



LEIDEN UNIVERSITY

Master Thesis

**The possibility of fighting terrorism through
the Common Security and Defense Policy (CSDP)**

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LIST OF ABBREVIATIONS

AU	African Union
CSDP	Common Security and Defense Policy
DG Home	Directorate General for Migration and Home Affairs
EDA	European Defense Agency
EEAS	European External Action Service
ESDP	European Security and Defense Policy
ESS	European Security Strategy
EU	European Union
EUISS	European Union Institute for Security Studies
HR	High Representative
ISIS	Islamic State
NATO	North Atlantic Treaty Organization
PM	Prime Minister
TEU	Treaty on European Union
TFEU	Treaty on the Functioning of the European Union
UK	United Kingdom
UN	United Nations
US	United States of America

INTRODUCTION

In the last years, some of the European Union (EU) member states have been the target of terrorist attacks. The recent events in France and Belgium¹ show that the fight against terrorism and specifically against the Islamic State (ISIS) is far from an end. ISIS is considered an attractive organization for foreign young jihadists to join. Most of them are recruited through the internet and are willing to undertake terrorist attacks in their own national states after a training period in countries such as Iraq and Syria (Strategic Comments, 2014).

As reported by Viegas (2016), when the nationality of those who have joined ISIS is analyzed, considering all European states, it is clear that most of them come from Belgium². Coolsaet (2016) argues that “according to the most reliable public estimates, the number of Belgian combatants in Syria and Iraq totals some 470 individuals as of January 2016. Flanders and Brussels each account for some 45% of the departures, the rest coming from the Walloon region” (p.9).

Due to the direct participation of Belgian citizens in recent terrorist attacks, Belgium has been put on the spot and has been called a failed and dysfunctional state. The creation of the Belgian state itself, its division in three different autonomous regions and the fact that three different languages are spoken in the state³ are used to justify its internal problems (King, 2015). Moreover, some criticism has been addressed to Belgium’s authorities and security forces because of the complexity of its internal organization, since

1 The events mentioned are the attack to Charlie Hebdo offices in Paris in January 2015, the failed Thalys train from Amsterdam to Paris attack in August 2015, the three simultaneous attacks in Paris in November 2015, and the bombings at Zaventem, Brussels national airport, and in Maalbeek metro station in March 2016.

2 When taking in consideration the proportion between the number of recruiters and the total population of the state (Viegas, 2016; Strategic Comments, 2014).

3 The official languages in Belgium are Dutch, French and German.

decentralization in a variety of areas is the state's most common policy, including when it comes to national security (King, 2015; Viegas, 2016). The French politician and former anti-terrorist magistrate Alain Marsaud declared his concern about the Belgian incapacity of problem-solving in the last few years (Viegas, 2016).

In some cases, Belgium is directly blamed for the events in Paris and Brussels for not having adequate counter-terrorism and intelligence services (King, 2015). In this sense, King (2015) argues that "as events (...) in Paris showed, the rest of Europe must pay a price for Belgium's failures". These recent terrorist events related to Belgium, therefore, show that the European states are vulnerable and that better coordination between them regarding intelligence, prevention, and counter-terrorism could benefit not only Belgium and the other member states but Europe as a whole.

In addition, as will be seen in Chapter 3, all Action Plans, Programs, and Strategies created to guarantee EU's internal security have not presented satisfactory results yet. This happens for many reasons such as the lack of political will to implement these Plans, Programs, and Strategies, the fact that they are considered too general and vague, and also because of the great amount of bureaucracy involving their implementation (Bossong, 2013). In fact, it is important to mention that after all terrorist attacks that have happened in Europe since the attacks in the United States of America (US) in 2001, European countries have promised to improve cooperation on policing and intelligence, which has not happened yet since counter-terrorism is still considered a national matter (De la Baume, Paravicini, 2015).

In a moment of need, it is important to be creative and to try to find different solutions to a problem. As the genius Albert Einstein once said: "insanity is doing the same thing over and over again and expecting different results". Due to that, the discussion about the possibility of tackling terrorism from a different perspective, from the external security perspective, under the umbrella of the European Common Security and Defense Policy (CSDP), seems to be timely.

Therefore, one must differentiate internal from external security, even though the interdependence between both dimensions is claimed to be highly recognized today, especially regarding terrorism (Drent et al., 2015). According

to the Internal Security Strategy for the European Union of 2010, the concept of internal security must be broadly understood, encompassing multiple sectors which work in the development of the areas of justice, freedom and security inside the EU by, e.g. protecting citizens' rights and freedoms, ensuring the functioning of society, and improving cooperation and solidarity between member states. In other words, internal security will address all threats and issues which have "a direct impact on the lives, safety, and well-being of the EU citizens"⁴ (p.8). External security, on the other hand, has as one of its landmarks the adoption of the European Security Strategy of 2003⁵. This Strategy was responsible for the development of EU's foreign and security policy, including CSDP. External security can be defined as EU's contribution to the security and stability of its neighborhood and, ultimately, of the world. This contribution is made through various forms such as its direct action in third countries via CSDP civil and military missions or by donations to third countries in need⁶.

Federica Mogherini, the High Representative of the EU for Foreign Affairs and Security Policy (HR), has argued that "all regional and international Powers should put their rivalries aside and find ways to cooperate on a common agenda built on a collective interest in security, peace, and democracy"⁷ (as cited in EUISS, 2016, p.149). If it is time to all regional and international powers to unite against terrorism, why not the EU member states? What this thesis aims to discuss is if it is time to member states to adopt an effective common anti-terrorist policy and if this could be done through the development of CSDP. Could terrorist attacks and the insufficient capacity of Belgium in providing adequate counter-terrorism and intelligence services be considered situations significant enough which could lead to an agreement between member states

4 The Strategy defines some areas as common threats, such as terrorism in any forms, serious and organized crime, cybercrime, cross-border crime, violence itself, and natural and man-made disasters such as forest fires, earthquakes, floods and storms.

5 According to the European Security Strategy Brochure prepared by the General Secretariat of the Council in 2009.

6 The EU is engaged in third countries, e.g., by trying "to build human security, by reducing poverty and inequality, promoting good governance and human rights, assisting development, and addressing the root causes of conflict and insecurity" (European Security Strategy Brochure, 2009, p.8).

7 Speech at the United Nations Security Council Ministerial Open Debate "Settlement of conflicts in the Middle East and North Africa and countering the terrorist threat in the region" on 30 September 2015.

about the development of an effective Common Security and Defense Policy which would benefit the whole EU?

In order to address the question raised, primary and secondary sources will be analyzed. The Treaties responsible for regulating the creation and the functioning of the European Union and specifically the Common Defense and Security Policy, the 2016 EUISS Yearbook on European Security from the EU Institute for Security Studies, The Global Strategy for the European Union's Foreign and Security Policy presented by Federica Mogherini in June 2016, and the EU Counter-Terrorism Strategy, adopted by the European Council in December 2005, among others, will be observed. In addition, interviews conducted with five specialists in the fields of terrorism and defense and security will try to provide a new perspective on the topic. The existent literature about the theme will also be interpreted. Social Constructivism will be the theoretical approach supporting the discussion, and Belgium will be used as case study.

Chapter 1 considers the possibility of development of CSDP based on the concepts defended by the Social Constructivist approach. Chapter 2 looks at Belgium's formation, internal organization and more specifically at its relation to terrorism and the capacity of the state in tackling the issue. Chapter 3 analyzes CSDP and terrorism from the point of view of the European Union Law, the academic literature and the most important Action Plans, Programs, and Strategies that have been launched so far. Chapter 4 connects the main topics discussed, the events related to Belgium, terrorism, and CSDP, and tries to present a solution for the question(s) raised. A conclusion will be presented at the end, highlighting the main points discussed.

1. SOCIAL CONSTRUCTIVISM IN SECURITY AND DEFENSE

Since the beginning of the 1990s, theoretical and methodological instruments have been borrowed from the field of Sociology to explain European integration and its derivations (Bee, 2008). One of these instruments, constructivism, has been used in both theoretical and empirical aspects to develop the field of International Relations, and, specifically, European Studies (Risse, 2004). Howorth (2011) believes that even though constructivism has already been used to explain foreign policy, “it offers considerable potential for application to security and defense policy” (p. 202) since the kind of situations analyzed by constructivists represent the core of the CSDP project⁸ (Howorth, 2014). Similarly, Larivé (2014) argues that constructivism can play an important role in explaining security integration in the EU.

