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Options for European *Remote* Security Trends *Inside-out* Perspective in Advance

Ramon Loik¹

University of Tartu
Estonian Academy of Security Sciences

Abstract. During the last decade non-state actors possessing increasingly unconventional means, have also grown their ability to strike more unexpectedly and in wider range, by complicating the conceptualization of security affairs with this trend. As a result, security arena became more diverse, less visible and less predictable. The security is becoming *remote* where the value based normative approaches are mixed with pragmatism and strategic adaptation between different security actors. At a policy level the EU turns a lot of attention to the development of the solidarity, loyalty, trust and common culture, stating that the mutual trust is essential value for the EU security policy. Common security area also requires efforts in institutional aspect by development of common standards and discursive practices, as well as understanding of the legal traditions, integration of the procedures and methods, ensuring also that the EU shall respect the traditions of the Member States, and be fair towards third-countries. The paper analyses if and how a wishful system, combining the resources of security instruments have been advanced *ex post* since the first ever introduction of European Security Strategy in 2003, and evaluates the trends and options for further development of integrative EU security understanding.

Introduction

The turbulent decade which followed to the adoption of European Security Strategy ‘A Secure Europe in a Better World’ by the European Council in December 2003, confirmed the continuous spread of asymmetric threats consisting transnational terrorism, proliferation, regional conflicts, state failures, growth of maritime piracy, and serious international organised crime, which were more diverse, less visible and less predictable than traditional symmetrical threats during the Cold War. From the European security perspective, the prospects and possibilities of asymmetric threats from unpredictable sources have been a growing trans-border concern. This has been the period when non-state actors with unconventional means have also grown their abilities to strike more unexpectedly and in wider range, by complicating the conceptualization of security affairs with this trend.

The expansion of the EU’s role as a security actor could be characterized by the circumstance that during 2003–14 the European Union has carried out some 30 various civilian missions and military operations. Since 2007 the EU has also been able to carry out rapid-response

¹ Correspondence: ramon.loik@gmail.com; ramon.loik@sisekaitse.ee. The Author would like to thank Dr. Viljar Veebel for his valuable feedback and comments.

operations with two concurrent single-battle groups, with 1.500 soldiers each (EUROPA Foreign and Security Policy, 2014). EU Home Affairs policy domain could be categorized under migration, asylum, and internal security fields, including issues related to both legal and irregular migration, readmission and return, and such as the fight against organized crime and terrorism, police cooperation and the management of the external border. These EU activities also include the external dimension by cooperation ties with the third countries (European Commission DG Home Affairs, 2014). There are also the fields as energy- and environment policy, food safety, civil- and vital infrastructure protection, crisis management, development and humanitarian aid issues, as well as some other related EU level cooperation areas having importance if taking the comprehensive safe and secure perspective.

Since the most of contemporary security challenges are cross-border and cross-sectorial, no single state is effectively able to respond to these threats only on its own. Asymmetric security challenges have been pushed steadily to enlarging and integrating the European Union (EU) to be more active, coherent, capable and also more extra-territorial, building security in neighbourhood, as well as to (re-)assure its respect for common values and strategic ties with its partners both in West and East.² Questions about future trends of security are mainly the question about how to cooperate to be more effective in terms of fighting and preventing serious and organised crime, terrorism and cybercrime, in strengthening the management of the EU external borders and in building resilience to both natural and man-made disasters as also stated by the Treaty on The Functioning of the European Union (TFEU). On that purpose, it is important to develop in cooperation with the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (Frontex), the European Police Office (Europol) and the European Asylum Support Office minimum standards and best practices for inter-agency cooperation, applied to joint risk analysis, joint investigations and -operations, as well as exchanging of intelligence data.

The first line of European security is realized to be abroad. As an indication to the *externalization* of the EU security domain it is assumed that conflict and threat prevention cannot start too early requiring a comprehensive doctrine with mixture of unconventional instruments, where the European Neighbourhood Policy (ENP) for instance plays central role as *soft security* provider. By the adoption of the European Security Strategy (ESS) the EU declared its ambitious goal to be able to sustain several operations simultaneously, adding particular value by developing civil-military operations with stronger diplomatic capability. Hence, the European security became *remote* by character, where value-based normative approaches are mixed with aspects of pragmatism and strategic adaptation, and where challenges are in many aspects with institutional nature.

