



Converging and conflicting ethical values in the
internal/external security continuum in Europe

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D.4.1. State-of-the Art Review of Scholarly Research on the CFSP/EDSP and the Shifting Nature of the External Border

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D.4.1 State-of-the Art Review of Scholarly Research on the CFSP/EDSP and the Shifting Nature of the External Border

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Contents

Introduction	3
Background	3
Report Outline	4
1. European Foreign Policy Research and The Security Continuum	5
The ‘System’ of EFP	7
The EU International Role Debate and The Security Continuum: A Missed Opportunity?	10
2. CFSP/ESDP and The Security Continuum	15
‘New Institutionalism’	16
Protecting Europe	18
Security and Governance	20
3. Towards a Sociological Analysis of the Merging Between Internal and External Security Practices: Raising The Ethical and Political Implications	22
The Field of Security Professionals and the Question of The Security Continuum	23
The ‘Power’ of the Continuum and the Ethical Implications of EU Security Policies	25
Conclusion: Security Continuum, Ethics, and Policy Relevance	27
Literature Analytical Map	28
References	29

Introduction

Workpackage 4 of the INEX Project focuses on the Common Foreign and Security Policy (CFSP) and European Security and Defence Policy (ESDP) aspects of the EU 'security continuum'. The aim of workpackage 4 is to critically assess, in particular from an ethical point of view, the existence of an EU 'security continuum', tying together the internal and external aspects of the Union's security policies and practices.

Background

Addressing this question from the standpoint of CFSP/ESDP proves surprisingly challenging. Surprisingly, because CFSP and ESDP have constituted, for the better part of the 1990s, the main policy domain where the EU was seen as engaging with security questions. Justice and Home Affairs (JHA), which were dealt with in the third pillar of the EU, remained out of the spotlight during this period, at least until the entry into force of the Treaty of Amsterdam, which transferred a part of the JHA domain (particularly asylum, immigration and border management) to the first pillar, and 'communitarised' the legal dispositions of the Schengen cooperation. With the entry into force of Amsterdam, matters of internal security moved up on the agenda of European governmental arenas. A first multi-annual programme in JHA matters was thereafter established by the European Council gathered in Tampere (December 1999). In the process, JHA matters also made it into the 'external security' activities of the EU, where CFSP and ESDP had, until this point, enjoyed a relative monopoly.¹

In 2000, the Feira European Council insisted upon the incorporation of JHA considerations in the external policies of the EU, *i.e.* first-pillar 'external relations' as well as ESDP/CFSP. This trend, moreover, was significantly reinforced with the events of 11 September 2001. The 'struggle against terrorism' was used by European governments to justify the development

¹ Only shared with some first pillar activities such as development, humanitarian affairs, trade policy, which have become *ex post* labelled as security issues. The inclusion of development as part of a broader comprehensive vision -as is demonstrated in this deliverable- should be considered as an effect of the internal/external security continuum.

of the so-called 'external dimension' of the European 'Area of Freedom, Security and Justice' (AFSJ), and the increased incorporation of JHA matters in EU external relations, foreign and defence policies. Hence in 2003, the European Security Strategy (Council of the European Union, 2003) proclaimed the inextricability of internal and external security matters, formally establishing the basis of an EU internal/external 'security continuum'. In 2004, the European Council adopted the second multi-annual JHA programme, dubbed the 'Hague Programme', which insisted on the elaboration of a consistent strategy for the external dimension of the AFSJ (European Commission, 2005). JHA considerations have since been systematically incorporated in the external policy frameworks of the EU, such as the European Neighbourhood Policy (ENP) action plans, EU development aid and financial/technical assistance policies. Police and justice missions deployed by the EU in third countries in recent years, sometimes making use of the legal and financial frameworks of CFSP and ESDP (e.g. civilian crisis management operations including administration, rule of law and security sector reform dimensions), have increasingly tackled issues associated with the JHA domain, such as border management, immigration, organised crime and terrorism. In the meantime, EU external security activities have involved new actors beyond diplomats and the military; border guards (e.g. through the FRONTEX agency), judges and policemen are now routinely sent abroad in the framework of EU external activities. At the same time, CFSP/ESDP instruments have been increasingly taking into account internal aspects of security, mainly in the field of counter terrorism, through the focus on threats to social cohesion in European societies (violent radicalization) and the addition of a domestic intelligence dimension in the Joint Situation Centre (SitCen).

Report Outline

In this respect, it seems important to specify that the analysis of CFSP/ESDP in the context of the EU security continuum cannot ignore these developments. The focus on CFSP/ESDP entices us to take into consideration the full spectrum of EU external security activities, including the external dimension of the AFSJ – if only because the coexistence of different legal and policy frameworks in this domain raises significant ethical questions regarding both matters of accountability and matters of ethical coherence.

This enlarged focus is all the more important as the major part of the existing literature on the EU's external security activities seems to have missed the importance of current transformations in this domain. The linking between internal and external security represents a challenge, as EU studies have traditionally espoused the contours of the formal division between policy domains established by the treaties and the Union's institutional framework. A review of the literature seems to confirm the fact that most of the research does not succeed in escaping the reproduction and legitimization of EU institutions despite, even sometimes self-proclaimed, critical labels. On the one hand, one finds studies that, built on notions derived from the field of international relations and foreign policy analysis, have privileged the narrowly-defined analysis of CFSP/ESDP (Peterson and Sjursen, 1998; Smith, 2003; Smith, 2005). On the other hand are studies that have concentrated on JHA matters, with an initial focus on questions of police cooperation (Monar, 2004; 2007). The relationship between the EU's external activities and its allegedly 'internal' security policies has generally been dealt with, in this respect, as an 'intersection' between different policy domains (Wichmann, 2006), and analysed as a 'policy space' or a 'policy universe' (Wolff, Wichmann and Mounier, 2009; Boin, Ekengren and Rhinard, 2006). In the course of this state-of-the-art, however, we will argue that beyond an intersection taking place in a specific policy space/universe, we are actually confronted with an in-depth transformation of the EU's security apparatus, both internally and externally, which challenges the traditional boundaries between various strands of professional activities (border guard, military, police), various policy domains (foreign policy, JHA, military affairs), and European integration process actors (states and supranational institutions). While this should not lead us to uncritically embrace the notion that we are faced with a 'security continuum', these specifications nonetheless point to the need for a more nuanced analysis of the EU's external security activities; activities that should not be determined by the formal distinction between 'pillars' or 'policy domains', nor limit the analysis to a matter of coherence and crosspillariness, but by the study of the actual practices that underpin them.

