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Home > Current Issue Vol. 10 (2006) > Bendiek, Annegret

Cross-Pillar Security Regime Building in the European Union: Effects of the European Security Strategy of December 2003

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Abstract

Using an empirically driven case study of the effects of the European Security Strategy of December 2003 this article assesses the trends and nature of European security regime building. In assessing EU security regime building it explores, first of all, a securitisation of the European agenda as a top-down approach – initialled by the European Council that extends the security zone on Europe's periphery through the emergence of a multilateral order and the development of the foreign and security tool box. Secondly, this research suggests that the EU security regime building as a bottom-up process remains under construction within all three EU pillars by everyday policy-making. More important is the fact that the EU pursues a rigid strategy seeking to create the most total vision of a multidimensional security understanding in order to privilege the fight against terrorism at the regional and global level.

Full Text: HTML PDF

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Contents:

1. Introduction

Scepticism concerning the building of Common Foreign and Security Policy (CFSP) capacity increased in the light of the lack of agreement and the break into an "old and new Europe" that the war in Iraq brought about (see Lemaitre 2003). However, as a result of the Europeans' concern for reinforcing their multidimensional and multilateral vision of regional and international security set out by the European Security Strategy on 12 December 2003,[1] important agreements especially in the aftermath of the 11 March 2004 (Madrid) and 7 July 2005 (London) terrorist attacks have been put in place. CSFP capacity building must be seen in a broader international context, rather than in the narrower EU/European context that many of CFSP/European Foreign Policy/ external relations adopt.[2] The developments in CFSP are occuring within the context of an approach that is led by the US, based on the National Security Strategy from 2002, revised in March 2006. The US-led "global war on terror" was proclaimed by President Bush. Following this idea, democratic and other freedom-orientated states would, from then on, struggle against an "axis of evil" (Iran, Iraq, North Korea), and global terror networks and transnational terrorist groups, such as Al Qaeda.[3] However, the US "war on terror" is still a traditional external policy response to a security threat in the sense that it sought to solve problems by military intervention. This is one of the main clashes between the two pillars of the EU. Justice and Home Affairs (JHA) actors are used to tackling non-state actors in an inner-state context. External policy actors are used to dealing with state actors in an external context. How then should one deal with non-state actors in an external context, where international law still protects the right of other countries to deal with non-state actors on their territory, especially in a situation of conflict and war? War is a constant historical feature of international politics and is based on the notion that states face what has been described as a 'security dilemma' from which it is impossible to escape (see Herz 1950, Collins 2004). According to the classical understanding of what a security dilemma is, at the root of the current security dilemma imposed by the global war on terror, therefore, are distrust and fear among asymmetrical combatants. The question thus is how the EU as an international actor will try / should try to overcome the security dilemma? From a regional perspective, Karl W. Deutsch's security concept was among the first attempts after World War II to consider the possibility of peaceful change in international relations by defining a group that has become integrated, where integration is defined as the attainment of a sense of community to assure peaceful change among members of the community with reasonable certainty over a long period of

time (Deutsch 1957). Collective identities are the agents of peaceful change, which explains why interdependence and mutual responsibility grow among states, finally leading to the rejection of the use of physical violence; the construction of collective identities is thus a legitimate mechanism for the resolution of conflicts amongst states. Yet, Karl W. Deutsch's security concept is state-centric and this classical understanding of security as the absence of existential threats to the state emerging from another state is under heavy fire from two directions. First, it has been argued that the state is not the correct, or at least not the single, subject of security. The classical concept of security centred on the military as well as on the viability and safekeeping (survival) of the state. However, this concept has changed, giving rise to a broader concept that incorporates new elements such as 'human security', although the state continues to be the main reference point. Secondly, we have to consider different dimensions of security. From this perspective, security unfolds in several spheres and the traditional division into hard and soft security is diffusing. Hard security would previously have been defined as including external policy issues, soft security as well as internal policy issues (Buzan 1997, Müller 2002).

This article will argue that the terrorist attacks of 11 September 2001 in the US, 11 March 2004 in Madrid and 7 and 21 July 2005 in London initiated a so-called 'securitisation' of European agendas by bridging the gap between internal and external security (Pastore 2001). That is, the overall European agenda/integration process became "securitized". In fact, security has developed into an important element of integration by becoming a catalyst for agreements oriented to consolidate regional identities in security matters which, together with institutions and mechanisms, are building a security regime (Carillon 2005). This study is therefore interested in analysing the relationship between the processes of the securitisation of the European agenda on the one hand and security regime building across all three pillars of the EU on the other hand (see Monar 1997). Cross-pillar security regime building in the EU has therefore been intensified by the overall "fight against terrorism". "The overall fight against terrorism" is the underlying rationale of European cross-pillar security regime building.