Need to develop a strategic culture that ‘fosters early, rapid, and when necessary, robust intervention’ has been appeared to the EU’s rhetoric after adoption of the ESS. In parallel, some theoretical-critical approaches have been risen to study transnational security cooperation and cross-border policing in framework of international relations and the EU security integration during last decades (see, among others, Anderson, 1989; Liang, 1992; Anderson *et al.*, 1995; Sheptycki, 2000; Mitsilegas *et al.*, 2003; Deflem, 2004; Walker, 2004;

² See also the Council of the European Union (2008), *Report on the Implementation of the European Security Strategy – Providing Security in a Changing World*, Brussels.

Savage, 2007; Burgess, 2009; Mabee, 2009; Merlingen, 2012). In parallel the events in both on eastern borders (Ukraine, Armenia and Georgia), and southern borders (Libya, Egypt, Tunisia, etc.) point to the growing need for progress to secure the EU external borders and external dimension of the EU (internal) security. So, we analyse if and how a wishful system, which should combine effectively the resources for common security actions has been developed in the EU and which are the possible options and challenges for upcoming years.

Political, technological and operational trends in EU security

Trend 1st –

Towards legal and institutional security supranationalism

Post-Cold War security interdependence has weakened the states' capacity to provide for their security by traditional way by protecting their borders and beyond, as well as created newly potent trans-national *mobile* security threats such as pandemics, energy scarcity, climate change, and empowered dangerous non-state actors such as terrorist networks to become significant global security actors (see Diez *et al.*, 2006; also Merlingen, 2012: 18). Serious cross-border organized crime, immigration flows, spread of radicalism, smuggling of illegal commodities and human beings, etc. gives extra functional pressures to governments for more effective transnational cooperation. At the same time, the critical debates regarding the state sovereignty and the EU security cooperation have been raised (see Keohane, 2002; Bigo, 2008a; 2008b), since the security tools and competences have been carefully guarded features of traditional understanding of sovereignty.

The dynamic position of state and its security role becomes increasingly more complex and challenging, in parallel with socio-economic and demographic interactive developments on both regional and global arenas, where multi-levelled *inside-out* and *outside-in* interactions are losing their traditional limits and boundaries, as well as the meaning of notion *state power* is steadily changing. One of the main characteristics of the EU security domain during the recent years have been developments towards harmonisation of criminal justice aspects for more coherent fight against cross-border organised crime. Hence, the establishment of minimum rules at the EU level regarding necessary elements of a criminal offence and sanctions for some serious organized cross-border crimes according to the TFEU (Article 83)³ has become central issue of concern. Respective EU proposals for directives on trafficking in human beings, sexual exploitation of children and cybercrime represent the first important steps towards this direction.⁴ After the TFEU came into force, the European Parliament and the Council of the EU may establish measures regarding (i) the collection, storage, processing, analysis and exchange of information; (ii) support for the training of staff, and cooperation on the exchange of staff, on equipment and on research into crime-detection, and

³ TFEU, Article 83(1), ex Article 31 of the TEU.

⁴ For further detailed analyses of the origins and developments of the EU JHA/AFSJ, see highly valuable academic sources by Kaunert (2010); Kaunert and Léonard (2010); Mitsilegas, *et al.* (2003).

(iii) common investigative techniques in relation to the detection of serious forms of organised crime.

As further important institutional step indicating the *lisbonisation*, a standing committee COSI⁵ have been set up within the Council of the EU in order to ensure that operational cooperation on security that contributes to the coordination between Member States is promoted and strengthened within the EU. The TFEU also initiates some new processes which can be seen as important steps for deeper political unification in the EU internal security and law enforcement domain, as also strengthening the powers of the security agencies. One of the indicators of deeper integration is also the *mutual defence clause* (Article 222, TFEU), which extends significantly European potential and responsibilities in fight against terrorism and conflict prevention. Also, it shall be open for Member States to organise between themselves under their responsibility such forms of cooperation and coordination as they deem appropriate between competent departments of their administrations responsible for safeguarding national security (see Article 73, TFEU). The Lisbon Treaty also establishes that as for preventing and combating terrorism and related activities, the European Parliament and the Council (Article 75, TFEU) shall define a framework for direct effect administrative measures with regard to capital movements and payments, such as the freezing of funds, financial assets or economic gains belonging to, or owned or held by, natural or legal persons, groups or non-State entities.

