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Securing the State:
National Security in Contemporary times

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ABSTRACT

This lecture draws lessons from the experience of the first decade of the 21st century about how best to think about national security in modern times. Two related themes are identified. The first theme explores the connections between how we define the risks – both threats and hazards - to national security in human terms, how we use approach of risk management to maintain adequate public security, and as a result how we need to invest in modern intelligence to help in that task of risk management. The second related theme is about what can be learned specifically about maintaining security against terrorism and political violence since 9/11, and the connections that need to be made between public security, civil liberties, and human rights and the limits of counter-terrorism policy in a democracy.

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Professor Sir David Omand GCB is a visiting professor in the War Studies Department at King's College London. He was appointed in 2002 the first UK Security and Intelligence Coordinator, and Permanent Secretary in the Cabinet Office responsible to the Prime Minister for the professional health of the intelligence community, national counter-terrorism strategy, homeland security and domestic crisis management. He served for seven years on the Joint Intelligence Committee. He was Permanent Secretary of the Home Office from 1997 to 2000, and before that, Director of the UK signals intelligence agency, GCHQ. Previously, in the Ministry of Defence he served as Deputy Under Secretary of State for Policy, as Principal Private Secretary to the Defence Secretary (during the Falklands conflict), and served for three years with HM Diplomatic Service in NATO Brussels as the UK Defence Counsellor. He is the Senior Independent Director of Babcock International PLC and a non-executive Director of Finmecannica UK Ltd and a Trustee of the Natural History Museum London. A Scot, he was educated at the Glasgow Academy and Corpus Christi College, Cambridge where he is an honorary fellow. His book, *Securing the State*, was published by C. Hurst (Publishers) Ltd and Columbia University Press in 2010.

Securing the State: National Security in Contemporary times

I spent my career in the service of the British State working on defence, security and intelligence issues – a common factor is perhaps that they all involved secrecy. When I left Cambridge University and joined GCHQ even the purpose of the organization was secret then, even more so than rest of the British intelligence community. That I could on retirement, with strong encouragement from within the intelligence community, have written my book[1], *Securing the State*, dealing with security and intelligence matters is just one sign of the way that intelligence work has become a routine government activity affecting directly the security of the public - sometimes very visibly.

One of the reasons for writing the book was to help identify some of the security lessons we should have absorbed since the events of 9/11. Those lessons include those that we have learnt the hard way about what I would describe as the 'thermodynamics' of counter-terrorism:

- how government can best exercise its primary duty to protect the public in the face of a severe terrorist threat –
- and yet maintain civic harmony, and uphold democratic values and the rule of law at home and internationally.

For there is an important relationship between the vigour of security measures taken, at home and overseas, to protect the public and to obtain intelligence to prevent attacks, and the level of confidence among all sections of the community in the government's commitment to protect the liberties and rights of the citizen, including both the right to life in the face of murderous terrorism and the right to privacy of personal and family life.

As with the thermodynamic relationship between the volume, pressure and temperature of a gas, too sudden an application of force to compress it and the temperature may rise dangerously to explosive levels; too little pressure applied and the gas is uncontained and will expand out of control. The best approach may well be to cool things down as you gradually build up the pressure, and certainly not to do things unnecessarily that heat it up – the impact of the occupation of Iraq on domestic radicalization comes to mind; the impact of an Israeli attack on Iran's nuclear facilities were one to occur would be another.

[1] David Omand, *Securing the State*, London: Hurst, 2010 and Columbia University Press, 2010

I will not push such an inexact analogy to thermodynamics further - the point I want to register is the inter-relationship between our security efforts, their direct effect on the risks we face and the indirect effects on the rule of law, civil liberties, human rights and thus civic harmony or *'Civitas'* – the public value of harmony in the community based on a shared sense of place, of belonging, regardless of ethnic roots or religious difference. The choice of security strategy is of course crucial to getting that thermodynamic judgment right.

This is not a new issue. I decided to illustrate my book with details from a remarkable attempt almost 700 years ago to describe the balance needed for good government. Ambroglio Lorenzetti's great 14th century fresco cycle in Siena in Italy, entitled Good and Bad Government, illustrates that some of the most pressing dilemmas we face over public security are ancient ones, such as the balance between security and the rule of law, albeit today disguised by the effects of modern technology.

