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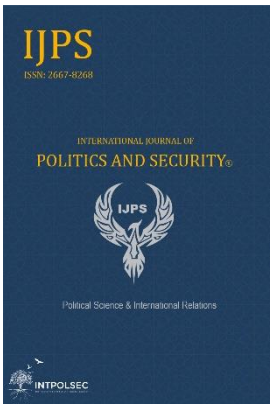

Governing the European Intelligence: Multilateral Intelligence Cooperation in the European Union

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Governing the European Intelligence: Multilateral Intelligence Cooperation in the European Union

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Abstract

Since intelligence is an essential part of national security, a high volume of cooperation in this area is not expected. An assessment of the literature shows that there are several obstacles to intelligence cooperation. More precisely, states are reluctant to involve in intelligence cooperation because of trust factors and other factors such as bureaucratic culture and resistance, regime type, lack of normative motivation, and shared identities. Even if they are compelled to cooperate, they prefer bilateral intelligence cooperation. However, due to the globalization of national security threats in the last two decades, intelligence organizations are currently obliged to cooperate multilaterally even though they do not prefer to do so. Multilateral intelligence cooperation within the European Union is a unique example of relatively successful multilateral intelligence cooperation. On the one hand, official European intelligence agencies INTCEN and Europol provide the legal framework of intelligence cooperation among the Union. On the other hand, informal channels such as the Club of Berne are also proven useful for the EU's intelligence cooperation. We argue that the relative success of European intelligence cooperation derives from at least three factors. These are institutionalized demand for intelligence governance, the delegated authority of the members of the EU's (epistemic) intelligence community, and its ability to set the national security agenda of the EU.

Keywords: *Intelligence, Global Governance, Cooperation, European Union*

Özet

İstihbarat ulusal güvenliğin önemli bir parçası olduğu için bu alanda yüksek hacimde bir işbirliği beklenmemektedir. Literatürün değerlendirmesi sonucunda istihbarat işbirliğinin önünde engeller olduğu tespit edilmiştir. Daha doğrusu, devletlerin güven faktörleri, bürokratik kültür ve direniş, rejim türü, normatif motivasyon ve ortak kimlik eksikliği gibi faktörler nedeniyle istihbarat alanında işbirliğine isteksiz olduğu belirlenmiştir. İşbirliği konusunda bir mecburiyet doğduğunda ise istihbarat işbirliğinin ikili çerçevede tercih edildiği görülmüştür. Son yirmi yılda ulusal güvenlik tehditlerinin küreselleşmesi nedeniyle, istihbarat örgütleri bunu tercih etmeseler dahi çok taraflı işbirliği yapmakla yükümlü hale gelmişlerdir. Avrupa Birliği içindeki nispeten başarılı çok taraflı istihbarat işbirliği bu alanda eşsiz bir örnek oluşturmaktadır. Avrupa istihbarat teşkilatları INTCEN ve Europol, birlik arasındaki istihbarat işbirliğinin yasal çerçevesini sağlamaktadır. Bern Kulübü gibi gayri resmi kanalların da AB'nin istihbarat işbirliği için yararlı olduğu görülmüştür. Bu çalışmada, Avrupa istihbarat işbirliğinin göreceli bu başarısının en az üç faktörden kaynaklandığını iddia edilmektedir. Bunlar, istihbarat yönetişimi için kurumsallaşmış talep, AB'nin (epistemik) istihbarat topluluğu üyelerinin yetki türü ve AB'nin ulusal güvenlik gündemini belirleme yeteneğidir.

Anahtar Kelimeler: *İstihbarat, Küresel Yönetişim, İş birliği, Avrupa Birliği*

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1. Introduction

Michael Corleone, son of the head of the Sicilian mafia Don Vito Corleone, says to his colleagues, “Keep your friends close, but your enemies closer” in The Godfather Part II. Given the complex relations of the mafia in New York, it seems a piece of wise advice. Several mafia families with different interests and cultures control different territories of the city. They frequently gather in a meeting to discuss problems between the families, the city's problems, and threats from different mafia groups such as the Russian mob. To maximize their interests, these families either cooperate or compete.

As these mafia families in the Godfather series, states in the international political system have sovereignty over a specific territory with various national interests and cultures. However, they usually prefer to keep their friends close, but not too close, and keep enemies as far as possible in terms of intelligence. In other words, they avoid multilateral cooperation as much as possible regarding intelligence. An assessment of the literature reveals that research on intelligence cooperation primarily focuses on obstacles to intelligence cooperation rather than explain/analyze them. Also, the literature is highly skeptical of the existence of multilateral intelligence cooperation. Contrary to the literature’s findings, however, intelligence cooperation in the European Union is an essential example of the existence of multilateral cooperation. We argue that the relative success of European intelligence cooperation derives from at least three factors. These are institutionalized demand for intelligence governance, the delegated authority of the members of the EU’s (epistemic) intelligence community, and its ability to set the national security agenda of the EU.

2. Literature Review

Though it is not one of the heavily studied topics in the field, it is evident that scholarly attention to intelligence cooperation has been gradually increasing in the last three decades. Two studies document the evolution of intelligence cooperation in security studies. On the one hand, Tuinier analyzes 1842 articles on intelligence published between 1991 and 2018 and finds that there are 274 articles on intelligence cooperation, which is 4.5% of the total published articles, in this era.[1] On the other hand, Rietjens starts with a broader focus, security studies

[1] Pepijn Tuinier, "Explaining the depth and breadth of international intelligence cooperation: towards a comprehensive understanding." *Intelligence and National Security* 36, no.1 (2021): 119.

literature, and explores that 720 articles published on intelligence in defense organizations between 2009 and 2018.[2] However, only 25 of these articles are solely on intelligence cooperation.[3] It is also important to note that the number of articles on intelligence cooperation dramatically increased after 2009.[4] The data of these two articles indicate that even though there is a growing academic interest in intelligence cooperation, it is still an overlooked area in the field.