Authors like Barry Buzan and Ole Wæver have worked on the idea of security communities, developing the concept of regional security complexes, through which they highlight the importance of the regions in structuring security levels (Buzan/Wæver 2003). According to this vision, due to regional integration, anarchic states generate security by the transformation into a single regional actor in the international system. A security community is based on learning processes, but the results of security regimes building are not as cohesive as those of community building (Adler/Barnett 1998). Drawing on interdependence theory, regime theory identifies tendencies towards the institutionalisation and normative regulation of conflict and co-operation (Krasner 1983). Regime theory, in contrast, insists on the importance of institutions within the structure of the international system and their influence on the behaviour of governments. (Keohane 1989). The aim is to prevent/overcome disaccords and conflict by the creation, maintenance and extension of co-operative frameworks facilitating collective action and interstate bargaining. Institutions do not only change the context within which states make their self-interested decisions; under certain conditions, institutions may even be necessary for the effective pursuit of a state's policy. In that sense, EU institutions strengthen the power of governments and they increase the efficiency of interstate bargaining. The transfer of sovereign power in European security regime building is thus turned into a calculated instrument of European governments that serves a specific purpose to regain their capacity of control and to increase their autonomy vis-à-vis domestic actors (Moravcsik 1993, 1997). In this sense, governments create regimes to lock in and consolidate democratic institutions, thereby enhancing their credibility and stability *vis à vis* non-democratic political threats. The concept of regime building to be used by this article is one which, in the context of European integration, shows a high level of applicability, especially in a policy field where national sovereignty is still very important for the Member States. Security regime building as a conceptual framework goes beyond European Integration theory and provides the opportunity to highlight trends and factors that might lead to the awareness that the EU is on the way to produce the most comprehensive multidimensional vision of security building.

The research undertaken in this article suggests that European security regime building is enhanced by two trends. First, the European Security Strategy of December 2003 has strenghtened the process of securitisation of the European agenda; second, the so-called securitisation of EU external action takes place in an extending process of cross-pillar security regime building emanating from new external threats challenging the EU, such as terrorism (Møller 2005: 35). It implies that the strategy of developing further cross-pillar politics to take account of the ongoing progress of the Union as an "area of freedom, security and justice" – an aim associated primarily with Home Affairs – should help achieve general goals set out in the European Security Strategy.

2. European Security Regime Building as a Top-Down Approach

The idea of regional security regime building was very much triggered by the launching of the European Security Strategy, adopted on 12 December 2003 by the European Council, through which the Member States of the EU highlight the importance of the EU in structuring security in Europe. The European Security Strategy (ESS) is one of the main documents in the EU's security strategy policy.(4) For the very first time, the EU explicitly identified key threats to its security and the lines of defence. The selection of these threats was based on the use of the multidimensional concept of security; hence poverty, pandemics and competition for natural or energy resources were incorporated alongside terrorism, international organized crime, the proliferation of weapons of mass destruction and regional conflicts such as *inter alia* in the Middle East.

Figure 1

The ESS highlights that the EU must develop the capacity to send missions to distant places and contribute to international security by exercising effective multilateralism, international co-operation and the strengthening of multilateral institutions. It states that active engagement is also in the EU security interest since it is negatively affected by poor governance, insecurity, poverty and conflicts far beyond its borders. However, it excludes the military option in the sense of preemptive strikes as stated in the American National Security Strategy. According to the ESS, the EU has therefore three key foreign policy objectives in developing its foreign policy tool box to meet contemporary security challenges:(5)

1. extending the security zone on Europe's periphery,
2. supporting the emergence of a stable and equitable international order, particularly an effective multilateral system, and
3. seeking effective countermeasures to new and old threats.

The argument that will be brought forward is that the launching of the European Security Strategy of December 2003 has sped up a differentiation of European foreign and security multilateral and bilateral relations along security issues on the one hand and a qualitative growth in foreign and security policy instruments in terms of counter-terrorism on the other hand.

3. Extending the Security Zone on Europe's Periphery

EU external relations basically cover the idea of a so-called "differentiated roadmap". The differentiated roadmap implies regionally determined foreign policy relations. The promotion of regional integration as well as the implementation of political and economic conditionality is a commitment which third countries have to make within their partnership with the EU. Conditionality varies and is dependent on the regional setting of third countries; however, it is a fundamental principle of EU foreign and security policies (see Schimmelfennig et al. 2003). In May 2004, ten new countries became member states of the EU; this has had a major impact on the Union's system of external relations which reflects different zones of EU foreign policy interventions in general. The

EU's external relations are separated into two spheres: "regional integration inside a wider Europe" and "regional integration outside a wider Europe".

