



Article

Introduction: Supranational governance and European Union security after the Lisbon Treaty - Exogenous shocks, policy entrepreneurs and 11 September 2001

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Abstract

The EU has been making strong inroads into the realm of security over the last few years. This is a remarkable development, since security matters used to be the preserve of states. The articles presented in this special issue all testify to the breadth of the EU security agenda, as they all try to capture some aspects of the EU's fast-changing security policies following the entry into force of the Lisbon Treaty on 1 December 2009. In parallel with a broadening of the EU's security agenda, an increase in supranational security governance in the EU can also be observed. The transition to supranational governance is reached in two ways. First, cross-border security threats generate demand for EU laws, which supranational organisations then supply. Reasons for changes in the EU polity are exogenous shocks, the fact that rule innovations are endogenous to politics, the diffusion of organisational behaviour and models of action, and policy entrepreneurship, whereby institutional entrepreneurs construct and revise 'policy frames', which engage other actors and define new relationships between them and chart courses of action. As the articles in this special issue demonstrate, 11 September 2001 provided such a major exogenous shock required for a change in the EU polity, which EU institutions exploited by providing increasing EU legislation, and even, as a by-product, stabilising a European legal order.

Keywords

Common Foreign and Security Policy (CFSP), counter-terrorism, EU institutions, European Union (EU), security governance, supranational governance, terrorism

The broadening of European security

The European Union (EU) has been making strong inroads into the realm of security over the last few years. This is a remarkable development, since security matters used to

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be the preserve of states. The EU has generally been considered a rather weak security actor (Kaunert and Zwolski, 2013). The perception of a so-called ‘capability–expectations gap’ (Hill, 1993) has had a durable impact on the study of the EU’s Common Foreign and Security Policy (CFSP), as the EU tends to be more often singled out for its shortcomings than for its achievements. However, it is necessary to remember that any assessment of the EU’s role in international security is always underpinned by a specific understanding of security, although this may often be left implicit. This is important because those who understand security in military terms are likely to consider the EU a weak security actor; in contrast, those who have a broader understanding of security are likely to see it as an increasingly significant security actor (Kaunert, 2007, 2010a, 2010b, 2010c; Kaunert and Zwolski, 2013; Zwolski, 2011a, 2011b, 2012a, 2012b; Zwolski and Kaunert, 2011). This special issue – and indeed, the ‘European Security and Supranational Governance’ conference at which the articles that are presented in this special issue were initially discussed – are based on a broad understanding of security. After all, security concerns are increasingly triggered by challenges such as terrorism, climate change, mass migration flows and many other ‘non-traditional’ security issues (see notably Dannreuther, 2007; Dunn Caveltly and Mauer, 2010; Sheehan, 2005). The articles presented in this special issue all testify to the breadth of the EU security agenda, as they all try to capture some aspects of the EU’s fast-changing security policies following the entry into force of the Lisbon Treaty on 1 December 2009. However, do the changes introduced by the Lisbon Treaty translate into a more effective role for the EU as an international security actor? This special issue of *Cooperation and Conflict* examines the role of the EU in international security. In other words, it aims to investigate the extent to which the EU has developed as an organisation playing a significant role in international security policy. In doing so, this special issue also seeks to strengthen cross-disciplinary ties between the field of European Union studies and International Relations (IR) and Security Studies (see Jørgensen and Valbjørn, 2012).

There are three main reasons for which undertaking this exercise is important. First, on many occasions, the EU has expressed the ambition of becoming a global security actor. At the beginning of the 1970s, European states successfully established a modest framework for political cooperation, namely European Political Cooperation (EPC). It took more than 20 years for European states to take this political cooperation to the next level, by including it as one of the pillars of the newly established EU, in the form of the CFSP (Nuttall, 2000; Smith, 2002, 2004; Whitman, 1998, 2002). In the last decade, the most prominent manifestation of this ambition has taken the form of the European Security Strategy (ESS) (European Council, 2003, 2008; see Biscop and Andersson, 2007). In this document, approved at the level of the Heads of State and Government working together in the European Council, the EU states that ‘Europe should be ready to share in the responsibility for global security and in building a better world’ (European Council, 2003: 1).