Good government today as in the 14th century vision brings peace, stability and security, prosperity, and culture. The painting shows cheerful townspeople and country folk working in harmony and going freely about their affairs transporting their goods on well-kept roads or sowing in the weed-free fields. Builders are hard at work developing the city-state. The watchtowers are well kept and manned.

Hovering overhead in the fresco is a winged figure, labelled Securitas, or security. The winged figure also holds up a scroll on which is written the promise that under her protection all can live in safety, and without fear: the words eerily presage the aim of CONTEST, the UK government's 21st century counter-terrorist strategy, 'so that people can go about their normal business, freely and with confidence'.

On the other hand, in the fresco representing bad government, the figure of Tyranny dominates. The prevalent emotion is insecurity and fear. Not only are the city walls crumbling, leaving the city vulnerable to its enemies, but the very internal fabric of the town is decaying. The message directed at 14th century Siena's rising merchant class (and now to our own global markets) is that insecurity makes investment and thus innovation hazardous.

My argument, in a nutshell, is that good government will always place the task of 'securing the state' at the top of its priorities. With security comes confidence, economic and social progress and investment in the future. But good government also recognises, as the 14th

century frescoes show, that security needs the active support of the public and thus the right relationship between justice, civic harmony, wise administration, fortitude, prudence and the other virtues to which the wise ruler and government should aspire.

New strategic imperatives

Of course there are some *new* security lessons we are learning from recent years, such as the impact we must now expect from the internet and social media, the potential of modern security and surveillance technology and the openness of our society to global influences. But there are also classic lessons that we need to relearn. For example:

- The importance of strategy: the strategic narrative governments choose to tell about what is going on in the world, based not just on their assessment of the threat but also the likely effects of their response, direct and indirect.
- The need to understand that we have to learn to prosper in a world of risk, and thus to explain - and to apply correctly - the principles of risk management.
- The recognition of the added value in managing risk of having an effective intelligence community – spanning domestic and foreign intelligence services, mastering the relevant technologies - that can generate pre-emptive intelligence, and forestall trouble by working harmoniously with law enforcement.
- The recognition that some risks will, despite our efforts, crystallise and thus recognize the value of pursuing a long term national policy of working with the private sector to build up resilience against a range of threats and hazards.
- And of course, as I have mentioned the importance of having an informed and supportive public that has confidence in the authorities and their methods

For me, the over-riding lesson of general applicability is the first of these, the importance of the choice of strategy. The strategic assessment made by government has to consider not just the characteristics of specific emerging threats and the need to counter them. It also has to incorporate, to use the term being popularized by Professor Sir Lawrence Freeman of King's College, *the strategic narrative* government chooses to believe about what is going on in the world, including about the character of the enemies of the state.[2]

As an illustration consider the way that the surprise attack on 9/11 created new narratives.

[2] Lawrence Freedman, *The Transformation of Strategic Affairs* (London: IISS Adelphi Paper 379, 2006).

On the one hand, 9/11 reinforced a growing view in both the US and the UK that not only should States be prepared to use force to defend themselves against external attack by other States, but in the face of this kind of terrorism governments have a responsibility to their citizens to anticipate trouble brewing of all kinds and to act *before* it is too late. And the international responsibility to protect, as the United Nations terms it, extends in some circumstances to citizens of those unfortunate countries whose governments are not able to provide them with security.

On the other hand, however, the strategic narratives told by the US and the UK about *terrorism* after 9/11 were different.

For the US, America had been the subject, as at Pearl Harbour, of a surprise attack from overseas. As President Bush's national security strategy subsequently stated: America is at war, thus accepting the war metaphor, legitimizing abnormal wartime measures, embodied in the Bush 'war on terror' aimed at destroying the external enemy, Al Qaeda.