First of all, "peace by integration" is the underlying rationale of regional integration inside a wider Europe. New neighbours such as Bulgaria, Romania, Croatia and Turkey are in the process of negotiations for EU accession. The strategic objective of the EU in the Balkans remains to support the Stabilisation and Association Process (SAP), which is designed to encourage and support domestic reform processes. The SAP offers these countries the prospect of full integration into the EU structures, provided that certain political and economic conditions are met. The degree of association varies from wanting to start accession negotiations (Croatia) to starting a feasibility report on the conclusion of a Stabilisation and Association Agreement (Bosnia and Herzegovina, for the former Serbia and Montenegro) (see Bendiek 2004).

Secondly, whereas the European Union has moved towards the politics of "peace by integration" in its SEE policy, the EU's role in its neighbourhood policy has to be considered as a regional security regime builder which has less to do with its CFSP, but more with the "external dimension of internal politics" (Lavenex 2004: 681). At the Thessaloniki European Council in June 2003 EU leaders committed themselves to reinforcing shared values and promoting their common interests, through developing new policies towards a wider Europe – the so-called New Neighbourhood. On 12 May 2004, the Council approved the European Neighbourhood Policy (ENP) which aims at enhancing cross-border co-operation at the external borders of the Union, in particular regional/transnational co-operation with Belarus, Ukraine, Moldova, the Southern Caucasus countries (Georgia, Armenia, and Azerbaijan) as well as with all the countries on the southern and eastern shores of the Mediterranean: Morocco, Algeria, Tunisia, Libya, Egypt, Israel, Jordan, Lebanon, Syria and the Palestinian Authority.(6) The ENP intends to create bilateral relationships in order to prevent a dividing line which could be formed between the enlarged EU and its neighbours. In 2004, the first Action plans have been adopted with Israel, Jordan, Morocco, Moldova, the Palestinian Authority, Tunisia and Ukraine. The ENP initiative seeks to create a space of shared stability with its neighbours. The fight against terrorism is becoming a priority in each Action plan. At the same time, the Mediterranean countries among the ENP-countries are members of the Euro-Mediterranean Partnership (EMP). At the EU-Mediterranean Summit, a 5-year Work programme as well as a Code of Conduct to Counter Terrorism was adopted in the end of November 2005.(7) Yet the question of what would qualify as a legitimate and proportionate self-defense against terrorism was not only internationally disputed in the context of the US-led war on Iraq. A second problem that the ENP Action Plan hides revolves around the definition of terrorist organisations. While the EU includes the Hamas on its "terrorist list" of terrorist organisations, other EMP partner countries do not agree on this EU definition.

Partnership and Co-operation Agreements (PCA) have been signed with ten of the Eastern European and Central Asian countries (Armenia, Azerbaijan, Belarus (signed but in force, Georgia, Kazakhstan, http://europa.eu.int/comm/external_relations/ceeca/pca/pca_kyrgyzstan.pdf, Moldova, Russia, Mongolia, Turkmenistan and are signed but not in force in two (Ukraine, Uzbekistan). Most of the aforementioned countries are at the same time ENP-countries. PCAs are, in general, ten-year bilateral legal frameworks, based on the respect of democratic principles and human rights, setting out the political, economic and trade relationship between the EU and its partner countries.(8) For instance, the ENP Action plan with Moldova emphasises co-operation in the field of JHA on the fight against terrorism. Following a decision by the JHA Council of October 2004, it is now possible to start negotiations to come to a strategic agreement between Europol and Moldova. A PCA was signed in 1998 with Turkmenistan, and in October 2004 with Tajikistan. The TACIS Programme for Central Asia and the Caucasus combine country and regional approaches. As far as the relations to Central Asia as well as to the Southern Caucasus are concerned, regional co-operation in combating organised crime and terrorism is highlighted, and compliance with international standards, notably in the fight against terrorist financing is encouraged.(9) Thus, while stipulating an enhanced bilateral cooperation on the fight against terrorism, the ENP and its Action Plans are nevertheless vague

enough to accommodate different interpretations of crucial issues, such as, for instance, the legitimate and appropriate means of fighting terrorism in concrete situations, and the question of how to deal with an increasingly influential political wing of a terrorist organisation.

Beyond the efforts to extend Europe's security zone on its periphery, the EU is highly engaged in promoting its model of integration in other parts of the world. While the European Union cannot claim the same degree of power and influence as the United States in the international system, it has an increasing degree of influence through the economic power it has achieved. For instance, the EU-ASEAN relationship is characterised by a great emphasis on ideational factors, as well as on the transfer of norms, principles, and rules as part of the dialogue with policy-makers and experts (Farrell 2004: 12). The EU-ASEAN relationship is maintained along a low degree of institutionalisation and more focused on policy transfer (see Gilson 2005: 315). In this regard, progress was made towards the implementation of the series of activities agreed in the ASEM Copenhagen Co-operation Programme on Fighting Terrorism of September 2002.

