EU-US intelligence sharing post 9/11: predictions for the future

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Greater cooperation between the US and the EU member states intelligence services in the post-9/11 scenario? Predictions for the future.

Intelligence liaison increased greatly in the post-9/11 scenario. Because of this trend, intelligence cooperation has become a yet more interesting area of intelligence studies. This research seeks to explore whether, and to what extent the intelligence sharing has increased between the US and the EU member states. Despite the fact that the intelligence liaison remains largely under-studied and under-theorized, such a phenomenon must be researched as it is an important and significant element of the new post-9/11 reality in international relations. With the aim of answering the research question of this paper, the cooperation between the US and both the individual EU member states and the EU intelligence institutions is examined. As a result of the analysis, predictions on future trends in intelligence sharing are offered with strong evidence for even greater cooperation. Eventually, different potential scenarios in future intelligence cooperation are presented, dependent on how much of a threat Islamic terrorism really is for the US and the EU member states.

Chapter one -Introduction

It is difficult to imagine a more revolutionary event to start the new century than the 9/11 attacks in the heart of America – in New York and Washington. It is believed that in terms of impact, these can be compared with only one event in the US history – the attack on Pearl Harbour. These events, albeit separated by time and different in the way the attacks were performed, seem to have a lot in common. Both were results of intelligence failure which arguably could have been avoided[1]. At the same time both led to the reforms of American intelligence services. What is certain is that Pearl Harbour attack facilitated intelligence cooperation during the World War II and significantly contributed to the post-war cooperation, just to mention the UKUSA agreement in 1948. Considering the suggested similarities between the two events, a question emerges whether 9/11 has resulted in tightened intelligence cooperation between the US and the EU member states.

It would be particularly interesting to look at this from the perspective of the cooperation between American (US) and European Union members' intelligence services. There are several reasons to pursue this research question. Both the USA and the EU member states are believed to have vested interests in intelligence sharing, as evidenced over the past century in both long-lasting and ad-hoc alliances[2]. Moreover, academic research seems to bear out the idea that the countries of the Transatlantic group have similar political culture and consequently intelligence liaison between them should be much more effective, and thus more desirable to them than is the case of, for example, the US-Pakistan relation which significantly increased after 9/11. When both sides of the intelligence sharing process are democratic states, it is also more probable that citizens will have more knowledge about it through the media than in the case of cooperation with non-democratic partners. This knowledge makes studying such cooperation possible in a situation where there are very few official declassified documents which could shed a light on intelligence liaison after 9/11. Another interesting aspect of such a liaison is a potential conflict between the need to keep cooperation and its results secret while at same moment keeping intelligence agencies on both sides under oversight of democratically chosen bodies.

This paper seeks to examine whether the intelligence liaison between the US and the EU member states has intensified after 9/11 attacks. Should this be the case (alternative hypothesis), this dissertation will also try to assess the dimensions of such increased cooperation (based on, for example, the amount of data shared, the number of states involved in the sharing). What is more, if the answer to the question is positive, research will be pursued on possible developments in international intelligence cooperation between the US and EU. However, if the answer to the research question is negative (null hypothesis), this paper will attempt to uncover the reasons for this. To put this in other words, if intelligence sharing has not increased or even decreased, potential reasons for this phenomenon will be examined.

The paper is divided into three parts. Part one will provide the theoretical background (models, conditions) of the international intelligence cooperation. It will offer the necessary knowledge on the mechanisms ruling the sharing of intelligence data between states. Such theoretical review will be crucially important for the analysis to follow, as it will provide the necessary terms and definitions.

In part two, the intelligence liaison between the US and individual EU member states after 9/11 will be scrutinised. It will include bilateral and multilateral relations between states, rather than between the US and the EU bodies and institutions. Because of the space limitations of this paper, as well as due to the scarcity of information on the subject resulting from the secrecy surrounding it, this part of dissertation will concentrate on EU member states such as the UK, Germany and France. Other states will of course be included in the research, however to a significantly lesser extent. The main goal of this part of the paper will be to find whether the cooperation between the US and the EU member states has increased after 9/11 attacks and how it could develop in the future.

Part three of the dissertation will seek to establish whether there is intelligence cooperation between the US and EU bodies and institutions, and if there was one, has it increased after 9/11. In order to answer a question thus posed, it will be necessary to find, first of all, whether there are, within the EU, institutions considered by the US reliable enough to share intelligence with. Establishing this will allow the exploration of the potentially increased cooperation after the 9/11 attacks and the future perspectives of it.

Before proceeding to the main body of the study, it is important to clarify its limitations. Most importantly, because of the nature of the subject (intelligence), the pool of data available on it has been limited. Furthermore, a significant proportion of the date used originates from the media – hence, its reliability must be treated with caution. If to the usual secrecy of intelligence one will add the fact that the present study explores recent and current situation of intelligence operations, and that its seeks to uncover some of the best kept secrets of intelligence services – its alliances, then it should come as no surprise that the study will be based relatively few sources, and many of them unofficial.

Several different terms will be used to refer to intelligence cooperation. Intelligence liaison and intelligence sharing are among those to be used most frequently.

Chapter two: International intelligence cooperation – theory review "Liaison today represents the most significant dimension of intelligence"[3], argues Svendsen. It is difficult not to agree with him. Cooperation between intelligence services has recently been attracting academic community because of its implications for international security. It is probably thanks to the cooperation of agencies on an international level, it is believed, that some terrorist attacks did not take place or wars did not break out. However, there are some deficiencies apparent in the realm of theory development on intelligence liaison. This is especially worrying in view of the fact that "most other aspects of international cooperation have attracted considerable theoretical analysis"[4]. On the other hand, the reason behind this can be that "there is no generally established theory of intelligence and hence no established theoretical framework for the analysis of intelligence liaison", as observed by Wilhelm Agrell[5].

Intelligence liaison needs to be better understood in the current international environment. It is enough to mention the obstacles it presents to effective accountability and oversight by democratically chosen bodies. As argued by Rudner, "[t]he imperative for intelligence cooperation can sometimes make strange international bedfellows, and can have profound implications for foreign policy, civil society and human rights."[6] Not surprisingly contemporary torture

allegations and the practice of 'extraordinary renditions' are closely associated in popular opinion with international intelligence cooperation. It can stem from the impression that intelligence liaison after 9/11 is exempt from any oversight and that the terrorist threat justifies the breach of human rights. It seems that as long as such views are held, there will be no incentive for the theorisation of intelligence cooperation, which is connected to the dark side of agencies perceived as unjust but 'necessary'.

On the other hand, the lack of theorisation in the liaison area of intelligence studies is to some extent symptomatic of intelligence studies as a whole. Intelligence liaison is largely disconnected from international relations (IR) theory. It also appears to be separated from other bodies of theory concerned with diplomacy, politics, business and management. This is peculiar, taking into account long presence of intelligence in international environment and politics. However, according to Christopher Andrews, scholars themselves have for a long time refrained from researching intelligence as fully lawful part of IR[7]. "On the other hand, labelling contemporary intelligence studies as overall and liaison part specifically being 'under-theorized' is arguably an over-simplification. Perhaps a more appropriate description would be 'haphazardly-theorized', which captures the ad hoc nature of the 'theorization' efforts", as argued by Svendsen[8].

