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**Article**

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# US-EU SPYING ALLEGATIONS 2013- A CASE FOR CONSTRUCTIVISM

Roxana Hincu\*

**Abstract:** *This article aims to show how the revelations about the United States of America (US) spying on the European Union (2013) represented an occasion for the latter to reiterate its normative power and the particular importance of the transatlantic partnership. Through observation of “acts of social facts essentialization” by the US and EU and by using a constructivist conceptualization of “agent identity” and “international socialization”, the article concludes that the constructivist framework of analysis explains the unfolding of the spying issue. This deductive approach uses the method of discourse and official documents analysis.*

**Keywords:** constructivism; spying revelations; identity; socialization; social facts

**JEL Classification:** A1; A3

## INTRODUCTION

Despite widespread public criticism of US National Security Agency mass surveillance of American, French and German citizens, this paper deals with the interstate and interinstitutional spying. News about US intelligence activities regarding the EU emerged in June 2013. In October 2013 new revelations were made about US spying on the German chancellor and France’s president. Although the debate on the German and the French case could be analyzed here as a case of US spying on EU, only reactions and actions directly linked with the European Union are mainly taken into account. The case of US spying on EU is still unfolding but the institutional and leaders’ reactions up to the present have revealed a great deal of how US and EU portray themselves and each other in the international arena.

In the first part of the article Wendt’s (1999) unique brand of constructivism is particularly discussed as it constitutes the basis for the conceptual framework developed here. According to Pouliot (2004) the essence of constructivism is to be found in the “social facts” within the international arena. Therefore, constructivist researchers should observe how actors in international relations relate to social facts as basis of reality. This “process of essentialization” made by actors is to be evaluated by

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constructivist scholars in international relations. The second main section of the article applies the constructivist framework to the case study of revelations about the United States spying on the European Union (2013).

## **1. CONSTRUCTIVIST APPROACH IN INTERNATIONAL RELATIONS**

### **1.1. Constructivist Theoretical Method**

In the international relations field, constructivism is widely associated with Alexander Wendt's (1999) seminal "Social Theory of International Relations". In his book, Wendt counters the neorealist paradigm- developed by Kenneth Waltz (1979) - arguing that the international system is not a function of anarchy and power but of the culture shared by states through discourses and practices. In addition, ideas instead of exclusively material forces shape states' identities and interests. The constructivist agenda of research challenges the rationalist account of international relations arguing that military power, economic performance, national interests, international anarchy etc. should not be analyzed as objective facts but as social ones, with social meanings.

#### *1.1.1. Social facts*

With regard to metatheory, constructivism is based on a subjectivist ontology of international politics. From the methodological point of view, positivism and postpositivism are considered the suitable strategies of research. For Wendt (1999, p. 106) the reality of international politics is defined as the social construction of the international system through social structures in which ideas, social interactions and facts define the way international actors relate to each other.

The new perspective brought by constructivism meant moving away from a materialist and individualist view of international relations. According to constructivism, social facts are the only foundations of reality upon which knowledge on global politics can be built. Social facts are "those facts that are produced by virtue of all the relevant actors agreeing that they exist" (Ruggie 1998, p. 12). Nevertheless, by refraining from an act of essentialization of reality through identity, intersubjectivity or norms- constructivist researchers are able to observe the acts of essentialization that international actors



commit (Pouliot, 2004, p. 328). Therefore, since social agents commit acts of essentialization through “speech acts and language games, representational force, constitutive practices, norm compliance, persuasion, rhetorical and communicative action, social learning, cultural change, socialization, internationalization etc., constructivists are meant to research the reality of social facts as acts of essentialization made by actors (Pouliot, 2004, p. 328). Whether actors take into account certain social facts as real is up only to themselves. The role of the researcher is to draw the social and political implications of the act of essentialization committed by actors.

In the process of essentialization, international actors also involve in the process of socialization by interacting and internalizing norms originating in the international system (Wendt 1999, p. 200). Through this framework change in international politics becomes an issue of study as it surpasses the vicious circle of conflict and self-interest.

