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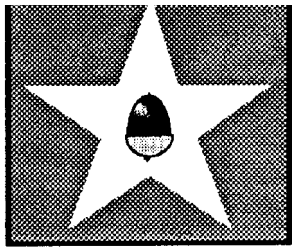

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MODERN INTELLIGENCE SERVICES: HAVE THEY A PLACE IN ETHICAL FOREIGN POLICIES?

Michael Herman

Intelligence services are integral parts of the modern state; as Sir Reginald Hibbert put it in the late 1980s, 'over the past half-century secret intelligence, from being a somewhat bohemian servant or associate of the great departments of state, gradually acquired a sort of parity with them.'[1] They have not withered away with the end of the Cold War. There has been some reduction in this decade, but not to the same extent as in the armed forces, and intelligence budgets have recently levelled off.[2] American expenditure has been declared as $26 billion annually, around ten per cent of the cost of defence, perhaps with some recent increases in human source collection.[3] The equivalent British budget is probably more than £1 billion, rather more than the cost of diplomacy.[4]

Does this investment pose questions of international morality? Most Western governments recognize issues of democratic accountability and restrictions on domestic targeting, but like the rest of the world accept the need for 'foreign intelligence.'[5] On coming to office the present Labour Secretary of State, Mr Cook, emphasized the ethical dimension of his foreign policy, but at the end of his first year spoke with unexpected warmth of the intelligence support he had received.[6] The Clinton Administration sponsored a study of CIA's ethics, but what emerged focused on intellectual integrity, not morality.[7] The media makes great play with intelligence leaks, whistle-blowing and failures, but remains thrilled by secrecy. Its ethical concerns over intelligence tend to be inward-looking, on its part in what is criticized as the domestically repressive 'national security state', rather than on its foreign coverage. *The Times* pronounced in 1999 that 'Cold War or no Cold War, nations routinely spy on each other.'[8]

Nevertheless an underlying liberal distaste is evident for 'stealing others' secrets.'[9] Peter Wright's autobiographical account of his 'bugging and burglary' of foreign embassies in London is frequently quoted.[10] John le Carré's novels denigratingly portrayed Soviet and Western intelligence as two halves of the same apple.[11] CIA-bashing remains a world industry, an element in the *bien pensant* view that the US is 'becoming the rogue superpower.'[12] At a more thoughtful level, two British academics have dismissed all espionage as 'positively immoral' apart 'from certain extreme cases' (undefined).[13]

This points to a genuine if muted question about intelligence and ethical foreign policy. An Oxford student recently asked his college chaplain whether a Christian could apply in good conscience to work in intelligence; what was the right reply? Intelligence as an institution is an accepted part of the fabric of international society, but does it make for a better world or a worse one? Does it make any ethical difference at all? These are questions for intelligence practitioners as well as governments and publics. This paper seeks to explore them.

Starting Points

Intelligence has to be judged in the first instance by its obviously observable consequences. One test is whether it increases or decreases international tension and the risks of inter-state war.[14] Another, more topical test is whether it promotes or retards international cooperation in a world that now has elements of 'a true world community, with global responsibility for the preservation of a just order.'[15]

Yet judging it solely in this pragmatic way seems incomplete. The code of conduct that deters individuals from reading each other's mail does not rest only on the risks and consequences of being found out, and states are arguably also bound by more than reciprocal self-interest. The American authority on the history of codebreaking concluded (even during the Cold War) that it was 'surreptitious, snooping, sneaking.... the very opposite of all that is best in mankind.'[16] Kant condemned wartime espionage not only for its consequences (that it 'would be carried over into peacetime'), but also since it was 'intrinsically despicable' and 'exploits only the dishonesty of others.'[17] Ethics is right conduct. The moral absolutist or intelligence pacifist cannot be kept entirely out of the discussion.