Second, the former third pillar, Justice and Home Affairs (JHA), or the Area of Freedom, Security and Justice (AFSJ), as it has been called since the Amsterdam Treaty (1997), experienced very significant growth in the late 1990s and the early part of the new millennium (Kaunert, 2005, 2007, 2010a, 2010b, 2010c). Thus, the EU is making strong inroads into areas of security traditionally reserved to states, especially into internal security matters. Monar (1999) has argued that there has not been any other example

of a policy area making its way so quickly and comprehensively to the centre of the treaties and to the top of the EU's policy-making agenda. After major treaty revisions in Maastricht, Amsterdam, Nice and finally Lisbon, and thanks to renewed political impetus through the European Council Summits in Tampere (1999), The Hague (2004) and Stockholm (2009), the AFSJ undoubtedly appears as one of the most promising policy fields for integration in the EU in the foreseeable future.

Finally, it is important to examine the role of the EU as an international security actor because there is still an important gap in the existing literature. This special issue contributes to the literature on the evolution of the security agenda in the last decades, since it deals with some of the new security challenges that are 'on the radar screen' of not only many European states and the EU, as notably evidenced by the European Security Strategy of 2003, but also many other states across the world. Their importance nowadays provides an apt illustration of the trend of the broadening of the security agenda, which began in the 1980s. During the Cold War, the security agenda had been almost exclusively dominated by military matters. As emphasised by Mutimer (1999: 77), '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 has increasingly been viewed as limited and poorly adapted to a changing international environment, especially after the end of the Cold War, which led to the so-called 'widening-deepening' debate in security studies. In this context, 'widening' refers to extending security to other issues than military issues, whereas 'deepening' concerns the issue of moving the level of analysis, traditionally set at the nation-state level, upwards (e.g. regional security, global security) or downwards (e.g. security at the individual level) (Krause and Williams, 1996: 230). As a result, other issues gradually came to be viewed as security threats, including environmental degradation, transnational organised crime and terrorism, whilst new actors became increasingly recognised as significant actors in the realm of security, including non-state actors, such as terrorist groups, non-governmental organisations, private military companies and international organisations such as the EU (Dannreuther, 2007; Dunn Caveltly and Mauer, 2010; Sheehan, 2005). Although this trend is global, it is particularly relevant to the European context (Cottey, 2007).

Supranational governance, EU security and the threat of terrorism after 11 September 2001

The complexity of EU security governance is compounded by the fact that the EU does not fit squarely within accepted categories of political organisation: less than a 'federation' (Burgess, 2000), but more than a mere 'regime' (Krasner, 1983). Most modern states sought and achieved national political communities out of diverse groups living within their borders (Linklater, 1998). While this political community-building process is at the heart of European integration, there is no doubt that it is not complete yet. The EU has already made concerted efforts to prevent war and violence by building a new form of international political community, which erodes many of the traditional monopoly powers of the nation-state. However, attempts to define the territory through the twin processes of integration and enlargement have also created instances of 'variable

geometry'. Through various opt-outs, opt-ins (concerning the UK, Ireland and Denmark) and intergovernmental agreements, such as the Schengen and Prüm Conventions, attempts at defining the EU territory have been accompanied by trends obscuring this very definition.

Furthermore, classic debates over the nature of EU integration can usefully inform the analysis of the development of European security. Neofunctionalism (Haas, 1958) defines European integration as 'the process whereby political actors in several distinct national settings are persuaded to shift their loyalties, expectations and political activities towards a new center, whose institutions possess or demand jurisdiction over pre-existing national states' (Haas, 1958: 16). The 'loyalty' of the citizens of a community can shift towards a new political entity, notably supranational organisations such as the European Commission. However, opponents, on the other side of the conceptual debate, portray this differently. Moravcsik (1998, 1999) has presented the EU as being largely intergovernmental and dominated by national interests. In his view, national leaders make choices in response to constraints and opportunities derived from the economic interests of powerful domestic constituents and the relative power of each state in the international system. International institutions are merely there to bolster the credibility of interstate commitments (Moravcsik, 1998). Thus, from this viewpoint, the EU strengthens the nation-state, rather than weakens it.