As such, the present report is divided into three parts. In the first part, we run an analysis of the existing scholarly literature, particularly in the field of EU studies, which has dealt with the issue of the EU's CFSP/ESDP literature and failed to address the external aspects of JHA. The reason for the research community's inability to tackle the effects of internal/external

interlinking matters stems mostly from its reliance on a positive dimension of EU power. In the second part, we scrutinise the recent and flourishing JHA-related literature, which has developed in relation to the question of the external dimension of the AFSJ. The third part will tackle the various scholarly modalities that have been used to mediate the growing intermingling of CFSP/ESDP and JHA activities, and will consider the opportunity of raising discussions involving the ethical and political dimension of the EU's external security activities. Our argument, in this respect, is that these dimensions have been considerably neglected. We therefore sketch out lines of research that will allow for such an investigation.

1. European Foreign Policy Research and The Security Continuum

The traditional European foreign policy (EFP) scholars, including those focusing particularly on CFSP and ESDP, have (so far) hardly studied the challenge to their research object that is constituted by the external dimension of European internal security. This is even more surprising considering that JHA encompasses (and overlaps) second-pillar matters, such as post-conflict policing, civilian crisis management, border management, counterterrorism, and the fight against transnational organised crime. The discrepancy between the growing number of policy-making documents on these matters and the lack of interest from EFP scholars in them needs to be addressed.

The question raised by this section is therefore, why the EFP research community in general, and the ESDP/CFSP community in particular, did not and/or could not address the implications of EU internal security externalization?

In order to address the 'absence' of the majority of the most distinguished EFP scholars in the security continuum debate, we will first briefly summarize the traditional literature on EFP. Secondly, a new light will be shed on the forty year old debate of Europe's international role as a missed opportunity to engage with the security continuum. The kind of power Europe should project outside its borders constitutes, in a certain way, an early linkage between EU internal and external security. *Civilian, normative, smart, good and model* have, among many others, all been terms added to 'power' to grasp EU external action. Thus, the conceptualisation and understanding of EU external action has always been enshrined in the

idea that Europe's action beyond its borders reflects its own experience as a conflict-solving project.

The 'System' of EFP

Widely acknowledged by policy-making circles, the interlinking between internal and external security matters is, surprisingly, a minor concern for the EFP research community, which could have been its 'natural home'. Since the demise of the European Defence Community project in 1954, external security matters were discussed exclusively among member states, i.e. in opposition to the empowerment of supranational institutions. Lying idle until 1970 and the establishment of European Political Cooperation (EPC), the beginning of an institutionalisation of a *European* foreign policy gave birth to a specific research community.

Scholarly interest for *European foreign policy* grew proportionally alongside its institutional developments. From the very few studies dedicated to EPC in the 1970s and 1980s (De Schoutheete, 1980; Allen, Rummel and Wessels, 1982; Hill, 1983; Ginsberg, 1989), the 1990s witnessed a substantial rise in interest with the launch of the CFSP in 1993 (Peterson and Sjursen, 1993; Regelsberger, De Schoutheete and Wessels, 1997; Zielonka, 1998). This path has since been confirmed by the constitution of ESDP (Howorth, 2007). However, and in parallel to this intergovernmental setting, the Commission has developed its 'external relations' in many domains such as trade, development and humanitarian affairs.

The study of the EU and/in the world is confronted with the 'original sin' of European integration, which is that the EU is not, and will most likely never be, a state (Allen, 1996; Guehenno, 1998; Eliassen, 1998). It will probably remain somewhere in between, or to put it like William Wallace, 'less than a federation and more than a regime' (Wallace, 1983). EFP scholars have therefore to cope with, as Christopher Hill (2003) said once, a 'messy' construction, and are supplied with tools limited by their own disciplinary reach. Thus, the study of the making of EFP takes place in a system comprising various actors (mainly the member states, but also the European Commission and the 'external relations', the High Representative for CFSP, the European Parliament and even increasingly private actors such as security companies) and stretched across all three EU pillars (EC, CFSP and JHA). On the

theoretical level, it is at the crossroads of comparative politics, public policy, and International Relations (Hill and Smith, 2005). A wide range of methodologies and theoretical approaches constitute the study of EFP. As the purpose of this report is not to address in detail EFP literature *per se*, we will just sketch it around its main fault lines and debates.

The most succinct way to grasp the articulation of EFP debates would be to draw a line between those who consider the EU as unique political object/experience, i.e a *sui generis* entity, and those who take a comparative politics perspective (Tonra, 2000). It is worth mentioning that both perspectives import their own internal controversies. The latter discusses which classic account of European integration – federalism/neo-functionalism (Smith, 1999) or liberal intergovernmentalism (Eliassen, 1998) – is best suited to understanding the emergence and functioning of EFP. Studies based on the comparative politics perspective mostly draw on classic Foreign policy analysis (FPA) (Smith, 2002; White, 2000). Overall, EFP is a relatively ‘polytheist’ research community, which adheres to the idea that multiple theories and methodologies can ‘spark a healthy debate’ (Smith, 2008; Hill and Smith, 2005). The past years have witnessed the publication of monographs trying to bring together and even ‘reconcile’ the various camps and theoretical accounts within the EFP research community. They stand as either comprehensive attempts to systematize the policies, actors and processes that inform *a multilevel foreign policy* (Foradori, Rosa and Scartezzini, 2007) [Table 1], or as bridge-building between EU studies and International Relations (Kelstrup and Williams, 2000; Hill and Smith, 2005; Rees and Smith, 2008).