A completely different case of the securitisation process in EU-interregional relations can be seen in the EU-Africa-Caribbean and Pacific (ACP) relations. The EU maintains an intensive political dialogue with 77 ACP-countries based on the Article 9 of the ACP-EC Cotonou agreement. The Article 96 provides the legal basis for the suspension of the Cotonou agreement in cases where one of the parties feels that the agreement's essential and fundamental elements are not being respected (see Mackie/Zinke 2005). The Cotonou agreement marked a shift in EU policy towards the ACP countries because regional integration may be seen as a new form of conditionality which offers new pathways for initiating political processes. In general, the EU is using development assistance to erode the support base for terrorist networks through a focus on poverty reduction, and it has been including counter-terrorism clauses in all agreements with third countries. Beyond the EU's ambitions in speeding up inter-regionalism as part of security regime building, it is also highly engaged in supporting the emergence of a multilateral order through strengthening so-called bilateral strategic partnerships in security matters.

4. The Emergence of an Effective Multilateral System

European security regime building does not only go hand in hand with the idea of selling the concept of the European model of regional integration; it also insists on a commitment to strong multilateral institutions. In its efforts to address the challenges facing Western societies, the EU's strategy is to strengthen and deepen bilateral relations. Bilateral relations are founded upon a shared set of values or functional requirements in the field of trade and economic relations. Issues dealt within bilateral relations such as the EU-Canada relations, EU-US and EU-Russia relations, for instance, range across the three pillars under the roof of the Treaty on the European Union (TEU). These different relations include bilateral trade issues, sectoral policy issues, competition matters, transport policy co-operation, visa issues, the fight against terrorism etc. It is therefore increasingly difficult to keep co-operation under the various pillars distinct. This trend has accelerated in the period since the terrorist attacks on the United States of 11 September 2001, with CFSP and JHA considerations imposing themselves on a number of traditional first pillar activities, including trade, transport policy and data policy.

Surprisingly, the economic relations between the EU and the US were not interrupted or disturbed during the political tensions surrounding the Iraq crisis.(10) By contrast, bilateral contacts in the fight against terrorism have intensified between the US and the EU over the last year. Since the attacks of 11 September 2001, there has been increased cooperation between the EU and the US on Counter Terrorism.(11) The EU and the US are working on a daily basis to develop comprehensive and efficient border security processes, more secure travel documents, closer co-operation for the law enforcement agencies and improved information-sharing abilities. Furthermore, an informal US-EU-Group has been established on the financing of terrorism, a forum to facilitate dialogue between representatives of all three EU pillars with counterparts from US agencies. They also support the

legal, regulatory, enforcement and other institutional capacities of partner nations to combat terrorism. Complementary to EU-US relations, the EU-Canada relations are committed to strong multilateral institutions and the international rule of law.(12) With regards to the fight against terrorism, Europol and Eurojust are engaged in co-operation in order to improve information flows. In recent years the EU and Canada have committed themselves to co-operation on the fight against the financing of terrorism. Moreover, at the St. Petersburg Summit in May 2003, the EU and Russia agreed on the creation of four Common Spaces (see Adomeit/Lindner 2005). In the Common Space "Freedom, Security and Justice" they are enforcing closer co-operation on issues such as facilitation of movement of persons, in visa issues, border management and combating terrorism. In this respect, the judicial co-operation is one important element in this common space.

The aforementioned bilateral "strategic partnerships" are defined by the actions that are considered necessary to respond to the security threats outlined in the ESS. Therefore, even bilateral relations of the EU have become securitised. While neighbouring countries with a common land or maritime border with the EU will be of high priority because of their geographical proximity, the external policy actions vary greatly from country to country. Consistent with its commitment to effective multilateralism and a rule-based international order, the EU is also engaged in those international organisations and bodies that are mandated to act on the priority themes identified in the ESS (e.g. the United Nations, the North Atlantic Treaty Organisation, the Council of Europe, Financial Action Task Force etc.).

The aforementioned differentiation of European foreign and security multilateral and bilateral relations along security issues related to terrorism has intensified the cross-pillar interaction in the EU as well as the process of 'securitisation' that has occurred in the overall integration process.