From institutional side, the supranational agencies Europol and Eurojust should be further developed for enhanced cooperation to fight against cross-border organized crime, as well as safeguard the external dimension of EU security. The Eurojust has mission to support and strengthen coordination and cooperation between national investigating and prosecuting authorities in relation to serious crime affecting two or more Member States or requiring a prosecution on common bases, on the basis of operations conducted and information supplied by authorities from the Member States and by the Europol. Revisions made by the Lisbon Treaty to strengthen the competence and positions of Eurojust even more and also the establishment of European Public Prosecutor Office is provided (Article 86, TFEU) in order to more effectively combat crimes against EU' financial interests.⁶

Trend 2nd –

Technological spill-over of security tools

⁵ The COSI (In French: *Comité permanent de sécurité intérieure*) – Standing Committee on Internal Security, established by the Article 71 of the TFEU. The COSI is composed by members of the competent ministries, assisted by the permanent representatives of the EU MS and by the Secretariat of the Council. The COSI's objective is to promote and strengthen the coordination of operational actions of the Member States in the field of internal security (OJ L52). The COSI, as well as the Political and Security Committee (PSC) must also assist the Council with regards to the *solidarity clause* – Article 222, TFEU. The COSI is successor to the previous Article 36 Committee (Maastricht Treaty – TEU).

⁶ The Council shall act unanimously after obtaining the consent of the European Parliament. In the absence of unanimity within the Council of the EU, a group of at least nine EU Member States may request that the draft regulation be referred to the European Council. In case of disagreement, and if at least nine EU Member States still wish to establish enhanced cooperation, they shall notify the European Parliament, the Council of the EU and the Commission accordingly about the draft initiative.

Security of ICT networks, as crucial for a well-functioning of the information society, recognized by *Digital Agenda for Europe* by DG INFSO addressing issues related to cybercrime, safer internet and privacy. The High Tech Crime Centre at Europol already plays quite an important coordinating and analytical role. There is also the European Network and Information Security Agency (ENISA), European Information Sharing and Alert System (EISAS), and interface with a network of national/governmental Computer Emergency Response Teams (CERT-s), the focal points in EU fight against cybercrime under work in progress since 2012 (see also, EU Internal Security..., 2010). The ENISA and interface with a network of governmental Computer Emergency Response Teams (CERTs) supposed to become the focal point in fight against cybercrime.⁷ These EU as well as national security initiatives should work closely with relevant private sector and industry.

The international nature of criminal networks calls for more joint operations involving police, customs, border guards and other judicial authorities in Member States working alongside with Eurojust and Europol. Such interoperable activities, including Joint Investigation Teams, are planned to set up where necessary at short notice, as well as to ensure effective implementation of European Arrest Warrant (EAW). The importance to ensure the quality of large-scale information systems such as SIS (Schengen Information System), VIS (Visa Information System), EURODAC (European *Dactyloscopie* – the fingerprint database for the Dublin Regulation to examine asylum applications), CIS (Customs Information System), FIDE (Customs File Identification Database), and other data exchange, as well as the data protection activities are central hi-tech tools for securing both the internal and external dimension of the EU security sphere. In addition, the Name Records of passengers on flights entering or leaving the territory of the EU (PNR system) is under further developments.

The EU should continue to map the critical infrastructure and plan measures to protect those assets, including energy generation and transmission systems, transport services and which are vital to the functioning of society and the economy in cooperation with NATO where possible. Early Warning System at Europol for incidents related to CBRN materials is work in progress. In addition to close coordination with Member States it should also involve appropriate public private partnerships.⁸ There are also some steps taken to develop regime for aviation and maritime security, based on continuous assessment of threats and risks. These needs to take into account the results in security research by making use of EU programmes such as Galileo and the GMES (*Global Monitoring for Environment and Security*) initiative on European earth observation, for instance.

⁷ It is planned that Member States and EU institutions should have a well-functioning CERT by 2013/14. The Member States in cooperation with the ENISA should also develop national contingency plans and undertake regular both national and European exercises in incident response and disaster recovery.

⁸ European Public-Private Partnership for Resilience (EP3R) is planned to further develop innovative instruments to improve security, including critical infrastructure. The EP3R should also engage with international partners to strengthen the global risk management of IT networks. To encourage such cooperation between stakeholders, the European Commission has promised to promote the use of special internet based platform *Contact Initiative against Cybercrime for Industry and Law Enforcement*.