In a recent attempt to summarize the research dedicated to the relationship between the European integration project and the rest of the world, Karen E. Smith coined the term ‘EU foreign policy system’² (Smith, 2008a). By doing so, she was trying to encapsulate four decades of research on a constantly evolving ‘moving target’, involving multiple levels of enquiry and gathered, according to her, around three challenges:

² It should be noted, however, that the term has already been used elsewhere, for example in Foradori, Rosa and Scartezzini, 2007.

- 'to understand and explain the evolution of the EU foreign policy system (the institutions, the formal rules, the informal norms and so on)
- to understand and explain the policy-making process, including the output and implementation of policy
- and to understand and explain the impact of common policies (or the failure to agree on common policies) on the system itself, on member states , on the world. ' (Smith, 2008: 3)

Thus, the making, outputs and impacts of EFP generated and mobilized various analytical tools. Central concerns have been: the study the 'institutionalisation' (Smith, 2005; Smith, 2008b) and 'Brusselisation' (Allen, 2008) of EFP despite the dominating position of member states in its making; some have tried to understand the output of EU foreign policy by creating their own explicative model (Ginsberg, 1999); other have tried to explain the impact of EFP on its various actors through processes of socialization and Europeanization (Manners and Whitman, 2000; Irondelle, 2001; Wong, 2005); finally, another important 'quest' within EFP has been the identification of the kind of power that an 'actor' such as the EU can project outside its (moving) borders, i.e. on its neighbourhood, in the rest of the world and within multilateral regional and international organisations.

Table 1. The EFP ‘system’: Type of policies, actors and processes³

Type of Policy	Actors	Processes
<i>I Pillar</i> : Common economic policy; cooperation policy; association agreements; enlargement policies (I pillar)	Commission, Council of Ministers; European Parliament, Member states	Community method;
<i>II Pillar</i> : CFSP/ESDP	General Affairs Council; High Representative; Political and Security Committee (PSC); Working groups; Military Staff; Military Committee	National interests and intergovernmental negotiations
National foreign policies	Foreign and Defense Ministers	Europeanization (habit of working together, reflex of coordination, redefinition of identities and preferences)

This latest aspect will particularly draw our attention, as it surprisingly does not constitute a central locus for research on the security continuum. The few studies dedicated to the external aspects of EU internal security within the EFP research community are mostly produced by young scholars and promoted by the only distinguished EFP scholar interested in it, Karen Smith. Moreover, and in order to illustrate this lack of interest, the above table is reproduced from a book published in 2007 that does not even mention the third pillar as part of the EFP system.

The EU International Role Debate and The Security Continuum: A Missed Opportunity?

Despite decades of ‘institutional silence’, broken by the launch of CFSP and ESDP, European integration has an old relationship with security. The very idea of pooling sovereign competencies has always been linked to the promotion of peace and security among

³ Foradori , Rosa and Scartezzini, 2007: viii.

European nations. This idea is still present in discourses relating to the EU project. As Pat Cox, the former EP president said a few years ago: 'Our European Union is the most successful conflict resolution process the world has seen and we are proud of that' (Cox, 2004). Karl Deutsch raised this point in the 1950s through the concept of Security Community (Deutsch, 1957). More recently, according to Ole Wæver, even if the word security is not mentioned on the European institution's 'doors', the EU is a security actor within the logic of securitization theory (Wæver, 1995, 1998), through the discourse of the necessity to integrate against the existential threat of the return to Europe's own warlike past (Wæver, 2000).

Moreover, the interlink between EC – and EU since 1993 – security and its 'outside' is also present in the 1950 Schuman Declaration, which is considered as the founding document of the EU.⁴ Almost 60 years ago, while launching what would become the European Coal and Steel Community, Robert Schuman stated that:

World peace cannot be safeguarded without the making of creative efforts proportionate to the dangers which threaten it. The contribution which an organized and living Europe can bring to civilization is indispensable to the maintenance of peaceful relations. (Schuman, 1950)

Within the study of EFP, François Duchêne – with the famous notion of *civilian power* – was the first to establish a link between the nature of the EC/EU as an international actor and its impact in the international arena in the 1970s:

The EC will make the most of its opportunities if it remains true to its inner characteristics. They are primarily: civilian ends and means and a built-in sense of collective action, which in turn express, however imperfectly, social of equality, justice and tolerance. (Duchêne, 1973: 20)

⁴ Since the 1980s, the date of the Schuman declaration, 9 May, is celebrated as 'the day of Europe'. For an interesting socio-historic account on the role attributed to Robert Schuman in European integration historiography, see Cohen, 2007.

Duchêne's (short) account⁵ of Europe's ability to *domesticate* and *civilize* the international arena through non-military means was first called 'a contradiction in terms' (Bull, 1982), but triggered a flourishing debate after the end of the Cold War and the advent of CFSP (Lodge, 1993; Whitman, 1998; Stavridis, 2001). Reflection on the nature of European power has since boomed. Drawing upon the perspective that the EU is a *sui generis* polity, the exploration of the 'nature of the beast' (Risse-Kappen, 1996) became central in the understanding of EU's external influence and impact.

The increased interest in the relation between the EU's identity and its international role benefited from the (often misused) input of social constructivism in EU studies imported from International Relations. Multiple conceptualizations of the EU's international role have flourished since the 1990s, even beyond academic circles. Just to name a few from a very long list of concepts used to describe the EU's power, there is: 'peace power' (Ehrhart, 2005); 'normative power' (Manners, 2006, 2002; Laidi, 2006); 'model power' (Miliband, 2007); 'smart power' (Ferrero-Waldner, 2008); 'quiet power' (Todorov, 2008); 'ethical power' (Aggestam, 2008); and 'Metrosexual power' (Pawlak, 2004). Among these, 'Normative Power Europe' has been, in past years, the most successful and debated conceptualization. First coined by Ian Manners in 2002, it conceives Europe as being predisposed to act in a normative way. Based on a certain number of norms, such as peace, liberty, rule of law, democracy and Human rights, normative power – as opposed to military power – has 'the ability to shape conceptions of normal' (Manners, 2002, 2006; Sjørnsen, 2006; Laidi, 2005, 2008).