A closer examination of relevant literature reveals that most of the articles on intelligence cooperation are not exploring the concept. Instead, these articles focus on obstacles to intelligence cooperation. However, several studies were also conducted to explore the concept. There are four approaches to explain intelligence cooperation: capabilities, personal relations, cost-benefit analysis, and globalization.

As a pioneer in the field, Lefebvre argues that diversity of intelligence capabilities is the leading facilitator of intelligence cooperation.[5] In other words, the diversity of intelligence capabilities among different intelligence organizations pave the way for cooperation. It is also important to note that there should be a mutual threat or interest to incentivize the parties to collaborate. For instance, the United States has advanced technological intelligence gathering capabilities, whereas Turkey has advanced human intelligence capabilities relatively. Therefore, it would be wise for them to cooperate to further their mutual interests in the Middle East. Likewise, Ethiopian-US intelligence cooperation amplified after 9/11 at least for two reasons: mutual threat/interest and divergence on intelligence capabilities. On the one hand, Ethiopia's neighbor Somali had the potential to become a haven for Al-Qaeda to revitalize its organizational and tactical capacity after US intervention in Afghanistan.[6] Al-Qaeda's presence in Somalia posed a grave threat to both of the countries. On the other hand, Ethiopian intelligence already established a reliable human intelligence network in Somalia in the 1990s.[7]

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[2] Sebastiaan Rietjens, "Intelligence in defence organizations: a tour de force." *Intelligence and National Security* 35, no.5 (2020): 724.
[3] Ibid.
[4] Tuinier, "Explaining the depth and breadth of international intelligence cooperation: towards a comprehensive understanding." 119.
[5] Stéphane Lefebvre, "The difficulties and dilemmas of international intelligence cooperation." *International Journal of Intelligence and Counterintelligence* 16, no.4 (2003): 527.
[6] Sobukwe Odinga, "'We recommend compliance': bargaining and leverage in Ethiopian–US intelligence cooperation." *Review of African Political Economy* 44, no.153 (2017): 436.
[7] Ibid.

Also, US intelligence organizations suffer from the lack of human intelligence capabilities in Somalia. In other words, Ethiopian and US intelligence organizations cooperated because their intelligence capabilities differ: while the former needed to acquire technical intelligence, the latter required human intelligence capacity against a common threat in the area.

The Euro-Israeli intelligence cooperation in the late 1970s was also a result of the diversity of intelligence capabilities against a common threat. Due to terrorist attacks on European soil in the 1970s[8], an intelligence-sharing platform, KILOWATT, was founded in 1977 to facilitate intelligence cooperation between Israeli intelligence organizations and their European counterparts.[9] The main motivation behind cooperation was the diversity of intelligence capabilities. While Israeli intelligence had superior human intelligence capabilities, European intelligence organizations had a far superior logistical network in Europe.[10]

Lander, on the other hand, points the importance of the personal relationship of intelligence professionals to explain intelligence cooperation. He argues that instead of shared beliefs or interests under the institutional arrangements, the relationship between countries' intelligence professionals affects the intelligence cooperation both conceptually and operationally. Per Lander, if two countries' senior intelligence officers have a decent relationship, it should boost intelligence cooperation between these states.[11] For instance, Guttman argues that the success of KILOWATT, as an example of intelligence cooperation, is a result of a decent relationship between heads of intelligence agencies of participating countries.[12] Likewise, Tobey underlines that cooperation between CIA and MI6 on the disarmament of Libyan WMDs in 2003 was enhanced after CIA Director George Tenet and MI6 Director Richard Dearlove met in London and decide to cooperate further on the issue.[13]

[8] For instance, OPEC oil ministers were kidnapped in Vienna in 1975. Shlomo Shpiro, "The communication of mutual security: frameworks for European-Mediterranean intelligence sharing." *Bar-Ilan University Department of Political Studies* (2001): 17.
[9] Ibid.
[10] Aviva Guttmann, "Combatting terror in Europe: Euro-Israeli counterterrorism intelligence cooperation in the Club de Berne (1971–1972)." *Intelligence and National Security* 33, no.2 (2018): 169-170.
[11] Sir Stephen Lander, "International intelligence cooperation: An inside perspective." *Cambridge Review of International Affairs* 17, no.3 (2004): 493.
[12] Guttmann, "Combatting terror in Europe: Euro-Israeli counterterrorism intelligence cooperation in the Club de Berne (1971–1972)." 169.
[13] William Tobey, "Cooperation in the Libya WMD disarmament case." *Studies in Intelligence* 61, no.4 (2017): 32.

