The EU Intelligence community: elements of a EU intelligence culture

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Abstract:

The EUGS 2016 introduced new challenges and set specific head goals for the policy of the European Union in the fields of external action and security. Such decisions must be implemented and backed by valid intelligence support. The EU intelligence community, that according to this paper is composed by mainly four agencies (EU IntCen, EU IntDiv, SatCen and Europol), represents the backbone for the information and policy making support of the EU governance. In this paper it will be analysed the development of the EU intelligence community in order to prove the existence of a EU intelligence culture, and eventually, the five main elements that emerged in the research, by using the literature on the US intelligence community and its culture as comparation subject. The five main elements taken into account to define the EU intelligence culture and represent the foundation upon which it will be built any future development of the EU intelligence community, that will pass from a European intelligence community to a European Union integrated intelligence system. In a world in constant change in which the EU has to find its own place, the development of its intelligence becomes crucial, to understand and respond to the different types of threats.

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1. Introduction

In the 2016 EU Global Strategy (EUGS) presented by the High Representative Federica Mogherini, for the first time the European Union set a series of goals for its foreign policy. In order to implement such goals and take good strategic decisions, different instruments are needed: credible military force to back up operations, and good quality, on-the-time and on-the-spot intelligence. This dissertation aims to contribute on the debate over the European Union's intelligence community development in the field of intelligence culture. The answer to the main dissertation question on what are the elements that define the EU intelligence culture is meant to open and push the debate over the topic, since as of yet there is no definition of EU intelligence culture. The literature that is covered on the literature review has given specific answers and widened the debate over intelligence and intelligence culture, but not in the case of the EU institutions, yet. By knowing what the elements that define the EU intelligence culture are, it will be possible, at the end of the dissertation, to give five main elements that shape the EU intelligence community's culture.

The intelligence community of the European Union can be analysed using different depths of research. The first layer is represented by the historical development of the agencies that compose the intelligence community of the EU institutions, and it is the easiest way to understand what these agencies are, who their client is, and what they do. A second layer that requires a deeper analysis is the threat response action through which these agencies have been developed and enhanced, and how their tasks have been decided. By threat response action it is meant the action undertaken by the EU institutions to respond to new and specific threats to the political and territorial integrity or

sovereignty of the EU, to its external borders and to its citizens. Through this analysis it is possible to see how the agencies changed according to the changing of the political environment around a specific event that shook the political opinion concerning security matters. For example the 11/9 events, the Madrid bombings in 2004, or even the Paris attacks of the 13th November 2015. In all these cases, the European Commission took measures to change, or enhance, the tasks, capabilities and requirements of the intelligence agencies of the EU, to strengthen their possibility to analyse, or to push towards a higher level of intelligence sharing between the member states. Finally, a third, deeper research analyses the EU intelligence institutions following a cultural path within the process of the European integration. This is the case of the dissertation, which will answer the main question by understanding the guiding lines, ideals and values that founded the European Union in the first place, and later shaped its institutions, including the EU intelligence community.

In order to answer the question, I will go through the following steps. After the technical remarks (literature review, methodology and limitations), the dissertation will immediately open with an analysis of the US intelligence community. This analysis will help to find the elements that according to me define an intelligence culture, and will be used as main markers defining the existence of a EU intelligence culture, and its main elements at the current stage. The elements taken into account are mainly five, and belong to four different realms: politics (projection power and political aims), history (the historical events that challenged the institutions and shaped them), ethics (relationship client - intelligence community, and definition of intelligence) and sociological aspects (organisational culture). These five main aspects will result after analysing the EU intelligence community. Firstly, going through the cultural roots of the EU defence integration, followed by a theoretical

discussion over the importance of Neo Functionalism as academic theory in the field of EU integration. Secondly, the dissertation will proceed on a more technical analysis of the documents that shaped the EU intelligence community. This analysis will give an overview of the four main intelligence agencies analysed throughout the paper and that compose the EU intelligence community: the Intelligence and Situation Centre (IntCen), the Intelligence Division of the European Union Military Staff (IntDiv of EUMS), the Europol, and the European Union Satellite Centre (SatCen). Thirdly, after analysing tasks and duties of these agencies, the final answer on what are the elements of the four realms found in the first chapter that define the EU intelligence culture will be given. Eventually, a few remarks will be addressed about the importance of this debate for the future of the EU in the field of security and intelligence, and for the concept of European identity.

Before starting to analyse the US intelligence culture and its community, a few adjustments must be addressed in terms of terminology. First of all: what is intelligence? In the case of this dissertation, the definition taken, which will be explained in detail in the fifth chapter, as "the corporate capability to forecast change in time to do something about it. The capability involves foresight and insight, and is intended to identify impeding change which may be positive, representing opportunity, or negative, representing threat."[1] However, throughout the dissertation, the term intelligence will be used to express the product, born after the moment of the analysis within the intelligence cycle. The intelligence cycle is another notion that is crucial for this debate. The intelligence cycle is the process through which the intelligence product needed by the policy maker in order to make an informed decision about a specific

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[1] Breakspear, A. (2013). A New Definition of Intelligence. *Intelligence and National Security*, 28(5), pp.678-693.

matter is produced. The cycle unfolds in the following way: it starts with the direction, in which the client (in our case, the policy maker) gives a specific order or makes a specific request to the intelligence practitioners; then, there is the collection of data. Data can be collected as open source intelligence (OSINT), through human intelligence (HUMINT), signal intelligence (SIGINT), imagery intelligence (IMINT), or geospatial intelligence (GEOINT). The data is later processed, and is defined, at this point, information. Information is later analysed, through the analytical process, which has other internal steps, and becomes intelligence, a product that meets the needs of the client (the policy maker). Intelligence is later disseminated, and based on it will be given a new direction through the feedback of the client, and the cycle starts again. The cycle is not a scientific process, but is widely used by intelligence communities all over the world.

On this note, a brief explanation of what intelligence culture is. There is no definition of intelligence culture yet, hence the attempt of individuation of the elements that compose it, in this research. However, it can be argued that an intelligence culture is the set of practices and forms protracted by a specific group of people belonging to the same intelligence community in the processing, analysis and dissemination of data, information and intelligence. These practices are influenced by cultural factors that in the case of the EU are not so clear. In this debated space, this dissertation will try to make a bit of clarity.

1.2 Research and methodology

The objective of the dissertation is to give a contribution to the field of studies of the intelligence in the European Union. A specific methodology has been followed in order to find the answer to the question introduced in the previous

paragraph. The approach adopted to write this dissertation and to gather data has been a qualitative one. All the documents read and analysed do not contain numbers. The documents rather explain how the problem has been approached by the academia so far, in order to create a framework as base to analyse the question. Alongside academic papers, political documents and key speeches have been analysed accordingly from a qualitative point of view. The key points of the methodology used to answer the main question are the following. First of all, the main problem to approach has been to find the literature gap, which will be covered in the literature review. Secondly, a classical academic theory used to build the theoretical framework has been individuated and defined; used in this case as lens to observe the development of the EU intelligence community. Thirdly, alongside the academic debate, to understand the structure of the EU and its intelligence community a thorough analysis of official documents and agreements has been made. The definitions of "intelligence" and "intelligence culture", as given in the introduction, are those that according to the author best define such subjects in the vast literature of intelligence. Finding a widely accepted definition in the academic literature is, as of yet, quite a challenge. Fourthly, it is important to remember that this contribution approaches the field of study from a cultural perspective. Therefore, the analytical process involved an analysis of key events that show the European Union's cultural approach to security, and on the idea of European identity. Finally, it has been analysed an external actor with a wide literature studying its intelligence culture, such as the United States' intelligence community, for confrontation purposes and to better understand which are the actual elements that make an intelligence culture.

The theoretical debate over the integration process of the European Union is vast, however, as of yet, five are the main theories of the European integration.

Starting by the concept that the European Union is a program of regional integration used to maintain peace in a Europe that was coming out of a destructive conflict such World War Two, several academic routes have been used to explain how it happened, and why the process kept going for more than forty years. As the EU became more and more integrated, new and more complex problems were brought to the table, while the world around was constantly changing. Here there is a list of the most successful theories that have been taken into account to analyse the problem. These are: Neo Functionalism, Intergovernmentalism, Liberal Intergovernmentalism, New Institutionalism, and Multi Level Governance. Of these five academic approaches, the one that according to me better explains the process that shaped the European intelligence community, from both a technical and cultural point of view, is the Neo Functionalism. The use of academic theories helped mainly in the reconstruction of the historical path that brought to the current form of the European Institutions and agencies that will be analysed throughout the dissertation.

The four main agencies are the Intelligence and Situation Centre of the European Union (SitCen), the Intelligence Division of the European Union Military Staff (EUMS), the Satellite Centre of the EU (SatCen), and the European Union Agency for Law Enforcement Cooperation (Europol, formerly known as European Police Office). Nonetheless, two more entities will be brought to the attention of the reader: the European Union Institute for Security Studies (EUISS) and the European Union Border and Coast Guard Agency (Frontex). All these agencies will not be analysed only from a historical perspective, but through the Neo Functionalist approach, in order to show their development and what changes they brought in the practice and in the political environment of the EU. The Neo Functionalist approach is useful to explain in this specific

case not only because it gives importance to the concept of "spillover", meaning, that the integration in one specific sector is eventually going to bring the integration of a whole system,[2] but underlines how integration is a process *in fieri*, rather than an actual final condition.[3] The Neo Functionalist approach then explains how the intelligence community in the EU changed accordingly to different elements: political opportunity, development of ever-changing threats in a globalised world and constant changing of the external political environment in the post Cold-War multilateralism. However, the Neo Functionalist approach, if taken as only existing theory to explain the nature of the EU intelligence community, could not portray it entirely. Therefore, elements of the Intergovernmentalism theory have been used to create a framework in which it is possible to explain the creation and development of the EU intelligence community.

Once created the academic framework in which the concept of the dissertation was built, the main qualitative data has been gathered through the examination of key documents that first shaped the idea of a European common defence. The first six decades of this historical period are briefly analysed. For some scholars, the treaty of Dunkirk of 1947 between France and United Kingdom represented the founding base in which the Western European Union (WEU) was later built. The WEU has been the framework that for the first time embraced the concept of European defence. Nonetheless, practically, the WEU could not respond to the challenges of the time. Therefore, after the fall of the

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[2] Tranholm-Mikkelsen, J. (1991). Neo-functionalism: Obstinate or Obsolete? A Reappraisal in the Light of the New Dynamism of the EC. *Millennium: Journal of International Studies*, 20(1), pp.1-22.

[3] Haas, E. (2001). *The uniting of Europe*. Ann Arbor, Mich.: UMI Books on Demand

Soviet Union, in a multipolar world, the actual debate over the European defence started to be more important, bringing me to dedicate a more thorough analysis to what has been produced after 1989. From the 1990s, the officially born European Union produced a series of treaties and documents that gave birth to a series of agencies and institutions that should have managed the security challenges of the Union. The Franco - British declaration of Saint Malo (1998) is crucial from this point of view. An analysis of the document backs the thesis according to which a reliable intelligence community must be created in order to support the EU decision making in the field of security. Other official documents produced by EU institutions and the member states have been more deeply analysed in order to find the information needed to profile the intelligence needed to accomplish the Union's objectives. This is the main task fulfilled through the documentary analysis: understanding what intelligence, according to the EU institutions, means, and what is intelligence needed for. To understand how it works, an analysis of the speeches given by the High Representative (HR/VP), and of the answers to the written questions of the European Commission, especially concerning the IntCen will be carried out. These documents help tracing the development of the current EU intelligence community.

From a technical and institutional point of view, the analysis of treaties and official documents of the EU is sufficient. However, the European Union is not merely a community linked by treaties and agreements. The key to understand the European Union's efforts towards a EU intelligence community of supranational nature has more cultural roots that define the community itself. Again, an analysis of documents and key speeches has been used to develop the concept of European identity based on values and ideals that helped shaping the entire security community of the EU. Since the whole dissertation's

pivotal concept is to define the EU intelligence culture, it was crucial to find the cultural roots of the EU, whose values and ideals are reflected on the intelligence community. These assumptions will be used to outline, throughout the dissertation, the necessary factors used to analyse the EU intelligence community and find whether or not is possible to talk about an intelligence culture of the EU, and moreover, to point out the elements composing it.

To obtain a clearer view of what an intelligence culture is, a comparison with the practices and procedures of the United States intelligence community will be made, as briefly assessed at the beginning of the dissertation. The United States Intelligence Community has been chosen as comparative element since it is a developed community with common practices, and with a strong presence that affects not only the internal political process, but has effects worldwide. It is therefore possible to find some recurring elements within the US practice that can define what an intelligence culture is. Five elements have been taken into consideration: state projection and independence of means, historical events that raised the debate over the intelligence community, the relationship between intelligence and policy making structures, the use made of the definition of intelligence, and the organisational culture. By analysing these different elements it has been possible to give a contribution to the debate upon the main factors that constitute an intelligence culture.

1.3 Literature Review

The contribution from scholars over the topic of EU intelligence is indeed vast. There are several areas that are covered by existing literature already. The first important part was definitely the development of the Common Security and Defence Policy (CSDP), which represented the basis for this research. The basic

publication that allowed me to have a full overview of the events that shaped the current CSDP is Security and defence policy in the European Union (2007) by Howorth. This book represented a milestone in the research and a solid starting point for any research over current European affairs concerning security and defence. To get more specific, several publications have been produced giving a better and straight-to-the-point overview of the EU and intelligence. However, in this case, it is important to divide what has been produced on the European member states' cooperation with EU structures, on the member states' multilateral intelligence cooperation between themselves, and what has actually been written over the EU intelligence structures per se. In the first case, the work of Bjorn Miller-Wulle has thoroughly analysed the patterns of intelligence cooperation on multilateral level with the EU institutions in several papers. Amongst the most important there are EU Intelligence Co-operation. A Critical Analysis (2002), The Effect of International Terrorism on EU Intelligence Co-operation (2007), Improving the democratic accountability of EU intelligence (2006). Mai'a K Davis Cross, in A European Transgovernmental Intelligence Network and the Role of IntCen (2013) improved the corpus in the literature of EU intelligence and member states. A good overview of multilateral intelligence cooperation has been produced by Bjorn Fagersten, in his Multilateral Intelligence Cooperation: A Theoretical Framework (2012), Bureaucratic Resistance to International Intelligence Cooperation – The Case of Europol (2010), and the fundamental brief written for European Union Institute for Security Studies, that criticised the current state of play and points out the possible future for intelligence in the EU: Intelligence and European security, (2016). One of the first papers on the EU intelligence community and its functions, main problems and tasks has been, For your eyes only? Shaping an intelligence community within the EU (2004), always by Bjorn Miller-Wulle. Monica Boer, published Counter-Terrorism,

Security and Intelligence in the EU: Governance Challenges for Collection, Exchange and Analysis (2015) and represented for me another milestone in the literature concerning the EU intelligence. These are the main examples of a huge corpus of literature produced to explain the main drivers, causes, and theoretical frameworks on how the EU intelligence works, not only at institutional level, but also even in the cooperation with the member states. The literature is solid in explaining the struggles of the European community between the years 2001 and 2017 in the attempt to create a more effective security apparatus not only for external purposes but internally too. A Decade of EU Counter-Terrorism and Intelligence: A Critical Assessment (2014), Intelligence-Sharing in the European Union: Institutions Are Not Enough (2006), by Walsh, or Intelligence Sharing and the Fight against Terrorism in the Eu: Lessons Learned from Europol (2016) by Oldrich Bures; are all titles of the main literature concerning the problems within the EU intelligence.