Despite various degrees of complexity and sophistication, all these attempts to capture the EU's *essence* as an international actor share a common vision. They describe EU action in the world as a positive contribution to international peace, stability and security. The EU is seen

⁵ Considered as the 'founding father' of civilian power, Duchêne only wrote two texts about it and never engaged with the debates triggered by his writings. Thus, civilian power is a very indeterminate concept. For a recent literature review, see Orbie (2007).

here as a model that can inspire and attract others, and export stability⁶. By using tools such as enlargement and (sometimes) economic sanctions, these discourses on European power have portrayed the EU as a complex and different international security actor. In a certain way, they address the security continuum by articulating the wide range of tools at the EU's disposal for external action (humanitarian, development, trade, rule of law, security sector reform, military interventions). The most popular outcome of it among EU institutions and scholars is the building of a full-fledged EU capacity for conflict prevention and crisis management, which reflects the EU's 'added-value' in the international system (Duke 2002; Bono 2007).

The influence of identity in shaping EU action and 'circumscribing' the roles available to the Union as an international actor have therefore been increasingly central both in academic and policy-making circles. It is widely assumed that European foreign policy is *different* because it is value-based. Europe does not defend its interests; it promotes its values. The civilian/normative approach is reflected in the European Security Strategy, which explicitly links European security with underdevelopment in general, and poverty eradication in particular (European Council, 2003). Thus, the promotion of *effective multilateralism* becomes the cornerstone of the EU's external action. This is illustrated by the recent rise of publications dedicated to the role played by the EU within the UN system, (Laatikainen and Smith, 2006; Hoffmeister *et al.*, 2006) based on the assumption that the EU has a unique contribution to make to improving global governance (Ortega, 2007). The adoption of a so-called 'comprehensive approach' in many EU foreign policy documents somehow reconciles the old distinction between 'low' and 'high' politics, by including the use of military force within a broader, holistic crisis management methodology of conflict resolution.

EFP as a research community is closely linked to this tradition of inclusiveness when it comes to the EU's international role. Despite some arguing that the enlargement processes were

⁶ Thomas Diez points out the dangers of such accounts as discourses establishing 'a particular identity for the EU through turning third parties into 'others' and representing the EU as a positive force in world politics (Diez, 2005). See also, Smith (2005) on ENP.

exclusionary by determining who could be 'in' or 'out' of Europe (Smith, 1996), the 'othering' (Neumann, 1999) produced by enlargement is much less exclusive than the ENP (Lavenex, 2001), as the possibility of becoming a member – even if very remote – is still present. The 'significant other' of the EU remains its own past and enlarging is a way to prevent its resurrection. This reading of the EU's international role within the study of EFP is radically opposed to the logic that informed the EU third pillar in the Maastricht treaty. Following the disbanding of internal borders (Single European Act) the growing 'Europeanization' process of security issues strongly benefited from the fear of transnational threats (organized crime, illegal immigration, terrorism) and thereby shifted the attention towards the establishment of EU external borders (Puntscher Riekmann, 2008: 27). This logic brings along its own 'significant others': illegal immigrants, criminals, terrorists, failed states harbouring terrorists, etc.

Charlotte Bretherton and John Vogler (2006: chapter 2) address this issue by drawing a line between inclusive and exclusive EU identities. Inclusive identity – informed by civilian and normative power accounts – is value-based and seeks to promote EU norms. Even if, like any other identity construction, it bares the risk of constructing the self as superior to others, *'an identity based [...] upon proclaimed values of the Union is, in principle, inclusive – it is open (or partially open) to those who demonstrate 'commitment to shared values'* (Bretherton and Vogler, 2006: 41). Conversely, an exclusive identity referred to as 'fortress Europe' is, according to the authors, 'associated to negative practices towards outsiders and centred around the concepts of access and eligibility' (Bretherton and Vogler, 2006: 46). As opposed to value-based discourses, '[a]ttempts to legitimate the Union's exclusionary practices employ a discourse of protection from external challenge or threat' (Bretherton and Vogler, 2006: 46). Bretherton and Vogler recognize that the co-existence between these two identities can create some 'inconsistencies'. Without going any further on the implications of these 'inconsistencies', the two authors oddly add that 'nevertheless, the Union, through its practices, maintain links between the inclusive and exclusive facets of its identity – demonstrating for example, a comprehensive approach to security and using its economic power to impose conditionalities in the spheres of human rights and environmental protection' (Bretherton and Vogler, 2006: 60-61).

Dealing with this important question as an afterthought and in terms of consistency or coherence, is representative of the EFP research community. By being bound to a positive and even blissful approach to power, this literature is inhibited from analysing the effects of the very European foreign policies it seeks to study.⁷ Four decades dedicated to understanding, explaining and justifying the EU's complex policy-making processes and its outputs have prevented EFP researchers from critically assessing the ethical implications of 'actorness'.

Therefore the emerging research community studying the external dimension of Justice and Home Affairs is made up of young scholars or scholars originating from different EU studies sub-fields, such as the study of enlargement. Before addressing the specific issue of power implications within the new practices related to the formation of the security continuum in Europe, this deliverable will first sketch out this new emerging literature.

2. CFSP/ESDP and the security continuum

The study of the external dimension of EU internal security has become a growth industry. Much like the rest of EU studies, it appears to grow proportionally with institutional developments. Thus, the establishment of the third pillar in 1993, and the major steps taken towards the constitution of an Area of Freedom, Security and Justice at the European Councils of Tampere (1999) and Feira (2000), transformed JHA matters into the most dynamic EU policy field (Monar, 2002). Originally mainly intergovernmental, this pillar soon became very busy and encompassed many actors and levels of analysis (Smith, 2009:2), resulting in what has been termed an intense 'transgovernmental network' (Den Boer and Wallace, 2000).

We have seen above that the EFP research community only marginally takes into account this new 'policy domain'. This section aims at presenting the few studies specifically dedicated to CFSP/ESDP and the security continuum. Three emerging research agendas tackle this issue: a small research group within EFP that gathers around a 'new

⁷ Merlingen and Ostrauskaite (2006) is one of the few studies that takes this aspect into consideration.

institutionalist' approach; the concept of policy space of protection; and security governance. We will present their theoretical frameworks through the analysis of their main publications in various areas such as military and civilian crisis management, border management, illegal immigration, the fight against terrorism and transnational organized crime.