The 'foreign intelligence' to be judged in these ways is basically the Western model: an institution with some commitment to telling truth unto power, and some separation from the power itself. Contrary to Bacon's over-quoted dictum that knowledge is itself power, Western intelligence has on the whole not sought power or exercised it. Intelligence under communism and in other authoritarian states has a quite different tradition and would require a separate critique. But the Western ideal of objectivity is not a purely regional one, and has some wider currency. Military intelligence everywhere seeks to know its enemy, and Western intelligence applies the same aspiration more widely, as part of government by reason rather than ideology or caprice. It now has a place, albeit inconspicuously, in liberal democracy's worldwide baggage. However much it is criticized for its failures, democratic rulers are in trouble with their electorates if they are known to have disregarded it.

Intelligence on this Western model needs to be considered in its two different aspects; the knowledge it produces, and the activities through which it produces it. Their effects differ. Thus the knowledge gained from Western overflights of the Soviet Union in the 1950s benefited international security through scaling down some exaggerated Western estimates of the Soviet threat; yet the flights themselves were threatening and provocative, culminating in the Soviet shoot-down of the U-2 on 1 May 1960 which wrecked the East-West Paris Summit a few days later.[18] Knowledge and activities can be examined separately but then have to be integrated into an ethical balance sheet.

Intelligence Knowledge

General Effects

Intelligence knowledge is itself of two overlapping kinds: first, the product of special, largely secret collection and, second, assessments on those foreign subjects - mainly bearing on national security - on which intelligence is the national expert.[19]

The common factor to both is some separation between intelligence and policy-making.

Some of this knowledge has no obvious ethical connotations. Intelligence on the other side's negotiating positions may have figured in the 1999 US-European Union dispute over banana imports, but if so it is difficult to see a moral dimension for the intelligence or the diplomatic bargaining it served. Yet where intelligence knowledge bears on more obviously ethical issues of international security, justice and humanity it can have some moral influence on its own account. If truth-seeking by the intelligence producers is linked with governments disposed to listen, the result is an improvement in international perception which - arguably - reduces what have been termed national leaders' 'war-conducive' acts of insensitivity, thoughtlessness and recklessness.[20]

Of course these conditions do not necessarily apply. Evil regimes are served by self-seeking intelligence, and even in better states leaders use intelligence as selectively as domestic statistics. Intelligence cannot stop governments being wicked or misguided, and it provides no magic key to the future. But (like statistics) it can do something in favourable conditions about governmental ignorance and misperception. John Gaddis argues that the Soviet documents from the Cold War show 'the dangers of making emotionally based decisions in isolation' when authoritarians do not consult experts.[21] Recent writing about the Indo-Pakistan crisis in 1999 has brought out leaders' mutual sense of siege, and the importance of 'methods of deployment, intelligence capabilities and command-and-control systems' in reducing the risks of the antagonists' 'nuclear momentum; one hopes that intelligence in both countries is up to the job.'[22]

Even if this has some credence as a general proposition, good intelligence can still be accused of applying its own institutional 'spin,' a *déformation professionelle* towards hawkish, 'worst case' assessments. Intelligence is partly a warning system; and as a former British Joint Intelligence Committee (JIC) Chairman has put it, it specializes in 'the hard world of shocks and accidents, threats and crises.... the dark side of the moon, history pre-eminently as the record of the crimes and follies of mankind.'[23] So it is not surprising if intelligence exaggerates threats and demonizes enemies. It is bound to be sometimes misleading (again like statistics)[24], but the charge is that it tends to be misleading always in the same direction, giving policy and decisions a systemic bias.