5. The development of countermeasures to "New" and "Old" Threats

According to the idea that the transfer of sovereign power in European security regime building is a calculated instrument of European governments that serves the purpose to regain capacity of control in foreign policy and to increase their autonomy vis-à-vis domestic actors by enhancing their credibility and stability *vis à vis* non-democratic political threats (Moravcsik 1993, 1997). Therefore, positive and negative instruments within the foreign policy tool box have been established in order to offer measures of incentives and constraints in EU external relations and co-operation. Generally, the aforementioned examples of EU-relations as well as EU foreign policy instruments can be both up-graded and down-graded from initiating a purely political dialogue towards intensified co-operation in JHA, e.g. in the policy of extradition. From a financial point of view, Community assistance and regional co-operation is delivered through a range of regional instruments, for example CARDS, TACIS, MEDA and a substantial number of sectoral instruments, i.e. the European Initiative for Democracy and Human Rights. In the Mediterranean and Middle East alone, co-operation and assistance are managed through no less than 13 regulations. All of these Regulations have significant differences in their programming and implementation procedures. On 29 September 2004, the European Commission decided to replace the existing range of financial instruments of EU external assistance and introduced a proposal to rationalise its instruments for the provision of external assistance for the budgetary period 2007-2013.(13) Instead of the current wide range of geographical and thematic instruments that have proliferated in an ad-hoc manner over time, the new framework will comprise six instruments. The Humanitarian Aid Instrument and Macro Financial Assistance will remain unchanged except that all Food Aid of a humanitarian nature will be included under Humanitarian Aid instead of being dealt with under a separate Regulation. The European Initiative on Democracy and Human rights (EIDHR) will remain intact. It will be financed through all four new instruments. According to the differentiated roadmap of EU foreign relations, as discussed above, the table shows the four new instruments of EU foreign policy (see Dewaele/Gourlay 2005):

Table 1

It is important to note that the rationale for the Stability Instrument is the need to strengthen the coherence between EC assistance (first pillar) and the EU's foreign policy response using intergovernmental CFSP instruments such as Joint Actions, EU special representatives and ESDP operations. The Stability Instrument will be based on the Article 308 of the EC Treaty which is taken by consensus in the Council. Article 308 is a 'catch-all' article that provides a legal basis for actions that do not fall under any other articles of the EC Treaty. In the framework of the 'second pillar', sanctions or restrictive measures have over recent years become a regularly used policy instrument, either in the form of autonomous EU sanctions or as sanctions implementing certain Resolutions of the Security Council of the United Nations. The European Union applies sanctions or restrictive measures in pursuit of the specific objectives of the CFSP as set out in Article 11 of the Treaty on European Union.(14) The Treaty establishing the European Community (first pillar) provides in its Article 301 for an interruption or reduction, in part or completely, of economic relations with one or more third countries where a legal instrument adopted according to the provisions of the Treaty on European Union relating to the CFSP, calls for an action by the Community. As a yet non-military instrument, sanctions are generally employed to react to violations of international law, violations of human rights, and policies that do not respect the rule of law and democratic principles. Restrictive measures imposed by the EU target third countries and certain non-state entities and individuals of non-EU countries such as terrorist groups and terrorists, e.g. the EU`s so-called terrorist list.(15) They comprise such measures as arms embargoes, other specific or general trade restrictions, financial restrictions and restrictions on admission (visa or travel bans).

6. Cross-Pillar Security Regime Building as a Bottom-Up Approach ⬆

The next idea to be highlighted is that EU security regime building is taking place as a bottom-up approach. The bottom-up approach implies the idea of a security regime which remains under construction within all three EU-pillars. In general, the institutional developments in EU foreign policies could be characterized by the evolution of cross-pillar politics "which constantly incorporates both European and national actors within an institutionally fragmented, yet functionally unified policy-making framework" (Stetter 2004: 721). Stetter argues further that foreign and security policies of the EU "are much more than a two-pillar institutional structure, with a communitarized first-pillar foreign relations framework, on the one hand, and common foreign and security policy (CFSP) remaining a largely non-compulsory setting of intergouvernmental co-operation among sovereign states with only minimal integration at the EU level, on the other hand" (Stetter 2004: 721). While it is true that foreign policies, from a highly formal perspective, continue to be divided into 'supranational' and 'intergovernmental' pillars, it is argued "that such a distinction has not been able to impede upon a factual cross-pillar centralization" (Stetter 2004: 721). The main institutional dividing line in EU foreign politics is according to Stetter not located on the supranational-intergovernmental dimension but rather between the EU executive (Member States, Council and Commission), on the one hand, those actors controlling the executive (Parliament, Court of Auditors and Court of Justice) and finally intermediating actors such as European agencies, special representatives, foreign policy networks including NGOs, which are located between these two competing poles in foreign and security policy (see, in opposite, Øhrgaard 1997). The powers of these main two poles are, however, far from equal and EU foreign politics are foremostly characterized by a noteworthy executive dominance at all stages of the decision-making process, because according to Moravcsik's argumentation national executives are using the European level to increase their influence *vis à vis* domestic actors. These trends are obviously reflected in the evolution of cross-pillar politics in the 1990s and perpetuated in the aftermath of the terrorist attacks in 2001.