Drawing on diverse theoretical underpinnings, these approaches share two interconnected features. First, they acknowledge a common understanding of a new post-Cold War security environment, which is made of new, complex, dynamic and transnational threats whose nature, therefore, invalidates the traditional and structural distinction between internal and external security. Consequently, and secondly, the EU as a security actor needs to adapt to this new environment by transforming its fragmented and somehow incoherent security architecture, architecture which is spread between many actors and policies (Council of the European Union, 2003). Thus, the main focus of the literature reviewed in this section is the identification of possible similarities and convergences between various policies enabling the emergence of a more effective and coherent EU security actor.

Despite some interesting insights, two major shortcomings are shared, to different extents, by this literature: it relies too much on the notion of governance and on an institutionalist reading of governmental proceedings. Indeed, governance flushes out the notion of power, and the focus on institutions limits the distance between the analyst on one side and its research object on the other. In the process, the study of institutional mechanisms of decision-making and policy coherence takes precedence over the analysis of actual security practices.

'New Institutionalism'

As argued in the previous section, most of the established scholars in the field of EFP neglect the question of the EU's internal security policies and their external effects. For example, in a recent survey of ESDP developments, one of the most distinguished scholars in this field does not even mention the 'External dimension' of Justice and Home Affairs (EJHA) (Howorth, 2007). The only significant initiative in the EFP field comes from a group of junior

researchers driven by Karen Smith. Partially funded under the European Sixth Framework Programme (FP6) programme *Challenge* and the EU research network EU-Consent., this group of researchers developed what can stand for the EFP contribution on the interface between internal and external security policies of the Union.

Their major output so far – beyond a couple of academic conferences (Challenge, 2007, 2008) – has been the recent publication of a Special Issue of the *Journal of European Integration* (January 2009, vol. 31, n°1). Amending the traditional EFP analytical frame with public policy tools⁸, the editors stress the need to find a definition capable of coping with the challenge constituted by EJHA, which they define:

‘[...] as an attempt to provide an overall strategic orientation to punctual measures adopted in the policy area of JHA, such as border management, the fight against terrorism and the fight against organized crime. In substantive terms, the JHA external dimension describes the contours of a ‘policy universe’ [...]. This policy universe covers the thematic external dimensions of various EU internal security policies in the area of terrorism, migration and organized crime.’ (Wolff *et al.*, 2009: 10)

Surprisingly, and despite what is heralded in the introduction, this special issue is limited to the study of the external dimension of justice and home affairs as a policy domain itself. Thus, by adopting a ‘new institutionalist approach’, the authors are mainly interested in how to reconcile the various policies and ‘horizontal and vertical’ challenges triggered by the launch of the EJHA in 2005. This approach seems to be unable to escape the original institutional setting of EJHA, which clearly establishes that its aim is not to develop a foreign policy specific to JHA (Council of the European Union, 2005: 5). Even if many of the authors identify a progressive ‘contamination’ of the EU’s foreign policy objectives by internal security concerns (Wolff *et al.*, 2009; Mounier, 2009), they content themselves by reflecting on the adjustment of various European foreign policies to this observation.

With regard to CFSP/ESDP in particular, the only account in this special issue is provided by Grégory Mounier, who focuses on civilian crisis management and EJHA (Mounier, 2009).

⁸ In particular, through the inclusion of a contribution from Sandra Lavenex and Nicole Wichmann on the notion of EU external governance (Lavenex and Wichmann, 2009).

Mounier observes 'striking similarities' between the EU civilian crisis management agenda – developed since the 2000 Feira European Council in the framework of ESDP – and JHA matters. He rightly points out to the gradual increase of activities in the areas of policing, the fight against transnational crime and border management within ESDP operations. This creates complex cross-pillar relations. An example of this dynamic can be found in the case of the Moldova/Ukraine border management operation, EUBAM, whose legal status, funding and staff encompasses the three pillars (Jeandesboz, 2008). In his work on the latter, Julien Jeandesboz draws on a 'functional frame' to state that ESDP and JHA are becoming more coherent over time because they need to adapt to the complex and multidimensional post-Cold War security environment. Other areas of interests for CFSP/ESDP such as the fight against terrorism has been discussed from a similar point of view (Bossong, 2008; Muller-Wille, 2008 a) in the interest of addressing the 2005 publication of 'The European Union Counter-Terrorism Strategy' (Council of the European Union, 2005), which equally challenges the traditional divides of EU studies.

Overall, the studies listed above and other scholars focusing on the external dimension of EU security in general (Rees, 2003, 2005, 2008; Monar, 2004), only perceive transformations of security practices in Europe as an intersection between JHA and CFSP/ESDP matters. Thus, they contribute to the propagation of the idea that EJHA is a policy in its own right, while other scholars have emphasized that 'there is no formal legal basis and competence for the AFSJ, and hence no overall 'external AFSJ objective'' (Bigo *et al.*, 2009; Cremona, 2008). The lack of guidance from the policy documents launching the EJHA resulted in a proliferation of studies that actually blur the distinction between policy recommendations and scientific analysis. Despite the extensive focus on coherence and consistency issues, the absence of a legal basis for EJHA practices, therefore, transforms scholarly work based on an institutional approach into wishful thinking. As it will be discussed in the last section, the focus should be directed above all on accountability issues in order to achieve consistency.

Protecting Europe

Another set of accounts addressing the transformations of CFSP/ESDP within the security continuum are provided by a somewhat challenging recent body of literature focusing on the study of a self-proclaimed 'European policy space of protection'. The editors of the introduction to yet another Special Issue of the *Journal of European Integration* dedicated to that matter provocatively states that '[t]he history of European integration can be interpreted, in many respects, as a series of efforts to protect people from harm.' (Boin *et al.*, 2006: 405).