Intelligence cooperation, meanwhile, represents a further specialist area within intelligence studies, and it is probably even more haphazardly analysed than other aspects of international intelligence. While often referred to in more of a misdescribed manner by the media, intelligence liaison is rarely studied in any broader dimension. Additionally, while much research should have been undertaken into specific functions of intelligence sharing, unfortunately most of it has been largely historical and has focused on what liaison has done rather than on what it is[9]. Substantive theories of intelligence liaison are missing for several reasons. These include the above mentioned methodological problems, connected with the fact that the subjects explored are usually secret. Moreover, the investigation of intelligence cooperation is officially discouraged, and especially so in the present context. The UK Secret Intelligence Service's website informs that "[i]t is SIS policy not to comment on its relationships with liaison services."[10]

Moreover, intelligence liaison itself is not easy to be categorised. It does not fit into any particular level of the intelligence cycle. "It is present everywhere, often in multiple locations at once"[11]. Intense secrecy, correlated with methodological problems caused by the lack of specific 'site' for research has led to the situation in which liaison as a general phenomenon has been receiving little attention. As noted by Len Scott and Peter Jackson, "despite the valuable start made by pioneers, this is a field that has not received systematic study by either political scientists or historians"[12].

Types of Intelligence Cooperation

It seems that at least the cooperation between democratic allies should be more accessible to researches and academics. Nothing can be more misleading. Intelligence agencies operating in democratic states are hiding liaison arrangements with other democracies from the eyes of researches and media even more severely than cooperation with authoritarian states. To exemplify that it is enough to mention the UKUSA agreement involving 5 democratic states, the details of which are still being kept top-secret, even though it is commonly known that it involves SIGINT sharing. This position of intelligence services becomes clear when one looks at the nature of liaison agreements. Intelligence cooperation with authoritarian states is usually *ad hoc* relationship and does not last for long. On the contrary, intelligence sharing between democratic allies usually entails long lasting cooperation. In this case, questions like with whom, on what scale, or what kind of information you share are usually most secret in every intelligence agency of any democratic country. If this is revealed on any level, it does not only discredit such an agency but it also means that further liaison arrangements are left at risk as other partners no longer see it as a reliable ally. Nevertheless, some academics have managed to uncover theoretical base behind so deeply guarded information concerning intelligence cooperation. This has allowed them for basic classification of potential agreements, shedding some light on circumstances and conditions in which liaison is brought into existence.

By way of example, Jennifer Sims[13] puts forward several classifications of cooperation. The first one is the 'simple' versus 'complex' cooperation. The word 'simple' describes not level of advancement of cooperation, which can be fairly sophisticated (as is for example SIGINT), but the nature of such agreement which includes the sharing of pure

intelligence. Cooperation based on this level is usually pursued by equally strong partners with similar political systems where the only aim of such cooperation is improving both partners' knowledge. A case in point of such a liaison is the UKUSA agreement where cooperation involved intelligence services even in situations when political interests of these two were completely different (for example in the Suez War). On the other end of the spectrum there is the 'complex' liaison which "involves the bartering of intelligence collection assets for some mix of political, intelligence, economic, military, or operational goods provided through intelligence channels"[14]. This is a good description of the current US–Pakistan cooperation when, in exchange for crucial intelligence about the Taliban, Pakistan is receiving political and military support.

Another binary opposition introduced by Sims is one of symmetrical versus asymmetrical exchange. If 'simple' or 'complex' liaison involves consistently balancing the exchanges through intelligence channels for both parties, then the liaison may be considered symmetric. In this situation, states receive an equal amount of gains from the agreement, therefore it is equally satisfying for both of them and there is no incentive for betrayal or manipulation (this is for example the case of France and Germany). Asymmetrical cooperation is slightly more complicated and therefore more risky. Paradoxically, although symmetry is to be pursued by both parties, it might be particularly sought after by the one receiving the most out of the relationship. Getting more than one can offer in an exchange should alert such an intelligence agency. This usually means that either such a relationship is a way of becoming dependent and therefore vulnerable to be sabotaged by the agency delivering more information, or the appearance of asymmetry is false, and the true gains one's partner is receiving are undercover. In either case, the intelligence service with asymmetrical gains should take steps to either bind their partner more closely or look for diversion in the sources of information. It is important to mention that symmetry in exchange is to be defined rather by abstractive gains measured over a period of time, than simply by the amount of data exchanged. In fact, one correct and well timed piece of information from a well-positioned human source can be worth as much as years' worth of SIGINT data. One must be extremely cautious when assessing the symmetry of cooperation. That is why it is difficult to judge whether the USA's and the UK's relationship where the former delivers a significant amount of SIGINT data while the second specializes in HUMINT sources is symmetrical.

Before states engage in intelligence sharing, they have to agree on how many partners will be involved. No matter whether it is an ad-hoc liaison or a long lasting alliance, one can always divide such relationships into bilateral and multilateral ones. Although there are liaison arrangements which involve more than two members, intelligence costs usually go up and benefits go down as the number of parties increases. The quality of the cooperation will usually be determined by the least trusted partner. Generally speaking, each state will prefer the close and secured bilateral arrangement to cooperation within a group. Bilateral cooperation is easier to manage and control, compared with one where several states share information. Most importantly, however, in a bilateral relationship it is easier to find the source of leak or betrayal, while in multi-state arrangement it can be virtually impossible. These are probably the reasons why there are so few multilateral arrangements. And usually they are between close political allies.

Advantages of sharing

The history of international relations shows that every coalition between independent states which brings benefits for all sides of cooperation undergoes expansion at some point or another. There are several examples to support this claim. Perhaps the most important of them is the European Economic Community which evolved into the European Union. Despite many short-term disadvantages, the Union still exists because it offers long-term benefits for its members. Arguably, this theory also applies to intelligence cooperation, especially one between democratic states. In the majority of cases, here parties are cooperating as equal partners and are receiving symmetric benefits. Again, the case of the UKUSA agreement serves as good exemplification of this.

Nevertheless, there several arguments can also be put forward against this theory. If beneficial intelligence cooperation is equally profitable as any other independent states alliance, why there have been so little long-lasting and serious cooperation so far[15]. One of the reasons for that can be the fact that intelligence studies an area with still relatively limited body of academic research where there are is relatively little knowledge about alliances, while most of them stay simply secret. On the other hand, it is hard to agree that there might be some influential intelligence alliances between democratic states and public opinion would not know anything about them. It is easy to keep the

body and details of the intelligence sharing agreement secret, but not the existence of it[16]. The situation becomes even more complicated if recent and present cooperation facts are incorporated into the whole picture of intelligence liaison history. Before the 9/11 events, intelligence sharing was neither common nor in the centre of research or media stories. One can have the impression that after the Al-Qaeda attacks intelligence services started one big, global cooperation[17]. That is an obvious overstatement, largely the result of the way in which the media cover liaison intelligence operations against terrorists, and possible breaches of law caused by such actions. But it cannot be reasonably denied that the scope and intensity of intelligence sharing over the world has increased, still leaving the question whether the cooperation between the US and European Union has increased accordingly open.