7. Cross-pillar politics in the 1990s ⬆

The escalation of conflict in the former Yugoslavia has "triggered an extensive debate about a reform of the CFSP that eventually led to a series of modest institutional reforms" (Wagner 2003: 589). Analytically, the aforementioned two-or-three-pillar institutional structure of the EU was largely effected by the external shock of the wars in the former Yugoslavia during the 1990s and reconstructed with the aim of intensifying the role of the EU as a secuity actor.

In general, it was among other reasons the EU's failure to prevent the outbreak of the violent crisis in the former Yugoslavia, which brought about new incentives to foster the visibility and presentation of Europe's foreign policy (see, critical perspective Gordon 1997/1998). It was through the Treaty of Maastricht that the so-called intergovernmental co-operation in the framework of the second pillar (CFSP) and of the third pillar (JHA) was established. During the 1990s, after the end of the Cold War, the development of a common approach to foreign policies, security and defence, made significant progress, such as through the strengthening of bonds between national foreign policy administration, the creation of new institutions and the establishment of European security forces (Europol, Eurocorps). But only after the Treaty of Amsterdam was signed in 1997 did the EU start to develop its formal structures and instruments in the field of conflict resolution. The incorporation of the concept of common defence in the second pillar and the creation of the post of the CFSP High Representative (HR) were institutional reflexes after the EU's failure to deal with the Yugoslav crisis. Therefore the Member States assigned the position of the HR to the Council's Secretary General and Special Representatives were appointed for the region of the former Yugoslavia. Hence, the Policy Planning and Early Warning Unit (PPEWU) established within the Secretariat General of the Council was charged with improving the EU's early warning analysis by monitoring potential conflict situations and drawing the attention of member state governments to rising tensions at an early stage (Regelsberger 2004). With the escalation of the Kosovo crisis at the end of the 1990s the institutional developments in CFSP and ESDP were accelerated (Friis/Murphy 2000).

Parallel to the aforementioned legal and institutional developments, official statements which interpreted the Treaties, produced a growing *soft law acquis* within the second pillar. Following the Helsinki European Council 1999, it was agreed that the EU would develop a crisis management capability to take on the full range of Petersberg Tasks, defined as "humanitarian and rescue tasks, peace-keeping tasks and tasks of combat forces in crisis management, including peace-making" (Article 17.2. TEU). Crisis management essentially falls within the remit of the second pillar (CFSP). However, many of the civilian aspects of crisis management are within the competency of the first pillar (the European Community) with some even spanning into the third pillar (JHA).(16)

The permanent political and military structures within the Council – the Political and Security Committee, the European Military Committee and the European Military Staff – were established at the summit of Nice in 2001. At this summit it was agreed that the EU would include the WEU in its institutional structures in combination with the development of the Rapid Reaction Force. The disposition of forces would enable the EU to incorporate the Petersburg tasks. It was also decided that autonomous agencies should be created which could incorporate within the EU the WEU structures dealing with CFSP matters, such as the Satellite Centre and the Institute for Security Studies. These two agencies were officially created by European Council Joint Actions in July 2001. In 2003, the operability of the ESDP operations became a reality when more than 2000 European police and military forces participated in four operations: the European Union Police Mission in Bosnia (EUPM); Operation Concordia in the Former Yugoslav Republic of Macedonia (FYROM), Operation Artemis in the Democratic Republic of the Congo and second police mission, Proxima in Macedonia. Looking at the EU's capacity for conflict resolution in South Eastern Europe (SEE), despite its "rocky road ahead" (Ehrhart 2003), the perception had begun to emerge, that the EU was able to act as a fully-fletched actor in the world. The development of cross-pillar security regime building in the EU in the 1990s was pushed by developing cross-pillar coordination in issues of civil-military coordination in a crisis management framework. However, the rifts in Europe during the Iraq conflict in the context of the EU, the UN and NATO proved that the EU is still far away from

reaching a true single identity in foreign and security regime building. Nevertheless, the security regime was strengthened by the external shock which came about in the US and the EU with the terrorist attacks in 2001.

8. Cross-pillar politics after 9/11 (2001) ↑

Following the events of September 11, the extraordinary European Council of 21 September 2001 stated that it would fight terrorism in all its forms and that "the fight against terrorism will, more than ever, be a priority objective for the EU"(17) . Amongst others, the EU made an effort to strengthen co-operation among the authorities in charge of combating terrorism (i.e. Europol and Eurojust and the police services). The fight against terrorism continues to be a priority of each Presidency in the EU, both in relations with the US and other partners. Furthermore, the terrorist attacks in Europe produced a shared awareness among Europe's leaders of the need for more multilateralism in European security issues (Boer den/Monar 2002: 12). The action in the so-called fight against terrorism is based on the EU Action Plan to Fight Terrorism of 21 September 2001 which was revised at the June 2004 European Council, as well as an outcome of the December 2004 European Council and on the EU Counter Terrorism Strategy of 1 December 2005.(18) The new Strategy on Counter Terrorism provided the basis for a revision of the Action Plan which was finalised on 13 February 2006.

