



The EU Internal Security Strategy

Towards a More Coherent Approach to EU Security?

RAPHAEL BOSSONG & MARK RHINARD¹

Introduction

Most accounts of ‘strategy’ in the European Union focus on external affairs, starting with foreign and security policy and extending into trade, development and enlargement issues – all of which should, it is usually argued, be part of a coherent plan of action towards improving security and stability (Biscop, 2005). Yet over the last two decades it has become problematic to focus only on the external dimension of EU strategy. Not only does much of the EU’s external security capacity emanate from internal factors – economic performance, regulatory presence, or political cohesion – but the reality of today’s boundary-spanning security concerns cast doubt on the premise of an ‘internal’ and ‘external’ security divide (Eriksson & Rhinard, 2009); hence the 2003 European Security Strategy’s effort to underline the importance of tackling threats at home and abroad.

In the area of internal security cooperation specifically, the EU has accumulated a certain amount of strategic ‘*acquis*’ in the area of police, criminal justice and border security matters. Building on the expansion of the Schengen

¹ Raphael Bossong is attached to the European University Viadrina, and Mark Rhinard to Stockholm University and the Swedish Institute of International Affairs. The authors are grateful for the skilled research and editorial assistance provided by Anna Horgby of the Swedish Institute of International Affairs.

regime for borderless travel, the 1998 Treaty of Amsterdam formally set out the goal of an Area of Freedom, Security and Justice (AFSJ), while recurring multiannual policy agendas for internal security, including the Tampere, Hague and Stockholm Programmes, sketched out intentions to develop a range of instruments to improve internal security. Individual issue areas can be added to the list, including strategies related to organised crime, terrorist financing, counterterrorism, radicalisation, drug trafficking, cyber security, and criminal justice. With the Lisbon Treaty in place, new provisions sketching out further ambitions and a ‘communautairization’ of internal security policymaking added to what could be categorized as a growing degree of strategic content in the area of EU internal security cooperation.

The 2010 Internal Security Strategy (ISS) should thus be seen as the latest – albeit the most explicit – formulation of strategy in the AFSJ field. The ISS raised expectations that the sprawling and contested field of AFSJ might become subject to an overarching ‘strategic approach’ – defined as the adoption of a unifying vision, a set of principles for guiding action, a statement of priorities, and a pairing of ends with means – as connoted by the sub-title of the ISS: ‘towards a European security model’. The ISS also drew attention from scholars (Carrera & Guild, 2011; Scherrer et al., 2011), who normally underline the tendency for muddling-through or reactive policymaking in the internal security field (Schröder, 2009).

This short article aims to spur debate on the strategic dimension of internal security from a conceptual and empirical perspective. We argue that the ISS contributed little to strategic thinking compared to policies that came before and after it, and that it has had little impact on operational or policy agendas in the field. Our arguments proceed in the following way. The first section asks the fundamental question: why contemplate strategy in the field of internal security? While this field is traditionally void of strategy for constitutional reasons, we argue that in the EU context, strategy could play an important role. The second section describes the emergence of the ISS, showing that the process in which it was formulated – not just its content – foreshadowed its limited impact. The third section offers an assessment of the implementation of the ISS to date, arguing that although limited in initial impact, it – and other policy developments – may yet bear strategic import.

Does the EU Need an Internal Security Strategy?

Strategy as applied to governmental affairs, especially ‘grand strategy’, is normally the preserve of foreign policymaking, used for two purposes: to signal intent and to encourage common purpose amongst internal bureaucracies (Rumelt, 2011). On both counts, it is not self-evident that the field of internal security readily lends itself to strategizing. In contrast to the shifting and anarchic world of international affairs, the modern state is known and expected to provide ‘strategic’ guidance for public security – but through the rule of law. Internal security is intentionally differentiated with a meaningful division of powers and operates in a legally conservative fashion. It is not normally a field requiring strategic goals and a common mobilization of effort from other sectors of society or branches of government. The diverse goals for public order and security, in the classic understanding of the rule of law, should be set out in law books and not motivational statements.