Yet historically this is a caricature, not a measured judgement. There is indeed a danger of military intelligence reflecting the interest of the military-industrial lobby in increased defence expenditure, as was an element in the Cold War. Soldiers in any circumstances have to dwell on 'worst cases' since they pay the price of complacency. Intelligence's secrecy - 'if you knew what we know' - does not make criticism of hawkish assessments easy. But the overall intelligence record is far more varied than this image suggests. There are more instances of failing to detect surprise attacks than of ringing alarm bells for imaginary ones, and as many examples of underestimating opponents as exaggerating them. Moreover institutional checks and balances can be devised to provide some safeguards against bias, as in the way the British JIC system allegedly produces an interdepartmental synthesis of military pessimism with diplomatic optimism - itself another caricature, but with a grain of truth in it. International discussion of intelligence estimates is even more effective in improving standards. Intelligence can err by striving too hard to be 'useful' to its customers, but this is balanced by the ethic of professional objectivity, the practitioner's self-image of exposing 'all

those who won't listen to all the things they don't want to know,'[25] and the importance of international reputation. The effect over time is that governments that take note of Western-style intelligence behave as better international citizens than those that operate without it.[26]

Specific Applications

This conclusion is supported by more specific connections with international morality, many of them springing from America's world role and its unmatched superpower intelligence. Intelligence is part of the American security umbrella over China's and North Korea's intentions towards their Pacific neighbours. It figures in America's role as international mediator, providing stabilization and reassurance. As part of the settlement after the 1973 Yom Kippur war Henry Kissinger undertook to provide Egypt and Israel with intelligence from regular airborne sorties.[27] The power of satellite surveillance has subsequently given a new dimension to this part of the American security tool-kit. The effect of intelligence briefings given to India and Pakistan in 1990 to prevent their drifting towards war illustrates intelligence satellites' place in the *mana* of American power.[28] Similar intelligence support will presumably be offered to Israel in compensation for eventual withdrawal from the Golan Heights.

Nevertheless intelligence contributions of this kind to international security are by no means limited to the American ones, and they extend beyond specific situations to a group of worldwide and long-term security issues. Terrorism is one such; the limitation of weapons of mass destruction and other arms proliferation is another, through the Missile Technology Control Regime, the Nuclear Suppliers Group and others of this kind; and international sanctions are a third category of wide-ranging, intelligence-driven cooperation. International arrangements between intelligence professionals underpin these political agreements. National intelligence tips off collaborating nations, or is used to keep them from backsliding.

It also supports the many agreements that now exist for arms control and other confidence-building measures. Historically it bore the main weight of arms control verification in the Cold War; the US-Soviet strategic arms control agreements of the 1970s depended entirely on intelligence for verification, since on-site inspection was still unacceptable to the Soviet Union. These agreements even had provisions for cooperative displays to each party's imagery satellites, and limitations on the encipherment of radio-telemetry from missiles. Astonishingly, the superpower antagonists undertook in this way to facilitate each other's secret intelligence collection.[29]

Arms control and confidence-building agreements now have large symbolic elements, but where there are real tensions, as between India and Pakistan, intelligence still operates in synergy with any agreements reached for transparency. Intelligence triggers treaty-based inspections; inspections plus declared confidence-building data provide leads for intelligence; each checks and steers the other. National Technical Means of collection (the Cold War euphemism for intelligence) were recognized in 1996 in the Comprehensive Test Ban Treaty as legitimate triggers for international on-site inspection.[30] The power of modern intelligence is a prop, perhaps not sufficiently recognized, for the advocates of nuclear reduction or elimination.

Intelligence's most dramatic impact in recent years has however been in support for international intervention. Iraq since the Gulf War has been a classic intelligence

target of almost Cold War difficulty, and UNSCOM-IAEA inspections of Iraqi compliance with the Gulf War peace terms leaned heavily on national intelligence inputs, with as many as twenty nations contributing data.[31] Action over the no-fly zones and the Kurdish sanctuary has been similarly intelligence-steered.

Iraq may be *sui generis*, but Bosnia and Kosovo have represented what seems the new pattern of intelligence support for international intervention of all kinds. All those responsible for such operations, from the UN Secretary-General downwards, have emphasized the need for good intelligence.[32] A deluge of information is available from the many non-intelligence sources - the media, diplomatic reporting, deployed military units, NGOs, international officials - but all concerned echo T S Eliot's cry in *The Rock*.

