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Europol & the Creation of the European Counter Terrorism Centre

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Abstract

While the limited number of scholars in the field of EU intelligence cooperation tend to have a rather state-centric view and focus on the normative (trust) or the functional (efficieny) dimension of intelligence cooperation, this study contributes to the field by focusing solely on the institutional structure of Europol.

The purpose of this study is to examine why the Europol established the European Counter Terrorism Centre and why it is not addressing the interconnectedness between terrorism and organized crime. In order to address these questions, the theoretical framework of historical institutionalism has been applied and the notion of path dependency plays a vital role.

The study rests on a qualitative single case study design and the *disciplined configurative*-model is used to fulfill the research objective. The researcher traces the process in a historically chronological order and uses pre-existing materials in order to uncover explanatory findings.

The study concludes that the theoretical framework of historical institutionalism and the notion of path dependency can explain the research problem and the research questions. The findings prove that Europol is a highly reactive institution in terms of its counter-terrorism arrangements and that historical perceptions play a significant role and inevitable leads the institution onto a path dependent track.

Key Words

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1. INTRODUCTION

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1.1 RESEARCH PROBLEM

On the night of 13 November 2015, Paris was struck by a terrorist attack that left 130 people dead and many more wounded. On the 22 of March 2016, Brussels became paralyzed by a terrorist attack that killed 32 people and left many more wounded. These devastating attacks brought the EU intelligence cooperation into light and questioned the EU's internal security. Experts and media houses criticized the EU for its failure to facilitate cooperative arrangements for the exchange of intelligence. After all, both French and Belgian authorities had relevant information available but refrained to coordinate this intelligence with one another and the EU (The Atlantic 2016, Politico 2016, Financial Times 2016).

A statement given by Dimitrus Avramopolous, a member of the European Council, underlines the critique that followed: "These attacks were a shock, but unfortunately not a surprise. Something needs to change, the lack of political will, lack of coordination and lack of trust" (Reuters 2016).

As an immediate response to the attacks in Paris, the European Counter Terrorism Centre (ECTC) was established under the Europol umbrella. This establishment raises two intriguing questions that this study will seek to address: 1) Why did Europol create the ECTC, despite earlier shortcomings of integrating counterterrorism-arrangements within Europol? And, 2) Why is the ECTC not addressing the interconnectedness between terrorism and organized crime? After all, there is no information available indicating that the ECTC is, or will, address this interconnectedness. Yet, scholars and policy makers have lately come to increasingly acknowledge the growing patterns between these two societal threats. Sanderson points out that intelligence and national security institutions have highlighted the growing threat created by the convergence between transnational organized crime and transnational terrorism. He argues that these two illicit actors share both organizational and operational characteristics that sometimes lead to strategic partnerships. Consequently, it is clear that when these two threats organize into partnerships, they become an extremely complex issue that is utterly difficult to counter with standard law enforcement and military counter measures (Sanderson 2004: 49-50). In relation to the countermeasure aspect, Rossi argues in her contribution _Breaking The Nexus: Conceptualizing "Illicit sovereigns"_ that the traditional divide between

the politically motivated violence defined as "terrorism" and the economically motivated violence defined as "organized crime", is insufficient and outdated in our contemporary global society. Rossi claims that the increased interconnectedness between these two illicit actors demands a new conceptual framework that emphasizes how they are converged (Rossi 2014:299-301). In addition, Makarenko stresses that transnational crime organizations and transnational terrorist groups are increasingly seeking alliances with each other, benefiting from one another's working methods and commodities (Makarenko 2004:129-132). Most relevant, Dishman provides a possible, not unrealistic, scenario where criminal and terrorist groups team up against a first-world country. In this scenario, a criminal group would hack into a major financial system, while the terrorist group simultaneously would conduct a physical or a cyber-attack against the targeted state (Dishman 2016:150).

1.2 AIM OF THE STUDY

The aim of this study is double hatted. Firstly, it seeks to explain why Europol established the European Counter Terrorism Centre (ECTC). Secondly, it seeks to explain why the ECTC is not able to address the interconnectedness between terrorism and organized crime. The study rests on the assumption that the creation of the ECTC is a result of Europol's historical path dependency as a highly reactive institution. In addition, the researcher will also work with the assumption that the ECTC is not addressing the interconnectedness between terrorism and organized crime due to the historical divide between the two illicit actors. Consequently, this traditional divide can be explained by the theoretical assumptions provided by historical institutionalism.

In order to carry out the aim, the researcher will enter the field of EU intelligence cooperation, a complicated research area with many implications and contradictions. Yet, the area of EU intelligence cooperation is in need of scholarly contributions and remains, theoretically speaking, thus far a relatively underdeveloped area.

1.3 DISPOSITION

The introductory section shortly describes the background behind the study, formulates the research problem, and accounts for the specific research questions and the aim of the study. Section two deals with research design. The reader will be guided through the chosen design and the trade-off between its weaknesses and strengths. Section three describes the theoretical

framework of historical intuitionalism and the connected analytical framework. In section four, previous literature on the topic of EU intelligence cooperation will be accounted for as well as the primary concept much defining the research. Here, the idea is to briefly present existing scholarly contributions to the field of EU intelligence cooperation in general, and Europol in particular. Moreover, section five provides the analysis of the study. Section six presents the findings and a discussion. Finally, section seven concludes the study.

2. RESEARCH DESIGN
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2.1 META THEORY

Epistemologically, this study derives from the positivist tradition and seeks to explain the causal mechanisms behind the research questions. Ontologically, the study is of a deductive nature. The empirical material is in focus and a theoretical framework is applied in order to explain the case. Nevertheless, the researcher will move back and forth between the empirics and the theoretical framework in order to provide fruitful findings (Della Porta & Keating 2008:21-26).

2.2 METHODOLOGY

2.2.1 CASE STUDY

Since the study seeks to explain the causal mechanisms behind Europol's establishment of the ECTC and why it is not addressing the interconnectedness between terrorism and organized crime, a single case study method is applied. By adopting historical intuitionalism, the researcher pays close attention to the institutional dynamics of Europol in order to explain the case. This is highly applicable to George & Bennett's definition since they claim that the case study method is "the detailed examination of an aspect of a historical episode to develop or test historical explanations that may be generalizable to other events" (George & Bennett 2005:5). According to Della Porta & Keating, a case is an event that is always a part of a broader class of events. In this case, the event is an instance of EU intelligence cooperation (Della Porta & Keating 2008:226). A weakness with the single case study is that it has limited inferential leverage. However, the researcher does not intend to make any claims about the

theoretical framework in relation to the universe of cases. This study focuses solely on the particular case under investigation, hence achieving an in-depth examination that will generate a high level of validity (George & Bennett 2005).

It is important to be careful when defining the intension of a study and the case study method involves a couple of trade-offs that need to be taken into consideration. There is always a tension between parsimony and richness and this study will be careful in demonstrating richness without ignoring parsimony. In addition, and as mentioned above, only one specific case is examined and the researcher will seek a high level of validity without neglecting the connection to the wider population of cases (George & Bennett 2005:19-23, Della Porta & Keating 2008:236-237).

The case study method is particularly applicable to "how" and "why"-questions, which enables the researcher to remain in control over the case under investigation and to focus on current events in a particular context. "Why"-questions are generally speaking considered being more complex than "how"-questions, and they require models of explanation. This study asks two why-questions and provides a model for explaining the case based on the theoretical framework of historical institutionalism.

Even though the chosen method is correctly applied in this context, there are critical objections as well as inevitable negative aspects of the case study method. Robert K. Yin argues there is an idea among some scholars that the case study method only can generate explorative factors without mastering explanatory ones. This argument, however, can be refuted based on the classical work *Essence Of Decision: Explaining the Cuban Missile Crisis* where Graham T. Allison provides explanatory power to the research problem at hand while simultaneously using the case study method. Like many other methods, the case study method can provide descriptive, explorative as well as explanatory findings (Allison & Zelikow 1999, Yin 2006:17-27).

2.2.2 RESEARCH OBJECTIVE

According to George and Bennett, one of the most important decisions to make in designing research is what type of research objective the study will rest on. Of relevance is its connection to the research problem at hand. A clear and well-defined research problem will enable the investigator as well as the readers to understand the importance and relevance of the study. Since this study derives from the empirics and seeks to explain the case based on a theoretical framework, a *disciplined configurative*-model is applied. This theory-building

research objective relies on established theories in order to explain a certain case, which is exactly what this study intends to do. It is important to note that the intended focus for the study is to explain the case, not to reject or confirm one or several theoretical frameworks. The theoretical framework adopted will provide explanatory power to why Europol established the ECTC and why this arrangement is not addressing the interconnectedness between organized crime and terrorism (George & Bennett 2005:74-75). Historical institutionalism is not necessarily the only applicable theoretical framework for explaining the case at hand, but it is the researcher's conviction that this particular framework is the most suitable for capturing a single coherent and concise explanation. In addition, it could be argued that other research objectives could be applied to the case and that there are different aspects that explain different parts of the case. This study does not reject this objection; neither does it ignore potential strengths of other research objectives. However, the researcher finds the disciplined configurative-model most suitable for the specific research questions at hand.