The EU can treat immigration management with an enhanced use of innovative technology for border checks as the second generation of the Schengen Information System (SIS II), the Visa Information System (VIS), the entry/exit system and the registered traveller programme, as well as by an enhanced use of new technology for border surveillance. The European Border Surveillance System EUROSUR with the support of GMES could be a good example about establishment of mechanism to share operational information related border surveillance with Frontex at tactical, operational and strategic level. EUROSUR is also planned to make use of new technologies developed through EU funded research projects and activities, such as satellite imagery to detect and track targets at the maritime border.⁹

What the development area needs here in parallel with rapid technological innovations is more effective common risk analyses, and avoidance of un-appropriate duplication in functions. The Common Risk Management Framework (CRMF), implemented by customs authorities, entails continuous screening of electronic pre arrival/departure trade data to identify the risk of security and safety threats to the EU and its inhabitants, as well as dealing with these risks appropriately. There is also Solidarity Clause need to be placed into operational capabilities and common practice according to the Article 222 of the Lisbon Treaty, which introduces a legal obligation on the EU and its Member States to assist each other when some Member State is the object of a terrorist attack or both natural or man-made disaster.

*Trend 3rd –
Reinforcement of cross-border operational links*

Spread of cross-border organised crime requires innovative approaches to effectively address the problem in a sustainable manner. In the area of trafficking in human beings, the European Commission appointed in December 2010 its Anti-Trafficking Coordinator to strengthen coordination, coherence and partnerships in and outside the EU. The first implementation report on the Action Oriented Paper on strengthening the EU external dimension on action against trafficking in human beings was adopted in June 2011. A Directive on preventing and combating trafficking in human beings and protecting its victims was adopted in April 2011. In the area of counter-terrorism, initiatives were taken regarding the implementation of the EU Action Plan on Radicalisation and Recruitment, including set up the *Radicalisation Awareness Network* (RAN).

In preventing illegal immigration, it is important to enhance control on external borders, ensure effective implementation of readmission agreements, lay down sanctions for criminal cells organising illegal migration, as well as operators creating demand by using illegal immigrant labour from countries of origin. In that context, the EU relations with Western Balkans have been developed generally as regional security priority. In the follow-up to *Arab Spring*, there is still some expectation to develop partnership to support challenging

⁹ In recent years following major initiatives on operational cooperation at the maritime borders have been launched: (i) On human trafficking and human smuggling under the umbrella of Frontex, and (ii) on drugs smuggling in the framework of MAOC-N (Maritime Analysis and Operations Centre – Narcotics), as well as CeCLADM (Centre de Coordination pour la lutte antidrogue en Méditerranée) is complement the other integrated maritime surveillance projects such as BlueMassMed and Marsuno.

democratic change in the region. There are few concrete results, including the migration dialogues with Morocco and with Tunisia, or the Conference in Limassol on Judicial Cooperation in Criminal Matters between the EU and the European Neighbourhood Policy Initiative (ENPI). Further strengthening of the authorities of Frontex in managing joint operations and the use at the EU level of Rapid Border Intervention Teams (RABIT) and their resources in the prevention of turbulent illegal immigration is crucial.¹⁰ The measures as European Patrol Network (ENP) and Central Record of Available Technical Equipment (CRATE) for better mutual assistance between the EU Member States to reach a more interoperable integrated border management system is important target to reach during recent years.

It is also very important to link up the various national and EU level situation awareness centres. There is need to reinforce the links between sector-specific early warning and crisis cooperation functions, including those for health, civil protection, nuclear risk monitoring and terrorism. These arrangements will hopefully help to improve links with EU agencies and the European External Action Service (EEAS), including the Situation Centre, and enables also some better information sharing, including joint EU threat and risk assessment reports. In line with the disaster response strategy, the EU should also establish a European Emergency Response Capacity based on pre-committed Member State assets on-call for urgent EU operations.

Options for understanding of EU security integration

This section discusses about the main theoretical options, challenges and dilemmas in front of EU (internal) security reforms and further integration? Which vectors should be strengthened to keep European security in wealthy progress, and how to better understand further development of EU security integration?

Option 1st – 'Zero Sum Game' refreshed

The realist belief that states are still the main prominent actors in the high security policy area as (still) sovereign actors in an anarchical international environment¹¹ without any higher

¹⁰ One of the main objectives since the Stockholm programme has been the establishment of a Common European Asylum System (CEAS). The Dublin system is more and more under political pressure. The European Asylum Support Office (established in 2010) became operational in June 2011. A number of other initiatives to strengthen the border management have been also taken, such as the Regulation amending the Frontex Regulation, measures for cooperation between Frontex and European Asylum Support Office, and the opening of the Frontex Operational Office in Greece. The Visa Information System VIS has started its operations in October 2011. During 2014, a Communication by the Commission is expected on a new concept of the European visa policy and assessing the possibility of establishing a common European issuing mechanism for short term visas.