As neofunctionalism went out of fashion, especially during the 1970s and 1980s, newer theories started to connect back to it. Stone Sweet and Sandholtz reinterpreted neofunctionalism and provided an 'updated' version incorporating some valid criticisms (Stone Sweet and Sandholtz, 1997). European integration, according to the model, is encouraged and sustained by the development of causal connections between three factors: transnational exchange borrowed from Deutsch's transactionalist theory, supranational organisations and European Community rule-making. The transition to supranational governance is reached in two ways. First, cross-border transactions generate social demand for EU laws; supranational organisations then play a key role in their development.

According to this perspective, the role of supranational organisations is considerable. As in neofunctionalist logic, institutions matter (Stone Sweet and Sandholtz, 1997: 310). Rules define roles (i.e. who is an actor), whilst actors behave in self-interested, rationalist-materialist ways. Therefore, institutions such the European Commission work to enhance their own autonomy and influence within the European polity. It thereby acquires legitimacy by promoting the interests of transnational society. In their book *The Institutionalization of Europe*, Stone Sweet et al. (2001) further develop this argument. Emphasising that institutions are human artefacts, that is, they are made of and by humans, they also introduce a notion of institutional change, which counters the static vision of institutionalist path-dependency. Reasons for change are exogenous shocks, the fact that rule innovations are endogenous to politics, the diffusion of organisational behaviour and models of action, and policy entrepreneurship.

Institutional entrepreneurs (Sweet et al., 2001: 11) are conceptualised as constructing and revising 'policy frames' (i.e. collectively held sets of meanings), which engage other actors and define new relationships between them and chart courses of action. Sandholtz and Zysman (1989) suggest that informal entrepreneurship has been a necessary

condition for European integration regarding the single market. They hypothesise that, while structural change (e.g. US decline and Japanese ascent in economic power) was a necessary condition for the revitalisation of the European project in the 1980s, it was not in itself sufficient. In particular, they argue that the European Commission played the role of policy entrepreneur and that only if one takes this leadership into account can the move towards market unification be explained. They conclude that the Commission took advantage of favourable conditions, but exercised policy entrepreneurship, mobilising a transnational coalition in favour of a unified market. However, since these studies, European integration has moved on into other significant policy areas, in particular security, with the development of both the CFSP (now known as the Common Security and Defence Policy, CSDP) and the AFSJ. What can be learnt from this classic European integration debate in order to understand developments in European security, which is a policy area so obviously different from the single market?

In order to assess the extent to which the EU has entered into a phase of supranational governance in the area of security, it is necessary to evaluate the degree to which EU security policies are now being governed supranationally. For this purpose, we can draw upon and adapt the framework by Stone Sweet and Sandholtz (1997: 310) to focus on the institutional developments, albeit without the same emphasis that they put on transnational exchanges derived from the single market. As explained earlier, according to this perspective, institutions matter. They work to enhance their own autonomy and influence and thereby acquire legitimacy by promoting the interests of EU Member States. Reasons for changes in the EU polity are exogenous shocks, the fact that rule innovations are endogenous to politics, the diffusion of organisational behaviour and models of action, and policy entrepreneurship, whereby institutional entrepreneurs construct and revise 'policy frames' (i.e. collectively held sets of meanings), that both engage other actors and define new relationships between them and chart courses of action.

As the articles in this special issue show, 11 September 2001 (9/11) provided the kind of major exogenous shock that was required for significant change in the EU polity. It was the worst event of modern international terrorism, as nearly 3000 people were killed (Hoffman, 2006; Martin, 2006). Many commentators drew a parallel with the Japanese attack on Pearl Harbor on 7 December 1941. As a result, the US *Patriot Act* virtually abandoned post-Cold War-era barriers between foreign intelligence and domestic law enforcement. Major structural and institutional changes were undertaken, including the decision to create the Department of Homeland Security (DHS) in 2002, which was seen as 'the most ambitious effort to recognise and expand the federal government in the area of foreign policy since 1947' (Rosati, 2004: 211). Tom Ridge, Governor of Pennsylvania, was named as the first office holder. His mission was defined, in George W. Bush's words, as to 'lead, oversee, and coordinate a comprehensive national strategy to safeguard our country against terrorism and respond to any attacks that may come' (Relyea, 2002: 400). As shown in the next section, these developments in the US had a major impact on EU policies, not least the fast development of the EU counter-terrorism policy. This in turn pushed forward cooperation in related fields, such as crime, policing and intelligence (see Kaunert, Léonard and Pawlak, 2012). It is therefore not surprising that several articles in this special issue focus on various aspects of EU counter-terrorism cooperation, given its importance for the development of European security policies in general.

