
15. The interface of external and internal security in the EU and in Nordic policies

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I. Sources and implications of the external–internal security interface

The wars in the Balkans in the 1990s, the bovine spongiform encephalopathy (BSE) outbreak in the United Kingdom, the 11 September 2001 terrorist attacks on the USA, the flooding in Central Europe in 2002, and the terrorist bombings in Madrid on 11 March 2004 and in London on 7 July 2005 are all crises that highlight the interface of external and internal security. Assuming that the attack in Madrid constituted a security crisis for the European Union and was carried out by terrorists in ‘reaction’ to Spanish participation in the 2003 Iraq war, was the attack an issue of internal or external EU security? Given that the Nordic countries responded to the 2001 attacks on the USA in both the international and domestic arenas, were those attacks a threat to external or internal national security for these countries?

Clearly, a distinction between the two aspects of security is difficult to make. The close interface of external and internal security not only is due to the ‘trans-boundary’ character of threats and crises but is also reflected in recent EU policies at both the official and the practical level. The 2003 European Security Strategy states that ‘internal and external aspects are indissolubly linked’.¹ Renata Dwan notes that the concerns driving the implementation of the European Security and Defence Policy in the Balkans are clearly both domestic and international in character: ‘At least part of the reason why EUPM [the EU Police Mission in Bosnia and Herzegovina] received good support in its call for organized crime experts is because of the interest many internal affairs ministries and police departments have in tackling the smuggling and crime routes through the Balkans that end up in their capitals.’²

This chapter sketches a theoretical framework for analysis of the interface of external and internal security and then explores some of the driving forces behind the increasingly close interface (section II). It also discusses the impli-

¹ Council of the European Union, ‘A secure Europe in a better world: European Security Strategy’, Brussels, 12 Dec. 2003, URL <http://ue.eu.int/cms3_fo/showPage.ASP?id=266>, p. 2.

² In 2002 Renata Dwan was special adviser to the Planning Team for the EU Police Mission in Bosnia and Herzegovina in the Secretariat of the Council of the European Union. See Dwan, R., ‘Capabilities in the civilian field’, Speech at the Conference on the European Union Security Strategy: Coherence and Capabilities, Working Group 2, Capabilities, Swedish Institute of International Affairs, Stockholm, 20 Oct. 2003, URL <<http://www.sipri.org/contents/conflict/nonmilitary.htm>>, p. 6.

cations of this interface for the security role of the EU in general (section III). It examines one of the most important sources of change—the responses to the September 2001 attacks—at EU member state level as well as European Union level. In order to illustrate an important case of national policy adaptation, the chapter investigates the positions of the Nordic countries with regard to the use of military assistance in ‘domestic’ counter-terrorism activities (section IV). At the EU level, an overview of the measures adopted in the external as well as internal EU pillars³ is presented (section V) together with an analysis of the Union’s solidarity clause on terrorism adopted on 25 March 2004 (section VI).⁴ The clause is perhaps the most significant example of the external–internal interface in EU policies and it states that the EU member states ‘shall mobilise all the instruments at their disposal, including military resources to: prevent the terrorist threat in the territory of one of them’. The member state and EU levels are closely linked because national military assistance for internal EU use is of central importance for the effective implementation of this clause.

The closer interface makes the development of the EU’s security policies increasingly dependent on the contributions of the member states. In order to put the national resources requested at the disposal of the EU, governments must fundamentally rethink state security and defence—including the traditional division of roles between the police and the military—as well as the meaning of European mutual assistance. Finally, the chapter addresses the question of whether the current security identity of the EU is being transformed from a European security community to a secure European community—a homeland defence *à la Europe* (section VII).

II. Towards a theory of the interface of external and internal security

‘European Union security’ has often been analysed using concepts and frameworks borrowed from the study of national security. Consequently, a strong distinction has been made between internal ‘desecuritization’ of relations between EU member states⁵ and an external Common Foreign and Security Policy, which has been analysed in the context of international security dynamics.⁶ This division originates in the tradition of territorial security and border defence based on spatially defined units of analysis: states. It is also a

³ The ‘first pillar’ of the EU refers to Treaty of Rome-based activities (‘Community’ activities such as trade, the common market, etc.), the ‘second pillar’ to the Common Foreign and Security Policy (and now the European Security and Defence Policy), and the ‘third pillar’ to cooperation in Justice and Home Affairs.

⁴ European Council, ‘Declaration on combating terrorism’, Brussels, 25 Mar. 2004, URL <<http://ue.eu.int/ueDocs/cmsUpload/79635.pdf>>.

⁵ Buzan, B., Wæver, O. and de Wilde, J., *Security: A New Framework for Analysis* (Lynne Rienner: London, 1998).

⁶ Ginsberg, R. H., *The European Union in World Politics: Baptism of Fire* (Rowman & Littlefield: Lanham, Md., 2001); and Smith, M. E., *Europe’s Foreign and Security Policy: The Institutionalization of Cooperation* (Cambridge University Press: Cambridge, 2004).

product of the EU's 'pillar' construction where the second pillar (the CFSP) has been contrasted—formally as well as analytically—with the 'internal' domains of the first and, more recently, the third pillar.⁷ However, the question is to what extent a line between external and internal security can be drawn for a political entity that is not first and foremost territorially defined and one of whose aims was to erode borders for the purpose of inter-state security. The questions of what is inside and what outside the EU⁸ and of external and internal EU security⁹ thus have aroused significant analytical interest.

Theories on the dissolution of boundaries between internal and external *national* security have been elaborated in relation to international relations¹⁰ and to EU governance 'beyond the states'.¹¹ By adopting a different epistemological outlook, Didier Bigo has come furthest in demarcating a new trans-boundary 'field of security' in Europe.¹² Bigo's approach is based on Pierre Bourdieu's theory of field, which uses an ethno-methodological approach to the practices of security agents (military agencies, secret services, customs, police forces, etc.) to seek an understanding of why they securitize certain phenomena and not others and how they use these 'devices' as a 'technique of government'.¹³ The role of the EU is described as a 'platform' for negotiations between the security agencies of the EU countries, such as the police and military forces.¹⁴ The roles of national actors are changing; both the police and the military forces are now increasingly oriented towards the common task of 'internal' European security. This has led to the development that security analysis and planning are pre-occupied with crisis situations and the prevention of conflicts and international crimes rather than traditional wars. Pan-European police cooperation is described as taking place in informal networks and through practices which are not officially recognized but created by police agencies as a 'necessary' answer

⁷ Winn, N. and Lord, C., *EU Foreign Policy Beyond the Nation State: Joint Actions and Institutional Analysis of the Common Foreign and Security Policy* (Palgrave: Basingstoke, 2001); and Hill, C., 'The capability-expectations gap, or conceptualising Europe's international role', eds S. Bulmer and A. Scott, *Economic and Political Integration in Europe: Internal Dynamics and Global Context* (Blackwell: Oxford, 1994).

⁸ Walker, R. B. J., *Inside/Outside: International Relations as Political Theory* (Cambridge University Press: Cambridge, 1993).

⁹ Wæver, O. et al., *Identity, Migration and the New Security Order in Europe* (Pinter: London, 1993); and Sjørnsen, H., 'Security and defence', eds W. Carlsnaes, H. Sjørnsen and B. White, *Contemporary European Foreign Policy* (Sage: London, 2004), p. 62.

