be argued that parallel to that, it should not rely on national intelligence agencies for the running of field operations.

Further more, another two institutions where intelligence sharing and cooperation is facilitated at the European level, but outside the ESDP scope of action and framework, will be mentioned and described. One of them, Europol, as the name may imply, engages with police work within the European Union. The other institution, is the Berne Group, which brings together intelligence officials from all the member states of the EU in order to promote intelligence cooperation.

The European Police Office (Europol), was set up in 1992 with its primary target being the handling of Europe-wide criminal intelligence.[47] All the member states are represented by staff seconded to Europol by the national law enforcement agencies which all help to achieve its aim '*[of helping] the EU member states co-operate more closely and effectively in preventing and combating organised international crime*'[48] including terrorism amongst others.

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[46] Molard, Bernard, 'How the WEU Satellite Centre could help in the development of a European Intelligence Policy', p.30. in Alessandro Politi (Ed.), Towards a European Intelligence Policy, *Chaillot Papers*, no.34, December 1998.

[47] http://europa.eu/agencies/pol_agencies/europol/index_en.htm - accessed 15 August 2008.

[48] *See Europol Website*

Europol by no means engages in direct crime fighting operations like national police agencies or the Federal Bureau of Investigation in the USA. Instead its primary aim is to promote intelligence sharing between member states by obtaining and analysing intelligence from the member states as well as informing the member states when it has information, which is of their concern. Furthermore, Europol has established ad hoc teams of its staff and member states in order to collect and share intelligence on specific terrorist groups.[49] Adding to this, the convention also states that Europol will aid the national authorities in expertise areas as well as to provide the members with strategic intelligence in order to assist and promote the effective use of resources available at national level amongst other tasks.[50]

In achieving these tasks, Europol has created a network framework within which it operates. Every member state is represented by a Europol liaison officer (ELO) who operates under the responsibility of his/her country, even though they are situated and perform their role at Europol in The Hague. The ELO's task is to assist the exchange of information between the national unit and Europol between member states in the following ways:

by providing Europol with Information from the seconded national unit; by forwarding information from Europol to the seconding national unit and; by cooperating with the officials of Europol by providing information and giving advice as regards analysis of the information concerning the seconding member state[51].

Part of the network are the Europol National Units (ENUs). These units are located in the member states and are staffed by local law enforcement agencies and civilian staff. Through these bodies intelligence is exchanged and they are the only liaison bodies between Europol

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[49] Europol Convention, Article 3.1 and 3.2 accessible at
http://www.europol.europa.eu/index.asp?page=legalconv#ARTICLE%203 – accessed 15 August 2008.
[50] *Ibid*
[51] See *Europol Intelligence Handling*, pp.13-14.

and the member states. Their main duties are described in the Europol Convention and they range from sharing intelligence with Europol at their own initiative to ensure legal compliance in every exchange of information between themselves and Europol.[52] Their mandate in brief is to facilitate and ensure the smooth flow of intelligence and cooperation between the member states and Europol.

This intelligence exchange network is facilitated through the help of a central computer system specifically designed to facilitate information exchange. The Info-ex system enables bilateral exchange of intelligence without the involvement of Europol being a prerequisite. Additionally the system allows the flow of information with non-EU member states. Further more the Europol sharing network includes the Europol Information system (EIS) amongs its other features. A system, which supports all the intelligence activities within the Europol framework and contains information on suspected and/or convicted persons, criminal offences and criminal structures and organisations.[53]

The other Intelligence sharing institution under examination is the Club of Berne, a group of EU member states' heads of intelligence services, which nevertheless is not an EU institution and neither affiliated to it.

The Club of Berne was set up in the early 1970's and since 1971 it holds regular meetings all year round. When it was created it included only six members but today it has reached 27 as all EU member states are represented. The club of Berne works in relative secrecy even though there have been doubts about its efficiency since its reports are not directly addressed to any particular European Union body such as the high representative of the CFSP[54] and

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[52] See *Europol Intelligence Handling*, p.14.

[53] Ibid, p.17.

[54] Lefebvre, Stéphane, The Difficulties and Dilemmas of International Intelligence Cooperation, *International Journal of Intelligence and Counterintelligence*, Vol. 16, No.4, 2003, p.530.

even more, there is no formal commitment or expectation even, that the members will share all intelligence in their possession.[55]

In 2001 the Club of Berne created a Counter Terrorist Group where threat assessments are produced and shared between the members, the USA and some committees of the EU. The areas usually occupying its interests are terrorism, communications interceptions, encryption, cyber terrorism as well as matters of European intelligence cooperation and improvement. The Club of Berne has its own network and intelligence exchange system and it is termed by some as the most successful Europe wide intelligence sharing and cooperation body, even though it is not part of the EU[56].