In addition to such a major exogenous shock as 9/11, the EU saw very significant instances of policy entrepreneurship, most notably by the European Commission, as well as the Council Secretariat. As argued by Kaunert (2010c), EU institutional actors have played a crucial role in shaping the development of the AFSJ in particular ways. The European Commission and its ally the Council Secretariat have acted in an alliance of supranational policy entrepreneurs in the area of counter-terrorism, as evidenced notably by the cases of the European Arrest Warrant (Kaunert, 2007) and the measures against the financing of terrorism (Kaunert and Della Giovanna, 2010). Member States have often been pushing towards dealing with these new security threats, which have traditionally called for national solutions. European institutions, in particular the European Commission, have managed to channel this process towards developing a 'European' rather than a 'national' solution. As a result, supranational governance has been increased in the AFSJ. Similar developments can also be observed in the CFSP/CSDP, where the European Commission has moved from a marginal to more central role in recent years (Lavallée, 2011). This transition to supranational governance in the area of security has taken place in a two-stage process. First, cross-border security issues have generated greater demand for EU legislation. Supranational organisations, such as the European Commission, have then exercised considerable influence on the supply of this legislation, as one would have expected on the basis of Stone Sweet et al.'s (2001) analysis.

Before outlining the contribution that each article makes to these debates on supranational governance and European security, it is necessary to devote some attention to the terrorist threat faced by the EU and the policy that it has developed to counter it. This is important because of the major role played by 9/11 in the development of the EU counter-terrorism policy, which, in turn, has been a catalyst for other policy developments in the field of security. As suggested by Edwards and Meyer (2008), it is the whole governance of the EU that has been changed through its response to international terrorism.

Terrorism and counter-terrorism as drivers of European security cooperation

Although operational cooperation on issues of internal security, such as terrorism, already began in the 1970s amongst European states within the TREVI Group, it is only in 1993 that cooperation on terrorism was formally included in the EU framework following the adoption of the Treaty of Maastricht (Mitsilegas, 2009: 10). However, for a few years, EU achievements in this policy area remained modest. It can therefore be argued that EU counter-terrorism cooperation began in earnest in 2001, as a direct response to the terrorist attacks in the United States on 9/11 (Argomaniz, 2011; Bures, 2011; Kaunert, 2007, 2010a, 2010b, 2010c; Zimmermann, 2006). As early as 21 September 2001, the European Council met in an extraordinary session 'in order to analyse the international situation following the terrorist attacks in the United States and to impart the necessary impetus to the actions of the European Union' (European Council, 2001a: 1). It adopted Conclusions and a Plan of Action, which identified the priorities for the development of the EU counter-terrorism policy as follows: (1) enhancing police and judicial cooperation; (2) developing international legal instruments; (3) ending the funding of terrorism; (4) strengthening air security; and (5) coordinating the EU's global

action. An EU Anti-terrorism Roadmap listing 46 measures was also adopted on 26 September 2001 (European Council, 2001b). As a result, in the first months following 9/11, the EU focused on enhancing police and judicial cooperation on counter-terrorism amongst EU Member States, with the adoption of important instruments such as the Framework Decision on Combating Terrorism and the European Arrest Warrant, as well as tackling the financing of terrorism (see Kaunert, 2007, 2010a, 2010b, 2010c).