¹⁰ Albert, M., Jacobson, D. and Lapid, Y. (eds), *Identities, Borders, Orders: Rethinking International Relations Theory* (University of Minnesota Press: Minneapolis, Minn., 2001); Walker, R. B. J., 'Europe is not where it is supposed to be', eds M. Kelstrup and M. C. Williams, *International Relations and the Politics of European Integration: Power, Security and Community* (Routledge: London, 2000), pp. 14–29; and Rosenau, J., *Along the Domestic-Foreign Frontier: Exploring Governance in a Turbulent World* (Cambridge University Press: Cambridge, 1997).

¹¹ Jachtenfuchs, M., 'Theoretical perspectives on European governance', *European Law Journal*, vol. 1, no. 2 (1995), pp. 115–33.

¹² Bigo, D., 'When two become one: internal and external securitisations in Europe', eds Kelstrup and Williams (note 10), pp. 171–204; and Bigo, D., 'The Möbius ribbon of internal and external security(ies)', eds Albert, Jacobson and Lapid (note 10), pp. 91–116.

¹³ Bigo, 'When two become one' (note 12), p. 176.

¹⁴ Bigo, 'When two become one' (note 12), p. 183.

to the new challenges and threats of the border-free Europe.¹⁵ The current theoretical challenge, however, is that the EU is no longer just a platform for national security agents working for internal European security: it now possesses both internal and external safety and security instruments of its own. The span of 'EU security' stretches from food and aviation safety to international peace and stability. This creates a need for an understanding of how the different EU instruments relate to each other, not only in the European field of security but also internationally. Before an 'internal' and 'external' dimension can be discerned, however, the notion of EU security must be further defined.¹⁶

What values, system, 'functions' or perhaps territory do the ESDP and the solidarity clause on terrorism aim to secure? One approach is to analyse the EU as an *emerging domestic system* and use theories of system and societal vulnerability. There is, for instance, a growing body of social theory literature on the consequences of major disturbances on society (i.e., system effects). At the international level, Robert Jervis has examined the generally strengthened interconnections that make international relations increasingly system-like and thus change the conditions for effective state action.¹⁷ Other scholars have discussed the need to conceptualize the international system in terms of an emerging civil global society.¹⁸ Regional systems have been understood by Hans Günter Brauch to be the result of the reconceptualization of security related to, for example, environmental conflicts in the Mediterranean area.¹⁹ Ulrich Beck has introduced the concept of 'risk society' as a description of today's domestic systems.²⁰ According to Niklas Luhmann, 'the horizon of the future becomes shorter and more foreboding' as a result of a new type of world society, which is characterized by complexity and a short-term, 'crisis management' style of politics.²¹ The systemic dimension of EU security could also be approached

¹⁵ Bigo, D., *Polices en Réseaux: l'Expérience européenne* [Police in networks: the European experience] (Presses de la Fondation nationale des sciences politique: Paris, 1996); and Mitsilegas, V., Monar, J. and Rees, W., *The European Union and Internal Security: Guardian of the People?* (Palgrave: Basingstoke, 2003).

¹⁶ Duke, S., *The Elusive Quest for European Security* (Macmillan: Basingstoke, 2000); Van Ham, P. and Medvedev, S., *Mapping European Security after Kosovo* (Manchester University Press: Manchester, 2002); Sjørnsen (note 9); Grönvall, J., *Managing Crisis in the European Union: The Commission and 'Mad Cow Disease'*, Crisis Management Europe Research Program, vol. 10 (CRISMART, Swedish National Defence College and Swedish Agency for Civil Emergency Planning: Stockholm, 2000); Ekengren, M. (ed.), *Functional Security: A Forward Looking Approach to European and Nordic Security and Defence Policy*, Proceedings of the Conference held at the Swedish National Defence College, Stockholm, 5–6 Dec. 2003 (Swedish National Defence College: Stockholm, 2004); and Ekengren, M., 'From a European security community to a secure European community: analysing EU "functional" security, the case of EU civil protection', Paper presented at the Standing Group on International Relations Conference, 5th Pan-European Conference, Constructing World Orders, The Hague, Netherlands, 9–11 Sep. 2004.

¹⁷ Jervis, R., *System Effects: Complexity in Political and Social Life* (Princeton University Press: Princeton, NJ, 1997).

¹⁸ Kaldor, M., Anheier, H. K. and Glasius, M. (eds), *Global Civil Society Yearbook 2003* (Oxford University Press: Oxford, 2003).

¹⁹ Brauch, H. G. et al., *Security and Environment in the Mediterranean: Conceptualising Security and Environmental Conflicts* (Springer: New York, 2003).

²⁰ Beck, U., *Risk Society: Towards a New Modernity* (Sage: London, 1993).

²¹ Luhmann, N., *The Differentiation of Society* (Columbia University Press: New York, 1982), p. 288.

through the new trans-governmental dynamics stemming from European policing.²²

Another approach is to consider European security from an *international angle* and to compare the EU's global security identity with traditional actors such as the nation state.²³ The West European nation state has secured the basic values it embodies—democracy, human rights, societal order and safety—through the overarching security goal of territorial integrity. The foremost security crisis for the nation state has been equated with the violation of the border, implying a threat to the sovereignty and indeed the very existence of the state. The main institutional instrument for this security is territorial defence, assured through military capabilities and with the support of international law. The analogous question with regard to the European Union is what values it aims to protect and through what security goals and instruments. What is *the* international security threat to the EU? Has it changed over time? The confusion evoked by this kind of question is due to the fact that the Union traditionally has not been conceived of as an international security object; it has, for example, no collective defence in the traditional sense. Nor has it been analysed as a subject pursuing an active security policy because 'security policy' has been adjudged to remain within the competence of the EU member states (or to be taken care of in other organizations such as the North Atlantic Treaty Organization). The EU has traditionally most often been viewed as an outcome or reflection of the considerations of other players. Its success was that it created security by not discussing security. The consequence is that the EU until recently has lacked its own international security identity, which makes it difficult to capture in theoretical language the explicit and active EU security role that is taking shape today. The way in which the ESDP has evolved since 1999 has been interpreted as being 'the end of territorial defence' for the EU,²⁴ but the definition of the EU's security identity cannot be made with negotiations alone. The question remains of how to conceptualize the interface of internal and external security for a post-national European Union with little tradition of a security policy.

III. Widening the field of EU security

By mixing the domestic and international perspectives on EU security this section defines the Union security field as including areas beyond the formal EU borders. EU security can thus be defined as a sequence of concentric circles,

²² den Boer, M., 'The fight against organised crime in Europe: a comparative perspective', *European Journal on Criminal Policy and Research*, vol. 9, no. 3 (2001), pp. 258–72.

²³ Sjøstedt, G., *The External Role of the European Community* (Saxon House: Farnborough, 1977); and Whitman, R. G., *From Civilian Power to Superpower? The International Identity of the European Union* (Macmillan: Basingstoke, 1998).

²⁴ Gärtner, H., 'European security: the end of territorial defense', *Brown Journal of World Affairs*, vol. 9, issue 2 (winter/spring 2003).

rather than on the basis of a strict distinction between internal and external security.