The 'protection space' literature departs from the abovementioned EFP-inspired analysis in that it is less bound to the study of institutional developments. It tries, rather, to grasp the current reconfigurations taking place in EU security architecture. This body of work originates from investigations in the field of civil protection, where European cooperation goes back to the 1980s, and draws from crisis management literature, particularly from the notion that many aspects of ESDP have practical implications for internal crisis management, most notably in disaster response co-operation, including air transport (either military or military-chartered). Interestingly, then, the 'protection space' literature approaches the question of the internal/external security continuum by beginning with external security matters (Ekengren, 2007a, 2007b).

Simon Duke and Hanna Ojanen (2006) provide an interesting account of the interaction between internal and external crisis management capacities through the development of ESDP. Even though the term 'crisis management' has, so far, been used by various actors primarily as an expression and a 'specificity' of EU external comprehensive capacities (Council of the European Union, 2000), Duke and Ojanen link it with internal capacities in the making, in the field of natural disaster and terrorist attacks response. According to them, and in a counter-intuitive way as linked to the issue of European defence, ESDP capacities towards external civilian and military crisis management developed faster than its internal dimension (Duke and Ojanen, 2006: 478). They identify frictions between competing competencies and definitions in the process of building an EU crisis management capacity encompassing both its internal and external aspects. However, a number of driving factors such as terrorist attacks and natural disasters stand as 'sources of convergence'. Indeed, the

2004 tsunami, Aceh earthquake, on one hand, and the London and Madrid terrorist attacks on the other, 'gave clarity to the notion that the ESDP's military and civilian missions should be linked more effectively with humanitarian assistance, consular services and financial aid aspects on the Community side of the external equation' (Duke and Ojanen, 2006: 486).

At the theoretical level, the 'European policy space of protection' perspective overcomes the limits of institutionalist approaches by drawing on a somewhat peculiar use of the Bourdieusian notion of 'social field' (Alink *et al.*, 2001; Ekengren, 2002), which enables one 'to make an analytical distinction that can transcend the narrow, sectoral divisions typically imposed by government authorities for political or bureaucratic reasons' (Boin *et al.*, 2006: 407). This interesting insight is, however, limited by a relatively simplistic use of the notion of 'field', which has been used – as we will see in the last section – elsewhere in a much more suitable and developed way. Thus, the notion of power, which is central to the structuration of the field itself, is flushed out by the policy space of protection literature. Instead, this dimension is reduced to 'frictions' that need to be overcome in order to achieve a truly holistic approach to security, an approach that should be developed in order to cope with and adapt to the new, complex post-Cold War threat environment.

Security and Governance

A third body of EU studies literature deals with the question of the EU's security policies. These analyses draw from what has been called the 'governance turn' in EU studies (Kohler-Koch and Rittberger, 2006). The first elements can be found in a special issue of the *Journal of European Public Policy* (JEPP) edited by Frank Schimmelfennig and Wolfgang Warner on the issue of 'external governance in the European Union'. The 'external governance' approach is explicitly geared towards the contestation of EFP inspired approaches. As Schimmelfennig and Wagner argue:

'We are justified to speak of 'EU external governance' rather than foreign policy in the traditional sense to the extent that EU external relations and their outcomes

- are shaped by the multi-level organizations and the rules of the EU;

- vary with the institutional context of policy-making;
- generate transformative effects on the institutions of the EU;
- ‘Europeanize’ member state foreign policy, non-member states, and other international organizations.’ (Schimmelfennig and Wagner, 2004: 658)

The notion of ‘external governance’ in this context has primarily been used for the purpose of studying EU enlargement (e.g. Schimmelfennig and Sedelmeier, 2005a, 2005b). One of the pieces featured in the special issue of JEPP (Lavenex, 2004), however, engages with JHA in the context of ‘wider Europe’. What is interesting about this perspective is that it ‘highlights the continuity between internal and external developments in EU policy-making’ (Lavenex, 2004: 685). In other words, it allows for the breaking down of conceptual barriers that characterise EFP-inspired analyses, and considers the effects of internal security policies on external policies.

The ‘governance turn’ in EU studies has also inspired studies under the ‘security governance’ label. It has been used either by EFP scholars amending their own analytical frameworks (Webber *et al.*, 2004), or by others with a public policy background. The most compelling study on ‘security governance’ so far is a 2007 volume by Emile Kirchner and James Sperling. The two authors provide an original analysis of the EU as a security actor through the assessment of four ‘security functions’ performed by the EU: prevention (in the EU neighbourhood); assurance (peacebuilding in south-eastern Europe); protection (challenges of internal security); and compliance (use of military force). Exploring the tension between imperatives of solidarity and sovereignty, this study tackles, beyond the traditional institutional divides, the interlinkages between internal and external security.

The EU studies uses of security governance, however, are not without drawbacks. As with the EFP, and also to a lesser extent with the policy space of protection approaches mentioned in previous pages, scholars adopting these perspectives remain much too concerned with the formal institutional layout of EU bodies. While there is nothing wrong with evoking the formal and institutional aspects of EU security practices, analyses that remain centre on these questions lack the leverage provided by more sociological investigations. In addition, this body of literature remains trapped within the normative bias

of EU studies – *i.e.* with the notion that overall, European integration is a positive dynamic. In the process, they tend to disregard the problematic effects incurred by EU security practices – or to treat them as discrepancies to be tackled, rather than as inherent aspects of the security practices. Yet, it would be unfair to state that none of the above mentioned studies try to deal with the negative effects of the security related EU policies (e.g. Bretherton and Vogler, 2006: chapter 2; Smith, 2005). To one degree or another, these researchers deal with the effects of exclusion generated by EU external security policies. However, and despite a few attempts, it seems the very conceptual lens of EU studies prevents scholars in this field from critically addressing security practices

3. Towards a Sociological Analysis of the Merging Between Internal and External Security Practices: Raising the Ethical And Political Implications

In the previous sections, we have proposed an overview of several scholarly perspectives on the question of the ‘security continuum’. We have showed how this issue is seldom discussed in the context of EFP-inspired analyses, and how it has been treated mainly under the aegis of policy coherence and coordination by others. In particular, we have argued that most studies dealing with internal/external EU security policies tend to focus too much on the formal, institutional aspects of these policies, to the detriment of a more sociological perspective starting from actual security practices.