Nevertheless, recent years have witnessed a number of prominent states – the UK, the Netherlands and the US – adopt internal or integrated security strategies for several reasons. One driver is the assumption that technological and societal trends are complicating the nature of modern threats and outstripping our capacities to manage them. Some degree of strategic reorganization and pooling of resources and information might be in order. Another problem relates to public demands for improved safety and security in the face of potentially catastrophic breakdowns. A possible response is more pro-active and preventative security planning beyond traditional structures and scenarios. Finally, strategy is used to clarify the desired link between external and internal security, be it in the form of external actions (e.g. interventions to combat terrorism) or the potential use of ‘external’ security tools, such as intelligence assets, with regard to ‘internal’ threats.

All these considerations may be particularly salient in the context of the EU. The ongoing integration process – which improves not only the mobility of ‘goods’, but also of various security-related ‘bads’ – adds to the complexity of threat scenarios, with no established or tried-and-tested way to manage them (Boin et al., 2013). European integration also perpetually challenges the division between internal and external policy, both in terms of the pursuit of national goals at the European level and in European policies applied outside the Union. The twin drivers of increasingly complex security challenges and the need to cooperate across borders explain much of the cooperation dynamics

amongst internal security professionals in Europe. They increasingly exchange information, develop common threat assessments and use various soft law instruments to help modernize their approaches to providing security (Block, 2011; Bures, 2012). The slew of actors involved and the *ad hoc* nature of their interaction offers at least *prima facie* support for the idea of strategy at the EU level. Still, strategy may not conform with normative understandings of the ‘Area of Freedom, Security and Justice’, which could be seen as simply the reconstitution of conventional structures for public order at the EU level, including a formal division of competences and an emphasis on regular, if transnational, issues of policing, criminal justice and border security that should not be prioritised but rather balanced with civil rights

In short, since internal security demands are changing and European cooperation is a multi-level affair drawing in countless numbers of agencies and administrative units, the cohering influence of strategy might prove useful. Strategy may even serve as a normative guideline when preventive security action and the erosion between internal and external security are the order of the day. Yet we would be remiss not to note the risks and tensions. Strategic threat discourses may be used to promote executive empowerment and to sideline alternative objectives for the development of a balanced and law-based security order at the EU level (Bigo, 2010). The Internal Security Strategy – which, from the outside, may be regarded as a welcome synthesis or capstone to the previously incoherent development of EU internal security – provides an ideal case to illustrate these tensions.

The EU’s Internal Security Strategy

To many observers, the EU’s ISS came as somewhat of a surprise in comparison to the ESS, which emerged in the aftermath of a highly public and relatively coherent debate. By contrast, the seed of the ISS was planted almost a decade before it was approved and, when the drafting finally picked up speed, it took place through a relatively closed political process. Arguably, the impetus behind the ISS, and the process through which it was formulated, together can explain its rather limited impact as documented in the last section.

The ISS is inextricably linked to the idea of creating a high-level body for the coordination of ‘operational’ internal security cooperation in the EU, a long-perceived deficit in the field when viewed in comparison to external security and its powerful Political and Security Committee. The notion of such a

body was introduced in the discussion on a Constitutional Treaty in 2002 (European Convention, 2002), and several years later a proposal emerged that such a body, which would eventually be named 'COSI' after its French acronym, needed an 'integral concept' to guide its mission. The Luxembourg Presidency in early 2005 duly included such a call in its agenda (Luxembourg Presidency 2005). The downfall of the Constitutional Treaty later that year delayed but did not scupper the idea of a strategy for internal security cooperation, largely because the London bombings in the summer of 2005 placed internal security cooperation firmly back on the agenda.² In 2006, the Council called for 'an agreed Internal Security Strategy, which should build upon the ongoing inter-institutional work in the area of counter-terrorism and protection of critical infrastructures', while a Commission Communication reflecting on the progress of the ASFJ stated that 'it is time to develop an agreed Internal Security Strategy' (Commission, 2006: 9).