Sparago asserts that intelligence cooperation is a result of cost-benefit analysis. However, he emphasizes the importance of shared values. According to Sparago, intelligence cooperation is beneficial and applicable as long as states create a balance between costs and risks.[14] Nigerian-Indian intelligence cooperation illustrates an example of Sparago's claims. Even though Boko Haram was founded in 2002, its attacks in the resource-rich Niger-Delta region intensified after 2011.[15] It would be fair to argue that there was no effective intelligence cooperation between Nigeria and India between 2002 and 2011. Nevertheless, after the expansion of Boko Haram's hideouts in mining areas in the region, which Indian firms have investments in, after 2012, Indian intelligence began cooperating with Nigerian intelligence to counter Boko Haram in the region.[16] In other words, Indian intelligence did not involve the conflict between the Nigerian government and Boko Haram until 2011 because the costs exceeded the benefits. After Boko Haram settled in the Niger-Delta region, however, cooperating with Nigerian intelligence became more beneficial. Since they do not have adequate capabilities to counter Boko Haram themselves, cooperating with Indian intelligence was beneficial to Nigerian intelligence organizations as well. As Sparago argues, Nigerian-Indian intelligence cooperation was a result of cost-benefit analyses of both parties.

Birsan disagrees with Sparago and claims that traditional cost-benefit analysis is not effective in measuring the existence of intelligence cooperation. Instead, common interests, coordination, capabilities, trust, and bureaucratic harmony between states are the factors that drive intelligence cooperation.[17] From a historical perspective, Tuinier argues that intelligence cooperation in Western Europe during the Cold War occurred due to a common interest: preventing Soviet expansion into the region.[18] Likewise, Teodor and Teodor examine the intelligence cooperation patterns of the Romanian Secret Service (SSI) and reached a similar

[14] Marta Sparago, "The global intelligence network: Issues in International Intelligence Cooperation." *Perspectives on global issues* 1, no.1 (2006): 5.
[15] John Campbell, "Boko Haram in the Niger Delta?, 2011, *Council on Foreign Relations*, https://www.cfr.org/blog/boko-haram-niger-delta (29.04.2021).
[16] Ghazali Bello Abubakar, "Strengthening Nigeria-India Intelligence Cooperation: Much to Do in Fighting Boko Haram." *International Journal of Social Sciences and Economic Review* (2020): 4.
[17] Constantin-Marian Birsan,. *Intelligence effectiveness in the European Union (EU) in the new security environment*. Naval Postgraduate School, Department of National Security Affairs, (Monterey California: 2012), 41.
[18] Tuinier, "Explaining the depth and breadth of international intelligence cooperation: towards a comprehensive understanding." 123.

conclusion.[19] A more current example of the role of common interest in intelligence cooperation is the growing intelligence cooperation between Greece and Israel after 2010. Even though Greece and Israel do not have a history of comprehensive intelligence cooperation, intelligence cooperation between these two countries started to expand after both countries' relations to Turkey dramatically deteriorated.[20] Put differently, due to political divergences and Turkish expansion in the region, balancing Turkey in the region became a common interest for both parties which led to an increase in intelligence cooperation between Greece and Israel.

Finally, Aldrich, Bigo, and Svendsen argue that the globalization of the threats compelled intelligence organizations to cooperate.[21] In a dynamic security environment with more complex threats, countering these threats is beyond national intelligence organizations' capabilities. Therefore, they collaborate to counter these threats.

Unlike these studies above, the majority of the studies on intelligence cooperation focus on obstacles to intelligence cooperation. These obstacles can be categorized under two broad themes: trust factors and other factors. Trust factors are secrecy, lack of trust, the difficulty of building trust, regime types, and risks. Other factors are bureaucratic resistance, lack of normative motivation, lack of flexibility, legal costs, and competition among agencies.

Given intelligence is one of the most important pillars of national security and requires high secrecy, it is fair for intelligence organizations to be concerned about exposing state secrets in intelligence cooperation. In other words, required secrecy to conduct intelligence operations led to a lack of trust among counterparts and has the potential to produce a risk of severe damage that can jeopardize countries' national security. Therefore, intelligence organizations are reluctant to share intelligence in principle.[22] However, to enhance their intelligence capabilities and strengthen their position in the global security environment, states may cooperate if the

[19] Bogdan Alexandru Teodor and Mihaela Teodor. "Intelligence Cooperation and Sharing Advantages. The Case of The Interwar Romanian Secret Service (SSI)." *Bucharest–2016*, 126-131.
[20] John M. Nomikos, and A. Th Symeonides. "Coalition Building, Cooperation, and Intelligence: The Case of Greece and Israel." *International Journal of Intelligence and Counterintelligence* 32, no.4 (2019): 679.
[21] Richard J. Aldrich, "International intelligence cooperation in practice." *International intelligence cooperation and accountability* 18, (2018): 22.; Didier Bigo, "Shared secrecy in a digital age and a transnational world." *Intelligence and National Security* 34, no.3 (2019): 387.; Adam DM. Svendsen, *Understanding the globalization of intelligence*. Vol. 30. Basingstoke: Palgrave Macmillan, 2012, 77.
[22] Jan Ballast, "Merging Pillars, Changing Cultures: NATO and the Future of Intelligence Cooperation Within the Alliance." *International Journal of Intelligence and CounterIntelligence* 31, no.4 (2018): 721.

potential benefits are substantially more than potential risks.[23] It is also vital for intelligence organizations' to set the balance of the amount of sharing intelligence. If too much information is shared, it may lead to a greater cost for the intelligence organizations since it may expose its sources and collection methods to counterparts, if not greater damage in the case of defection.[24] Also, it can hurt the delicate balance among sharing partners and can destabilize the mutual relationship.