¹¹ The *anarchic* environment of the international structure is decentralized, having no formal central authority, composed of (formally) equal sovereign states acting according to the *self-help* logic with seeking only their own

authority to look after their security is not dead in highly competitive international arena. This *reality* creates uncertainty about the intentions of others, and thus makes the international realm a pragmatic *self-help system*. The balance-of-power¹² in the struggle for dominance as the key-issue in realist international- and security policy is somehow refreshed by the asymmetric security options seeking for the first responders and fortress in growing global uncertainty. National interests and Member State sovereignty are seen as the main sources of loyalty and legitimisation. Contemporary realists argue among themselves about the best way to conceptualize the EU and its common security initiatives.

First the zero-sum dilemma appears together with question, if national sovereignty can be pooled and will it create additional value in terms of joint security. According to original definition of sovereignty (Grotius), it cannot be shared without losing it, and the only question is what state gets in exchange. Will that state, willing to share its sovereignty, receive in return a common sovereignty shared by others and to what extent will it be able to influence this new “joint sovereignty” (Veebel 2012, p. 15)? Modern concepts of sharing and pooling sovereignty accept that sovereignty can be shared, but differentiate in question whether it is based on zero-sum principle or win-win principle. In both cases, not depending if the summa is bigger than its components or equal with them, it is believed that bigger Member States benefit more from the cooperation as their ability to benefit from shared sovereignty is bigger because of their bigger administrative and political capacity (Keohane 2002, p. 748). According to this logic the EU security cooperation and integration is based on the precondition that countries are willing as well as capable to share some of their sovereign sphere in accordance with their national interests.

The *balance-of-power* neorealism remembered explains that the collapse of Soviet Union (in 1991) affected both the global and European balance of power removing the main threat against the EC/EU, as well as lessened its security dependence on the USA and returned the regional system into multi-polarity (see Merlingen, 2012, p.15). Such kind of *balanced multi-polarity* as an analytical outlook underlies that international institutions offer the balancing power for not only in relation with non-members but also balance some more powerful members within the supranational institution. In this context we should also refresh the argument about *defensive realism* (see, among others, Kaufmann and Kaufmann, 1998; Walt, 1998) as a variation looking at states as rational players, and predicting that international anarchy causes states to be permanently obsessed with security issues. The intergovernmental model is sceptical about sustainable integration or long-term cooperation between competing nations. Short-term forms of cooperation are seen as a manoeuvre to gaining an advantage in the *balance of power* model (Veebel 2012, p. 15).

Neorealist visions also include the logic of *intergovernmental* cooperation, which sees the security cooperation between the states successful only when being motivated by joint national interests. But this cooperation should be led by national governments, not by supranational institutions and can include only states which are directly motivated by its

interest. The desire and relative abilities of state to maximize relative power resulting in a *balance of power*, which shapes international relations. The lack of trust is also known as the *security dilemma*.

¹² There are two major ways in which states can *balance*: (i) internal balancing and (ii) external balancing. The first occurs as states grow their capabilities by increasing economy or military spending. External balancing occurs as states enter into alliances (see Waltz, 1979, pp.132–133; see also Waltz, 2001).

results. Intergovernmental cooperation tends also to reflect more the interests on bigger Member States, which in the European Union case tend not to have external land-border. As a result problems appear in practical implementation as border security is designed by centrally located major Member States but should be implemented by remotely located small Member States.

Neorealism explains quite successfully the nation state based *fragmentation* in European security where European Union found its interests often fragmented when decisive action is needed and while global competitors the USA, Russia and China fully exploited the possibility for initiative to influence European regional security. While officially national interests were not allowed to be prioritized, than in practical cases the joint security values and goals have been often directly depending from French, British or German national interest in in these questions. In some way the existing fragmentation represents the actual needs in security questions: as Member States have different priorities in terms of areas and tools, it would be also logical to allow internal grouping based on interests (known as enhanced cooperation). In the end of 2013 the main question is this fragmentation partial, growing, or already dominative discourse in European external relations.

In case of dominance of neorealist intergovernmental approach, the future of EU's security cooperation depends from the motivation of Member States' governments and supranational institutions are there only to support and lock the achieved progress. While the competences for everyday legislation can be delegated to supranational European Commission and painful consensual voting can be avoided by bridging clause, "the competence of competence" and actual implementation of policy remain in the hands of national authorities.