However, policy developments gradually slowed down as the urgency of the terrorist threat appeared to subside. This period of relative 'inertia' ended when EU counter-terrorism policy received a new impetus in the wake of the terrorist attacks in Madrid in March 2004 (Argomaniz, 2009). Those prompted the adoption of the Declaration on Combating Terrorism on 25 March 2004 (European Council, 2004), as well as the decision to create the post of EU Counter-terrorism Coordinator. A Revised EU Plan of Action on Combating Terrorism was also adopted in June 2004 (Council of the European Union, 2004). It highlights the seven 'EU strategic objectives to combat terrorism' that had been endorsed by the European Council in March, namely (1) '[to] deepen the international consensus and enhance international efforts to combat terrorism'; (2) '[to] reduce the access of terrorists to financial and economic resources'; (3) '[to] maximise the capacity within EU bodies and Member States to detect, investigate and prosecute terrorists and to prevent terrorist attacks'; (4) '[to] protect the security of international transport and ensure effective systems of border control'; (5) '[to] enhance the capability of the European Union and of Member States to deal with the consequences of a terrorist attack'; (6) '[to] address the factors which contribute to support for, and recruitment into, terrorism'; (7) '[to] target actions under EU external relations towards priority Third Countries where counter-terrorist capacity or commitment to combating terrorism needs to be enhanced'. In addition to this Plan of Action on Combating Terrorism, which was to be updated every six months, the EU subsequently adopted a Counter-terrorism Strategy in December 2005. It is based on four pillars: 'prevent', 'protect', 'pursue' and 'respond'. 'Prevent' refers to activities aiming to tackle the root causes of terrorism, whilst 'protect' concerns activities aiming to decrease the vulnerability of people and infrastructures to terrorist attacks. 'Pursue' refers to the investigation of terrorist activities, whilst 'respond' concerns the reaction to terrorist attacks (Council of the European Union, 2005a). Moreover, the EU has adopted strategies on specific aspects of its counter-terrorism efforts, such as the EU Strategy for Combating Radicalisation and Recruitment in 2005 (Council of the European Union, 2005b) and the Revised Strategy on Terrorist Financing in 2008 (Council of the European Union, 2008).

The EU's role in countering terrorism has been the object of heated debates in the last decade. There have been diverging assessments in the literature as to the success of EU counter-terrorism cooperation. Some scholars have been rather reserved in their assessment of the EU's counter-terrorism policy. In particular, Bures (2006, 2011), who has famously branded this policy a 'paper tiger', has argued that the EU's activities have only generated little added value to the activities of the Member States. Others, such as Bossong (2008) and Coolsaet (2010), have argued that the development of the EU counter-terrorism policy has been haphazard and characterised by a lack of overall strategic vision – a criticism sometimes levelled at EU internal security policies more broadly (Kaunert, Léonard and Pawlak, 2012). In contrast, other scholars have been more positive

and have emphasised all the progress already accomplished since 9/11 in enhancing cooperation in what is a very sensitive policy area (Argomaniz, 2009, 2011; Kaunert, 2010a, 2010b, 2010c; Mahncke and Monar, 2006; Spence, 2007). The very swift adoption of the European Arrest Warrant in the aftermath of 9/11 (Kaunert, 2007) and the signing of a range of international agreements, most notably with the US (Kaunert and Léonard, 2011), are of particular note. Although the content of these measures has been criticised in some respects (Kaunert, Léonard and MacKenzie, 2012; Ripoll Servent and MacKenzie, 2011), their very existence signals that significant progress, even if it has been uneven over the years (Argomaniz, 2009), has been accomplished in fostering cooperation on counter-terrorism matters amongst EU Member States.

It is also important to emphasise the continued importance of terrorism on the European security agenda. In March 2012, three French soldiers and four Jewish members of the public were killed in a series of gun attacks in the Midi-Pyrénées region of France. The perpetrator of these terrorist attacks, Mohamed Merah, was eventually killed during an armed siege. The official investigation revealed that he had become radicalised while in prison and had also travelled to Afghanistan and Pakistan (BBC News, 2012a). However, Islamist terrorism is not the only type of terrorism with which European countries have to contend. On 22 July 2011, Anders Breivik set off a car bomb in Oslo, which resulted in eight deaths. He subsequently carried out a mass shooting at a Labour Party youth camp on the island of Utøya, killing another 69 people, mostly teenagers. During his trial, he described his actions as 'preventive attacks to defend the indigenous Norwegian people' and accused the ruling Labour Party of turning Norway into what he called a 'multiculturalist hell' by allowing too many Muslim immigrants to enter the country (Guardian, 2012). Thus, and although some signs of 'counter-terrorism fatigue' are visible in Europe according to the European Union (EU) Counter-terrorism Coordinator (Council of the European Union, 2009: 2), the threat of terrorist attacks in European countries remains significant. It also poses specific challenges, because it is diverse and fast-evolving, as notably confirmed by the annual EU Terrorism Situation and Trend Reports compiled by Europol (see notably Europol, 2011) and the regular updates and discussion papers relating to the EU Counter-terrorism Strategy issued by the Counter-terrorism Coordinator (see notably Council of the European Union, 2011a, 2011b, 2011c, 2012).