A question arises what was the reason behind such a sudden supposed boost in intelligence sharing after 9/11. It seems that the attacks themselves could not be the reason for the emergence of new value of intelligence sharing. To look at it again from the realist perspective, it must have been the common gain of all partners or rather the possible avoidance of other attacks that encouraged the US and its European partners to tighten their intelligence cooperation. Arguably the threat of a new enemy which was potentially able to use a new terror strategy convinced states all over the world that terrorism is a threat to their independence and existence. In such a situation, services crucial to the defence of state independence – including intelligence services – were made to cooperate directly by their respective governments, but indirectly by the new threat to share their experiences and knowledge. Arguably, the result of intelligence services' cooperation must have been positive, considering that this way of combating terrorism is still in place as some academics seek to prove.[18]

Chapter three: Intelligence cooperation between the US and the EU member states

Strategic Alliance between the USA and the UK

The intelligence cooperation between American and British intelligence agencies is not only the oldest intelligence alliance between US and European partners but arguably also the strongest and mostly researched intelligence alliance in the world. Especially if one takes into account relatively limited knowledge about intelligence agency cooperation. On the basis of the UKUSA Security Agreement signed in June 1948, both parties "created a tight, resilient, collaborative arrangement between the National Security Agency (NSA) and GCHQ, for cooperation in the sharing of SIGINT technologies, in targeting and operational matters, and in exchanges of foreign intelligence collection"[19]. Details of the cooperation agreement remain top-secret. As time went by, more countries have been invited into the cooperation and nowadays it consists of the UK, USA, Canada, Australia and New Zealand. The successes of the cooperation remain secret, but from the moment of signing it (for over 60 years), the cooperation is generally believed to have been profitable for both sides, not only with regard to SIGINT but also in "the numerous parallel agreements (MoUs) relating to human intelligence and defence intelligence dating from the 1940s"[20].

It can be reasonably assumed that intelligence cooperation between Britain and America has remained important after the 9/11 events. Suffice it to quote the words of Robert S. Mueller from April 2008:

"The partnership between the United States and the United Kingdom is among the strongest in the world. I am particularly grateful for the relationship between the FBI and our British counterparts. It remains a model of international intelligence and law enforcement cooperation"[21]

These words could suggest that behind official receptions and speeches there is beneficial intelligence sharing taking place between the US and the UK. For both partners intelligence sharing is profitable, especially while after 9/11 their usual advantages have grown even more in importance for each other. The UK traditional area of expertise such as HUMIT or the access to particular language skills became even more important when it came out that the enemy is bypassing the traditional means of communication. On the other hands, the UK benefits from US substantial financial resources the intelligence services are provided with, as well as their technological superiority

over both enemies and allies. The overall intelligence relationship between the UK and the US has been described then and now as "highly complementary"[22]. This relation increased in both quality and quantity after the attacks on Twin Towers and Pentagon. Both sides of the relationship realised that they are together in this new war because of their close political ties. This was confirmed when the 7/7 events took place, showing that the US and the UK are bound together at least until the terrorist threat ceases. In these circumstances, both states have started event tighter intelligence cooperation than ever before, according to Svendsen[23].

On the level of SIGNIT sharing, both parties were closely tied already before 9/11, but this has arguably increased after the attacks, according to some sources[24]. On the other hand, the systems shared by both states (such as Echelon, whose existence neither of the party has ever confirmed) had been already overloaded with information which cannot be analysed. It might seem that in such a situation it would help to incorporate more states and therefore more analytical forces rather than to tighten up the strategic alliance between the UK and the USA. Nevertheless, a high volume of data has been collected and processed. A large proportion of it has involved monitoring e-mails, faxes, mobile and fixed-line calls and electronic transactions. Moreover, the amount of data shared has increased extraordinary in the 9/11 context, at the same requiring even more detailed targeting of suspects which, as argued by Svendsen[25], was not achieved.

At the same time NSA and GCHQ have struggled to stay abreast of rapidly progressing communications technologies. Social networks, voice communication over the internet – these are new challenges for cooperating intelligence services which put in a great effort to be up to date with modern technologies. No doubt they will always be behind ideas and trends of communication entrepreneurs; therefore even the closest cooperation of services will not ensure citizens' security.

In addition to SIGINT, the UK cooperates with the US in the area of satellite reconnaissance. Instead of developing its own expensive satellite network, the British contribute a sizeable sum of money towards American satellite system and have procured some privileged access to the valuable data gathered by IMINT. In 2006, the UK introduced additional advances to satellite system used by both partners, as British services wanted to have greater impact on the satellite system[26]. Additionally, in March 2007, the upgraded UK 'Skynet' 5 A satellite system was launched. The planned tasks reportedly include the non-stop delivery of "secure, high-bandwidth communications for UK and allied forces"[27].

The exchange of HUMINT between the US and the UK differs markedly, and arguably has not changed even after the 9/11 attacks. In contrast to SIGINT, HUMINT has been shared narrowly and directly. Usually information from human sources is shared only bilaterally and on the basis of direct question asked. What it means is that neither of the partners has open access to information gathered by human sources, but both have to ask questions about specific cases or areas of interest to receive valuable information. Mainly responsible for HUMINT sharing are SIS on the British and the CIA on the American side[28].

HUMINT sources are extremely precious and vulnerable to any defection or betrayal. Thus, even after 9/11 the rules about sharing information received from human sources have not changed, although the volume of information exchanged was extraordinarily higher as some academics argue[29]. It can be clearly seen then that the practice of keeping sources of HUMINT entirely secret remains valid even in the post-9/11 era. At the same time, it shows that phenomena such as the 'globalization of intelligence, are not always in fact observed in every area of intelligence activity.

There is another intelligence platform in the UK–US cooperation where sharing increased after the 9/11 events. Defence and military intelligence liaison is crucial for military cooperation between those two states, which makes it expand rapidly. Responsible for the military intelligence sharing are the UK Joint Air Reconnaissance Intelligence Centre (JARIC), known as the National Imagery Exploitation Centre and their main American counterpart the US National Geospatial – Intelligence Agency (NGA)[30]. Both are responsible for managing the collection of IMINT, MASINT and GEOINT (including high-resolution radar-imagery), acquired from satellite sources.