2.2.3 DATA COLLECTION

As for data collection, this study relies on pre-existing materials. The pre-existing materials consist of EU charters, official EU strategies on organized crime and counter-terrorism, official Europol documents, newspaper articles, as well as previous research. One has to be careful when relying solely on pre-existing materials since they come with a couple of flaws. Firstly, there is always the question whether or not the materials are sufficient in order to conduct the study. Moreover, one has to be careful in analyzing pre-existing materials since they could potentially reflect hidden agendas and political biases (Kapiszewski, Maclean & Read 2015:156-157, 173). The best way to deal with these flaws is to triangulate by combining pre-existing materials with other strategies of data collection such as in-depth interviews (Kapiszewski, Maclean & Read 2015:158). However, because of substantial time and budget constraints, this study relies solely on pre-existing materials. The researcher is aware of the weakness of using only one strategy of data collection, but remains certain that the pre-existing materials will be sufficient in order to carry out the aim of the study.

2.2.4 QUALITATIVE DATA ANALYSIS

The researcher adopts the *process tracing*-strategy in order to analyze the pre-existing material. According to George & Bennett, this strategy is used to identify crucial steps in a process leading up to a specific outcome in a particular historical context. In line with this, the researcher will trace the processes and identify important steps in order to answer the two questions at hand (George & Bennett 2005:176).

Della Porta & Keating account for four challenges with process tracing that this paper will address. Firstly, process tracing relies on pre-existing theories and one way to deal with this is to develop a new theory. This study will not develop a new theory, but it will nevertheless be critical and cautious when applying the chosen theoretical framework on the empirics. Secondly, the strategy presupposes that cases are distinct from one another and this will be addressed by constantly consider the particular case as embedded in the universe of cases. Thirdly, process tracing often require a significant amount of material. This challenge will be addressed by being well prepared and meticulous when organizing the materials. Lastly, there is always a risk of bias when using process tracing and the researcher will address this by being open to alternative and complementary explanations to the questions at hand. (Della Porta & Keating 2008:236-238). As for the layout, the study will trace the processes behind the outcome in three separated, but interconnected, time-periods. This categorization of the empirics will help structure the study and facilitate the identification of critical junctures.

2.3 DELIMITATIONS

Time and budget constraints have limited this study to a rather narrow perspective, both in terms of unit of analysis as well as material processed. The unit of analysis is EU intelligence cooperation on the supranational level, meaning that the researcher will solely consider the platform in which the cooperative arrangements are taking place. The platform in which this study will focus on is Europol. The researcher does not neglect other potential units of analysis, such as the EU Member States or other relevant institutions that might have an impact on the current research problem. However, by using a rather narrow focus the research will bring clarity and consistency to a particular perspective. The researcher is aware that EU intelligence cooperation in general, and the Europol in particular, is highly dependent on the Member States. The focus in this study however, is to explore the cooperative arrangements on the supranational level, assessing the institutional dynamics of Europol.

Regarding the material being processed, this study will be limited to pre-existing materials. The researcher is aware that additional sources such as in-depth interviews with Europol officials, national law-enforcement officials or intelligence experts would enhance the validity of the research. However, the researcher is confident that the rather limited material will be sufficient in order to explain the particular research questions at hand.

3. THE IMPORTANCE OF HISTORY AND INSTITUTIONS

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3.1 HISTORICAL INSTITUTIONALISM

In 1984, March & Olsen coined the term *New Institutionalism*. This was much a reaction to, what they perceived as, a lack of research on political institutions. In their view, it was highly important to highlight the relevance and importance of its comeback within political science. New intuitionalism consists of several orientations that can be placed within nine primary categories and one of these is historical institutionalism (Lowndes 2010:65).

Historical institutionalism can be distinguished from many other theories due to its focus on empirical world questions, its historical perspective and the attention given to how institutions structure and form political behavior and specific outcomes. According to Steinmo, the main goal is to understand why a specific event occurred or why a specific decision was made. (Steinmo 2008:150). Moreover, it analyzes organizational constructs and recognizes critical historical events as well as long-term processes. It seeks to generate deep knowledge about the overall context and the interacting processes that in reality shape public decision-making, state structures, and politics in general (Pierson & Skocpol 2002:1).

Historical institutionalism embraces four distinctive features compared to other branches of intuitionalism. Firstly, it tends to develop broad ideas based on the behavioral relation between institutions and individuals. Secondly, historical institutionalism allows for the assessment of power asymmetry that may exist within and between institutions. Thirdly, *path dependence* and the idea of unintentional consequences is an important theoretical suggestion that distinguishes historical institutionalism from other branches of new institutionalism and it will be revisited further down. Fourthly and lastly, the idea of integrating the institutional

analysis with other aspects such as political ideas is another feature distinguishing historical institutionalism from other categories of institutionalism (Hall & Taylor 1996:7). Aspinvall and Schneider argue that historical institutionalism view institutions as independent actors where policy makers' and decision makers' decisions are limited by repeated historical practices. Put differently, institutions influence and shape how individuals act and restrain them to make independent decisions outside the institutional context (Aspinvall & Schneider 2000:6-9) Moreover, Pierson & Skocpol account for three important features of historical institutionalism. 1) Since it focuses on large-scale research problems, the research is not only attractive to researchers from other fields, but also to a broader audience. 2) In order to provide well-grounded explanatory arguments, historical institutionalism relies on a meticulous assessment of institutional changes and tracks the processes leading up to these transformations. 3) Rather than examining one institution or one process at a time, historical intuitionalism often focuses on the macro-context and examines the combined effects of institutions and their processes (Pierson & Skocpol 2002:3).

Furthermore, the term itself, *historical intuitionalism,* reveals that emphasis is placed on the historical aspect. Of importance in this regard is the history of the institution, or in more detail, the factors behind the implementation of institutional characteristics. Political action takes place within a historical context and political actors' experiences play an important role in order to understand how behaviors, attitudes and strategic choices evolve and change over time. Expectations are affected by the past and historical institutionalism seeks to pinpoint the patterns of historical results in the analysis of contemporary events (Steinmo 2008:164-165).

Generally speaking, there are two defining concepts for historical intuitionalism: *critical junctures & path dependence.* The former term is based on the idea there are junctures that constitute moments when considerable institutional change took place. Consequently, this leads the institution's development onto a new direction. Practically, the researcher organizes significant historical events in different time periods, so called critical junctures (Hall & Taylor 1996:10). The latter term refers to the dynamic of self-reinforcing and positive feedback processes. It seeks to explain how critical stages may trigger reinforcing action where previous solutions are being implemented as a pattern. Put differently, based on a certain event, an actor may act with similar measures as a reaction to future events (Pierson & Skocpol 2002:7). An additional way of describing this process is to emphasize the establishment of an institution or a certain policy. Once established, there is a great

probability that the institution or the policy at hand will have a considerable impact on future decisions. Hence, what has already been established tend to be challenging to transform. This is not to say that is impossible to reform an institution or a certain policy, but rather that it takes considerable political arrangements to do so (Peters 2012:70).

Furthermore, Paul Pierson argues that path dependence and critical junctures often gets conflated, and that is important to keep them distinct. Path dependency can explain why historical junctures have lasting consequences and it is important to underline that not only "big" events lead to change; also "small" happenings at the right time may have major consequences. Historical institutionalism can uncover an event that at first glance seem analytically unimportant, but after a closer look may be proven to be significantly important. However, according to Piercon, "looking back leads to the familiar problem of infinite regress", where every previous event becomes a part of the chain. Put differently, it is crucial to be meticulous and careful when making assumptions about a potential path dependency. Historical institutionalism helps to explain why institutional behaviors often are highly persistent, and if change takes place, it requires considerable political action (Pierson 2000:264-265).

3.2 ANALYTICAL FRAMEWORK

As for the analytical framework of this study, the history of Europol will be categorized into three time periods. These time periods' breaking points constitute significant events affecting the institutional dynamics of Europol in relation to the research questions at hand. The history will be traced in a chronological order, starting with the Treaty on European Union (TEU) adopted in 1992, and work its way to the creation of the EU Counter Terrorism Centre (ECTC) in 2015. The advantage of dividing the history in a chronological order with well-defined breaking points is that it facilitates a pedagogical purpose as well as enables the researcher to make logical connections between the empirics and the theoretical framework over time. The researcher will trace the processes of the Europol's development in relation to the researchers questions and the goal is to produce explanatory power. A defining feature of historical institutionalism is the reliance on a meticulous assessment of institutional changes and the tracking of processes leading up to these transformations, which is exactly what the researcher intends to do in this paper. In addition, the study will rely much on the notion of

path dependency, always treating the empirics as connected to a casual link. As mentioned before, the focus is on the institutional dynamics of Europol and how its history continuously has affected its future activities.

