

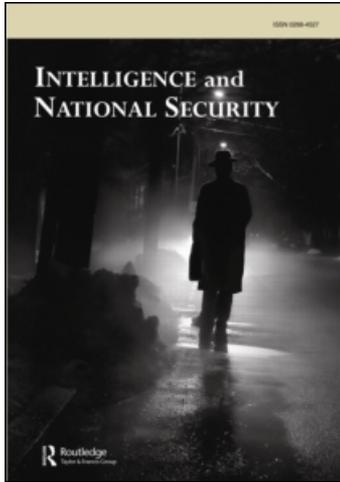
This article was downloaded by: [Fagersten, Bjorn]

On: 21 December 2010

Access details: Access Details: [subscription number 931312792]

Publisher Routledge

Informa Ltd Registered in England and Wales Registered Number: 1072954 Registered office: Mortimer House, 37-41 Mortimer Street, London W1T 3JH, UK



Intelligence and National Security

Publication details, including instructions for authors and subscription information:

<http://www.informaworld.com/smpp/title~content=t713672628>

Bureaucratic Resistance to International Intelligence Cooperation - The Case of Europol

Björn Fägersten

Online publication date: 16 December 2010

To cite this Article Fägersten, Björn(2010) 'Bureaucratic Resistance to International Intelligence Cooperation - The Case of Europol', *Intelligence and National Security*, 25: 4, 500 — 520

To link to this Article: DOI: 10.1080/02684527.2010.537028

URL: <http://dx.doi.org/10.1080/02684527.2010.537028>

PLEASE SCROLL DOWN FOR ARTICLE

Full terms and conditions of use: <http://www.informaworld.com/terms-and-conditions-of-access.pdf>

This article may be used for research, teaching and private study purposes. Any substantial or systematic reproduction, re-distribution, re-selling, loan or sub-licensing, systematic supply or distribution in any form to anyone is expressly forbidden.

The publisher does not give any warranty express or implied or make any representation that the contents will be complete or accurate or up to date. The accuracy of any instructions, formulae and drug doses should be independently verified with primary sources. The publisher shall not be liable for any loss, actions, claims, proceedings, demand or costs or damages whatsoever or howsoever caused arising directly or indirectly in connection with or arising out of the use of this material.

Bureaucratic Resistance to International Intelligence Cooperation – The Case of Europol

BJÖRN FÄGERSTEN

ABSTRACT This article analyses the gap between government ambitions and actual outcomes in the case of European counter terrorism intelligence cooperation. Specifically, it investigates why Europol has not managed to live up to its tasks despite outspoken government support. Drawing on rational choice institutionalism, the study suggests why bureaucrats might be motivated to resist calls for international cooperation. By examining the process by which Europol has developed as an actor in the counter terrorism field, this article shows how development in the field of intelligence cooperation is not exclusively the reflection of government preferences. It concludes by suggesting that scholars could gain greater insight from a less state centric approach to the study of intelligence. In addition, the article suggests that policy makers cultivate a greater familiarity with bureaucratic factors and that they continually work with those factors in mind.

Introduction

Who determines the form and function of the cooperative arrangements that nation states establish in the intelligence area? Most writers would argue that states are unitary and sole actors when it comes to the development of such cooperation, located at the very heart of national sovereignty. State preferences are thus the key to understanding cooperative outcomes. The assumption underlying these studies is that states get what they want: if the strategic calculus is in favour of cooperation, then cooperation will occur. This approach is commonly taken by the majority of scholars writing about the form and function of international intelligence cooperation.¹ This article challenges this state centric view on intelligence cooperation. Graham

¹See for example Stéphane Lefebvre, 'The difficulties and dilemmas of international intelligence cooperation', *International Journal of Intelligence and CounterIntelligence* 16/4 (2003), Jennifer Sims, 'Foreign intelligence liaison: devils, deals, and details', *International Journal of Intelligence and CounterIntelligence* 19/2 (2006), J.T. Richelson, 'The calculus of intelligence cooperation,' *International Journal of Intelligence and CounterIntelligence* 4/3 (1990).

Allison was not the first, but surely one of the most influential writers to open up the 'state-box' in foreign policy decision-making. In his seminal 1971 work on the Cuban missile crisis, Allison forcefully challenged the Rational Actor Model (RAM) which forms the basis of most conventional theorizing about state behaviour.² In the field of domestic politics, intelligence scholars have successfully drawn on *new institutional theory* to open up the black box of the state and explain the design and functioning of intelligence organizations.³ This article argues that factors beyond governments' interests may have explanatory value also in the field of international intelligence cooperation. Unruly and unwilling bureaucrats may, for example, distort the link between state preferences and cooperative outcomes in the intelligence field. The result may very well be that states will in fact not get what they want.

The empirical focus of the study is Europe's counter terrorism intelligence cooperation as it has developed within the European Police Office (Europol). Evidence from this field is used to assess the influence of different forms of bureaucratic resistance to international intelligence cooperation. The analysis in this article draws extensively on primary material in the form of speeches, transcripts of hearings and official documents. This material has been supplemented with personal interviews of executives and officials from the European intelligence community. Using this material, the study uses the method of process tracing to investigate in detail how causes bring about effects.⁴ The key argument of the article is that we must look beyond state preferences and study also the impact of various bureaucratic factors to better understand the variation in form and function of arrangements for intelligence cooperation. While the preferences of states are still the most important factors when explaining international intelligence cooperation, they alone do not tell the full story. The article argues that both scholars and policy makers would do well by familiarizing themselves with bureaucratic and organizational factors in order to better understand the logic – or the lack thereof – behind international intelligence cooperation.

The article proceeds as follows: the first part discusses the concept of bureaucratic resistance: why and how can bureaucrats in the intelligence field pose an obstacle to international intelligence cooperation? The second part analyses the impact of bureaucratic resistance in the development of Europol as a counter terrorism intelligence actor. In the concluding section

²Graham T. Allison, *Essence of Decision: Explaining the Cuban Missile Crisis* (Boston: Little, Brown 1971).

³For a good example, see A.B. Zegart, *Flawed by Design: The Evolution of the Cia, Jcs, and Nsc* (Stanford Univ Pr 1999), Amy B. Zegart, 'September 11 and the adaptation failure of U.S. Intelligence agencies', *International Security* 29/4 (2005).

⁴See A.L. George and A. Bennett, *Case Studies and Theory Development in the Social Sciences* (Mit Pr, 2005), Pascal Vennesson, 'Case Studies and Process Tracing: Theories and Practices', in M. Keating and D. Della Porta (eds.) *Approaches and Methodologies in the Social Sciences: A Pluralist Perspective* (Cambridge University Press 2008).

the findings are summarized and the implications for theory as well as policy are discussed.