The EU has mainly responded to its neighbours in the wider Europe not as a traditional security actor but by extending its internal system of governance through enlargement and through the integration of external actors and resources into joint policy-making processes.²⁵ The consequence is a blurred boundary between ‘outsiders’ and ‘insiders’ in many EU security initiatives. In the light of earlier CFSP history (the wars in the Balkans in the 1990s and EU enlargement),²⁶ the capabilities developed for the ESDP will probably be used primarily in the areas bordering the EU—whether defined as the ‘enlarged European security space’,²⁷ the ‘internal’ European security area,²⁸ ‘sub-regional institutional security frameworks’ or as the EU security field.²⁹ These areas are defined not only by the incidence of trans-boundary threats and risks, but also by expanding economic and security networks—the EU’s traditional method of crisis and conflict prevention. The networks include first pillar systems to minimize societal vulnerabilities and prepare for emergencies. The main task of the new military and civilian actor capabilities of the ESDP is to manage crisis and conflict outside the borders of the EU.³⁰ This is intended to make the EU better-equipped as an ‘international’ security actor in the same ‘boundary lands’ for which it is attempting to build a ‘domestic’ European infrastructure through *inter alia* the solidarity clause on terrorism. Forthcoming enlargements and the EU’s ‘new neighbourhood policy’³¹ underline the need for

²⁵ Filtenborg, M. S., Gänzle, S. and Johansson, E., ‘An alternative theoretical approach to EU foreign policy: network governance and the case of the Northern Dimension initiative’, *Cooperation and Conflict*, vol. 37, no. 4 (2002), pp. 387–407.

²⁶ On the basis of the growing collection of case studies of the EU’s external actions it is safe to conclude that the CFSP has been politically strongest within (‘collective at any cost’) and on the EU’s frontiers. See Piening, C., *Global Europe: The European Union in World Affairs* (Lynne Rienner: London, 1997). This development has been underlined as a consequence of the extended cooperation with candidate states in the 1990s. See Friis, L. and Murphy, A., ‘The European Union and Central and Eastern Europe: governance and boundaries’, *Journal of Common Market Studies*, vol. 37, no. 2 (1999), pp. 211–32.

²⁷ Lenzi, G., ‘Defining the European security policy’, ed. J. Zielonka, *Paradoxes of European Foreign Policy* (Kluwer: The Hague, 1998), pp. 111–14.

²⁸ Wæver, O., ‘The EU as a security actor: reflections from a pessimistic constructivist on post-sovereign security orders’, eds Kelstrup and Williams (note 10), pp. 250–94.

²⁹ Jørgensen K. E. (ed.), *European Approaches to Crisis Management* (Kluwer Law: The Hague, 1997), p. 211.

³⁰ See the Treaty of Amsterdam amending the Treaty on European Union, the Treaties Establishing the European Communities and Certain Related Acts, which was signed on 2 Oct. 1997 and entered into force on 1 May 1999—the text of the treaty is available at URL <http://europa.eu.int/eur-lex/lex/en/treaties/treaties_other.htm>; European Council, ‘Presidency conclusions’, Helsinki, 10–11 Dec. 1999, URL <http://europa.eu.int/council/off/conclu/dec99/dec99_en.htm>; European Council, ‘Conclusions of the Presidency’, Santa Maria da Feira, 19–20 June 2000, URL <http://www.europarl.eu.int/summits/fei1_en.htm>; and European Council, Gothenburg, 15–16 June 2001, URL <http://europa.eu.int/comm/gothenburg_council/index_en.htm>.

³¹ Commission of the European Communities, ‘Communication from the Commission: paving the way for a new neighbourhood instrument’, Brussels, 1 July 2003, COM (2003) 393 final, URL <http://europa.eu.int/comm/world/enp/document_en.htm>.

approaches that can transcend the internal–external distinction in an EU security field that is steadily moving east and south.

Further away from the EU heartland, the security identity of the EU is gradually changing character. European Union security is a hybrid of an international organization and a would-be polity whose object is both the protection of EU and universal values wherever they are threatened in the world and the safety of the EU citizens in a more narrow sense.³² European security crises might best be defined by threats to the core values of the EU—free trade and free passage, the EU Charter of Fundamental Rights, and so on—and, increasingly, to international law and the values embodied by the United Nations.³³ According to the EU's Constitutional Treaty, ESDP missions should be carried out for the purpose of peacekeeping, conflict prevention and the strengthening of international security in accordance with the principles of the UN Charter.³⁴ The EU's first independently launched military operation—Operation Artemis in the Democratic Republic of the Congo, in 2003—was carried out at the request of the UN (under a Chapter VII resolution).³⁵ If the early practices involving UN requests and mandates have set a precedent for future ESDP operations, EU security might increasingly encompass all people who are involved in a grave international crisis.³⁶ The evolving security role of the EU might perhaps best be characterized as that of a regional body for the implementation of UN decisions. In that case, EU security would equal international security, and the EU would have no specific external security space.

IV. The September 2001 attacks and the emerging new roles of the Nordic armed forces

There are many areas where fundamental revisions of national security and defence structures have been initiated as a result of the September 2001 terrorist attacks, as mentioned above. The EU member states have started to redefine

³² Whitman, R. G., 'The fall, and rise, of civilian power Europe?', Paper presented at the Conference on the European Union in International Affairs, National Europe Centre, Australian National University, 3–4 July 2002; and Manners, I., 'Normative power Europe: a contradiction in terms?', *Journal of Common Market Studies*, vol. 40, no. 2 (2002).

³³ Haaland Matlary, J., 'Human rights', eds Carlsnaes, Sjurgen and White (note 9), pp. 141–54. On the EU Charter of Fundamental Rights see URL <<http://www.europarl.eu.int/charter/>>.

³⁴ The Treaty Establishing a Constitution for Europe was signed on 19 Oct. 2004 but has not been ratified. The text of the treaty is available at URL <http://europa.eu.int/scadplus/constitution/index_en.htm> and selected articles are reproduced in the appendix in this volume

³⁵ Ulriksen, S., Gourlay, C. and Mace, C., 'Operation Artemis: the shape of things to come?', *International Peacekeeping*, vol. 11, no. 3 (autumn 2004), pp. 508–25.

³⁶ It is perhaps significant that 'a human security doctrine for Europe' was recently proposed as a doctrine for Europe's security capabilities. Study Group on Europe's Security Capabilities, 'A human security doctrine for Europe', Barcelona Report of the Study Group on Europe's Security Capabilities, London School of Economics and Political Science, Centre for the Study of Global Governance, London, 15 Sep. 2004, URL <<http://www.lse.ac.uk/Depts/global/Publications/HumanSecurityDoctrine.pdf>>. The study group, led by Mary Kalder, was set up in 2003 at the request of the EU's High Representative for the CFSP and Secretary-General of the Council of Ministers, Javier Solana.

political and administrative divisions in their national governments. The Nordic countries responded to the events of September 2001 in both the international and domestic arenas, thereby *inter alia* bringing into the open the tension between upholding the principles of the rule of law and efficiency in counter-terrorism measures.³⁷ The result for national systems is that, currently, the dividing line is less clear between internal vulnerability and external security: between military and police forces,³⁸ military and civil intelligence,³⁹ and the ministries of justice, foreign affairs (and development) and defence;⁴⁰ and between policies of defence, preparedness and civil protection. This national development is a strong driving force behind the further erosion of borders in the Union security field insofar as it is creating new roles for security agencies and agents in practice. The demands of the ESDP and the solidarity clause on terrorism can only add impetus to this deepening of the security field (see below).