4. THE FIELD OF EU INTELLIGENCE COOPERATION

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Intelligence is often referred to as a specific and exclusive piece of information. As a *product*, the information is gathered and analyzed in order to produce knowledge about a certain topic. It could also be understood as the *activity* carried out in order to provide decision-makers with crucial information. Commonly described as a cycle, the work of intelligence usually includes different phases such as tasking, collection, analysis and dissemination. Last but not least, intelligence is also referred to as the *organization* carrying out the activities accounted for above (Kent 1966). This study is fundamentally a case of intelligence cooperation since it investigates Europol's institutional characteristics. Hence, it is important to clarify what the cooperative dimension really means in practical terms. In his book, *Sharing Secrets – Explaining International Intelligence Cooperation*, Fägersten describes it as the exchange of sources, methods, technologies or information. Since no state is completely self sufficient in all these areas, cooperative arrangements are often invoked, if not a necessity. Moreover, Fägersten provides a model for explaining intelligence cooperation. This model includes *causes, mechanisms, barriers/enablers* and the *cooperative outcome*. As for the drivers of cooperation, these are: domestic pressure, level of threat, intelligence asymmetry and cooperative momentum. The utility equation accounts for the trade off between intelligence and policy gains on the one hand, and the autonomy loss and the vulnerability on the other. The barriers to cooperation are bureaucratic resistance and institutional resilience, and the enablers are trust and cooperative design. Depending on how these factors affect the process, the cooperative outcome will differ. The result can be increased cooperation, decreased cooperation or that the status quo remains (Fägersten 2010:83-107).

Generally speaking, scholars have not been particularly interested in the field of intelligence. Adding cooperation to the equation does not seem to increase the excitement. According to

Fägersten, the academic field of intelligence is theoretically underdeveloped, and the work on intelligence cooperation is understudied altogether. In line with this, Mai'a K. Davis Cross, argues that while there is a robust literature on intelligence more generally, little attention has been given to EU intelligence specifically. Only a few scholars have devoted time to exploring, describing and explaining intelligence cooperation and most of the work has concerned the normative (trust) or functional (efficiency) incentives that the Member States need in order to push and advocate for intelligence cooperation (Cross 2013:388-390).

James Walsh argues that lack of trust is the central impediment to intelligence cooperation in the EU. In his view, trust relates to intelligence in a number of ways. Firstly, because intelligence must be protected to the satisfaction of all parties involved. Secondly, there must be trust that the information will not be used in the interest of other actors. Thirdly, EU intelligence sharing must not be perceived as a threat to external forms of bilateral or multilateral intelligence sharing (Walsh 2006).

Monica Den Boer accounts for the practical arrangements of EU intelligence cooperation on counter-terrorism and analyses existing obstacles behind oversight and capabilities. From a similar point of departure, Björn Müller-Wille assesses the effect that terrorism has had on EU intelligence cooperation, and he concludes that it has been marginal. In addition, Müller-Wille outlines five main reasons behind the Member States' reluctance to share intelligence: 1) distrust, 2) EU intelligence sharing may be conflicting with intelligence sharing with the U.S., 3) the risk of free-riding, 4) loss of influence, and 5) the fear that intelligence will be manipulated (Den Boer 2015, Müller-Wille 2008, Müller-Wille 2002).

In the article *Intelligence sharing and the fight against terrorism in the EU: lessons learned from Europol,* Oldrich Bureš evaluates Europol's mandate, coordination efforts and intelligence sharing. He concludes that Europol fails to meet the two preconditions set up by Müller-Wille that determines whether a supranational EU agency adds value or not. These two preconditions are: 1) it produces something that is not, will not or cannot be produced at the national level; and 2) the responsibility for a certain form of intelligence product is transferred to the European level, that is, if the European unit can relieve national authorities (Bureš 2016:63).

John D. Occhipinti re-examines the politics of EU police cooperation and adds a particular value to the academic work on Europol. He provides a model for explaining the development of supranational police cooperation in the EU and the model suggests that: "the interest of key actors in the Member States and at the EU-level are shaped by the spillover-enlargement

effect, as well as crisis and shocks, leading them to support greater supranationalism". Occhipinti also argues that institutional dynamics will be complementary to his model and he makes the case that the idea of path dependency brings value for explaining how and why supranationalism has developed in recent years (Occhipinti 2015:249, 253) In addition, Javier Argomaniz has applied path dependency in his explanation of the EU's counter-terrorism arrangements (Argomaniz 2011)

Once again referring to Fägersten, his indicative work, *Sharing Secrets – Explaining International Intelligence Cooperation*, provides a theoretical model for explaining intelligence cooperation. Convincingly applying historical institutionalism and rational choice institutionalism, the model contributes with a demonstrative way of explaining EU intelligence cooperation (Fägersten 2010:38-43).

By this brief presentation of the most prominent work on EU intelligence cooperation, it becomes clear that the main focus has been on describing and explaining how and why cooperation exists, and whether or not relevant EU institutions bring any value to the table. What is lacking, however, are theoretical contributions on how these institutions, where the cooperative arrangements take place, develop and change as separate entities in their own right. Put differently, research on the institutional dynamics affecting EU intelligence cooperation seems to be poor. Relatedly, and in line with Mai'a K. Davis Cross, the researcher of this study argues that the strong focus on Member States undermines a part of the explanation (Cross 2013:2). The supranational dimension of intelligence cooperation is in fact a highly important piece of the puzzle, since this is the platform where EU intelligence cooperation actually takes place. This is not to say that above mentioned scholars are wrong, neither that the Member States are irrelevant (quite the opposite), but rather that there is a need of a complementary side of the coin. Having this line of arguing in mind, this research will fill a gap in the existing literature by applying historical institutionalism in order to explain Europol's counter-terrorism arrangements and why it is unable to address the interconnectedness between terrorism and organized crime. The study will contribute to the academic field of EU intelligence cooperation by theoretically enhancing the understating of EU intelligence cooperation in general, and the institutional dynamics of Europol in particular.

5. THREE DECADES OF EUROPOL

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5.1 THE BEGINNING OF IT ALL: 1992 – 2000

The fight against transnational terrorism became institutionalized in the Treaty on European Union (TEU), signed formally by the community members in 1992. The third pillar of the treaty acknowledged that the EU should have the means necessary to combat destabilizing threats such as terrorism and drug trafficking (Deflem 2006:337).

Article K.1, paragraph 9 of the Treaty on European Union states that Member States shall regard the following area of common interest: "Police cooperation for the purposes of preventing and combating terrorism, unlawful drug trafficking and other serious forms of international crime, including if necessary certain aspects of customs cooperation, in connection with the organization of a Union-wide system for exchanging information within a European Police Office (Europol)" (Treaty on European Union). This paragraph of the TEU clearly demonstrates that the EU, already at this early stage, emphasizes the importance of counter-terrorism within the framework for police cooperation. However, and interestingly enough, when Europol finally was established in 1994, counter-terrorism was not explicitly included as a part its mandate (Den Boer 2015). By not formally giving Europol the task to counter-terrorism in the very beginning of its existence, one can interpret this as not being a prioritized issue at this point. When analyzed from a historical institutionalism perspective, one can make the assumption that this will color Europol's future counter-terrorism arrangements. Put differently, Europol's area of operation did not include counter-terrorism at this point and it is reasonable to suggest that this could be interpreted as a critical juncture, affecting the future relationship between Europol and counter-terrorism. From a hard-line institutionalism approach, this might sound somewhat controversial since a critical juncture in its classical sense should reflect a change, or at least some overwhelming political action. However, the significance of this omission should not be underestimated. It is the researcher's opinion that this will have an important effect on the future of Europol's arrangements on terrorism. Therefore, this should be interpreted as a critical juncture in this particular case.

The informal meeting of the Ministers for Justice and Home Affairs of the Member States, held in La Gomera on 14 October 1995, noted that "combating terrorism, one of the most

serious forms of crime, has been established in the Treaty on European Union as a priority objective among the matters of common interest; declares that in order to prevent and combat terrorist action effectively, there is a need for thorough coordination between Member States by way of improved machinery for police and judicial cooperation, through:

- an increase in exchange of operational information about terrorist groups, to bring about a better knowledge of their methods of operating, in particular arms trafficking, financing and money laundering;

- improvement of coordination and cooperation between judicial authorities so as to eliminate any risks of impunity;

- the handing over to the judicial authorities with jurisdiction of those responsible for terrorist acts, to stand trial and serve any sentences imposed, by means of extradition, having regard to the provisions of international Treaties" (Council of the European Union 1995). It is noteworthy that this declaration strongly suggests increased cooperation between Member States through improved machinery for policy and judicial cooperation, without mentioning Europol explicitly. In other words, political action is clearly taken since the issue of terrorism is being highlighted as a main concern. However, this political action is not at this point being streamlined into the actual institution dealing with police cooperation (Europol). Something is clearly lacking between political vision and implementation. Of course, one shall consider the historical context in which this political action is taking place; Europol has after all just been established at this point and one should be careful in criticizing the effectiveness of policy implementation. In addition, the ministers stressed that terrorism is directly linked with international organized crime because of the former's tendency to use the strategies and methods developed the latter, but without suggesting any overall strategy to address this link.