Social constructivism is a meta-theoretical approach (Rieker, 2004) mainly based on concepts such as identity, discourse, institutions, norms, beliefs, values and ideas (Larivé, 2014). Through constructivism, it is possible to observe the social construction of reality and the changes resulting from the interactions between agents over time. These interactions were possible due to the integration process in Europe and the development of institutions, which had a transformative impact on the member states and which were responsible for political and social changes regarding states' interests, identity, and behavior (Christiansen; Jorgensen; Wiener, 1999). Constructivist interpretations establish that over the last sixty years, Europeans have been cooperating in a variety of areas while making choices based on a sense of friendship, shared beliefs (Flockhart, 2013) and interests.

⁸ The author gives the example that constructivists are interested in questions such as what would be necessary to make 28 different member states, with different Histories and different strategic cultures, to start to converge around a common understanding (Howorth, 2014).

Czaputowicz (2014) believes that the socialization and interaction between European states can affect their identities and interests even when it comes to the European Security and Defense Policy. The author argues that the European Security and Defense Policy (ESDP) is governed by common norms and values that determine the interests and identities of member states. To the constructivist approach, interests and behaviors can change over time and can also be influenced by the constant occurrence of a variety of situations (Flockhart, 2013). Changes do not happen alone and are mostly influenced by some sort of crisis or critical occurrence (Larivé, 2014).

According to Larivé (2014), the end of the Cold War is an example of an event that contributed to change perceptions and national security policies of EU member states. In order to deal with rising regional and international threats, member states agreed on the creation of the ESDP. The creation of the common security and defense policy in 1998 is also considered an illustration of changes in actors' perceptions of security and their interests through interactions. In the beginning, the CSDP was considered a military tool but, with time, it became more civilian, being used for training, monitoring, and advising missions (Larivé, 2014).

In addition, Flockhart (2013) argues that "the changes undertaken in European defense and security are the result of agent-level decisions, which are themselves mostly taken in response to events" (p.394). The concept of agent is used to address all the actors part of the system. When it comes to defense and security, the main actors are the member states and the European institutions. Even though these institutions can influence state's decisions and preferences, shaping common positions, member states are ultimately the most important actors. Institutions are not able to force member states to act according to the best interest of the EU whereas national interests are more powerful than institutions' interests (Larivé, 2014). In other words, if member states do not agree on the creation and implementation of a common defense and security policy, if there is no political will in this sense, this policy will never exist.

As stated above, constructivism explains why states can change their perceptions and attitudes over time and in response to certain events. In this sense, perceptions of threats and security are not naturally given nor fixed, they

are socially constructed and can change over time. An issue is considered a threat when an actor presents it to other actors, and they consider it as a threat. This process is defined as securitization (Larivé, 2014; Rieker, 2004; Huysmans, 2002). Radical Islam terrorism, among others, is a securitized sector since it is perceived as a threat not only to national states but to the EU as a whole (Larivé, 2014). Thus, the terrorist attacks that have been happening in Europe in the last decades and especially the more recent attacks in France and Belgium are events that can shape European values and preferences in order to create a common strategic culture and risk perception (Czaputowicz, 2014).

Therefore, constructivism can be considered an important instrument to explain the fact that a common threat can unite the member states and help them in the construction of a collective identity and of a feeling of belonging to the EU. In this sense, the definition of a common threat and the construction of a shared identity can be considered as being mutually constitutive (Huysmans, 2002). The development of a European identity and common understandings among member states are considered directly responsible for the progress of a common security and defense policy since the field of defense is directly linked to national identity (Larivé, 2014). This correlation between identity, security, and defense is important because the existence of a collective identity would reinforce the cooperation between member states (Risse, 2004). In other words, social interactions and the formation of a European identity would result in greater cooperation between states (Rieker, 2004) and could lead to the creation of an effective CSDP.

It is also important to mention that according to Rieker (2004), in a Constructivist perspective, “the EU is often understood as a post-national actor, meaning that states have lost their sovereignty, or at least that the content of sovereignty has been modified and reinterpreted” (p. 9). Nonetheless, this interpretation is not in accordance with what is seen in reality. The greatest discussion about the feasibility of a common defense and security policy revolves around sovereignty. The CSDP is considered the best example “where the principle of national sovereignty reigns supreme” (Larivé, 2014, p.138). This means that member states still believe that defense and security are sensitive

fields which should be in control of the states individually and not of the European Union ([Erdağ](#), 2016).

Even though social constructivism does not recognize the importance of sovereignty in states decisions and implementation of policies, at least not in the same way as states themselves, the theory provides arguments that can be used to explain the development of a common security and defense policy. Integration is responsible for states interactions. These interactions have been shaping states perceptions, identities, and interests. It is more likely that an issue will be perceived as a threat by all member states when the level of integration between them is high. If a threat is perceived as a common threat, the logical solution would be the pursue of a common response to it. What should be questioned then is if events such as terrorist attacks are threats equally perceived by all member states and if they could have the potential to change member states perception of solidarity and sovereignty and lead, for example, to the development of an effective common policy.

Based on the interviews conducted, it is possible to argue that all five specialists agree that events can be responsible for a change in attitudes, perceptions, and necessities of member states⁹. One argument is that practices of socialization can lead to a convergence of perception of what common threats are and what would be the best way of dealing with them. People coming from different countries and spending increasingly more time together in the European institutions can create a culture of common understanding of problems and threats and, consequently, a culture of common problem solving.

Another argument presented by one specialist is that before the terrorist attacks in the US in 2001, counter-terrorism was not the competence of the EU but exclusively of the member states. After the American 9/11, after Madrid in 2004, and London in 2005, the EU started to take a very minimalist competence in the area. After the attacks in 2015 and 2016 in Paris and Brussels, even though the role of Europe regarding counter-terrorism remained small, it was enhanced. The main message is that changes in perception related to threats

⁹ Even though they agree that events can be responsible for changes in attitude, perceptions and necessities, two of the five interviewed argue that this kind of explanation can also be given by other theories, for example, realism, making constructivism not the only theory able to explain such circumstances. Nonetheless, other theories will not be discussed here.

can happen, but they will not necessarily be significant to the point of causing a major policy change.

Social constructivism can explain the fact that terrorist attacks have shown a potential to unite member states in the development of a deeper cooperation. According to one specialist interviewed, an attack causes the states to realize the existence of common threats and that it is in their own interest to cooperate in order to respond together to that threat. In most cases, states get united at the first moment but, in practice, there is not a lot of change regarding who has the competence to deal with the matter and what are the limits to this competence. Solidarity between states will exist, but there will be no real transfer of sovereignty to the EU level. In other words, there will be an increase in inter-state cooperation but not a transfer of competences to the EU. Another specialist interviewed argues that cooperation exists to a certain extent and that people are underestimating the gravity of the situation. She believes that a lot more should be done regarding cooperation to tackle terrorism.

Nonetheless, these changes in attitude are considered by three of the five¹⁰ specialists interviewed as a response to a threat, the search for a solution to a problem, and not an attempt to apply theories. Policy makers, for example, might think about theoretical concepts such as identities, ideologies, political cultures, and states' preferences in order to anticipate behaviors and positions because they are aware of theories and not because they will actively base their policies on theory. In Europe, there is no strong connection between scholars and policy makers, so the theoretical influence in the creation of policies is not always so evident or relevant¹¹.

Finally, a very important point made by one of the specialists interviewed is that even though there was a lot of attempts of policy change after the attacks, most of it will probably not be implemented. It is difficult to measure the extent in which events influence a change in perceptions and triggers member's states political will. Because of that, it could be said that constructivist

10 One of the interviewed did not address the issue in their comments.

11 One of the specialist interviewed argues that in the US there is a closer connection between academics, policy think tanks, and actual politicians. It is common, for example, that a Harvard Professor cooperates with one administration. In this case, an Academic would be doing actual policy making and would be consciously or unconsciously using theories when coming up with their opinions or recommendations.

arguments work better when applied after some time has passed in relation to the event or situation analyzed, since in the short term, what is seen more often is a lot of talks and no real changes.

In this sense, constructivists can use concepts such as identity, discourse, values, ideas and perceptions in order to try to explain changes in the system but when it comes to real results, a better analysis can only be made after some time has passed. Only time will be able to tell if the political will was present and if changes were effectively implemented by the member states in relation to the terrorist attacks in Paris and Brussels.

2. BELGIUM AS A FAILED STATE

The Kingdom of Belgium was formed in 1830 as a result of the Belgian revolution (Klimstra et al., 2012). Throughout history, its territory was interconnected with the Netherlands and was occupied by France, the Roman Empire, the Spanish, and the Austrian Habsburgs, e.g. The split of the so-called Low Countries in Belgium and the Netherlands did not respect natural borders, shared cultures or linguistic differences. Unlike what happened to the Netherlands, which remained linguistically uniform, Belgium was created by putting together Dutch and French speakers (Hirst, Fineberg, 2012).