Bureaucratic Resistance to International Intelligence Cooperation

There are plenty of barriers to intelligence cooperation. Cooperation may be risky, expensive, and even dangerous. Governments are wary of this and hence intelligence cooperation is not commonplace at the international level. Such barriers, however, have in common that they are part of the calculation when states weigh the costs and benefits before taking decisions about cooperative arrangements. The barriers that will be discussed in this article are factors on the bureaucratic level that may obstruct cooperation even when the governments involved are in favour of cooperation. In Clausewitz words they are the *friction* that distorts the link between government ambitions and actual outcomes.⁵

On what grounds would national bureaucrats purposely obstruct⁶ state ambitions when it comes to international intelligence cooperation? Two main inducements can be traced in the literature on bureaucracy. One is the self-interest inherent in any political actor. Political scientists and economists have been analysing how bureaucratic actors pursue their own rational goals such as increased budget, more power in the decision-making process or personal advancement.⁷ The problem is that these motivating factors are not always adapted for the specificities of the intelligence world. Hence this study will draw on rational choice considerations of *asset specificity* in order to capture the interests of intelligence bureaucrats. While this literature has focused on the *interests* of bureaucracies other scholars have focused on the *ideas* of bureaucratic actors. Typically, self-images and roles of bureaucracies have been analysed as aspects of organizational culture. Although research in this area has traditionally been conducted by organizational theorists and sociological institutionalists, it has increasingly been dealt with also by more rationalistic minded scholars.⁸ This article will analyse how the

⁵C. Clausewitz and F.N. Maude, *On War* (Dutton, 1918).

⁶This paper focus solely on bureaucratic advocacy as a barrier to cooperation. Ideas on how bureaucrats may function as 'institutional entrepreneurs' and drive cooperation forward are presented in Björn Fägersten, *European Intelligence Cooperation: Drivers, Interests and Institutions* (Stockholm: Swedish Institute of International Affairs 2008).

⁷This is generally labelled *bureaucratic politics* and good examples can be found in the work of Graham Allison and Morton Halperin. See for example Graham T. Allison, *Essence of Decision : Explaining the Cuban Missile Crisis* (Boston: Little, Brown 1971), Morton H. Halperin, *Bureaucratic Politics and Foreign Policy* (Brookings Institution Press 1974).

⁸Judith Goldstein and Robert O. Keohane (eds.) *Ideas and Foreign Policy: Beliefs, Institutions, and Political Change* (Cornell University Press 1993), Geoffrey Garrett and Barry Weingast, 'European Community's Internal Market' in J. Goldstein and R.O. Keohane (eds.) *Ideas and Foreign Policy: Beliefs, Institutions, and Political Change*, David M Kreps, 'Corporate Culture and Economic Theory', in James Alt and Kenneth Shepsle (eds.) *Perspectives on Positive Political Economy*, ed. (New York: Cambridge University Press 1990).

interests, as well as ideas of bureaucrats might motivate them to resist international cooperation.

Bureaucratic Interests

A useful concept when analysing interests within bureaucracies is *asset specificity* as outlined by Peter Gourevitch. Asset specificity describes the situation in which investments, or assets, are deemed to be specific to a certain context and therefore cannot effectively be reallocated. The investments in question can be social, relational, physical or intellectual, but they all have a common functional dimension: 'Where investments in the specific assets of an institution is high, actors will find the cost of any institutional change that endangers these assets to be quite high; indeed, actors in this situation may be reluctant to run risks of any change at all. [...] As actors in each society invest in a particular institutional arrangement, they have incentives to protect their investment by opposing change'.⁹ Regarding intelligence cooperation, the vast personal and organizational networks that constitute the backbone of much intelligence sharing can be seen as an investment that cannot be easily transferred to another institutional setting. Since networks and working relations take time to achieve and hardly can be imposed from above, they can also be regarded as a highly context specific investment. Sir Stephen Lander, former Director General of the British Security Service describes how 'soft issues' such as networks and shared experiences influence institutional relationships: 'Those joint activities generate friendship, trust with sensitive material, mutual respect and confidence [...] They matter'.¹⁰ Investments in specific assets thus explain organizational persistence. If the level of specific assets invested in a given institution is high, the involved actors will resist any change – for example new cooperative arrangements – that may jeopardize their investments.

Bureaucratic Culture

Beyond self-interest, ideas and organizational roles may also induce certain behaviours. Usually this is analysed under the umbrella of bureaucratic or organizational culture.¹¹ Ian S. Lustick defines culture as 'the array of symbols, shared expectations, and interactive patterns that limit and stabilize the boundaries of variation observable within groups as

⁹Peter Gourevitch, 'The Governance Problem in International Relations', in David A. Lake and Robert Powell (eds.) *Strategic Choice and International Relations* (Princeton: Princeton University Press 1999).

¹⁰Stephen Lander, 'International intelligence cooperation: an insider's perspective', *Cambridge Review of International Affairs* 17/3 (2004).

¹¹The term bureaucratic culture is hereafter used as a generic term to describe aspects of both organizational and professional culture that may have an impact on institutional development.

individuals within those groups perform life functions'.¹² The idea of some sort of common knowledge among culturally connected individuals is also stressed by David Laitin who argues that 'people that share a culture have a tacit understanding of what fellow members of their cultural community would do in new situations'.¹³ Culture can, from this perspective, be viewed as a form of social institution that facilitates internal coordination.¹⁴

Compared to other forms of organizations, intelligence agencies may be particularly effective environments for the establishment of specific organizational cultures. The mobility of the staff is often low, their contacts with other organizational forms tend to be scarce, and the work conducted is seen as vital for national security. One can assume that the stronger a certain organizational culture grows, the harder it will be for that organization to collaborate – not to say integrate – with other organizations, especially if this culture is built around issues such as secrecy and isolation.

It may also be relevant to discuss professional culture, i.e. a bond within the vocation rather than within the workplace. In some cases it is reasonable to assume that a professional culture is trans-national by nature, as for diplomats or scientists, while for others it is very national in character. Indeed, intelligence scholar Michael Herman suggests that the intelligence world in effect reproduces the 'invisible colleges' that trans-national contacts in the academic world constitute.¹⁵ In cases of strictly national professional cultures, it can be argued that this may constitute a barrier to any change requiring increased contact and cooperation with foreign counterparts. In cases where organizational cultures are based on values such as secrecy and organizational exceptionality, it can be argued that this may constitute a barrier to any change requiring increased contact and cooperation with other agencies. In short, aspects of organizational and professional culture may deem an institution more or less amenable to change.¹⁶

If bureaucratic resistance, motivated by self-interests or ideas, functions as a barrier to intelligence cooperation then we could expect this cooperation either (1) to have been abolished after consultation with relevant

¹²I.S. Lustick, 'Culture and the Wager of rational choice', *APSA Comparative Politics Newsletter* (1997).