All the above illustrations of institutions facilitating and promoting intelligence sharing and cooperation in the EU plus the Club of Berne which is not part of any EU institution but still used to portray European cooperation, provide the evidence that a culture of sharing is already present. In some cases it is really encouraging, but as it will be observed in the chapter the problems outnumber the benefits. Especially in the case of the ESDP, because of its nature as well the problems are numerous. In the case of Europol, things are more encouraging because of its nature as a crime preventing and fighting authority instead of having anything to do with military intelligence. The case with the Club of Berne, is that it is quite successful, maybe because of its non-binding character, that no states are even expected to share intelligence, even though there is great secrecy surrounding its activities.

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[55] See Walsh, p.631.
[56] Aldrich, Richard J, Transatlantic Intelligence and Security Cooperation, *International Affairs*, Vol. 80, No. 4 , pp.738-739.

The Proposed EU Central Intelligence Agency

In the previous chapter, the actual institutions facilitating some form of intelligence cooperation in Europe have been portrayed. Whether there is a need for reform and change is going to be discussed in this chapter. This will be achieved by identifying and emphasizing on the negative characteristics of the aforementioned institutions. After this is done, proposed changes will be suggested with the final proposal of the nature of a European Union intelligence Agency.

A different approach will be followed, instead of taking each institution mentioned in the previous chapter, and exposing its weaknesses individually. The inadequacies which will be looked upon will be of a collective nature. The most important differences in these institutions and more importantly the ones creating obstacles for further intelligence cooperation will be mentioned. This is due to the fact that all the institutions appear with the same backlashes connected to the nature of intelligence sharing as a concept.

It would be better to concentrate on a number of very specific problems and their analysis. Four main problems will be looked upon. The general problem of trust, or better put, mistrust between the sharing parts will be examined. Specifically for the EU countries, the problem of reluctance for cooperation on behalf of member states amid fears of spoiling privileged relationships with third countries will be mentioned. Further two problems will be examined. The problem of EU countries being unwilling to share intelligence in fears of undermining their national sovereignty will be examined and the problem of oversight which will ensure civil and political rights (an area in which Europe appears more sensitive in) will be viewed.

The problem of trust when it comes to intelligence cooperation is dominant in all kinds of such collaboration. Whether this is bilateral, or multilateral as in the case of the EU,

intelligence sharing and cooperation raises trust awareness in terms of how trustworthy are the partners. There are trust issues both from the provider of intelligence as well as from the receiver's side. The provider is always concerned for several things. There is always the case of the receiver disclosing the intelligence to third parties without the consent of the sender, which poses further problems. This could jeopardise the sender's sources if there is even a slight hint towards the direction of the source. This in turn could lead to a further problem of a hostile country, which has good relations with the third country which received the information gaining access to such knowledge such as the sources of the sender and its intelligence capabilities. An additional problem to this would be the fact that the receiver would be able to realise the sender's technical capabilities in terms of technological abilities and tactics.[57] On the other hand the receiver might show mistrust towards the intelligence received due to several factors. The accuracy and reliability of the intelligence received cannot always be trusted as some times the sender may claim that the intelligence sent is much more valuable than it really is or even fabricate intelligence in order to influence the receiver's policy. Apart from this, the fact that the receiver does not know of the sender's sources poses a threat in terms of whether the information was deliberately provided as such by an unreliable source for any other reason. Another important issue related, would be that the sender may possess more intelligence than what it provides, but for what ever reason chooses not to share with the other part, therefore providing incomplete intelligence. Examples of trust issues could be countless but in the case of the EU this is a matter of utter importance since it is 27 countries, which would have to trust each other respectively with such sensitive materiel.

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[57] See Heinrich, p.140.

There are countries within the EU, which already have very good relations in terms of intelligence cooperation and sharing for several reasons (ie. Greece and Cyprus). But on the other hand there are countries that have privileged intelligence cooperation with countries outside the EU as well (UK-USA). This is a matter of uttermost sensitivity because of the fact that the EU needs to develop its own capabilities without relying on outside assistance, without arguing that cooperation with non members and especially with important world powers such as the USA and Russia is not needed.