Nowadays, Belgium is composed of three different regions, Flanders, Wallonia, and Brussels, and three different languages are considered official: Flemish, French, and German (Hirst, Fineberg, 2012; King, 2015). Hirst and Fineberg (2012) believe that each linguistic community has developed different identities, which compromises the stability of the Belgian state. The authors state that differences between Flanders and Wallonia are so substantial that the first is considered “an authentic ‘nation-in-waiting’” while the second is qualified only as “a linguistic community” (Hirst, Fineberg, 2012, p.89).

Despite the existence of substantial economic differences between Flanders and Wallonia, Traynor (2010) argues that language is the state’s major problem. According to him, Belgium “operates on the basis of linguistic apartheid”. In order to assist different language groups, parallel structures had to be created (King, 2015). This situation influences all areas of society. Belgium has no national television, no national newspaper, and no national political party. Citizens of Flanders and Wallonia rarely interact, and this can also be

seen at the government level (Traynor, 2010). In 2010, Belgium remained 541 days without an official government due to a political crisis (Viegas, 2016).

There is no strong interaction between Flanders, Wallonia, and Brussels, including when it comes to the area of national security. According to Drent et al. (2015), Belgium does not have a national security strategy. This lack of connection between local, regional, and national is considered by King (2015) as a characteristic of the Belgian state. Belgium's Interior Minister Jan Jambon argues that the state's complex structure of government hampers the exchange of information between Police and intelligence services. The Minister illustrates this by arguing that Brussels, a city with a population of 1.4 million, has 19 municipalities and six different Police Departments¹² (Day, 2015). This decentralization causes dysfunctionalities and compromises the fight against all forms of organized crime and illegal arms trafficking (Clerix, 2015).

Nonetheless, Belgian Prime Minister (PM) Charles Michel argues that there have been successes and failures in the state's fight against terrorism, just like in the cases of the US and the 9/11 in 2001, Spain and Madrid in 2004 and the United Kingdom (UK) and London in 2005. He also claims that a state like Belgium cannot be called a failed state only because of a terrorist attack (Dallison, 2016). Similarly, Leigh (2016) considers that saying that the rest of Europe is paying the price for Belgium's failures regarding on how the state is dealing with the terrorist threat would be "too simplistic".

Based on the interviews conducted, all five specialists interviewed believe that for a country to be called a failed state, the elements part of the definition of a failed state should be present, which does not occur in the case of Belgium. In fact, one of the interviewed highlights that this concept of a failed state has never actually been applied to Western democracies. In addition, it was argued in the answers that terrorism affects many states and after what happened in Madrid in 2004, London in 2005 or even Paris in the beginning and at the end of 2015, none of these were called failed states. Even after a lone wolf terrorist killed seventy-seven people in 2011 and many mistakes committed by the Norwegian security services were discovered, Norway was not called a failed state. In this sense, it is important to realize that many countries have

12 According to De la Baume and Paravicini (2015), any attempt by the federal government in order to centralize Police control in Brussels encounters local Police resistance.

problems with enforcing counter-terrorism policies and other policies as well, but they are not compared to or called failed states.

The interviewees argued that Belgium is a complex state due to its Historically problematic internal organization. The state faces some problems related to its counter-terrorism services and the fight against radicalization. A lack of Police coordination, of intelligence and security services' interaction and of means to process all the data that was gathered are also questioned. In conclusion, one can argue that Belgium faces some internal problems but to call it a failed state, a definition mostly employed to African states, does not fit reality and should not be taken seriously.

2.1. Belgium and terrorism

In almost all European states the fight against terrorism encompasses a highly centralized structure which involves power, people, and money. In order to combat terrorism, states' investment is necessary, e.g., on specialist teams of individuals and specialized equipment for surveillance and intelligence gathering. It is necessary to develop military, Police, and secret service's forces. It is also very important that a state is able to share information across its national borders (King, 2015).

The recent attacks in Paris and in Belgium are all connected to Molenbeek, a poor and socially isolated district located in Brussels which comprises a large Muslim community. Many of the terrorists involved in the attacks have lived in this area (Butler, 2015; King, 2015). According to King (2015), the events related to Molenbeek are the reflection of existing issues regarding formal and informal structures in Belgium. The state's unusual administrative and law enforcement systems combined with the linguistic issue make cooperation difficult both within Belgium and with other states when it comes to terrorism (De la Baume, Paravicini, 2015). This situation raises suspicions about Belgium being a propitious place for terrorist actions.

Two of the five specialists interviewed believe that Belgium cannot be considered a propitious place for terrorist actions and that in fact, no specific country can be considered as such. According to one of them, History has been showing that terrorist attacks can take place in many European states and also

around the world. Today, no country in the world could consider itself free from terrorist threats. Another specialist argues that even though the country should work on the improvement of its structures, Belgium could not be considered a more attractive ground for terrorism when compared to other member states since attacks have been happening in other European states as well.

The other three specialists agree that Belgium is a place where terrorists can easily plan their attacks but the arguments given vary between them. One of them believes that terrorist plots can be prepared under the radar due to the fact that Belgium does not have an integrated Police and does not share information very well amongst the various parts of its security services. Another specialist argues that the developing of terrorism in the context of Belgium is not a recent matter but it has been happening for decades. He states that there is not a strong security and intelligence culture in the country and that there has been an important disinvestment in security services and Police over the past several years. Nonetheless, the specialist emphasizes that the services are aware of the threats in the country and that there is no ignorance nor amateurishness regarding the matter. Finally, one specialist believes that Belgium is a propitious place for terrorist actions because the country represents the center of Europe and Brussels is considered the capital of Europe. According to him, if a terrorist group wants to send a message against Europe, Brussels would probably be the target.

The best explanation seems to be found in the combination of different understandings. There is no doubt that Brussels is considered the center of Europe since many EU institutions are located there. An attack that aims to target the EU and its values and not a specific state will probably take place in Brussels. In addition, fragile security and intelligence structures combined with a not unified Police contribute to the fact that terrorist operations can be planned with no major inconveniences in Belgian territory.

Some authors argue that according to EU standards, Belgian civilian and military intelligence are considered insufficient (Clerix, 2015; De la Baume, Paravicini, 2015). Boyle (2016) claims that for the surveillance of every suspect of terrorist activities it is necessary 20 to 25 counter-terrorism officials.

Therefore, the state does not have enough intelligence officers¹³ and this understaffing contributes to the lack of efficiency in the state's actions. Clerix (2015) considers that Belgium's negligence in developing an intelligence culture has allowed the proliferation of terrorist groups in the state's territory. Security forces have been struggling to have access to the state's Islamist network and to track the moves of ISIS veterans (Miller, Warrick, 2016). Alain Marsaud, the French former anti-terrorist magistrate already mentioned, commenting on the fact that the terrorist Salah Abdeslam was only caught four months after the attacks in Paris, said that the terrorist was probably not caught before, or because he was highly skilled or because the security services lack efficiency, being the latter the most likely (Viegas, 2016).

In addition, the lack of communication between Belgium intelligence and French authorities regarding the attacks in Paris in November 2015 has been highly criticized (De la Baume, Paravicini, 2015; King, 2015). During the months prior to them, Belgian law enforcement had identified some of the men which would be responsible for the attacks. They were questioned and identified as radical Islamists but no arrests were made. In addition, the Belgians did not communicate the French of their concerns (De la Baume, Paravicini, 2015). According to Louis Caprioli, former head of French intelligence, "Belgian authorities could have signaled to the French that these attackers would threaten France's security" (as cited in De la Baume, Paravicini, 2015).

Even though the criticism regarding the short of personnel and the inefficiency of Belgian authorities in processing the data gathered can be justified, one of the specialists interviewed believes that terrorist attacks can only be prevented to a certain extent. He argues that people expect that every single terrorist attack will be stopped and if an attack is not stopped, they immediately determine that a huge mistake has happened and that the state did not do its best to prevent the attacks. He claims that in practice, due to the immense structure needed to surveil a terrorist, not to mention the budget necessary, it is nearly impossible to monitor terrorists 24 hours a day, 7 days a week.

13 According to King (2015), it was revealed after the Charlie Hebdo attacks in January 2015 that "the Belgian secret service had a shortfall of 150 intelligence officers on a desired complement of 750".

Nonetheless, Charles Michel emphasized that some actions against terrorism were successful, for example, the one in Verviers in January 2015 when Belgian intelligence was able to neutralize terrorists and avoid an attack. The PM added that the state's intelligence services are mobilized and working to improve international cooperation within and beyond Europe (Dallison, 2016). The Interviews conducted with the specialists show that three of the five interviewed¹⁴ state that Belgium has been actively improving its security policies and services and the coordination between them. One of the specialists believes that the country will face a lot of political and bureaucratic obstacles in order to deliver this improvement. Another specialist argues that many measures have been announced by the Belgian government after the Charlie Hebdo and Paris attacks in 2015, especially the 30 Measures Against Terrorism¹⁵. The remaining question is to which extent these measures will be applied and will be effective since they need time to be implemented.

