



For EU eyes only? Intelligence and European security

by Björn Fägersten

Some of the immediate reactions to the November 2015 terrorist attacks in Paris called for new structures and mandates for intelligence and security service cooperation in Europe. The current migrant crisis has also led to calls for increased intelligence cooperation, as has the deteriorating situation in Syria to which European ‘foreign fighters’ keep flocking.

These calls are neither new nor surprising. Indeed, every time a new threat to European security emerges, similar voices have been heard. Too often, however, calls for more cooperation in this domain tend to underestimate the challenges and overestimate the benefits of their suggested design – while overlooking the structures already in place. This does not mean that cooperation in the field of intelligence and ‘homeland’ security cannot be developed further. On the contrary, EU member states have taken fairly drastic steps over the last 15 years – and more could be done.

The progress so far

In 2005, the then EU coordinator for counter-terrorism, Gijs de Vries, quipped that: “You can’t get closer to the heart of national sovereignty than national security and intelligence services.

Yet in Brussels we have these analysts working together for the first time”. Despite the inherent sensitivities that exist within the field, the EU has considerably increased its resources for intelligence sharing and analysis in the decade following this comment. Today, European intelligence cooperation supports three main functions – law enforcement, internal security and foreign policy – although with rather different ties to the EU as such.

Intelligence support to foreign and security policy is the field that has reached the highest level of integration into official EU structures. This integration is illustrated both by the fact that cooperation takes place within the EEAS structures (and, prior to that, within Council structures) and mainly supports EU-level activities. The hub of intelligence sharing and joint analysis is the EU intelligence and Situation Centre (IntCen) which is focused on a broad range of external areas and themes in support of EU foreign and security policy. It is also supposed to keep an eye on the threat of terrorism even within the EU.

Also with an external focus, the Intelligence Directorate of the EU’s Military Staff works in tandem with IntCen but covers issues from



a military perspective. Joint reports between IntCen and IntDir are produced in a format called Single Intelligence Analysis Capacity (SIAC). Finally, the EU Satellite Centre supports this external dimension as well with its niche competence in imagery intelligence.

The EU also houses intelligence cooperation in support of law enforcement. This can be said to be a less integrated field since it is performed within an autonomous agency – the European Police Office (Europol) – and mainly supports member state efforts rather than EU-level activities. Cooperation in this field existed outside of EU structures – e.g. the TREVI Group – but was later added to the EU via the Europol convention before Europol was formalised as an EU agency in 2010. Today, Europol is the main hub for exchange and analysis of criminal intelligence. Information originates from member states, open sources and third parties such as international organisations and countries outside the EU.

Finally, the EU benefits from intelligence cooperation in support of internal security even if such cooperation is not attached to the Union nor focuses on supporting EU policy *per se*. The node for such cooperation is the *Club de Berne* – where security services deal with a broad range of societal threats – and its offshoot, the Counter Terrorism Group (CTG), where cooperation has a more narrow focus on Islamist terrorism. While cooperation is fully intergovernmental, the CTG has a link to the EU's IntCen and regularly briefs EU working groups and decision-makers. The CTG includes all 28 EU member states, as well as Norway and Switzerland.

In sum, the development of European intelligence cooperation has been rather substantial in the last 15 years. Intelligence support for the EU's foreign and security policy has developed from being a small cubicle within Javier Solana's office into dedicated all-source intelligence units. Law enforcement intelligence is exchanged and analysed within a dedicated EU agency and the security services have expanded their cooperation, also to the benefit of the EU. Given that it is an area of traditional controversy, this development has generated surprisingly little interest in political, as well as academic circles.

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The challenges of cooperation

The speed at which European intelligence cooperation has developed means that it has not always been a smooth ride. On the contrary, a range of obstacles have made cooperation cumbersome and still pose challenges for further cooperation. The main obstacles can be grouped in four categories:

Diverging preferences: countries share intelligence, or establish joint intelligence functions, if they believe this furthers their interests. Economies of scale and the need to support common policy objectives often offer a strong rationale for cooperation. But other concerns counterbalance these benefits: the risk of exposing sources and methods, being deceived, or worries over national autonomy (the field of counter terrorism provides a good example).