One of the main examples of such a privileged relationship is the UK-USA special relationship. Britain for example, would rather keep its UK-USA special relationship, which is proven to work and it is quite beneficial thus far. Arguably, it would be against the country's best interests to downgrade this agreement in favour of a new European attempt with 26 other partners, which have much more to gain from such an attempt than Britain has.

On a more general note, this kind of relationship was pretty much expected from European countries, taken into account environment of the Cold War. Most of these countries were members of NATO and therefore it was inevitable for them to develop strong relationships with other member countries. The European Union it self as an entity is relying on NATO to a very big extend as far as military matters are concerned including intelligence. It is needed that the EU disengages from this dependency on NATO, develop and rely on its own means. In order for this to happen member states must rely less on their bilateral intelligence cooperation and focus more on cooperation under the EU's aegis. At this stage this seems highly unlikely because of reasons such as the fact that these special relationships are already tested and proven to work.[58]

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[58] See, Herman p.208.

Another factor creating reluctance on behalf of member states is the feeling that their national sovereignty will be undermined. As far as the subject of intelligence cooperation is concerned, most if not all EU member states consider their national security outside the EU framework. Therefore they do not feel the need to collaborate strongly and effectively on intelligence issues at the EU level. This is mirrored in the debate around the nature of the development of the CFSP to a large extend, where in its description in the second pillar *'...expectations that member states will move beyond national sovereignty in this policy issue are low'*.[59] More specifically if terrorism is taken in an example as the main area of concern today, EU member states do not feel more threatened or to be more directly targeted than other European countries. Instead of this leading to the EU countries to form a collective response to real issues regarding terrorism, each country became concerned towards specific threats, like the French giving priority to fundamentalists from Northern Africa or Germans stepping up their surveillance on their Turkish and Kurdish immigrants.[60] This was particularly true for the time between the end of the Cold War until the attacks of 9/11 followed by the terrorist attacks on Madrid and London shortly after. As Heinrich mentions, it was obvious that the terrorist attacks in European countries were directed against specific countries rather than Europe as a whole, which led to uncoordinated and wholly national responses. This further demonstrates the lack of coordination as far as intelligence is concerned at the time on behalf of the EU. Things have developed since then, but there is still room for improve.

Such development should include oversight ensuring civil and political rights. This area of concern is more of a hypothetical development for the time being as it is clear that yet there is no official EU intelligence agency, which might infringe such rights. On the other hand the

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[59] Sjursen, Helene, Towards a Post-National Foreign and Security Policy?, *ARENA Working Paper*, WP 04/12, p.4.
[60] See Heinrich, p.139.

existing intelligence cooperation institutions rely heavily on national input, which is obtained through means which leave it up to the nation states to ensure such rights' protection. In the case of Europol for example which is the main body for the time being which is more developed in terms of conducting investigation and engaging in other activities, there is the provision that with the growing capabilities and responsibilities of the body the EU will ensure the democratic control through the aquis and its conventions.[61] In the case of Europol, it is appropriate to have a look at the Constitutional Treaty for Europe, in order to have a better understanding of the mentality of the EU. It states in article III-276 that Europol's structure, operation, field of action and tasks are determined by European laws but

'*Any operational action by Europol must be carried out in liaison and in agreement with the authorities of the Member States whose territory is concerned. Any application of coercive measures shall be the exclusive responsibility of the competent national authorities*'.

The most serious problems posed in facilitating Intelligence Cooperation within the European Union are clearly stated. It would be suggested that what is to be done in order to facilitate better cooperation should always aim towards fulfilling the security concerns of the EU as a whole as a first step. It should also aim in constituting the EU as a global actor, providing the Union with intelligence capabilities reaching outside its borders.

One way of enhancing such cooperation would be to increase bi-lateral intelligence exchanges as Heinrich and Muller-Wille suggest, but this would undermine the EU since collaboration would be outside its structures. The best way to ensure this would be the establishment of a European Union Intelligence Agency. Nevertheless, the issues of trust,

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[61] Bruggerman, Prof. Dr. W., What are the Options for Improving Democratic Control of Europol and for Providing it with Adequate Operational Capabilities?, *Studia Diplomatica*, Vol. LIX, No.1, 2006.

maintaining special relationships for countries who already have them, the protection of national sovereignty and political oversight must be ensured.

Calls for the establishment of such an agency have been around for a while from small countries like Austria and Belgium, and scholars such as Nomikos. Nomikos argues that a proposed European Union Intelligence Agency should pool resources in order to achieve better results in areas such as the ones launched by the Treaty of Maastricht (CFSP, JHA).[62] It would be argued here, that there are far too many things such an agency should be expected to perform. First it would be an invaluable tool in the fight against terrorism, the predominant area of concern in our time. Then it could provide the EU with knowledge of crises and potential crises in its periphery and beyond. It would even be useful in promoting EU trade and economy in the way the French secret services act.