> Where is the wisdom we have lost in knowledge?
>
> Where is the knowledge we have lost in information?

National intelligence is relied upon to fill gaps, validate other sources, and above all *assess*. The concept of graduated force, surgical strikes, low casualties and minimum collateral damage is intelligence-dependent. Military forces deployed in peace enforcement and peace building need virtually the full range of wartime intelligence support, and providing evidence on crimes against humanity now adds a whole new set of intelligence requirements.[33] International intervention is snowballing and - as put in one of the British agencies' recruitment literature - 'government cannot make the right decisions unless it has the full picture.'[34] Kosovo has dramatically demonstrated the paradox of highly public international operations depending crucially on secret intelligence.

Meeting the need poses many problems. America's leading role cannot be guaranteed,[35] and in any case other participating nations have to be accommodated in the intelligence structure. Its intelligence dependence on America is a current issue for the European Union; coalitions of the willing need shared information, with some confidence that it is not being rigged by the US with British connivance. Small powers have the dilemmas posed by supporting international action while taking others' intelligence assessments on trust.

Yet the problems should not obscure modern intelligence's ability to deliver the goods. Satellites' scope is ever-increasing, as is the capability of high-flying aircraft and drones. So too are the opportunities provided by the electronic world in which every detachment commander, insurgent leader, terrorist director, hostage-taker or international drug-dealer has his mobile phone or communicates via the internet. The cases of collateral damage in the bombing of Serbia should not divert attention from what the campaign showed of the power of sophisticated technical collection combined with precise weaponry. 'There are now no places on Earth that cannot be subjected to the same relentless harrowing... The World Order looks better protected than it did the day before the bombing began.'[36]

This support for international order may at last be making intelligence respectable; or at least *some* intelligence. In her aid programme for developing countries Ms Clare Short as Britain's Secretary of State for International Development has endorsed strengthening 'the capacity of [local] intelligence services to assess genuine outside threats'.[37] Considering her radical background, this could be taken as game, set and match for intelligence's ethical justification.

Intelligence Activities

The Ethical Spectrum

But if this applies to intelligence's knowledge, there is still the problem of its activities. About 90 per cent of intelligence expenditure is on secret collection; is this a form of anti-social international behaviour? Absolutists hanker after a Woodrow Wilson-like world of open information openly acquired. Pragmatists may have no objection to covert methods *per se* but may worry about the effects. International law suggests some constraints; though actually not many. From any of these viewpoints it might be held that intelligence's activities undo the good done by the knowledge they produce.

Here a first approach is to consider the collection methods intelligence uses, to recognize their variety and broad ethical spectrum. At one extreme no questions of propriety are posed by intelligence's use of public information and the results of military and diplomatic observations and contacts. Something of the same applies to some of its own peacetime collection, despite the secret intelligence label. Ships and aircraft collect intelligence in international waters and airspace without accusations of illegality, as do armies when deployed overseas (though the media always tags similar civilian observations as 'spying').[38] Satellite photography violates no international law and is now more or less accepted as a commercial as well as an intelligence activity.[39] *Pace* Kant, wartime intelligence-gathering is free from any legal or moral restraint, except on the torture of prisoners under interrogation. (There is also a legal concept of 'treachery,'[40] but it has not yet been applied to intelligence). Yet a wartime effort has to be operational in peacetime and cannot sit twiddling its thumbs.

Other types of intelligence collection and exploitation have less legitimacy, but are tolerated provided that they remain undeclared. Most electronic interception is at relatively long ranges and provides no indication of its precise targets; despite national privacy legislation, transmission via the ether is intrinsically a public means of communication. Routine anti-Americanism does not usually extend to condemning US technical collection.[41] Russia now has a separate and probably effective code-breaking organization but no-one loses much sleep over it. Armed forces assume intelligence coverage of them, and diplomats are not fussed by having their telegrams intercepted. Intelligence collection in these categories does not seem particularly intrusive. Governments' attitudes to it have echoes of current American policy over homosexuality in the armed forces: 'don't ask, don't tell.'