¹³D. Laitin, 'Game theory and culture', *APSA-CP. Newsletter of the APSA Organized Section in Comparative Politics* 8/2 (1997).

¹⁴C.f. R. Rogowski, 'Rational Choice as a Weberian View of Culture', See *APSA-CP* (1997).

¹⁵M. Herman, *Intelligence Power in Peace and War* (Cambridge University Press 1996), 209.

¹⁶It could be argued that both investments in specific assets and the growth of a specific 'inhouse' culture implies that the longer an institution has been in place, the choice of reversal or dismantling becomes increasingly problematic and/or unattractive. This could, of course, be true both for national structures, risking to lose competence to a common body, as for a central body, fearing its competences being diffused horizontally.

practitioners or (2) to function poorly due to unwillingness on behalf of the practitioners to support the cooperative arrangement.

Europol and Counter Terrorism – Ambitions and Outcomes

When the heads of states and governments met for an extraordinary European Council meeting shortly after the 9/11 terror attacks the message to their intelligence agencies was clear: More intelligence must be sent from national capitals to relevant EU-bodies such as Europol and the level of intelligence cooperation between Europol and other EU-bodies must be stepped up. As will be shown below, these two goals were to be restated several times during the years to come. Living up to these aims has, however, turned out to be difficult. The subsequent part of this article will assess whether the barriers discussed above can explain Europol's rather weak role in European counter terrorism intelligence cooperation.

Terror and Counter Terrorism

At the time of the terror attacks in New York and Washington in 2001, the intelligence agencies of Europe shared information and practices through a variety of forums within and outside of the European Union. The security services had their long standing 'Club of Bern'; the law enforcement agencies the newly operational Europol; the military intelligence agencies had just started to cooperate through the Intelligence Division of the EU Military Staff; some of the external intelligence services were just getting involved in the EU's Joint Situation Centre in Brussels.¹⁷ Of these organizations, only the Club of Bern and to some extent Europol had terrorism on their agenda. Cooperation between the two was, however, nonexistent and in the case of Europol resources were scarce and scattered.

Just after the 2001 terror attacks in the US, when it was clear that much of the planning had taken place in Europe, Europol director Jürgen Storbeck went public with his demands of EU member states: 'Simply provide us with what we need for our work: information'. Storbeck further noted that 'if Europol is to do more than simply analyse data, then it must be better equipped'.¹⁸ The Europol director did not have to wait long for his calls to be answered. At the Council meeting on 20 September, the Justice and Home Affairs ministers urged the national police authorities and intelligence services to quickly pass on any relevant information on terrorism to Europol.¹⁹ Furthermore, the Council decided to set up, within Europol, a

¹⁷The aim of this paper is not to present a full picture of European intelligence cooperation and the institutions linked to it. For a more thorough review of current European intelligence structures see Fägersten, *European Intelligence Cooperation: Drivers, Interests and Institutions*.

¹⁸John D. Occhipinti, *The Politics of Eu Police Cooperation: Toward a European FBI?* (Boulder, CO: L. Rienner 2003) p.149.

¹⁹Council of the European Union, 'Conclusions Adopted by the Council (Justice and Home Affairs)', (2001).

Counter Terrorism Task Force (CTTF). The unit would be composed of officers from police and intelligence services who specialized in the fight against terrorism. Their mission was to 'collect in a timely manner all relevant information and intelligence concerning the current threat' and to 'analyse the collected information and undertake the necessary operational and strategic analysis'. The task force was set up for a renewable period of 6 months.²⁰ Finally, the Ministers stressed the vital role of security and intelligence services in the fight against terrorism: 'They will take without delay the necessary steps to further improve their cooperation. Cooperation between the police services, including Europol, and the intelligence services will have to be strengthened'.²¹ The decisions taken at the 20 September Justice and Home Affairs Council were endorsed the following day by the Heads of States who convened for an extraordinary European Council. The Heads of States also restated in clear language that 'member states will share with Europol, systematically and without delay, all useful data regarding terrorism'.²² The member states of the EU had now clearly, and in various forums, expressed their will: Europol was to be strengthened by way of further cooperation and increased intelligence support from the national capitals. Quite explicitly, the member states aimed to increase the depth of cooperation and to some extent also the scope since the new task force was tasked to collect, rather than just receive, intelligence.

As mentioned above, the governments also called on the intelligence and security services to step up their cooperation in the counterterrorism field.²³ There were, at the time, strong voices for that also this cooperation should be formalized within the European Union.²⁴ Faced by demands from the EU to increase cooperation, the security services within the Club de Bern decided to create a new grouping under the acronym CTG – the Counter Terrorism Group.²⁵ The Group had a similar composition to the Club de Bern but was to be fully devoted to counterterrorism and to work closer, albeit not within, the European Union.²⁶

Cooperative Hazards

At first, the governments' calls for increased cooperation seemed to have been heard. At the following JHA council meeting in early December, the Europol director was pleased to report the member states' increased

²⁰Ibid.

²¹Ibid.

²²European Council, 'Brussels Extraordinary European Council' (2001).

²³Council of the European Union, 'Conclusions Adopted by the Council (Justice and Home Affairs).'

²⁴Interview nr 32, (Brussels 2009), Interview nr 24, (Stockholm 2008).

²⁵Switzerland's Federal Department of Justice and Police, 'Press Release – 'Club De Berne' Meeting in Switzerland', (2004).

²⁶Interview nr 32, Interview nr 7, (Brussels 2006), BVD, 'Annual Report 2001', (2002).

willingness to share information with Europol.²⁷ In the House of Commons a British representative reported that the member states of the EU were committed to an increase of intelligence cooperation to combat terrorism and that this commitment was 'reflected in the Europol Director's recognition of the level of contributions offered by the police and intelligence services'.²⁸ Addressing the European Parliament at the end of the year, the Belgian Minister of Justice, Antoine Duquesne, praised the increased levels of data shared with Europol and the cooperation between member state intelligence and counterterrorism services.²⁹ In May 2002, the Police Chiefs Task Force noted with satisfaction that the Europol director was pleased with the initial achievements of the new Task Force.³⁰ This positive trend would, however, be short-lived. Already in February 2002, the same Belgian minister who had earlier praised the work of Europol now questioned the value of the organization in the fight against crime.³¹ Later that year, the member states voted down a Commission proposal that, among other things, would set up an 'operations coordination centre within Europol to support Member States when conducting anti-terrorist operations or dealing with terrorist situations'.³² Although the official reason was said to be concerns over budget procedures, the proposal's dismissal strengthened the image of member states that lacked in commitment to Europol's role in counter terrorism.³³ In Europol's Annual Report for 2002, it is said that its CT Task Force managed to deliver a number of well-received products 'despite serious gaps in completeness and timeliness of the flow of information and intelligence'.³⁴ In November 2002, Europol's managing board decided to dissolve the newly established Counter Terrorism Task Force and transfer parts of its functions into the general Europol structure.³⁵ The official reason for this was that the CTF had now fulfilled its urgent tasks and that the continuing counterterrorism work could be carried out through ordinary structures.³⁶ A more plausible explanation is that the CTF was closed down due to lack of support from the would-be providers

²⁷Angela Eagle, 'Written Answer Concerning Europol', ed. House of Commons Hansard Written Answers (2002).