For the UK, the threat, although inspired and directed from outside, had established support in parts of some domestic communities inside the UK. A domestic law enforcement model imposed itself with the aim of bringing terrorist suspects before the Courts. Unlike a war metaphor seeking defeat of the enemy, the UK CONTEST counter-terrorism strategy that was adopted had the formal aim of reducing the risk with the objective of maintaining domestic normality - so that people could go about their everyday business, freely and with confidence. These strategic differences across the Atlantic have had to be managed within the very closeness of our deep relationship with the US as seen in our intelligence cooperation and our joint operations overseas in Iraq and Afghanistan, but have inevitably led to difficulties when the actions and methods justified by these different narratives sometimes collided.

Strategic logic of UK CONTEST

In the UK we are, however, confident in the strategic logic of the approach taken in CONTEST for our circumstances. The aim – which *is* being achieved - is to reduce the risk from terrorism so that people could go about their normal life freely (that is, without having to interfere with individual liberties) and with confidence (for example, with people still travelling by air and on the underground, visitors coming to the UK, markets stable and so on). Implementation of CONTEST has involved acting on each factor in the risk

management equation that provides the measure of total risk: likelihood x vulnerability x initial impact x duration of disruption.

Thus making attacks less likely by expanding the intelligence and law enforcement effort to improve the ability to frustrate attacks and bring terrorists to justice in the Courts (the Pursue campaign); reducing violent radicalisation in the community and overseas (the Prevent Campaign); reducing the vulnerability of aviation and transport and safeguarding infrastructure essential for normal life (the Protect Campaign); and equipping and exercising the emergency services to reduce the impact should terrorists succeed in mounting an attack (the Prepare Campaign). The strategy remains in force now some 8 years after its initiation and is on its third major iteration under its third Prime Minister.[3] The value of such continuity in basic strategy in terms of maintaining effective counter-terrorist effort, not least during the recent Olympics, should not be underestimated. I judge it a success in its own terms: as the 2012 Olympics showed the UK is a nation living in peace, despite the continuing real threats.

Two years ago the British coalition government published its overall National Security Strategy, spelling out those major modern threats and hazards that have to be managed, from terrorism to cyber piracy, and from instability in key regions overseas to natural disasters, as well as the continuing task of preserving the territorial independence of the United Kingdom, not least through our membership of NATO.

The National Security Strategy identifies four 'top tier' risks:[4]

- International terrorism affecting the UK and its interests overseas
- Hostile attacks upon UK cyber-space
- A major accident or natural hazard
- An international military crisis drawing in the UK

Since these priorities were identified two years ago, examples of all four risks have occurred.

[3] http://www.homeoffice.gov.uk/counter-terrorism/uk-counter-terrorism-strat/ (accessed October 9 2012).

[4] http://www.number10.gov.uk/news/national-security-strategy/ (accessed October 9, 2012).

AQAP in Yemen for example almost brought down airliners with bombs hidden in printer cartridges discovered at Luton airport in the UK. Severe persistent advanced cyber-attacks from China are a daily occurrence. The Libyan crisis saw British Armed Forces in action in a new theatre. And although the major environmental disaster happened in Fukushima, Japan, the repercussions in the global industrial supply chain were quickly felt.

A characteristic of many such risks is of course that they are as the economists say, exogenous: they cannot be wished away or negotiated away by any one country such as the UK – their implications just have to be managed. And what the hard and dedicated work of the security and intelligence authorities can do is shift the odds in our favour, not guarantee a result.

A modern approach to security

Based on these observations, let me describe what I think is the logic behind such a modern approach to national security. I would summarise the argument in terms of three steps.

The first step in the argument is to recognise the implications of regarding national security as a collective psychological state as well as an objective reality such as freedom from foreign invasion. People need to *feel* sufficiently safe to justify investment, to be prepared to travel, indeed to leave the house in the morning to get on with ordinary life and to live it to the full - even in the face of threats such as terrorism and hazards such as pandemics. Our adversaries – and the international markets – must know we have the confidence to help each other protect and defend ourselves.