Option 2nd – Supra-territoriality

Functional and neo-functional theory has been dominant theory to explain development logic and trends of European integration. The functionalist approach focus on common interests and needs shared by states and also by non-state actors in a process of integration triggered by the change of state sovereignty meaning (see Rosamond, 2000). The functionalism argues that states had built their authority structures upon a principle of territorialism then traditional understandings were built upon assumptions of authority within the territory (see Scholte, 1993). Functionalism thus proposed to develop a form of authority based on functions which linked authority with needs, expertise, technology, etc. providing a kind of supra-territorial concept of authority. The main goals and criteria for functional policymaking are welfare and the stability in society; achieved progress is main legitimizing aspect during policy implementation.

One of the main innovations and advantages of neo-functional cooperation is that policy making, agenda setting and implementation is in the hands of supranational institutions, which are not composed according to democratic choice but mainly based on expert knowledge and skills. These institutions have a growing role to play in agenda-forming, legislation, execution and control. Their competence and privileges have been growing during the EU integration process. Thereafter, functionally integrated states experience increasing momentum for further steps of spill-over in related areas. Integration can also be resisted, but

it becomes harder to stop it to progress (see Haas, 1958; 1964). According to neo-functionalist approach, there are two kinds of spill-over – functional and political, leading to creation of supranational modes of governance. The deeper the integration and interdependence is, the more motivated stakeholders are for additional integration.

Thus, neo-functional union can only be based on equal integration and harmonization levels, where all the Member States follow the same rules, have the same privileges and the same obligations. All member states also participate equally in creation of additional welfare and security, and also jointly decide about its appropriate use. Main complicating aspect of supranational cooperation and spill-over is that it needs a consensual starting push of Member States by delegating their original legitimacy for legislation and execution to supranational institutions. The neo-institutional model explains to European integration and cooperation from the perspective of the institutional and administrative dominance of the policy-making process. Decision-making and policy choices in an institutional environment are dominated by habits, procedures, norms and compromises that prefer expectable, rational, continuing, regulated and less risky choices. Rules and norms tend to be dominant over goals and broader gains. In neo-institutional reasoning administrative and legal reasons are dominant over economics and politics, and small administrative solutions guide bigger political choices, not vice versa (see Hall and Taylor 1996, p. 940; Veebel 2012, p. 28).

Institutionalism comprises a group of theories on international relations, also functionalist and neo-functionalist ones. The functional theory by D. Mitrany (1966; 1976), as one of the original institutional approach suggest that *functional agencies* should organize the needs of cooperation between even conflicting states. The neo-functionalism and the communitarian method, known by Jean Monnet, stressed the principle of supra-nationality where the international bodies should administer the common interests. In the international arena, *institution* has been used inter-changeably with *regime*, defined by S. D. Krasner (1982), as a set of (explicit or implicit) principles, norms, rules, and decision-making procedures where expectations converge in a certain issue-areas. Neo-institutional aspects in European integration have been researched by Jupile (1999), Caporaso (1999), Schneider (2003), Aspinwall (2003) and Pollack (2005).

Neo-institutionalists often characterize the ‘Brusselization’ of policymaking (see Merlingen, 2012, p. 11) as a metaphor for centralization with growing importance of the Brussels-based representatives and the EU institutions. But ‘Brusselization’ is also one of the key variables enabling to create values by institutional input: faster integration is achieved by continuous and centrally led legal harmonisation and standardisation. Legal harmonisation is achieved by joint legislation on the supranational level and cooperation between national lawmakers, which should produce a logical and integrated legal space. The importance of neo-institutional input has been growing in recent years especially in areas where intergovernmental and supranational institutions have to cooperate in EU Justice and Home Affairs, European Neighbourhood Policy as well as in Schengen area.

The institutional model also consists of the logic of *bargaining* situation, where existing policy-driving institutions use policy areas for improvement of their positions in terms of power and financing (Eilstrup-Sangiovanni 2006, pp. 194–195). This leads to situation where policy developments do not support solutions or financial efficiency but prefer sustainability, continuity, growing budget resources and following previous practices even if these did not

lead to pre-set goals. As a result rules and procedures start to dominate and are finally changing the original policy goals. This is motivated by every unit's interest not to take additional challenges or risks, but rather to prefer slower and inefficient approaches to securing their personal position. It causes delays and rising costs during the process. But previous effects of inertia can also serve supportive to common policy consisting confronting interests of member states by creating structural and institutional sustainability and stability. Institutional aspects also motivate bigger and older member states continue with policy development as they are in key position and can benefit more.