For the first years of the new millennium, Al-Qaeda was generally considered by far the most dangerous terrorist threat to the EU member states, following the terrorist attacks in the US on 11 September 2001, in Spain on 11 March 2004 and in the UK on 7 July 2005. This is not to say that some EU Member States were not also affected by the activities of other terrorist groups at the same time, such as ETA in Spain and Corsican terrorist groups in France. However, Al-Qaeda was considered to be particularly dangerous because of several of its characteristics (Hoffman, 2006). First of all, it aims to perpetrate attacks causing mass casualties. Moreover, the aims of Al-Qaeda are generally perceived to be ultimately incorrigible. It has been pursuing five main aims, namely (1) to establish the Shari'a religious law across Muslim lands in order to facilitate the arrival of the 'Messiah'; (2) to expel US and 'infidels' from Middle East and Muslim lands; (3) to topple Muslim regimes that 'betray' true Islam; (4) to lead a Jihad ('holy war') against the US and its allies, including European states, and set up a 'World Islamic Front for Jihad'; and

(5) to ultimately establish a pan-Islamist ‘Caliphate’ (Hoffman, 2006; Wilkinson, 2011). In addition, Al-Qaeda is structured as a large transnational movement or network, rather than a traditional, more hierarchical organisation. In the aftermath of 9/11, it was perceived to be the most widely dispersed terrorist movement in history, with a reported presence in more than 60 countries. While Osama bin Laden (now replaced by Ayman al Zawahiri since bin Laden’s death in 2011) provided ideological and strategic leadership, assisted by a ‘Shura’ (Council of Advisors), the networks of cells and affiliated organisations have been in charge of their own terrorist operations. This has made intelligence-gathering particularly challenging and dependent on strong international cooperation.

In the last few years, the core of Al-Qaeda has come under significant military pressure, most notably from the US. Eventually, in May 2011, bin Laden was killed in a raid by US Special Forces in Pakistan (Council of the European Union, 2011a: 1). This was a further blow to what the EU Counter-terrorism Coordinator has called ‘Al Qaeda central’ (Council of the European Union, 2009: 3), which had already been significantly weakened by then. However, bin Laden’s death did not spell the end of Al-Qaeda, whose affiliates, notably in the Sahel region and in Yemen, have grown considerably in recent years. For this reason, terrorism inspired by Al-Qaeda still tends to be considered the most important terrorist threat faced by Europe. This is notably because Al-Qaeda propaganda can inspire ‘self-radicalising’ individuals, as well as would-be terrorists who travel to training camps in conflict areas, as shown by the case of Mohamed Merah (BBC News, 2012b). Nevertheless, Al-Qaeda does not have a monopoly on the terrorist threat in Europe, as evidenced by Breivik’s attacks in summer 2011 and the continued terrorist campaigns of some ethno-nationalist groups in several EU Member States (Europol, 2011). Thus, more than a decade after 9/11, EU Member States continue to face a multi-faceted terrorist threat, which calls for strengthened security cooperation. As a result, terrorism and counter-terrorism are likely to continue to retain their key-role in the development of European security governance.