Some other collection has bigger ethical question-marks against it. The Western overflights of the USSR in the 1940s and 1950s, by balloons as well as aircraft, were clear breaches of territorial integrity, as was the West's intelligence collection in Soviet territorial waters, incompatible with maritime law on innocent passage.[42] There is also the doubtful status of embassies, as both intelligence targets and intelligence bases. Suborning foreign embassy staff to provide documents or ciphers has a long history, but the Cold War added the new dimension of bugging and electronic attacks against their premises. The new US embassy in Moscow has had to be abandoned, unused, hopelessly penetrated with microphones and bugs.[43] Gordievsky's autobiography recounts the claustrophobic precautions taken in the Soviet Embassy in London.[44] An American diplomat has written with honesty of the effects on his diplomatic judgement of being under intelligence siege in Moscow: 'it was hard not to let that situation impact on your own view of the former USSR.'[45]

The converse of this targeting of embassies has been the development in this century of 'diplomatic cover' for agent-runners and recruiters, after diplomats became too respectable to do this work themselves. Some embassies subsequently became bases for electronic interception; 62 Soviet listening posts of this kind were reported to be in action late in the Cold War.[46] On most counts these various features of twentieth-century diplomatic life sit awkwardly with the 1961 Vienna Convention which governs it. On the one hand this provides for the inviolability of diplomatic missions and their premises. On the other it describes diplomacy's function as ascertaining conditions in the host country *by all lawful means*, with the stipulation that diplomatic premises are not to be used 'in any manner incompatible with the function of the mission as laid down in the present Convention or by other rules of general international law or by any special agreements in force between the receiving and sending state.'[47]

Most questioned of all is peacetime espionage, irrespective of any diplomatic involvement. In reality some human agents are just extensions of diplomatic sources; governments need some inconspicuous and unavowed contacts, as with the IRA before the 'peace process.' Others are like confidential press sources. But the dominant image is of the spy engaged in deeply concealed espionage. Some even of this espionage is defensive, part of the conflict between intelligence attack and defence; despite the American shock-horror over Ames as a Moscow agent in the CIA, his effect was to reveal US espionage in Russia.[48] Some spies have patriotic or ideological motives, though avarice and other human weaknesses loom equally large; in 1995 the CIA was restricted over recruiting 'unsavoury' agents.[49] Whatever the motives, espionage is feared for the damage it can do, and evokes the reaction associated with the betrayer, the Judas, the traitor, akin perhaps to the 'moral panic' over some domestic crime.[50] In England the betrayal of secrets to the Crown's enemies was identified with treason even before the 1351 Treason Act. The same feeling attaches itself to foreign covert action, for which intelligence is usually the executive agent. The intensity of Soviet espionage and covert action left a deep imprint on Western attitudes, reinforcing atavistic fears of the enemy within, and ambivalence about using such methods oneself.[51] Authoritarian regimes share the fears, though not the scruples.[52]

This survey suggests some inverse correlation between ethical acceptability and the degree of intrusion in intelligence's methods, but the picture is not clear, and international law does little to clarify it. The laws of war permit the execution of spies, but wartime espionage is not itself illegal; 'the spy remains in his curious legal limbo; whether his work is honourable or dishonourable, none can tell.'[53] No one knows what the Vienna Convention's 'lawful means' and 'rules of general international law' actually signify for diplomatic collection methods. Violations of national territory are illegal, but there is no code of conduct for information-gathering *per se*. The liberal repugnance for covert means cannot be discounted, but there is no international law of states' privacy. Moreover the state cannot defend its own secrets properly without being up-to-date on offensive techniques; the effective gamekeeper has to be a competent poacher.