It is vital to emphasize that building trust is also extremely difficult due to intelligence activities' nature. In other words, since intelligence organizations mostly work on sensitive issues, it is even harder to build trust between states. Moreover, iteration does not work in intelligence cooperation. Hence, it is significantly hard to have the logic of consequences since each exchange of intelligence is considered different cases by intelligence agencies. Also, even there exists trust between intelligence agencies, this trust can be broken very easily. For a hypothetical exam, even though US and Turkish intelligence agencies have a long history of cooperation bilaterally, a new chief of US intelligence may decide to give information to terrorist organizations in Syria before a Turkish military operation due to political divergence on and issue. If detected by the Turkish intelligence organizations, it can severely hurt the trust between the parties.

It should also be pointed out that no matter friend or foe, all intelligence agencies aim to gather information as much as possible for all states. Considering intelligence has a crucial role in the foreign policy decision-making process, it is possible that one state can manipulate others by sharing intelligence in a limited way or sharing intelligence with the purpose of disinformation. Furthermore, even though the intelligence shared by another state does not aim for disinformation, the receiver state usually considers it as it is. For instance, British intelligence shared vital intelligence, gathered from a Soviet Komitet Gosudarstvennoy Bezopasnosti (KGB) officer, with US intelligence officials about the Soviet war scare in the 1980s. However, even though the intelligence was accurate, US intelligence officials considered this intelligence as disinformation.[25] Given that the US and the UK have the best

[23] Bjorn Fagersten, "Multilateral Intelligence Cooperation: A Theoretical Framework." *B. Fagersten, Multilateral Intelligence Cooperation: A Theoretical Framework* (2012): 11-12.
[24] Sparago, "The global intelligence network: Issues in International Intelligence Cooperation" 1.
[25] Benjamin B. Fischer, "Anglo-american intelligence and the soviet war scare: The untold story." *Intelligence and National Security* 27, no.1 (2012): 75.

bilateral intelligence cooperation so far, this example illuminates the difficulty of building trust between states and their intelligence communities.

In addition to features of intelligence cooperation regarding risks and lack of trust, it is also important to note that regime type also determines the trust between parties. If the two countries' regime type is different, intelligence cooperation is not likely to occur, which is another obstacle to intelligence cooperation. Utilizing the Democratic Peace Theory, Aldrich asserts that liberal democratic countries are reluctant to involve multilateral intelligence cooperation that includes authoritarian regimes.[26] On the other hand, Bock argues that democracies only cooperate with other democracies and do not cooperate with different regimes regardless of the number of the joining parties.[27] The Romanian case is a promising example to show the role of regime type in determining trust in intelligence cooperation. For most Western intelligence agencies, Romanian intelligence, the Securitate, was not a reliable partner before the collapse of the Soviet regime. Therefore, intelligence cooperation was not an option. After the reformation of the Romanian intelligence system, in parallel to the country's democratization after the collapse of the Soviet regime, the Securitate's successor, Romanian Intelligence Service (SRI), is a trustworthy partner for the majority of the democratic countries and their intelligence organizations.[28]

Even though other factors are also connected to trust, they are more likely due to bureaucratic and legal procedures. The first obstacle to multilateral intelligence cooperation in this category is bureaucratic resistance. Bureaucratic culture is an essential aspect in understanding cooperation. As Barnett and Finnemore indicate, states, institutions, and international organizations' bureaucratic culture determine the level of cooperation by promoting or dissuading it.[29] Even though political authority/policymakers want to cooperate with other state or states, it does not necessarily mean that cooperation will happen due to the bureaucratic culture (resistance) of national intelligence agencies since these organizations have their very own bureaucracies, cultures, and interests. For instance, the Turkish National

[26] Aldrich, “International intelligence cooperation in practice." 27.
[27] Ryan E. Bock, "Anglo-Soviet Intelligence Cooperation, 1941–45: Normative Insights from the Dyadic Democratic Peace Literature." *Intelligence and National Security* 30, no.6 (2015): 890.
[28] Florina Cristiana Matei. "The challenges of intelligence sharing in Romania." *Intelligence and National Security* 24, no.4 (2009): 574-579.
[29] Martha Finnemore and Michael N. Barnett. *Rules for the world: international organizations in global politics*. (Cornell University Press: 2004): 17-18.

Intelligence Agency (MIT) has long been considered a part of the Turkish military. From its establishment in 1926 as the Chairmanship of National Security Services (MAH) to the 1990s, the Turkish National Intelligence Organization heads were always generals from the Turkish army.[30] Consequently, MIT's bureaucratic culture had military motives, and it considered Turkish military intelligence agencies as crucial partners until the late 1990s, even though it is a civilian intelligence agency.[31] It is also important to bear in mind that there is one exceptional case that bureaucratic resistance played a vital role in ameliorating intelligence cooperation. In contrast with common arguments and expectations, the European intelligence bureaucracy resisted European policymakers to continue intelligence cooperation under the Club of Berne and KILOWATT against Palestinian armed groups.[32]

Bureaucratic resistance in intelligence cooperation is mainly a result of intelligence organizations' unique bureaucratic culture(s). As Fagersten underlines, intelligence organizations work in an elitist and isolated environment in which the staff's mobility is low and interaction with other organizations is seldom.[33] Therefore, the strict bureaucratic culture of intelligence organizations usually led to bureaucratic resistance regarding intelligence cooperation. Furthermore, it is also known that intelligence bureaucracies have their own cost and benefit analysis, and sharing intelligence is usually seen as a poor investment to enhance their budget and political efficiency.[34] Consequently, even if the benefits are much more than costs for policymakers, it may not be in favor of intelligence organizations' cost-benefit analysis.