The improvement in Belgian security force is welcome since its force is considered one of the least effective in Europe (Miller, Warrick, 2016). Gilles Kepel, a French terror expert, stated that "Jihadists think that Europe is the soft underbelly of the West and Belgium is the soft underbelly of Europe" (as cited in Boyle, 2016). Bruce Hoffman, a terrorism expert, and director of Georgetown University's Center for Security Studies believes that "in Europe, individual countries are only as strong as their most vulnerable neighbor" (as cited in Miller, Warrick, 2016). Similarly, Federica Mogherini argues that "in today's world, my neighbor's problem is my problem, my neighbor's weakness is my weakness" (as cited in EUISS, 2016, p. 7). A state, thus, can have a strong domestic counter-terrorism force but if a neighbor does not have the same resources or a similar perception of what a threat is, terrorist groups will first exploit the weakest link in order to get to the others (Miller, Warrick, 2016). This means that today, EU's internal security matters as much as the security of its member states considered individually.

Nonetheless, the European Union still lacks the competence to regulate areas such as intelligence, security and defense. Regarding these areas,

14 Two of the five specialists interviewed did not address the topic.

15 To know more about the 30 measures announced by the Belgian government go to http://www.thomasrenard.eu/uploads/6/3/5/8/6358199/egmont_paper_89_official_final.pdf

national authorities are still the ones which hold the legal powers (Leigh, 2016). The same happens when it comes to terrorism. Member states still hold primary responsibility for addressing the issue (EUISS, 2016). Therefore, differences among member states capacities in dealing with such issues should be taken into consideration.

Blaming Belgian law enforcement and intelligence service do not solve the problems that Europe has been facing lately. In fact, Belgium cannot be considered the only state lacking in exchange of information. According to Minister Jambon, before the attacks to Charlie Hebdo only four member states were sharing information with Europol. Today, after the attacks, “almost every country is contributing to the exchange of information” (as cited in De la Baume, Paravicini, 2015). An effective common reaction against terrorism is needed at EU level and since the Action Plans, Programs and Strategies already presented are not generating satisfying results, maybe it is time to the European Union and the member states to focus on new approaches.

3. THE COMMON SECURITY AND DEFENSE POLICY (CSDP) AND TERRORISM

Since the 1990s, a great number of scholars have been debating a common external security and defense policy of the EU due to its increasing role as an international player on the world level ([Erdağ](#), 2016; Howorth, 2011). Wolff et al. (2009) believe that concerns about terrorism have often had an impact on EU foreign policy even though “the explicit acknowledgment of the existence of a linkage between internal and external security is a more recent phenomenon” (p.10).

The Treaty of Maastricht (1993) established the Common Foreign and Security Policy (CFSP) and the Treaty of Lisbon (2009) was responsible for its development into the Common Security and Defense Policy (CSDP)¹⁶ ([Erdağ](#), 2016). The Treaty of Lisbon is divided into the Treaty on the European Union (TEU) and the Treaty on the Functioning of the European Union (TFEU). While the TEU establishes the general provisions, which will rule the European Union, the TFEU establishes the specific objectives of the Union’s various policies (Eurostep, 2013).

3.1. European Union Law

¹⁶ The CSDP replaces and enlarges the former European Security and Defense Policy (ESDP) (EUR-Lex, 2015). The CSDP is an integral part of the Common Foreign and Security Policy (CFSP) (Koutrakos, 2013).

Provisions regarding the Common Security and Defense Policy can be found in the Treaty on the European Union. According to article 42 (1) TEU, CSDP shall be an integral part of CFSP. Article 24 (1) TEU establishes that EU's competence regarding CFSP should cover "all areas of foreign policy and all questions relating to the Union's security, including the progressive framing of a common defense policy that might lead to a common defense". In addition, other articles regarding common foreign and security policy¹⁷ stress the importance to member states to develop a spirit of loyalty and mutual political solidarity, to identify questions of general interest and objectives and to keep on increasing the level of convergence of their actions or positions, as well as to strengthen cooperation in the conduct of policies. It is also determined that member states must ensure that the EU will be able to assert its interests and values on the international scene.

The TEU can be interpreted according to social constructivism when it establishes provisions which incorporate social constructivist concepts when regulating CFSP, which includes CSDP. For example, the development of a spirit of loyalty, mutual political solidarity, general interests and objectives which will increase the level of convergence of member states' actions and positions can be explained by the interactions between these member states over time. These interactions, as mentioned before, will influence and be influenced by discourse, institutions, norms, beliefs, values, ideas and identity. In addition, constructivism works with the idea that specific events are able to change agents' perceptions and to influence the creation of policies. The creation of regulations regarding security and defense, according to Howorth (2014), were clearly a response to events which were happening in Europe and on the international stage. These events influenced the EU to become a security actor regarding external security, as will be explained in the next section.

The provisions regarding specifically the common security and defense policy in the TEU¹⁸ show the possibility of using CSDP tools in the fight against terrorism. Article 42 (7) determines that if a member state suffers armed aggression on its territory "the other member states shall have towards it an

17 Articles 23 to 41 TEU establish common provisions on the CFSP.

18 Articles 42 to 46 TEU.

obligation of aid and assistance by all the means in their power” since they observe article 51 of the United Nations (UN) Charter¹⁹. In addition, article 43 (1) allows states to use civilian and military means to fight terrorism, meaning that tasks belonging to the CSDP scope “may contribute to the fight against terrorism”. Even though terrorism is considered a common threat to member states and to the Union as a whole and that European Law establishes the possibility of CSDP to contribute to the fight against terrorism, when looking at CSDP missions presented on the Handbook on CSDP Missions and Operations of 2015, one can realize that there is not a significant number of missions dealing with counter-terrorism. Furthermore, there is no CSDP mission or operation specifically focused on the combat of terrorism.

The Treaty on the Functioning of the European Union, when regulating the Title regarding freedom, security, and justice establishes Police cooperation in articles 87 to 89. Article 87 (1) establishes the necessity of the EU in setting up Police cooperation involving all member state’s competent authorities to prevent, detect and investigate criminal offenses. In addition, paragraph 2 regulates (b) “support for the training of staff, and cooperation on the exchange of staff, on equipment and on research into crime-detection” as well as developing (c) “common investigative techniques in relation to the detection of serious forms of organized crime”. In this sense, it is important to realize that terrorism is perceived as a criminal offense and also as a form of organized crime (Baker-Beall, 2014). Article 88 TFEU determines that Europol should be the Agency responsible for support and strengthen cooperation among member states Police authorities and other law enforcement services in relation to crimes affecting more than one member state and to terrorism.

Finally, article 222 TFEU establishes the solidarity clause. According to it, the EU and the member states shall act together in a spirit of solidarity if a member state is the object of a terrorist attack. In order to prevent the terrorist threat in the territory of the member states or to assist them in the event of an

¹⁹ Article 51 states that “nothing in the present Charter shall impair the inherent right of individual or collective self-defense if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security. Measures taken by Members in the exercise of this right of self-defense shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under the present Charter to take at any time such action as it deems necessary to maintain or restore international peace and security”.

attack, and also to protect democratic institutions and the civilian population against these attacks, all sorts of instruments shall be mobilized, including military resources made available by the member states. Nonetheless, an article that promotes temporary common actions against a specific act of terrorism cannot be compared, in terms of efficiency, to the creation of permanent mechanisms to deal with internal security, such as the development of an effective EU intelligence.

Some rules establishing member states' common actions against terrorism are already present in the Treaties governing the European Union when it comes to security and defense. The question is: why not to develop these rules and put terrorism under the competence of CSDP? Why not enlarge the EU's external action competence to protect its internal dimension instead of only focusing on being a normative power active, e.g., in the areas of human rights and the promotion of good governance (Wolff et al., 2009)?

3.2. Academic Literature

In the past, most scholars have argued that even though the integration processes had led to the integration of a great variety of policy areas, security and defense would never be amongst them. What was indeed discussed, at that time, was the non-existence of a European security and defense policy (Howorth, 2011). Even after the Treaty of Lisbon and the implementation of a great number of rules, some scholars consider that the high expectations which were raised in relation to CSDP have not been met and that the ultimate objectives and purposes of CSDP are still not so clear (Koutrakos, 2013; Howorth, 2014).

Nonetheless, other scholars are of the opinion that the common security and defense policy is considered a "work in progress" (Erdağ, 2016, p. 212; Howorth, 2014, p.1). This can be understood from the argument given by Howorth that "the project of ensuring a unique security approach and policy in Europe confronted many challenges and complexities due to local, regional and international issues; nevertheless, the project continues" (as cited in Erdağ, 2016, p. 212). A common defense, on the other hand, is considered a possible but more complicated step (Trybus, 2016).

