

Introduction: Developments in European Security

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IN THE EUROPEAN UNION (EU), THE IDEAS UNDERPINNING THE CONCEPT OF "SECURITY" are quite diverse and involve a number of different actors. Before the entry into force of the Lisbon Treaty, security provisions used to be found in all three of the EU pillars and covered a wide range of topics, including border security, defence policy, police cooperation and counter-terrorism. The pillar structure has now been abolished and both the 'Area of Freedom, Security and Justice' and the common foreign, security and defence policies have become policy areas of 'shared competence'. This growing involvement of the EU in security matters is all the more remarkable since it was viewed as highly improbable for a long time given the closeness of some of these policy issues to national sovereignty. Interestingly, it also coincides with broader theoretical developments in the study of security. In the last twenty years, the discipline of security studies has experienced crucial changes. As emphasised by Mutimer (1999: 77), traditionally, "'security' was the security of the state, it was threatened by the military power of other states and defended by the military power of the state itself". However, this definition, advocated by strategic studies, has increasingly been viewed as poorly adapted to a changing international environment, especially after the end of the Cold War. Since then, the discipline of security studies has been characterised by the so-called 'widening-deepening debate'. The 'widening' dimension has focused on the extension of security to other issues or sectors than the military, whereas the 'deepening' dimension has questioned whether entities other than the state – such as the EU, for example - should be able to claim security threats (Krause and Williams 1996: 230).

But what are the main security threats to the EU? As argued by various scholars, in particular the so-called 'Copenhagen School' (Buzan *et al.* 1998), it is difficult to objectively assess the significance of various threats. What can be studied is the process through which some issues come to be socially defined as security issues through a process of 'securitization' (Buzan *et al.* 1998). In that respect, there is no doubt that terrorism has come to be defined as one of the key security threats faced by the EU in the aftermath of 9/11. Over the years, various events have contributed to keeping this issue high on the

political agenda, including the terrorist attacks in Madrid (2004) and London (2005) and the failed attack on Glasgow airport in June 2007 (Kaunert *et al.* 2012). Importantly, terrorism has been a catalyst for policy developments and European integration not only in the field of counter-terrorism, but also more broadly in the relating fields of border controls, intelligence, policing and criminal justice amongst others.

This is aptly demonstrated by the collection of articles included in this special issue, most of which have been presented at various conferences organised by the Editors. These articles cover a wide range of security actors and issues, including policing (Rozée), human trafficking (O'Neill), border security (Marin), counter-terrorism financing (Van Elsuwege), as well as intelligence cooperation (Svendsen, Hillebrand), including the important issue of its democratic oversight (Hillebrand), and the relationship between the military and private contractors in expeditionary operations (Kinsey and Erbel).

Rozée, writing from an International Relations perspective, sets the scene for the discussions and raises several important issues that are also addressed by other contributors. He discusses the need to develop "a unified and interconnected approach to understanding the different elements of the EU's security agenda", in order to develop "valuable insights into the role played by the EU police within the wider framework of the EU's security agenda". This argument neatly sets off the range of articles in this special issue. Rozée's focus is to "investigate the relationship between the EU's police comprehensiveness and its security actorness". In addition, it explores "the contribution of [the] police to the EU's security agenda". These are both timely examinations in light of the massive restructuring of the EU, and its various security and law enforcement provisions under the Lisbon Treaty, issues which underpin many of the later articles in this special issue.

O'Neill focuses on the "low policing" function of trafficking in human beings, which, in 2011, underwent a radical reform at the EU level, with the new EU directive having been passed, with national implementing provisions to follow by April 2013. O'Neill's focus is on the issues that are likely to arise in the implementation of the new directive in the UK, which is not a member of the "Visas, Asylum and Immigration of third country nationals" provisions of the EU, due to its continuing partial opt out of Schengen. She points out that the law enforcement community will generally be challenged by the "victim status accorded to those who have been trafficked or exploited", with the "mandatory support mechanisms" requiring not only a substantial redraft of national laws, but also police practice procedures, and will have a substantial resourcing implication. In light of the existing "highly complex UK Human Trafficking law enforcement structure," it is arguable that the new directive is an opportunity to bring greater clarity and a better structure to this area of law and law enforcement practice in the UK.