It was only in 2009, however, when several processes converged to push the idea of an ISS towards completion: the expected coming into force of the Lisbon Treaty and its COSI provision, the formulation of the next long-term programme for the development of AFSJ (the 'Stockholm Programme') and a Spanish Presidency in the first half of 2010 that was strongly in favour of enhancing border security and counter-terrorism cooperation. Madrid worked on a draft in the spring of 2009 via a small working group in the Home Ministry working in cooperation with the Spanish Permanent Representation in Brussels. A first draft was circulated amongst permanent representations but meaningful dialogue took place only with select national capitals. Europol, Eurojust and Frontex were consulted for their threat assessment (Council, 2010a).³ In January 2010 EU Interior Ministers convened at an informal meeting in Toledo, Spain to discuss the resulting Presidency draft. The ISS was adopted by the Justice and Home Affairs Council just one month later

² The London bombings led quickly to an EU Counterterrorism Strategy, which mirrored the UK national strategy. While there was no direct legislative or operational impact of the EU Counterterrorism strategy, it presented broader abstract objectives for a comprehensive response and became a first reference point for describing the EU's role in internal security (Coolsaet 2010).

³ Particularly EUROPOL needed a good working relationship with the member states and thus could be expected to support COSI. Similar interests can be attributed to FRONTEX, dealing with the highly contentious issue of migration. So the first, but so far only, joint report on the state of EU internal security was based on Europol's Serious and Organised Crime Threat Assessment (SOCTA), its Terrorism Situation and Trend Report (TESAT) and Frontex's Annual Risk Analysis (ARA), while EUROJUST did not make a visible input. Overall, the joint report calls for better institutional coordination and emphasizes cybercrime as a new challenge.

(Council, 2010b) and waved through by Heads of State and Government at their next meeting (European Council, 2010).

This swift process suggests solid political as well as administrative support from the most relevant EU agencies, so that the original objective of mandating COSI, which also constituted itself in March 2010, could be met. In terms of content, the ISS sets out the widest possible mandate and lists nearly all conceivable threats and challenges for the EU: terrorism, serious and organized crime, cyber-crime, cross-border crime, violence itself, natural and man-made disasters, as well as ‘other common phenomena which cause concern and pose safety and security threats to people across Europe, for example road traffic accidents’ (Council, 2010c: 4-6). It also addresses the other challenges touched upon above, namely the need to better integrate internal and external aspects of security and the importance of respecting common fundamental norms, so as to arrive at a common ‘European Security Model’ for all involved actors. In sum, the ISS be seen as a capstone to the previous attempts to set strategic objectives in different sub-areas of internal security (drugs, terrorism, human trafficking, etc.) and establish the authority of COSI over a fragmented field.

Yet outside the Council, actors were not impressed. The European Commission complained of being shut out of the drafting process and criticized the content of the ISS as a mismatch between broad desires and practical instruments.⁴ The European Parliament was especially incensed that it had not been involved in the debate (Borsellino, 2011), even though it should have formally become an equal legislative player with co-decision rights in (nearly all aspects of) criminal justice and police cooperation since the adoption of the Lisbon Treaty. A resolution later underlined that ‘the European Parliament is [...] entitled to participate actively in determining the features and priorities of the ISS and of the EU Security Model’ (European Parliament, 2012: 5-6). ‘Civil society’, a rather broad category of actors, was also ignored in the drafting of the document and was quick to point out the imprecise and non-credible normative commitments of the so-called European security model (Bunyan, 2010). From a national perspective, the UK House of Lords critiqued the process through which the strategy was designed and argued that it is ‘an anodyne document, phrased in broad generalities and lacking in specificity’ (House of Lords, 2011: 8).

⁴ Stated by a member of the Commission *cabinet* responsible for taking the ISS forward, ‘It is hard to know what to do with [the ISS]. We need to give it focus and match it with available instruments’ (Interview, 15 June 2010).

From its inception, then, the Internal Security Strategy was viewed with suspicion regarding its formulation and doubts regarding the strategic nature of its content. While containing some degree of symbolic import regarding the intriguing idea of a European Security Model, that model had little substance and could hardly denote a new strategic identity for the EU. The ISS mainly collected and listed issues and goals that had developed over the previous two decades, with little effort to prioritise tasks, establish coherent action principles, or build a consensual vision. The ultimate measure of a strategy is whether it shapes behaviour, and in the next section we show that even from a bureaucratic implementation perspective the ISS has fallen short of expectations.

Implementing the ISS

While space constraints prevent a full analysis of implementation, a few indicators can be gleaned along two dimensions. The first is to examine whether the ISS fulfilled intentions to improve the operational cooperation in internal security – especially in regards to COSI, the body the ISS was intended to guide. The second is to trace the effect on policymaking more broadly and whether it contributed to a more coherent agenda for an EU internal security order.