This conceptual bias is not without consequences in the context of analyses dealing with the issue of security. As Huysmans (2002) argues, scholars writing on security face a particular normative dilemma towards their research object. His argument is to be understood in the context of the heated debates that have characterised security studies throughout the 1990s, and particularly around the questions raised by the development of ‘securitization theory’ by the so-called Copenhagen School and one of its corollaries, the notion of ‘societal security’ (Wæver, 1995; Buzan *et al.*, 1998; for an overview, see c.a.s.e. collective, 2006).

To some extent, these debates and interrogations apply to EU studies – including, and arguably more stringently, when discussing EU security policies. All the research mentioned above shares, at different levels, the same normative bias. Since its earliest days, EU studies

carries an ambiguous relationship towards its research object. Bourdieu-inspired sociologists (Madsen, 2006; Cohen, 2007; Cohen *et al.*, 2007) have studied the role played by EU studies as a source of legitimation in the EU integration process (*investissements savants*). Should we therefore talk about a similar normative dilemma in studying the EU? Does the ambiguous relationship of EU scholars towards their research object generate something that could be coined as an ‘institutionalist trap’? If so, how it is possible to escape it? This last section will try to answer these questions, and open up on their contribution to INEX Workpackage 4, by drawing on a literature precisely produced at the margins of EU studies. In particular, we concentrate in the following pages on the literature related to the notion of the European field of security, as it enables us to escape this institutional trap and open new research venues on the role of ‘external actors’ in the security continuum.

The Field of Security Professionals and the Question of the Security Continuum

Focusing on security practices, the notion of a field of security transcends the traditional boundaries between internal and external, police and military knowledge, and states and supranational actors, by positioning them in a social field as a space of bureaucratic struggle. The ‘new institutionalism’ literature rightly raises the question of assessing ‘the relative power of the actors competing for influence in this crowded policy space’, which ‘requires that we first map them’ (Wolff *et al.*, 2009). This constitutes an example of an ‘institutionalist trap’, as Wolff *et al.* apply a traditional EU studies reading of the prospect that such a mapping could offer, as they wonder whether member states or supranational institutions benefit from the rearticulation of the EU’s security landscape.

The complex task of mapping the European security field has already been initiated within the FP6 integrated programme *Challenge*. Unfortunately, being a work in progress, it has hardly (yet) addressed/mapped the second pillar agencies (Bigo *et al.*, 2007). However, the previous research on the European field of security already constitutes a corpus that can help us to address a number of issues related to the study of CFSP/ESDP and the security continuum. As our colleagues from INEX WP1 argue,

'one needs to distinguish [...] between the semantic continuum of (in)securities and the discursive operations that are taking place around contemporary conceptions of security, the practical continuum of coercion and surveillance practices, and the technological continuum induced by the use of dual or multi-purpose technological systems.' (Bigo *et al.*, 2008b: 13)

The starting point of research in terms of a 'field' is not the claim issued by EU official documents that internal and external security issues have merged, nor the existing institutional arrangements for the conduct of EU security policies, but the detailed examination of the practices of security professionals. As suggested earlier, such a detailed investigation has so far not been conducted for CFSP/ESDP, however, a few suggestions can nonetheless be derived from existing studies.

One aspect that is central for sociological investigations into security practices is the notion that the field is a 'field of struggles' – *i.e.* that security policies are shaped by the competitions between various groups of security professionals (e.g. military, police, customs and border guard officials, as well as diplomats and judges to some extent). While there is a degree of semantic alignment among these different groups around the notion of a 'security continuum', they do not share a similar understanding of its implications.

From a military perspective, the end of the Cold War has witnessed, both in Europe and in the United States, tremendous doctrinal changes, with a drifting away from the strategic thinking focused on nuclear deterrence. The involvement in peace keeping/peace support operations and the fight against terrorism became central in the redefinition of military doctrines. Thus, competencies in fields such as 'low intensity conflicts' and counter insurgency gained prominence in this process (Latham, 2000; Olsson, 2007). Within the EU, and specifically regarding the role of militaries in counter-terrorism, Jean-Paul Hanon argues that their role has been more than limited in the United States, mainly because the EU anti-terrorist strategy has been shaped through decisions in the framework of police and judicial cooperation (Hanon, 2004).

Didier Bigo has addressed the encounter between internal and external security cultures and the subsequent struggle generated by it (Bigo, 1996, 2000, 2005). According to him, the rise of JHA illustrates the predominance of police knowledge in the field of security. Therefore, the demise of CFSP/ESDP scholars could take place, beyond the governance turn in EU

studies, by the relative weakness of external security professionals in the economy of the field – *i.e.* as a ‘field effect’.

The ‘Power’ of the Continuum and the Ethical Implications of EU Security Policies

Another interesting dimension of this body of literature is its capacity to move beyond the normative bias which informs mainstream analysis on EU security policies, by reflecting on their ‘illiberal’ dimension (Bigo and Tsoukala, 2007; Bigo *et al.*, 2008b). In particular, it has consistently examined the stakes tied to the relationship between freedom and security, confronting the notion put forward in official discourses that there is a need to strike a ‘balance’ between these two values. As the researchers of the *Challenge* FP6 programme argue, there are ‘tensions created by claims that ‘security is the first freedom’ and that a new ‘balance’ has to be established to manage the global scale of contemporary dangers’ (Bigo *et al.*, 2007c: 1). Their research on the ethical and political implications of EU security policies and practices is backed by the premise that:

‘[f]ive years after 9/11, no one doubts that liberal polities have resorted to many illiberal practices, or that these practices have been legitimised by sweeping claims about global dangers [...] Serious dangers are apparent, but who can now say that the connection between such dangers and the mobilisation of tougher practices of security and constraints on liberal freedoms is clear? The narratives of the intelligence services, security specialists and professional politicians more generally have been called into widespread doubt [...] not only in relation to their knowledge of the current situation, but also to their knowledge of and capacity to anticipate the future with any accuracy.’ (Bigo *et al.*, 2007: 1)

In this perspective, attention is drawn to the ‘broader pattern of surveillance in which illiberal practices are being justified by a complex field of routinised transactions among many transnationally organised agencies, institutions and interests, one that also thrives on weak claims to knowledge and apocalyptic visions of a dangerous future’ (Bigo *et al.*, 2007: 1).