The security policies of the Nordic countries have converged around the concept of 'comprehensive security' since the end of the cold war.⁴¹ This development has included a shift of focus from the narrower notion of military defence to the goal of safeguarding the basic functions of society.⁴² The national legal frameworks concerning military assistance to civilian authorities and the police that evolved during this process have, more recently, constituted an obstacle to the creation of new means to counter terrorism. The possible kinds of assistance that could be required for the latter purpose include intelligence, the deployment of special forces, transport support, nuclear, biological and chemical weapon expertise, command and control to medical support and evacuations, logistic support and maritime patrolling. The EU member states have adopted many different solutions for providing and regulating these functions.⁴³ In all of

³⁷ Myrdal, S., 'Nordic responses to September 11 and the "war" against terrorism', Paper presented at the Second Pan-European Conference on EU Politics of the ECPR Standing Group on European Union Politics, Bologna, Italy, 24–26 June 2004.

³⁸ Lutterbeck, D., 'Between police and military: the new security agenda and the rise of gendarmeries', *Cooperation and Conflict*, vol. 39, no. 1 (2004), pp. 45–68.

³⁹ Müller-Wille, B., 'For our eyes only? Shaping an intelligence community within the EU', Occasional Papers no. 50, EU Institute for Security Studies, Paris, Jan. 2004, URL <<http://www.iss-eu.org/>>.

⁴⁰ Hansen, A., 'Security and defence: the EU police mission in Bosnia', eds Carlsnaes, Sjørusen and White (note 9), pp. 180–84.

⁴¹ See chapter 17 in this volume; and Rieker, P., 'Europeanisation of Nordic security: the EU and the changing security identities of the Nordic states', Doctoral thesis, University of Oslo, Department of Political Science, 2004.

⁴² Sallinen, A., 'Från det traditionella militära försvaret till tryggheten av samhällets livsviktiga funktioner' [From traditional military defence to the safeguarding of the basic functions of society], eds B. Sundelius and P. Daléus, *Från territorialförsvar i krig till samhällssäkerhet i fred: Analyser av förändrade säkerhetspolitiska synsätt och verkligheter i de nordiska länderna efter den 11 september och Madrid-attentatet* [From territorial defence in war to societal security in peace: analyses of changed security policy visions and realities in the Nordic countries after 11 September and the Madrid attacks], Report ACTA B32 (Swedish National Defence College, Department of Security and Strategic Studies: Stockholm, 2004).

⁴³ The French Gendarmerie Nationale is made up of paramilitary forces and is organized under the Ministry of the Interior. Austria, Belgium, Greece (to a certain extent), Italy and Luxembourg have similar forces. All these forces are specialized in terms of training, equipment (often comprising heavy weaponry,

the Nordic countries there has historically been a strict division between the military's defence of the state border and national security and the maintenance of order by the police. In the aftermath of September 2001, however, the Nordic governments have begun to re-examine their legal frameworks with regard to the use of military assistance to combat terrorist attacks on their territory.

Finland

Finland's 1980 Act on the provision of assistance by the defence forces to the police allows military assistance to be given only in cases where the resources of the police are inadequate. After a request from the police, the defence forces are allowed to assist in the search for and arrest of persons, the isolation of locations, the control of traffic, the protection of personnel or property, and so on.⁴⁴ The decision on whether to provide military support is taken by the concerned military authority. After September 2001, a commission established to consider the act proposed amendments in areas related to the combating of terrorism. The rationale for such assistance is that terrorist acts may demand the use of military force and that the demand for additional police capabilities is so rare that it is not economically justifiable to allocate new resources to the police. Under the proposal, the police can ask the Ministry of the Interior to request assistance from the Ministry of Defence. The two ministers together decide whether this type of assistance ought to be provided. The naval and air force units of the defence forces can be put at the disposal of the police if the nature of the terrorist threat calls for these resources.⁴⁵ The 2004 amendment to the 1980 act also specifies the conditions for military assistance. The police may receive assistance from the armed forces in order to prevent or avert certain criminal acts as specified in the Finnish Criminal Code. In emergency situations when there is a 'serious' and 'direct' threat to 'particularly important' functions of society, the police force's request for assistance can be made directly to the top military command. The government is to be informed of such

armed vehicles, etc.) and lines of command for tasks that straddle the border between internal order and security and external security. E.g., the Italian Arma dei Carabinieri is responsible for certain military operations as well as for 'internal' civilian tasks, such as maintaining order. In some countries the forces are under the control of the defence ministry, in others, of the interior ministry. In some states (e.g., Italy) the authority, chain of command and rules of engagement change depending on the particular task. See Benyon, J. et al., *Police Forces in the European Union* (University of Leicester, Centre for the Study of Public Order: Leicester, 1994); and Stålvant, C.-E., 'Questioning the roles of the military and police in coping with functional security: some assertions about national variations and their impacts', Paper presented at the Second Pan-European Conference on EU Politics of the ECPR Standing Group on European Union Politics (note 37).

⁴⁴ Republic of Finland, Laki Puolustusvoimien virka-avusta poliisille [Act on the provision of assistance by the defence forces to the police], Act no. 781/1980, 5 Dec. 1980. The text of the act, as amended, is available at URL <<http://www.finlex.fi/fi/laki/ajantasa/1980/19800781/>>.

⁴⁵ Finnish Prime Minister's Office, *Finnish Security and Defence Policy 2004*, Government Report no. 6/2004 (Prime Minister's Office: Helsinki, 2004), URL <<http://www.vnk.fi/vn/liston/vnk.lsp?r=88862&k=en>>, pp. 127–28.

a request.⁴⁶ In the Finnish Government's strategy for national preparedness the basic functions of society are defined as 'state leadership, external capacity to act, the nation's military defence, internal security, functioning of the economy and society, securing the livelihood of the population and its capacity to act, and their ability to tolerate a crisis'.⁴⁷

Sweden

Military assistance by the Swedish Armed Forces to the police has not been permitted since 1931, when the military opened fire on a strike demonstration in Ådalen and 5 participants were killed. In 2003 the Swedish Ministry of Justice published the report of a government commission on the implications of the attacks of 11 September 2001, suggesting legal reforms to enable military assistance.⁴⁸ The report proposed that, on the request of the police or coast-guard, the armed forces could intervene against non-state actors with the degree of force necessary to avert immediate danger to the safety of the state or to human life or to prevent extensive destruction of property. The commission suggested that the government could deploy the armed forces to combat an armed attack against the Swedish state even if the attack did not emanate from a foreign state. This opened a new field in which the armed forces could be used: military assistance would be allowed in cases of large-scale terrorist attacks threatening the security of the state. Less serious terrorist attacks that could be classified as armed attacks against the security of the state would continue to be a matter for the police. Currently, the armed forces may respond to surprise attacks against the Swedish state by a foreign state without awaiting a decision by the government. The report suggested that this condition should also apply in the event of threats from terrorists.⁴⁹ The report further recommended enhanced cooperation between the military and police, for example through joint task units, to improve readiness to meet the threat of attacks with nuclear, biological and chemical weapons.⁵⁰

The report and the proposed bill did not obtain political support other than for its overview of Swedish intelligence needs and structures. The Prime Minister, Göran Persson, instead established in September 2004 a commission to investigate the role of the military in assisting the police 'in the event of major attacks

⁴⁶ Republic of Finland, Hallituksen esitys Eduskunnalle laiksi puolustusvoimien virka-avusta poliisille annetun [Government proposition to parliament concerning amendment of the act on the provision of assistance by the defence forces to the police], Government proposition to parliament no. 187/2004, 8 Oct. 2004, URL <<http://www.finlex.fi/linkit/hepdf/20040187/>>.