Outline of the articles: contributing to the research agenda on supranational governance and institutional entrepreneurs in a European security context

All articles in this special issue of *Cooperation and Conflict* were developed in association with the ‘EUSIM’ project 2009–2012, sponsored by a grant from the Jean Monnet Programme/Lifelong Learning Programme of the European Commission, and presented at an international conference on ‘European Security and Supranational Governance’ on 27–28 January 2011. This special issue analyses various aspects of European security in the wake of the entry into force of the Lisbon Treaty. Has this brought about a new phase of supranational governance in the area of EU security? In order to answer this question, it is necessary to assess the degree to which EU security policies are now being governed supranationally. Stone Sweet and Sandholtz (1997: 310) focus on such institutional developments, despite their strong emphasis on transnational exchanges derived from the single market, which may be less prevalent in areas of European security. They suggest that changes in the EU polity occur notably because of exogenous shocks and policy entrepreneurship. Policy entrepreneurs construct and revise ‘policy

frames', define new relationships between actors and chart courses of action. All the articles in this special issue show that 9/11 provided the kind of major exogenous shock that was required for policy change in the EU polity. Thus, several articles in this special issue focus on various aspects of EU counter-terrorism; the policy area that was most affected by the exogenous shock of 9/11. It is, however, worth noting the wider importance of counter-terrorism, as explained above, for the development of European security policies more generally. In addition, there were many instances of policy entrepreneurship in the EU after 9/11, most notably by the European Commission, the Council Secretariat and also, perhaps more surprisingly, legal actors such as the European Court of Justice, as the article by Léonard and Kaunert in this issue shows. Thus, the findings of this special issue further strengthen the notion, as suggested by Kaunert (2010c), that EU institutional actors have played a crucial role in shaping the development of the AFSJ in particular, and European security more generally. As a result, supranational governance has increased in the AFSJ and, as several contributors note, similar developments can also be observed in the CFSP/CSDP. This transition to supranational governance in the area of security has taken place in a two-stage process: (1) cross-border security issues generate greater demand for EU legislation, which (2) supranational organisations supply, as suggested by Stone Sweet, Sandholtz and Fligstein (2001).

The first article, by Jolyon Howorth, contributes to the aforementioned debate about an increase in supranational governance in areas formerly completely unsuspected, and, for the most part, assumed to be governed entirely intergovernmentally. The area of foreign and security policy, placed within the rigid intergovernmental framework of Pillar Two under the Maastricht Treaty, still remains, even under the Lisbon Treaty, subject to the unanimity rule. However, despite this continuously institutionally difficult terrain for supranational governance, Howorth demonstrates that, in many cases, decision-making is shaped by small groups of relatively well-socialised officials in key committees, acting in a mode which is as close to supranationalism as it is to intergovernmentalism. Therefore, his article clearly suggests that, even in the most intergovernmental of arenas, significant moves towards supranational governance can be observed. What lessons can we draw from this? First, it is not sufficient to only observe the formal decision-making rules in order to determine whether an area of security policy is governed intergovernmentally or supranationally, or by a mixture of both. While institutional rules shape the environment in which actors operate, informal rules, norms, identities and socialisation processes also play an important role. We can increasingly observe a certain amount of normative spill-over from policy areas governed by the traditional community method, resulting in increasing supranational governance of a policy area. This is often actor-driven, whether by supranational policy entrepreneurs, EU networks of actors or even epistemic communities. Even intergovernmental areas become increasingly supranationally governed as a result of policy shocks and the activities of specific actors.

The second article, by Hylke Dijkstra, contributes to further strengthening this argument. He analyses EU crisis management missions since the Common Security and Defence Policy became operational in 2003 – another area that has generally been regarded as purely intergovernmental. Again, he finds this idea to be lacking empirical evidence; in fact, this article aptly documents the existence of increases in supranational

governance through supranational policy entrepreneurship. Dijkstra argues that the former High Representative Javier Solana and his officials have been instrumental in putting various operations on the agenda and have therefore increased the role of actors that had traditionally been without a political role and were only meant to assist EU Member States. His article shows that they have employed deliberate agenda-setting strategies, such as venue-shopping, conflict expansion and issue-framing, in order to further their bureaucratic interest in launching new missions. This agenda-setting power has been acquired thanks to their pivotal position in policy-making, which gave them superior information and an early mover advantage, as well as strong international networks. What can we learn from this article? First, supranational policy entrepreneurs need not have a big political apparatus to be successful. It is important for them to be significantly involved in policy-making, but their political strategies, alongside informational advantages and timing issues, can also contribute to policy entrepreneurship success. This further confirms arguments made by Kaunert (2010c) about what is necessary for supranational policy entrepreneurs to be successful. Thus, after Howorth's article, this article provides additional evidence of increased supranational governance in European security policy.