Thus considering methods *in vacuo* does not get us very far. In reality the scale of intelligence operations may be as important as the precise methods used, particularly since all intelligence tends to be tarred with the brush of espionage (as in the way the media always refers to the British Sigint agency, quite inaccurately, as 'the Cheltenham spy centre'). Most Western airborne and shipborne collection around the Soviet periphery did not infringe national airspace; yet the sheer weight of it probably reinforced Cold War tensions and threat perceptions. Some 40

American aircraft were shot down in the first decade and a half of the Cold War, as well as the two innocent South Korean passenger aircraft much later, with grievous losses.[54] The political circumstances are equally important; the Indian shoot-down of a Pakistani electronic aircraft in August 1999 reflected the state of tension as well as exacerbating it. Ethical judgements probably need to link methods with scale and cumulative effects, but the nature of the targets and reasons for targeting are also a factor.

Targeting of Non-States and International 'Baddies'

Here a shift over the last decade is important. Foreign intelligence is now directed more than previously towards two relatively new targets. One is the 'non-state' category, ranging from fragmented and dissolving states, through independence movements, terrorists, international criminals and illegal dealers in nuclear material, to others at the security-threatening end of the trading spectrum. The other, linked with the first group, is the small group of rogue states, exemplified by the Milosevic regime or states supporting terrorism. Many of these new targets, whether state or non-state, are either international 'baddies', or actors in scenes of actual or incipient mayhem. In targeting them most governments have altruistic motives overlaying narrow national interests, with intelligence's tasking manifesting ethical foreign policy in a direct way.

Arguably this combination of targets and policy objectives moves intelligence's ethical goalposts virtually to a wartime position; in a sufficiently good cause, against such targets, almost anything goes. Intelligence may be needed on potential victims of violence to effect their protection. Foreign non-state entities and failed states have no international rights of privacy, and rogue states have forfeited them by bad conduct, especially if they are gross violators of human rights. The baddies are at war with international society, deliberately or implicitly by rejecting civilized standards, unlike armed force, intelligence does not kill or cause suffering. Though he was speaking of military intelligence rather than covert collection, a thoughtful Victorian officer pointed out that 'the pursuit of intelligence has not, like swollen armaments, any tendency to bring about war.'[55]

Yet it can still be argued that some intelligence methods are ethically unacceptable in any circumstances. Using robust methods in special cases may be seductive; 'the exception would become part of the norm.'[56] Intelligence may be harmless in itself, but there is a danger of slipping into the defence that 'guns do not kill people; people kill people.' Whatever the morality of the bombardment of Serbia, intelligence power was a prime element, not just an incidental supporter.

Ideally such problems of conscience might be solved by UN mandates. Thus at the end of the Gulf War the Security Council's request to all states to give UNSCOM 'maximum assistance, in cash and in kind,' was interpreted to include intelligence.[57] Yet it is difficult to see the UN leading with ethical criteria over intelligence methods. Its image is one of rectitude and transparency, and indeed has suffered from the allegations that UNSCOM cover was used for covert CIA operations.[58] It can be expected to favour the 'don't ask, don't tell' approach to the sources of the national intelligence it receives. In the long run the UN will need to sponsor some intelligence collection and assessment on its own account, in the way UNSCOM had its own analysis unit plus American U-2 collection at its disposal; but that is a separate issue. For the time being the absolutist probably has to deal with intelligence's ethical problems without much UN guidance.

For the pragmatist, of course, the problems *on these targets* - the limitation must be repeated - these absolutist concerns do not carry great weight. The greater the ethical emphasis in foreign policy, the less concern is needed over intelligence's methods and scale, always assuming that this collection is necessary. The scale of international suffering and crimes against humanity is a powerful warrant for intrusive collection, as is rogue states' sponsorship of terrorism and assassination of their political opponents overseas.