For instance, British, French, and Belgian intelligence agencies tried to create a multilateral intelligence partnership to create resistance to occupant states during the First World War and the Second World War. However, it failed in both wars. The main reason behind the failure was British, French, and Belgian intelligence agencies' bureaucratic differences. Different personnel of different agencies with different bureaucratic cultures led to the collapse

[30] Erdal İlter, *Millî İstihbarat Teşkilâtı Tarihçesi*, (Ankara: MİT Basım Evi, 2002).
[31] İlter, *Millî İstihbarat Teşkilâtı Tarihçesi.*
[32] Guttmann, "Combatting terror in Europe: Euro-Israeli counterterrorism intelligence cooperation in the Club de Berne (1971–1972)." 159.
[33] Björn Fägersten, "Bureaucratic resistance to international intelligence cooperation–the case of Europol." *Intelligence and National Security* 25, no.4 (2010): 504.
[34] Fägersten, "Bureaucratic resistance to international intelligence cooperation–the case of Europol." 503.; Birsan,. *Intelligence effectiveness in the European Union (EU) in the new security environment*. 46.

of cooperation. In other words, in addition to bureaucratic differences, competition about being superior between three agencies and organizational competition in terms of budget are led to inefficiency and failure.[35] As shown in the example of failed multilateral cooperation between British, French, and Belgian intelligence agencies, bureaucratic culture is an essential barrier to intelligence cooperation. On the other hand, internal competition between intelligence agencies is an important thing one should not ignore. Even different intelligence agencies of the same country have competition, such as the Central Intelligence Agency (CIA) and the Federal Bureau of Investigation (FBI)[36] in the United States or Military Intelligence Section 5 (MI-5) and Military Intelligence Section 6 (MI-6) in the United Kingdom. The most dramatic example of the role of internal competition is the Nigerian intelligence community. It is fair to argue that the ineffectiveness of Nigerian security policies and also Nigerian involvement in multilateral intelligence cooperation is strictly a consequence of rivalry and clashes among Nigerian intelligence organizations.[37] Given the examples of internal competition above, it would be fair to understand the lack of interest for intelligence agencies from different parts of the world with different bureaucratic cultures and interests in intelligence cooperation.

Besides bureaucratic resistance, intelligence organizations do not have normative motivations to cooperate. While states cooperate in normative issues such as fighting climate change or global hunger to reduce the costs and risks, since intelligence is a fragile topic at the core of formulating national security policies, states, and intelligence organizations do not have a normative motivation to cooperate. Furthermore, legal responsibilities and transparency are also reducing the possibility of intelligence cooperation. On the one hand, intelligence cooperation requires legal adjustments or a fulcrum for the countries to staying in the legal framework. On the other hand, it would be hard to tell that intelligence is always being gathered legally, particularly in clandestine activities.[38] In that manner, it would be fair to assert that

[35] Emmanuel Debruyne, "Intelligence in Occupied Belgium: The Business of Anglo-Belgian Espionage and Intelligence Cooperation during the Two World Wars (1914–1918, 1940–1944)." *Intelligence and National Security* 28, no.3 (2013): 313-320.
[36] Even though CIA and FBI have different jurisdictions, overlapping issues and budget issues create a competition between these two agencies. They are also known as "enemy brothers." Mark Riebling, *Wedge: The secret war between the FBI and CIA*. (Knopf, 1994): 103.
[37] Temitope Francis Abiodun, et al. "Security Intelligence Cooperation and the Coordinated War on Terror among Nigeria's Security Agencies: Panacea to Stable National Security." *Global Scientific Journal Publications: London* 7, no.7 (2019), 542.
[38] Richard C. Gross, *Different Worlds: Unacknowledged Special Operations and Covert Action*. US Army War College (Carlisle Barracks PA, 2009): 1.

involving multilateral intelligence cooperation poses a legal cost for intelligence organizations. It also diminishes operational flexibility and hurts deniability which can be a valuable tool in policy fails.[39] Last but not least, intelligence cooperation at a multinational level needs significant transparency since there should be an official headquarter, and states need to appoint/delegate their personnel to the headquarter, which may be perceived as exposure by senior intelligence officials.

An assessment of the literature on intelligence cooperation and obstacles to intelligence cooperation shows that states and intelligence organizations are hesitant actors regarding intelligence cooperation because of trust and other factors that may undermine their countries' or agencies' security policies. Moreover, if they had to cooperate for some reason, they prefer to do it in tight circles. Yet, unlike what literature suggests, the EU has achieved to build durable multilateral intelligence cooperation.

3. Multilateral Intelligence Cooperation of the EU

As the EU's foundation itself, multilateral intelligence cooperation of the EU took a couple of decades to be established, though it is not entirely effective. After several efforts to create durable multilateral intelligence cooperation, the EU established a unique governing structure to manage intelligence affairs in the Union. We argue that the EU's intelligence structure's unique nature is the critical factor in its relative success. The European intelligence structure has two types of governance. On the one hand, there is vertical governance between the national and European levels; on the other hand, horizontal governance across member states.[40] Put differently, European Police Office (Europol) and the European Union Intelligence and Situation Centre (INTCEN) are vertical institutions. In contrast, institutions such as the Club of Berne –then initiated the Counter-Terrorist Organization (CTG)-, and the Police Working Group on Terrorism (PWGT) are horizontal ones.[41]

[39] David Tucker, *The end of intelligence: Espionage and state power in the information age*. (Stanford University Press, 2014): 94-95.; Frank Cass and Ḥazi Karmel, *Intelligence for peace: the role of intelligence in times of peace*. (Psychology Press, 1999): 165.; Mark M. Lowenthal, *Intelligence: From secrets to policy*. (CQ press, 2019).