The third article, by Léonard and Kaunert, adds a very important but often overlooked dimension to this debate about supranational policy entrepreneurship. While there have been many instances of policy entrepreneurship in the EU since 9/11, surprisingly, some actors have often been overlooked in the analysis, most notably the European Court of Justice. The evidence presented in this article, however, clearly demonstrates the need for scholars to investigate the workings of the Court much more closely. Its most notable achievement, as evidenced in the article, has been the articulation and strengthening of the European legal order – even against the international legal order. Léonard and Kaunert focus on the financial sanctions adopted by the EU against individuals suspected of involvement in terrorist activities, in particular the reasons for which the EU decided to adopt these controversial financial sanctions. The article highlights the crucial role played by the European Court of Justice, which issued a landmark ruling in this area. Again, this article offers evidence of increased supranational governance in European security policy, albeit by a different actor. This article underlines the particularly important role of the European Court of Justice (newly renamed the Court of Justice), which, in effect, has strengthened the EU legal order *vis-à-vis* the international legal order. The net effect is, therefore, an increased move towards supranational governance in EU counter-terrorism and foreign policy more broadly.

The fourth article, by Oldrich Bures, and the fifth article, by Raphael Bossong, investigate different dimensions of increased supranational governance in the area of EU counter-terrorism, which are often overlooked by researchers because they are less well known. In his article, Bures maps the evolution of counter-terrorism cooperation in Europe with a specific focus on the emergence and utilisation of informal practitioners' arrangements, whereby he questions the reasons for the existing preference for informal arrangements *vis-à-vis* the more formal and vertical EU agencies. Bossong neatly follows this research agenda by examining EU peer reviews in the fight against terrorism, which have also been largely overlooked to date. His article notably underlines that, although the first peer review after the attacks of 9/11 was slow, it significantly improved

mutual trust amongst EU Member States in the fight against terrorism. Both articles examine dimensions that may not be commonly understood as supranational governance, as Bures analyses informal practitioners' arrangements and Bossong examines EU peer reviews. They are, by definition, more intergovernmental in character. However, as underlined by Howorth before, it is not sufficient to remain at the level of formal decision-making rules in order to determine whether an area of security policy is governed intergovernmentally or supranationally, or by a mixture of both. Informal rules, norms, identities and socialisation processes also play an important role, even when they are led by Member States themselves. Even intergovernmental areas become increasingly supranationally governed as a result of the activities of supranational policy entrepreneurs and policy shocks, such as 9/11. Thus, these last two factors constitute important features in the process of shifting governance to the EU level. Bossong underlines that peer reviews simultaneously rely on and further generate substantial increases in mutual trust amongst Member States. Therefore, despite their intergovernmental nature, peer reviews contribute to the creation of increased supranational governance by building trust amongst Member States.

The final article, by Thierry Balzacq and Amelia Hadfield, moves on from the debate about the extent to which EU security is being governed supranationally to an analysis of the geographical application of this supranational governance in the EU. As the various flexible arrangements, such as Schengen and Prüm, have shown, supranational governance increasingly fails to apply to all EU Member States. This article offers a very good analysis of this trend and highlights the AFSJ as a framework for differentiated integration. Thus, it re-opens the debate on the impact of flexibility over EU integration. With increased supranational governance, the impetus to opt out amongst non-willing Member States will also increase. This topic is therefore of particular relevance to EU security policy more generally. Thus, the very idea of differentiated integration deserves renewed attention today. The article presents a critical analysis of the practice of differentiation in the AFSJ, by examining its forms, principles and effects. In contrast with the dominant argument in the literature, the article suggests that differentiation is not necessarily about deepening and/or widening EU integration. It is also, and, sometimes primarily, about power and interests, two major elements that feed mistrust among Member States. It is therefore a cautionary tale regarding the balance that needs to be struck between increased supranational governance and reluctance amongst Member States.

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