Doctrinal ideas, such as intelligence, surveillance, target positioning and reconnaissance (ISTAR or ISR), act as a

central prompter in a real-time battlefield performance. These are especially crucial for the US and the UK, as both of them have played major role in two big post -9/11 conflicts – in Afghanistan and Iraq. From the critical point of view, it can be argued that all NATO members have to share similar intelligence and have means to do so in a situation of military conflict. Therefore, as NATO members, other than the US and the UK, take part in Afghanistan mission, cooperation between all of them should stay on an equal level. On the other hand, it is common knowledge, especially in the military community, that the US and the UK stand far above the usual NATO relations. Their communication on the battlefield stay very much similar and the same happens in case of military intelligence and sharing it. While the rest of NATO members are prepared for communication and sharing important military data in case of world conflict, American and British troops are prepared for cooperating on a daily basis in every military aspect, including intelligence. This is the case because these two are strategic partners in a currently engaged in a conflict and probably the only two Western states left which still seem to pursue *Weltpolitik.*

Therefore, it can be reasonably argued that the increased cooperation between both the US and the UK within the area of military intelligence is the indirect result of the 9/11 events. Without the terrorist attacks, there would arguably be no reasons to deploy missions to Afghanistan and Iraq and as result, both states would not be engaged in close military intelligence cooperation as there would not be any pressing need for that.

There are several other intelligence typologies where increased cooperation as a result of 9/11 attacks could be demonstrated. Open source intelligence was long recognised by both the US and the UK as an important and valuable source of information. After the 9/11, the exchange of OSINT analyses between both partner increased[31], although "there is a long-term and close partnership between the British Broadcasting Corporation (BBC) Monitoring and the US (CIA) Foreign Broadcast Information Service (FBIS) – the latter replaced by the DNI Open Source Centre (OSC) in November 2005"[32]. Up until now these services, in cooperation with commercial companies, are searching, translating and analysing open sources of information all over the world, which intelligence services of both states find extremely valuable and interesting.

Intelligence sharing between British and American law enforcement agencies increased especially after the United Kingdom's Serious Organised Crime Agency (SOCA) was formally launched in April 2006[33] as an amalgamation of the National Criminal Intelligence Service (NCIS), the UK National Crime Squad, and Her Majesty's Customs and Home Office Immigration Service investigators. The centralisation of those institutions helped to facilitate information sharing about criminals and terrorist activities with its American counterparts FBI, the US Department of Homeland Security (DHS) and the US Drug Enforcement Administration (DEA). Taking into account that in the US, FBI has also official counter-intelligence and counter-terrorist duties makes this cooperation very important. This liaison is extremely valuable for both states not only because it involves criminal cases, but mostly because it involves cases not dealt with by other intelligence services and thus it supplements their counter-terrorist efforts.

Future cooperation between the US and the UK

It is extremely difficult to predict possible future liaison relationship of both the US and the UK. At the first stance it could be observed from above analysis that liaison between those two states is closest ever in history of any modern intelligence cooperation and shows sign for even further improvement. This position can be also confirmed by former intelligence directors like Dame Stella Rimington: "[…] in a world where the threats get more sophisticated and more global, the intelligence task gets more difficult, and cooperation between intelligence allies is vital and grows ever closer"[34]. On the other hand there are some reasonable critics to that prediction of even greater cooperation in future.

Firstly, positions of the US and the UK are separating more with the time. While they were more or less equal partners in intelligence sharing at the beginning of cooperation just after II World War, there is visible domination of the US in this liaison on many levels, including available funds, new techniques used and numbers of agents involved. All this lead some intelligence practitioners to some devastating conclusions like one of the former American intelligence officer, Robert Steele: "In my view, while there remains a special relationship that is incestuous, and like incest, produces deformed […]results, it is high time the USA broke away from special relationship and focused instead on beneficial relationships as many as possible"[35]. It can be argued that this view

will be more often highlighted, especially when in the time of economy downturn the UK cannot allow itself for more investments in intelligence services. This could lead in future to even more differences in sharing involvement and it would not be surprise if on some point the US came to thought, that special relationship is no more profitable enough to keep it going.

Secondly, the UK may at some point value other European alliances over special intelligence relationship with the US. Obviously, No doubt that it is the US which stays biggest and strongest intelligence gatherer in the world. But it is common knowledge that the UK is not that involved in *Weltpolitik* as it was just after II World War. In short time, the UK can came to conclusion that although all benefits coming from close intelligence liaison are priceless, there are some European ties which are more profitable, especially politically, after implementation of Lisbon Treaty.

All these are the predictions for further cooperation while evaluation of present intelligence liaison between the US and the UK arguably obvious showing that there was substantial increase in intelligence cooperation between those two states. According to **Svendsen: "While many of the ties and infrastructures in the** various domains of UK–US intelligence liaison – notably SIGINT, HUMINT, etc. – already existed prior to the 9/11 attacks, many of these were considerably reinforced, consolidated and expanded in the wake of the attacks"[36]. It is hard to not agree with this one particular opinion and many others coming from intelligence scholars all over the world. Nevertheless, current close intelligence sharing between the US and the UK is not enough to assume that current trend will continue in the future. Especially if critics mention above are taken into account.

Intelligence cooperation between the US and other EU member states.

The 9/11 attacks started increased intelligence cooperation not only between the 'old allies' such as the US and the UK but also by necessity with many other states, many of them European Union member states[37]. Suffice it to mention the words of the Deputy Secretary of State Richard Armitage:

"Probably the most dramatic improvement in our intelligence collection and sharing has come in bilateral cooperation with other nations — those we considered friendly before 9/11, and some we considered less friendly. This is marked change, and one that I believe comes not just from collective revulsion at the nature of the attacks, but also the common recognition that such groups present a risk to any nation with an investment in the rule of law"[38].

It is reasonable to assume that all European partners were considered friendly before 9/11. However, what is the most important in this quote is that Armitage recognises that cooperation comes from the common position of states whereby Islamic terrorism is a serious danger for every state, not only European.

The majority of academic voices claim that "Since 9/11, liaison relationships between the United States and foreign services have increased in number and, in the case of pre-existing partnerships, have grown deeper"[39]. This is confirmed by many European intelligence responsible civil servants: "Contacts have been increased and there is more cooperation in all areas,"[40] revealed to the journalists the director of Spain's National Intelligence Centre Jorge Dezcallar.

It has been taking place in many areas despite political condemnation of the US military actions in Iraq or covert programs such as extraordinary renditions. Immediately after 9/11 all members of EU and NATO were supporting the US in their anti-terrorist actions and military mission in the Afghanistan. It changed radically when the US started the operation in Iraq on the basis of weak preconditions that Saddam Hussein is in possession of WMD and cooperates with Al-Qaeda. The 'Old Europe' (France, Germany) was against this intervention, probably because they knew the weakness of the evidence confirming American assumptions (especially as it was partially delivered by them – the German agent from Iraq known as 'Curveball'). Despite this withdrawal of the political support, both Germany and France, as well as the rest of Europe have been closely cooperating with the US since after 9/11 and still are, as will be demonstrated in this sub-chapter.