### *1.1.2. Agent Identity*

In general, identity refers to a group’s defining characteristics. A group “body” may comprise individual members, offices, administration etc. (Wendt 1999, p. 225). In the case of states, nation groups have organization principles such as constitutions and the principle of sovereignty.

According to Kratochvil and Tulmets (2010, p. 30), “actors’ (intersubjectively constructed) identities require compliance with internalized norms, irrespective whether these norms bring these actors additional benefits or not”. Wendt (1999, p. 224) argues that an agent’s identity refers to a series of essential properties specific to the agent. Also, the identity of an agent is not static but it can be influenced through interaction with other agents in international relations. Therefore, identities change over time and across context. State identity is considered as part of the national culture. Each state has a certain way of self-understanding and portrayal. This fact is translated into foreign discourses, decisions and actions in international relations. The actors in international relations, mainly states and international organizations expect a certain behavior on behalf of each actor. Thus, the identity of an international relations agent renders its actions predictable to a certain extent.

International organizations also have a certain identity each, according to their profile: Greenpeace (protection of the environment), the United Nations (peace promotion), etc. Although the identities of

international institutions and organizations are not much developed into the international relations literature, they play the same central role in explaining international relations outcomes.

According to Wendt (1999, p. 318) agent identities are not given but sustained by interaction. Furthermore, identities are “relatively stable and role-specific understandings” (Wendt 1999, p. 22). Identity also generates the basis for agent behavior in international relations. Also, social learning occurs when “ego” and “alter” interact and the possibility for change in international relations is created.

## **2. US-EU SPYING CASE**

The revelations about US spying on EU were made in a series of disclosures by the ex-CIA systems analyst- Edward Snowden. The secret documents of the American National Security Agency (NSA) provided to the media by whistleblower Snowden describe actions taken by the American secret services with regard to the EU diplomatic representations in Washington and New York. According to classified NSA files, bugs were installed in the European Union building in New York where the 28 ambassadors of EU member countries negotiate on a common policy on the United Nations Organization. The NSA also infiltrated the Europeans’ internal computer network between New York and Washington. Therefore, the Americans were able to have access to discussions in EU rooms or through e-mails and to internal documents on computers. US intelligence services also eavesdropped EU representatives in the Justus Lipsius Building in Brussels where the EU Council of Ministers is located.

A series of press interviews, speeches and diplomatic actions of US and EU representatives are discussed in order to show how the actors related to spying revelations and sought to deal with this issue. Although the media does not offer an exhaustive description of the unfolding event, using a wide variety of media contributes to offering a comprehensive account of the events concerned here. Firstly, the European Union kept its image of the normative power in every phase of the spying matter. Secondly, the United States of America defended its position as a legitimate fighter against terrorism. Last but not least, the US-EU partnership has not been damaged but EU had reputation gains.

## 2.1. EU identity in international relations

The European Union projects itself in the international arena as a “global actor, ready to share responsibility for global security” (European Council 2013, p. 1). Despite of this ambitious objective, the European Union is widely viewed as a soft power. Its character as a normative and civilian power is contested as rendering the EU weak and ineffective, on the one hand, or unique and efficient on the other hand. Therefore, from the military point of view the EU is a reactive actor but in the economic field, global governance and international development policy it is one of the most visible actors in international relations (Özoğuz-Bolgi 2013, p. 8).

The European integration has proceeded in a technocratic top-down manner (Checkel and Katzenstein 2009, p. 2). The unity of Europe is conceived as a unity of diversities and contradictions. Moreover, there are two main conflicting views on the European integration and its influence in the world. The first one is in favor of delegating more power to the European Union in order to become an important power factor in the world. The second one defends the empowerment of the national states. Nevertheless, in the context of rising new powers such as China, Brazil, India and other fast-growing economies demands for a strong European Union advancing Europeans’ interests.

From Ancient Rome up to the present moment, intelligence activities played a decisive role in politics. Therefore, the disclosure of files proving that the US spied on EU premises should not constitute a surprise for political representatives or the public opinion. Still, the case of the revelations concerned here sparked global outrage. Although the issue of spying was debated in the context of revelations asymmetry as there is no information on the intelligence activities pursued by the EU towards US, the European Union is the winner in terms of good reputation gains in international arena. Thus, the EU treated the issue with pragmatism, preferring to discuss the matter with the US rather than acting in a radical manner such as to weaken the transatlantic relations.