In 1997, the Member States ratified the Amsterdam Treaty and regarding terrorism the treaty states in article K1: "That objective shall be achieved by preventing and combating crime, organised or otherwise, in particular terrorism, trafficking in persons and offences against children, illicit drug trafficking and illicit arms trafficking, corruption and fraud, through: - Closer cooperation between police forces, customs authorities and other competent authorities in the Member States, both directly and through the European Police Office (Europol)" In addition, article K2, paragraph 2 states that: "The Council shall promote cooperation through Europol and shall in particular, within a period of five years after the date of entry into force of the Treaty of Amsterdam: (a) enable Europol to facilitate and support the preparation, and

to encourage the coordination and carrying out, of specific investigative actions by the competent authorities of the Member States, including operational actions of joint teams comprising representatives of Europol in a support capacity; (b) adopt measures allowing Europol to ask the competent authorities of the Member States to conduct and coordinate their investigations in specific cases and to develop specific expertise which may be put at the disposal of Member States to assist them in investigating cases of organised crime; (c) promote liaison arrangements between prosecuting/investigating officials specialising in the fight against organised crime in close cooperation with Europol; (d) establish a research, documentation and statistical network on cross-border crime" (Council of the European Union 1997). This is the first official document mentioning Europol in relation to terrorism. Still, terrorism is just one of many issues highlighted and does receive any special attention. Moreover, the fight against organized crime is explicitly mentioned in connection to specific procedures while counter-terrorism remains in the dark in this regard.

It is not until 1998 that the Council of European Union Ministers formally approves an extension of Europol's mandate to include counterterrorism (Deflem 2006:337). The council decision states that: "As from the date of taking up its activities in accordance with Article 45(4) of the Europol Convention, Europol shall have the authority to deal with crimes committed or likely to be committed in the course of terrorist activities against life, limb, personal freedom or property" (Council of the European Union 1998). This decision fundamentally changes the institutional characteristics of Europol. It gives Europol the mandate to deal with a previously untouchable issue. Even though the mandate underlines the criminal aspect of terrorism, it is certainly a rather broad, new and understudied issue to consider. It is the researcher's opinion that his decision should be considered the first critical stage towards a path dependent Europol in relation to counter-terrorism. This argument reflects the understanding that the decision made to increase Europol's mandate to also include terrorism, will affect future arrangements countering terrorism. The idea here is that since Europol from the very beginning was established to counter crime/organized crime, counter-terrorism will inevitably be a secondary priority. In addition, since the link between terrorism and organized crime is only moderately mentioned, this will further increase the gap between the two issues as well as counteract the relevance of counter-terrorism.

A year later, in 1999, Europol officially published its first official annual report. The report highlights a couple of interesting, yet general, remarks regarding its work on counter-

terrorism. It basically recalls what the institution has achieved during the first year of countering terrorism and the focus seems to have been on setting up operational working methods and the collection of material. A Glossary of Terrorist Groups was completed, as well as a procedure enabling Member States to report to Europol about terrorist incidents and terrorist crimes. The report stresses, however, that the number of terrorist related cases involving Europol and its Liaison Officers is relatively low (Europol 1999). Even though some achievements may have been rightfully earned, the report reflects the rather vague mandate given to the institution regarding terrorism a year earlier. Even though one should be suspicious and cautious since the annual report is the only available archival document on this matter, the researcher nevertheless falls under the impression that the mandate given by the Council of European Ministers reflects the moderately report. In addition, it should be stressed that the report does not reflect any commitments in combating the interconnectedness between organized crime and terrorism, which further indicates a lacking commitment and hence strengthens the path dependency.

At the turn of the century, the EU Millennium Strategy on the prevention and control of organized crime was formulated. The strategy states: "criminal groups have managed to infiltrate all sections of society, taking advantage of the free movement of capital, goods, persons and services within the European Union and exploiting differences in the legal systems of the Member States" (European Union 2000). The paper proves the EU's, and Europol's, at the time strong position on organized crime and thus the inevitable less prioritized subject of terrorism.

To sum up the first decade of Europol's role as a counter-terrorism actor, it is clearly the case that this has been a test period of sorts, elaborating its way into the structure of EU police cooperation. Particular attention should be paid to two events, namely Europol's establishment and the decision made to give Europol the mandate to also operate on the issue of terrorism. As for the theoretical assumptions applied in this study, the former event should be considered as a critical juncture since it constitutes the time when the institutions prime areas of operation are decided, while the latter event should be considered the first step towards a path dependency since the rather weak and vague mandate given to Europol regarding terrorism will affect future arrangements dealing with the issue. In addition, one could also define this decade as highly reactionary and Europol's development corresponds to

current threat perceptions. Even though the link between terrorism and organized crime is recognized, they are treated as separate entities and they are not incorporated in one single framework or strategy.

5.2 THE DEFINING FEATURES OF 9/11: 2001 – 2008

If the turn of the century emphasized the issue of organized crime, the beginning of the millennium made terrorism highly relevant. According to Burges & Spence, the 9/11 attacks drew attention of policy-makers and the public back to terrorism, which in turn fueled the debate on how the EU can ensure its internal security (Burges & Spence 2004:84). As a reaction, the EU intensified cooperation and the exchange of information between Europol and national police organizations. In addition, a common definition of terrorism was formulated, implying that there was a need of a coherent framework. However, according to Heller, the definition is far from clear-cut. It builds on previous analogies and is defined by its potential consequences rather than its substance (Heller 2011:197). Heller's argument is reasonable, and the definition largely corresponds to Rossi's critique since it does not even mention organized crime. It simply treats the two internal threats as two separate entities. The common definition constitutes an important part of the terrorism and organized crime nexus this study seeks to address. The researcher argues that this definition, the first one accepted by the EU as a whole, will characterize the future understanding of the two threats. Hence, this should be understood as a critical stage infusing a path dependency as to how Europol will make sense of the two issues.

As an immediate response to 9/11, the Counterterrorism Task Force was created under the Europol umbrella. The unit consisted of experts and liaison officers from the Member States and was assigned to: "a) collect all relevant information and intelligence concerning the current terrorism threat in the European Union; b) analyze the collected information and undertake operational and strategic analysis; and c) formulate threat assessment, including targets, modus operandi, and security consequences" (Deflem 2006:344). Being a highly reactionary response to what was perceived as an immediate threat, there is no indication suggesting that this task force had the goal or the means to work with terrorism in a comprehensive way. Comprehensive in this regard refers to accepted and well-defined goals, long-term planning, and the elucidation of the interconnectedness between terrorism and

organized crime. The task force was dissolved already in 2002 and its functions were transferred into the general Europol structure (Fägersten 2010:150). Once again, Europol shows its institutional weakness in countering terrorism. By dissolving the very task created to solely focus on terrorism, it is evident that there was a lack of resources and capacities to uphold such an arrangement. As will be accounted for below, this reactionary philosophy will be a recurrent practice for Europol and its work on counter-terrorism. Put differently, this self-reinforcing institutional characteristic should be understood as a path dependency where previous solutions are implanted as a pattern.

Moreover, the 2003 European Security Strategy (ESS) further reflected EU's focus on international terrorism. The strategy stresses that terrorism, along with organized crime, proliferation and state failure, is a "strategic threat" to the Union's interests. The strategy states that dealing with terrorism may require a mixture of intelligence, police, judicial, military and other means (European Union 2003:3). Since the strategy is of a general kind, Europol is not explicitly mentioned but it is important to note that the strategy underlines the patterns between terrorism and organized crime, arguing that neither is confined to national borders, that they both are characterized by network structures rather than traditional organizational hierarchies, and that both actors display a high level of flexibility (European Union 2003:3). However, while the EU acknowledges the increasing interconnectedness between these two strategic threats, the counter-measures are haltered by the presumption that their motives are distinct. Both terrorism and organized crime are defined as actors of criminality, using ruthless methods in order to penetrate societies, but while organized crime is understood as driven by financial motives, terrorism is driven by ideology (Council of Europe 2005:5). Put differently, there is no indication pointing towards addressing the interconnectedness between these two threats, particularly not in the Europol context.

The Madrid bombings in 2004 reinforced Europol's focus on counter-terrorism, most notably by the reactivation of the Counterterrorism Task Force. The European Council stressed in the Declaration on Combating Terrorism that it was crucial to ensure that cooperation between law enforcement agencies and security services was to be successful. It came as a shock that Islamist terrorism now had struck the European homeland and the response was to, once again, channel more intelligence and support to Europol (Deflem 2006:344). What is seen here is basically the same reactionary response as to 9/11. It is the researcher's conviction that

this event reinforces the perception of a path dependent Europol in regards to counter-terrorism. To rephrase what has been accounted for earlier, historical institutionalism and the notion of path dependency "seeks to explain how critical stages may trigger reinforcing action where previous solutions are implemented as a pattern". Here, the Madrid bombings constitute the critical stage and the reactivation of the Counterterrorism Task Force the previous solution implemented as a pattern. Ironically, as with the response to 9/11, Europol's reinforced position in combating terrorism as a reaction to the Madrid bombings turned out to be more of a political vision than successful implementation. Even though Europol was given the capacities necessary, the sharing of intelligence did not increase correspondingly. In *Sharing Secrets – Explaining International Intelligence Cooperation,* Björn Fägersten refers to an interview where a Europol official stated: "The CTT2 had no raison d'étre. It was stupid and costly. It was a political gesture to show that Europe was united against terrorism" (Fägersten 2010:151-153: 161). This statement clearly underlines that the Madrid bombings should be understood as a critical stage and that the resurrection of the Counterterrorist Task Force as the reinforced action where a previous solution is implemented as a pattern. Following up the abovementioned events, the 2004 annual report stated that Europol's main concern had been Islamic terrorism, but that the wider spectrum of terrorism also had been covered. In addition, to meet the present challenges, Europol recruited 14 additional analytical staff members (Europol 2005). Evidently, this annual report suggests an increased focus on counter-terrorism for Europol. However, there is no evidence pointing towards attention given to the interconnectedness between terrorism and organized crime. On the one hand, increased focus towards terrorism may have been the case, but on the other hand, this focus departed from a strongly reactionary philosophy, which hindered a comprehensive strategy integrating the threat from both terrorism and organized crime into one framework.