²⁸Ibid.

²⁹Occhipinti, *The Politics of Eu Police Cooperation : Toward a European FBI?* p.180.

³⁰Council of the European Union, 'Presidency Conclusions of the 5th Meeting of the Police Chiefs Task Force', no. 8839/1/02 (2002). The Police Chiefs Task Force (PCTF) is a body that brings together police chiefs of the EU in order to facilitate and boost operational cooperation.

³¹Occhipinti, *The Politics of Eu Police Cooperation : Toward a European Fbi?* p. 193.

³²European Commission, 'Proposal for a Council Decision on the Financing of Certain Activities Carried out by Europol in Connection with Cooperation in the Fight against Terrorism', (2002).

³³Statewatch, "Scoreboard" on Post-Madrid Counter-Terrorism Plans', (2004).

³⁴Europol, 'Annual Report', (2002).

³⁵_____, 'Draft Recommendations of the Management Board to the Council on the Future of the Counter-Terrorism Task Force', (Brussels 2002).

³⁶Ibid.

of information.³⁷ Indeed, Europol itself complained about this fact as stated above. The EU's Counter Terrorism Coordinator and one of the architects of the CTTF, Gilles de Kerchove, admits that it was 'not a success, to say the least. The intelligence community is not very eager to work with Europol'.³⁸ This view is perhaps best summarized by a former Europol analyst who notes that notwithstanding the Management Board's eloquent phrases the CTTF was closed down and the staff sent home because they 'really had nothing to do'.³⁹ In relation to this the European Commission noted that the intelligence services remained reluctant to accept Europol as a partner.⁴⁰

Counter Terrorism Cooperation and the Madrid Bombings

Following the Madrid bombings of 11 March 2004, the European Council in the Declaration on Combating Terrorism urged the member states to: strengthen the role of Europol in the fight against terrorism by reinforcing its counter terrorism capacities and reactivating the Counter Terrorist Task Force; ensure that law enforcement agencies and security services cooperate and exchange 'all information relevant to combating terrorism as extensively as possible'; make the most out of existing EU bodies, and Europol especially, in the fight against terrorism.⁴¹ Also, the European Council instructed the Council of Ministers to boost the capabilities for operational cooperation on security and counter terrorism within the Union.⁴² The reactivated Task Force (CTTF2) was tasked to contribute to 12 strategic projects dealing with terrorism financing, recruitment, modus operandi and strategic and operational analysis.⁴³ Shocked by the fact that international Jihadist terrorism had now struck the European homeland the governments of Europe thus reinforced their ambition to channel more intelligence and support to Europol and the organization were to receive a greater role in the fight against terrorism. These ambitions were restated when the ministers of Justice and Interior convened in June and again by the European Council in

³⁷See Richard J Aldrich, 'Transatlantic intelligence and security cooperation', *International Affairs* 80/4 (2004). This interpretation also found support among interviewees with considerable insight into the Europol. Interview nr 22, (Stockholm 2008), Interview nr 32, Interview nr 35, (The Hague 2009).

³⁸Gilles de Kerchove, 'Oral Evidence', in *Europol: Coordinating the Fight against Serious and Organised Crime*, ed. House of Lords (London 2008).

³⁹Interview nr 22.

⁴⁰European Commission, 'Enhancing Police and Customs Co-Operation in the European Union', (2004).

⁴¹European Council, 'Declaration on Combating Terrorism', (2004). The European Commission, in its input to the Council Meeting, went even further and suggested that 'Member States should consider it their duty to give the Europol Terrorism Task Force with [sic] all operational information, not just limited and filtered strategic and technical intelligence. European Commission, 'Paper on Terrorism to the Council Providing Input for the European Council', (2004).

⁴²European Council, 'Declaration on Combating Terrorism.'

⁴³Europol, 'Note to the Council: Eu Plan of Action on Combating Terrorism – Update', (Brussels 2005).

July.⁴⁴ When the Council in October 2004 evaluated the Union's counter terrorism efforts it 'welcomed the progress that has been made and underlined the need to pursue efforts in various areas, in particular the improvement of exchange of information between the strengthened EU SitCen, the Intelligence and Security Services of the member states and Europol'.⁴⁵

Once again, however, the plans of policy makers seem to have had only limited impact on the development on the ground. A good illustration of the relative disobedience of national counterterrorist experts was the Spanish police officials' failure to inform their French colleagues about the explosives used in the Madrid attacks.⁴⁶ The scholar Mathieu Deflem also noted that although intelligence and analysis capacities at Europol were bolstered after the Madrid attacks the actual sharing of intelligence did not increase correspondingly.⁴⁷ One intelligence official working within the EU structure asks why Europol officials should deal with terrorism issues at all: 'they don't have access to the intelligence anyway; why not focus on organized crime?'⁴⁸ In a report from May 2005, Europol recognizes this problematic situation in an unusually frank manner. The report cites the European Council's Declaration on Combating Terrorism and argues that one of the main goals was to bring Europol and the security and intelligence services closer together.⁴⁹ One concrete manifestation of this intention was, according to Europol, the establishment, and later resurrection, of the CTF.⁵⁰ Europol's dissatisfaction with the level of engagement on behalf of the security and intelligence services is worth quoting in full:

Since Europol is the only European body providing a thorough legal basis for sharing (operational) information and intelligence whilst safeguarding source protection needs according to the owner of the respective data, Europol understood that, within the framework of the Analysis Work File on 'Islamic Terrorism', it should act as the central entity for especially operational criminal intelligence analysis (in particular for the prevention of terrorism) and operational/ investigative support. Given the fact that there are currently only two seconded experts to the CTF at Europol with a (security) intelligence service profile, Europol does not expect structured contributions from the side of the (security) intelligence service environment. To Europol's

⁴⁴Council of the European Union, (2004), European Council, 'Brussels European Council – Presidency Conclusions', (2004).