Howorth (2014) provides four arguments to explain why the EU became a security actor regarding external security. Firstly, since the Cold War the US has been demanding Europeans to take greater responsibility for their own regional security. With the end of the Cold War, Europe lost part of its strategic importance to the US and the country started to invest less in European security, in both political and military aspects. In addition, the development of European external security was considered necessary to the survival of the North Atlantic Treaty Organization (NATO). A second driver behind the creation of CSDP was the fall of the Berlin Wall and the emergence of a new world order where national interests should take into account the rules governing the international community. The recurrence of military conflict in Europe since 1991 and in special the Balkan crisis, is considered the third argument for the creation of CSDP. The fourth reason would be the EU response to the three other reasons, meaning that those three exogenous factors influenced the EU in becoming more than a common market but an international political actor. According to the author, the creation of a competitive transnational European defense industry also impacted the creation of the common security and defense policy.

More controversial than the reasons explaining why the EU became an external security actor, are the four main issues argued by scholars in relation to the development of CSDP. First, it is questioned if the member states would ever give up their sovereignty in such an important matter since they are reluctant about leaving the decisions on high politics to the EU ([Erdağ](#), 2016). The opposition of some member states to further integration of intelligence and the creation of a sort of European CIA or FBI (Muller-Wille, 2008) seems to be justified based on the sovereignty argument.

Regarding terrorism, Muller-Wille (2008) states that “operational and tactical responsibilities in pursuit of terrorists, which are the levels where an increase in intelligence-sharing is most required, have remained in the national domain both for reasons relating to efficiency and because national security and defense identities still dominate” (p. 69). In addition, De la Baume and Paravicini (2015) argue that member states are responsible for their own security and when it comes to counter-terrorism policy, coordination between states is non-existent. In this sense, a common security and defense policy will

only become reality when the European Council, acting unanimously, so decides (EUR-Lex, 2015).

Some authors believe that “even the most powerful EU states recognize that the Union is an actor that can multiply their own global influence” (Howorth, 2011, p.223). According to this logic, the transfer of power and sovereignty to the EU could be beneficial to member states. Nonetheless, it is argued that member states could still work closely together without the necessity of giving up their sovereignty (Rees, 2011).

Second, there is a debate regarding the possibility of achievement of positive results when different preferences are combined and must result in a single preference. It is argued that states have different approaches when it comes to security and defense matters because they have, e.g., different historical experiences, different threat perceptions and varied strategic cultures (Erdağ, 2016). Authors such as Larivé (2014) argue that the development of a common strategic culture that would lead to common security and defense policies would not be easy. The most powerful member states such as France and Germany have their own strategic cultures and their own perceptions of what is considered a threat. These strategies and perceptions may vary from one state to another (Larivé, 2014). Similarly, Antonio Missiroli, Director of the EU Institute for Security Studies (EUISS), argues that “threats are perceived very differently according to whether one sits in Vilnius, Copenhagen, Paris, Madrid, Athens or Cologne” (as cited in EUISS, 2016, p. 11). According to him, the EU still faces a great challenge regarding the construction of a shared perception of risks and threats and a common understanding of how to manage them.

Rees (2011), however, has a different understanding about this matter. The author believes that the EU has “witnessed the emergence of an internal security regime to which all its countries have subscribed to varying extents” (p. 227). He argues that all member states “act in concert in internal security matters” (p. 227). Monar (2015) also understands that the European states share the perception that terrorism is a crime and demands a response.

Third, many member states are concerned about developing a more effective CSDP that will end up posing an obstacle or even a competitor to NATO (Erdağ, 2016). France, for example, has shown its interest in the

construction of an Operational Headquarters in order to develop a closer cooperation in security and defense but the UK has been against it. The British²⁰ claim that such construction would duplicate already existing facilities from NATO. According to Howorth (2011), “most other member states, while supportive of France’s logic, are suspicious of her motives and have no wish to confront the UK” (p.218).

Finally, some member states do not want to have any active involvement in discussions regarding defense and are against the use of military force (Erdağ, 2016). Some of them have a tradition of neutrality or semi neutrality and, due to that, are reluctant to develop common security and defense policies²¹ (Nugent, 2010).

According to the treaties regulating the European Union, foreign, security and eventually defense policies, are to be “progressively coordinated and even integrated” (Howorth, 2011, p. 198). Similarly, Rafrafi (2015) argues that the internal and external dimensions of security are linked and should not be addressed separately. When it comes to security matters, CSDP is limited to the Petersberg tasks²² and all these tasks might contribute to tackle terrorism (Barbero, Abrahamsson, 2015). Nonetheless, traditional defense still must be done by NATO or by the member states themselves (Nugent, 2010). The idea of creating a permanent European military force, namely a European army, to conduct CSDP operations is considered controversial and not likely to take form any soon (Trybus, 2016).

It is argued that an external stimulus is necessary in order to trigger policy action. This understanding could also be applied to the EU to the extent that specific events have had an influence on its actions related to counter-terrorism. Nonetheless, the focus of the EU has been on cooperation and coordination instead of the development of a common supranational policy

20 The British exit of the EU and its repercussions to European policies, including the CSDP, will not be discussed here.

21 Austria, Finland, Ireland, and Sweden are in favor of a civilian role of the CSDP and against military operations (Martins, Ferreira-Pereira, 2012).

22 The Petersberg tasks used to refer to “humanitarian and rescue tasks, peacekeeping tasks and tasks of combat forces in crisis management, including peacekeeping” (Nugent, 2010, p. 61). Nonetheless, the Treaty of Lisbon through Article 42 TEU further expanded these tasks to “humanitarian and rescue tasks, conflict prevention and peace-keeping tasks, tasks of combat forces in crisis management, including peacemaking, joint disarmament operations, military advice and assistance tasks, post-conflict stabilization tasks” (EEAS, 2016).

(Martins, Ferreira-Pereira, 2012). In addition to that, Martins and Ferreira-Pereira (2012) also argue that the EU logic of action in the field of defense and security is more reactive than proactive.

A change of approach and focus is needed due to the necessity of trying to solve problems that are arising inside EU's borders that can be directly or indirectly connected to outside its territory. Member states should finally come together and develop a common effective policy which focuses on missions outside its territory but that, at the same time, have consequences within the EU. For this to happen, it is paramount that the states understand that common policies and common actions are preferable to national measures. In order to states to have this understanding, they have to realize once and for all that "international terrorism is a common threat which requires common responses" (Monar, 2015, p. 335).

Some authors such as Rafrafi (2015) state that CSDP missions can be deployed to fight terrorism in order to help the implementation of regional strategies and priorities of EU member states. Hillion (2014) stresses the fact that the use of CSDP to fight terrorism is a possibility and remains complementary to the member states' responsibility to tackle the issue. Martins and Ferreira-Pereira (2012), on the other hand, believe that the emergence of an EU counter-terrorism policy did not influence the way in which CSDP has been used. They argue that despite all counter-terrorism official documents and strategies, CSDP was not created to fight terrorism nor has been used to do so as its main goal. Hillion (2014) believes that the fact that CSDP operations which have a military or defense aspect must be financed by the member states themselves and not by the EU, as happens in the case of civilian missions, could be considered an obstacle to the use of CSDP for combating terrorism.

3.3. What has been launched so far at the European Union level

In March 2003, the EU launched its first CSDP military operation, a peacekeeping mission in the Former Yugoslav Republic of Macedonia. Since then, the EU has been focused on promoting international crisis management interventions as described in the Petersberg tasks (Howorth, 2011). It is also important to highlight that this crisis management interventions are conducted

outside EU territory and have nothing to do with European internal security (Howorth, 2011). Until now, none of these actions had a significant impact on the direct improvement of security in EU's own territory.

As mentioned before, the European Security Strategy (ESS)²³ of 2003 is one of the landmarks of external security, since it is considered the first major attempt to formulate a consistent approach on CSDP through a “compromise between different cultures and approaches among the EU's member states” (Howorth, 2014, p.218). Different views from the member states regarding the US-led invasion of Iraq earlier that year showed the necessity of a common strategic vision to increase states' cohesion at EU level (EEAS, 2016).

The document was responsible for analyzing and defining the Union's security environment and for stating that the EU needed to be more active and coherent in its actions, and also needed to focus on crisis prevention and to pursue international cooperation, reinforcing the importance of International Law and of international organizations such as the UN and NATO. The ESS was also responsible for identifying key security challenges and for determining five key threats: terrorism, proliferation of weapons of mass destruction, regional conflicts, state failure and organized crime (EEAS, 2016).