In 2005, London and Europe were devastated by the attacks on the London Underground. This resulted in policy-makers once again demanding increased levels of intelligence cooperation, particularly through Europol. The Council adopted a decision, obliging Member States to provide Europol with extensive law enforcement information on terrorist cases. Yet, in reality, this obligation had limited impact and intelligence sharing still remained relatively limited. What has generally speaking been echoing in the aftermath of 9/11, the Madrid and the London attacks, is EU policy-makers demand for increased intelligence sharing among Member States through Europol and increased cooperation between EU bodies facilitating

intelligence sharing, most notably Europol and SitCen. Unfortunately, both these demands have had limited impact. As mentioned above, the first demand was haltered by Member States' unwillingness to share intelligence. The second demand was undermined by institutional shortcomings, where EU bodies facilitating intelligence refrained from cooperation. Despite the fact that Europol and SitCen have had an agreement on information sharing since 2005, the cooperation between these two bodies has remained limited (Council of the European Union 2005, Fägersten 2010:153-154). Reflecting over this demand vs. reality dimension, it seems reasonable to suggest that Europol's counter-terrorist path is flawed. As mentioned before, the very steps taken in order to develop as an emerging actor within the field have been strongly reactive. It is undeniably a recurrent theme that previous solutions are implemented as a pattern, regardless whether the conditions derive from policy makers' demands, unpredictable events or simple requests. The institutional dynamics clearly speak for a path dependency.

In late 2005, the Council of the European Union ratified a new Counter-Terrorism Strategy. The strategy stresses the EU's strategic commitment "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" (Council of the European Union 2005). Europol is mentioned in regards to the goal of ensuring that the EU has the capacity to understand and make collective responses to the terrorist threat. It also stresses that Member States shall improve further practical cooperation and information exchange with Europol. Overall, the strategy's content has a quiet general message, reflecting previous reports and statements. Furthermore, there is no mentioning of the link to organized crime (Council of the European Union 2005).

The Annual report from 2005 placed strong emphasize on the London bombings. It pointed out that the fight against terrorism became a top priority at the highest political levels and that it is crucial that law enforcement authorities are committed and that Member States cooperate. The report also underlines that Europol's Counter Terrorism Unit shall serve the needs of the EU and it's Member States. While the previous year's annual report stated that 14 new analytical staff members had been recruited, this year's report highlighted that the Member States noted an increase in the quality of analytical reports. In addition, this year's report specified some goals for the year ahead, and these were: 1) to assist Member States in identifying terrorist networks; 2) analyze interaction between international terrorism and

organized crime; and 3) develop cooperation with relevant international organizations (Europol 2006). As for the purpose of this study, the second goal mentioned is of particular value. This is the first time the link between terrorism and organized crime is highlighted in the Europol context. Up until this report, there has been no official Europol related document taking into account the interconnectedness between the two threats. This proves that the subject is at least taken into consideration, regardless of the outcome. It should be stressed that terrorism and organized crime still are treated as two separate entities and that their definitions are substantially distinct (Europol 2005).

The Annual Report of 2006 further underlines that the fight against terrorism is a top priority for the European Union, and consequently for Europol. It basically repeats what was being mentioned in the annual report from 2005, and describes the works of the Counter-Terrorism Task Force 2. What is new however is that Europol has launched its First Response Network. The strategy states that the idea is that this network, consisting of Europol staff and Member State experts, shall provide fast and flexible support to Member States immediately after a terrorist attack. Noteworthy is also that there is no mentioning of the goal presented in the annual report from 2005 that the interaction between organized crime and terrorism was to be analyzed (Europol 2006). This further spurs the path dependency idea that it takes considerable political action in order to actually change ruling perceptions.

The first publicly available *EU Terrorism Situation and Trend Report* is from 2007. This comprehensive report provides statistics over terrorist related issues such as the number of terrorist attacks, the number of arrested suspects, convictions and penalties, and general trends. Most interesting in relation to this study is that the introductory page offers a definition of what, according to the EU and Europol, terrorism is. It basically recalls the Council Framework Decision of 13 June 2002 on Combating Terrorism (2002/275/JHA). In addition, organized crime is not mentioned in the report. In other words, the defining features of terrorism at this point do not reflect any connection to organized crime, at least not as a fixed and agreed point of departure (Europol 2007). The Annual Report from 2007 more or less recalled what had been mentioned in the 2005 and 2006 reports, except for one thing. It highlighted that the First Reponse Network became operational as of 2 July 2007, which consequently led to that the Counter-Terrorism Task Force 2 being transferred to this "future-oriented network" (Europol 2007). According to Fägersten, this should be interpreted as the

realization that Europol's usefulness in countering terrorism was to be found in reactive policy making rather than in preventive threat assessment. This meant that instead of collecting and analyzing intelligence in order to provide Member States with threat assessments, Europol's counter-terrorism activities would now primarily focus on reactive police work (Fägersten 2010:154).

The Terrorism situation and Trend Report from 2008 does not bring anything of particular value for this study. The content and layout is almost identical to the report from 2007. The Annual Report, however, does provide some interesting remarks. First and foremost, the report stated that there was no Islamic terrorist attacks in the EU during 2008, but that terrorism still remained a high priority. This is interesting because it reveals how strongly connected Europol's development is to Islamic terrorism. After all, it was apparently important to highlight that it still remained a high priority despite the fact that there was no Islamic terrorist attacks during the year. The argument here is connected to the overall idea of Europol being highly reactive to specific, yet major terrorist attacks. If a year is spared from an attack, this will be reflected in a, generally speaking, meager and vague annual report. Theoretically, this further proves the relevance of historical institutionalism in explaining Europol's counter-terrorism arrangements. In addition, neither the Terrorism Situation and Trend Report nor the Annual Report from 2008 mentions the link between terrorism and organized crime, which further proves historical institutionalism's relevance for explaining the terrorism and organized crime nexus (Europol 2008).

To sum up the years 2000-2007, the researcher finds that the notion of path dependency provides an explanation for Europol's institutional developments in relation to both counter-terrorism as well as the terrorism and organized crime nexus. Starting with the former, Europol has acted in a highly reactive manner, responding strongly to terrorist attacks immediately after they take place, rather than having well-established and preventive measures in place. These responses are often flawed and short lived because of this very reactionary philosophy. As accounted for above, Europol acted with similar measures in response to 9/11, the Madrid bombings and the London underground attacks. Regarding the terrorism and organized crime nexus, Europol has not evolved progressively during this time period. The perception of the interconnectedness between terrorism and organized crime remained more or less unchanged from 2000-2007. The only notable exception is the annual report from 2005, where it is stressed that the link between the two

threats are to be analyzed. Yet, neither the annual report from 2006 nor 2007 raises the issue, indicating a lack of commitment. Basically, Europol relies on previous definitions on terrorism and organized crime, which means that self-reinforcing patterns define its institutional characteristics.

5.3 A LEGAL AGENCY IS BORN: 2009-2015

The year of 2009 was a politically turbulent year for Europol, and particularly three changes stand out. First and foremost, Europol received a new legal basis, which was decided upon in The Europol Decision in April 2009 (Council of the European Union 2009). With this new legal basis some relevant changes were put in motion for the Europol structure. The most significant change in relation to this study relates to the allowance for easier amendments of Europol's mandate in the future (Fägersten 2010:158). Making it easier to modify Europol's mandate could certainly have effects on its counter-terrorism arrangements.

The second political change is due to the ratification of the Lisbon Treaty, which fundamentally changed the EU structure in a progressive way. By getting rid of the pillar system established in the Treaty on European Union, the internal/external divide now became less apparent (Cross 2013:398, Den Boer 2015:409). As for Europol, the treaty certainly affected the institution and its functions, including the increased proportion of decisions taken by majority voting in the JHA area. This includes police cooperation and decisions about the "collection, storage, processing, analysis and exchange of relevant information". In addition, qualified majority voting would hereinafter be applied at the Europol's Management board (Treaty of Lisbon 2007). The third political change is connected to the adoption of the Stockholm Programme, which succeeded the Hague Program. This internal security policy called for a reinforced role for Europol in its police cooperation as well as intensified cooperation with SitCen in the counter-terrorism area (Council of the Europen Union 2008). The effect of Stockholm Programme on Europol should nevertheless not be overestimated. After all, what was being promoted was certainly not something groundbreaking. The call for intensified cooperation with SitCen and a reinforced role as facilitator of police cooperation has been present ever since 9/11. According to Fägersten, Europol officials were pleased with this approach since they held the opinion that Europol's organization worked well and that its role already was well defined (Fägersten 2010:159). This is arguably another indication of the institutional path dependency characterizing Europol. The very idea of relying on old

structures and practices seems to define its counter-terrorism arrangements. Even though the year of 2009 involved considerable political change for the institution, it seems to be challenging to transform the rather fixed practices characterizing Europol's counter-terrorism approach. Yet, one could argue that the legal status Europol gained via the Europol Decision is to be interpreted as a critical juncture, changing the institutional conditions defining Europol. After all, a critical juncture is defined by moments when important institutional changes take place, wherefrom development is given a new direction. In addition, it shall also be noted that none of these political changes involved an increased understanding of the interconnectedness between terrorism and organized crime.