⁴⁵Council of the European Union, 'Draft Council Conclusions on Counter Terrorism' (2004).

⁴⁶Roman Kupchinsky, 'Intelligence and Police Coordination in the Eu', *Radio Free Europe* 2004.

⁴⁷M. Deflem, 'Europol and the policing of international terrorism: counter-terrorism in a global perspective', *Justice Quarterly* 23/3 (2006).

⁴⁸Interview nr 9, (Brussels 2006).

⁴⁹Europol, 'Note to the Council: Eu Plan of Action on Combating Terrorism – Update.'

⁵⁰*Ibid.*

understanding, this does not coincide with the mandate ascribed to the CTF by the European Council Declaration on Combating Terrorism of 25 March 2005.⁵¹

The rather disciplinary tone in the report above (still not de-classified at the time of writing but available through Statewatch.org) makes clear that Europol envisaged itself as the key node of counterterrorism intelligence but was prohibited in this ambition by weak support from the security and intelligence services. Apart from the lack of seconded staff, an internal evaluation report estimated that the security and intelligence services largely failed to provide Europol with relevant data.⁵² Interestingly, the British House of Lords, in their report on European counterterrorism efforts after the Madrid attacks, complains about the fact that Europol did not claim a stronger role in this field:

[Europol] is not playing that central role that its position suggests it should. The proliferation of other groups and bodies might not all have been necessary if Europol had established itself as the lead EU player in this area. We were disappointed that in its written evidence Europol itself did not lay claim to a more central role. It was not entirely clear to us why it did not appear to be pulling its weight.⁵³

Whether Europol was pulling its weight or not, it seems to be clear that it could not deliver the cooperative synergy and intelligence fusion that member states had called for. This, to a large extent, was the effect of security and intelligence services that were hesitant – to say the least – to supply Europol with adequate resources. Despite calls for increased intelligence cooperation within, and through, Europol the scope and depth of this cooperation was to a large extent unaffected. The usage of Europol resources, however, seems to have increased. In 2005 Europol could report that the member states use of the AWF on Islamic Terrorism in support of ongoing national operations had increased significantly since 2002.⁵⁴ This view is reinforced by Europol officers who claim that the value added of Europol's counter terrorism work lies in the AWF's rather than in the CT task forces which were a creation of politicians.⁵⁵

The London Attacks and a New Counterterrorism Role

After the devastating attacks on the London underground in June 2005 the policy makers of Europe once again raised their voices and demanded

⁵¹Ibid.

⁵²European Commission, 'Proposal for a Council Decision on the Transmission of Information Resulting from the Activities of Security and Intelligence Services with Respect to Terrorist Offences', (2005).

⁵³House of Lords, 'After Madrid: The Eus Response to Terrorism', (London 2005) p. 28.

⁵⁴Europol, 'Note to the Council: Eu Plan of Action on Combating Terrorism – Update.'

⁵⁵Interview nr 22, Interview nr 35.

increased levels of intelligence cooperation. Echoing the ambitions stated after the 9/11 attacks in 2001 and the 3/11 bombings in 2004, the Council now called for intensified exchange of information and intelligence, particularly through Europol.⁵⁶ These ambitions were later in 2005 codified in the European Union's counter terrorism strategy.⁵⁷ In September the same year the Council adopted a decision that obliges the member states to provide Europol with extensive law enforcement information on terrorist cases.⁵⁸ This turned out to be of limited practical value. First, member state compliance with the decision would remain unsatisfactory for years to come.⁵⁹ Second, the caveat of national security interests in the decision implied that the information that did reach Europol was often of limited value. One receiver of this information argues that it amounts to little more than what can be obtained from the Internet or BBC: 'what we get is conformation of open sources'.⁶⁰ The European Commission, however, was spurred by the decision and suggested that similar demands should be directed towards security and intelligence agencies: they too were to transmit counterterrorism intelligence to Europol.⁶¹ The decision failed to attract member state support and was subsequently withdrawn. The security services were if possible even more skeptical about increased exchange of information: 'If we splash it [intelligence] around carelessly we shall soon have none of it' was the former M15 director's answer to political calls for increased intelligence cooperation following the London bombings.⁶²

Also when it came to cooperation between EU bodies, such as Europol and SitCen, the outcome was rather discouraging. Despite the fact that the two agencies have had an agreement on information sharing since 2005,⁶³ the actual sharing of information has been meagre. A SitCen official explains that the relation between SitCen and Europol is 'mostly window-dressing, not very much cooperation, Europol is out of the loop in counter terrorism issues'.⁶⁴ A former Europol analyst counters that 'it is really hard for SitCen to cooperate with Europol; they really don't get anything from us'.⁶⁵

⁵⁶Council of the European Union, 'Declaration on the Eu Response to the London Bombings', (2005).

⁵⁷_____, 'The European Union Counter-Terrorism Strategy', (2005).

⁵⁸_____, 'On the Exchange of Information and Cooperation Concerning Terrorist Offences', in *20 September* (2005).

⁵⁹Not until 2009 could Europol that compliance was acceptable. See EU Counter-Terrorism Coordinator, 'Eu Counter-Terrorism Strategy – Discussion Paper', (2009). See also de Kerchove, 'Oral Evidence.'

⁶⁰Interview nr 35.

⁶¹European Commission, 'Proposal for a Council Decision on the Transmission of Information Resulting from the Activities of Security and Intelligence Services with Respect to Terrorist Offences.'

⁶²Eliza Manningham-Buller, 'Speech at Binnenhof, the Hague, Netherlands', (2005).

⁶³The agreement (Doc. 12332/1/05) is discussed in: Council of the European Union, 'Implementation of the Action Plan to Combat Terrorism', (2005).

⁶⁴Interview nr 18, (Brussels 2008).

⁶⁵Interview nr 22.

A Finnish police officer working with EU coordination acknowledges the turf fights between SitCen and Europol and traces them back to unclear mandates and division of labour in the counter terrorism field: 'Europol is supposed to deliver support on an operational level and the SitCen on a strategic level, but in reality the border is never that clear'.⁶⁶ What seems to be clear, however, is that the policy makers' repeated calls for deepened counterterrorism cooperation within Europol have not been lived up to.