Combining comparatively the above-described approaches, one could argue that the high functional expectations to effectively combat cross-border organised crime and secure the external dimension of the EU security, require barriers removal between the Member States, including legal, cultural, institutional ones, as well as successful construction of common security area. Needful cooperation misfits in practice if there is lack of understanding regarding the common objectives, values and principles for improving international trust and effective cross-border coordination in frame of 'more capable, more coherent and more active' common strategic culture introduced by the European Security Strategy which leads us towards the next, constructivist option.

*Option 3rd –
'Art of the Possible'*

In terms of central values, the EU has been based on homogeneous ground: democracy, human rights, economic liberties, rule of law and non-discrimination are seen prior by all Member States. Contemporary liberalism has been mostly exercised by the notion of justice, which has been linked a concern with *neutrality*, including respect to citizens' conceptions of the *good*. Such kind of neutrality suggests also that the appropriate role of public power is merely instrumental enabling the necessary space for individual freedom and providing for conflict-resolution (see The Concise Oxford..., 2009, pp. 306–308) Hence, the governments' role is seen as kind of legal guard for civil liberties, public good, well-being and justice. As realism focuses on the balance of power within the EU and beyond than the liberal tradition centres for areas of EU's economic interest (see Moravcsik, 1998), and thus also *pragmatize* the security domain.

Liberal cooperation is motivated by the belief that it will produce cumulative growth and progress for all stakeholders. Second central value of liberal cooperation model is voluntarism, the participating sides (stakeholders) cannot be forced to join or develop policy goals against their will. This principle made development of EU security domain very complicated as every policy change needed the support of all Member States and policy implementation may not have needed effect without active support of all Member States. A compromise has been found with *bridging clause* which allows using qualified majority voting instead of consensual voting in specific policy area as once decided accordingly with consensus in security affairs.

Constructivist understanding that knowledge is constructed through social (discursive) practices, becoming reality through inter-subjective socialization¹³ and constructed understanding, as well as humans allow this constructed perception to influence their social thinking and political actions (The Concise Oxford..., 2009, p.117) refers to seek for explain structure (agency) and the constraints (opportunities) for change in a particular context. The question about how far the particular actors can go in identities transformation is mainly a question of power and the 'art of the possible' (see Dixon, 2012, pp. 113–114). Constructivist approaches underlies the importance of development of common best practices, social learning, shared/corporate values and identity among the members of the *club*, as well as integration of new members into existing culture and bodies.

In contrast to realist approaches, the constructivist perspective underlies that intra-EU, as well as transatlantic relations are mainly characterized by the absence of traditional interstate security concerns because these relations take place in the same value-based *security community*. This also challenges neorealist assumption by arguing that the causal powers attributed to *structure* by neorealism are in fact not given, but constructed by the social practices (see Wendt, 1992; 1999). The constructivists see identities and interests as the result of ideas and their social construction, thus the meanings of the ideas, objects and actors are given by social interaction (see also Finnemore, 1996; Zehfuss, 2002; Checkel, 2004). F. Schimmelfennig and U. Sedelmeier (2004, p. 667) points out that the core aspects of constructivism are conceptually followed by *social learning model* where among alternatives the actors probably choose the most appropriate or legitimate one.

Transnational security can be effectively countered by flexible and coordinated cross-border cooperation, with internal security and law enforcement authorities permanently working together. These authorities should be properly educated, trained and should have sufficient level of mutual trust, as well as common understanding about the main threats and challenges they are facing together. From the wider perspective combination of functional and constructive approaches should stimulate the formation and development of a common EU security culture. Discussing about the legitimacy of rules and the appropriateness of action, rather than bargaining about conditions, persuasion rather than coercion, and learning as well as functional pressures characterizes the both processes of rule transfer and strategic adaptation.

¹³ The understanding of *socialization* as value-based identity formation process guides to sense what is an appropriate behaviour in political arena, as well as in international relations. Sociological and historical institutionalism, and the *Europeanization* framework are commonly used constructivist perspectives for understanding the formation (*construction*) and institutionalization of EU-level practices, and regulations integration with the functioning of national policymaking process (see Radaelli, 2000; also Radaelli 2003; 2009) by shaping the interests, values, identities and their interpretations as the main organizing factors. Constructivist approaches hence stress the importance of social norms, beliefs, attitudes, ideas, values and identities in collective interactions, and argue that the 'identities, interests and behaviour of political agents are socially constructed by collective meanings, interpretations and assumptions about the world' (Adler, 1997, p. 324; also Merlingen, 2012, pp. 9-10).