Regarding terrorism, the document stresses that “Europe is both a target and a base” for terrorism and that joint European action is crucial (p.3). The ESS emphasizes that dealing with this issue may demand “a mixture of intelligence, Police, judicial, military and other means” (p.7). In addition, the proliferation of weapons of mass destruction by both states and terrorists was identified as “potentially the greatest threat” to EU security (p.3). Despite stating that the EU needed to develop “a strategic culture that fosters early, rapid, and when necessary, robust intervention” (p.11) and a brief mention to the European Defense Agency (EDA), it can be noted that no concrete plan to fight the five key threats was presented²⁴. According to Howorth (2014), “like many of the core documents of CSDP, this first attempt to define a trans-European security

23 The EES was accepted by the European Council in December 2003.

24 In relation to terrorism, measures adopted after the attacks in the US on September 2001 were still functioning. These measures include “the adoption of a European Arrest Warrant, steps to attack terrorist financing and an agreement on mutual legal assistance with the US” (p. 6).

strategy is (...) little more than a sequence of words designed to convey a message” (p. 219).

The European Defense Agency, created in July 2004, is an intergovernmental organization subjected to the authority of the European Council and is open to the participation of all member states²⁵. The Agency works as a key facilitator in developing the capabilities necessary to underpin CSDP. Its three main missions are to support the development of European defense capabilities and military cooperation, to stimulate defense Research and Technology, strengthening the European defense industry, and to act as a military interface to EU policies (EDA, 2014). The EDA was created to support CSDP but not much has been done in relation to counter-terrorism. In this regard, the Agency only mentions on its website a Project initiated in 2007 that aims to develop common non-lethal capabilities. These non-lethal capabilities are expected to offer solutions “to counter a range of emerging traditional and non-traditional threats in all kind of CSDP Operations (e.g. low intensity, asymmetric conflicts, peace support, anti-terrorism)” (EDA, 2014).

In November 2004, The Hague Program for strengthening freedom, security, and justice in the European Union was approved by the European Council. The Program stresses, among other things, the necessity of improving internal security in the EU in face of the terrorist attacks in the US in 2001 and in Madrid in 2004. It is argued that “the coordination and coherence between the internal and the external dimension has been growing in importance and needs to continue to be vigorously pursued” (p. 3)

The Program highlights the importance of the development of a common approach among member states to prevent and combat terrorism, including its financing. Member states should act not only to preserve their national security but the security of the EU as a whole. In order to do that, they should, first, use the powers of their intelligence and security services to counter national security threats and also security threats in other member states. Second, states should share information with other states when there is a belief of the existence of possible threats that concern the security of this other state. Third, no gaps

²⁵ Currently, 27 member states, except Denmark, participate in the EDA. In addition, Norway (2006), Switzerland (2012), the Republic of Serbia (2013) and Ukraine (2015) signed Administrative Arrangements with the Agency, which enable them to participate in EDA's projects and programs (EDA, 2014).

should occur in security service's surveillance of persons or goods related to terrorist activities as a result of their crossing borders. In addition, the use of Europol and Eurojust must be increased. Finally, the possibility of cross-border Police cooperation between member states in the fight against terrorism is also established by the Program²⁶.

The Action Plan from 2005 was responsible for setting the list of the necessary measures to put The Hague Program into practice. In relation to security and terrorism, fourteen points were established to further implement the EU Action Plan on Combating Terrorism and to review and adapt EU legislation in parallel with measures to be used to fight terrorism. Nonetheless, the Action Plan was considered too unwieldy and bureaucratic and according to Brady and Keohane (2005) "some senior EU officials working on counter-terrorism have admitted to us that they have not even read the plan" (as cited in Bossong, 2013, p. 102). The Action Plan contained a disjointed set of ideas that could only be implemented at the national level, making EU actions difficult. Therefore, a more strategic approach to combat terrorism was still needed (Bossong, 2013).

Rees (2011) argues that until 2005, the EU had about over 200 counter-terrorism measures²⁷ which were then replaced by the EU Counter-Terrorism Strategy. According to the Strategy, the EU strategic commitment is "to combat terrorism globally while respecting human rights and make Europe safer, allowing its citizens to live in an area of freedom, security, and justice" (p. 2). The Strategy is based on four main objectives: to prevent people being recruited and sympathizing with terrorism, to protect citizens and infrastructure from the threat of attack, to pursue and investigate terrorists and their networks and to minimize the consequences when responding to terrorism and its threats.

EU action is still considered complementary to the action of member states but the Strategy recognizes that internal and external aspects of security are linked since the EU is an area of growing openness. It was given to the EU the possibility of playing an important role related to strengthening national

²⁶ Specific provisions establishing Police cooperation were inserted in the TFEU. The same cannot be said when it comes to the fight against terrorism.

²⁷ According to Bossong (2013), the Action Plan alone contained more than 100 proposals that could not be adequately managed.

capabilities, facilitating cooperation between member states and institutions, developing collective capabilities and promoting international partnership with international organizations and third countries. The Counter-Terrorism Strategy, nonetheless, was criticized and considered a symbolic document built on vague objectives which presented no actual new proposals to tackle terrorism (Bossong, 2013).

In 2008, five years after the adoption of the European Security Strategy, the European Council launched the Report of the Implementation of the European Security Strategy. The document asserts that the EU has been working in security and defense and has made a difference in dealing with crisis and conflict but that the implementation of the ESS remains a “work in progress” (p. 2). The new document did not replace the document from 2003 but confirmed its importance.

No solutions were found to the key threats and while some of them have evolved and become more complex, e.g. terrorism and organized crime, new threats such as cyber security, energy security, and climate change were added to the list. The document argues that despite the attacks in Madrid and London, much has been done to protect Europe against terrorism. The document establishes that the EU “should tighten coordination arrangements for handling a major terrorist incident” (p. 4). Nonetheless, it seems that until today not much has been done yet when it comes to terrorist financing, the creation of an effective and comprehensive EU policy on information sharing and effective attempts to counter radicalization and recruitment as envisaged in the document. The most recent attacks in France and Belgium confirm that position. In fact, the document did not establish how these goals could be achieved.

In 2009, an evaluation report of The Hague Program and its Action Plan was launched. The report aimed to assess to which extent the implementation of both Program and Plan have contributed to the strengthen of freedom, security, and justice in the EU. In relation to security, the report states that the information-sharing priorities were responsible for the adoption of several legislative instruments and international agreements which included the exchange of information in specific areas, the simplified exchange of information and criminal intelligence and the retention of electronic

communications data, among others²⁸. According to the document, the majority of instruments was adopted not so long ago and need some time to be implemented, and as consequence, to show its results.

Talking specifically about terrorism, the evaluation report stated that it was possible to see a greater progress in Europe in addressing the threat through binding and non-binding measures. Increased cooperation among member states could be seen since 2004 as well as a better use of Europol and Eurojust. Even though some improvements have been made in matters such as financing terrorism, the capacity of member states in preventing and fighting terrorism is still in development and EU action continues to be complementary to the actions of the member states. In addition, the report shows that despite all efforts made, the number of terrorist attacks keeps on increasing in Europe. Finally, it is argued that there have been improvements related to cross-border Police cooperation at the European level and that Europol has been playing an important role in it.

In 2012, the EU launched a capacity building mission in Niger named EUCAP Sahel Niger aiming to increase the capacity of the country's Police and security forces to combat terrorism and organized crime. Even though the combat of terrorism was one of its objectives, the mission's broader aim was to reinforce political stability, governance and security in the country (Kammel, 2015).

In the end of 2015, the European Parliament and the Council proposed a Directive to combat terrorism and to replace the Council Framework Decision of 2002²⁹ on the same subject. The proposal can be considered a response to the increase of terrorist attacks that have been happening on EU soil since 2014 and that culminated with the attacks in Paris in November 2015. According to the proposal, addressing terrorism as a priority and the adoption of a new strategy were needed since the EU is now facing new challenges such as a

28 For more information about these instruments and the ones that not mentioned here go to <http://www.statewatch.org/news/2009/jun/eu-com-sec-766-2009-hague-extended-evaluation.pdf>

29 The Council Framework Decision 2002/475/JHA which was amended by the Framework Decision 2008/919/JHA, required an alignment on member states legislation regarding terrorist offences and related penalties. The definition of terrorist group and terrorist offences were defined in the document. Other measures such as the establishment of jurisdiction and of criminal liability were also proposed.

great mobility of terrorists within its territory and the use of Internet and other communication technologies from recruitment to planning operations.

The proposal called for the necessity of alignment of national criminal law and the establishment of new relevant international standards and obligations taken by the EU. In addition, the proposal emphasizes the principle of subsidiarity, establishing that the EU should act only if the member states cannot sufficiently achieve the objectives proposed. Even with the increase of terrorist attacks in the last two years, the member states are still considered the main responsible for tackling terrorism and only a complementary role is permitted to the EU.