To some extent, the member states at this point seemed to accept the situation. In 2006 Europol started a *First Response Network* with the ambition to support investigations in member states immediately after a terrorist attack. Focus was now on more traditional police work – investigations initiated after a crime was committed. When the First Response Network was declared operational in July 2007 the Counter Terrorism Task Force was transferred into this new entity.⁶⁷ The Task Force, that initially was supposed to collect and analyse intelligence and provide the member states with threat assessments, was now firmly imbedded into an organization that aimed to assist members in reactive police work. Europol had now settled with a more modest, and perhaps useful, role in the European counter terrorism area. When Europol director Max-Peter Ratzel gave evidence before the British House of Lords in June 2008, he claimed counter terrorism to be one of the most successful areas for Europol in recent years. When asked to comment of this he gave numerous examples on how national authorities had offered best practices from terrorism related investigations and how Europol had helped to spread this knowledge to other member states. Such dissemination of best practice and know-how may indeed represent real added value to Europe's fight against terrorism but it is not the role that member states have repeatedly asked Europol to fulfil.

While Europol might not have developed in the way its political masters have planned, it has been able to produce analytical work that the national agencies increasingly appreciate and support. In the counterterrorism area, a 2008 memo from Europol claims that 'there is today an increased commitment of the Member States [. . .]. The current situation is in sharp contrast with the situation that prevailed a few years ago'.⁶⁸ This positive trend is supported by statistics as well as by practitioners. Although not specific for the counterterrorism area, Europol's annual Client Satisfaction Survey shows an increase in all dimensions (Image, Expectations, Product Quality, Service Quality, Perceived Value and Loyalty) between 2005 and 2007.⁶⁹ Europol's annual report from the same year illustrated that both initiated cases and the quantity of data relating to these cases had steadily increased between 2000 and 2008.⁷⁰ A director at Europol

⁶⁶Interview nr 8, (Brussels 2006).

⁶⁷Europol, 'Annual Report', (2007).

⁶⁸———, 'Written Evidence', in House of Lords (ed.) *Europol: Coordinating the Fight against Serious and Organised Crime* (London 2008).

⁶⁹*Ibid.*, p. 97.

⁷⁰———, 'Annual Report 2008', (2009).

acknowledges this positive trend and concludes that Europol, mainly thanks to its analytical work, is seen as an acceptable partner: 'We provide good help to the member states. We are cost-efficient'.⁷¹ The overall picture is thus that Europol, despite the failings of the political projects such as the CTTF and the lukewarm support from national agencies, has managed to produce increasingly appreciated products in the counter-terrorism field.

Changing the Rules of the Game

In 2009, three political processes that all may have lasting effects on the scope and depth of intelligence cooperation within Europol were finalized. The first of these changes was the new legal basis for Europol which were decided upon in April 2009 and came into force in January 2010.⁷² It has been argued that the member states were eager to decide on the new legal basis before ratification of the Lisbon treaty (see below) that gives the European Parliament the right to amend EU laws in the JHA area.⁷³ The Council Decision that succeeded the Europol Convention as the new legal framework brings about many changes whereof some of importance for Europol's intelligence role. Perhaps most important, the Council Decision allows for easier amendments of the mandate in the future. It is far easier to change a Council Decision than it was to change the original Europol Convention.⁷⁴ Another aspect is that the decision legalizes the practice of information exchange between national liaison officers on issues that are beyond Europol's mandate.⁷⁵ Another adjustment with possible bearings for the counterterrorism area is that Europol with the new legal mandate will cover serious, but not necessarily organized, crime as was the case with the Convention.⁷⁶ Other effects are less welcome at Europol. One fear is, for example, that it will be difficult to pick the most talented analysts and specialists when Europol as an official EU agency will have to comply with the Unions employment procedures.⁷⁷

The second change was the ratification and coming into force of the new Constitutional Treaty, known as the Lisbon Treaty. As regards Europol, the main effect of the new treaty is that more decisions are now taken by majority voting in the JHA-area. This includes police cooperation and decisions about 'the collection, storage, processing, analysis and exchange of

⁷¹Interview nr 35.

⁷²Council of the European Union, 'Decision Establishing the European Police Office (Europol)', (2009).

⁷³Jörg Monar, 'Justice and Home Affairs', in Ulrich Sedelmeier and Alasdair R. Young (eds.) *The Jcms Annual Review of the European Union in 2007*, (Wiley-Blackwell 2008), Hugo Brady, 'The New Politics of Eu Internal Security', (London: Center for European Reform 2008).

⁷⁴Interview nr 34, (The Hague 2009).

⁷⁵Council of the European Union, 'Decision Establishing the European Police Office (Europol). article 9.3.d

⁷⁶Ibid., article 3. C.f. Europol Convention, (1995)., article 2.

⁷⁷Interview nr 35.

relevant information'.⁷⁸ Only issues of operational cooperation will remain as an area for unanimous decision making.⁷⁹ Qualified majority voting will also be applied at the Europol's Management Board.⁸⁰

The third process was the adoption of the Stockholm programme, the multiannual programme for internal security that succeeded the Hague programme and will inform internal security policy between 2010 and 2014. An early draft of the text included calls for a reinforced role for Europol regarding police cooperation and intensified cooperation between Europol and SitCen in the counterterrorism area.⁸¹ The final outcome was, however, void of such symbolic calls. Rather, the Stockholm programme noted the progress that had been achieved and simply suggested that 'full use should be made of Europol, SitCen and Eurojust in the fight against terrorism'.⁸² This was in stark contrast to the language used in much of the Council declarations during the previous years, as reviewed above. The rather modest approach of the Stockholm programme is welcomed by Europol officers who explain it by the fact that Europol's role is already well defined and the organization is working well.⁸³ 'We don't need new policy initiatives, what we need now is to be left alone' as one director at Europol suggests.⁸⁴ Indeed, this perspective is reflected in the introduction to the Stockholm programme that states that agencies such as Europol have now reached 'operational maturity'.⁸⁵ Some representatives of the member states offer a slightly more critical interpretation, for example by arguing that Europol's modest role in counterterrorism, as spelled out in the Stockholm programme, is more of an expression of low expectations of what Europol can deliver than an appreciation of what it already has achieved.⁸⁶ Still others argue that it is an illustration of the rather weak position of the Stockholm programme on counterterrorism in general.⁸⁷ What seems to be clear is that the time of repeated calls for a strengthened Europol seems to be over and that this is welcomed by practitioners and politicians alike.

⁷⁸Treaty on the functioning of the European Union, (2007), consolidated version, Chapter 5, Article 87, Paragraph 2a.

⁷⁹Ibid., Chapter 5, Article 87, Paragraph 3.

⁸⁰Interview nr 34, Interview nr 35.

⁸¹Council of the European Union, 'Freedom, Security, Privacy – European Home Affairs in an Open World – Report of the Informal High-Level Advisory Group on the Future of European Home Affairs Policy ("The Future Group")', (2008).

⁸²———, 'The Stockholm Programme – an Open and Secure Europe Serving and Protecting the Citizens', (2009).