However, despite such an impressive amount of literature, it has been challenging to find something about the EU intelligence culture and how it is developing now. On this note, the research started involving papers of other nature, such as Troy's The "correct" definition of intelligence. (1991), Breakspear's A New Definition of Intelligence (2013), or Intelligence culture and intelligence failure in Britain and the United States (2004) by Davies. All these elements brought me to find the actual gap in the literature, which became clear with Stout's World War I and the birth of American intelligence culture (2017). Since the EU has not, as of yet, a well-established intelligence community, in which some agencies are still being debated over their belonging or not to the intelligence community, as Bures argues about Europol, it is critically important to create a definition of intelligence culture, in order to understand where European Union's intelligence come from, and where it is

going. To answer the questions concerning tasks, purposes and possibilities, the only way to understand is to go through the Treaties, European Council Decisions, and European Parliament Regulations that are dedicated to the EU security structure.

1.4 Limitations

The research has few important limitations. The main limitations are represented by the time at disposal, and the number of words. However, the most important points that limited my research are the ones concerning the techniques and practices currently in use within the EU intelligence community. It has been impossible to obtain any material produced first hand by the IntCen or the IntDiv, making it impossible to assess their work from an analytical point of view. It has been possible, though, to find European Council reports over the activity of the IntCen. Such documents give a brief overview of what has been produced by the Intelligence Centre but no first hand source that can be actually assessed. Due to the lack of time, it has been impossible for me to access to other type of information regarding intelligence that could have been gathered through interviews. If there is a common trait amongst all the different intelligence communities, is precisely this: the communities are closed to practitioners and some trustworthy members of the academia, but for anyone else, intelligence is a forbidden ground, hence the difficulties to find anyone willing to be interviewed by external personnel. Finally it must be cited the research in the field of organisational culture: it is part of the analysis, however, due to problems of space and time, was not physically possible to go deeper in the research over organisational culture, which is actually not the focus of this study. Nonetheless, the part that plays as part of the intelligence cycle will require further research.

2. The concept of intelligence culture, in the case of the United States

In this chapter I will outline the main elements that belong to these different factors, but I will try to avoid to repeat what has been already studied in deep by the vast existing literature on the US intelligence culture, point that has been already covered through the literature review. It can be argued that the American intelligence culture has its start with the National Security Act of 1947, where formally the United States intelligence community has been established.[4] However, it is possible to counter argue that the traits of an American culture in intelligence matters has deeper roots, that go back to the end of the First World War.[5] Since then, there are some elements of the practice of intelligence in the United States that is still possible to find nowadays. In this part of the dissertation I will extrapolate the main elements that determine a US intelligence culture, and use these elements to differentiate the EU intelligence culture, which in my argument is different than the US one. Before starting to analyse the US intelligence community, it is important to point out two factors concerning the relations between the two communities.

First of all, there is no "closed community", in intelligence. The US, the European member states, and as we have seen, the EU agencies, have external relationships with other intelligence communities or agencies. Therefore, even in the case of different cultural approaches towards the world of intelligence,

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[4] Home, O. and Book, I. (2018). *National Security Act of 1947*. [online] Dni.gov. Available at: https://www.dni.gov/index.php/ic-legal-reference-book/national-security-act-of-1947 [Accessed 28 Jul. 2018].

[5] Stout, M. (2017). World War I and the birth of American intelligence culture. *Intelligence and National Security*, 32(3), pp.378-394.

the products of one community can end up in the hands of another one, through sharing. The receiver can do whatever it is required by his client to do, with the information received. Sometimes the use done respects the relationship with the supplier, in order to build trust, and sometimes it does not, disrupting it. Nonetheless, relationships exist and some of them have been long lasting (for example, the "special relationship" UK - USA), regardless of the different intelligence cultures. The second point is that the EU member states' agencies have common traits with the US ones. The United States' intelligence community has more and better resources invested in intelligence matters, and has a wider approach to it, since intelligence has a very important position in US policy making. Thanks to this, US intelligence has been in some ways a pioneer force in the development of new techniques, and practices. European states have been using US intelligence products and resources for a long time, and European intelligence evolved a lot around the US model. Nonetheless, the US and Europe are two different entities with two different and separate policies, which are therefore supported by different intelligence products, that can be related and correlated in many aspects, but have two different cultural approaches. [6]

In dedicated literature, a lot has been said about the US intelligence and its culture. It can be analysed through different factors, even though there is no definition of intelligence culture, yet, as there is no widely accepted definition of intelligence in the academia. In this paper a specific definition of intelligence has been adopted, which is given in the in the fourth chapter. It defines intelligence as "the corporate capability to forecast change in time to do something about it. [...] involv[ing] foresight and insight, and [...] intended to

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[6] Palacios, J. (2016). Intelligence Analysis Training: A European Perspective. *The International Journal of Intelligence, Security, and Public Affairs*, 18(1), pp.34-56.

identify impeding change which may be positive, representing opportunity, or negative, representing threat".[7] Therefore, intelligence is basically a practice, an instrument and together, a product, with the sole purpose to help the policy maker. The way that such practices are carried out, the motive and the tasks given by the policy maker for the production of intelligence, are the factors that will be analysed to define an intelligence culture. Institutional norms, forms and practices that identify a specific way to find, analyse, and exploit information and intelligence. Moreover, it is crucial to understand that I am using a specific definition of intelligence, while one of the main factors that shapes an intelligence culture is precisely that definition: according to the definition of what is intelligence, the institutions and agencies are shaped, and therefore the rest of the cycle that goes beyond the dissemination (for example, the use made out of such product). Moreover, important is to underline that this chapter is concerned with the concept of strategic intelligence, rather than with that of tactical or operational intelligence.

2.2 The US intelligence community and the concept of independent collection

Once outlined these few points, it is possible to start talking about the US intelligence culture. The first thing that should be known is that behind the studies around intelligence culture, there are studies about organisational culture, which shape the mentality of practitioners working within institutions. From this point of view, every culture is different, and therefore, their approach to intelligence and intelligence structures is going to be different.

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[7] Breakspear, A. (2013). A New Definition of Intelligence. *Intelligence and National Security*, 28(5), pp.678-693.

In the case of the United States, there is a wide intelligence community, composed by 17 agencies that respond to a hierarchical bureaucracy.[8] These agencies respond to a single head, the Director of National Intelligence (DNI), and collect a huge amount of intelligence to respond to the needs of different departments: defence, homeland security, energy, state, treasury, and justice.[9] This makes the US intelligence community independent from other external partners. The thought that the community is not isolated must not mislead into thinking that it could not be otherwise (for example, the Five Eyes multilateral agreement on signal intelligence (SIGINT) which represents a great asset for the United States): to the US intelligence community is important to have partners, but is not vital.[10] Even though the position of the United States in the world obliges them to gather their own data and create their own analysis, as main member of a military alliance (NATO), as country leader of the Western society, and as balancing power. However, the reliance on such a huge amount of collected intelligence is not casual: it is a very cultural trait of the US to think that "facts speaks for themselves",[11] and therefore, giving primacy to collection becomes the first most important element within the US intelligence culture.[12] The centrality of collection for the US intelligence is portrayed in other elements that shape its culture.

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[8] Davies 1, P. (2004). Intelligence culture and intelligence failure in Britain and the United States. *Cambridge Review of International Affairs*, 17(3), pp.495-520.

[9] Intelligence, O. (2018). *How the IC Works - Intel Gov*. [online] Intelligence.gov. Available at: https://www.intelligence.gov/how-the-ic-works#our-organizations [Accessed 6 Jul. 2018].

[10] Palacios, J. (2016). Intelligence Analysis Training: A European Perspective. *The International Journal of Intelligence, Security, and Public Affairs*, 18(1), pp.34-56.

[11] Ibid.

[12] Ibid.

The history of the United States' intelligence is another factor that shaped its institutions and modus operandi bringing it to the way it operates now. For fifty years, the US intelligence community had one main enemy: the Soviet Union. The fact that this threat was stating, and was specular to the USA, made collection really important, much more than other elements. As the enemy was well-known and it practices did not change much throughout the years, the main concern of US intelligence was to know it better, and to obtain as much data as possible about it. Therefore, American practitioners became well aware of the world through the lens of fighting the Soviet Union back, but had to readapt after the fall of the Berlin Wall. The response lays on the other element in which the US intelligence invested a lot: technology. Technological advancement has a huge impact on the US capacities to solve problems in the field of intelligence. This is seen in the importance given to the development of the project of drones (at tactical, operational, and strategic level), crucial for US policy making. Again, technological advancement has been made for, basically, the same reason: collect more, quantitatively, and better, qualitatively, intelligence. It is possible to see that collection and independence are two elements that go together, and in the same time one is the consequence of the other.

2.3 Hierarchical bureaucracy: an open policy-driven community

As said before, the US intelligence is based on a hierarchical bureaucracy, which responds to a main head, the DNI, which acts as direct advisor of the President of the United States. The DNI tasks the agencies and gives them priorities in the field of collection, analysis and dissemination. The strong hierarchy that exist

within the US intelligence is another cultural factor that shaped its structure.[13] n the same time it is possible to understand how US intelligence is bonded to politics and to a policy driven way of thinking, and to a strongly centralised system. In fact, as the position of the United States became more and more important throughout the twentieth century, the cruciality of the assessment made by the US intelligence community for the president became more and more important, since other countries were often involved in the future decision taken in the Oval Office. From the Viet Nam War to the WMD scandal in Iraq, US intelligence has advised in decisions that shaped the modern reality and provided assessment often supporting the US policy, following the state's interests. The centrality of the state's interest is therefore fundamental for the US intelligence community, which is not the only case in the international community, obviously, but very few states have the impact, in terms of foreign policy, that the US have. This specific approach to the world is important to underline in the sense that the US base a lot of their foreign policy on military power. The strategic assessments made by the intelligence community are often use to give operational orders and this is important in terms of conceptualisation of intelligence itself: it becomes a tool that has a direct impact, often accompanied by means of hard power. Another factor that shapes the US intelligence community is the strong and long lasting bonds with external partners, especially with intellectuals coming from the world of academia.[14] Such openness is the result of a historical dynamic that has its roots in the First and Second World War, being then enhanced during the Cold War, period in which the intelligence needed assessments made by experts on very

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[13] Davies 1, P. (2004). Intelligence culture and intelligence failure in Britain and the United States. *Cambridge Review of International Affairs*, 17(3), pp.495-520

[14] Palacios, J. (2016). Intelligence Analysis Training: A European Perspective. *The International Journal of Intelligence, Security, and Public Affairs*, 18(1), pp.34-56.

specific matters, such as photography, languages and geographical matters. Nowadays, the development of OSINT together with a globalised world that requires a more comprehensive approach caused an even more accentuated openness towards the world of academia, and the formation of analysts that must develop specific skills.[15] The bond with the academic world is another important factor that constitutes the US intelligence culture.

2.4 The historical use of the US intelligence community

Throughout history, American intelligence carried out operations of various types, not only for the purpose of collection, but directing covert operations that sometimes required illegal means: from theft of documents, to invading people's privacy, to, in some cases, assassination.[16] Though it is not a trait of US intelligence culture, it is true that the deep connection that intelligence has with all the decisions take in policy-making affairs can, potentially, push the ethic's bar beyond certain limits. Several accusations have been moved towards the US intelligence in terms of illegal or unethical use of their power. An example is the Snowden case, which will be only mentioned as element linked to the democratic accountability of US intelligence. In fact, it is interesting to see how the US intelligence community is, on the one hand, open to the external partnerships and welcomes the participation of academics and people from outside the world of intelligence, but on the other hand there are several allegations of abuse of power and lack of respect of people's privacy. The United

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[15] Ibid.

[16] Copeland, L. (2018). *Pearl Harbor and American Intelligence Culture: Cultural Symbols in American Intelligence Discourse Communities, Meta-Theoretical Lenses and Multi-Perspective Approaches*. Ph.D. Carleton University.

States intelligence community is really developed, has huge amounts of resources, money, capabilities and is policy driven, in a multilateral world in which the United States occupy a position of leadership. Such a position has a fundamental relevance on the US policy and on the US intelligence community. The concept of surveillance took, within the US, a global approach bringing to spy over friends and allies in the international community.[17] Hence, the concept of secrecy around intelligence for the United States is definitely a point around which its intelligence culture is built, and it is not a problem of accountability: it is a conceptualisation of what intelligence is and what is its scope. And according to such events and behave, the US conceptualis intelligence both as a product, and as a mean of power.

2.5 Between the concepts of sharing and rivalry

The last point I will try to cover is the amount of sharing and cooperation between federal agencies, and in general on their relationships. As said earlier, the US intelligence community is a hierarchical bureaucracy, which responds to one single head. Nonetheless, it does not mean that US agencies always cooperate. The fact that US intelligence agencies work for different departments, can develop an *esprit de corps* that triggers a spirit of rivalry, which does not help cooperation and information sharing within the community, even though there is an actual head for it. This behaviour comes from the American model of management preferences, which sees the US in the centre of a triangle in which the corners are three different models of

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[17] U.S. (2018). *U.S. spy agency bugged U.N. headquarters: Germany's Spiegel.* [online] Available at: https://www.reuters.com/article/us-usa-security-nsa-un/u-s-spy-agency-bugged-u-n-headquarters-germanys-spiegel-idUSBRE97O0DD20130825 [Accessed 20 Jul. 2018].

management preferences adopted by other nations. The three models are: pyramid (highly centralised), "well-oiled-machine" (meaning, a system that does not need a high degree of centralisation but still works in a very formal manner) and village market (highly decentralised and informal).[18] This model came out of a study on organisational culture, which represents the basis for the functioning of public and private organisations in a certain country.