The bomb attacks in Brussels in March 2016 were responsible for the launching in April of a Communication from the Commission to the European Parliament, the European Council and the Council regarding the fight against terrorism and the possibility of development of an effective Security Union. A shift in perception can be seen when the Communication stresses the necessity of a real EU security policy. It is stated that “both the European Union and its member states have a responsibility towards their citizens” (p. 2) and even though member states still hold the main competence to fight terrorism, they cannot address “transnational threats effectively acting on their own” (p. 2). It is argued that the EU needs to build the tools, infrastructure, and environment where national authorities can work together and, for example, be confident in sharing information among each other in order to “close any future operational loopholes and Police intelligence gaps” (p.3) which are constantly exploited by the terrorists.

In June 2016, a Global Strategy for the European Union’s Foreign and Security Policy: “Shared Vision, Common Action: A Stronger Europe” was launched. Federica Mogherini argued the necessity of an EU common strategy to tackle crises within and outside EU territory which are directly affecting EU citizens’ lives and highlighted the fact that no EU state can deal with these crises alone. According to the High Representative, “the Strategy nurtures the ambition of strategic autonomy for the European Union” (p. 4) in order to contribute to peace and security in the region and in the world.

The Strategy covers many areas³⁰ and focuses on the necessity of urgent investments in security and defense. Even though the Strategy recognizes that member states remain sovereign in their decisions regarding defense, it proposes that cooperation in the area must become the norm in order to create a solid European defense industry. In addition, the Strategy argues that CSDP must become more responsive and that increased cooperation between member states is needed, as well as the full use of the available legal dispositions regarding the matter. The Strategy recognizes the importance of NATO and wants to deepen EU's partnership with the organization but also admits that the EU must increase its contribution to collective security. Regarding counter-terrorism, many actions are proposed, including the encouragement of information sharing and intelligence cooperation between member states and EU agencies. It is also mentioned that when it comes to security, terrorism knows no borders. "This calls for tighter institutional links between our external action and the internal area of freedom, security, and justice" (p. 50).

In October, EU Foreign ministers decided on the most important strategic priorities for implementing the Global Strategy. The Council Conclusions established that the Strategy will be responsible for guiding the EU's external action for the following years and that the member states, the HR, and the Commission are fully committed to its effective implementation. In this sense, regarding security and defense, the Council argues that the Strategy will be quickly translated into concrete and realistic policy initiatives and actions, ensuring a more responsive civilian and military CSDP³¹. The Council also welcomes the Commission's continuous work aiming the development of a

30 The Strategy covers areas related to military capabilities, peace-building, counter-terrorism, job opportunities, inclusive societies and human rights, e.g.

31 According to the Council Conclusions, an implementation plan will be prepared for consideration and decision at the Foreign Affairs Council in November 2016 and the European Council in December 2016. This implementation plan will also cover defense issues.

European Defense Action Plan³² and highlights the necessity to focus on counter-terrorism.

In December, the European Council meeting came to conclusions related to many areas³³, including security. Regarding internal security, the European Council reaffirmed the importance of the EU Internal Security Strategy 2015-2020, the Counter-Terrorism Directive and the revised Schengen Borders Code which enforces systematic controls on all travelers crossing EU external borders. Regarding external security and defense, it was asserted that Europeans must take greater responsibility for their security and both EU and member states must contribute to collective efforts. Therefore, the European Council endorsed the implementation of the EU Global Strategy in the areas of security and defense and welcomed the Commission's proposals on the European Defense Action Plan.

After examining all Action Plans, Programs and Strategies listed above³⁴ it can be argued that the EU, through the years, has been showing concern about matters related to security and terrorism and has been trying to address these issues by proposing the adoption of similar legislation and increased cooperation between member states, among other measures. If the recent events involving Belgium are taken into consideration, one can argue that the measures addressing terrorism created previously to these events were not efficient and did not present any significant change in approach.

It is still too early to evaluate propositions from 2015 and 2016 since they need time to be implemented and cause effects but it is possible to see a change in approach in the Global Strategy for the European Union's Foreign and Security Policy launched in June 2016. The Strategy presents new approaches regarding EU's role in security and defense and also shows its

32 The Action Plan envisages the development of internal and external security and defense through, e.g., the creation of a European Defense Fund and other actions in order to support member states to spend more efficiently in common defense capabilities, to strengthen security for European citizens and to adopt a competitive and innovative industrial base (European Commission, 2016a).

33 The other areas discussed were migration, economic and social development, youth, Cyprus, and external relations regarding Ukraine and Syria.

34 Many other Action Plans, Programs and Strategies responsible for dealing with security and terrorism have been created through the years but due to limitations of space they will not be mentioned or discussed here.

commitment to fighting terrorism. Until then, the responsibility to deal with security and defense issues was mainly of member states, but the Strategy asks for an increase in the EU's contribution to collective security and for a more responsive CSDP. Will this mean the effective development of a Common Security and Defense Policy?

The ideas are there on paper, but political will and commitment of member states are necessary to ensure that all measures will be indeed adopted and implemented. In the meantime, it is expected that these measures will strengthen the EU and will be able to tackle terrorism so its citizens could stop living in fear. Unfortunately, one cannot make predictions, so the future remains uncertain.

4. BELGIUM, COUNTER-TERRORISM AND CSDP

The terrorist attacks that took place in Brussels and Paris in the recent years caused a great commotion in Europe and in the Western world. The media, especially, was eager to find someone or something to blame and the chosen to bear responsibility was Belgium, its internal organization, and its security and intelligence services. The academic definition of a failed state was not taken into consideration but Belgium was defined as such anyway, which can be considered at least exaggerated.

In addition, the threat of terrorism is not exclusively a Belgian problem but a problem of the whole European Union. Four of the five specialists interviewed agree on this matter but give different reasons for it. One of them states that terrorism is a phenomenon with no borders and more than attacking particular countries and regions, it threatens values and democracy. Another specialist believes in a two-sided explanation. He argues that the case discussed is first and foremost a Belgian and French problem in the sense that these two countries were the ones who had to deal with direct physical, human, economic, and psychological consequences. On the other hand, the attacks are an EU problem since they are composed by a transnational dimension³⁵. A third specialist believes that the threat will be considered against the EU or against a member state depending on the state attacked. According to him, France sees an attack on its territory as mostly an attack on France and the responses employed are mostly decided by France³⁶. For some small states, on the contrary, it is better to consider an attack on its territory as an attack to the EU because this state would not have the capabilities to act by itself.

Another specialist interviewed points out that independently of the fact that the last terrorist attacks were linked to Belgium, EU counter-terrorism policies work for every EU country, whether internally or externally. Information sharing, for example, can take place within EU formats and also at the bilateral level. Nonetheless, he argues that these exchanges of information can be problematic. The intelligence services within the EU have always been hesitant to share information with each other on a completely free basis. When a state shares a valuable information, this state will probably have a less good bargaining position to receive other information. In addition, sharing information with 27 other states increases the chances that the information will get leaked. Therefore, states prefer to share information with the few they trust the most.

35 It was a French-Belgian network in terms of individuals' nationalities but these individuals travelled across the EU to countries such as Austria, Slovakia, Hungary and Greece and they had a lot of connections in Germany, in the UK, and in Sweden, and also had contacts with forgers in Italy.

36 For example, France started to bomb Syrian targets after the terrorist attacks in Paris. The French had already been involved in the region before but they intensified their actions after the attacks.

Finally, when it comes to counter-terrorism, differences in strategy can also become an issue³⁷.

When taking security and intelligence services into consideration, the development of cooperation between member states at the EU level seems almost impossible. It is not easy to reach an agreement between 28 member states and to achieve a level of trust between them to the point of them sharing their most secret and strategic information with each other. When it comes to defense, the idea of creating a European army is not well received. In theory, the belief of 28 member states working together for Europe sounds comforting but, in practice, things are a lot more complicated.

Due to that, the development of any common polices, specifically the ones related to security and defense which deal with member states' sovereignty, seems troublesome. Even though EU Law allows CSDP to contribute in the fight against terrorism, based on the interviews and on the observation of the Handbook on CSDP Missions and Operations of 2015, one can say that counter-terrorism does not have a significant role in CSDP operations. Nonetheless, all five specialists interviewed agree that counter-terrorism is part of CSDP and that CSDP can and should be used to address the issue.

The specialists diverge in relation to the applicability of CSDP today. One of them argues that CSDP is mostly used outside EU territory but that the TEU allows its use within the EU in specific situations described in Article 42 (7) and Article 222. He adds that in many cases there is not a real support on the political side to use CSDP within the EU since military operations inside its territory are not well seen by the population. The specialist still states that maybe in the future there might be an overlap between internal and external security dimensions. Three of the five specialists believe that CSDP should only be used outside EU territory. They argue that CSDP is not the only policy that deals with counter- terrorism and that the competence to fight terrorism inside EU territory belongs to the Directorate General for Migration and Home Affairs (DG Home). In addition, they argue that the EU internal counter-terrorism

37 For example, the intelligence services of some countries can opt to arrest low level terrorists as soon as possible while the intelligence services of other countries prefer to wait and monitor them in order to get to the whole network. In this situation, if there is divergence of opinions, there is a great chance that the mission will fail.

framework is a lot more developed and institutionally denser than a CSDP mission would be. Inside the EU, bilateral programs and bilateral communication happen on a daily basis. There are many mechanisms and channels for exchanges between Magistrates, Police, Investigation Teams, Intelligence Services, etc.