⁴⁷ Finnish Ministry of Defence, Government resolution on securing the functions vital to society and strategy for securing the functions vital to society, Helsinki, 27 Nov. 2003, URL <http://www.defmin.fi/index.phtml/page_id/369/topmenu_id/7/menu_id/369/this_topmenu/368/lang/3/>, p. 5.

⁴⁸ Swedish 11 September Commission, *Vår beredskap efter den 11 September* [Our preparedness after 11 September], Statens Offentliga Utredningar no. 2003:32 (Swedish Ministry of Justice: Stockholm, 2003), URL <<http://www.regeringen.se/sb/d/108/a/424>>.

⁴⁹ Swedish 11 September Commission (note 48), pp. 24–25.

⁵⁰ Swedish 11 September Commission (note 48), p. 229.

on [Sweden's] democracy'.⁵¹ One task of the commission was to specify situations where the police might be assisted by the armed forces and, if necessary, present proposals for changes in the law. The commission's report was presented in August 2005.⁵² It proposed that a new act be passed to regulate the support of the police from the armed forces and other governmental bodies.

In the framework of the EU solidarity clause on terrorism, the Swedish Government predicts that military support for civilian crisis management, including the police, will most likely concern the provision of nuclear, biological and chemical expertise, logistics and command resources.⁵³

Denmark

One of the tasks for the Danish Armed Forces, according to the 2001 defence forces act, is assistance to the civilian authorities, including both assistance in rescue operations and assistance to the police.⁵⁴ The guiding principle is that military units providing assistance are subordinated to the command of the requesting authority and should obey the latter's rules of engagement. There are no particular statutory limitations concerning the character of the assistance.

According to the act, among the assets that could be provided by the armed forces are helicopters and boarding expertise. The Danish police do not possess their own helicopters, and it is primarily the Royal Danish Navy that could provide boarding expertise to the police. Danish law does not exclude assistance for combating organized crime. Decisions on this kind of assistance are taken jointly by the ministries of Justice and Defence.⁵⁵

Norway

Military assistance to the Norwegian police is regulated in 'Instructions concerning the defence forces assistance to the police', the latest version of which was adopted in 2003.⁵⁶ The police are allowed to request military assistance in

⁵¹ Swedish Prime Minister's Office, 'Statement of Government Policy presented by the Prime Minister, Mr Göran Persson, to the Swedish Riksdag on Tuesday, 14 September 2004', Stockholm, 14 Sep. 2004, URL <<http://www.sweden.gov.se/sb/d/574/a/29725/>>, p. 13.

⁵² Swedish Support Inquiry, *Polisens behov av stöd i samband med terrorismbekämpning* [The police's need for support in connection with combating terrorism], Statens Offentliga Utredningar no. 2005:70, (Swedish Ministry of Justice: Stockholm, 31 Aug. 2005), URL <<http://www.regeringen.se/sb/d/108/a/48806/>>.

⁵³ Bjurmer, A., 'The development of the European Security and Defence Policy', Statement in the Committee on Foreign Affairs, Swedish Parliament, 20 Apr. 2004, p. 10.

⁵⁴ Kingdom of Denmark, *Lov om forsvarrets formål, opgaver og organisation m.v.* [Act on the defence force's aims, tasks and organization, etc.], Act no. 122, 27 Feb. 2001, URL <http://www.retsinfo.dk/_GET_DOCI/ACCN/A20010012230-REGL>.

⁵⁵ Mäkelä, J. (Lt Com.), 'Combating terrorism in Nordic countries: a comparative study of the military's role', C-level thesis, Swedish National Defence College, Stockholm, May 2003, URL <<http://bibliotek.fhs.mil.se/publikationer/uppsatser/2003/chp0103/>>.

⁵⁶ Norwegian Ministry of Defence, 'Instruks for Forsvarets bistand til politiet' [Instructions concerning the defence forces' assistance to the police], Royal resolution, Oslo, 28. Feb. 2003.

extraordinarily dangerous situations when the police lack the competence or equipment needed. In such situations, the police can request help in order to search and arrest dangerous criminals or mentally deranged persons ‘when it is necessary to avert an immediate danger to lives or health’ or in order ‘to prevent immediate, widespread danger . . . to society’s key interests and for countering and combating such threats’.⁵⁷

The task of special units of the defence forces is to assist the police in combating terrorism and sabotage against oil installations and ships at open sea and sabotage on land. The Ministry of Justice and the Police has elaborated a number of scenarios for military assistance in cases of offshore terrorist attacks. In hypothetical cases of ‘massive attacks’ against oil installations and when there is uncertainty as to whether the country faces a peacetime crisis, security policy crisis or war the government will give the armed forces the main responsibility for meeting the threat.⁵⁸

In summary, the emerging new internal role of the Nordic armed forces is a significant example of the closer interface of internal and external national security that constitutes the basis of the EU security field. Sections V and VI below illustrate how the interface of internal and external EU security and the feasibility and strength of the EU’s policies depend to a large extent on this national interface. The ability of the EU member states to provide for capacities such as military assistance to civil crisis management will be decisive for the EU’s possibilities to transcend the internal–external Union security boundary through the ESDP and the solidarity clause against terrorism.

V. The September 2001 attacks and the EU’s response as ‘functional’ security

The EU’s security answer to the September 2001 attacks on the USA was non-military in nature. The focus was put on the crisis management capacities that exist in all three EU pillars. In practice, this made the EU responsible for the paradox of ‘internal’ and ‘external’ non-territorial security and contributed to the widening of the EU security field. In general, the events of September 2001 started a process which has led the EU to rethink its previous demarcation lines between trade, aid, diplomacy and the new crisis management capacities created under the ESDP. Discussions on whether or not to employ the capacities of the EU’s third pillar, Justice and Home Affairs—for example, in the areas of personnel and threat identification—signalled a development towards a broad trans-boundary security approach to the ESDP. For internal as well as external security reasons, many argued that there was an urgent need for better

⁵⁷ Norwegian Ministry of Defence (note 56), chapter 3, paragraph 11, p. 6 (author’s translation).

⁵⁸ Norwegian Ministry of Justice and the Police, ‘Samfunnssikkerhet og sivilt–militært samarbeid’ [Societal security and civil–military cooperation], Storting proposition no. 39 (2003–2004), 14 May 2004, URL <<http://odin.dep.no/jd/norsk/dok/publ/stmeld/012001-040020/>>, pp. 6–7.

coordination between non-military ESDP activities, work under the Justice and Home Affairs pillar, and the European Commission. It was also suggested that security thinking should be ‘mainstreamed’ into other areas of EU cooperation as well. According to the solidarity clause on terrorism, the EU should make the most of its multi-sectoral character—including the possession of military instruments⁵⁹—in action on its own territory.⁶⁰

In the *first pillar*, the EU elaborated a new ‘rapid reaction mechanism’ for international civil crisis management and a ‘community mechanism’ for civil protection⁶¹ and adopted a range of security measures across a wide area of its competences.⁶² Emergency preparedness was one of five areas prioritized by the EU in the fight against terrorism.⁶³ Crisis management in the *second pillar* includes military and civil capacities. Under the ESDP, the EU will be able to deploy up to 5000 police personnel for international missions and will also be able to undertake missions designed to strengthen civil law systems and administration and provide for civil protection. The EU’s military crisis management capacities build on close cooperation with NATO.⁶⁴ In December 2003 the EU adopted (after amendment) the European Security Strategy proposed by the High Representative for the CFSP, Javier Solana.⁶⁵ One of the greatest threats identified in the security strategy is the use of ‘weapons of mass disruption’ by terrorists, which could result in power outages, water supply problems and a breakdown in basic infrastructure.⁶⁶ In the *third pillar*, police and judicial cooperation (handled by the Commission’s Directorate-General for

⁵⁹ On the role of the military in national functional security see Stålvant (note 43).