The reactions of EU representatives varied from speeches condemning the US spying activities to the organization of a committee to investigate the reports on spying. Firstly, the High Representative of the European Union had a phone conversation with US Secretary of State John Kerry about the sensitive issue. Furthermore, the US ambassador to the EU, William Kennard, had discussed the matter with EU’s top diplomat- Pierre Vimont. As expected there was no outstanding declaration or action on behalf of Catherine Ashton.



Secondly, the European Parliament adopted on 4<sup>th</sup> July 2013 the “Resolution on the US National Security Agency surveillance programme, surveillance bodies in various Member States and their impact on EU citizens’ privacy” with 483 votes in favor, 98 votes against and 65 abstentions. The resolution “strongly condemns the spying on EU representations as, should the information be available up to now be confirmed, it would imply a serious violation of the Vienna Convention on Diplomatic Relations, in addition to its potential impact on transatlantic relations; calls for immediate clarification from the US authorities on the matter” (European Parliament Resolution, 04 July 2013). Also, in the resolution the Parliament instructs its Committee on Civil Liberties, Justice and Home Affairs to conduct an inquiry into the subject of spying. The report was released in October 2013. It contains fact-finding elements on the US-EU partnership: “At a diplomatic level, the US largely dominates the diplomacy of surveillance, in ways that clearly disrupt the cohesion of the EU in the field (...) We deceive ourselves if we think that the EU member states as a whole and moreover the EU institutions (the Council and the European Commission) can become a strong partner in negotiations with the US in the field of surveillance, despite the efforts of the EU-Counter Terrorism Coordinator” (European Parliament 2013, p. 40-41). Also on 28 October 2013 a delegation of nine members of the European Parliament met senior US government officials in a three-day visit in Washington in order to discuss the issue of spying.

The Vice-president of the European Commission, Viviane Reding, responsible for justice, fundamental rights and citizenship has proposed a European Intelligence Service to be set up by 2020. Also, the European Commission Vice-president Neelie Kroes declared that “spying is not acceptable at all (...) it should never, ever happen again” (Neelie Kroes BBC 2013).

The European Union used the case of spying revelations as an occasion to portrait itself as “a power from Venus”, turning away from hard power, “entering a post-historical paradise of peace and relative prosperity, the realization of Immanuel Kant’s “perpetual peace” (Kagan 2004, p. 7). The reactions of EU representatives did not contain radical declarations, decisions or actions. Therefore, the event was treated in accordance with the values characteristic to the European Union: democracy, peace, respect for human rights and liberal market economy. Although EU’s identity in international relations is mainly normative, debates on its status- organization, agency, institution etc. is rendering the identity issue even more difficult to define and argue. The European Union does not yet work on mechanisms and processes specific to states’ foreign policies. Therefore, EU leaders have denounced the alleged US spying on EU.



## 2.2. US identity in international relations

Although various studies indicate that the contemporary international system tends towards multipolarity and power diffusion, the US is still the most powerful economic and military actor in international relations (European Institute for Security Studies 2010, p. 10). The United States of America appear reluctant to present or to think about itself as an imperial power. Still, it has the means of a superpower and it acts as a global hegemon. Democracy and freedom are the main features of the American identity. The election of Barack Obama as the president of the United States in 2009 was widely expected as a policy shift from his predecessor in the foreign policy field. Still, the ongoing pursuit of military pre-eminence is inconsistent with the rhetoric of promoting international rules and norms that may regulate international relations. Still, US representatives portray the country as seeking for universal values meant to lead towards liberty and prosperity.

In the case study presented here the representatives of the United States of America defended the spying policy. Nevertheless it organized inquiries and even is in a process of reviewing its intelligence policy with regard to guarantee the citizens' rights to privacy. The declarations of the US representatives form a discourse in accordance with the US identity as a state seeking to defend itself from terrorism.