2.6 Brief conclusions: the elements of an intelligence culture

To sum up, the United States intelligence community can be defined by its culture, which in turn can be analysed by a series of different factors. These factors will be now outlined and will help in the definition of the elements that shape the EU intelligence culture. First of all, the idea of independency, linked to the amount of data that can be gathered alone by the US intelligence community. The idea of being capable, independently, to gather and analyse plays a fundamental role for the US. Secondthe historical development of the agencies, and especially, the types of challenges that the country faced and had to overcome throughout the years. It does not matter how much the international environment changes: the historical dynamics are likely to have impact in the development of the intelligence community, since there will always be older practitioners that trained and practiced in a different historical period, and in a different security environment. Thirdly, the relationship of intelligence with policy makers. The dynamics of such bond at the level of national policy-making shapes the dynamics for which intelligence is used (amount of external sharing, covert operations, building trust with external

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[18] Hofstede, G. (1990) 'Motivation, Leadership and Organisation: Do American Theories
Apply Abroad?'pp. 495 - 496

partners). Fourthly, another factor that is deeply related to the third element outlined is the conceptualisation of intelligence. In the US cultural approach, intelligence is not only a tool, but its something that can be bargained, can be a leverage, or a mean to obtain the justification for the use of means of hard power. Lastly, a huge role in the definition of an intelligence culture is represented by the organisational culture. In the case of the United States, we have seen how the American model is situated between three different models outlined (pyramid, well-oiled-machine, and village market). All these main five elements will be used later to extrapolate the ones that define the EU intelligence culture. However, one last caveat must be added: intelligence culture is shaped by factors that can change throughout history, depending on changes that might be brought by external factors which are not possible to control (a new global order, deep change in the international relations, or policy direction). The elements that I will point out within the EU intelligence culture are therefore not at their final stage, since the intelligence community itself, is, probably, far from being complete at the current stage.

3. The cultural roots of the European defence integration in the post WWII: the rethinking of the Westphalian system.

The 12th November 1998, the Secretary General of NATO, at the time Mr Javier Solana, introduced the Symposium on the Political Relevance of the 1648 Peace of Westphalia (Munster), with a speech, entitled "Securing Peace in Europe". Throughout the speech, Solana warns on how the Westphalian system, which regulated and still regulates the international relations nowadays, had failed in several occasions in the last couple of centuries.[19] The critique of Solana to the Westphalian system, though, is not of legal nature, but rather a matter or principles that have been spread thanks to the nation-state centred system. As Solana introduces the idea of the nation-state "draped with a nationalistic fervour that degenerated into a destructive political force"[20], he brings into the discourse a fundamental element that became one of the basic points of the European integration from a cultural point of view: the idea that in a world dominated by state-centred relations, rivalry will always prevail, dividing the people according to the state interests. The push of internal nationalisms due to an inner rivalry between states in Europe only degenerated in full-scale conflicts. The last of these, the Second World War, left 50 million people dead, and an amount of incalculable damage. Precisely because of this inner rivalry that brought to such a conflict, from 1945, European states have been able to dispute their controversies in a peaceful manner thanks to a project of regional integration, which brought to the constitution of the European Union. The importance of the nation-state in the process of European

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[19] Speech by the Secretary General at the Symposium on the Political Relevance of the 1648 Peace of Westphalia, Mnster, Thursday, 12th November 1998
https://www.nato.int/docu/speech/1998/s981112a.htm

[20] Ibid.

integration has been crucial: common interests and values, a world divided in two blocks, allowing Western Europe to create a single front against the Warsaw Pact, and NATO shaped the idea of common security within the European region. With the machine of integration set in motion, starting from the European Coal and Steel Community (ECSC, 1952), other areas of governance and economy followed. However, before the ECSC there was another pressuring concern within Western Europe: defence. In fact, the first step towards an idea of collective defence came with the 1947 Treaty of Dunkirk,[21] between the United Kingdom and France, a treaty of alliance and mutual assistance in the possibility of a German attack after the Second World War. This first step has been improved in 1948 with the Treaty of Brussels, which founded the Western Union (WU), and in 1954 to the Western European Union (WEO),[22] a European military alliance that brought at the same table Belgium, France, Luxembourg, the Netherlands, the United Kingdom, Germany and Italy. The WEO has been terminated only in 2009 (Treaty of Lisbon and incorporation of the pillars system in the European Union), with the cessation of all the activities in June 2011.[23] From a cultural perspective, the changes of the European policy in the field of security and defence are certainly advanced. However, intentions must be followed by actual policies and investment of resources towards that specific direction. This is the case of the current Common Security and Defence Policy (CSDP), and its decision-making

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[21] France and the United Kingdom (1947). Treaty of Alliance and Mutual Assistance between the United Kingdom and France.

[22] Weu.int. (2018). *Western European Union - Union de l'Europe Occidentale.* [online] Available at: http://www.weu.int/ [Accessed 12 Jul. 2018].

[23] Decision of the council of the Western European Union on the residual rights and obligations of the WEU, May 2011.
http://www.weu.int/documents/Decision_WEU_en.pdf

intelligence support: the European Union's intelligence community. The EU's intelligence community is currently composed by four bodies: the European Union Intelligence and Situation Centre (IntCen), the Intelligence Division of the European Union Military Staff (IntDiv of EUMS), the Europol, and the Satellite Centre of the European Union (SatCen).[24] These bodies have different tasks, and together they work in order to describe, assess, analyse, and exchange information to give the European Union's policy maker valuable situational assessments and early warnings. The rethinking of the Westphalian system, as said earlier in this chapter, did not happen from a normative point of view, but rather ethical and cultural: the objective posed by the European Union is therefore not only political or economic, but has deeper roots that lay on the cultural perspective of how Europeans perceive themselves and the rest of the world. The introduction of the European citizenship,[25] which was firstly brought to the attention of the policy makers through the Treaty on the European Union signed in Maastricht in 1993, is a great example of how the European governments started overcoming the problems due to mutual lack of trust. Tearing down borders, giving the possibility of free movement of people and goods within the Schengen area, and by creating programs that aim to bring people together (such as the Erasmus program for universities), has slowly enhanced the feeling of being part of a single entity. According to the speech of Mr Solana, this is precisely what is needed in order to create a European identity within the Schengen borders. Nonetheless, there is a certain resistance at a governmental level amongst the member states, and the cultural mistrust has not been completely eliminated yet, having very deep roots. The creation of a

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[24] For our eyes only? Shaping an intelligence community within the EU, Bjorn Muller-Wille, Occasional Papers n.50 , EU Institute for Security Studies, January 2004

[25] EU member states, Treaty on the European Union (1992), Maastricht

Common Security and Defence Policy (CSDP) can, possibly, overcome these cultural divisions that are nowadays part of the European identity. Such problems have been reflected in the world of intelligence in the form of lack of intelligence sharing with the EU institutions in the process of integration. As the European Union is an example of regional integration, different theories have been created to explain how it happened and why. Since the objective of this dissertation is to bring a contribution to the debate in the field of the European Union's intelligence culture, it is useful to bring to the reader's attention some elements that help in the comprehension of how the EU structures for intelligence sharing have been created. Moreover, by using such theories as framework, it is possible to understand how, according to this dissertation, the creation of such structures is in line with Solana's speech about reconciliation, integration, and eventual creation of a new security order.[26]

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[26] Nato.int. (2018). Speech by the Secretary General at the Symposium on the Political Relevance of the 1648 Peace of Westphalia, Mnster, Thursday, 12th November 1998. [online] Available at: https://www.nato.int/docu/speech/1998/s981112a.htm [Accessed 5 Jul. 2018].

4. The Neo Functionalist theory of European integration and the other main theories

To introduce this brief theoretical part, it is useful to firstly understand why and how the theories of the regional integration of Europe have been used in this dissertation. First of all, the theories of regional integration, while not always very predictive, can help to understand the spirit of how some decisions have been taken. Secondly, the use of some specific theories, by analysing some specific events, can help creating a wider picture of how some institutions have been created and why. Thirdly, the theories constitute a pattern, which will be used for the rest of the dissertation, and will introduce some final questions on the further studies concerning this topic. Finally, it is useful to understand that the European Union is not, and does not act, as one state. This point is particularly crucial to understand how the current EEAS work, and how the intelligence community of the Union works. Normally, when analysing an intelligence community, scholars pose the limit to one state and to bilateral or multilateral cooperation. In the case of the European Union, all these systems work together: bilaterally from state to state, multilaterally in the cases of multilateral cooperation; and eventually at a higher supranational level, in the case of the institutions of the EU. Even though the study of this dissertation will only consider the four agencies that belong to the EU framework, it is nonetheless important to remind how these interact with the other member states, which in turn interact with the Union with different levels of cooperation. All these patterns of cooperation can be harnessed in one framework by using some of the theories of regional cooperation. However, since the point of this dissertation is not to argue about the validity or the effectiveness of such theories, or propose a new framework, I will not argue against the existing theories, but rather use elements of them.

As said in the previous part, the EU is a great example of regional integration. Since it started, in the early 1950s, different theories started to be produced in order to explain, understand and predict what the European integration is, and what means in the wider picture of the international relations. The first theory that will be used is Neo Functionalism. The approach of the Neo Functionalist theory has been in fashion in the 1950s and 1960s, falling in disfavour shortly after. The father of this theory is Ernst B. Haas whose definition of Neo Functionalism is the following:

"the process whereby political actors in several distinct national settings are persuaded to shift their loyalties, expectation and political activities toward a new centre, whose institutions possess or demand jurisdiction over the pre-existing national states. The end result of a political integration is a new political community, superimposed over the pre-existing ones."[27]

The objective of integration according to Neo Functionalism is therefore the creation of a new political community that is imposed at a supranational level, and is instituted thanks to a constant shift towards the centre; centre that takes more and more power, allowed by the nations that want to integrate. Another important Neo Functionalist author, Leon N. Lindberg, sees the integration process through a more cautious approach, using the words "joint decisions" and "delegate"[28], rather than "shifting their loyalties" and "superimposed", used by Haas. This becomes particularly important when talking about the

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[27] Haas, E. (1958). The uniting of Europe: Political, Social and Economic Forces 1950 - 1957. London: Stevens.

[28] Lindberg, L. (1963). The political dynamics of European economic integration. Stanford, Calif.: Stanford University Press.

intelligence community of the EU. Neo Functionalism, as all the other theories of the European integration, can hardly be used to make predictions, since the actual decisions always depend on the external political environment, and on the internal political dynamics of the member states. An example could be the Plan Pleven, and the failure in the ratification from the French National Assembly. While proposing the European Defence Community (EDC), France was the only state, amongst the six that signed the plan that did not ratify in the National Assembly. This happened both because of internal factors, such as the personal concerns of the deputies, and because of external factors, such as the end of the Korean War and the end of Stalinism, that defused the risk of a full scale conflict with the USSR.[29] The EU intelligence community faced, in its evolution, a similar dynamic when talking about the amount of information shared by the member states, which will be explained in the chapter dedicated to the EU intelligence community and its shape.

Another important factor that makes the Neo Functionalist theory an important asset to understand the EU intelligence community's dynamics is the concept of "spillover effect". Haas introduces and defines the "spillover effect", as "expansive logic of sector integration".[30] To use different words, the author means that by integrating one single sector between different states, eventually, the sectors will be so linked that eventually the policy makers will integrate the whole system. As an example, it can be used the European Coal and Steel Community (ECSC). Starting from only two sectors (steel and coal), in

[29] Kanter, A. (1970). The European Defense Community in the French National Assembly: A Roll Call Analysis. *Comparative Politics*, 2(2), p.203.

[30] Haas, E. (1958). The uniting of Europe: Political, Social and Economic Forces 1950 - 1957. London: Stevens.

fifty years the European Community integrated the whole economic system, creating the European Central Bank, and a common currency. In this case it is difficult to argue against the fact that the main concept of Neo Functionalism represented an actual prediction. As the economy became more and more integrated, new plans and proposals have been made at European level, such as the abolition of internal hard borders for people and goods, and the institution of committees for different economic sectors within the European Parliament (such as Agriculture and Rural Development, or Industry, Research and Energy).[31] In the field of defence and security, the same happened with the sector of intelligence. As borders lost their deterrent effect, people and goods started traveling around the member states with a freedom of movement unseen before. This factor, together with the raise of international terrorism, caused serious concerns amongst the member states; hence, the need for a deeper cooperation in the field of intelligence, a higher exchange of information, and a higher level of trust in the common goals of the Union. However, practices, agencies, and amount of intelligence shared have changed within the years, which is another factor part of the Neo Functionalist theory. As already mentioned, since the 1960s the Neo Functionalist theory fell into disfavour. However, in 1991, Jeppe Tranholm-Mikkelsen re-opened the debate about the Neo Functionalist approach towards the regional integration project of the European Union, and stated two main points of the Neo Functionalism approach: how integration is a process, rather than a condition and that it represents a shift towards a new centre, rather then a concert of heads that

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[31] Europarl.europa.eu. (2018). *Parliamentary committees | Committees | European Parliament*. [online] Available at:
http://www.europarl.europa.eu/committees/en/parliamentary-committees.html
[Accessed 1 Jul. 2018].

take decisions.[32] The first point supports the fact that European institutions and agencies keep changing throughout the process of integration, which is precisely what happened to the intelligence agencies in the EU framework, which may have not reached their final form yet. The latter, on the other hand, is a point that is strongly argued against by the Intergovernmentalism theory, which sees the state as primary actor that shares goals with the others in order to reinforce itself. It is indeed true, especially in the case that has just been presented about the French failure in the ratification of the EDC, and is true again when talking about bureaucratic resistance by the member states in the field of intelligence, which will be further explained later. Nonetheless, it is crucial to keep both these points in mind while talking about the shape that the EU intelligence community is taking.

4.1 Active progress and constant centralisation

First of all, as the Neo Functionalist theory points out, the fact that integration is a concept that is related to a process in a progressively changing condition, is the first main characteristic of the EU intelligence agencies. The four agencies that represent the core of the EU intelligence community were born late, as a result of a changing policy pushing towards an actual constitution of a European defence policy, only after the actual Franco-British entente.[33] In fact, the first steps of the EU intelligence community were not meant to constitute an institutional one. The primary objective can be seen as an intergovernmental

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[32] Tranholm-Mikkelsen, J. (1991). Neo-functionalism: Obstinate or Obsolete? A Reappraisal in the Light of the New Dynamism of the EC. *Millennium: Journal of International Studies*, 20(1), pp.1-22.