[40] Mai'a. K. Davis Cross, "A European transgovernmental intelligence network and the role of IntCen." *Perspectives on European Politics and Society* 14, no.3 (2013): 398.

[41] Monica Den Boer, Claudia Hillebrand ve Andreas Nölke. "Legitimacy under pressure: the European web of counter-terrorism networks." *JCMS: Journal of common market studies* 46, no.1 (2008): 102.; Labasque, Nicolas. "The Merits of Informality in Bilateral and Multilateral Cooperation." *International Journal of Intelligence and CounterIntelligence* 33, no.3 (2020): 495.

Efforts of intelligence cooperation in the EU have started before the establishment of Europol and the INTCEN. From 1971 to today, heads of the member states' intelligence agencies, initially had six members, have been meeting annually to discuss security problems.[42] These annual meetings are known as "The Club of Berne." It is important to note that this series of meetings is an example of informal intelligence cooperation. To encourage intelligence cooperation in counterterrorism, facilitate intelligence-sharing practices, and provide threat assessments to European policymakers, the Club of Berne initiated a forum after 9/11.[43] This forum evolved over the years and was reorganized as the Counter-Terrorist Organization.

In addition to the CTG, the EU has two formal intelligence organizations. These are Europol and INTCEN. To provide a legal framework of intelligence cooperation, the EU has established Europol and INTCEN in the late 1990s[44] With the K Article of the Maastricht Treaty, the legal framework of Europol has been created. After the ratification of the K Article in 1995, Europol started its operations in 1999. In parallel with the EU's expansion in 2004 and 2007, the European Council transformed Europol into an EU agency.[45] According to the official website of Europol, it has 1323 personnel and 252 liaison officers by the end of 2020, which almost doubled in the last six years.[46] On the other hand, the main European intelligence agency, INTCEN, was founded as SitCen in 2001 by the High Representative of the EU, Javier Solana, and renamed as INTCEN in 2012.[47] It has roughly 70 staff members appointed by their national intelligence agencies and funded by European External Action Service. It should be pointed out that the European Military Staff and the European Satellite also involve in intelligence cooperation in their expertise areas even though they are not classified as European intelligence institutions.[48]

[42] Lefebvre, "The difficulties and dilemmas of international intelligence cooperation." 530.
[43] Claire DiMario, "Counter Terrorist Group." *Harvard Law School Program on International Law and Armed Conflict*, 2015, https://pilac.law.harvard.edu/europe-region-efforts//counter-terrorist-group-ctg (16.03.2021).
[44] Birsan,. *Intelligence effectiveness in the European Union (EU) in the new security environment*. 15.
[45] Europol, *Europol's History*, 2021, https://www.europol.europa.eu/history/europol-history.html (16.03.2021); Birsan,. *Intelligence effectiveness in the European Union (EU) in the new security environment*. 16-17.
[46] Europol, Statistics&Data, 2021, https://www.europol.europa.eu/about-europol/statistics-data (16.03.2021); Birsan,. *Intelligence effectiveness in the European Union (EU) in the new security environment*. 16-17.
[47] Şeniz Bilgi, "Intelligence Cooperation in the European Union: An Impossible Dream?." *All Azimuth: A Journal of Foreign Policy and Peace* 5, no.1 (2016): 60.; Rubén Arcos and José-Miguel Palacios. "EU INTCEN: a transnational European culture of intelligence analysis?." *Intelligence and National Security* 35, no.1 (2020): 74.
[48] K. Mai'a, "The European space and intelligence networks." *Journal of Transatlantic Studies* (2020): 218.

In addition to official European intelligence platforms, there are thematic working groups and parties that member states' representatives gather and discuss security issues such as the Terrorism Working Group (TWG), Working Party on Terrorism (COTER), Article 36 Committee (CATS), The Strategic Committee on Immigration, Frontiers, and Asylum, and Working Party on Civil Protection.[49]

Given the structure of European intelligence and the obstacles of multilateral intelligence cooperation, we argue that governing European intelligence and European intelligence cooperation's relative success can be best analyzed and explained by liberal governmentality and one of its key concepts: multilevel governance system.

Even though trust and bureaucratic factors that deter multilateral intelligence cooperation exist in the European Union[50], three main reasons boosted European multilateral intelligence cooperation. The first is globalism. The second is the mobilization of terrorism as a result of globalism. The third is the rise of open-source knowledge due to globalism and the development of information technologies.

In addition to its benefits, globalism has brought new challenges to intelligence communities. States' intelligence agencies were forced to deal with global problems such as transnational threats that are beyond national intelligence agencies' material and operational capacities.[51] Hence, national intelligence agencies started to cooperate specifically on transnational security issues in a very limited way.

Globalization also enhanced the mobility of terrorist networks. On the one hand, ideological terrorist networks such as Al Qaeda have globalized and started to operate globally. On the other hand, terrorist organizations that operate in a specific country began to cooperate with other terrorist organizations to expand their influence and operational capacity. Therefore, due to the mobilization of terrorist networks, the need for intelligence cooperation increased.