Operational Cooperation

The terms of reference for COSI in the Constitutional, then Lisbon, Treaty were brief and vague, a problem that manifested itself firstly in its composition. COSI attracts member states officials of very different ranks, qualifications and background (Shapcott, 2010), since the ‘operational aspects of internal security’ are defined very differently in various member states. This variable – and shifting, since member states sometimes change their representation depending on parties and organisation – composition has sapped the potential of COSI to coordinate respective national security systems. The official agenda of COSI remains far-reaching but in practice it is narrowly scripted in terms of the HARMONY policy cycle that relies on administrative management rather than on real political authority.

The HARMONY policy cycle is an attempt to coordinate priorities for national police and criminal justice systems across several European member states. The idea dates back to 2005 and the UK-inspired concept of ‘intelli-

gence-led policing', and has been presented as the operational work programme for COSI (Council, 2010d). EUROPOL is another driver for such an intelligence-led approach on the basis of its threat reports and analytical databases on serious and organized crime as well as terrorism. On this basis, the HARMONY cycle could be seen as an increasingly systematic attempt at 'strategic coordination', which – if not significantly shaped by the ISS – seems to fulfil its intention in practice. However, the policy cycle does not enjoy a high degree of visibility and organisational support – as might be expected if it was genuine EU strategic effort. Even EUROPOL's own evaluation of the policy cycle highlights that successes remain so far limited to some isolated operations, such as against mobile criminal gangs, and that member states participation is highly uneven and intermittent (Council, 2013a).⁵

The other major contribution that COSI could have made on the basis of the ISS, namely a better linkage between internal and external security, also remains wanting. A number of meetings have taken place between COSI and the PSC, but without evident results. Instead, the European External Action Service has been working on this linkage, most notably in the context of the Sahel and the Horn of Africa (Soliman et al., 2012, Bello, 2012). The resulting efforts to develop workable, 'comprehensive' strategies for the EU's international security engagement in those locations have not only faced serious practical obstacles, but bear little signs of influence from the ISS.

This is not to say that the 'external dimension' of the EU's internal security cooperation is practically insignificant. The Arab spring and the resulting refugee crisis highlight the persistence of major political arguments in Europe when faced with a profound intersection between internal and external security. Meanwhile, the long-running controversy over data protection in the area of intelligence and law enforcement gained renewed salience with regard to both US authorities and major US companies. The fact that the EU had adopted the ISS and a putative European Security Model had no discernible difference in debates on new rules for data protection or the distribution of asylum seekers, however.

⁵ The latest internal documents on HARMONY list numerous possible actions against cybercrime (Council 2013b), spurred by the new cybercrime centre in Europol. Yet concrete examples of successful operational coordination remain isolated, particularly in comparison to the identified challenges. Cybersecurity remains ridden by normative and bureaucratic conflicts (Bendiek 2012) that are simply unaffected by COSI.

Policymaking

In assessing the ISS's impact on policymaking more broadly, it becomes clear the ISS interacted with, but had little impact over, pre-existing developments. One such development was the Commission's drive since the mid-2000s to create its own strategy for internal security cooperation (Commission, 2006), a drive which was never quite reconciled with the Council-based process. No official strategy *per se* emerged from the Commission (largely because it was pre-empted by the Council) but the impending ratification of the Lisbon Treaty in 2009 and shift to the Community Method emboldened the Commission's stance. It also explains why the Stockholm Programme confuses the matter further by asking both the Commission and Council to contribute the ISS (Council, 2010c: 17). The division of the previously integrated Commission Directorate General for Justice and Home Affairs in 2010 added further pressure to sharpen the security profile of the new DG for Home Affairs.

The Commission therefore eventually presented its own interpretation in the Communication 'The EU Internal Security Strategy in Action: Five steps towards a more secure Europe' (Commission 2010a) in November 2010. The Communication presents five strategic objectives – including proposed actions – for internal security, based on the Council's threat identification: serious and organized crime, terrorism, cybercrime, border security and natural or man-made disasters. The Council's more diffused threats, including but not limited to 'violence itself' and phenomena such as 'road traffic accidents', were excluded.