[33] Joint Declaration issued at the British-French Summit (Saint-Malo, 4 December 1998)

experiment: sharing more information between states, leaving the supranational institutions outside. This is how the Club de Berne was born: an informal meeting between heads of the different national intelligence agencies plus Switzerland and Denmark. Moreover, the Club de Berne was instituted in the 1970s, when intergovernmentalism was the main theory that explained the European integration process. Good steps towards political cooperation on foreign policy and the European Monetary System have been established after the French veto on the entrance of the UK in the European Community, pushing for a less integrative model, since it was all based on an intergovernmental model. The historical period, again, is the one in which the Neo Functionalist approach was not in fashion anymore, and the intergovernmental model was winning over the supranational. Nonetheless, after the end of the Cold War and the signature of the Maastricht Treaty, there has been a decisive push towards centralisation. It is following this period that the main intelligence agencies of the EU have been created, within the institutional framework of the Union. Hence, the revival of the Neo Functionalist approach, which sees a shift towards a more centralised model. Talking about sharing information, it is something that is possible to do that in bilaterally and multilaterally. However, the EU intelligence agencies instead of merely sharing, take information from the member states to produce their own intelligence product for the Commission, while helping in the sharing of intelligence. This is an element of centralisation rather than an intergovernmental instrument. The Neo Functionalist theory is more approachable. Moreover, the concept of spill over can be applied in this particular case precisely about the intelligence agencies, born to tackle problems that presented themselves only after the integration enshrined in the Maastricht Treaty. Haas defined the spill over concept using three levels:

functional, political and cultivated.[34] To the result of this research, the cultivated spill over is important.

The cultivated spill over puts an emphasis on the role of central institutions in problem solving issues. The theory says that in case of a problem, it is the central institution that solves it, by upgrading it as a problem of common interest, therefore pushing the national governments to find a common solution. It is this voluntaristic element that becomes important when talking about an intelligence community, since it is made crucial for all the member states to share intelligence and cooperate for the good of the whole community, and is a cultural element that is present in the values of the institutions, which gave birth to the EU agencies. It is therefore possible to conclude that the creation of the EU intelligence community is a product of the conflictual vision between Neo Functionalism and the Intergovernmental system.

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[34] Tranholm-Mikkelsen, J. (1991). Neo-functionalism: Obstinate or Obsolete? A Reappraisal in the Light of the New Dynamism of the EC. *Millennium: Journal of International Studies*, 20(1), pp.1-22.

5. The European Union's intelligence community: the treaties and decisions that shaped the EU intelligence community

The analysis of the treaties and EU Council decisions that shaped the EU intelligence community is important in order to answer the main question of the thesis for the following reasons. Firstly, to better understand the tasks that the EU intelligence community is supposed to fulfil. It is crucial to understand how the agencies were born, and what they were tasked to do. Secondly, since the supranational intelligence community of the EU has been created with an intergovernmental system and does not have, as of yet, too much clarity in terms of foreign policy, makes it unique, and not comparable to other supranational communities, such as the NATO intelligence fusion centre, which has clear tasks, and in which the United States intelligence community is highly involved (if not practically, in terms of direction to the US foreign policy). Before starting to explain this part, it is crucial to introduce the Petersberg tasks. These were a list of tasks, pointed out in 1992, in the Petersberg Declaration, a document redacted by the WEU as an answer to the requests of the Maastricht Treaty and the need to set up a European defence. It can be said that the Petersberg tasks were a list of duties that the WEU, at the time the European Union's organ dedicated to defence and security, should have been able to carry out in a few years. This is the list of the Petersberg tasks:

- Humanitarian and rescue tasks;

- Conflict prevention and peace-keeping tasks;

- Tasks of combat forces in crisis management, including peace making;

- Joint disarmament operations;

- Military advice and assistance tasks;

- Post-conflict stabilisation tasks.

Based on this list, it has been build the European defence, and therefore, the intelligence community that is supposed to help and support the EU in any internal or external intervention. The Petersberg tasks are very important to understand the finality of the European defence project. It is possible to see how there is no active intervention on foreign soil, unless for peacekeeping and peace-making operations, and such duties do not ever duplicate the tasks of NATO.[35] This is particularly important, because it means that the very nature of the European defence project is not part of the agenda of NATO, making it a brand new project, that needs support from brand new agencies, that deliver an intelligence product, which has different requirements, than to direct hard power systems. The very nature of the Petersberg tasks created the framework in which the future EU intelligence community will have to work. To the end of this dissertation, it is therefore fundamental to point out this list, and to make the reader aware of the fact that, to start, there is no hard power ambition in the European Union, and this will lead throughout the dissertation, to a new, different concept of intelligence product, which does mark the EU community intelligence culture.

5.1 EU Intelligence community and European intelligence community

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[35] Western European Union: Western European Union Council of Ministers, *Petersberg Declaration*, 19 June 1992, Bonn, available at: http://www.weu.int/documents/920619peten.pdf [accessed 13 July 2018]

Before answering to the question whether it exist an intelligence culture in the EU community, it is important to define the intelligence community of the EU itself, and how, formally, it has been created. First of all, there must be outlined the difference that is made in this dissertation between European intelligence community and European Union's intelligence community.

Throughout the dissertation, when referring to the European Union's intelligence community, it is meant the community constituted by the four agencies of the European Union that have been instituted by official acts of the EU: IntCen, Europol, IntDiv and SatCen. These agencies have the EU institutions, mainly the EU Commission, as primary and most important client. These agencies provide support in training of seconded national officers of the member states, and sharing information too, but these agencies are supranational and detached from the national bureaucracies of the member states. On the other hand, when referring to the European intelligence community, it is meant the national intelligence agencies of the member states that cooperate and share intelligence with the EU intelligence community, but are not under mandate of the EU, since the main client is, for them, the national government of the member state. It is important to point out this division before going through the rest of the paper.

5.2 The call for a EU intelligence community in the official documents

Forms of intelligence cooperation, bilateral and multilateral, have been used by the member states of the European Union before the actual creation of the EU. One of the examples is the Club de Berne. For the purpose of the dissertation, it is useful to introduce this intelligence forum that represented a sort of

informal liaison between the national intelligence agencies and the EU institutions.

The Club de Berne is an informal, non-institutional intelligence forum, in which take part the member states, Switzerland, Denmark and other external partners, such as the United States. There is not too much information surrounding the work of the Club de Berne, since it is not a formal institution, and this informality in the world of intelligence has its importance.

Created in the 1970s, the Club de Berne has represented the liaison hub between intelligence heads of the European countries. The forum established, in 2001, the Counter Terrorism Group (CTG) in which the United States takes part too. It has been established with the objective to produce common threat assessments and to share them between the member states.[36]

Culturally talking, the Club de Berne respects what intelligence in Europe has always been and how it has always been shared: by creating a personal bond between practitioners that later develops in trust. What the European institutions are trying to do, is, instead, to make national agencies trust the Brussels headquarters. The problem of cultural mistrust amongst the European intelligence agencies has been already widely explored in the literature, and would not bring anything new to the existing academic framework.[37] It is nonetheless important for the reader to keep this important element in mind while analysing the rest of the intelligence agencies of the EU. One of the main difficulties for the EU intelligence community is, in fact, the continuous

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[36] Fedpol.admin.ch. (2018). *"Club de Berne" meeting in Switzerland*. [online] Available at:
https://www.fedpol.admin.ch/fedpol/en/home/aktuell/news/2004/2004-04-28.html [Accessed 5 Jul. 2018].

[37] WALSH, J. (2006). Intelligence-Sharing in the European Union: Institutions Are Not Enough*. *JCMS: Journal of Common Market Studies*, 44(3), pp.625-643.

challenge posed by the deep cultural mistrust that appears to be a traditional trait of the European intelligence community. It is therefore an element that shaped the EU intelligence since the early beginning, and is one of the key elements that shape the EU intelligence culture.

The acts that decided the formation of a EU intelligence community started to be produced after the ratification of the Maastricht Treaty (or Treaty on the European Union), signed in 1992 and ratified in 1993, which decided the structure of the future European Union.[38] In the Treaty, is mentioned the implementation of a common foreign and security policy that potentially will lead to a common defence project.[39] It is in this stage that the Pillars' structure was born. The Second Pillar of the EU was to be dedicated to the Common Security and Defence Policy (CSDP), and the Third Pillar, to the Police and Judicial Cooperation in Criminal Matters (PJCCM). It is in the framework of the PJCCM that the first of the intelligence agencies was later founded, and in the CSDP, the rest. To start, one of the points introduced in the Treaty on the European Union, are the free movement of people and goods, the abolition of internal borders and a European citizenship.[40] Such innovations in the internal dynamics of Europe, required more cooperation in the field of surveillance. Since every person can potentially move from country to country, more information is required to counter any problem that might arise. From common criminality, to international terrorism, to money laundering, the Union needed to enhance its internal cooperation in order to provide a safe space. Moreover, by giving the EU the instruments to carry out a foreign policy, new means are

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[38] Treaty on the European Union (1992), Maastricht, Title I, Article A.

[39] Ibid., Article B.

[40] Ibid. Article B.

required to obtain information and intelligence, at tactical and strategic level, outside the borders of the EU for the High Representative, head of the European foreign policy. Hence, the need to develop an EU intelligence community.

5.3 The first EU intelligence agencies

It is at this stage of the European integration process that an intelligence community is required to carry out new vital tasks: internally and externally. Internally, the main tasks are to tackle international organised crime, international terrorism, and border control; all problems that fall under the responsibilities of the Third Pillar, PJCCM. To obtain such results, it is required an enhanced cooperation between national police forces, a higher level of information and intelligence shared between member states, and building an environment of mutual trust. Externally, the new tasks depend a lot on the level of ambition of the new CSDP that was set in the 2016 EUGS. However, at the early stage of the CSDP there was no clear design yet. Nonetheless, it is possible to assume that the tasks in terms of security would have to be monitoring the regions bordering with the EU, having early warning assessment capacities, and represent the EU with external partners. Therefore, one of the objectives to be reached was to develop analysis capacities to serve the High Representative.

The "expansive logic of sector integration", which is the Neo Functionalist concept of spill over effect, can be used to explain a shift towards a new superimposed centre, and the Treaty on the European Union seems to be exactly the case, with the security implications that it represented. The shift to a new centralised system, in the field of intelligence, is precisely what was needed for developing proper security measures inside and outside the Union. This requires overcoming the national interests of the member states for

greater objectives, which are the foreign policy of the European Union, and its internal security. Hence the need to constitute a new centralised system, which is responsible of coordinating the measures to be taken to tackle the new phenomena of a borderless European Union. On the other hand, the very nature of this system requires more integration, pushing the member states to "forcedly" trust each other more, and share information and intelligence. This has been the engine that started the actual EU intelligence community, with the first agency, coping with internal security matters: Europol, within the PJCCM. The creation of Europol was firstly mentioned in the Treaty on the European Union signed in Maastricht in 1993. However, the act that established the agency has been signed in 1995.[41] The agency was created with the tasks of preventing terrorism, international crime, organised crime involving two or more member states, and crime related to terrorism. Other tasks that Europol has been assigned are to obtain, collate and analyse information and intelligence, and exchange of information, support the member states in investigations, and maintain a computerised system of the information that has been collected.[42] Europol can obtain information from the member states' if they are willing to provide it, and has to work as criminal intelligence office, with the assignment to disseminate valuable intelligence. It has, moreover, tasks of training seconded national officers. Europol became an agency of the European Union with the Treaty of Lisbon (2009), which incorporated the Three Pillars into the European Union. National units, sent by the member states, and by liaison officers, compose the agency. It is located in The Hague. As already

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[41] European Union: Council of the European Union, *Council Act 95C 316/01 on the establishment of a European Union Police Office (Europol Convention)*, 26 July 1995 available at: https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:1995:316:0001:0032:EN:PDF [accessed 12 July 2018]

[42] Ibid.

mentioned, the intelligence is provided by the member states. Europol teams provide analysis about connection between criminal offences concerning the member states, strategic intelligence and general situation reports.

The first agency that had in its duties to cover the external borders of the European Union has been the Intelligence Division (IntDiv) of the European Union Military Staff (EUMS). The IntDiv is composed by 30 seconded national officers that have the task to provide input to early warning and situation assessment, and operational support in case of external action.[43] The intelligence upon which the IntDiv officers work is, again, provided voluntarily by the national agencies of the member states. The IntDiv, being part of the EUMS, belongs to the current EEAS framework. The division is divided in three branches: intelligence policy, intelligence requirements, and intelligence production. The first branch, intelligence policy, has the task to provide intelligence concepts, alongside civilian authorities. The second branch, intelligence requirements, has the task of strengthening the cooperation with national agencies, and manages the information between the division and the member states. To the third branch, intelligence production is assigned the task to produce intelligence that meets the requirements of the client.[44]

There is already a pattern in these two agencies that is uncommon for national intelligence agencies. Firstly, the lack of capacities and capabilities to obtain their own information and intelligence, which is entirely given voluntarily by the

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[43] Muller-Wille, B. (2004) For your eyes only? Shaping an intelligence community within the EU, *Occasional papers n.50*, European Union Institute for Security Studies, 2004

[44] Gruszczak, A. (2016). Intelligence security in the European Union: building a strategic intelligence community, pp.105-06

member states, with all the implications that this kind of move requires. Secondly, the client is not always the same. In some cases it could be the EU institutions, in some other case, the member states involved. The intelligence produced by these agencies must therefore meet the clients' requirements, which can potentially be of different nature. While in the case of Europol is most likely to be a member state, in the case of the IntDiv is definitely the EEAS.

5.4 Need for more intelligence: the implementation of the plan

Once mentioned the EEAS, it is important to bring to the attention of the reader the implementations of the Treaty on the European Union brought by three key documents: the Saint Malo agreement (1998), Helsinki (1999) and the Treaty of Lisbon (2007, ratified in 2009). These documents become particularly important when talking about the EU intelligence community for two reasons. The first is that these documents give a continuous input to the implementation of the European defence capabilities and objectives, pointing out the new directions that it might take. The second reason is that these documents start to provide a framework in which the intelligence community has to work, giving therefore more precise tasks, creating a new concept of intelligence that represents one of the main elements in the EU intelligence culture. Due to reasons of space, the documents will not be entirely analysed. However, it is possible to make a brief analysis of the main parts concerning the intelligence community tasked to support the policy making of the EU.