⁶⁰ European Council (note 4).

⁶¹ Council of the European Union, ‘Council decision of 23 October 2001 establishing a Community mechanism to facilitate reinforced cooperation in civil protection assistance interventions (2001/792/EC, Euratom)’, *Official Journal of the European Communities*, vol. L 297 (15 Nov. 2001), URL <<http://europa.eu.int/eur-lex/en/archive/>>, pp. 7–11.

⁶² A whole range of security and safety measures have been adopted since late 2001 under the competences of the first pillar. These include measures for: (a) economic security—the protection of technical infrastructure, the combating of terrorist funding (under the Directorate-General (DG) for Internal Market and Services); a rapid reaction mechanism for international civil crisis management (DG External Relations); and programmes for civil aviation security (DG Enterprise and Industry)—and (b) civil protection—a Community mechanism (DG Environment); a rapid reaction network in the field of ‘health security’, programmes for the control of communicable diseases, preparedness and response to biological, chemical, radiological and nuclear terrorist attacks (DG Health and Consumer Protection); general vulnerability reduction; security of energy supply; diplomacy (e.g., in the UN); a Joint Research Centre (including a new security programme); and policies of common risk analysis and intelligence. Jarlsvik, H. and Castenfors, K., *Säkerhet och beredskap i Europeiska Unionen* [Security and preparedness in the European Union], Krisberedskapsmyndigheten temaserie 2004:3 (Krisberedskapsmyndigheten: Stockholm, 2004), URL <<http://www.krisberedskapsmyndigheten.se/>>.

⁶³ The other 4 areas are police and judicial cooperation, the global fight against terrorism, air transport security, and economic and financial measures. European Commission, ‘EU action in response to 11th September 2001: one year after’, Commission briefing, 9 Sep. 2002, URL <<http://europa.eu.int/comm/110901/>>.

⁶⁴ Piana, C. ‘The European Convention and defence’, *European Security Review*, no. 15 (2002), p. 2.

⁶⁵ Council of the European Union (note 1).

⁶⁶ ‘Note pour le Haut Représentant, Stratégie de sécurité de l’Union européenne, Compte rendu du séminaire sur les menaces’ [Note for the High Representative, EU Security Strategy, Report of the seminar on threats], Conference on Identifying and Understanding Threats, Institute for Security Studies, Rome, 19–23 Sep. 2003.

Justice, Freedom and Security) formed the basis for the EU's measures to directly combat terrorism. The EU adopted a European arrest warrant, a common definition of terrorism and a common list of terrorist organizations. It also established an exchange of information between the member states and Europol, an anti-terrorist team within Europol and a Eurojust network for coordination between prosecutors, police officers and the like. The Commission is investigating the possibility of creating a common EU agency for the control of EU borders.

Some of the measures taken by the EU since 2001 are easier to identify and categorize than others. The Commission's work for the improvement of the security of the global sea-container shipping system is aimed not only at the protection of the smooth functioning of free trade, but also at the safety of passengers and personnel.⁶⁷ Other, for example 'non-protective', measures that dominated the EU's response to the September 2001 attacks are more difficult to characterize.⁶⁸ What do the strengthened instruments and cooperation in the spheres of intelligence, police and justice contained in the EU's anti-terrorism action plan of 2001 aim to secure? Is it the survival of: (a) the citizens of the EU and the individual member states; (b) democracy, governance and government in the EU and the member states; or (c) national and international justice? In practice, the EU has in many fields moved towards a strengthened capacity for securing EU citizens against external or domestic threats as well as from the deadly consequences of major emergencies. In addition to an evolving capacity for the management of crises outside the borders of the EU, Europeans have come to expect the EU to be able to cope with emergencies within the borders of the enlarged Union.

Amid the variety of EU instruments and practices a new security task is emerging for the EU. The goal is to safeguard the functions of governmental and societal institutions by methods that include rapid reaction networks, the stockpiling of vaccines,⁶⁹ securing energy and transport flows, and receiving

⁶⁷ Commission of the European Communities, 'Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions on enhancing maritime transport security', COM(2003) 229 final, 2003/0089 (COD), Brussels, 2 May 2003, URL <http://europa.eu.int/comm/transport/maritime/security/index_en.htm>.

⁶⁸ Dalgaard-Nielsen, A., 'Homeland security: American and European responses to September 11th', ed. J. Pilegaard, *The Politics of European Security* (Danish Institute for International Studies: Copenhagen, 2004), URL <<http://www.diis.dk/sw2995.asp>>, p. 167.

⁶⁹ The 'network for the epidemiological surveillance and control of communicable diseases in the Community' (established 1999) and the 'health security programme' (2001) provide a system for early warning and response among the EU member states. The system links the national health and civil protection authorities with the Commission and provides for an EU coordination mechanism, an EU-wide capability for rapid detection, identification and diagnosis of cases and agents, and an inventory of available medicines (including stockpiling and medical development strategies) and experts. The EU health and security committee has established a Rapid Alert System for Biological and Chemical Attacks and Threats (RAS-BICHAT) for 24 hours/day service. In 2004 the EU decided to set up the European Centre for Disease Prevention and Control (in Stockholm). The threats that were identified in the discussions on creating the EU system include the 'normal' spreading of epidemics (such as severe acute respiratory syndrome, SARS) and food related diseases (e.g., BSE) as well as strategic attacks (e.g., anthrax) against vital infrastructure. Matzén, N., 'European "functional" security: a study of security practices in the public health sector',

immigrants.⁷⁰ Securing these functions is a prerequisite for upholding the values embodied by the European Union. This is not only a matter of maintaining infrastructure but also concerns the functioning of national government and EU governance: the ability to lead society and to articulate political goals.⁷¹ Early experiences in EU-level civil protection have also revealed the strong role of symbolic goals. After September 2001 more than 1000 rescue workers from the EU member states were coordinated through the Community mechanism for the protection of shipping across the Atlantic.⁷² This was a strong manifestation of Europe's solidarity in matters of security with the USA. It helped to stress that security-relevant 'functions', in contrast to 'territories', are not delimited by spatial borders but are rather defined over time.

The creation of EU infrastructures for safety, security and defence is not only a question of coordinating the resources of the member states. New demands are placed on the capacity and willingness of the EU member states to cooperate over a longer period of time. A common European outlook on threats and security questions is now forming. The need to coordinate national civil and military defence structures so that the resources of the member states and of the EU could be rapidly used has been recognized. Regional and local authorities—the backbone of civil crisis management and defence in many countries—need to be involved in such efforts. The solidarity clause on terrorism has demonstrated the need for the member states to have linked or compatible multi-sectoral EU infrastructures that act to establish norms and standards.⁷³ These should include national administrations as well as civil society, the private sector, business and non-governmental organizations. This can only be achieved to a limited extent through EU legislation, central EU coordination or binding commitments. The problems are similar to those encountered in other areas where the EU has progressed from negative to positive integration: from the abolition of obstacles to cooperation to more active policy making for common goals. The aim of the solidarity clause on terrorism is—with the support of the new civil and military crisis management tools—to transform the

Masters thesis, Swedish National Defence College, Department of Security and Strategic Studies, Stockholm, and Uppsala University, Uppsala, 2004).