In terms of threats, increasingly in modern society, it will be too late to wait until the adversary is at the gate or inside the city before taking action to prevent, to protect and to prepare to deal with the consequences of threats by building up resilience. In a comparable way, we could tomorrow face the consequences of major natural hazards, such as the effects of 'space weather' resulting from coronal ejections from the sun, or animal diseases jumping the species barrier, or those that are likely to flow from resource stress as the global climate changes. Such hazards also demand that governments anticipate and act now – preferably in international concert - to mitigate future consequences.

A national UK risk matrix to help plan such anticipatory work was developed when I was the UK Security and Intelligence Coordinator, and is now published. Although I admit that we did not as I recall have the foresight to include either greedy bankers precipitating the

economic crash or volcanic ash clouds disrupting aviation. So, as my book discusses, some humility is needed about our ability to forecast. But I do believe we can all do better to give government and the private sector what I term '*strategic notice'* of possible futures that were they to arise would cause us problems.

The second step in modern national security strategy builds on that recognition of the citizen-centric view of threats and hazards. We have to recognize that security rests on the sensible *management of risk* not on attempts to eliminate risks altogether. Efforts to avoid all risk can do more harm than good. The law of unintended consequences often applies. Unreal expectations in that respect breed cynicism and an accusatory blame culture. In particular, governments can, in their pursuit of security, risk compromising freedom of movement and of speech, and the rule of law, thus disturbing the civic harmony that lies at the heart of successful societies. Indeed, an important ingredient in public security in a democracy is confidence in the government's ability to manage risk in ways that respect human rights and the values of society.

The third step in the argument then follows. It is to see that the key to good risk management, maintaining that delicate balance, is to have better informed decision-making by government.

Now, the overall purpose of an intelligence community is to improve the quality of decision making by reducing ignorance. Today there is more information available than ever before to help us do that. So-called secret intelligence is simply the achievement of that purpose in respect of information that other people, such as terrorists or rogue states, do not want us to have. Obviously we need decisions to be based on adequate knowledge of the situation – situational awareness – plus a deep understanding of what is going on. With situational awareness plus good explanation of why the situation is as it is there is some hope that what is liable to happen next can be predicted and risks anticipated, and successfully managed, within the limits of the knowable.

Thus we can use intelligence – broadly defined – to improve the odds of achieving our goals beyond what we would have managed had we simply tossed a coin to decide between courses of action, acted on hunch, or allowed events in the absence of decision to decide the outcome. But it is always a matter of odds, not certainties. Since the London bombings of 2005 there have been around a dozen terrorist plots affecting the UK. A few, such as the Haymarket

bombing plot that ended violently at Glasgow Airport, failed only because of slip-ups by the terrorists. But most failed because the intelligence services and the police got on to their trail first. We had a trouble-free Olympics this year in London, in large part because of a great deal of pre-emptive work by the security authorities.

Anticipation places a great responsibility on the intelligence analysts who are to provide strategic and tactical intelligence. Anticipation also places a huge responsibility on the shoulders those who have to decide whether and how to act upon intelligence, or not. As Machiavelli said "a Prince who is himself not wise cannot be well advised".

The tracking down of Osama Bin Laden in May 2011 was a remarkable example of bold political decision-taking based on good judgments about intelligence and on a partnership between the US intelligence community and US Special Forces – an extreme example of what I would describe as the emphasis now on *intelligence for action* - and a pointer to the increasing importance in warfare of special forces using tactical intelligence to achieve a strategic impact.

An effective intelligence community

From this line of argument flows my belief in the increased importance for modern national security of an effective modern national intelligence community working with their counterparts in like-minded nations. By the term effective, I mean an intelligence community that flexibly spans domestic and overseas interests in order to generate actionable intelligence, that works harmoniously with law enforcement and partners overseas to help disrupt threats and bring suspects to justice and that has a well developed analytic capability and the capacity to manage the mass of information that modern digital technology makes available.

There is a danger of public misunderstanding of this line of argument as a call for 'whatever it takes to keep us safe' in the secret world of intelligence. Clearly better media and public understanding is needed of some of what is <u>really</u> involved behind the scenes in providing the intelligence needed for ‘Securing the State’, as I titled my book – and what is simply cinematic or television fantasy such as is depicted in TV series such as 24 and Spooks, and films such as Mission Impossible or the Bourne trilogy. There is much the public needs to understand about how intelligence communities actually work and how they are regulated and overseen in a democracy. The public also needs to understand why it is in the interest of

public security that despite modern openness, there has to be secrecy surrounding the details of intelligence sources and methods.