The first document that gave an input to the constitution of a European defence identity (European Security and Defence Identity, ESDI) has been the Saint Malo declaration of 1998, an entente between United Kingdom and France. The document came as a result of the poor management of the conflict in the

Balkans. The diplomatic failure of the EU, alongside the total dependence on the United States from the member states pushed the two countries with the major militaries in Europe to sit at a table and agree about the need of an ESDI, unrelated to the United States and NATO.[45] The declaration pointed out the need to develop capacity for autonomous action of the EU backed by "a credible military force" and "appropriate structures and a capacity for analysis of situations, sources of intelligence, and a capability for relevant strategic planning, without unnecessary duplication".[46] Therefore, amongst the objectives there was the set up of a valid office with the task of carrying out analysis on strategic intelligence matters. A year later, in Helsinki, the European Council, when presenting the decisions made, created the framework for the future EEAS, that would be set up later in the Treaty of Lisbon. In the Helsinki decisions have been pointed out again the need for capacities able to take autonomous decisions to conduct EU-led operations in the military sector, avoiding duplications of the existent frameworks, and calling off the idea of a European Army.[47] In both cases it is underlined the avoidance of duplicating anything, meaning, that the future policy making structure in foreign affairs of the EU would have to rely on a new framework that would not have to do the

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[45] Shearer, A. (2000). Britain, France and the Saint-Malo declaration:Tactical rapprochement or strategic entente?. *Cambridge Review of International Affairs*, 13(2), pp.283-298.

[46] CVCE.EU by UNI.LU. (2018). *Franco–British St. Malo Declaration (4 December 1998)*. [online] Available at: https://www.cvce.eu/obj/franco_british_st_malo_declaration_4_december_1998-en-f3cd16fb-fc37-4d52-936f-c8e9bc80f24f.html [Accessed 22 Jul. 2018].

[47] Europarl.europa.eu. (2018). *Helsinki European Council 10-11.12.1999: Conclusions of the Presidency - European Council Helsinki 10-11.12.1999: Conclusions of the Presidency*. [online] Available at: http://www.europarl.europa.eu/summits/hel1_en.htm?textMode=on [Accessed 17 Jul. 2018].

same job as the national agencies or NATO agencies. In these descriptions, the intelligence agencies are included. This was the call for a new concept of intelligence structure at European level, capable of giving valuable intelligence to the EU policy makers, without copying the structure of the national agencies. Between these acts and the Treaty of Lisbon, a new security challenge was born in the EU: international terrorism. After 9/11, the call for a functioning European intelligence able to tackle terrorism was made stronger. The 2004 Madrid train bombings and the 2005 London bombings made the Europeans aware of the fact that intelligence sharing within the Union needed implementation.[48] The points expressed as response to the Madrid attacks of 2004 were not new to the EU agenda in the field of security. But in the document, it is expressed the necessity to take active action on the side of the member states. What emerges from the document is that the national institutions have not been working close enough and with the correct amount of information and intelligence sharing, and have not respected all the commitments that they signed on previously. An example is the European Arrest Warrant, not set up in five of the member states.[49] As the internal dynamics in the decision of taking or not an action for the European Union by the member states is not part of this research, it is the fact that the European Council had to dedicate a paper to push the national governments to take serious action.

5.5 The Treaty of Lisbon and the last development of the EU intelligence community.

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[48] European Union: European Commission, *European Commission paper in response to the terrorist attacks in Madrid, MEMO 04/66* 18 March 2004, Brussels
[49] Ibid. p.2

The Treaty of Lisbon, on the other hand, created the framework of the EEAS, which was later established thorough a Council decision in 2010.[50] Within the EEAS framework, operate the Intelligence Centre (IntCen, former Situation Centre, or SitCen), the EUMS and its IntDiv, and the Satellite Centre of the European Union (SatCen, former EUSC). The IntDiv has been already introduced as one of the first external intelligence agencies at EU level. However, the legal status of IntCen is not as clear as the one of the other agencies. In fact, there is no formal act of the council that gives the IntCen legal legitimacy to the agency.[51] Moreover, the IntCen cooperate with all the other agencies, but the assessments and policy recommendations that produces have policy implications for the member states, making it an important instrument to counter threats to the member states, without being part of any national agency.[52] This is a unique example in the EU intelligence community. However, the IntCen has some common traits with the other agencies that we have seen so far. First of all, the IntCen serves as agency that produces intelligence for both internal and external security purposes.[53] Second of all, the IntCen is, as the other agencies, a supranational entity, and is therefore beyond the political dynamics of the member states, which gives the agencies a more liberal approach to intelligence and in the redaction of reports and assessments. Thirdly, the EU agencies provide mostly strategic intelligence, rather than tactical, which makes them a useful tool to bring together all the information that they can, and produce intelligence that no other national intelligence can

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[50] European Union: Council of the European Union, *Council decision 2010/427/EU establishing the organisation and functioning of the European External Action Service*, 26 July 2010 available at:
https://eeas.europa.eu/sites/eeas/files/eeas_decision_en.pdf [accessed 12 July 2018]
[51] Van Buuren, J. (2009), *Sectret Truth. The EU Joint Situation Center*, Eurowatch, Amsterdam
[52] Ibid.
[53] Ibid.

produce by itself, especially counting on the fact that the EU is composed by some small countries that to not have capabilities to produce their own intelligence. At this stage, there is only one agency left: the Satellite Centre of the European Union.

The SatCen has been founded by a joint action of the Commission in 2001, and has the task to provide geointelligence (GEOINT) and and imagery intelligence (IMINT) to the policy makers of the EU. But not only: as the rest of the agencies, it provides intelligence products to member states or third states that have requested the service and under specific regulation.[54] Anther common trait of the SatCen with the other agencies is the fact that it does not operate its own satellites, meaning that it does not have direct access to the instruments to gather its own data, but it uses the images taken with the member state's resources, and analyses and disseminates the product of the analysis.

5.6 Other supporting agencies

However, within the EU framework, another agency should be cited, not as part of the intelligence community per se but as agency that has, nonetheless, its importance in the EU intelligence community. The European Union Institute for Security Studies (EUISS). The institute was founded in 2001; however, its current shape has been decided by the Decision of the European Council 2014/75/CFSP. It is important to cite, because the institute has tasks of producing policy oriented analysis for the EU institutions concerning strategic thinking, conflict

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[54] European Union: Council of the European Union, *Council Joint Action 2001/555/CFSP on the establishment of a European Union Satellite Centre*, 20 July 2001 available at:
http://www.europarl.europa.eu/meetdocs/2009_2014/documents/sede/dv/sede021213counciljointaction_/sede021213counciljointaction_en.pdf [accessed 12 July 2018]

prevention, peace building, analysis, foresight, networking and dissemination of information. Everything that the institute produces must be open source.[55] This does not make the EUISS an intelligence agency of the Union, it is nonetheless important for analysis purposes and networking. Moreover, the autonomy and independence granted by the Council Decision to the institute are elements that assure an always-independent point of view, or at least, possibly less biased than the IntCen or the IntDiv. Another agency that could be included is Frontex, which is based in Poland, and gives information on border control issues. Frontex will be better taken into account in the conclusions.

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[55] European Union: Council of the European Union, *Council Decision 2014/75 on the European Union Institute for Security Studies*, 10 February 2014, 2014/75/CFSP, available at: https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32014D0075&from=EN [accessed 11 July 2018]

6. The tasks and the main problems within the EU intelligence community

Now the main features of the chapter will be outlined. Starting from the idea that within the EU is developing a new concept of intelligence, I will then explain through the analysis of the strategic documents the objectives given to intelligence in the EU and the use made of it. These elements are another brick in the constitution of the EU intelligence culture. Nonetheless, intelligence, now at work, has to face some problems that needs to be tackled in an environment that is not ready yet to embrace a new way to see intelligence: the concept of sharing in a multilateral environment, national bureaucratic resistance and democratic accountability. Intelligence sharing is fundamental for the functioning of intelligence in a globalised environment, but the member states, which often conceptualise intelligence as a source of power, linked to the idea of secrecy, are reluctant to openly share intelligence. Bureaucratic resistance is a trait that belongs to the nation state, and generally to all the bureaucracies which are part of a system, which creates patterns (the so-called bureaucratic

culture)[56] within the cultural communities of practitioners, that actively closes up towards sharing data, information, or intelligence, especially in the security sector. Eventually, democratic accountability is one of the basic values of the EU, which the EU intelligence community has to overcome, since it has been pointed out since the early beginning of its activity. This is going to be another factor that shapes the EU intelligence culture.

6.1 Developing a new concept of intelligence within the EU

To better introduce the problem, it is crucial to understand what intelligence is and to draw a definition. Intelligence can be understood, according to Breakspear, using the following definition:

"Intelligence is the corporate capability to forecast change in time to do something about it. The capability involves foresight and insight, and is intended to identify impeding change which may be positive, representing opportunity, or negative, representing threat."[57]

This definition of intelligence must, however, be completed with the concept that intelligence is not only the "corporate capability" part of an institution (such as the state, or an international organisation, such as NATO or the EU), but a product of refined information that has been through a cycle of direction

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[56] Fägersten, B. (2010). Bureaucratic Resistance to International Intelligence Cooperation – The Case of Europol. *Intelligence and National Security*, 25(4), pp.500-520.

[57] Breakspear, A. (2013). A New Definition of Intelligence. *Intelligence and National Security*, 28(5), pp.678-693.

(or tasking), collection, processing, analysis, and dissemination.[58] Therefore, I will use the word intelligence as product of information that has been through the whole cycle. The objective of this dissertation is not to argue about a new possible definition of intelligence. Nonetheless, it is important to point out what intelligence is according to the European institutions, in order to understand why it was born a new intelligence culture at EU level. My argument is that the European Union intelligence community is creating, and has created, through the time, its own concept of intelligence. This new concept of intelligence came with the centralisation process part of the progressive integration that the EU institutions brought after the Maastricht Treaty. From the Pillars' system, to the Lisbon Treaty, that aggregated all the Three Pillars under the umbrella of the EU.

6.2 Strategic vs. Tactical

We have seen that these institutions are supranational, follow an intergovernmental system, and are tasked to carry out certain assignments with limited resources. However, we must understand what kind of intelligence is produced at EU level.

By analysing the official documents, it is possible to see that the tasks mainly require support to decision making at strategic level, never tactical. Strategic intelligence has the objective to tell a decision maker to whether or not apply certain measures, or to support who, and how, and how to use some specific resources. Strategic intelligence is gathered, and goes through the whole cycle of direction, collection, analysis and dissemination. To be produced it requires

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[58] Muller-Wille, B. (2004) For your eyes only? Shaping an intelligence community within the EU, *Occasional papers n.50*, European Union Institute for Security Studies, 2004

time and a thorough analysis.[59] On the other hand, tactical intelligence, is often real time, single sourced, and is applied when the threat is closer; when, and how to intervene during a mission, for example.[60]

6.3 ESS 2003

The first document that should be taken into account is the European Security Strategy of 2003 (ESS), to better comprehend what are the key challenges in the field of security for the EU, and what are the measures to be taken. It is the first strategic document of the Union, and therefore the first that gives a direction to the EU strategy. Through the analysis of this document it is possible to understand what kind of role intelligence will be given, and therefore what it means to according to the EU. The key threats detected are the following: terrorism, proliferation of weapons of mass destruction (WMD), regional conflicts, state failure and organised crime.[61] To tackle these threats, the measures that the EU pursues are policy-oriented decisions, such as judicial cooperation to freeze terrorist assets, use of soft power to achieve adherence to non-proliferation of atomic weapons, and use of diplomacy in conflictual regions. Moreover, neighbourhood policies - right after the Balkan wars - have been implemented in order to safeguard peace in the European region. To achieve such objectives, the type of intelligence requested is strategic and policy - oriented. For such operations, Open Source Intelligence (OSINT) has a great importance.[62] Even though this document does not give too much

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[59] Muller-Wille, B. (2004) For your eyes only? Shaping an intelligence community within the EU, *Occasional papers n.50*, European Union Institute for Security Studies, 2004

[60] Ibid.

[61] ESS 2003, Javier Solana

[62] Politi A., *Why is European Intelligence Policy Necessary?* Chaillot Papers, Paris, December 1998

operative addressing and does not set a clear level of ambition for the EU strategy, it is still the first important strategic document that starts shaping the need of the client. Intelligence provides products that must encounter the clients' needs; hence, this document starts giving a direction to the EU intelligence community that must follow the strategic needs of the institutions.

However, setting the needs of the client is not the only factor that emerges from the document. Since the early stages of the European Union, a concept has become part of the values of the EU: solidarity. The concept of solidarity can be found, concerning defence matters, first in the Declaration on Western European Union, in the Final Act of the Treaty of Maastricht.[63] According to the Macmillan Dictionary, solidarity is "the support that people in a group give each other because they have the same opinions or aims".[64] In the specific case of Maastricht, the term solidarity was not meant between the member states, but between the WEU and NATO. Hence, from the early start, one of the main objectives of the EU has been to support its external partners, and other international organisations. In the ESS the word solidarity has been used only in the case of the member states. Nonetheless, there is a reference on "the EU should support the United Nations as it responds to threats to international peace and security". Here the EU is posing itself as a community that provides security in its external environment. As a matter of fact, the EU's primary strategy to tackle such threats is preventive engagement, which requires a good amount of information and intelligence. The amount of information needed

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[63] Treaty of maastricht PG 244 nel pdf

[64] Macmillandictionary.com. (2018). *solidarity (noun) definition and synonyms | Macmillan Dictionary*. [online] Available at: https://www.macmillandictionary.com/dictionary/british/solidarity [Accessed 17 Jul. 2018].

cannot, clearly, be gathered by one single source, but must be obtained through OSINT and sharing.