⁷⁰ Svantesson, M., 'Threat images in the immigration policy of the EU: threat images as part of the securitization process', Master thesis, Stockholm University, Department of Political Science, Stockholm, 2004.

⁷¹ Sundelius, B., 'The seeds of a functional security paradigm for the European Union', Paper presented at the Second Pan-European Conference on EU Politics of the ECPR Standing Group on European Union Politics (note 37).

⁷² de Wijk, R., 'Civil defence and solidarity clause: EU homeland defence', Paper prepared for the Directorate-General for Research of the European Parliament, Brussels, 5 Jan. 2004.

⁷³ Jarlsvik, H., 'Ett europeiskt krisberedskapssystem och dess nationella implikationer' [A European crisis-readiness system and its national implications], FOI memo 1081, Swedish Defence Research Agency, Stockholm, 2004, URL <http://www.krisberedskapssystemmyndigheten.se/templates/Archive___4592.aspx>.

EU's multi-sectoral instruments for 'passive' conflict prevention and security into an 'active' defence policy.⁷⁴

The first cases of EU civil protection assistance,⁷⁵ and related exercises,⁷⁶ showed that it would probably be sufficient and more efficient if only a subset of member states participate in each instance in order to avoid problems of logistics and coordination.⁷⁷ There will be strong political pressure on the nations possessing the appropriate means of assistance to provide it. One of the lessons learned so far is that to work with a limited number of states with the most suitable tools would probably be more efficient than to 'mobilize all Union instruments'.⁷⁸ Voluntary EU solidarity, rather than treaty-based obligations to provide a certain type of support, would appear to be sufficient for the mobilization of the European resources and actions needed in EU crisis management.

⁷⁴ Jacobsson K., Johansson, K. M. and Ekengren, M., *Mot en europeisk välfärdspolitik? Ny politik och nya samarbetsformer i EU* [Towards a European welfare policy? New policies and new forms of cooperation in the EU] (SNS Förlag: Stockholm, 2001).

⁷⁵ The mechanism has been used 7 times since its establishment. The coordination of more than 1000 rescue workers from the member states to be sent to the USA after the 11 Sep. 2001 attacks was mentioned above. Among the first tasks in Europe was the coordination of assistance to the Czech Republic during the floods in the summer of 2002. The Monitoring and Information Centre (MIC) subsequently made requests for assistance in connection with the *Prestige* oil-tanker accident off the Spanish coast in the autumn of 2002. Ships, aircraft, equipment and experts from different participating countries were put at the disposal of the Spanish, French and Portuguese authorities. The mechanism was also used to meet a request for high-capacity pumps during the floods in France in Dec. 2003. Following the Feb. 2004 earthquake in Morocco, the MIC requested assistance from the EU member and candidate states in the form of search-and-rescue teams and power-generating plants. The civil protection operation engaged more than 17 European countries. Moreover, the Commission, through the European Community Humanitarian Aid (ECHO) department, adopted an emergency decision with 6 partners in order to assist the victims of the earthquake. Several capacities were tested in these first EU interventions. The value added by the mechanism over the system of bilateral requests for assistance is its provision for a response that is more consolidated and, theoretically, quicker and more precise. Commission of the European Communities, 'Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: Reinforcing the civil protection capacity of the European Union', COM (2004) 200 final, Brussels, 25 Mar. 2004, URL <<http://europa.eu.int/comm/environment/docum/>>, p. 10.

⁷⁶ EUROTOX, the first full-scale exercise to test the EU's ability to respond to a terrorist attack, was carried out in Canjuers, France, in Oct. 2004. The mechanism performed well as a clearing house for assistance. However, a number of technical problems occurred, which were mainly related to communication between the various national teams. Piana (note 64).

⁷⁷ 'Hon driver Sveriges ståndpunkter i Bryssel' [She's pursuing Swedish standpoints in Brussels], Interview with Pia Övelius, defence counsellor, Swedish Representation to the EU, Brussels, *Kris-Beredskap*, no. 3 (2004), pp. 9–11.

⁷⁸ Piana (note 64).

VI. The Solidarity Clause: codifying the interface of internal–external EU security⁷⁹

In 2003 the European Convention proposed to codify the evolving practices of EU functional security in the form of a new treaty-based ‘Solidarity Clause’ covering possible terrorist attacks and their consequences on European soil.⁸⁰ Later this clause was included in the Constitutional Treaty.⁸¹ The European Council adopted the clause, ahead of the constitution as a whole, as a political declaration in the aftermath of the March 2004 terrorist bombings in Madrid.⁸² The clause states that the EU shall mobilize all the instruments at its disposal, including military resources, to: ‘(a) prevent the terrorist threat in the territory of the Member States; protect democratic institutions and the civilian population from any terrorist attack; assist a Member State in its territory, at the request of its political authorities, in the event of a terrorist attack; [and] (b) assist a Member State in its territory, at the request of its political authorities, in the event of a natural or man-made disaster’.

To this end, the member states will coordinate activities between themselves in the Council of the European Union. The Council will be assisted for this purpose by the Political and Security Committee and by a new standing Internal Security Committee. The European Council will regularly assess the threats facing the EU.

The Solidarity Clause on terrorism legally codifies the external–internal interface by formally recognizing the new object of EU security discussed above: the functions of democratic institutions are to be safeguarded and populations are to be protected. Compared to the case of the traditional nation state, functional specification is given a relatively stronger position than territorial delimitation as a basis of EU security and defence. This weakens the rationale for a dividing line between internal and external EU security, in practice as well as in theory. The territorial dimension is weakened due to the vagueness of the clause as regards where assistance should be deployed in order to prevent terrorist threats and protect democratic institutions. The formulation ‘*in the territory of the Member States*’ points to a new kind of international security and defence cooperation. ‘*In the territory*’ of the Union takes on a more far-reaching meaning because the EU could soon comprise more than 30 member states. In addition, the EU will probably pursue increased cooperation with Russia and other

⁷⁹ This section is largely based on Ekengren, M. and Larsson, S., *Säkerhet och försvar i framtidens EU: en analys av försvarsfrågorna i det europeiska konventet* [Security and defence in the future EU: an analysis of the defence questions in the European convention], Report no. 2003:10 (Swedish Institute of European Policy Studies (SIEPS): Stockholm, 2003), URL <http://www.sieps.se/_eng/forskning.htm>. See also the SIEPS Internet site at URL <<http://www.sieps.se/>>.

⁸⁰ For background on the European Convention see Bailes, A. J. K., ‘Introduction: trends and challenges in international security’, *SIPRI Yearbook 2003: Armaments, Disarmament and International Security* (Oxford University Press: Oxford, 2003), p. 18.

⁸¹ Treaty Establishing a Constitution for Europe (note 34), Article I-43.