Moreover, major terror attacks after 2000, such as 9/11 in 2001, Madrid train bombings in 2004, and London bombings in 2005, proved that intelligence agencies should improve

[49] Gauri Khandekar, *The EU as a Global Actor in Counter Terrorism*, 2011, http://www.culturaldiplomacy.org/academy/content/pdf/participant-papers/eu/Gauri-Khandekar-The-EU-as-a-Global-Actor-in-Counter-Terrorism.pdf (17.03.2021): 8.
[50] Damien Van Puyvelde, "European intelligence agendas and the way forward." *International Journal of Intelligence and CounterIntelligence* 33, no.3 (2020): 509-510.
[51] Ahmet Ateş, "Current Challenges and Trends In intelligence." *Güvenlik Bilimleri Dergisi* 9, no.1: 178.

multilateral cooperation to counter globalized terrorism.[52] Particularly, Madrid and London bombings that occurred on European soil became the catalyzer of boosting European intelligence cooperation.[53] However, these attacks themselves were not enough to overcome trust and bureaucratic factors in terms of European multilateral intelligence cooperation. Afterward the attacks, intelligence was still a state-centric concept, and cooperation was still limited in the European continent. Nevertheless, the rise of open-source knowledge due to globalism and the development of information technologies became a game-changer in terms of governing European intelligence. As a result of developments in information technologies and a rising amount of open-source knowledge, the nature of gathering intelligence has changed. Now, 80-90% percent of intelligence is being collected by open sources.[54] Even though national governments in the EU are still somewhat reluctant to share intelligence, it is easier to share open-source intelligence since it is derived from publicly available sources.[55] Furthermore, due to the rising importance and availability of open-source intelligence, the dependency of national intelligence resources for European policymakers and intelligence professionals is dramatically reduced.[56]

In addition to the reduced risk of sharing open-source intelligence, two groups of actors in the EU play an essential role in governing European intelligence regarding multilateral intelligence cooperation and promoting cooperation. The first of this group is European official intelligence agencies – Europol and INTCEN, and the second is thematic working groups in the EU- epistemic intelligence communities.

Their countries appoint seventy staff members of INTCEN and two hundred fifty-two Europol liaison personnel. These intelligence experts created an epistemic intelligence community within the structure of INTCEN and Europol. These three hundred and twenty-two intelligence personnel, from different backgrounds and nationalities, have expertise authority and cultivate personal relationships under the institutional arrangement, built an epistemic

[52] Yvan Lledo-Ferrer and Jan-Hendrik Dietrich. "Building a European intelligence community." *International Journal of Intelligence and CounterIntelligence* 33, no.3 (2020): 445.
[53] Ballast, "Merging Pillars, Changing Cultures: NATO and the Future of Intelligence Cooperation Within the Alliance." 722.
[54] Andrew Rettman, "EU intelligence services opening up to collaboration." *EUObserver.com*, (2011): 18 quoted in Cross, "A European transgovernmental intelligence network and the role of IntCen.": 389.
[55] Mai'a, "The European space and intelligence networks."214.; José-Miguel Palacios, "On the Road to a European Intelligence Agency?." *International Journal of Intelligence and CounterIntelligence* 33, no.3 (2020): 487-488.
[56] Mai'a, "The European space and intelligence networks."17.

intelligence community, and amplified intelligence cooperation both conceptually and operationally, as Lander argues.[57] It is important to emphasize that expanding the use of open-source intelligence provides these experts relative flexibility in sharing intelligence since information does not necessarily derive from clandestine activities or related to highly state-centric issues. Over time, these personal relationships and growing epistemic identity helped to build trust between the European intelligence experts from different states. It is possible to claim that these factors helped to overcome or at least decreased the trust factor's role in intelligence cooperation as an obstacle.

There is another epistemic intelligence community within the EU. This community consists of thematic working groups and parties such as the Terrorism Working Group (TWG), Working Party on Terrorism (COTER), Article 36 Committee (CATS), and relatively informal establishments such as the Budapest Club and the Trevi Group. In these thematic working groups and forums, member states' representatives gather and discuss security issues regularly that also improved personal relationships between experts from different nations and grow epistemic identity.[58] As Ryngaert and van Eijk assert, this epistemic identity of European intelligence solidified, particularly on terrorism issues.[59]

Discussion forums on intelligence within Europe also play a crucial role in expanding the European epistemic community on intelligence. Starting in the 1970s, several discussion forums such as the Club of Berne and the Trevi Group were established to exchange ideas between senior European intelligence officials. In addition to these long-standing forums, current establishments such as the Budapest Club and the Brenner Club also started to play a role in shaping the European security agenda in the last fifteen years. While the participants of the former are senior European intelligence officials, both intelligence officials and the private sector meet in the latter.[60][61]

[57] Lander, "International intelligence cooperation: An inside perspective.": 493.
[58] Hager Ben Jaffel,."Britain's European connection in counter-terrorism intelligence cooperation: everyday practices of police liaison officers." *Intelligence and National Security* 35, no.7 (2020): 1008.
[59] Cedric MJ Ryngaert and Nico van Eijk. "International cooperation by (European) security and intelligence services: reviewing the creation of a joint database in light of data protection guarantees." *International data privacy law* 9, no.1 (2019): 63.
[60] Mai'a, "The European space and intelligence networks."217.
[61] It is important to emphasize that NATO's Military College also played a vital role in cultivating personal relationship among participant countries. However, since this article's scope is limited to the European Union, this