6.4 ESS implementation, 2008, and the Treaty of Lisbon

Before the ratification of the Treaty of Lisbon, there has been an implementation in the 2003 EES. There are some more precise guidelines and the agenda of threats has been renewed and other key threats have been added, such as energy security, cyber security, and climate change. On the existing threats, terrorism and organised crime have been put in the same paragraph.[65] By linking terrorism and organised crime, the implementation plan underlines how such threats have to be fought with common means. Internal and external dimension are no longer two different fields of operations. For the EU intelligence community that means that more cross-agency cooperation is needed, especially between the Europol, and the IntCen. Following the 2008 implementation, the Treaty of Lisbon is the last important treaty that gives guidelines to the European security, before the EUGS. Again, it points out some of the objectives, one of which is "prevention, detection and investigation of criminal offences."[66] All these three actions are, or can be, supported by intelligence at strategic level, which must be supported by not only cross-agency cooperation, but requires the member states to share more and more information. Understanding the movement of capitals, people, and understanding criminal networks within a Union with no borders has become crucial. Nonetheless the strategic view of the EU has implemented in the external sphere as well. The Union has become a crucial actor for the balance in a multilateral world, and its power must be supported by always more

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[65] Implementation plan 2008
[66] Treaty of Lisbon.

punctual and on-time intelligence to pursue objective such as building stability beyond the borders and fight threats related to a globalised world.[67] It must be remarked at this point the crucial difference between strategic and tactical intelligence, and how the different dimensions (military intelligence, security intelligence, criminal intelligence, or external/foreign intelligence)[68] in such a global approach, overlap. However, in order to pursue a global approach in the world of intelligence, some problems arise: bureaucratic resistance and democratic accountability.

6.5 Sharing

Sharing is one of the key concepts in the EU intelligence community, and overall one of the main problems in the world of intelligence. The concept of intelligence sharing is basic for the EU intelligence community and in the same time one of the main challenges for the practitioners in the field of security, especially in Europe. To analyse the problem of intelligence sharing in the EU, it must be understood what sharing means, and what is its purpose within the EU framework in the field of intelligence. Intelligence and information are both shared, and as it was written in the introduction, the two words mean very different concepts. However, sharing intelligence is seen as more difficult to share. The first reason is the level of trust. It is possible to make an example through the Club de Berne. If in the Club de Berne information and intelligence is shared, it happens because there is a direct, often personal connection between the heads of national intelligence. However, this type of trust does not exist when talking about the institutions. When sharing is institutionalised, it is not always possible for the giver to know personally the receiver, and therefore

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[67] Implementation plan 2008
[68] Ibid.

trust him or her. A reason that comes with the concept of mistrust is the fear that the receiver might misuse the information.[69] Moreover, on the side of the sender, there is the risk that the receiver puts the sender's relationship with third countries in jeopardy.[70] This is for example the case of the UK and the USA. While the UK receives information and intelligence by the supplier (USA) then the UK intelligence community remains reluctant in sharing it with the rest of the EU countries, in order not to jeopardise its special relationship with the major supplier, since the UK intelligence community does not know for sure what is going to be the use of that information on the side of the receivers. There is the possibility that one of them might use the information in a way that puts the United States in a non-favourable condition, which would not have happened if they did not exchange information in the first place. On the side of the receiver, getting intelligence from someone else might be misleading. The intelligence might be manipulated, in order to make the receiver do whatever is in the sender's own interests. The risks of manipulation, even partial, can lead to wrong decisions. Nonetheless, argues Muller-Wille, increased exchange can improve the possibilities to avoid manipulations and risks related, thanks to the fact that more sharing means that information can be proved with more intelligence, and never with less.[71]

Within the EU framework, sharing is, as said previously, fundamental. The lack of internal borders, and the growing connection between internal and external security enhances the risks and the needs for more cross agency and cross border cooperation. At the EU level, moreover, sharing becomes one of the main problems because of the following reasons. First of all, the EU does not

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[69] Muller-Wille, B. (2004) For your eyes only? Shaping an intelligence community within the EU, *Occasional papers n.50*, European Union Institute for Security Studies, 2004

[70] non mi ricordo ma cerca

[71] Muller-Wille, B. (2004) Ibid.

have means to gather intelligence by itself, but it is the member states that provide information and intelligence to be analysed. Second of all, the EU agencies share between them and with the member states. Europol, for example, is tasked to share any information or intelligence product related to any of the member states, even if these are not involved in the process of gathering and analysis as an act of dissemination.[72] The whole intelligence system of the EU works based on building trust and developing a good information and intelligence sharing system. The concept of sharing is therefore one of the cornerstones of the EU intelligence culture, as the job of the EU intelligence is to spread information and intelligence through the process of dissemination. Nonetheless, the lack of EU agencies to gather their own intelligence puts them in a difficult position, in which they need to earn the trust of the national agencies, and in the same time the member states should overcome their cultural trust issues.

6.6 Bureaucratic resistance

Alongside the problem of sharing information and intelligence, there is the concept of bureaucratic resistance. The cases of bureaucrats that may be resisting to share and the nation centric approach adopted by the European national intelligence agencies do not help the cause of the EU intelligence community. In fact, bureaucratic resistance is not a problem that belongs to the EU intelligence community per se, but rather is a phenomenon connected to the passage of information from the national level to the EU. As said in the brief

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[72] European Union: Council of the European Union, *Council Act 95C 316/01 on the establishment of a European Union Police Office (Europol Convention)*, 26 July 1995 available at: https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:1995:316:0001:0032:EN:PDF [accessed 12 July 2018]

introduction to the chapter, it is one of the sides of mistrust in sharing. Fagersten, about the concept of bureaucratic resistance argues that "unruly and unwilling bureaucrats may, for example, distort the link between state preferences and cooperative outcomes in the intelligence field".[73] It is precisely this way of thinking within the national bureaucracies that makes sharing and, in a more general approach, the entire effort of cooperation, much harder. The resistance made by national bureaucracies towards international cooperation in the field of intelligence belongs entirely to the European concept of secrecy, and is overall an old way of thinking that right now is stopping the development of EU intelligence to carry out its tasks. Nonetheless, the EU community showed a strong resilience to cultural mistrust problems that tackle their ability to work. On the other hand, it is true that trusting institutions rather than people is harder, and again, is a cultural trait of the European countries' national agencies. Therefore, the EU should, when possible, provide a structured training to future EU officials, no matter the member states where they are from, and to form a new generation of intelligence practitioners used to work together and trained to understand the needs of the Union rather than following the policy driven objectives posed by the single member states. Partially, this has been reached with the IntCen.[74] Bureaucratic resistance confirms the lack of European identity of most of the agencies, and on the other hand shows the path that the intelligence practitioners and policy makers at EU level should take in order to create a stronger esprit de corps within the EU.

6.7 Democratic accountability and EU intelligence

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[73] Fägersten, B. (2010). Bureaucratic Resistance to International Intelligence Cooperation – The Case of Europol. *Intelligence and National Security*, 25(4), pp.500-520.

[74] Palacios, J. (2016). Intelligence Analysis Training: A European Perspective. *The International Journal of Intelligence, Security, and Public Affairs*, 18(1), pp.34-56.

Democratic accountability is an important factor that represents one of the main values of the EU, as it was born, and which represented one of the main problems in the classification of intelligence in the EU.[75] Accountability means to be able to be held responsible of an action, and answer to the action carried out. The intelligence structures are often secret, and carry out their activities in a secret and not transparent manner, precisely because of the connotation that intelligence brings with itself. National intelligence agencies, in the ideal of the majority of the people, carry with them those elements proper of the "James Bond" culture: covert operations that include illegal actions that are condoned for the greater good. It is undeniable that some illegal actions have been carried out in the past by national intelligence agencies; for example, assassinations, or theft of documents, kidnappings, etc. Nonetheless, the EU and its intelligence structures are required a certain amount of accountability for the following reasons.

There are some risks correlated to the secret activities of intelligence. First of all, the risk of abuse of power; agencies that are protected by secrecy, and are not accountable to the democratic bodies of the state, can potentially use their power in abusive ways towards the citizens; secondly, arbitrariness, taking decisions and actions not tasked by any democratic organ; and thirdly, the risk of infringement of civil liberties and loss of rights, such as privacy, in order to gather data. In history there are some examples of such abusive conducts, like the Italian attempt of *coup d'etat* known as "Piano Solo", in which the general of the Carabinieri Giovanni De Lorenzo attempted leading some operatives of the SIFAR (Servizio Informazioni Forze Armate, Service of Information for Military Forces) to occupy certain buildings of the central power in Rome and

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[75] Intelligence, Security and Information Flows in CFSP, Simon Duke, Intelligence and National Security, 21:4, 604-630 (2006)

imprison key figures of the political elite of the time (1964).[76] When intelligence is linked to the concept of secrecy, such events are a major risk for democracy. Therefore, within the EU, the democratic accountability of the intelligence community is an important factor that must be analysed. As a matter of fact, the EU agencies are not in charge of collecting intelligence, and it is a task under the responsibility of the national intelligence agencies. Therefore, the main threat to EU citizens must not be seen as the EU intelligence community, but rather the national intelligence community of every member state. However, it is true that the intelligence community of the EU is a supranational entity, which makes it difficult to control and overwatch because of the complexity of the system.[77] On the other hand, democratic accountability can respond to certain needs of the modern day intelligence, for example, quality control. To have a constant overwatch of intelligence activities can drive and give a better feedback to the practitioners, in terms of what the client wants to receive as intelligence product. However, the EU intelligence agencies are not accountable to any national parliament.

In this specific case we find ourselves in a contradictory position: the EU agencies do not have direct access to any of the data of the citizens, and their main tasks are to give assessments and policy advise at strategic or operational level, which do not carry any responsibility. This fact makes the national agencies the first to be in need of being accountable by the democratic bodies

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[76] Sergio, R. (2018). *Uno statista contro i partiti*. [online] Web.archive.org. Available at:
https://web.archive.org/web/20151225204538/http://archiviostorico.corriere.it/200 5/marzo/14/Uno_statista_contro_partiti_co_9_050314078.shtml [Accessed 24 Jul. 2018].

[77] Müller-Wille, B. (2006). Improving the democratic accountability of EU intelligence. *Intelligence and National Security*, 21(1), pp.100-128.

of the member states, leaving the EU intelligence community "outside" of such control. However, in the same time, precisely because of this there is no formal overwatch on the activity of the EU intelligence, except for parliamentary questions from members of the European Commission, to the HR/VP.[78][79] Therefore it is possible to affirm that the main problems in terms of accountability for the EU intelligence community is linked to the ability to be accountable to the member states' national intelligence which provides them information and intelligence in the first place.

To give the EU intelligence a higher degree of accountability, there are certain technical measures that have been taken over the years. Giving the agencies a clear mandate, to better understand what their main objectives are, and the area in which they have to work. Giving them clear direction, the first step of the intelligence cycle. Obtain a budgetary control on their activities, in order to be able to have a general overview of the expenses, and then go back to what has been carried out. In this case, the member states provide the agencies with the money required to carry out their tasks, and there is therefore a way to control such activities. These tools have been created together with the creation of the agencies themselves (for example, the Europol Convention). Create a system of legal accountability of courts and oversight bodies that right now does not exist for the EU intelligence community (with the exclusion of Europol).[80] Finally, as Muller-Wille argues, "building trust and committing to

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[78] Parliamentary questions, 7 April 2016, Question for written answer to the Commission Rule 130, Hugues Bayet S&D

[79] Joint answer given by High Representative/VicePresident Ashton on behalf of the Commission,
Written questions : E006018/12 , E006020/12

[80] Müller-Wille, B. (2006). Improving the democratic accountability of EU intelligence. *Intelligence and National Security*, 21(1), pp.100-128.

Europe"[81] could be another asset that could potentially make the EU agencies more accountable: the constitution of a European identity to slowly delete the problems linked to mistrust and misuse of intelligence. At this point, it is possible to conclude that the European Union intelligence community's cultural approach to accountability is a matter of "belonging". By feeling part of the European Union, and by understanding how the Union works for the citizens rather then for itself, might push towards a better cooperation and mutual trust that eventually could lead to a higher degree of democratic accountability, which makes it another brick in the constitution of a European intelligence culture.

7. The elements of the EU intelligence culture

In the first chapter I pointed out the main elements that shape an intelligence culture based on a well-established intelligence community, as the American one. Throughout the following chapters it has been possible to outline how the EU intelligence community was born, which tasks were given to it, and what are the means at its disposal in order to carry out the assignments. Such elements will be now taken into one single chapter to define what is the EU intelligence culture, giving therefore a full answer to the main question posed at the beginning of the paper: whether exist an intelligence culture at EU level or not, and what are the main elements of it. Before going into detail by outlining all the elements that compose the EU intelligence culture I will briefly point out the factors taken into account, which according to this paper define an

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[81] Ibid.

intelligence culture: firstly, the power projection of the entity in object (whether it relies on others or needs to be independent throughout the intelligence cycle); secondly, the history of the intelligence community; thirdly, the relationship intelligence community-policy making structures; fourthly, the definition given to intelligence and the use made of such asset; and lastly, the organisational culture behind the work of the agencies.

7.1 Projection and independence of the EU intelligence

The European Union, at the current state, does not have hard power ambitions. Its main ambitions are related to protecting the borders of the EU, guaranteeing peace and development within the Union, supporting the UN, and promoting democracy and a rules-based global order.[82] In none of the official documents of the EU there is a specific clause concerning external power projection that is not related to tasks of peacekeeping. There are calls for qualitative and quantitative readiness in terms of means that are potentially to be used in areas of crisis, but not as national security prerogatives.[83] Rather, these calls are made to pursue the European project based on values of multilateralism, peacekeeping, and support of emerging democracies.[84] On the other hand, the EU, as international organisation, promotes the trust-building process amongst the member states, and is helped by them to pursue such tasks. Even though

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[82] High Representative of the Union for Foreign Affairs and Security Policy Vice-President of the European Commission (2018). *Shared Vision, Common Action: A Stronger Europe, A Global Strategy for the European Union's Foreign And Security Policy*. Brussels: The European Commission.

[83]

[84] Non mi ricordo ma era relativo all'aver pronti un tot di soldati in tot tempo in un tot di anni da quella data. Penso fosse Helsinki headgoals. E questo invece relativo sempre a EUGS 2016.

there might be the need to have independent intelligence-gathering structures, at the current point the agencies rely entirely on information and intelligence given by the member states. This relationship of dependence on the member states marks the first cultural trait of the EU intelligence community: the agencies of the EU were not built with the purpose of being able to gather their own intelligence, but they need the support of the EU members and sometimes of external partners (such as the United States, which provide intelligence to member states' too). This trait is particularly important for a number of reasons. The first reason is related to the Neo Functionalist approach that has been used throughout the whole paper in order to analyse the EU intelligence community. Having the national intelligence agencies giving to a supranational organ information and intelligence on a voluntary basis, on the one hand, reinforces the idea of centralisation ("persuaded to shift their loyalties […] toward a new centre"). On the other hand, is supposed to serve as mean to build trust amongst the member states, and between member states and supranational intelligence institutions, creating a bond which puts more and more responsibilities in the shoulders of the EU policy makers. In case of a successful policy and wise use of such intelligence, for example combating terrorism and TOC, national governments shall feel safer and stronger by adapt their foreign policy to the supranational entity, eventually harmonising the system, giving more information, and more personnel to be trained[85] in the EU institutions ("expansive logic of sector integration"). Therefore, the EU intelligence community cannot be defined as independent in its intelligence cycle, but rather dependent, and not just because of lack of capabilities, but for a precise project to enhance awareness and trust amongst member states. What said by Mr Javier Solana in its speech about the rethinking of the Westphalian system

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[85] Palacios, J. (2016). Intelligence Analysis Training: A European Perspective. *The International Journal of Intelligence, Security, and Public Affairs*, 18(1), pp.34-56.

in terms of values makes this position of the EU a cultural trait of its intelligence community, and therefore an identifying character of the EU intelligence culture. The principles of bringing nations together, tearing borders apart, and eliminating rivalry between the member states are all long-term objectives of the Union, and the very basic values of the European project, which are reflected in its intelligence community.