Another aspect preventing cooperation is the zero-sum logic prevailing in some fields of intelligence whereby certain information is more valuable if it is known by only one actor. This is most often the case with foreign intelligence where knowledge can be turned into political leverage, as well as commercial advantage: think, for example, of the scramble for access to newly opened markets like Iran, and what exclusive information and contacts might be worth. In other words, regardless of the sound economics of sharing and cooperating, as well as the overall interest in furthering a specific joint policy or instrument, EU member states will – at least in some instances – deem it not in their interest to take part in common intelligence work.

Power asymmetries: member states not only have diverging preferences, they also have different resources in the field of intelligence. Effective international intelligence cooperation usually has ways of compensating for differences in power. That is, allowing those with greater resources greater influence or control and thereby securing their participation. The build-up of the EU IntCen – initial named SitCen – illustrates how special treatment was given to a select group of member states that were allowed to shape cooperation. Formal or informal hierarchies are simply what players with fewer resources will have to accept in order to get the others to the table.

Bureaucratic interests: the bureaucracies within member states also have interests at stake, and at times these may differ considerably and impede cooperation. The reasons may vary: organisational cultures might be different, or equally importantly, professional cultures may differ among the police forces, security services and intelligence agencies (which is challenging in areas when these forces need to join up, such as counter terrorism). Bureaucratic self-interest plays a part as well, as new cooperative arrangements may, for example, threaten investment in long-standing personal and professional networks.

The sum of these bureaucratic factors means that governmental ambitions do not always translate into reality. In the still relatively short history of multilateral intelligence cooperation in Europe, examples abound. To name one, the ambition to put Europol at the centre of the fight against terrorism, repeated after every terrorist attack on European soil, has been seriously obstructed by the fact that national security and intelligence agencies have been unwilling to strengthen their cooperation with a police body.

Missing infrastructures: finally, intelligence cooperation is facilitated by what can be called cooperative infrastructures. At a personal and organisational level, this means having a sufficient level of trust to allow actors to engage in cooperation. Sharing an organisational or professional culture, or previous positive experiences can help build trust. However, previous experiences of working against actors that now are supposed to be cooperative partners – as was the case, for both the EU and NATO after the end of the Cold War – is obviously less helpful.

Having rules and regulations in support of cooperation helps, too, even if this is neither necessary nor sufficient: rules meant to restrict information exchange tend to be breached, and rules meant to enforce cooperation tend to be ignored (a good example is the 2005 Council Decision that obliged member states to provide Europol with counter-terrorism information). Lastly, there is a need for technical infrastructures allowing for information sharing and joint analysis. While considerable progress has been made within the EU in this regard, it still inhibits cooperation in certain areas.

The fallacy of grand designs

Despite the rather swift development of intelligence cooperation in Europe over the past 15 years, recurrent calls have been made for further cooperation, often in the shape of a European FBI, a European CIA or some other form of ‘genuine’ common intelligence agency. Following the 2004 terrorist attacks in Madrid, several member states called for the establishment a CIA-type organisation. At the height of the Edward Snowden affair, former Commissioner Viviane Reding called for a new agency to rival the American National

Security Agency (NSA). And, meeting shortly after the terrorist attacks in Paris, Commissioner Dimitris Avramopoulos told reporters that it might be high time to create a European intelligence agency. Looking at the historic developments and practical challenges of cooperation, however, a few problematic aspects are worth pointing out.

First, most calls for a more ‘potent’ European intelligence function suffer from self-selection bias – i.e., they tend to come from actors with rather weak intelligence capabilities of their own who seek common solutions. As long as it is only small states with limited capacity (or the European Commission that has even less), which are calling for more centralised cooperation, the prospects for success are slim.