Conclusions

The global context in which new threats for the EU emerge, reflect societal, administrative, and also technical innovations that bind states together in closer ways than ever before, enabling also rapid proliferation of threats and cross-border crises. Threats of global terrorism have centered discussions mainly of prevention and management measures on fight against terrorism, especially after disastrous 9/11 and London-Madrid attacks. At the same time other criminal activities and crises have visited and visit Europe continuously. Serious and organised crime takes a variety of forms, and even seemingly minor ones may be the local manifestations of existing international criminal networks. Societies and critical infrastructure must be protected from criminals using very advanced technologies.

The global drama of post-9/11 and steps taken by the European Security Strategy included the adoption of a European Arrest Warrant, radical steps to attack and freeze terrorists financing, fast development of various surveillance systems and databases with mutual legal assistance agreements were also aimed to strengthen the external dimension of the EU security. It is equally true that later the International Criminal Court (ICC), SWIFT and PRISM cases reflected kind of strategic misunderstanding between both sides of the same western security coin. At the same time, the EU needs to extend its economic, political and security cooperation to strategic partners, as well as in the East and South while tackling political problems concerning fundamental- and democratic rights protection there.

The EU security domain has been focused on further operationalizing the common instruments and intensifying the use of existing security tools over the recent years. The main innovation in this respect since the start of the European Security Strategy and adoption of the TFEU is the EU policy on strengthen the external dimension of its security arena, planning cycle on serious and organised cross-border crime, developed institutionally through the COSI, External Action Service, reforming European Neighbourhood Policy and efforts to achieve more coherent inter-Agency cooperation. The EU made lots of efforts to develop respect of different legal systems and traditions of the Member States, framing a common policy on asylum, immigration and external border protection. But there are also mix of challenges and dilemmas to be resolved both from identity building and institutional perspectives.

The EU legal policy and instruments are planned to create framework and opportunities for more rapid exchange of information, cooperation and joint operational actions between competent security authorities and -services. Effectiveness of implementation of common instruments is intended to be the EU priority for further inside-out construction of common security space. Due to abandonment of former pillars, the legal framework of the EU security policies has been transformed and forms of cooperation have been further developed towards more supranational shift of competences. The TFEU initiates some new processes which can be evaluated as important steps for deeper political unification in the EU security domain, as also strengthening the powers of the security agencies. In the policy level, the EU gives quite lot of attention to the development of trust and common culture to make some true progress in the EU security domain. Technical tools are not working well without sufficient level of common security culture, as well as accommodation of common discursive practices.

The cross-sectorial threats also call for improvements to crisis and disaster management practices, in terms of efficiency and coherence, response and responsibility in prevention and preparedness with an emphasis on better risk assessment and -management on supranational level. That challenges the traditional understanding about state as a security actor but, at the same time, gives paradoxically much of the responsibilities to state as a security unit in shared security environment. One of the indicators of deeper integration by the TFEU is the mutual defence clause (Article 222), which extends the EU potential and responsibilities in fight against terrorism and conflict prevention missions. Hence, the dynamic position of state and its role in security becomes increasingly more complex and challenging, in parallel with socio-economic and demographic interactive and integrative developments on both regional and global arenas. As we analysed, the neorealist model here has contributed mainly to the starting momentum and legitimacy for further enhanced cooperation by the Member States.

In summary, multi-levelled inside-out and outside-in interactions are losing their traditional limits and boundaries in security affairs, as well as the meaning of state power is not so well-explainable anymore. The nation states, if still the most important and central security providers are not the only and independent security actors, and certainly not in symmetric means anymore. The EU integration after the ESS is a good example reflecting that states are no longer committed to upholding their traditional sovereignty but are ready to share it for greater problem-solving capacity through institutionalized security cooperation with other states and non-state security actors on supranational level. Thus the neorealist security understanding is still valid but should be refreshed in terms of functional supra-territoriality where constructive dimension of common security culture develops hand-in-hand with the legal and institutional security integration, pushed forward also by rapid technological spill-over of security tools to further enforce the cross-border operational links. Hence, recognizing the importance of new – mostly asymmetric – security challenges, increasing functional pressures in both inside and from outside of the EU as well as need for flexible networked responses, we should also combine some aspects from different theoretical traditions for comparative and comprehensive understanding.

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Any comments and feedback is welcome to Ramon.Loik@gmail.com

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