This angle has seldom been adopted in the context of the EU’s external security practices – this despite the fact that they sometimes constitute serious ethical challenges, whether in

the context of EU-sponsored police and military missions abroad (e.g. in Bosnia, Kosovo, or even more recently with the ESDP Atalante maritime operation off the coast of Somalia), or in the context of the external activities of European security agencies. For instance, researchers have consistently scrutinised the external engagements of the FRONTEX agency, showing that in some cases (e.g. the operations ‘coordinated’ in the Canary Islands), the EU’s border agency is ‘in a position where it has not only facilitated what can be construed as a breach in the principle of protection for asylum seekers, but also participated in practices of secrecy, which run against all EU and member state principles of democratic scrutiny and transparency’ (Jeandesboz, 2008: 15-16).⁹

These issues, however, do not only concern police or border control and surveillance matters. They are also likely to emerge in the context of the second pillar. For instance, the few studies that have dealt with SitCen show how problematic the functioning of this group can be for the upholding of the fundamental EU values of democratic accountability and transparency (Muller-Wille, 2008a, 2008b). This requires, as a methodological prerequisite, a move away from the institutionalist bias that has traditionally characterised research on the EU’s external security policies and practices. Typically, the use of the notion of a field of security as a conceptual tool would enable us to address ethical questions beyond discussions of policy coherence. There are already some interesting works on this subject (Mounier, 2008; Merlingen and Ostrauskaite, 2006). But there is still lacking an empirically grounded literature that systematically studies the transformations of second pillar practices within the internal/external security continuum. Even if the continuum is a discursive reality, many different perspectives *speak* it.

As a roadmap for future research, we want to open up the following questions for ethical investigation:

- CFSP/ESDP and intelligence: SitCen, which is a second pillar body reporting directly to the High Representative for CFSP, has developed domestic intelligence capabilities since 2005. SitCen’s original purpose was to gather information to support ESDP operations under the Petersberg tasks. As a body that does not have a legal basis and

⁹ On FRONTEX operations in the Canary Islands, see also Carrera (2007); Mir (2007); and Jeandesboz (2008b)).

is therefore unaccountable, there is no access to and quality control of the reports transmitted by SitCen to various EU actors. Moreover, earlier research demonstrates that accountable intelligence agencies are more efficient (Muller-Wille, 2008b). Thus, the new, unaccountable role played by second pillar actors in the field of intelligence gathering should be critically assessed through the study of SitCen's impact on EU threat assessment.

- ESDP, border management and illegal immigration: According to preliminary research done by workpackage 4 researchers, it appears that ESDP's original focus on peacebuilding practices is increasingly moving towards border control and addressing illegal immigration matters. Recently, institutional co-operation has been strengthened between various second pillar actors and FRONTEX. A memorandum of understanding for the use of ESDP military capabilities in FRONTEX operations was signed in 2008. Moreover, the European Defence Agency is strongly implicated in developing the new EUROSUR project of integrated European border surveillance. The very different legal status of the EU bodies cooperating in such endeavours raises serious ethical questions. For example, FRONTEX is first pillar agency bound by community accountability rules, but under which legal framework would their borrowed ESDP capabilities fall? Second pillar activities being by essence characterized by 'ad hocism', this ethical challenge urgently needs to be tackled.
- Crisis management operations and accountability: the same concerns about external crisis management operations have to be raised. What should EU staff engaged in a crisis management operation be held accountable for? The work initiated by Merlingen and Ostrauskaite (2006) offers a promising research avenue, which needs to be deepened.

Conclusion: Security Continuum, Ethics, and Policy Relevance

Workpackage 4 aims to engage with the security continuum from the perspective of second pillar actors. In sum it asks, how do military and diplomatic knowledge and competency interact with the security continuum? The challenge being not only a matter of

transpillarisation in order to achieve a more efficient EU external governance, it also focuses on the ethical challenges raised by this encounter between very different security cultures.

This report aims at reviewing the literature on EFP in general, and CFSP/ESDP in particular, with regards to the question of the external dimension of EU internal security. It appears from this stock tacking exercise that the various perspectives reviewed (EFP, policy space of protection) suffer from two major drawbacks: a too strong reliance on institutional and actor discourses on the one hand, and an occultation of power relations on the other. Thus, a literature on the internal/external security continuum from the CFSP/ESDP perspective remains to be produced

Such a literature should take into consideration the ethical tensions raised by the encounter of inclusive and exclusive security cultures (Pastore, 2001; Anderson and Apap, 2002). As the EU's role and presence in the world is definitely based on a positive/ethical image, its compliance to strict human rights/civil liberties standards could have a serious impact on the efficiency of EU policies. The second aim of this report is, therefore, to pinpoint theoretical and ethical grounding for future research avenues on CFSP/ESDP and the security continuum. At the theoretical level, interesting insights from earlier research on the notion of the European field of security have been identified. However, this research agenda is a long-term endeavour, which calls for a rigorous mapping effort. Regarding empirical work, many recent practices of interest for Workpackage 4 have been developed in the field of intelligence and the fight against illegal immigration. They need to be carefully researched and documented in particular through meetings with practitioners.

Ultimately, the aim of Workpackage 4 will be to provide guidelines for policy makers in order to conduct an ethical and, above all, accountable policy in the domain of CFSP/ESDP external aspects of EU internal security policy. Even if the soon to enter into force Lisbon Treaty aims to overcome the rigid pillar structure, security activities, and border management in particular, will remain split between many actors under different legal frameworks (Wessels and Bopp, 2008). This calls for a highly needed transinstitutional policy domain on the ethical aspects and accountability of the EU's external actions.

Literature analytical map:

CFSP/ESDP and the internal/external security continuum	Institutions	Practices
Power	EU's international role and identity; FPA	European Field of security
Governance	Europeanization, EU security governance, new institutionalism	Policy space of protection; EU external governance

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