The specialists interviewed also agree that in order to CSDP to fight terrorism, it would have to be transformed into something that it is not at the moment. One of them argues that most of CSDP operations are very small scaled, thus, they make contributions to a broader international effort but they cannot be considered game changers. Another specialist interviewed stresses the fact that a European army does not exist, therefore, CSDP missions are composed of personnel that is sent by member states and very often also by third states. In addition, he states that these missions that are active in areas in which terrorism is a very prominent issue like Iraq, Afghanistan, and some places of Africa, are missions that are not very ambitious. In these cases, personnel is sent, e.g., to train security forces of the Afghan Police or to give training to create an Iraq Police.

It is also important to highlight that most of the times, CSDP missions are not just EU missions but a collaboration with international and regional organizations, such as the UN, NATO and the African Union (AU), among others, as well as with third countries (Bogusławska, 2015). The UN Under Secretary General of the Department of Peacekeeping Operations Hervé Ladsous believes that the cooperation between the EU and the UN has become a “way of life” (as cited in Bogusławska, 2015, p. 63). EU-UN cooperation could be seen in the missions in Mali, Central African Republic, Democratic Republic of Congo, Somalia, and Afghanistan (Bogusławska, 2015). In some cases, these missions can be relevant for member states’ national security. The EUTM Mali, e.g., is a military training mission launched in February 2013 in the context of a French military operation aiming to fight Islamist rebel groups in the North of the country³⁸ (Kammel, 2015). According to Hillion (2014), EUTM Mali can be considered a mission which aimed to combat terrorism. The French forces

38 Another CSDP operation in Mali is EUCAP Sahel Mali, established in April 2014 (Kammel, 2015).

which were deployed in Mali were also authorized to intervene in support of MINUSMA, the UN Multidimensional Integrated Stabilization Mission in Mali (UN, 2016).

In this sense, an increase in investment and in the development of CSDP in terms of counter-terrorism could be useful. According to one of the specialists interviewed, improving security outside EU borders will, even if indirectly, improve security inside EU borders as well. Therefore, even if CSDP cannot be used inside EU territory due to political reasons, e.g., the policy will have an impact on internal security. One idea is that if the EU developed its counter-terrorism policy through CSDP to be used outside its territory, the missions could focus on restraining terrorism in third countries and keeping terrorists outside EU borders.

At the same time, CSDP should focus on developing mechanisms of cooperation with DG Home, connecting internal and external security dimensions. Even though it is argued that internal and external aspects of security are extremely interconnected, Drent et al. (2015) notice that until today the EU has developed separate strategies for internal and external security. EU competences are indeed clearly divided when it comes to counter-terrorism. Regarding internal security, terrorism and radicalization are dealt by Directorate D which is part of the Secretariat of the Task Force on the Security Union which forms the DG Home³⁹ (European Commission, 2016). On the other hand, counter-terrorism in terms of external security is a competence of the External Action Services, as well as every matter that involves security and defense, including military and civilian missions and operations (EEAS, 2016). In this sense, even though DG Home is considered the biggest responsible for developing EU policies when it comes to counter-terrorism (Martins, Ferreira-Pereira, 2012), the development of CSDP could be considered an alternative approach to deal with the issue outside EU territory.

As mentioned before, terrorism is a threat that should be contained as soon as possible. It should not matter if the instrument used to do so is part of EU's internal or external affairs. Nonetheless, one can understand from the interviews conducted that even though terrorism is considered a problem for all

39 For the Organigram of DG Home, go to https://ec.europa.eu/home-affairs/sites/homeaffairs/files/who-we-are/dg-home-affairs-chart/docs/organigramme_en.pdf

EU countries, many of them does not show real concern or does not want to be directly involved in the fight against terrorism. The already discussed concepts of strategic cultures and threat perceptions come to practice. As mentioned before by Larivé (2014), the most powerful member states have their own strategic cultures and their own perceptions of what is considered a threat. While they consider terrorism a fundamental problem, some smaller states do not. As stated by Mr. Jaap de Hoop Scheffer in a Seminar at Leiden University in November 2016, in International Relations, geography matters. Similarly, one of the specialists interviewed argues that different countries situated in different areas of the EU are concerned about different threats⁴⁰.

In this sense, one can argue that some states are opposed to the development of CSDP. Three of the five specialists interviewed agree that the UK has been the most opposed to it and prefers to invest in bilateral agreements with France, for example⁴¹. Due to its reluctance to use military force abroad, Germany has not been the most active state in CSDP. Nonetheless, according to the specialist, this is starting to change. Some other central and Western European countries, with the exception of Poland, have not been the most active in CSDP context either. On the other hand, one of the specialists interviewed argues that the possibility of development of CSDP is established in the Treaties and due to that, no state is opposed to it. He believes that it is true that some states are more interested in the matter than others but they are all working together and no state is opposed to the development of CSDP.

The lack of unanimity among specialists confirms the complexity of the theme and invites scholars to discuss the viability of development of new ideas and possibilities regarding the use of CSDP in fighting terrorism. Today, CSDP is not often used to handle terrorism and can only be used outside EU territory. Maybe in the future, the necessity of new responses to the rise of new setbacks will make possible for counter-terrorism to develop under the CSDP umbrella. Based on the same logic, one could imagine that the limits between internal and

40 For example, Estonia, Latvia and Lithuania, the Baltic states, are more afraid of Russia while a state as Portugal, which is located in the other end of Europe, when thinks about security and defense, thinks about Africa, the Atlantic and North Atlantic areas, and also the Mediterranean.

41 According to the specialist interviewed, in a multilateral framework, the UK would rather work with NATO and prioritize its relations with the US.

external security could indeed start to become less evident and consequently, the internal and external security services would start to work in greater cooperation. But for now, this is only speculation. One should always keep in mind that the EU and its policies develop according to the political will of the member states. Only time will tell what will happen.

CONCLUSION

This thesis tried to discuss the possibility of adoption of an effective common anti-terrorist policy at the EU level and if this could be done through

the development of CSDP. It was analyzed if the events related to Belgium, which led to terrorist attacks in the state itself and in France, and if the insufficient capacity of Belgium in providing adequate counter-terrorism and intelligence services could be considered situations significant enough which could lead to an agreement between member states about the development of an effective Common Security and Defense Policy which would benefit the whole EU.

Social constructivism establishes that events can contribute to change perceptions, interests, and attitudes of member states. Therefore, a terrorist attack on one member state could have the potential to unite all of them in cooperation, which could be translated in the adoption of a common policy. Nonetheless, policy makers do not act based on what theories propose. In practice, even if something is considered a threat it does not mean that this threat will be considered significant to the point of causing great policy changes. In addition, even if policy changes are proposed after specific events, it is not possible to predict if these changes will be implemented or not. The implementation of common policies regarding terrorism, security, and defense is dependent on the political will of 28 member states.

When Belgium was faced with terrorist actions in its territory and in France, which were perpetrated by Belgian citizens, the media bashed the state calling it failed and dysfunctional. Belgium has some problems in its internal structure and security indeed, but as History has shown, terrorism can happen anywhere inside and outside EU borders. Even though member states are the ones responsible for their national security, terrorism is a problem that affects them individually but also the EU as a whole. Therefore, common action is necessary. As argued by Federica Mogherini, today, "my neighbor's problem is my problem".

The EU has been trying to improve its internal security since the terrorist attacks in the US in 2001. Since then, many Action Plans, Programs, and Strategies have been launched to fight terrorism and to develop internal and external security. In addition, the Treaty of Lisbon was responsible for the development of CFSP in CSDP. The Treaty gives the possibility of using CSDP to fight terrorism, but until today CSDP missions are considered small in scale and ambition and are not used specifically to fight terrorism.

The Global Strategy for the European Union's Foreign and Security Policy launched in June 2016 calls for a new approach when it claims for strategic autonomy for the European Union. This new approach is necessary to tackle many problems which the EU has been facing, including terrorism. In addition, it is argued that urgent investments in both security and defense are necessary and that CSDP must become more responsive. One must wait and see if this new Strategy will indeed promote better coordination between EU's internal and external dimensions and if this will also mean the use of CSDP to fight terrorism. Many strategies and new approaches can be proposed but, when it comes to common security, defense, and counter-terrorism, changes will only be seen if all the member states agree to them.

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