Usually reluctant towards Americans, France started close cooperation with the US just after the 9/11 attacks. An article in the daily *Le Monde* "Nous sommes tous Américains" expressed not only emotions and cultural unity with the

USA, but was also a sign of what was bound to happen on the platform of secret intelligence sharing. In 2002, the CIA and the French Direction Générale de la Sécurité Extérieure (DGSE) established an intelligence cooperation centre in Paris called 'Alliance Base'[41]. According to newspaper articles[42], 'Alliance Base' is led by a French general from the DGSE and staffed with intelligence officers from Germany, Britain, France, Australia, Canada and in large numbers from the United States. This secret institution is more than just intelligence sharing body. It is forum for operational collaboration and covert actions in anti-terrorist actions, also those involved extraordinary renditions condemned by whole EU.

There is a paradox in the fact that while publicly criticising American program of renditions, European governments took part in it. This kind of hypocrisy was fiercely criticised by the CIA Director Michael Hayden who pointed to European political leaders that they publicly condemn the CIA, but privately enjoy the protection of the enhanced security provided by joint intelligence operations[43]. Indeed, recent history suggests that intelligence cooperation ties are affected by disagreements over ideals, strategy, politics or Human Rights observance, at least within the Transatlantic relationships. This is crucially important to the whole issue of intelligence liaison, as it shows that practice of intelligence sharing is independent of politics. This can have both its advantages and disadvantages. It is surely profitable that the US and the EU members can cooperate in the area of intelligence while disagreeing in politics. However, this bias can be the result of the lack of control by governments and parliaments over European intelligence services actions. Should this be the case, it should be used as food for thought in European capitals.

Nevertheless, in the meantime the cooperation between American and EU member states intelligence services has arguably been highly successful. For example, decisions and steps taken by *Algemene Inlichtingen- en Veiligheidsdienst* (the Dutch General Intelligence and Security Service) allowed to prevent the attack on US embassy just after the 9/11 events in the US[44]. This was possible thanks to the international intelligence cooperation. Germany and the US have share intelligence on terrorism since 1960s. This relation has remained robust after the 9/11 attacks and has even increased, not only through the 'Alliance Base' but also in bilateral relation. A case in point here is the unfortunate example of the German intelligence service HUMINT source agent named 'Curveball'. The final outcome of that case, which led to the US's invasion of Iraq – based on false suspicions that the country possessed WMD – seems to suggest that sharing information here was faulty and misleading. However, it seems less so in light of the declassified documents[45]. These show that the case of 'Curveball' was properly described by *Bundesnachrichtendienst, e*specially as far as his credibility was concerned – it was in fact believed to be dubious and unclear. However, as it was the only American human source, and it was delivering information desired by the Executive, the BND kept sending reports to the United States Defense Intelligence Agency. In other words, cooperation between both services was smooth, it was the American side that used the information despite warnings coming even from home intelligence[46]. Based on this case, it can be assumed that intelligence sharing between Germany and the US has increased to the extent that even not confirmed sources were delivered to the US on special request. Once again, this confirms the argument whereby intelligence cooperation between the US and European partners has existed despite European reluctance to the US international policy. To take this argument even further, it can be argued that the transatlantic intelligence liaison will increase in the future, as long as a new threat in the form of Islamic terrorism is deemed serious danger by both the US and the European Union member states.

Apart from the UK, a traditional ally of the US, there has been a group of newly accepted EU members which were, most of them, supporting the US policy after 9/11, including the intervention in Iraq. It can be assumed that those states (Poland, the Czech Republic, Hungary, Romania, Bulgaria, and the Baltic states) were prepared to seek intelligence cooperation with the US. However, it is obvious that these states did not probably have much intelligence to offer, while their first concern has always been Russia and its actions. It this particular case, there are all reasons to suspect that the 'complex' intelligence liaison took place. It has been confirmed in the cases of Poland and Romania when both states have hosted the secret CIA prisons used for extraordinary renditions. That they did host such prisons was confirmed by both the European Parliament inquiry[47] and investigative journalists[48]. In exchange, those states received a mixture of military, political and intelligence support.

From the above analysis it appears that after the 9/11 attacks the US increased intelligence cooperation with the EU member states. There is also no doubt that most European states were willing to increase this cooperation as they

saw real threat that Islamic terrorism constituted not only for the US but also for European states. It was the nature of both in multilateral and bilateral relationships. The level of cooperation has been different depending on a state. Usually, the biggest ally of the US – the UK, has led in intelligence liaison. But it is now visible that the rest of the EU has not stayed behind, and tried to contribute to the liaison in many different ways. All those alleged facts lead to the conclusion that the future liaison between the US and the European member states will increase even further as long as there will be a common strong threat to the security to all participating states.

Chapter four: Relations between US agencies and the EU as an organization. In the above chapters, it has been indicated with relevant evidence that there has been increased liaison between intelligence services of the US and EU member states. However, research on such a liaison should take into account the presence of the EU as an organization regulating and to some extent overtaking member states' responsibilities. Therefore, it is reasonable to assume (and indeed it is argued by some authors[49]) that EU institutions have been and will be in the future in charge of certain intelligence duties. To explore possible cooperation between US agencies and the EU as a supervising body it would be necessary to evaluate the cooperation between EU member states within EU institutions first. There are five institutions within EU responsible for intelligence sharing. These are the Berne Group, the European Police Office (Europol), the Satellite Centre (EUSC), the Intelligence Division (INTDIV) within the EU Military Staff (EUMS) and the Joint Situation Centre (SitCen)[50].

The Berne Group (the Club of Berne) was founded in 1970s with the purpose of providing security forum to, at that time six and now twenty seven EU member states. According to Walsh, it serves primarily as a point of contact for heads on national intelligence services who meet on a regular basis[51]. The group contributed directly to the USA and the EU's intelligence sharing by creating in September 2001 the Counter-Terrorist Group (CTG) which acts as the interface between the EU, heads of EU member states, the USA, and Norway and Switzerland security and intelligence services on terrorist matters.

Unfortunately, providing intelligence by individual members of the group is not compulsory, depending to a large extent on the good will of the members. Member states do not seem to have used the Berne Group to share operational intelligence. Instead, it is rather a forum for exchanging ideas about effective tools and policies to fight counter-terrorism or organized crime[52]. Therefore, it can reasonably be doubted whether the liaison supposed to be at the heart of this group is effective. This becomes clear in the light of Chapter One of this dissertation where it was demonstrated that voluntarily exchanged information can be either non-relevant or serve misinformation purposes. Although it is difficult to believe that European allies would share misinformation, it is hard to judge how much relevant information the group does share. Gijs de Vries (the European Union's counter-terrorism coordinator) admitted that "it appears that the analysis (of the Counterterrosrism Group) does not contribute much to decission-making or the policy direction of the EU"[53]. Taking into account all the doubts, the Berne Group shows little usefulness even after creating the Counter-Terrorist Group when intelligence sharing duties, especially those concerning terrorism threat, have been shifted to better the organised and already possessing a specialised Computer System (TECS) Europol.