The Europol Review from 2009 reflected the abovementioned political changes when it states: "As Europol moves into a new decade, the change in its legal basis will consolidate its position at the center of the new internal security arrangements and information pathways in Europe. This will enable Europol to function even better as a pioneer of change, identifying and responding to new threats, and developing new techniques" (Europol 2010). The report also underlines that as the European Union law enforcement agency, Europol's mission is to "support European Union (EU) Member States in preventing and combating all forms of serious crime and terrorism" (Europol 2010). Furthermore, the report states that the Members States' commitment to exchanging sensitive intelligence on terrorist activities has resulted in the development of effective counter-measures. A Modus Operandi Monitor has also been developed, which seeks to continuously assess terrorist events and/or investigations that affect the Member States (Europol 2010). While previous reports have had a rather mediocre content, this year's report reflects an optimistic outlook on Europol's counter-terrorism work. Still, there is no mentioning of the interconnectedness between terrorism and organized crime, indicating that the interpretation of the two issues as separate entities remains unchanged. Moreover, in line with previous years' reports, the EU Terrorism Situation and Trend report from 2009 makes a comprehensive summary of current findings (Europol 2009). Nothing of particular value in relation to this study, but it should be noted that there is no mentioning of the interconnectedness between terrorism and organized crime.

In 2011, the Europol Review from 2010 was presented and it recognized that the Terrorist Finance Tracking Program (TFTP) had become operational as of 1 August 2010. Europol was given a key role in this program by being the body responsible for the verification of US requests to designated providers of financial message within the EU. The objective of the

TFTP is to identify, track and pursue terrorist finances. In addition, the report states that Europol is preparing a joint terrorism database, with the aim of modernizing the EU's response to terrorism. Other than these two remarks, the report reflects the same content as the ones from 2009 and 2008. As with previous years, the report does not highlight the link between terrorism and organized crime. In addition, the EU Terrorism Situation and Trend report from the same year does not provide any deal breakers for the aim of this study (Europol 2011, Europol 2010).

The most interesting part of the Europol Review from 2011 is connected to its writings about the First Response Network and the Norway attacks. As briefly mentioned before, the First Response Network was created in order to support Member States facing a major terrorist attack by connecting its national experts with an international platform of counter-terrorism experts and intelligence analysts. As a response to the Norway attacks, the First Response Network was successfully used to support the investigation. In the aftermath, a report was submitted to the JHA Council of Ministers including three recommendations for future events (Europol 2012). These actions, together with a rather comprehensive review in terms of counter-terrorism (compared to previous years), indicate a boost in Europol's counter-terrorism activities. Perhaps spurred by the legal status gained from The Europol Decision, Europol now acts more distinctively with set goals for the near future, operating more proactively rather than reactively. Theoretically speaking, this further strengthens the idea of the received legal status being understood as a critical juncture for Europol.

The EU Terrorism Situation and Trend Report from 2011 provides something interesting compared to previous years' editions. The report devotes a chapter to the link between terrorism and organized crime. It states that although terrorist and organized crime groups have different goals, a growing concern to EU law enforcement is the connections between the two. As an example, the report highlights drugs and human trafficking are occasionally joint ventures between organized crime and terrorist groups. In addition, Member States have reported that terrorist groups connect with organized crime groups in order to produce weapons (Europol 2012). The part dedicated to this issue is rather short and quite vague, but it still highlights awareness and thus provides some insight to how Europol interprets the issue. The part is very instrumental in its character and describes the operational characteristics facilitating the connection between terrorist and organized crime groups. What is lacking, however, is a strategy or at least some goals on how to further work with the issue. This

further reflects that Europol has not yet fully made this a prioritized subject. Theoretically, it is still the case that path dependency much defines Europol's view on the terrorism and organized crime nexus.

The Europol Review from 2012 does not provide anything out of the ordinary in relation to this study, and the content largely reflects that of 2011's review. In line with the previous year, the EU Terrorism Situation and Trend Report from 2012 highlight the link between terrorism and organized crime. It states: "In the context of electronic attacks, therefore, the distinction between organized crime and terrorism and/ or violent extremism is increasingly blurred. The use of the same tools and methods for a range of criminal and political ends highlights the need not only for a continuing holistic response to electronic attacks, whatever their motivation, but also for greater collaboration between law enforcement and those responsible for protecting critical infrastructure to develop effective counter-measures" (Europol 2012). This clearly represents an increased understanding and acknowledgement of the issue. Compared to previous years, this is far more detailed and it underlines the realization that the distinction between terrorism and organized crime is increasingly blurred. In addition, it also states that in some cases, individuals involved in terrorism are also involved in organized crime (Europol 2013).

Interestingly, neither the Europol Review from 2013 nor the EU Terrorism Situation and Trend Report from the same year mention the interconnectedness between terrorism and organized crime. The issue was highlighted in both 2011's and 2012's editions of EU Terrorism Situation and Trend Report, and underlined the importance of a holistic response to what is perceived as increasingly blurry. The researcher finds this peculiar, and it further proves Europol's inability to pinpoint the problem and to actually create any valuable responses. In relation to the theoretical framework adopted in this study, this should be interpreted as another indication of Europol's path dependency in addressing the terrorism and organized crime nexus.

The foreword of the Europol Review from 2014 stated, "Reflecting the broader trends of globalization, terrorist and organized crime activities increasingly go beyond the borders of a single country, and often reach into cyberspace as well" (Europol 2014). However, the review does not go beyond this to reflect the interconnectedness between terrorism and organized crime. In addition, the chapter on terrorism emphasizes Europol's work on foreign fighters,

recalling the Check the Web arrangement as a means to support Member States. However, the EU Terrorism Situation and Trend report from the same year does provide some interesting remarks. Firstly, it rather vaguely pinpoints that "terrorist groups may occasionally cooperate with organized crime groups". Secondly, under the headline "The nexus between terrorism and organized crime", the report underlines that terrorist groups have entered into strategic relationships with criminal groups in order to gain expertise and maintain operational security. This type of cooperation may take the form of pragmatic, short- or long-term relationships with the aim of providing funding, goods and services that terrorist groups cannot produce themselves. Still, the report also states that although this relationship may constitute a potential security threat, it is represented at a relatively low scale within the EU. It also underlines that these illicit actors' fear for each other hinders lasting cooperation structures (Europol 2014). These statements provide some interesting implications in relation to the theoretical framework applied in the study. Up to this report, Europol has been following a fairly straightforward path, much ignoring the interconnectedness between terrorism and organized crime. This path dependency can be traced all the way back to the Treaty on European Union where terrorism, and later organized crime, first were introduced in relation to Europol. This report proves that the issue has been put on the agenda and that Europol at least is aware of the dynamic. However, even though the interconnectedness is highlighted does not necessarily mean that it has become embedded in the institutional structure. After all, terrorism and organized crime are still treated as two separate entities and there is no all-encompassing framework or strategy addressing this very interconnectedness.

The Europol Review from 2015 stated that it had been a challenging year for the institution. The terrorist attacks in Paris dramatically placed Europol at the center of attention. As a response to both the attacks in Brussels and Paris, Europol assisted French and Belgian authorities with its Emergency Response team, providing analysis and supporting their respective investigations. In addition, the Council of The European Union also tasked Europol to upgrade its operational capacities, which ultimately led to the creation of the European Counter Terrorism Centre (ECTC). The centre became operational in January 2016 with the task to function as the central information hub in the fights against terrorism within the EU. The centre should also provide analysis for ongoing investigations and contribute with coordinated reaction in the event of a major terrorist attack (Europol Review 2015). According to the Europol webpage, the ECTC focuses on:

- "Tackling foreign fighters;

- Sharing intelligence and expertise on terrorism financing (through the Terrorist Finance Tracking Programme and the Financial Intelligence Unit;

- Online terrorist propaganda and extremism (through the EU Internet Referral Unit;

- Illegal arms trafficking;

- International cooperation among counter-terrorism authorities" (Europol Webpage 2017).