Second, it is not entirely clear what problem(s) the advocates of new centralised intelligence functions want to address. There is no shortage of police officers, intelligence analysts and security service staff in Europe, but they do at times lack crucial information. That national officers would be more inclined to share intelligence with newly established centralised organisations than with those partner countries they have often cooperated with for decades is, however, an uncertain bet. Moreover, that there will be full political acceptance any time soon for a centralised organisation that collects its own intelligence on European soil is also rather unlikely.

Last but not least, creating new structures as a response to perceived shortcomings is potentially hazardous as national security is still an area of member state competence. When responsibility

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is unclear, the troubles are plain to see: a common currency coupled with national economic policies, or a common border coupled with national migration systems are telling examples. A top-down construction would shift expectations to the EU level when, in reality, the Union is still quite far from being able – legally, politically and technically – to play this role.

Ways ahead

All this does not imply that cooperation cannot and should not be developed further. In fact, there is quite a lot that could be done to foster closer European intelligence cooperation and, given the current security situation in the south and east and the increasing role of information in modern conflicts, it is quite likely that member states will want to make progress in this area. There are three tentative ways to move forward.

For starters, the EU's intelligence system – and its future development – should not be benchmarked against a *national* intelligence system. The EU is a non-typical intelligence actor which has needs of its own and supports member states' efforts in the security realm. In this it differs quite substantially from national intelligence systems. For example, the need for genuinely common analysis far outweighs the need for sharing highly sensitive information in the context of EU foreign policy. A common information basis allows for collective policymaking or, at least, increases the political price of resisting it.

The various arenas for European intelligence cooperation also encourage bilateral and 'mini-lateral' cooperation, something which should be seen as a strength rather than a weakness. Identifying partners and common interests, pursuing these interests in smaller groups and then reporting back to the multilateral forum has been a successful *modus operandi* in the field of counter terrorism. EU intelligence should not be deemed unsuccessful because it does not mirror or replicate a national system – and neither should it be reformed in that direction.

The EU also sits on untapped intelligence resources that could be developed rather easily. One example is the 140-odd EU delegations in third countries. These are primarily staffed by either trade and aid experts or generalists from the diplomatic corps; few have a background or competence in security analysis and, even where they do, the intelligence nodes of the EU have no straightforward way of tasking them. A clear mandate for IntCen to reach out directly to

analysts within EU delegations would increase the flow of relevant information to the EU's central intelligence system.

Moreover, the vast amounts of technical information that is already collected within the EU (by individual countries, as well as various institutions) through its net of 'sense-making systems' could be better processed and used. These streams of information can be turned into valuable intelligence to the benefit, for example, of crisis management and civil protection as long as proper oversight can be assured.

In general, the EU would do well to hone its non-traditional intelligence status and develop its open source capacity further. Since information warfare is a key aspect of today's security environment, the need for publicly and rapidly verifiable information is growing. EU intelligence operators might consider publishing more analysis solely based on open sources, which would allow for swift dissemination across European, as well as foreign audiences.

Finally, more efforts could be made to foster the 'soft infrastructure' of cooperation. This goes for the national intelligence providers who would benefit from learning the habits of multilateral intelligence work early on in their careers. Today the IntCen, for example, holds introductory courses for new analysts seconded from member states. This could rather easily be scaled up and offered to new analysts working in national intelligence systems – or even analysts that are about to be sent out to serve at one of the EUs delegations. This would build trust and systemic understanding, allowing for long-term improvement of cooperation.

Intelligence support within the EEAS is mostly shared between high-ranking officers and high-ranking decision-makers: more interaction among line intelligence analysts and desk officers within the EEAS could also improve mutual comprehension of respective tasks, as well as a more thorough understanding of the threats and regions of concern, and resulting intelligence needs. And, needless to say, a shared view of common European interests and security priorities would make cooperation much easier among the different actors involved in supporting these efforts.

Björn Fägersten is a Senior Research Fellow and Director of the Europe Programme at the Swedish Institute of International Affairs.