Since 1 January 2010, Europol have been an EU agency the rationale of existence for which can be traced back to the TREVI group (Terrorism, Radicalism, Extremism, and Violence International)[54] set up during the Euro-terrorism peak in 1976. TREVI was a coordination network for the interior ministries of European Community member states. It was later expanded to include Europol's two other areas of current expertise – drugs and immigration. The formal establishment of Europol was agreed in the Maastricht Treaty on European Union of 7 February 1992, to improve cooperation between member states in the areas of drug trafficking, terrorism, and other serious forms of international organized crime.[55] The agreement on the establishment of Europol, as it exists today, was signed by member states' representatives on 26 July 1995, ratified by all member states in June 1998, and came into force on 1 October 1998. Europol commenced its first activities on 1 July 1999[56]. The main task of Europol is to support the liaison between national law enforcement agencies of the EU. To fulfil these duties, there is a delegated body of 625 staff, of which approximately 120 are Europol liaison officers. This can give an impression that the main duty of Europol is indeed to support EU national enforcement agencies. To facilitate this cooperation Europol maintain a central computerized system (TECS) which allows the input, access, processing and analysing of data, including personal data. This exchange, however, is under the control of the Joint Supervisory Body, consisting of fifteen

national data protection commissioners. As it is stated in official documents “The Convention (founding Europol) lays down a strict framework for human rights and data protection, control, supervision, and security”[57]..

Europol’s role as an intelligence liaison institution for EU members and the USA emerged after 9/11 attacks. Previous to that period, the organization was concentrated on facilitating communication on organized crime, and drug and human trafficking. In order to manage intelligence cooperation within the European Union, as the European Council on 21 September 2001 stated, ‘‘the Member States will share with the European Police Office (EUROPOL), systemically and without delay, all useful data regarding terrorism.’’[58].. At the same meeting, the creation of an antiterrorism unit, staffed by intelligence officials based at the agency’s headquarters in the Netherlands, was approved. It was officially accepted as an intelligence exchange point with the US [59]. The member states of the European Union have accepted, conceding to EUROPOL its mission, ‘‘to make a significant contribution to the European Union’s law enforcement action in preventing and combating terrorism, unlawful drug trafficking and other serious forms of international crime within its competencies, with a particular emphasis on the criminal organisations involved.’’[60]. The signing on 6 December 2001 of a strategic cooperation agreement between the U.S. and EUROPOL, the first formal agreement with the EU[61], “evolved rapidly to include a common definition of terrorism, a common list of terrorist organizations and a Framework-Decision on the freezing of terrorist assets.”[62].This led to the establishment of an EU–U.S. community of action against terrorism with operational powers, including a provision for a U.S. liaison official to be seconded to Europol.[63]

The rules on how information should be shared through the system are well-specified. “If an analysis is of a general nature and of strategic type”[64], all signatories of the Convention will have access to it. However, “if it bears on specific case not concerning all member states and has only operational aim”[65], only members directly affected by the information or those who provided it in the first place will have access to it. Other members will know about the existence of the information and can request the access, but in can be objected to by those who were at the origin of the intelligence. On the one hand, this code of conduct ensures that intelligence will be viewed only by participants accepted by the intelligence producer, but on the other hand, it leads to the division of the community into first- and second-class members, depending on a case.

What is most important is that member states can decline to provide intelligence to Europol if doing so involves “harming essential national security interests[…] jeopardizing the success of a current investigation or the safety of individuals[…] involving information pertaining to organizations or specific intelligence activities in the field of State security”[66]. In other words, every member state can decline any information and explaining such a move by vulnerable state security will be enough to back it up.

As Segell concludes, “on paper, the task seems to be easy. In practice, however, intelligence officers need to know which pieces of information culled from an overload of data fit together to enable preemptive actions. To this end, EUROPOL has had to introduce a wide range of measures never before used in the EU, more akin to the practices of the Federal Bureau of Investigation (FBI) in the U.S.”[67]. In fact, great scope of duties planned for Europol after 9/11 has not been satisfyingly achieved because all of the information is supported, as in the case of the Berne Group, voluntarily. The whole existing network of exchange and potential profits derived from it is arguably enhancing liaison between member states and the US. Still, “the lack of law enforcing cooperation within Europol makes cooperation unsatisfying”, Walsh believes[68].

Another intelligence-sharing branch is the Satellite Centre (EUSC) established in 1993 in Torrejon, Spain. At the beginning, it was working under the Western European Union, but in 2002 it was incorporated into the EU structures. Functioning of the Centre is defined by the Council of the European Union itself. The main aim of the EUSC is to support decision-making processes of the EU’s CFSP, its member states or associated states (eg. the USA) by providing analysis of satellite imagery and aerial imagery data. The content of the mandate given to EUSC is fairly concise, and yet clear and unambiguous. The Satellite Centre itself does not own satellites. Material for analysis is bought from various governmental or commercial sources. The imagery is analysed for the Council and individual member states as well as associated governments who might request it [69]. Approximately 40 per cent of the Centre’s imagery comes from France’s SPOT 1 and 2 satellites, 20 per cent from India’s IRS-1C satellite, 17 per cent from Hellios 1 (owned and operated by France, Spain, and Italy), and 15 per cent from Russian imagery

satellites. Other resources include ERS-1 and 2 (European Space Agency), Landsat 4 and 5 (USA), and Radarsat (Canada). The Centre itself has a budget of $11 million and staff of 68 people[70].

In view of the above evidence, it can reasonably be argued that the EUSC has little to offer to EU member states, not to mention the USA. Data from commercial satellites is not as detailed as one from state-owned spying satellites. What is more, it is not owned by the Centre, and some of the owners are potential competitors of the EU (Russia, India), so there is no guarantee that relevant, timely or even not manipulated data will be available[71]. Additionally, because of its civilian character, the EUSC lacks appropriately trained staff. All that contributes to the fact that it cannot, it is believed, be trusted as a source of fully reliable imagery which could be a valuable product in exchange between the EU and the USA. To put it bluntly, unless the EUSC has its own sources, it will not be capable of delivering intelligence valuable both for EU member states and the USA.

Joint Situation Centre (SITCEN)

The European Joint Situation Centre (SITCEN) developed from the Satellite Centre, part of the Western European Union. In 1999 it was to the General Secretariat of the European Union together with the EU Military Staff which was in charge of SITCEN. It was not until 9/11 attacks that its importance grew[72]. Specialists from the European Union Institute for Security Studies declared, at the start of 2004, that "although the fledgling Joint Situation Centre has only seven analysts, it deserves the label of European intelligence agency since its function corresponds to that of an external intelligence agency"[73]. At that time, the statement was probably an overstatement but it reflected the general feeling among European security scholars and politicians with regard to setting up an EU intelligence agency.