In relation to the two questions this study seeks to address, there are two interesting remarks that should be highlighted regarding the ECTC. Firstly, nowhere is the interconnectedness between terrorism and organized crime to be found. Neither is it mentioned in the Europol Review from 2015, nor on the Europol Webpage. Put differently, there is nothing that suggests that this newly established centre created to be Europol's prime arrangement for countering terrorism accounts for this dynamic. Secondly, the establishment of the ECTC was a highly reactive action and came directly after a major terrorist attack, much in line with the establishment and the resurrection of the Counter Terrorist Task Force. Theoretically, these two remarks are undoubtedly applicable to the notion of path dependency, which this study much derives from. In addition, in line with 2014 year's report, the EU Terrorism Situation and Trend Report from 2014 uses a headline called "The nexus between terrorism and organized crime". Following the headline, the report states that Europol is aware that individuals and groups involved in terrorist acts also have utilized criminal groups/networks with the aim of obtaining goods, services and funding for their operations. Moreover, these relationships constitute an increased security threat to the EU. However, the report states that there is no evidence suggesting that these cooperative relationships has led to widespread changes in the nature of terrorist groups. Yet, the report does at the same time highlight that this has been the case in both Greece and the UK, and that arrested criminals throughout the EU in 2014 had links to terrorism (Europol 2014). Even though this advocates for a deeper understanding of the interconnectedness between terrorism and organized crime, there is still no all-encompassing framework or strategy addressing this very interconnectedness, and the issues are still treated as two separate entities.

To sum up the years 2009-2015, the researcher finds that Europol has continued on its path dependent track in line with the previous time periods of 1992-2000 and 2001-2008. This has been the case for both the counter-terrorism arrangements as well as the terrorism and

organized crime nexus, even though the latter's dynamic has been raised a couple of times. As for the counter-terrorism arrangements, two critical stages should be highlighted in relation to the theoretical framework. Firstly, the Treaty of Lisbon in combination with the Europol Decision contributed with significant changes for Europol and should therefore be interpreted as a critical juncture. These events gave Europol its legal status, which clearly boosted its work on counter-terrorism. From this point, the reports suggest a more comprehensive Europol in its counter-terrorism work. Secondly, the creation of the ECTC, which this study seeks to address, further indicated how path dependent Europol is.

As for the terrorism and organized crime nexus, it is clear that Europol remains highly path dependent. The interconnectedness between the two issues is raised a couple of times, but remains, generally speaking, in the dark. This leads to the understanding that terrorism and organized crime is still much defined by Europol as two separate entities, and this can be traced all the way back to the Treaty on European Union. Two critical stages should be highlighted in this regard, and that is the EU Terrorism Situation and Trend Report from 2011 and the creation of the ECTC. The former is a critical stage since it is the first official Europol document highlighting the interconnectedness between terrorism and organized crime as a fact. This acknowledgment will have an impact, if still minor, on future reports. Interestingly, the latter event that should be highlighted, namely the creation of the ECTC, does not even mention the interconnectedness between terrorism and organized crime. This clearly speaks for that Europol still, in the end, relies on the path dependent track much defining this, and the two earlier time periods.

6. FINDINGS & DISCUSSION

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6.1 FINDINGS: QUESTION 1

The first question this study seeks to answer is "why did Europol create the European Counter Terrorism Centre?" By applying the theoretical framework of historical institutionalism the researcher divided the process traced into three time periods, and what was being traced was the process in which Europol developed its counter-terrorism arrangements from 1992 until 2015, when the European Counter Terrorism Centre was created. The assumption put forward in the introductory pages, namely that the creation of the ECTC is largely the result of Europol's historical path dependency as a highly reactive institution in its counter-terrorism activities, is correct. Put differently, historical institutionalism contributes with explanatory power to the question at hand. What can be witnessed throughout the traced process is an institution highly dependent on exogenous powers and that it often acts very reactively. Below, a presentation of the findings will be presented. The presentation will briefly reflect the analysis and focus on the so-called "critical stages" and "critical junctures" which will be highlighted since they constitute events where significant change took place, and in some cases brought the institution in a new direction.

The first critical juncture to be highlighted is the actual establishment of Europol. When Europol was established in 1994, its working instructions did not include counter-terrorism. The study can conclude that this has affected Europol's institutional characteristics since it hampered its capacities and affected its work on counter-terrorism once the mandate actually was given and Europol's working instructions included counter-terrorism. Put differently, this led the institution onto a path dependency where counter-terrorism to varying degrees became a secondary priority. This leads to the second important finding, namely the mandate given by the Council in 1998 to expand Europol's activities to also include counter-terrorism. This, of course, led to bewildering institutional changes since Europol now had the mandate to also conduct counter-terrorist activities. However, it is the researcher's conviction that the path taken from the very establishment of the institution still would reflect its capacities. This was proven in the third finding that should highlighted, namely 9/11. As a reaction to this devastating attack, Europol acted in a highly reactive manner and established the Counter

Terrorism Task Force. For various reasons this task force was disbanded six months after its creation, indicating a lack of institutional preparedness. The fourth finding that should be highlighted is the resurrection of the Counter Terrorism Task Force as a reaction to the Madrid bombings in 2004. This event clearly provides further evidence of Europol's reactive path dependency in counter-terrorism. The researcher finds it reasonable to suggest that the resurrection should be understood as a reinforced action where a previous solution is being implemented as a pattern. The fifth finding that should be brought to light is the legal status as an official EU agency that Europol received in 2009. This event spurred Europol's activities in general, and its counter-terrorism arrangements in particular. The annual reports/reviews and the EU Terrorism Situation and Trend Reports that followed demonstrate an increased focus and comprehensiveness of the institutions counter-terrorism arrangements.

The last finding that inevitably has to be put forward is the creation of the ECTC in 2015. Even though Europol's counter-terrorism activities increased and had a more mature content after it received its legal status, the ECTC proves that Europol still relies much on the path dependency that has defined its developments in counter-terrorism. In other words, and to summarize what these five findings mean, historical intuitionalism and notion of path dependency has provided an understanding to why the Europol created the ECTC. Below, figure 1 presents a timeline with the primary findings for question 1.

**Figure 1:**
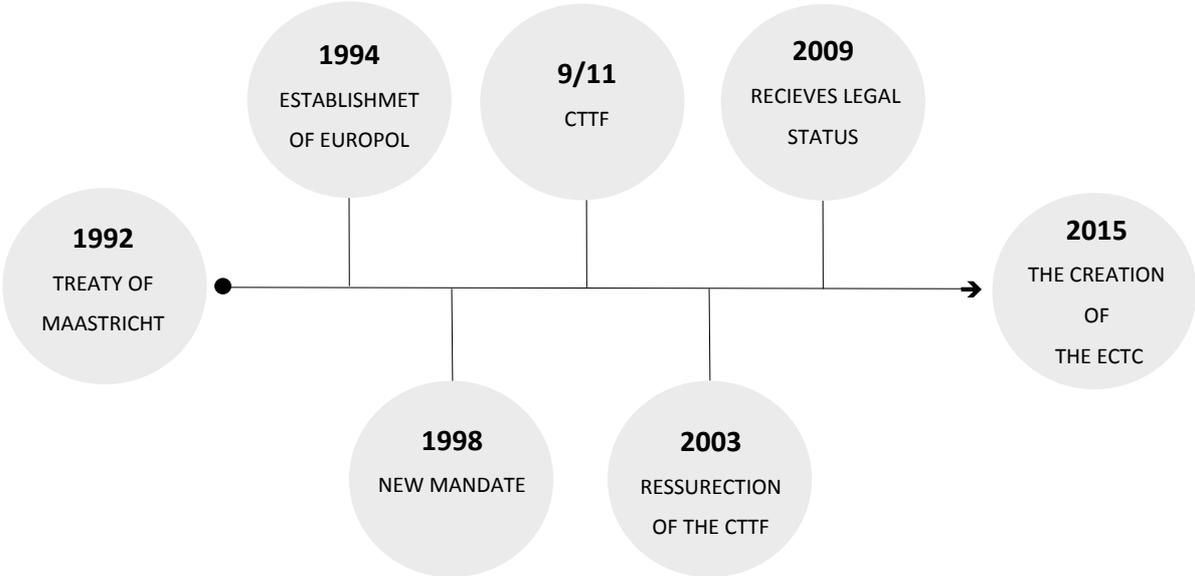
6.2 FINDINGS: QUESTION 2

The second question this study seeks to answer is "Why is the ECTC not addressing the interconnectedness between terrorism and organized crime?". The study can conclude that the assumption put forward in the introductory pages, namely that the reason for why the ECTC is not addressing the interconnectedness between terrorism and organized crime is the result of Europol's historical path dependency in defining these two threats. In other words, historical institutionalism, as a theoretical framework, provides explanatory power to the question at hand. What can be witnessed throughout the chronological review this study has analyzed is that Europol is lacking a comprehensive and progressive strategy, much due to the early definitions on terrorism and organized crime as well as the fact that Europol already in its early years treated the two threats as different entities. This has in turn affected the institutions future idea of the terrorism and organized crime nexus, resulting in the interconnectedness being significantly ignored. Below, the primary findings proving this path dependency will be presented. Of importance are the "critical junctures" and "critical stages" that have affected the institutions path dependency.