7.2 The historical development of the EU, and the effects on the intelligence community

The second main element that has shaped, and is still shaping, the EU intelligence community is the historical development of the EU. By historical development are meant all the events that caused the policy makers at EU level and within the member states' governments to take action towards the creation and implementation of the intelligence community in the EU institutions. These events can be traced from the end of the Second World War, till the last developments in the field of terrorism in Europe. It is true that in this period of time the speed of integration at EU level changed greatly, due to the political opportunities and international events. From the initial push towards the Union of the first years, in which developed the idea of a European Federation, to the stop of the Plan Pleven, to the Maastricht Treaty, to the current Eurosceptical positions of some countries. Since the EU is an intergovernmental institution, the member states had to give their political approval for every change, and for the formation of the different agencies that would have to use data taken from the national institutions. Therefore, historical events that pushed the public opinion towards a direction, or another, helped shaping the EU and its agencies. It is an external variable, which could not be controlled by the European Communities, and later on, by the European Union institutions, but represented

an important series of factors that gave the EU agencies the form they have now. For example, the basis for the constitution of the TREVI group, created after the European Council in Rome of December 1975. The TREVI group was an intergovernmental group that had the objective to improve police cooperation in Europe; being the first structure on which the future Europol was later built.[86] It is important to remember that the TREVI group was created only a couple of years after the Munich massacre at the 1972 Olypmic Games. Another event that has been crucial for the future of the EU intelligence has been the fall of the USSR, and the subsequent war in the Balkans in the early 1990s and mid 1990s, for at least two different reasons: the heavy reliance of US intelligence during the NATO operations in the Balkans, and the inability on behalf of the Union to act in conflict prevention and crisis management situations.[87] The outcomes were the British-French entente, and the Helsinki European Council of 1999, and the integration of the Petersberg tasks in the Treaty of Amsterdam, 1999;[88] all important steps in the constitution of EU intelligence agencies, by defining the future tasks that needed to be fulfilled in order to support the EU policy making process in the field of security. However, amongst these three reasons just outlined, I would take the latter as most important for the purpose of this research. As we are approaching the

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[86] Bunyan, T. (1993). Trevi, Europol and the European state. *Statewatching the new Europe*, 1993/1.

[87] Duke, S. (2006). Intelligence, security and information flows in CFSP. *Intelligence and National Security*, 21(4), pp.604-630

[88] EEAS - European External Action Service. (2018). *Shaping of a Common Security and Defence Policy - EEAS - European External Action Service - European Commission*. [online] Available at: https://eeas.europa.eu/topics/common-security-and-defence-policy-csdp/5388/shaping-of-a-common-security-and-defence-policy-_en [Accessed 21 Jul. 2018].

development of a EU intelligence community from a cultural point of view in a historical context, the importance of the Petersberg tasks becomes crucially important. In the chapter concerning the shaping of EU intelligence structures, the Petersberg tasks were explained as the duties that the WEU had to carry out. Stabilisation, prevention, crisis management and humanitarian tasks represent the core of the EU global action. Such tasks are based on ideals and values internalised by the Europeans after the end of the Second World War, a conflict that completely reshaped the European's view on the world, and reshaped the world itself. Another crucial event that constitutes the current shape and work of the EU intelligence community is 9/11. The terrorist attack to the World Trade Centre has been another major external event that pushed towards the creation of new ways to collect, analyse, produce and share intelligence (in this case, in both the US and Europe). It has represented the beginning of a new era of intelligence, in which a global threat had to be fought with a global action, and thus, a global approach. While the US enhanced their intelligence capabilities in the field of surveillance, in the EU the member states have been dealing for more than a decade with intelligence sharing and counterterrorism as main issues.[89] The historical element is an external factor, nonetheless had a huge impact in the creation of the EU, and the shape that current EU intelligence agencies have.

7.3 Relationship intelligence community - policy makers

The third factor taken into account in this analysis is the existing relationship between policy makers at EU level, policy makers within the member states, and the EU intelligence community. As stated by the treaties and Council

[89] Bureš, O. (2016). Intelligence Sharing and the Fight against Terrorism in the Eu: Lessons Learned from Europol. *European View*, 15(1), pp.57-66.

decisions, the EU agencies have the duty to support the decision-making organs of the Union, as well as support the national institutions of the member states by providing analysis, reports, and whatnot. When carrying out their duty, the EU intelligence agencies use personnel, material, money and sources that come from the budget member states. While sources, information and intelligence are given on a voluntary basis, personnel, material and money is decided by the treaties that the member states signed.[90] Analysing this peculiar junction point in the EU intelligence community, becomes crucial in the comprehension of what is the community's client, and what are the policies adopted to deliver the product analysed within the EU structures. An agency, institution, think tank or private company that deals with delivering intelligence products needs to have a client, which gives direction (the first step of the intelligence cycle) and which obtains the final product. The client, in these different types of structures, can ask for different types of products and the relationship can be of different nature. For example, private companies tend to have a target-centric approach, in which the client is more included in the process. It is important to remember that the intelligence cycle is not a scientific process, and therefore, different approaches can be used to obtain, analyse and disseminate intelligence, however, there is always a client that receives the information, becoming the very centre of the discussion. In the case of EU intelligence, the clients that give directions are the EU institutions (the Council, mainly), but who receives the information are often the single member states as well. This puts the EU intelligence agencies in the privileged position to obtain intelligence from the member states, and produce, independently, the analysis required, with no political bond between agencies and national governments. It is a privileged position because, if compared with the US, the risk of political bias in this case does not exist. In the case of the United States, mistakes happened because of

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[90] metti una voce di un trattato. ANZI: cita tipo quello europeo, e quello intcen.

the policy-driven culture that affects the US community. An example often used is the war in Iraq of 2003, and the research for the WMDs, allegedly produced in Iraqi facilities around the country. The CIA produced a biased analysis, often avoiding proper comparative methods throughout the process, leading to a poor decision in terms of foreign policy.[91] The relationship between intelligence community and policy makers, though, is not purely political or cultural: there is a specific link that might affect the different decisions, especially when there is a marked difference between competitive environment (US) and non-competitive (EU); the decision on the budget. This is the crucial point of the intelligence-client relationship. In the case of the EU, the budget does not depend on the single member state. The treaties signed, and the decisions of the Council, impose to all the member states to contribute to the budget of the EU. This guarantees an independent and free analysis on behalf of the EU intelligence community, politically unrelated and free of the single member states' interests. Moreover, having analysts from all the member states, guarantees a more balanced environment.

7.4 Definition of intelligence (or how intelligence is conceptualised and used by the policy makers)

The definition of intelligence is important in the academic world. It is important because it is a field of study, and if there are more, clashing definitions, it will be impossible for the academia to deepen the studies in this field. The importance of understanding intelligence, though, is not merely an academic requirement: in theory and practice, intelligence needs to be defined to serve as operative instrument. Which brings us to the next question that needs an

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[91]Jervis 1, R. (2006). Reports, politics, and intelligence failures: The case of Iraq. *Journal of Strategic Studies*, 29(1), pp.3-52.

answer: is intelligence a field that has one unique definition or does it change from government to government? To conceptualise the definition of intelligence as one of the characteristics of an intelligence culture, the answer to the question must be yes. Intelligence, as product, can represent something for one government, and something else for another, marking the difference in the use made out of the product. This concept is not too far from the previous element (relationship intelligence - policy maker), however, for the finality of this dissertation I decided to divide this issue in two different elements. In the case of the EU, the intelligence community is used for different tasks. In the field of criminal intelligence the EU competent agency (Europol) is supposed to assist the national authorities, provide strategic intelligence for operational purposes, and train officers.[92] In the case of foreign, military and security intelligence the main hub of analysis is the IntCen, which belongs to the EEAS framework. The IntCen produces reports, policy recommendations, follow-ups, evaluations, and analysis.[93]

7.5 Organisational culture

The last important element that plays as main factor in the definition of a EU intelligence culture is the organisational culture behind the EU institutions. The organisational culture can be defined, according to Gillian Oliver as the "cultural

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[92] European Union: Council of the European Union, *Council Act 95C 316/01 on the establishment of a European Union Police Office (Europol Convention)*, 26 July 1995 available at: https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:1995:316:0001:0032:EN:PDF [accessed 12 July 2018] Art. 2

[93] Eumonitor.nl. (2018). *Overview of SitCen reports and Political Recommendations - EU monitor*. [online] Available at: https://www.eumonitor.nl/9353000/1/j9vvik7m1c3gyxp/vi7jgtbx4fzj [Accessed 17 Jul. 2018].

characteristics that are unique to a particular organisation".[94] Behind the concept of organisational culture, though, there are geographical, linguistic and functional characteristics that should represent the common points for people part of an organisation. Within the EU, there are no such common characteristics. Only the functions of the institutions and the common objectives represent a bond between officials. Personnel part of European institutions have no common geographical nor linguistic background. Moreover, they are often trained in national institutions, before going to work for the EU. In the case of the EEAS, for example, the personnel is mainly composed by seconded national officials.[95] The same happens for the IntCen, the IntDiv, and the Europol. These officials bring as background forms and practices coming from the member states' national institutions and bureaucracy. However, it is true that the EU has developed, through the years, its own administrative culture. Or, better, a "European way of administration". The European Union is primarily composed by bureaucratic organs with a solid administrative structure and functions. Even though, for many years, the EU has been mainly just a bureaucratic system that allowed the institutions to work, there is one new factor that arose. It relies on the very motto of the EU: "united in diversity".[96] The aim is to create Europeans, with a shared, common culture, which will not replace their national identity, but rather build a new European identity. As it is not possible to talk about an actual organisational culture in the EU institutions, it is possible to talk about an administrative culture that is

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[94] Oliver, G. (2011). *Organisational culture for information managers*. Oxford: Chandos Publishing, pp.7 - 20.

[95] Esempio: documento del 2010 instituente l'EEAS, provenienza dei funzionari.
[96] European Union. (2018). *The EU motto - European Union - European Commission*. [online] Available at: https://europa.eu/european-union/about-eu/symbols/motto_en [Accessed 19 Jul. 2018].

between the concept of "unity", which preserves the other, clashing concept of "diversity". The diversity upon which the whole EU is built represents the cultural heritage that comes from many centuries of clashes, topped by two world wars, the last of which left the entire continent destroyed. The EU, however, does not impose a new, supranational administrative or organisational culture. The EU's administrative culture is rather a synthesis of all the different European approaches. This is possible mainly thanks to the European officials that work in the agencies and institutions, and keep a constant communication with national institutions.[97] It is therefore not possible and safe to define a EU organisational culture, which is being shaped now, through various practices not imposed by the institutions. Thanks to the decentralisation of EU agencies and their personnel, the continuous exchange of information, language courses, and the continuous effort to bring people from all the different countries to work together and train together in EU facilities (as Europol and IntCen do),[98] can eventually build up a defined EU organisational culture. So far, the approach that it has been possible to see is the lack of superimposition, and rather, embracement of differences. This element could therefore be taken as the last factor that contributes to define the EU intelligence culture.

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[97] Bellier, I. (2005), Spelling out unity and living in diversity, the EU administrative culture at a crossroads, *Organisational Culture in the Institutions of the European Union*, European University Institute, Florence, Working paper no. 2005/4

[98] Palacios, J. (2016). Intelligence Analysis Training: A European Perspective. *The International Journal of Intelligence, Security, and Public Affairs*, 18(1), pp.34-56.

8. The shape of a new decentralised intelligence in an ever-changing international environment

In this chapter I will briefly cover a few points on the future developments of the EU intelligence community according to my personal point of view, following the analysis made in the previous chapters. The European Union is not a country, and is not merely and international organisation. The European Union is an intergovernmental organisation that since it was founded, started having a progressively bigger importance on the national agenda. In this final chapter, before the conclusion, I will introduce the EU intelligence community as actor that plays its role at international level while influencing the member states as well. As the EU institutions are something that has never been achieved before in Europe, the Union must find a new way to make the member states cooperate and reach a always higher level of harmonisation, and while the European Union is trying to do that, is being attacked by internal and

external enemies: internal enemies are those political parties that push towards the destruction of the Union, while external threats are represented by migration - that is reflected in an internal dimension since it gives the possibility to populist parties to gain consensus amongst the population - , and a general situation of uncertainty in the external borders in Ukraine and on the Mediterranean.

7.1 The importance of NATO in Europe and the risk of redundancy

On the other side of the Ocean, the United States has never been so confused from a foreign policy point of view, and while the President does not follow a straight line with his allies in NATO, the EU finds itself with no assurance in terms of security. The debate over the future of the European defence is reflected in the intelligence community of the Union, and is being currently debated what will be the future of the EU intelligence community. In order to determine which future the EU intelligence community will have, there are several variables that must be taken into account. First of all, the position of the US and NATO in Europe: a US withdrawal from the European theatre would enhance the need for a more effective intelligence cooperation between member states and a greater responsibility in the hands of the High Representative in the development of more effective EU intelligence community. However, such scenario does not seem plausible at the current state of play. So, instead of duplicate an existing framework in terms of multilateral intelligence cooperation, it would be wise to reinforce the current agencies and use the experience of the last twenty years of European integration to create a whole new generation of analysts trained by both, member state's national agencies and EU agencies. Common training, with common objectives, following the EUGS agenda, while avoiding the risk of redundancy. Avoiding redundancy

means creating a new framework, and not copying an already existing system, as a "European CIA" as future for the IntCen, or a "European FBI" as future shape for the Europol. Since the European model is a new model of governance not tried before, anywhere. Therefore, new and advanced agencies are requested for a new, advanced role in the international stage of the EU. However, in any case, the position of NATO in Europe is fundamental for any further development of the CSDP in terms of capabilities that the EU can have at its disposal. This is a first factor that will decide the shape of the future EU intelligence community.