The situation for SITCEN improved, according to Charles Clarke, in 2005 when the organisation was able to "monitor and asses events and situations worldwide on a 24-hour basis with a focus on potential crisis regions, terrorism and WMD-proliferation. The SitCen also was able to provide support for the EU High Representative"[74]. By 2008, SITCEN had had over one hundred employees. Out of these, forty worked with open sources. Eighteen worked with more confidential intelligence materials, including thirteen seconded from member states who did not trust the five recruited by SITCOM itself. This situation exemplified typical problems relevant for the issue of security, as for the period before the ratification of Lisbon Treaty. As regards post-9/11 situation, all EU member states wanted stricter cooperation between their intelligence services and the USA; on the other hand, few of them actually wanted a join EU intelligence agency which would manage other national intelligence services on a compulsory basis. The complicated situation of SITCEN did not help to solve this situation in the slightest[75].

The SitCen is not formally an EU agency in the true sense of the word and does not impose on the countries any legally binding obligations. From a judicial perspective, it is a department connected to the High Representative (SGHR), situated under the Private Office of the General Secretariat of the Council. Nonetheless, it is believed that is a type of intelligence agency as it produces external intelligence in the form of threat assessments, particularly, but not only, relating to terrorism both inside and outside the EU territory. The Council, an organ formally deciding on the organization of the General Secretariat[76], has not submitted any legal act or other publicly available document that would explain the centre's tasks and duties. This can result from the fact that the SitCen has gained the character of an intelligence service gradually. Nevertheless, this does not explain the lack of direction for such an organisation, especially when its operations are a very sensitive matter for all member states.

A more convincing explanation is that officially, there is no such a body as an EU intelligence service. Making SITCEN an official agency would attract significant media interest, as well as attention of all states whose staff is not seconded there yet. It can be argued that the Centre does want to develop slowly, adding other member states to cooperation on the basis of truthfulness and confidentiality. On the other hand, however, secrecy around it can cause more damage than good, especially when not participating members states will realise that they are being left out.

This is not the only problem with the SitCen. It in fact has no oversight body besides the Council which has discretion to decide on the mandate of EU agencies. As the example of the SitCen demonstrates, decisions on the mandate need not even be taken by the Council as a whole. Both national parliaments and the EP are limited to commenting the Council's decisions [77].

In view of the above, the SitCen seems to be the best candidate for a future "EU intelligence agency" which would have wider scope of power than terrorism and organised crime monitoring, current Europol's tasks. However, the lack of legislation and unclear tasks of the Centre may lead to the lack of trust in the organisation on the part of all member states. If such a situation occurs, the Centre will disintegrate under pressure from not involved member states as it will become no more than an intelligence service for a few members. It seems that the EU cannot afford either of these two solutions, not to mention that the USA would not be interested in the liaison with a service which would not be able to cooperate with all member states, let aside third parties.

Intelligence Division

The last but not least intelligence service to be discussed here is the Intelligence Division (INTDIV) within the EU Military Staff (EUMS). Like the EUSC and the SitCen, the INTDIV is part of the CFSP structure and supports strategic decision-making at EU level[78]. The mandate of the Intelligence Division is not explicit, which is also the case of the SitCen. The division was created within the European Union Military Staff on the basis of a Council decision that only outlined the mission, role and tasks of the entire staff.[79]As a part of the EUMS, the INTIDIV performs early warning and situation assessment, and supports the strategic planning activities for the Petersberg tasks – as such, because of the lack of specific instruction, it can be assumed that it somehow duplicates the SitCen tasks. In the beginning, when the INTDIV was starting to operate, differences emerged concerning whether the INTDIV's role should be limited to assessing the situation in geographical areas where military EU operations are feasible, or if it also should cover other states, e.g. North Korea and Russia. This second option would automatically lead to less concentrated and accurate intelligence (taking into account the small budget and the numbers of staff), but at the same would put the Division in a position where it would be able to liaison intelligence with third parties, ex. USA. This issue seems to be still unsolved.

It is The Council, who decides on the tasks of EUSC and the INTDIV and by this can be regarded as the master of these agencies. The INTDIV works together with the EUMS under the direction of the EUMC[80], which in return is composed of the Member States' Chiefs of Defence, represented by their military delegates.[81] But, as the EUMC is in charge of providing military advice and recommendations to the Political and Security Committee, it is the PSC that plays the key role in defining overall directions and requesting intelligence support.

The INTDIV consists of thirty officers "responsible for early warning, assessment, and operational support on external security matters, including terrorism"[82]. Each member state supplies at least one officer and their function is similar to Europol's liaison officers. They are used to supply intelligence to Military Staff and from the Division to the relevant national agencies. This intelligence shared by the member states is used to produce assessments for the Military Committee, the High Representative for Foreign Policy and other Union bodies.

Challenges in intelligence sharing within the EU

Before the issue of cooperation between EU intelligence services and USA agencies can be fully discussed, the cooperation between the EU member states within the above described institutions, should be analysed. It will be argued that the key to successful cooperation between the US and the EU intelligence agencies is smooth cooperation between member states on the European level. As the European Union is not a single state and will probably never be one, it is hard to make all the members states cooperate even on the issue of agricultural quotas, let aside intelligence services, so crucial from the perspective of states' independence.

First of the possible problems restraining EU members from intelligence cooperation is the level of European integration. EU members have only recently accepted, after a long struggle, the Lisbon Treaty, which came into power on 1 January 2010. The hesitance in accepting the newest treaty was rooted in the fear that the EU will take over too much national governments' responsibilities and privileges. Nevertheless, these were the fears of the citizens. On the other hand national governments have seemed to be overtly in favour of first, the Constitution treaty, and then its modernised version – the Lisbon Treaty. Uncertainty still prevails as to what extent the new treaty has integrated the member states. Much as in theory integration has been deeper than ever before, there is serious doubt as to whether new levels of cooperation have been achieved in strategically important disciplines. Military

cooperation and foreign policy planning, according to some scholars, still stay mainly within national governments' hands. Additionally, people chosen to officiate two most important EU post – the President of the European Council Herman Van Rompuy and High Representative for Foreign Affairs and Security Policy Catherine Ashton arguably have no charisma necessary for successful policy management in such a big organisation. Nonetheless, as they were chosen by the European Council it may be a sign that member states' governments are unwilling at present to have somebody with strong personality and charisma representing the EU externally.

It may seem that such an analysis of the current integration level within EU is not of core importance in an analysis of intelligence cooperation between the US and the EU. Nothing can be more misleading. It was crucially necessary to show that the current integration climate within the EU arguably is not conducive to more integration in the near future. That would mean that member states will neither introduce a new strong intelligence agency that could be described as the central intelligence service of the European Union nor will they be ready to strengthen any of the existing bodies by granting them more privileges and powers. Therefore, there is good reason to believe that US intelligence liaison with the EU as an organisation has little chances for improvement in the upcoming years.