James Clapper, the director of the US National Intelligence responded to questions on behalf of the US House of Representatives House Select Intelligence Committee, on the spying allegations on the European Union and its citizens on 29 October 2013. He argued that spying on world leaders is not new or illegal "As long as I have been in the intelligence business, 15 years, leadership intentions is a basic tenet of what we have to collect and analyze"(James Clapper, BBC 2013). Moreover, the director of the National Security Agency, Keith Alexander defended the US spying activities as effective actions in preventing terrorist plots. Thus, by arguing for the efficiency of the US intelligence activities, the US representatives appeared reluctant to changes.

John Kerry, the US Secretary of State stated that spying is not unusual in global politics. In addition, he defended the intelligence activities including spying on EU in the routine practice of American intelligence services. This shows that despite the ally status of the EU, spying on it still has its rationale.

The US president appeared the most willing to review the US intelligence procedures and processes. He appointed a team to review the US spying policies amid Edward Snowden's revelations. The report is due to 15 December 2013 and is meant to contain recommendations on how to balance





rights to privacy with the security needs. Overall, the US did not apologize for the intelligence activities on one of its most closed ally. In fact, the US reactions amounted to the defense of intelligence activities. Therefore, its identity of superpower and its legitimate counterterrorism activities were reaffirmed.

### **2.3. US-EU partnership**

The revelations about US spying on Germany and France came amid a European Council Summit 24-25 October 2013. The issue of intelligence gathering was not ignored as among the conclusions of the EU Summit one can find a “Statement of Heads of State or Government”. Thus the issue was addressed the statement on it reiterating “the close relationship between Europe and USA and the value of that partnership” (Statement EU Summit Conclusions 24-25 October 2013, p. 19). Also, “the Heads of State or Government took note of the intention of France and Germany to seek bilateral talks with the USA with the aim of finding before the end of the year an understanding on mutual relations in that field. They noted that other EU countries are welcomed to join this initiative” (Statement EU Summit Conclusions 24-25 October 2013, p. 19).

The transatlantic partnership is considered as the most important alliance in international relations. Although the US and the EU do not always agree on every issue in international agenda, they share fundamental values such as democracy, free markets and liberal worldviews and also strategic interests to an extent not matched by any other global partners in the world (European Institute for Security Studies 2010, p. 9).

The President of the European Parliament, Martin Schulz, had one of the strongest reactions against US intelligence practices by calling for an end to the ongoing US-EU trade negotiations. He also stated: “I am deeply shocked about the allegations of US authorities spying on EU offices. If the allegations prove to be true, it would be an extremely serious matter which will have a severe impact on EU-US relations” (Declaration European Parliament 2013). Schultz plainly synthesized the paradox of the US spying: “(Americans) must justify why they treat their nearest allies like enemies” (Interview European Parliament President 2013). The Vice-president of the European Commission, Viviane Reding stated in an interview on a question on the spying allegations: “I have made it clear: Partners do not spy on each other” (Euractiv, 3 July 2013).



The European decision makers did not let the spying revelations affect the EU-US partnership. Actions damaging the partnership did not take place but diplomatic moves were made in order to show support for the EU citizens whose online activities could be followed by US intelligence services.

## CONCLUSIONS

This articles meant to argue that though the US-EU spying matter, the EU has enforced its normative image and power in international relations. Although the events are still unfolding, the first months of reactions on behalf of US and EU representatives shaped decisively the image and account of the events. The EU kept its reputation as a normative, soft power by emphasizing the unacceptability of spying between allies. The US defended its actions against terrorism although it involved spying on EU. Still the transatlantic partnership was not affected. Reactions calling for effective actions in reply of the US spying, such as calling an end to EU-US trade talks made the headline news but no action was followed in this sense. Also, declarations regarding the special transatlantic relationship meant to show that mutual trust was essential for the partnership.

Radical changes of US intelligence practice are not envisaged as US representatives made it clear through their declarations. Nevertheless, a review on the spying targets and rights to citizens' privacy is expected. The framework of analysis provided by constructivism showed that the US-EU spying revelations were used to reiterate the actors' identities and relationship in global politics.

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