8.2 Neo Functionalism: integrating different foreign policies

As argued in this dissertation, in the field of intelligence it has been used a Neo Functionalist approach as main theoretical framework to analyse it. The Neo Functionalist approach affirms that once integrated one part of the system, this will require more and more integration in order to be fully functional, eventually integrating the whole system. Seeing a progressive integration in the field of foreign policy will lead to a more effective integration in the field of intelligence used for policy-making purposes in the field of security. However, by creating a common base for the information and a central hub for analysis such as the IntCen, which is directly under the responsibilities of the High Representative, the member states know that more and more intelligence will be shared within the IntCen. By disclosing more and more intelligence towards the centre, empowering it with new information, the member states will progressively leave more decision making power to the centre. It can be argued that by enhancing common analysis techniques and training officers themselves will feel more part of a Union, working together for a common objective, driving towards a more defined intelligence community at European Union level. This

last argument brings us to the next point that will be covered: the European identity.

8.3 Culture, the European identity and its importance in intelligence practice

The concept of European identity is central in a discourse about culture. But before taking into account the world of intelligence, it must be used a concept easier to understand and that serves as the perfect example in the field of security: the army. As of yet, only the national army is a concept that works. It does not matter if European national military units cooperate and sometimes train together. The deployment of fully operational EU Battlegroups started in 2007.[99] Even though European armies have been deployed together and trained together for short periods, the idea of a European army is still very far: there cannot be a European army if there is not a developed European identity.[100] The army represents one of the most conservative and nationalistic aspects of a country. Uses symbols and a rhetoric that have their roots in the concept of nation. Nonetheless, European armies are now working together side by side, which is fairly interesting, counting on the fact that not more than a hundred years ago the same armies were mercilessly slaughtering each other in the trenches around all Europe. Intelligence, on the other hand, is a slightly different concept that is always deeply connected with the very existence and protection of the country, but works using a more secret narrative. This secrecy and uncertainty, together with the actual lack of widely accepted definitions in

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[99] EEAS - European External Action Service. (2018). *EU Battlegroups - EEAS - European External Action Service - European Commission.* [online] Available at: https://eeas.europa.eu/headquarters/headquarters-Homepage/33557/eu-battlegroups_en [Accessed 12 Jul. 2018].

[100] Howorth, J. (2007). *Security and defence policy in the European Union.* Macmillan International Higher Education.

academia, makes the world of intelligence an unclear grey zone of the national policy making structure. It is therefore needed a higher level of information, and more connections with the world of academia, in preparation of future analysts that will work in an international European environment. This does not mean that the national intelligence of the member states will be moved on the background. It means that a higher degree of mutual trust between national intelligence and institutions will be needed, as well as a closer cooperation, in order to defend and provide security to the whole EU. Creating, therefore, citizens and officials within the concept of European identity, is one of the steps that should be taken in the future in order to create a safer Europe.

8.4 New structures or new tasks

In this paper we have been talking about, mainly, four agencies of the EU. Europol in the criminal sphere, the IntDiv on the military, the IntCen works on external and security, and the SatCen, which provides analysed IMINT and GEOINT to all of the other agencies. Two more agencies have been added The EU intelligence community, Frontex and the EUISS. Frontex, the agency that works in the border control of the EU, providing surveillance (through EUROSUR) with a network of liaison officers, seconded by the Commission and by the member states.[101] EUISS as independent think tank providing in depth analysis to the EU policy makers, taking a more academic note, and open

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[101] EUROPEAN PARLIAMENT (2016). *REGULATION (EU) 2016/1624 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 14 September 2016 on the European Border and Coast Guard and amending Regulation (EU) 2016/399 of the European Parliament and of the Council and repealing Regulation (EC) No 863/2007 of the European Parliament and of the Council, Council Regulation (EC) No 2007/2004 and Council Decision 2005/267/EC.* Bussels: Official Journal of the European Union.

source. Frontex represents another step towards the integration of the European Union. A better understanding and protection of the external borders, managed by an agency composed by seconded officers of the member states is indeed a step forwards. The amount of intelligence shared and obtained by Frontex is not clear, however, it is important to remember that this agency is likely to have a future as liaison office between internal and external security of the Union, as much as the IntCen does. [102]

8.5 United in diversity: national skills to develop a new intelligence approach

The motto of the EU, already seen in the previous chapter, is "united in diversity". As the Union tries to overcome difficulties of putting people with different background together, a possible positive outcome might rise in the field of analysis. Having different trainings, different cultural backgrounds, and languages in a single team of analysts can possibly give better results that analysis made by people from the same background. As explained in the introduction, intelligence follows a cycle, which is not a scientific process, but is usually composed by direction, collection, processing and exploitation, analysis, production, and dissemination. In this process, there is a passage that requires a lot of critical thinking: analysis. This passage is often made in groups, so that, once the analysis is done by someone, the point of vie can be challenged. There is a specific technique called devil's advocate, or, as the British military calls it, the 10th man who is created precisely in order to challenge the existing main assumption.[103] At the EU level, intelligence practitioners are often sent as seconded national officers after being trained in their own national

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[102] Ibid.
[103] Pascovich, E. (2018). The devil's advocate in intelligence: the Israeli experience. *Intelligence and National Security*, pp.1-12.

environment, giving them a specific background. The idea of putting together people from a different cultural background and one single aim, might lead to a better quality of intelligence. The concept of being united in diversity, when used in practical terms, can be a strength for the EU intelligence community that eventually would reflect in all the EU structures. Challenging each other in a constructive manner is a potential way to provide better intelligence. Therefore, in the future of the EU intelligence, it is crucial to remember the importance that critical thinking has in challenging cognitive bias during the analysis.[104]

8.6 The Club de Berne and the importance of multilateral forums

The Club de Berne is important in the process of EU intelligence integration but is not part of the EU intelligence community framework as it is interpreted and understood in this paper. The Club de Berne follows a system, and a way of thinking, that has deep roots in the "classic" conceptualisation of intelligence, and is the answer to the main issues of cultural mistrust that affects the European intelligence community. The Club de Berne has been and still is an important multilateral forum that allows intelligence heads to meet and enhance mutual trust in Europe. When the group instituted the Counter Terrorism Group (CTG) in 2001, an external partner has been invited, the United States.[105] The activity of the Club de Berne runs in great secrecy and is scarce

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[104] Conio, G. (2018) Il pensiero critico nell'analisi d'intelligence, *The Alpha Institute of Geopolitics and Intelligence*, Roma

[105] Fedpol.admin.ch. (2018). *"Club de Berne" meeting in Switzerland*. [online] Available at:
https://www.fedpol.admin.ch/fedpol/en/home/aktuell/news/2004/2004-04-28.html [Accessed 5 Jul. 2018].

the information possible to gather about it. Nonetheless, what makes it so crucial is the concept behind an intelligence international forum. It is the main example of multilateralism in the intelligence field. For the future of the EU intelligence community, my assessment is that they are important. The EU intelligence community is something completely new in the international stage, an entity that gather together 28 (soon 27) independent states that are starting to give up part of their sovereignty in the name of a bigger picture; or, as Fagersten wrote, "a non-typical intelligence actor".[106]However, I firmly believe that intelligence is not something that national governments will give up soon, or at least, the control over them will solidly remain in the hands of national policy makers. Therefore, forums like the Club de Berne, or the Budapest Club, should push towards a more effective "minilateral" cooperation, coordinated by the EU institutions, till it will be reached a common view on the future of European security interests. It is in my view the opportunity for the EU intelligence community to become main coordinator of such change, that will eventually see the national intelligence agencies as detachments of a one, integrated intelligence community, avoiding the CIA/FBI structure.

8.7 Hybrid threats and the future of the EU intelligence

On the 6th April 2016, the EU Parliament and Council produced a joint communication on countering hybrid threats. The communication was meant to be a EU response to the problem of hybrid threats that are attempting to disrupt the cohesion and solidity of the European Union. Within the joint framework produced by the Parliament and Council, two interesting points came out: the creation of the EU Hybrid Fusion Cell and a Centre of Excellence

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[106] Fagersten, B. (2016). For EU eyes only? Intelligence and European security. *Brief Issue,* EUISS, Paris, 8/2016.

for countering hybrid threats. The EU Hybrid Fusion Cell is being designed to work within the EU IntCen framework, as part of the EEAS structure, to analyse classified information and OSINT about hybrid threats in the EU.[107] The Centre of Excellence, to be instituted in Finland, have the task to research and find "practical solutions to existing challenges posed by hybrid threats".[108] This event is important to the end of the dissertation for the following reasons. First of all, in such an ever changing environment, it is crucial for the EU intelligence to respond with flexibility, and with on-the-spot solutions tailored to solve the specific problems. Secondly, the creation of a new think tank with the task of researching a new important field not covered by the mandate of EUISS implements greatly the capacity of response of the EU, and deepens the connection between academic research, intelligence and policy making. It is possible that such traits are going to be two new elements that shape the EU intelligence culture, however, it is too early to say, as of yet. The direction taken by the 2016 Joint Communication, though, seems to have pushed the EU intelligence community towards this future.

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[107] High Representative of the Union for Foreing Affairs and Security Policy (2016). *Joint Framework on countering hybrid threats, a European response*. Brussels: European Commission, p.4.

[108] Ibid. p.5

Conclusions

It is undoubtedly useful, at this point, to draw some conclusions after this journey throughout the history of the European Union. I would start from the very beginning: the treaties and documents that pushed the process of the European integration. After the Second World War, in which European countries fought on both sides, leaving the continent completely destroyed, and a whole new position for Europe in the world, the leaders of the time started a new integration project. Even though it is possible to find its beginning in 1947, in matters of defence (Treaty of Dunkirk), [109] the European project took soon after a more comprehensive shape. The founding ideals of the European Union are the elements that primarily represent the European post-war culture: unity in diversity. However, the process of European integration, it has not as of yet reached its final shape and even if it started as a military integration process reached, after almost fifty years, the European Security and Defence Identity (ESDI), the project seemed still to be hopeless. Here there is a description: "At the

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[109] Howorth, J. (2007). *Security and defence policy in the European Union*. Macmillan International Higher Education

1996 NATO ministerial meeting in Berlin, it was agreed to develop a European Security and Defence Identity (ESDI). The essential element of the development of this ESDI was the preparation of Western European Union (WEU) operations with the involvement of WEU and NATO based on identification within the Alliance of separable but not separate capabilities, assets and support assets and elaboration of appropriate multinational European command within NATO in order to prepare, support, command and conduct WEU-led operations."[110] Basically, the ESDI lacked political leadership on a body (the WEU) that was working on material borrowed by the United States (meaning that assets were not available to the WEU because either needed somewhere else by the US, or either the US were not keen to lend to others their assets).[111] The European Union, though, started existing, and progressively brought in more and more elements, while the member states started giving up voluntarily some sovereignty in order to follow a greater design. The functions of the Union in terms of defence and security are closely bonded to its past: avoiding the horrors of the First and Second World War has been the peremptory call for a better Union, more fair, united and hopefully a leading project in the pacification of other parts of the world using a combination of soft and hard power. The glorious design of a phoenix that is reborn from its ashes, though and is ready to take the lead, though, requires a sustained amount of valuable, high quality, on-the-time intelligence. The purpose of EU intelligence is to advise widely the EU policy makers that have to take decisions that always have effects on all over the world. Thanks to four main agencies that compose the EU intelligence community, the EU policy makers at all levels can count on a good amount of high quality intelligence. These agencies are the IntCen, the IntDiv, the SatCen (former EUSC) and the Europol. The EU intelligence community,

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[110] Eur-lex.europa.eu. (2018). *Glossary of summaries - EUR-Lex*. [online] Available at: https://eur-lex.europa.eu/summary/glossary/european_security_defence_identity.html [Accessed 20 Jul. 2018].

[111] Howorth, J. (2007). *Security and defence policy in the European Union*. Macmillan International Higher Education

though, is a non-typical intelligence actor, not being part of a nation-state system but rather a supranational entity. Moreover, it works in a non-typical condition, having no possibilities to gather its own data and producing intelligence for actors that can potentially be not always cooperative with the EU intelligence community. All these different environmental elements, triggered the main question of this dissertation: is there a EU intelligence culture, and what are its elements? After a comparison with a well-known intelligence community, five main elements emerged, belonging to four different realms. Political (projection, ambition and independence of intelligence), historical (the events that shaped the intelligence structures), ethical (the relationship between intelligence and policy makers, and the definition given to intelligence), and sociological (the organisational culture). Even though the EU intelligence community has some common traits with the US and with other national intelligence communities, it has a new, different cultural approach. Such culture has its origins not only in the practices of the EU intelligence community, but is shaped starting from deeper reasons that lay on the common history of the EU countries. Especially, the First and Second World War, which left Europe destroyed, and a rethinking of the international order in Europe needed to be done. The European project is not only a bureaucratic and administrative structure imposing rules and regulations at a supranational level, but rather a community of intents that aims to a better, safer, and peaceful Europe. The member states have problems in trusting each other. This is a cultural trait shared by all EU countries. Such trait impede a complete integration in the field of intelligence, which is a practise that is very close to nation's governance structure. As the security environment in Europe changed, though, there have been more and more need to share information and to act together, as a force with common structures and shared views, in order to tackle the threats, that nowadays are constantly changing. Therefore, a EU intelligence community developed and is still developing, with gradually increasing clarity on its tasks, capacities, facilities and mandates. The EUGS 2016 and its further implementation gave clearer guidelines on the ambition of the EU at international level and in terms of internal security, and it is task of the EU intelligence community to provide the necessary support for EU policy makers in order to fulfil those requirements. As the Joint Framework on Hybrid

Threats of the Council and Parliament confirmed, the final shape of the EU intelligence community has not been reached yet. There are still many challenges that Europe has to face, internally and internationally, and the community will change and adapt. However, according to this dissertation, any change that will be made, will follow the patterns identified in the four aforementioned elements. The debate is open, and further research will confirm, or reject, the main assumptions that I have made, in the research of this paper.

To sum up, the EU has its own intelligence culture, its own intelligence community, and head goals to reach in the next few years, imposing itself as a fundamental international actor in the international arena. Its culture is driven by values and principles that the European people are taught today, in order to live peacefully in the continent, integrate more, and eventually, create a European identity that will decree the birth of new generations of European scholars, practitioners and officials, erasing the problems due to cultural mistrust, and lack of sharing, in the name of those values and principles upon which the European Union was founded.

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