Clearly, the Madrid train attacks of 11 March 2004 have encouraged most countries to give a sign of unity and progress in the European constitutionalisation process. The discourse about "unity" was at that time an element of security – "a weapon against terrorism". In fact, the central themes of the Brussels Council held March 25 and 26, 2004, were terrorism and the constitutionalisation in European integration, even though the gathering's main topic was supposed to have been the revision of the Lisbon Strategy, regarding the EU's economic development. Hence, the contents of the agenda that will allow the EU to become the most dynamic economic region by 2010 were subsumed under the issue of security, specifically terrorism. During the discussions on the draft Constitution, one of the main accords reached among members was related to EU foreign and security policy. The solidarity clause was included in Article 42 of the draft Constitution, which states that "the Union and its Member States shall act jointly in a spirit of solidarity if a Member State is the victim of terrorist attack or natural or man-made disaster. The Union shall mobilise all the instruments at its disposal, including the military resources made available by the Member States, to: prevent the terrorist threat in the territory of the Member States, protect democratic institutions and the civilian population from any terrorist attack, assist a Member State in its territory at the request of its political authorities in the event of a terrorist attack and assist a Member State in its territory at the request of its political authorities in the event of a disaster"(19).

Following the Madrid bombing on 11 March 2004 the European Council's "Declaration on Combating Terrorism" gave renewed political impetus to EU efforts among Members States which includes a series of responses such as strengthening co-operation in intelligence and measures for making international policing activities more efficient, improving measures for freezing bank accounts linked to suspicious groups and giving priority to the care of victims of extremism. Moreover, the Heads of State and Government created the post of the European counter-terrorism coordinator, and appointed Gijs de Vries, a former Dutch minister of the interior, who acts under instructions of Javier Solana. In June 2004, Solana announced that internal security services should provide intelligence on terrorism to the Joint Situation Centre (SitCen), which is part of the EU's emerging military structure. At the same time he revealed that the external intelligence agencies had been cooperating with SitCen as early as 2002 (see Keohane 2005).

Moreover, in the "Hague Programme", the new JHA multi-annual programme adopted in November 2004, the European Council considers the development of a coherent external dimension of the EU policy of freedom, security and justice as a growing priority.(20) The increasing need for common action in this EU area is mainly due to the cross-border nature of new threats challenging the

fundamental values and ideas of the EU, its physical base and its institutional representation. On 10 May 2005, the European Commission launched its 5 year Action Plan for Freedom, Justice and Security – with detailed proposals for EU action on terrorism, migration management, visa policies, asylum, privacy and security, the fight against organised crime and criminal justice.(21) This is a major policy initiative and a cornerstone of the Commission's Strategic Objectives for 2010. The Action Plan takes the overall priorities for Freedom, Justice and Security set out in the Hague Programme and turns them into concrete actions, including a timetable for their adoption and implementation. In order to optimise information exchange between European agencies the Program incorporates the "principles of availability" under which the possibility exists that for the year 2008, all agent states which requires some type of information from another Member States, can obtain it. Last but not least, on 1 December 2005, the EU launched its first European Union Counter-Terrorism Strategy.(22) The Strategy sets out the objective to prevent new recruitment to terrorism, better protection of potential targets, pursuit and investigation of members of existing networks and improvement of the capability to respond to and manage the consequences of terrorist attacks. This strategy takes the agenda of work set out at the March 2004 European Council in the wake of the Madrid bombings into the next phase.

However, cross-pillar foreign and security regime building in the EU has been accompanied by the reinforcement of closing of borders to illegal immigration. Population growth, political instability, religious radicalism and the high unemployment rate have all become sources of new tensions. Within the framework of the Thessalonica Summit held in June 2003, EU Heads of State and Government agreed on a series of projects to reinforce the fight against illegal immigration with a system of visas, collaboration with sending countries and greater border control. To do so, on 1 May 2005 a new European Agency for the Management of External Borders was established with joint financing of actions fostering security along the EU's external borders.(23) The new agency's mission will be to facilitate the application of existing and future community measures concerning management of the EU's external borders by coordinating member states' actions to implement them.

In sum, in the period post-September 11 the EU's haste to pass security matters and the other elements of the area of freedom, security and justice – have been ignored (Douglas-Scott 2004). Furthermore, the existence of internal policies as the major parameter justifying external action as a basic principle of European integration; implied powers are explied powers of the EU. There is a the need for added value in relation to projects carried out by the Member States; the contribution to the general political objectives of the foreign policies of the EU; the possibility of achieving the goals during a period of reasonable time; the possibility of long-term external actions. This strengthens the conclusion that cross-pillar security regime building is replicated on a regional/bilateral level and special attention is given to those areas where the EU has special policy interests as set out by the ESS. Finally, if the EU external policy in the area of freedom, security and justice would be focused more on implementing the ESS, a more proactive approach and greater coherence would enhance a more effective and efficient process of cross-pillar security regime building.