⁸³Interview nr 34, Interview nr 35.

⁸⁴Interview nr 35.

⁸⁵Council of the European Union, 'The Stockholm Programme – an Open and Secure Europe Serving and Protecting the Citizens', p. 2.

⁸⁶Interview nr 28, (Brussels 2009), Interview nr 29, (Brussels 2009).

⁸⁷Interview nr 30, (Brussels 2009), Interview nr 32.

Bureaucratic Resistance to European Intelligence Cooperation

The above chapter showcased the existence of a considerable gap between cooperation intent and actual outcomes. National authorities, and especially the security and intelligence services, refused to offer the information Europol needed to fulfil its tasks. Actors on the EU level, such as the SitCen, failed to collaborate with Europol to the extent that was requested by the governments. For years, the policy makers clearly did not get what they asked for. Of course it can be argued that all states did not really support the ambitions of increased intelligence cooperation on the European level in general – indeed some states are known to be sceptical to such endeavours. Nevertheless, the fact that there was a strong public support for counter terrorism cooperation on the European level,⁸⁸ and the view from many practitioners that there was considerable pressure on them to cooperate with EU-level bodies, suggest that the repeated calls for cooperation in most cases were genuine. Why then, did not such cooperation materialize on the scale that was requested? This section will assess whether the bureaucratic barriers discussed initially have any explanatory power in the case of Europol and its role in counter terrorism intelligence cooperation.

Bureaucratic Interests

The claim that bureaucratic interests may obstruct international intelligence cooperation looks rather plausible when considering EU counter terrorism cooperation. As discussed above, asset specificity related to social-, material- or knowledge-based investments in an institution that cannot easily be reallocated. In the world of intelligence, such investments are illustrated by personal relationships, networks and established ways to do business. A good example is the Club of Bern. With its informal and non-transparent structure, the small cozy Club of Bern proved a bad fit for Brussels bureaucracy. All the investments done in trust building and networking within existing structures made any change look unattractive and the Club of Bern thus stayed outside of the EU structures. Nonetheless, the club of Bern and its subgroups, such as the CTG, are the arenas where the national security services share sensitive information on a multilateral basis. Europol, which is charged with counter terrorism tasks, thus lacks vital sources of intelligence. The establishment of the Counter Terrorism Task Force and its early dissolution proved this point with painful accuracy. Although the unit was re-established after the Madrid bombings, Europol still lacked the vital intelligence needed to perform its tasks. An interviewee who is involved in the criminal intelligence work of the EU notes with some criticism that ‘the security services have another ‘owner perspective’ on intelligence’ [than the criminal intelligence agencies].⁸⁹ When the member states of the European

⁸⁸See for example European Commission, ‘Standard Eurobarometer 59’, (2003), ———, ‘Eurobarometer 290 – the Role of the Eu in Justice, Freedom and Security Policy Areas’, (2008).

⁸⁹Author interview nr 8, (Brussels 2006).

Union coordinated their counter intelligence work they obviously thought that intelligence would reach the particular agency that requires it while in reality intelligence is shared within channels established long before. This situation was expressed well in a recent report by the British House of Lords: 'You can create whatever structures you want but if the people and the relationships are not happening, the structures will not work'.⁹⁰ A counter terrorism official illustrates: 'We pay lip service to helping Europol, but nothing more. It is trying to compete with long-established government supported informal networks and failing to do so'.⁹¹ We can thus assume that the high level of specific assets has made it hard for the member states to establish coherent intelligence sharing arrangements within the European Union. This is especially true in the case of security intelligence where well functioning pre-existing arrangements outside the EU made the practitioners reluctant to move business to Brussels.⁹² Also, the mismatch between organizational tasks and the actual stream of intelligence in the case of counter terrorism proves the danger in designing policies without taking existing investments in trust and networks into account.

Bureaucratic interests also had a prominent role in thwarting cooperation between EU-level actors such as Europol and the SitCen. Although the governments repeatedly called for further coordination and cooperation between these bodies, the outcome, as shown above, was modest at best. The unclear division of labour within the plethora of organizations and working groups involved in European counter terrorism made it more important for these actors to define and strengthen their own turf than to establish effective cooperative arrangements with other actors. After the Madrid bombings a fierce bureaucratic battle started over where new counter terrorism competence was to be placed. According to an official with insights into the General Secretariat, the SitCen did its best to marginalize Europol in this respect.⁹³ One interviewee within the Council structure explains that the high salaries, pensions and good working conditions have left the Council with plenty of 'empire builders'.⁹⁴ It can be assumed that the combination of an unclear division of labour and incentives for bureaucratic politics made for a milieu where cross-agency cooperation was not in the interest of EU-level bureaucrats. Repeated government calls for increased cooperation thus fell on deaf ears.

⁹⁰House of Lords, 'Europol: coordinating the fight against serious and organised crime', (London: European Union Committee 2008).

⁹¹Michael Smith, 'Intelligence-sharing failures hamper war on terrorism', *Jane's Intelligence Review* (2005).

⁹²Besides the slight difference in membership this reluctance seems to be based on an unwillingness to 'bureaucratize' the work further.

⁹³Author interview nr 25, (Stockholm 2008).

⁹⁴Author interview nr 16, (Brussels via telephone 2008).

Bureaucratic Culture

Ideational factors such as culture and beliefs were initially suggested as another factor that may motivate bureaucrats to resist international intelligence cooperation. The case of European counter terrorism intelligence cooperation was replete with evidence in support of such tendencies. It seems as if the bureaucratic culture has obstructed cooperation in two ways.

First, the national-minded approach of the law-enforcement agencies and security services sets limits for how much their work can be integrated at a supranational level. When studying the early years of Justice and Home affairs-cooperation, Sandra Lavenex and William Wallace make an interesting observation in line with this thought:

Ministry of interior officials had remained among the least internationally-minded within national governments throughout the first forty years of western European integration, working within an ideological framework which clearly separated domestic law and order from events beyond national boundaries. To learn the habit of transgovernmental cooperation therefore required a substantial reorientation of working assumptions.⁹⁵

This also seems to be true for actors involved in intelligence. Agencies concerned with internal security, quite expectedly, are less comfortable with international cooperation than their colleagues in the external intelligence and military intelligence organizations. Former Europol director, Jürgen Storbeck, testified to these cognitive barriers to enhanced cooperation: 'Police or customs officers towards the end of their careers, some of them in the highest ranks, may find it difficult to be open to the necessary changes. Their attitudes and loyalties were fixed in a different era'.⁹⁶ Evidence suggests that this is not only the case for police officers. One official working in the field of security intelligence cooperation describes why it is hard to achieve cooperation in this area: 'People ask why this area can not be integrated when for example the military can but it's too special, too unique. The military is more positive to integration. They have experienced a revolution since the wall fell and have new tasks. For internal security services it's more business as usual'.⁹⁷ A capital-based police officer illustrates the prevailing culture: 'No one should interfere in our internal security sphere, it's a reflex'.⁹⁸ It can thus plausibly be argued

⁹⁵Sandra Lavenex and William Wallace, 'Justice and Home Affairs. Towards a 'European Public Order'', in H. Wallace, W. Wallace, and M.A. Pollack (eds.) *Policy-Making in the European Union* (Oxford: Oxford University Press 2005) p. 463.