But what would be the nature of such an agency? First of all, it should be a central agency based in the heart of the EU, which would pool intelligence and disseminate on demand, by the EU institutions. In order to overcome the problem of mistrust, it should include all the member states, to eradicate the voices of disapproval by the excluded members (unlike the case of the SitCen). It could be argued that this would cause concern on behalf of the bigger states who have more competent agencies and may feel that their intelligence input would be far greater than the rest, but also they could argue it could be in jeopardy by untrustworthy counterparts. A suggested way to overcome this obstacle would be to follow Walsh's proposal of a regional based intelligence cooperation. To take this argument a step further, it would be wise to suggest a central intelligence agency for the EU which would pool intelligence collected regionally.

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[62] Nomikos, John M., 'European Union Intelligence Agency: A Necessary Institution for Common Intelligence Policy?', in Vassiliki, N. Koutrakou, p.45

To build on Walsh's argument it would be suggested that this regional model should be based on the current battle groups formed under the ESDP. These battle groups were set up after the Helsinki summit in order to allow the EU to develop a rapid reaction force in military terms. This concept was further developed after the first EU military mission, operation Artemis in the Congo. A typical battle group would comprise of a headquarters company, three infantry companies and corresponding support personnel.[63] While the actual nature of the term and its actual capabilities will not be further discussed, since it does not serve the purpose of the thesis, there is one point where one should further examine.

These battle groups are formed by a small number of states, and whether this was done out of plan or by chance, the battle groups seem to be formed by countries with traditionally good relations with each other. Take the HELBROC (Hellas[64], Bulgaria, Romania and Cyprus) group for example, and it is obvious that these countries have long traditions of cooperation, which by far overshadow minor disputes at points. Intelligence capabilities could be added in their operational capabilities, or different groups could be created based on the composition of these battle groups with sole responsibility of intelligence.

Such regional groups should then provide the Central European Intelligence Agency with the intelligence reports as well as the sources and means leading to the provided outcome. In order to avoid duplication, the Central Agency should not re-analyse or re evaluate the intelligence reports, but it should possess the actual raw material and be aware of the methods followed. This should be done in order to eliminate one element of mistrust as to whether the information is accurate or misleading on purpose. The nature of the agency should be such that it would only be concerned with EU related matters, again in order to eliminate the need from the states to conceal intelligence which might be linked to national issues and concerns.

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[63] Lindstrom, Gustav, Enter the EU Battlegroups, Chaillot paper No.97, Feb. 2007, p.17.
[64] Greece

Alongside the regional groups structure, elements should be incorporated to such an Agency, which would be dealing with intelligence cooperation with partners outside the EU. For example, one department should facilitate intelligence cooperation with the USA and Canada another with important regional countries such as Turkey (important country with close proximity to Iraq, Georgia and other troubled areas) and so on. Such a development would also ease the restraints of countries in fear of loosing their privileged relationships, such as the aforementioned UK-USA.

The proposed agency would develop its own collection and analysis capabilities, through regional departments based individually in the countries forming the groups. Then the intelligence would be transferred to the regional headquarters for analysis and then passed on to the centre of the Agency. Since this process would be independent of national processes, there should be a window left open for cooperation with the national agencies too. A department should be set up within the Agency, which would deal with bilateral cooperation with member states' agencies.

The proposed agency must be fitted within the EU framework. Preferably it should be an independent institution such as the CIA in the USA, but it would be for the best to follow the same process as Europol in that sense. The agency should be established through a convention, providing it with a form of legal independence. Nevertheless the agency should be under the European Commission and its president, which is often given the same status as the head of state. The commissioner for Foreign Policy, who is responsible for the CFSP too, should be directly involved with the matters of the agency and should receive regular briefings. Since the council of ministers is the main decision making body within the EU it would be the most appropriate to receive briefings but it should not have any direct say over

the agency since in this body the ministers represent their own national governments.[65] This way the complete dedication of the agency to the EU and its purposes will be secured in a way and will remain outside national interests.

The SitCen, and the Satellite Centre should be incorporated within this agency, which should assume their responsibilities. Matters of terrorism would be dealt with by the new agency along the other functions of the SitCen. The Satellite Centre would enhance the agency's ability in IMINT and its other capabilities and it is suggested that it should operate as a branch of the agency. Furthermore, the EU should provide substantial funds the SatCen in order to launch its own satellites and develop better secure structures, possibly in cooperation with the European Space Agency, rather than with third countries or the private sector.