Marin moves the focus to the external borders of the EU under the Schengen *acquis*. Taking a legal approach, Marin examines the role of law enforcement, to include a number of naval operations, specifically Joint Operations HERA and NAUTILUS. The lack of transparency relative to these operations has posed problems in this aspect of the EU's law enforcement and security framework. In addition, the issue of the legality of the operations at the external border arises, with the role of Frontex being examined. Marin examines recent developments at Frontex, which include the approval of the recast Frontex Regulation, and the adoption by Frontex of a Fundamental Rights Strategy, and the necessary next steps to "find a *legislative* remedy to a *political* problem which became acute." In addition, Marin argues that the "new legal architecture" post- Lisbon "presents (positive) threats and opportunities" for the development of a more robust and effective legal framework for the policing of the EU's external (Schengen) borders.

Van Elsuwege, also taking a legal approach, focuses on the “targeted” or “smart” sanctions of the EU. Those “typically include measures such as arms embargoes, visa bans and the freezing of financial assets” and have commonly been used in counter-terrorism. He addresses the institutional and structural problems within the EU relating to the multi-dimensional - and thereby multi-policy and multi-pillar - aspect of these sanctions. Acknowledging the ruling in *Kadi*, Van Elsuwege analyses the problems that arise from the EU’s legal framework and institutional structure both pre- and post-Lisbon, effectively trying to negotiate his way around what Cremona (2008: 45) has referred to elsewhere as the EU’s new “Chinese wall” under Article 40 of the Treaty on European Union. He does argue that “recourse to a dual legal basis” for legislative provisions might provide “an appropriate solution.”

Hillebrand, writing from a public policy perspective, examines counter-terrorism policing and focuses on the extent to which “mechanisms of democratic accountability and, in particular, parliamentary scrutiny are in place to hold EU-wide counter-terrorism actors, such as Europol, into account”. As she points out, the Lisbon Treaty has altered the underlying legal landscape for transnational EU law enforcement activities. The policy and pillar split within the EU, and the split between the EU and its Member States in the oversight of counter-terrorism policing, are examined. As Hillebrand points out, “counter-terrorism might affect human rights and individual freedoms and it is therefore supposed to be governed by strict rules and norms of democratic control”. Given the wide variety of possible institutional actors involved, both at the EU and Member State levels, it appears that there are some noticeable gaps in the oversight framework of EU activities in this area. The increasing role of the European Parliament post-Lisbon may go some way to addressing this issue, although important challenges remain.

Svendsen broadens the scope of the analysis to include security developments in Europe beyond the framework of the EU, “from the Atlantic to the Urals”. More precisely, his contribution examines the ever-growing development of intelligence cooperation networks in Europe. He highlights that intelligence cooperation involves an increasingly wide range of actors, from the police to the military, through anti-money laundering units and dedicated intelligence services. In this broader context, he argues that “during the early twenty-first century, generally we have witnessed greater intelligence co-operation in Europe” and that there has been an increasing “regionalisation of intelligence”. He points out that this paper is essentially “a comprehensive ‘introduction’ to this subject”, with further work being required on the evaluation of these developments.

In the final article of this special issue, **Kinsey and Erbel** go beyond Europe and focus on issues that have recently arisen in the course of military operations in which European states have been involved alongside the United States in Afghanistan and Iraq. Whilst the other articles in this special issue focus on civilian matters, Kinsey and Erbel’s article makes a particularly interesting contribution by focusing on an important trend in the military in recent years, namely the increasing role of private contractors in expeditionary operations. The article examines the origins of and reasons for this increasing outsourcing of tasks to the private sector and highlights the potential benefits and pitfalls of such a trend. The conclusions that they draw are not only relevant to all European states, but also to the EU as it continues to develop its own Security and Defence Policy.

Three main conclusions emerge from the combined reading of these articles. First of all, the speed and the scope of security policy developments in Europe have been truly breathtaking. Secondly, these developments have involved different institutional configurations, as states have – in some cases simultaneously - cooperated on a bilateral basis, within more or less formal transgovernmental networks, within broader multilateral frameworks, or within the EU institutional framework. These developments in European security are therefore also highly interesting for those studying institutional issues and the

development of European integration. Thirdly, these policy developments in various areas of security have been at times contentious and contested, as they have raised important questions with regard to oversight and respect for human rights. It remains to be seen how future policy developments may address some of these challenges.

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