The first critical juncture to be highlighted is the Treaty on European Union (TEU), adopted in Maastricht 1992. The reason for this is that the treaty treated terrorism and organized crime (the treaty uses the word "crime" & "criminality") as two different entities. Arguably, this distinction will constitute a defining feature for how Europol understands the terrorism and organized crime nexus. Put differently, this leads Europol on a path dependent track where the two threats are treated as separate entities. The second finding to be emphasized is the mandate given to Europol in 1998 that made the institution able to conduct counter-terrorism activities. This mandate had a quite general content and did not mention the link between terrorism and organized crime. Consequently, Europol initiated its counter-terrorism activities by treating the issue as a separate matter. Put differently, by from the very beginning not exploring the terrorism and organized crime nexus, Europol unintentionally reinforced the path dependency of not addressing the interconnectedness between the two issues. The third event to be highlighted as a major finding in relation to the second question is the European Security Strategy launched in 2003. While the strategy states that the EU recognizes some patterns between terrorism and organized crime, organized crime is understood as driven by financial motives while terrorism is understood as driven by ideology. It should of course not

be ignored that the strategy raises the terrorism and organized crime nexus; however, it makes it clear that the issues should be defined as two different entities. In addition, it does not make any further suggestions on whether or not to address this. The researcher understands this as a clear driver for the continued path dependent track defining Europol's understanding of interconnectedness between terrorism and organized crime. The fourth finding that deserves to be considered is the EU Terrorism Situation and Trend report from 2011. Since the report devotes a chapter to the interconnectedness between terrorism and organized crime, it should be understood as a significant event for Europol's understanding of the matter. However, the chapter is substantially instrumental in its description of the interconnectedness, devoting the space to describe operational characteristics that might facilitate cooperation between terrorism and organized crime. In addition, it does not offer any goals or strategies on how to work with the issue. Evidently, Europol is not fully accepting the interconnectedness to be considered as a prioritized subject. This further reflects the path dependent track where Europol is ignoring the issue.

Last but not least, the very creation of the ECTC in 2015 should be brought up as the last finding in relation to the second question this study has sought to answer. As the introductory pages state, there is no evidence indicating the ECTC is addressing the interconnectedness between terrorism and organized crime. Nowhere is the issue to be found and it is clear that the path dependent track these four major findings suggest, much defines the nature of the ECTC. Put differently, and to sum what the findings are telling us, historical intuitionalism and notion of path dependency has provided an understanding to why the ECTC is not addressing the interconnectedness between terrorism and organized crime. Below, figure 2 presents a timeline with the primary findings for question 2.

Figure 2:
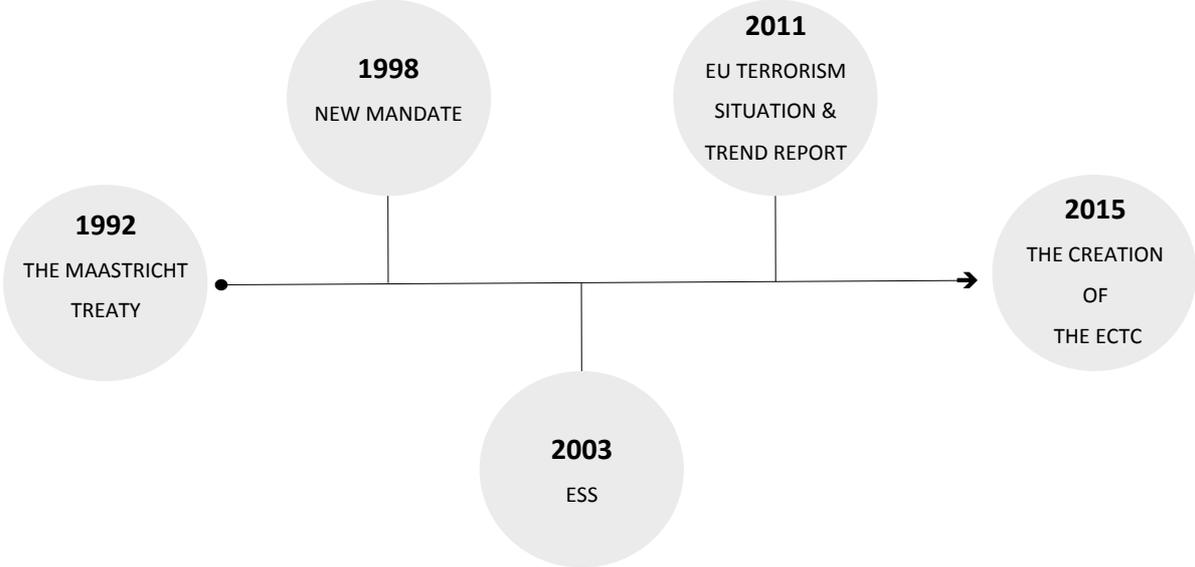
6.3 DISCUSSION

This study derived much from the researcher's observed pattern in Europol's counter-terrorism activities. This, together with the increasing amount of scholars pushing for a more progressive and up to date understanding of the terrorism and organized crime nexus, inspired the researcher to conduct the study. Compared to most other scholars, who focus on the normative (trust) and functional (efficiency) dimensions of EU intelligence cooperation, this study has contributed with an institutional analysis of Europol's developments in counter-terrorism (Cross 2013:388-390). The findings provide significant insight on how Europol functions as an institution in relation to counter-terrorism and the terrorism and organized crime nexus. This paper should be interpreted as complimentary research to the otherwise state-centric research in the field of EU intelligence cooperation. Empirically, the number of scholars focusing on EU intelligence cooperation is significantly low. Theoretically, the number is even lower and the field is underdeveloped. In the case of Europol, the few scholars who have analyzed it have focused on its effectiveness in counter-terrorism as well as the

prospects of transforming it into a supranational police agency, like the FBI (Occhipinti 2015, Bureš 2016, Deflem 2006). As for the theoretical assumptions applied in this study, historical institutionalism proved to be a useful tool in explaining the questions at hand. It allowed the researcher to be on the one hand rather general and forward moving, yet on the other hand meticulous and observant in analyzing the material.

The question "why did Europol create the ECTC?" can be explained by the path dependency much defining Europol's counter-terrorism arrangements ever since it received its mandate to perform such activities. The question "Why is the ECTC not addressing the interconnectedness between terrorism and organized crime?" can also be explained by a path dependency, yet another kind. This path dependency relates to how Europol from the very beginning treated terrorism and organized crime as two separate entities. Historical institutionalism is certainly not the only theoretical framework that can produce explanatory power or interesting findings in this particular case. However, historical institutionalism was the most suitable framework for theoretically explaining the two aims at hand.

Even though this study contributed with valuable findings for understanding how Europol works as an institution, and how the recently established ECTC is characterized, there are still some interesting remarks to further delve into. Firstly, since the ECTC is not addressing the interconnectedness between terrorism and organized crime, and since this can be explained by Europol's path dependency, could it be the case that the ECTC is unintentionally working in a rather opposite direction? It has crossed the researchers mind that the creation of the ECTC practically complicates Europol's view on the terrorism and organized crime nexus. The idea here is that since the institutional dynamics of Europol historically has treated terrorism and organized crime as two separate entities, the creation of an arrangement focusing solely on terrorism may put even further distance between Europol's work on terrorism and organized crime. Regardless, Europol and the EU are clearly in need of a more comprehensive and future oriented strategy in order to address the increasing interconnectedness between these two threats. After all, this study provides evidence that Europol, from an historical point of view, has acted in a highly reactive manner as a response to terrorist attacks. It could be fruitful for the institution to be in the frontline and work preventively. After all, while the number of confirmed relationships between terrorist groups and organized crime groups may still be relatively low in Europe currently, the trend is undeniably pointing towards the other direction. Here, Rossi's work *Breaking The Nexus: Conceptualising 'Illicit Sovereigns*

deserves special attention, since it is applicable to this research on Europol. Rossi demonstrates how the current conceptualization of terrorist organizations and criminal organizations is outdated. According to Rossi, it is not sufficient to merely account for the interconnectedness between these to illicit actors. There is a need of an innovative conceptual framework that captures not only the interconnectedness, but also considers the changing identities of these actors (Rossi 2014). It is true that Rossi's work, compared to this paper, is taking one step further in considering the nature of terrorism and organized crime. Even then, if Europol, like the findings of this study show, is unable to address the terrorism and organized crime nexus due to the traditional perception of these two actors, it will certainly take considerable time and effort to reach the level of Rossi's proposed conceptual framework. After all, Europol is evidently yet not up to date with what many scholars today are considering a fact, namely that terrorist organizations and organized crime groups are becoming increasingly interconnected.

7. CONCLUSION

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This study can conclude that historical institutionalism and the notion of path dependency can explain the creation of the European Counter Terrorism Centre. In addition, the study can also conclude that the same theoretical framework is able to account for why this arrangement is not addressing the interconnectedness between terrorism and organized crime. Thus, this study has contributed with an increased understanding of Europol's institutional characteristics. In other words, the idea of applying historical intuitionalism should be understood as well founded. Empirically, the material gathered was sufficient in order to draw reasonable conclusions. However, it should be noted that publicly available information regarding Europol is relatively limited. It is true that additional sources of information such as interviews with Europol officials would enhance the validity of the study. The chosen strategy for data collection, namely process tracing, worked much in tandem with the theoretical framework. Put differently, process tracing and historical institutionalism is a good match. As mentioned above, the idea of the ECTC being rather counterproductive for Europol's prospects of being able to address the increasing interconnectedness between terrorism and organized crime is an interesting thought, and should be a source of inspiration for future

research. In addition, it would be interesting to delve deep into the relationship between Europol and the European Union Intelligence and Situation Centre (INTCEN) in order to understand how well the cooperation between these two intelligence bodies actually work.

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