However, that is not the only reason for the lack of perspective for such cooperation. To some extent, the US itself is at the source of it. As it was described in the previous chapter, few European states (the UK amongst them), have promising and beneficial intelligence relationships with the US. The importance or even priority of this cooperation with the US is so crucial for them that they are reluctant to engage in any other cooperation agreements which would involve sharing all possessed intelligence, especially this received from allies like the US. There is no doubt that if a central European agency came into existence, it would demand access to all intelligence files of member states. Therefore, it can be said that deep bilateral cooperation between the US and individual European states contributes to the lack of a single European intelligence agency.

What is more, it is fair to assume that it is hard to withdraw from deep intelligence cooperation agreements between democratic states. The UKUSA agreement is still in place, although there have been many moments in history of those two countries when they had serious arguments about policy priories or even conflicts of interest. It is probably because such a withdrawal would have to involve the reorganisation of the whole service and possibly leave it vulnerable for several years to come. No intelligence agency can afford this is the post-9/11 context. Therefore, it is reasonable to assume that close bilateral relations between the US and European partners will stay in power for a long time. And as long as exist, it is highly unlikely that a central European agency might appear.

Surely, a central European intelligence agency is the not the only way in which the EU structures can be involved in a liaison with the US, although academics such as McKay [83]argue that it would be the most reasonable and effective way both for the US and EU members states. In the current situation, outlined in the above paragraphs, it is more possible that the proposition of Walsh[84] will be implemented. He argues that a "multi-speed cooperation" between EU member states is the most realistic solution to the problems puzzling politicians and civil servants responsible for European intelligence. As the EU has "multi-speed" solutions in other policies areas[85], he argues that it may be quite reasonable to implement this method in the area of intelligence. According to his proposition, states would join groups of few and would cooperate with other members – those that they would find reliable enough. His proposition involves only EU members states, but it can also include third parties, such as the US or others. In this way current bilateral relation between the US and European states would stay in place, and with time more states would cooperate with them as they were gaining sufficient trust.

However tempting his proposition is, it is fairly improbable that it could be used as a model for further use. Most of all, it does not include the involvement of EU body and proposes rather ad hoc coalitions of states. Which not surprisingly already exist and were mentioned in previous chapter (ex. Paris Centre for Counter-terrorism).

What is more probable to happen and have more credibility as a solution is network (based on an online exchanged information) similar to one Europol already has and shares information within. Such a solution assumes that EU body/institution/ agency would manage a network to which also third parties would be invited (ex. USA). Delivering information to such a network would generally be obligatory but the sender of intelligence would be able to point out which member states would be granted access to particular information. On the basis of such an agreement it would

be possible even to incorporate present bilateral or multilateral cooperation agreements if such a network would gain trust of all EU member states and the US.

In this final chapter, chances for greater cooperation between intelligence agencies of the US and the EU as an institution were outlined. It was pointed out that at present there is no one single EU representing body which would be able to liaison intelligence with US agencies. Additionally, from the analysis of data about EU intelligence institutions, particular states bilateral relations and integration atmosphere, there comes reflection that it is rather improbable for the EU to put such body in the nearest future into existence.

Taking into account these pre-conditions it can be argued that chances for greater US – EU intelligence liaison are fairly low. However, on the other hand it should be mentioned that there are reasonable points to believe that cooperation based on computer network with restricted access on particular members can be implemented in the future, as it already works successfully in case of EUROPOL.

Chapter five – Conclusion

The aim of this paper has been to explore whether there has been increased cooperation between the US's and the EU member states' intelligence services in the post-9/11 scenario. At the same time, the dissertation has sought to predict how the intelligence liaison between those states will evolve in the future. To achieve the preselected aim, the analysis was divided into three parts.

Part one introduced the theory of intelligence and, more specifically, intelligence sharing. From there, further more specific research was pursued. Part two was dedicated to intelligence cooperation between the US and individual members of the EU. It presented the current situation in bilateral and multilateral liaison relationships and offered predictions on the future of those liaison. Last but not least, intelligence sharing between the US and individual responsible agencies and bodies of the EU was explored. Further on, chances for increased cooperation between them were also analysed in alternative integration scenarios.

Having performed an in-depth examined of the available evidence, it can be reasonably argued that there has been increased intelligence cooperation between American intelligence agencies and same agencies within the EU member states and the EU as an organisation after the 9/11 attacks. However this increased cooperation has not been the same for all of the participants.

The US still shares the largest amount of intelligence with its closest ally the United Kingdom. This happens not only as a result of long-lasting agreements, but also as a consequence of new military conflicts fought side by side. Considerable increase of sharing was also noticed between the US and other EU members. Despite their political criticism of American policy in the Afghanistan and Iraq, the vast majority of EU member states were closely cooperating with the US even in the area of extraordinary renditions. The least increase in intelligence sharing happened between the US and EU bodies and there were several reasons behind that: from weak organisation of sharing within the EU institutions to the lack of trust from the American side with regard to this venture.

From the above recalled analysis, an interesting picture emerges. After all, it seems that intelligence sharing is still the domain of independent states rather than of international organisations (here, the EU). States also prefer bilateral to multilateral relationships because when there is fewer members of an agreement, there are also fewer incentives to defect. However, that is the analysis of present situation, and while it does not leave much space for alternative interpretations of current situation, the future of American-European intelligence liaison is not so simple to predict. On the one hand, there is enough evidence to support the idea that future intelligence cooperation will look similarly to the current one, with the same main ties and alliances and the UKUSA agreement in the centre stage. On the other hand, there is valuable evidence that the future of intelligence sharing can change its current main transatlantic alliances. The analysis has shown that it is possible that the UK will lose its position as the main intelligence sharing partner and the US will chose to pursue more valuable bilateral relationships with other European states and beyond. The least possible options is that the UK will follow in the direction of greater EU integration also in the area of intelligence sharing, following increased integration in the European Union. That would probably push the US in the

direction of greater involvement in multilateral intelligence relationship based on one of the EU institutions.

It must be kept in mind that the analysis and outcome of this research (including the diagnosis of present situations and predictions for the future) have some serious limitations based on insufficient amount of sources resulting from the usual secrecy surrounding intelligence. Therefore, all outcomes of this research cannot be relied to the extent as one would demand it in any other area of social sciences. Additional potential flaw on the reliability of this research project is due to the fact that recent and current situation have been analysed and it has been impossible to differentiate between misleading intelligence leaks and factual information on intelligence cooperation.

This paper has attempted to show some directions for further research Transatlantic intelligence cooperation. Firstly, deeper analysis of future trends in intelligence cooperation should be undertaken with more evidence about recent intelligence cooperation between the US and EU member states – more evidence, however, seems unlikely to be available in the near future. Additionally, urgent issues connected with international intelligence liaison should be studied: democratic oversight and compliance with Human Rights. As indicated, intelligence services cooperate even if respective governments criticise each other's policies. This situation can, but does not have to indicate insufficient control over intelligence by democratically elected bodies. Human Rights should be an issue to be given more scholarly attention as there is reliable evidence for extraordinary rendition operations within the EU borders.

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