Europol on the other hand, should remain autonomous in its current form, and develop in its own context. This is due to the nature of Europol's activities, which should nevertheless develop a form of close cooperation with the suggested agency.

This would offer the EU a real sense of a state like entity, or at least a more complete one. It adds value to EU's decisions and provides the tools for backing its decisions and even more, it provides assistance to shape decisions.

The creation of a European Intelligence Agency as a solution to the current intelligence cooperation deficit within the European Union has been suggested for several reasons. Instead of adopting Muller-Wille's point of view, that it would be preferable for the situation to remain as it is instead and enhance bilateral cooperation, a central agency would be more beneficial. While Muller-Wille's proposal is based on David Mitrany's 'form follows function', a central agency would actually be more productive. This actually provides an

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[65] See, Nomikos p.48.

explanation as Muller-Wille states of why the intelligence cooperation in the EU has developed the way it has until now. It would be argued here that it does not provide a reason of why it should remain as it is rather than creating a common centralised intelligence agency.

A Central European Union Agency would be able to serve 'information on demand' needs parallel to evaluating threats and providing intelligence on estimated threats of an in-house production nature. The proposed form of the agency attempts to ease national worries. This is achieved through the fact that such an agency would be independent from any national governments and indeed it should not interfere to member's national affairs, unless requested by a national government. Further more, the regional battle group, approach serves to ease at to the extent possible the issue of mistrust between states, by allowing them to collaborate with countries with which there are traditionally good relations and a good record of cooperation. This added to a form of experience already gained through military collaboration under the EU through the battle groups. The great advantage assumed is the fact that this suggestion provides the EU with a central intelligence agency, serving the EU alone, constituting it free from dependency on national governments and outside factors and organisations such as NATO. It provides a hierarchical structure, based on a model of 'devolved governance' that allows freedom of action and the maximum utilisation of regional advantages of every member state. Since such an institution would be under the European Union decision-making institutions' oversight it would ensure that the European decision makers' targets will be assisted to the maximum degree. Alongside this, it will ensure the political oversight of such an agency in order to avoid violations of law and human rights infringement.

It would be another step towards greater integration, and the enhancement of the EU in the international scene, unless these act as the main point of reluctance on behalf of the EU.

Conclusion

The European Union has emerged since the end of the Cold War, as a major world power. Even though this is mainly in terms of economy, its role as a global actor in other fields is increasing. After the events of 9/11 and the subsequent attacks on European soil, this role has been maximised. This is due to the development of European Union responses to threats such as terrorism as well to an extended security agenda which includes various threats ranging from energy dependence to transnational crime and illegal immigration.

Intelligence fits in the image as one important tool in ensuring and providing security, through means of early warning and in terms of providing knowledge on any perceived threat. In the case of the EU (mainly due to its supranational character) intelligence cooperation is of uttermost importance. It provides the means to disengage from the narrow national security mentality which its member states have. But this can only be achieved through a central intelligence agency of the EU. Bilateral intelligence cooperation takes place, and always has, but apart from depriving some members' access to intelligence it also deprives EU itself from intelligence it could use from the excluded members.

The EU has already developed structures to facilitate intelligence sharing and cooperation, but as described above they remain, conveniently flawed. The fact that smaller countries are the ones calling for further intelligence cooperation should not strike as a surprise. The current intelligence-sharing regime through the current structures not only is selective in nature and excludes most of the members, but it also puts restraints on the EU itself. Restraints in terms of depriving the EU of intelligence if member states judge that it is to

their own national interest, not to share with the EU. Apart from this, the EU is downgraded as a global actor, since it heavily depends on member states. The worst part, is that it relies heavily on NATO and third countries in terms of military capabilities, which constitutes the union incapable of taking any other action, apart from maybe issuing declarations condemning international situations.

The proposed European Union Intelligence Agency targets to eliminate most of these problems, by providing the EU with first hand intelligence. It has been carefully suggested that it must be based on a devolved model on a regional basis. This is in order to ease worries about national sovereignty in such a sensitive area being taken over by the EU. The already established battle groups provide the infrastructure, at the organisational level, on which the regional model should be constructed upon. The benefits of such a development would outnumber the drawbacks and will provide the EU with autonomy in the area of Intelligence setting a first step of Europe entering the International scene as an actor who can count on its own capabilities.

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