⁹⁶J. Storbeck, 'The European Union and enlargement: challenge and opportunity for Europol in the fight against international crime', *European Foreign Affairs Review* 8/3 (2003).

⁹⁷Author interview nr 7, (Brussels 2006).

⁹⁸Author interview nr 2, (Stockholm 2005).

that a certain resentment towards international cooperation in general made internal security agencies hesitant to comply with government calls for increased intelligence sharing with international bodies such as Europol.

Second, and perhaps even more important, there seem to be quite different organizational cultures in the different agencies tasked with counter terrorism. This has rendered cooperation more difficult at the national as well as the international level. One such cultural divide exists between police and security services. The worlds of law enforcement and intelligence are widely acknowledged as being divided by legal as well as cultural barriers.⁹⁹ One of the founding fathers of the Europol convention and a close observer of Europol's work admits that cultural differences between law enforcement and security services have hampered cooperation despite strong political support from the member states.¹⁰⁰ Worried by such tendencies, the British House of Lords, in a recent report, wonders whether Europol is too much of a police organization to effectively handle issues like terrorism.¹⁰¹ Another cultural barrier of relevance for Europol is the one between agencies focusing on 'internal' respectively 'external' security in general. A SitCen official with a background in external intelligence¹⁰² describes: 'We in the external services are extrovert, curious and not so rule-governed', alleging the opposite in the case of those working with internal security intelligence'.¹⁰³ It is evident that officials in the internal and external services identify themselves as distinctly different from one another. Another interviewee explains: 'in the world of foreign policy, intelligence is seen more as a way of selling your view on the world and thus influence the policies of other states. In the world of internal security, intelligence is seen more in terms of power, a commodity that can be traded but should always be kept close at hands'.¹⁰⁴ The effects of these self-images can be seen in the day to day work: 'We [in the external services] willingly share [intelligence] with each other. Not so willingly to other services due to different cultures and secrecy-issues'.¹⁰⁵ As an effect of early policy choices (mandating Europol to deal with counter terrorism and leaving the EU-level bodies without a clear division of labour), Europe's counter terrorism cooperation came to suffer

⁹⁹See for example J. Best, *Intelligence and Law Enforcement: Countering Transnational Threats to the Us* (Washington DC: Library of Congress, Congressional Research Service 2001), J. T. Richelson and D. Ball, *The Ties That Bind: Intelligence Cooperation between the Ukusa Countries-the United Kingdom, the United States of America, Canada, Australia and New Zealand* (Allen & Unwin 1985).

¹⁰⁰Author interview nr 1, (Stockholm 2005).

¹⁰¹House of Lords, 'Europol: Coordinating the Fight against Serious and Organised Crime', p. 232.

¹⁰²*External intelligence* (sometimes referred to as foreign intelligence) deals with political and security questions abroad that are of interest for one's own country. Examples are the British MI6 or the German BND.

¹⁰³Author interview nr 9, (Brussels 2006).

¹⁰⁴Author interview nr 4, (2005).

¹⁰⁵ Author interview nr 9.

from multiple cultural clashes. There were both national officials not wanting to cooperate with foreigners and officers of certain types of agencies who did not want to cooperate with other agencies – either at the national or at the EU-level. Of these two ‘syndromes’ it is interesting to note that cross-agency cooperation seem to be even harder to achieve than cross-national cooperation.

Conclusion

The scholar Björn Müller-Wille has suggested that ‘Europol represents but an optional bonus, of which the member states can avail themselves at free will’.¹⁰⁶ This study questions the extent of that supposed free will. Having analysed the development of EU counter terrorism intelligence cooperation and the role of Europol, it seems evident that bureaucratic resistance has been a determinant factor of the cooperative outcome. Motivated by interests as well as ideas, national bureaucrats have consistently shirked from designated tasks and failed to respond to their masters’ exhortations. By doing so, they have effectively separated government ambitions from actual outcomes in the area of international intelligence cooperation. Hence current cooperation only imperfectly reflects the preferences of participating states.

Bureaucratic resistance towards international cooperation can be traced to the protection of private or organizational investments, resentment towards other types of agencies and distrust of foreign entities. Cooperation seems to have been especially difficult to establish when, as in the case of Europol, many of these conflict dimensions intersect. The design of cooperative arrangements will therefore have a large impact on bureaucratic compliance with government polices. Well-crafted arrangements have the possibility to stimulate trust building and offer ways to mitigate interest and culture based conflicts. Examples could be to acknowledge and include informal relations and established channels of communications when designing new arrangements. Clear organizational tasks and mandates will also help to mitigate impeding turf battles. Last, in a longer time frame, states interested in building effective intelligence cooperation should consider extensive exchange programmes or even joint training facilities in order to lay the ground for trust and confidence between future partners.

Two findings are of special importance when summing up this article. First, due to bureaucratic resistance, states will not necessarily get what they want in the area of international intelligence cooperation. Second, well-crafted arrangements have the possibility to mitigate bureaucratic resistance and thus enable cooperation even during unfavourable conditions. These are important findings in a scholarly field where it is often assumed that government preferences are the sole determinant of the cooperative output.

¹⁰⁶B. Müller-Wille, ‘For Our Eyes Only?: Shaping an Intelligence Community within the Eu’, (Paris: Institute for Security Studies, European Union 2004).

Currently, plans are under preparation in Europe as well as in the US of how to strengthen intelligence support of home land security.¹⁰⁷ In both of these cases, policy makers would benefit from including bureaucratic perspectives at an early stage in the planning process and constantly work with them in mind. Otherwise the governments may find themselves in the uncomfortable position of not getting what they want.

¹⁰⁷In the EU, the new multi annual programme from internal security, the Stockholm program, will be filled with substance and continually updated. In the US, Congress is investigating the pros and cons of a domestic intelligence organization. See Council of the European Union, 'The Stockholm Programme – an Open and Secure Europe Serving and Protecting the Citizens' and Gregory F Treverton, *Reorganizing U.S: Domestic Intelligence – Assessing the Options* (Rand Corporation 2008).