It is essential to stress that these epistemic communities determine the EU's security agenda. On the one hand, these experts gather in regular meetings to discuss what are the main threats to European security and what are not. On the other hand, these experts produce official intelligence and policy reports of the EU. Put differently, these epistemic intelligence communities set the security agenda of the EU and determine the threats and policies. Even though national governments are still reluctant to involve intelligence cooperation, epistemic intelligence communities and international intelligence organizations of the EU are governing European intelligence and promoting intelligence cooperation. In other words, both vertical and horizontal institutions of the European intelligence system govern the European intelligence without governments, as Finkelstein argues[62], and even against the governments' will in some cases. For instance, due to the efforts of the European epistemic intelligence community, senior European intelligence officials particularly, the importance of intelligence cooperation in the Union's security was stressed in the EU's Global Strategy 2016 and 2019.[63] Similarly, the epistemic community's success in promoting intelligence cooperation is embodied in the establishment of Single Intelligence Analysis Capacity (SIAC) in 2007 and Intelligence College in Europe in 2019.[64]

The obstacles to multilateral intelligence cooperation in the literature review section exist in the European intelligence system. However, two factors enabled relative success in multilateral intelligence cooperation within the EU. These are the existence of a historical demand for governance in the EU and relatively successful integration of the EU. The very idea of the European Union's foundation was to prevent internal insecurity in Europe after the two world wars. Hence, comparing other regions in the world, the demand for intelligence governance started relatively early, the 1970s, with the foundation of the Club of Berne, in Europe. After the tragedies on European soil, such as the Madrid bombings in 2004 and London bombings in 2005, the demand for intelligence governance has increased and was institutionalized. On the one hand, it solidified the need for intelligence cooperation in fighting

institution was not added into the article. The Intelligence College in Europe, which was established in 2019 and not fully operational yet, can be another platform to grow epistemic identity in the near future.

[62] Lawrence S. Finkelstein, "What is global governance?." *Global Governance: A Review of Multilateralism and International Organizations* 1, no.3 (1995): 368.

[63] European Union, *Shared Vision, Common Action: A Global Strategy for the European Union's Foreign and Security Policy*, 2016, https://eeas.europa.eu/archives/docs/top_stories/pdf/eugs_review_web.pdf (29.04.2021): Van Puyvelde, "European intelligence agendas and the way forward." 507.

[64] Van Puyvelde, "European intelligence agendas and the way forward." 508.

terrorism. On the other hand, it led to the establishment of forums and clubs on intelligence cooperation. In the following years of attacks, Eurosint was founded in 2006 and the Budapest Club was founded in 2007.

It is also important to keep in mind that the relative success of the European integration, also facilitated the governance of European intelligence since it was easier to establish institutions and build trust in the EU due to spill-over and loyalty/coordination effects of the European integration.[65] It is known that the European experience of regional integration is far superior to other regional organizations such as ASEAN and the African Union.[66]

Governing European intelligence is strictly related to two concepts: productive power and liberal governmentality. European intelligence agencies and epistemic communities have different types of authority that enhance their productive power. There are institutional, delegated, and expert authorities in terms of Europol and INTCEN. Director of Europol Catherine De Bolle and Director of INTCEN José Casimiro Morgado have institutional authority in governing European intelligence and promoting multilateral intelligence cooperation since their authority derives from their positions which are defined and limited by the rules and purposes of these institutions. On the other hand, 252 Europol Liaison Officers and 70 staff members of INTCEN from 27 European member states have delegated authority. Their governments appoint them to represent their own countries, and their authority derives from their governments. All of this personnel are intelligence professionals from different countries, and all have expertise authority regarding intelligence. Thematic working groups such as CTG and TWG and discussion forums such as the Budapest Club consist of experts from different states in a particular security area such as terrorism or migration, and they also have issue-based expertise authority.

As a result of the structure of the European intelligence system, different epistemic communities have the expertise and, therefore, productive power. These epistemic communities and intelligence agencies govern European intelligence and manage multilateral cooperation by their productive power. They set the agenda of European intelligence, decide the priority of the

[65] Knud Erik Jørgensen and Ramses A. Wessel. "The position of the European Union in (other) international organizations: confronting legal and political approaches." *European foreign policy: legal and political perspectives* (2011): 282.
[66] Jens-Uwe Wunderlich. "The EU an actor sui generis? A comparison of EU and ASEAN actorness." *JCMS: Journal of Common Market Studies* 50, no.4 (2012): 655.

security issues, influence the member states' behaviors, provide technical assistance, and decide on allocating resources and, more importantly, promoting and administering multilateral intelligence cooperation within the EU.

4. Conclusion

As literature argues, there are several obstacles to intelligence cooperation, let alone doing it multilaterally. Due to the nature of intelligence activities, sharing intelligence is considered a poor investment since it may lead to exposure of state secrets, diminish policy options, or reduce the budget of intelligence organizations. However, because of the globalization of national security threats and enhanced capability of terrorist organizations, countries are compelled to cooperate in intelligence to counter these new and more complex threats regardless of their preferences.

The governance and cooperation of intelligence in the EU exemplifies a unique example of successful multilateral intelligence cooperation. Its relative success derives from at least three factors. In addition to the developments in open source intelligence, there has always been a demand for intelligence governance in the EU since the Union's foundation that facilitates establishing a unique European intelligence structure. The exceptional structure of the EU's intelligence system led to the rise of two epistemic intelligence communities throughout the EU. Finally, these vertical and horizontal epistemic intelligence communities set the agenda and promoted intelligence cooperation within the EU.

This article contradicts the literature's common argument and shows that multilateral intelligence cooperation exists under the right circumstances by analyzing the European case. Further studies should focus on exploring conditions suitable for multilateral intelligence cooperation to exist and work smoothly. These studies will further our understanding of intelligence cooperation and may give rise to a theory of intelligence cooperation that provides generalizable arguments and outcomes.

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