⁸² European Council (note 4).

neighbouring states in the Middle East and North Africa. The goal of the EU is not the defence of the territory at the borders of a geographically delimited area, but rather the defence of an unspecified 'people' and an undefined institutional capacity for democracy. Moreover, this applies to a territory that in practice stretches beyond the borders of the EU member states in the context of the imperative to prevent terrorist threats internationally, as envisaged by the European Security Strategy. The Solidarity Clause thus opens the way for both a deepening and widening of the EU security field.

The clause is clearer regarding when mutual assistance should be carried out. The EU members should take preventive measures before an attack, constantly protect each other and assist after a member state has been attacked. The EU is attempting to redefine the basis for defence from a question of where—inside or outside, internal or external—to an issue of when. This change in security and defence thinking involves a shift of focus from space to time. European Union assistance to a member state will occur at the request of its political authorities in the event of a terrorist attack. It is still an open question whether and in what form the EU would assist in cases of emergency when the political authorities of a member state are unable to articulate such a demand. It is perhaps not too far-fetched to posit EU assistance also in such hypothetical cases, considering that the EU and its member states, according to the clause, 'shall act jointly in the spirit of solidarity' if a member state is attacked. The wording evokes the image of an emerging European system to be protected and a European society to feel responsible for. However, the question remains: what kind of threat or crisis would be truly 'European' and thus activate the clause?

With the Solidarity Clause on terrorism, the EU might, as the first international entity of its kind, be able to take a step towards a new type of transnational, functional or 'societal' defence,⁸³ in contrast to state defence. The goal of the EU will be not territorial but functional integrity.⁸⁴ Bengt Sundelius concludes that the Solidarity Clause attempts to combine state security and human safety in the 'intermestic sphere' (international–domestic)—as he defines the security domain for the EU.⁸⁵ If successful, the clause will probably have a strong positive impact on the long-term formation of an EU (defence) identity. This emerging EU 'total defence' concept would differ from collective territorial defence for 'internal' security as well as from external EU crisis management. In harmony with its uniquely transnational character, the EU could become a defence union rather than a defence alliance. It could be a step that, with time, might be a model also for other parts of the world. Perhaps Europe could be linked together with similar regional systems into a global defence network for the combating of today's network-based global terrorism.

⁸³ Sundelius, B., Swedish Defence Commission, *Totalförsvaret är överspelat: vi behöver ett samhällsförsvaret!* [Total state defence is a thing of the past: we need a societal defence!] (Försvarsberedningen, Försvarsdepartementet: Stockholm, 2001), URL <<http://www.regeringen.se/sb/d/108/a/14696>>.

⁸⁴ The author thanks Carl Einar Stålvant for this observation.

⁸⁵ Sundelius (note 71), p. 8.

The Solidarity Clause on terrorism will serve as an instrument that contributes to the dissolution of the boundary between internal civil protection for emergencies and external crisis management for security.⁸⁶ It could be interpreted as bridging the two main views that have coexisted so far on the *finalité* of EU defence: collective defence, on the one hand, and crisis management and security through networks on the other. An EU defence within the territory of the EU is more easily reconciled with European integration's traditional role of creating a long-term zone of peace, in contrast to the defence of territory for its own sake. The latter is more closely associated with traditional military instruments of power, which could be detrimental to relations with certain third countries and to the image of the EU as a security model. The EU could thus become a defence power while simultaneously avoiding a new and potentially destabilizing balance-of-power relationship with neighbouring regions. The EU candidate states could be involved at an early stage of the accession process, and neighbouring and other states should be allowed to participate as far as possible. Gustav Hägglund, former chairman of the EU Military Committee, has proposed the development of an EU 'homeland defence' which would also involve military measures.⁸⁷ One thing is clear: the current discussion on the coordination of civil–military instruments in external missions will parallel the debate about defence within the EU territory. Intensive horizontal, trans-sectoral coordination will be needed within the EU. The question is who will take on the prime coordinating responsibility.

VII. Towards a new trans-boundary EU security role: from a European security community to a secure European community

This chapter elaborates the concept of a deepening and widening European security field as a way to understand and transcend the division between internal and external EU security. The new roles of Nordic armed forces are a key factor behind the increasingly closer interface of national internal and external security and the deepening of the security concept. The EU response to the attacks of September 2001 has been a driving force for both deepening and widening this interface, and this has implications for the role of the EU in terms of functional security and an eventual defence union.

In a longer-time perspective, the transformation of the EU security field points in the direction of a new historical stage in the security role of the Union. An important observation from the history of war and conflicts is that nation states have had a strong tendency to plan their security and defence in accordance with the lessons learned from the most recent war. In the 1950s the European Community helped the West European states to break this vicious circle of

⁸⁶ de Wijk (note 72).

⁸⁷ 'EU should encompass homeland security, says EU military chief', EUobserver.com, 28 Feb. 2003.

retrospection and, instead, enabled them to think ahead in terms of active common security through transnational cooperation. With the EU's transcending of national internal–external boundaries, Western Europe emerged as a security community: defined by Karl Deutsch as a group of people integrated to the point where there is a 'real assurance that the members of that community will not fight each other physically, but will settle their disputes in some other ways'.⁸⁸ For the European security community, there was no sharp division between 'internal' and 'external' security.

Since the end of the cold war the EU has been prone to the same weaknesses as nation states when forming its security and defence policy. It has reacted to events and created tools for 'fighting the most recent war'. The EU reacted to the Balkan wars by creating the ESDP for strictly 'external' use, and to September 2001 by strengthening its 'internal' security and adopting a security strategy modelled at least in part on the National Security Strategy of the USA. One of the reasons for the growing gap between expectation and capability in current European security and defence policy may lie in the fact that the EU has lost its lead in developing new kinds of international relations for the creation of security. This explains *inter alia* why the EU is being compared with traditional international actors such as NATO and the USA. In such a comparison the EU fares badly and its image is damaged. Historically, this was not the approach that made the EU successful. The European Community's unique trans-boundary approach was developed on its own merits and comparative advantages. The current challenge is to try again to make the most of European innovative thinking on conflict prevention, crisis management, peace and stability.

In the 1950s the European Union was able to transcend the division between external and domestic security for its member states by generating cooperation and community through transnational networking. Fifty years later, it has begun to dissolve the boundary between external and internal EU security by expanding its internal safety, police and defence cooperation to neighbouring areas and linking it to the EU's contribution to international security. This chapter examines some of the clearest and most visible signs of this development. The trans-governmental security and safety cooperation that has evolved since September 2001, and that has been codified by the Solidarity Clause on terrorism, might provide the EU with an opportunity to take the lead again in the creation of post-national security systems and communities.

As in the case of the security community, however, the new EU security identity does not imply the transformation of Europe into a state. It is also unlikely to be based on a military defence alliance. Instead, the Solidarity Clause and the ESDP point to a new type of regional security identity. The question is whether the EU will manage to deepen the European security community into a secure European community—a homeland defence *à la* Europe.

⁸⁸ Deutsch, K. W. et al., *Political Community and the North Atlantic Area: International Organization in the Light of Historical Experience* (Princeton University Press: Princeton, NJ, 1957).

A secure community could tentatively be defined as a group of people that is integrated to the point where there is real assurance that the members of that community will assist each other to protect their democratic institutions and civilian populations—the basic functions of their societies and governments. In this kind of community there would also be no clear distinction between internal and external security. It is in the light of this emerging new European—and perhaps transatlantic—secure community that the further evolution of the EU's security role should be assessed.