The Commission's official approach to the ISS was to prioritise a more defined set of threats. The Commission further promised annual implementation reports – as a more traditional 'strategic' approach would suggest – and made clear linkages to existing and planned instruments. Nevertheless, the Commission's approach to the ISS did not resolve the enduring tension between operational cooperation (the preserve of member states) and the broader policy goal of an AFSJ (in which the Commission has a stronger role). In fact the Communication was the source of criticism by more outspoken member states. Some leading UK officials noted:

The Communication departs from the Council's Internal Security Strategy by proposing new EU structures, including an EU cyber-crime centre, and new competence such as powers for new asset recovery offices. It also proposes legislation, such as a revised legal

framework on asset recovery, which [...] run counter to the focus of the ISS and COSI on practical measures and cooperation instead of new EU legislation.’ (Storr, Prince & Strickland, 2010: 118).

By examining the Commission’s two available implementation reports on the ‘ISS in Action’ (Commission 2012, 2013), it becomes clear the Commission has not backed down – and suggests Commission initiatives have achieved more than COSI. Under all five of its ‘strategic objectives’, the Commission lists steady advances and new legislative proposals. Specifically, it argues that it increasingly focused on two objectives, namely the fight against organized crime and cyber security, pointing to a variety of new instruments to fight corruption, trace and confiscate financial assets in criminal proceeding, or to the creation of a new cybercrime centre in Europol. Further optimism may be warranted, since the next financial perspective will include a consolidated financial instrument, the Internal Security Fund, that may allow the Commission and other interested actors to support desired security objectives in a more coherent and timely manner.

Yet even if the ISS is linked to new developments in the field, this link is tenuous at best. Most of the project listed above had been envisioned in the Stockholm Programme, including the creation of an Internal Security Fund (Commission, 2010b). Other initiatives, including the creation of a European Response Centre for civil protection and a renewed approach to critical infrastructure protection, were already in the works, but have not overcome critical political obstacles by linking it to the ISS. It is telling, too, that the Commission has not committed to more implementation reports on the ISS past 2014.

In sum, there is a little to suggest the ISS – or even the Commission’s Communication on the topic – made a strategic contribution by setting out a common purpose, guiding principles or matching means with ends. At most, we can say that the Commission’s DG Home has come to use the ISS as a way to legitimate its existing day-to-day policy work and to extend its call for cooperation and support beyond the Council in a narrow sense. To some extent, this might be strategically helpful, in that each of the ‘strategic objectives’ in the annual implementation reports with a call to improve national and supranational coordination on various issues – a move which might someday help to reconcile the on-going gap between operational cooperation dominated by national actors and the legislative agenda within Brussels. Further research is needed to see whether this becomes anything more than a rhetorical exercise.

Conclusion

The adoption of an EU Internal Security Strategy in 2010 turned heads and raised expectations that a generally contested field might finally be subjected to stricter and more coherent logic of action. These expectations came from those critical of operational cooperation in the field, along with those concerned about the constitutional and legal moorings of supranational internal security cooperation. While strategy is only rarely (and recently) applied to national internal security questions, strategy at the EU level holds the potential to relieve some enduring tensions in the field, not least between national and supranational perspectives as well as operational and policy coordination.

However, to date the symbolic or practical benefits of the ISS have been limited. This may not only be explained by the content of the ISS – widely interpreted as sweeping and vague, as embodied by the undefined goal of a ‘European Security Model’ – but also in its drafting process. The process was held by a small, intergovernmental group of national officials with little genuine input across the EU’s institutional landscape. This had limited the ‘buy-in’ from other actors at time when the Lisbon Treaty has opened (most) internal security policymaking to the EU’s wider institutional framework.

The critical assessment of the impact of the ISS is grounded on two strands. On COSI and the coordination of operational internal security activities, we argued that other, lower-level policy instruments (the HARMONY cycle, namely) have taken centre stage and only benefit from bureaucratic support, such as from Europol, rather than from real political will. On EU policy-making more generally, we demonstrated how the Commission’s pre-ISS strategic agenda took precedence during the ostensible implementation of the ISS. We can conclude that the ISS was much less than meets the eye – not only has it failed to appease critical voices of internal security cooperation in general, but it also looks unlikely to bridge the divide between operational cooperation in specific fields and policy frameworks building AFSJ as a whole. Hopes for a mutual vision, guiding principles, and practical coherence in this growing but disparate field must wait for another day.

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