As a general rule, the public gets to know much more about intelligence failures more than intelligence successes. That is inevitable. It is of course easier too, to point to past failures than to prescribe remedies that will genuinely improve matters for the future. Let me explore one example from the area of intelligence analysis and ask how the analyst should approach a typical question that the policymaker or military commander might pose. For instance, would the Chinese ever threaten military force as well as using diplomatic and economic levers to reverse a Japanese intention to nationalise what Japan calls the Senkaku islands in the East China Sea?

To answer such questions the analysts can assemble a great deal of information, There may be some sensitive sources but a good situational awareness of the position today can be obtained from open and diplomatic sources. But to make sense of the developing situation, the analyst must apply – often unconsciously – some explanatory mental model.
Traditionally, many defence intelligence analysts would first try to establish the military *capability*, and economic and other levers, at the disposal of the parties. Then the bolder analysts might try to judge the *intentions* of the parties towards the dispute. This distinction, between capabilities and intentions, is often coloured by the recognition that capabilities can take a long time to build up, but intentions can change in the twinkling of an eye or with the arrival of new leadership.

For some purposes, governments need to assess what might be the worst case they could face – even without detailed intelligence as to intentions - so as to be able to consider how best to protect their national interest in specific ways. This is common in domestic security planning. Thus, stockpiling smallpox vaccine effectively removes the risk of terrorists trying to obtain and spread that disease; having heavily armed guards at nuclear sites similarly makes what could be a catastrophic attack there very unlikely. The worst case is, however, not usually what intelligence analysts would forecast as the most likely outcome on which diplomats should act. This poses an obvious problem for public communication, as experienced over the last decade in relation to international terrorism.

Distinction between secrets and mysteries

Another model used by analysts might be the distinction (introduced during the Second World War by Professor R V Jones, the founder of scientific intelligence) between *secrets* and *mysteries*. Secrets are in principle knowable, since the events and decisions have happened, although no intelligence agency will succeed in uncovering all of them.

But no intelligence source will be able to provide the answer to mysteries, since these concern events that have not yet happened and may not happen – the leader has not decided on his next step, or may not have confided his decision to anyone. Customers for intelligence need to take care to distinguish when they are being told the intelligence analyst's best estimate of a secret – e.g. how much uranium have the Iranians processed - and when they are being given the best divination of a mystery – will the Iranians proceed to make and test a bomb once they have sufficient highly enriched material?

And that example illustrates the problem with that model of analysis since our best guess at the mystery of whether in certain circumstances the Chinese and Japanese would escalate the dispute depends upon our judgment of how their leaderships regard the likely consequences of such decisions and that in turn depends upon their reading of the US, EU and world reaction and how those reactions might affect Chinese and Japanese national interests respectively. So intelligence judgment is not just about the potential adversaries facing each other in a conflict or dispute, it is about how they view each other and the rest of the world, and thus about the likely effectiveness of our own policies towards the potential conflict. Such interaction of strategic narratives introduces complexity to the old distinction between secrets and mysteries.

In teaching intelligence analysis in London, I offer another mental model for intelligence assessment of such problems.

We should aspire to assessments based on three 'phenotypes' of intelligence judgment that, together with the concept of strategic notice, form my model of modern intelligence analysis.

The three phenotypes are:

- the use of the best validated *evidence* that can be accessed to provide situational awareness,

- the best *explanation* of the causes of events (and the motivations of those involved) that can be devised having examined which hypotheses are most consistent with the evidence and our historical understanding, leading in turn to
- the third phenotype, careful *predictions* of how circumstances might develop and how all those involved might respond to the measures we and our allies might take.

But prediction beyond a short time ahead is usually unreliable, and should be complemented by

- the technique of *strategic notice*: the identification of possible future developments of interest on which research and intelligence gathering can be commissioned, and policies developed, without necessarily assuming that we can know whether and when such developments will occur. We cannot eliminate surprise, but we can learn to live better with it.