9. Conclusions ⬆

The main argument of the paper is that security has developed into an important element of integration and that this has been triggered by the securitisation of EU policy agendas after 9/11 and the increasing cross-pilllar linkages between internal and external security discourses (and actor constellations). By way of incorporating and conjoining the debates on securitisation, security-building and cross-pillarisation the article applies these theoretical concepts to the empirical debate on how the EU defines security and responds to terrorism.

First of all, it has been argued that the EU of the 25 is clearly on its way toward the consolidation of a cross-pillar foreign and security regime. The implementation of the European Security Strategy (ESS) was initiated by the European Council in December 2003. The concern about safety was the

principal basis of the ESS with a view to strengthen the process of cross-pillarisation in European Integration. Therefore the ESS can be seen as a top-down approach which motivated the EU as a collective actor to extend the security zone on Europe's periphery, to support the emergence of a multilateral order and to develop countermeasures to new and old threats. At the same time, one of the consequences of the terrorist attacks in Madrid (2004) and London (2005) is that the EU is now trying to bridge the institutional gaps between the different pillars of the European Union and strengthen the cross-pillar coordination and co-operation in the EU. The best empirical examples for these initiatives are the inauguration of the Coordinator for Counterterrorism in June 2004 and the newly established European Union Counter-Terrorism Strategy of December 2005. Furthermore, the overall will to build an "Area of Freedom, Security and Justice" in the EU poses new challenges and calls for cross-pillar foreign and security regime building also in relations with third states. Therefore, the process of securitisation of the EU agenda will continue as a bottom-up approach.

Secondly, this process of cross-pillarisation – long neglected because it was largely perceived as a predominantly technical issue in European Integration studies – is at least since Amsterdam turning out to be much more complex and pervasive than was expected before the events of 9/11. Institutional cross-pillarisation in foreign and security regime building in the EU will certainly advance. Having said this, cross-pillar foreign and security regime building is based on bilateral relations with strategic important countries set out in the ESS and a strong commitment to a multilateral order which integrates all aspects (CFSP, trade, development, JHA etc.) of the external action of the EU. Its work could be prepared by a cross-pillar working group with a view to ensuring consistency, coherence and better co-operation among the thematic, and Council, working groups concerned on the one hand and the European Commission on the other hand. However, without the parliamentary accountability and the legitimacy of the cross-pillar security regime building the EU continues to give up parliamentary control and scrutiny.

Thirdly, from a normative perspective, within the process of cross-pillar security regime building the EU is, furthermore, entering a period of revision not only of the national security policies of the European countries, but an integral revision of the multicultural society and the inclusive model of which the EU is historically constructed on. Under the heading of the "war on terror" the securitisation of the European integration agenda risks moving in the opposite direction by giving up the most encompassing vision of its comprehensive security understanding to privilege the fight against transnational terrorism at the regional and global levels and within EU cross-pillar security regime building. Cross-pillar security regime building in the EU should therefore play a major role in balancing JHA concerns with other elements of the EU external policy on the basis of international law and human rights principles.

Finally, there are many concerns about the process of securitisation of EU foreign policy both within and outside the EU. A lot of work has to be done related to this overall securitisation process but might be a left-over for a further article on security regime building in the light of the work presented by Barry Buzan and Ole Wæver.

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Table I

New Foreign Policy Instruments of the EU

1. Pre Accession Instrument will cover the candidate countries (Turkey and Croatia) and the potential candidate countries (the Western Balkans). It replaces existing instruments PHARE, ISPA, SAPARD, CARDS as well as a number of other regulations.
2. The European Neighbourhood and Partnership Instrument will cover third countries participating in the European Neighbourhood Policy i.e. the countries of the South and Eastern Mediterranean, Ukraine, Moldova and Belarus, and the countries of the southern Caucasus, thus replacing MEDA and part of TACIS. This instrument will also support the EU's strategic partnership with Russia. A specific and innovative feature of the instrument is its cross-border co-operation component; it brings together regions of Member States with neighbouring countries sharing a common border.
3. The Development Co-operation and Economic Co-operation Instrument will cover all countries territories and regions that are not eligible for assistance under either the Pre-Accession instrument or the European Neighbourhood and Partnership instrument (replacing ALA, EDF etc.)
4. The Instrument for Stability is a new instrument to tackle crises and instability in third countries and address trans-border challenges including nuclear safety and non-proliferation, the fight against trafficking, organised crime and terrorism.

Figure 1

Threats according to the European Security Strategy