My brief example of the East China Sea is in many ways an old fashioned one: a longstanding territorial dispute between two powerful States that have a history of antagonism. The subjects of intelligence analysis over the last decade have, however, increasingly been so-called non-State actors: terrorists, proliferators, narco-traffickers, organised criminals, and cyber hacktivists. Let me briefly say a word about that side of intelligence work.

Now there is a price for obtaining intelligence on people, and that is invasion of their privacy. And in modern circumstances that means some surrender – under safeguards – of personal privacy. PROTINT is my term (by analogy with HUMINT and SIGINT) for the data-protected personal information about us to be found in digital data-bases either in public or private sector hands and both here and overseas. Our communications, our movements and air travel, our financial transactions, our immigration status, national insurance record and so on and on. What some in the CIA call the 'electronic exhaust' we all leave behind as we live our normal lives in a high tech society. It is in the nature of such data bases that they will contain mostly information on the ordinary citizen, thus information on the innocent as well as the guilty. Very recently, the explosive growth in the use of social media - Twitter, Facebook, etc. – provides another channel of access to individuals and their preferences and

associations. I have spoken separately about my recent research into the role of social media intelligence for public security, what I call SOCMINT[5].

These intrusive methods are powerful and they get results. So public trust that this machine is only to be used when necessary for public protection against major dangers and will be used proportionately will continue to be essential.

To conclude, drawing on the British experience of the last decade, I would suggest we need to frame according to the circumstances in each country a series of propositions representing a balance of the competing principles and interests involved.

All concerned, Government, its agencies, and the public, have to accept that maintaining security today remains the primary duty of government and will have the necessary call on resources. The public should be invited to accept however that there is no absolute security and chasing after it does more harm than good. Providing security today is an exercise in risk management.

The public should be reassured that terrorists will be treated as criminals and dealt with under the law, a necessary condition for a democratic nation when building counter-terrorism strategy.

The ability to catch and mount a successful prosecution of the criminal is important but will not by itself sufficiently protect the public, especially when the terrorist is prepared to be a suicide bomber. Pre-emptive secret intelligence is thus an essential key to reducing the risk, including by building up resilience, so that normal life can continue. There will always be intelligence gaps and ambiguities, but overall the public must understand that the work of the intelligence and security services shift the odds in the public's favour, sometimes very significantly.

If the secrets of terrorists and serious criminals are to be uncovered and their plots disrupted there will be inevitable intrusions into privacy. These intrusive methods are powerful and they get results. So the public trust that the security and intelligence apparatus is under

5 See Omand D., Bartlett J., and Miller C., *#Intelligence* (2012) London: Demos and the same authors' *Introduction to Social Media Intelligence,* Intelligence and National Security, iFirst 28 Sept 2012.

control and acting lawfully, and will only be used for public protection against major dangers, and will continue to be essential.

The law enforcement, security and intelligence community have to accept in turn that ethics do matter: there are 'red lines' that must not be crossed. So some opportunities will have to be passed over and the principles of proportionality, necessity and due authority will have to be followed. In my book I set down six such principles. Alan Rusbridger, the Editor of the *Guardian* newspaper in his blog has also suggested that these principles could also be applied to govern the use of intrusive investigative methods by newspapers and other media in the wake of the current allegations of phone hacking by News Corporation papers.[6]

Finally, the public must accept that there is no general 'right to know' about intelligence sources and methods, but the public has a right to oversight of the work of intelligence by a group of their democratically elected representatives, and to judicial oversight of intrusive investigative powers, with the right of redress in cases of abuse of these powers.

In my book I use the ancient Greek term *phronesis*, the application of practical wisdom to the anticipation of risks. Phronesis was defined by the historian Edgar Wind as the application of good judgment to human conduct - consisting in a sound practical instinct for the course of events, and an almost indefinable hunch that anticipates the future by remembering the past and thus judges the present correctly. The key words here are, 'instinct', 'hunch', 'judgment' and above all 'practical'.

[6] http://www.guardian.co.uk/commentisfree/2011/jul/07/phone-hacking-alan-rusbridger

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