Targeting of Legitimate States

But most intelligence is still directed against normal states whose behaviour does not put them beyond the pale, and here other considerations apply. International society is a society of states bound by cooperation, or at least toleration; they do not behave as if in a complete state of nature. The avoidance of inter-state aggression and war remains one of the world's highest priorities. Governments' reticence about intelligence collection is not related only to source protection, and implies a conflict with a tacit code of international behaviour over information-gathering, albeit a shadowy one. Some states with particularly close relationships refrain from regular covert collection against each other; much as they would like it, the US and Canada probably do not tap each other's telephones to get access to the other's bottom line in their many economic and other negotiations. Even where special relationships do not exist, responsible states think twice about using the more intrusive and risky intelligence methods against others; not all states are fair game for anything. Even against antagonists, issues of prudence arise over covert operations which (if discovered) will be taken as insults or confirmations of hostility. Cold War documents show British Ministers balancing the intelligence benefits from airborne collection, including U-2 flights based on Britain, against the effects on Anglo-Soviet relations.[59]

Of course states' behaviour depends on the facts of particular cases: the targets, the methods and the risks of being found out. But generally speaking it has not been assumed in the West that peacetime intelligence had complete *carte blanche*, whether the targets were friendly states or unfriendly ones. Vestiges persist of British Victorian rectitude over covert methods and the pre-Second World War American maxim that 'gentlemen don't read each other's mail', even though neither has been observed with any consistency (and the American quotation was a post-1945 rationalization).[60]

These inhibitions exist; yet over the last decade they do not seem to have significantly limited intelligence's scale and methods. Press reports suggest the opposite; more espionage cases hit the media now than in the Cold War. Most of the permanent members of the Security Council have been accused of spying on each other, and membership of the European Union does not seem to convey immunity from being targeted by fellow-members. Russia seems to have sought an intelligence *détente* in the early 1990s - the last head of the KGB handed over the bugging plans for the new US Moscow embassy; there was some release of Soviet intelligence records; public statements claimed that its successor Foreign Intelligence Service was contracting its overseas collection and sought international cooperation[61] - but this period has now passed. The KGB's foreign intelligence successors are now flourishing, active and influential, and China's coup in acquiring American nuclear secrets is said to rival the Soviet successes of the 1940s. The Russian Federal Security Service claimed to have caught 11 foreign agents and thwarted 39 attempts to send secret information abroad in the first half of 1997.[62] Other countries are following these leads. Early in the 1990s a respected historian foresaw that claimants to regional dominance would seek

superiority in intelligence collection, producing 'upward spirals and a new intelligence war.'[63] Reports that intelligence expenditure in the Far East had doubled from the end of the Cold War to 1997 may support his prognosis, as has the Chinese and North Korean concern reported over Japanese proposals to launch intelligence satellites within four or five years.[64] The media may exaggerate, but it seems that the global Information Age has in no way reduced states' interest in acquiring others' secrets.

Does It Matter?

Does this affect inter-state relationships? Much of it is accepted as part of the international system. Except in special relationships, intelligence collaboration between states has never been seen to rule out some discreet targeting of each other. It cannot be *demonstrated* that collection on either friends or enemies has affected the climate of the 1990s. Its economic espionage has not caused France to be blackballed in the European Union. Intelligence threats have not consistently increased military confrontation in Korea, South Asia or South Lebanon, and did not provoke the war between Eritrea and Ethiopia. Conventional wisdom tolerates espionage on *The Times*' grounds that everybody does it.

Yet it seems unrealistic to exclude intelligence from the unquantifiable grit of international friction. Collection is necessarily *against* someone; attack necessitates defence. Even if collection has been somewhat reduced from the Cold War scale, it is difficult to believe that its more intrusive aspects do not have cumulative effects in reinforcing conflicts and impairing international cooperation. The targeting of diplomacy, and the facilities which diplomacy itself provides for intelligence, hardly promote the diplomatic function described by Alan James as 'the communications system of the international society.'[65] Ernest Bevin as Foreign Secretary said that a better world would involve being able to cross the Channel without a passport; his modern successors might say that it would involve discussing secrets abroad without worrying about foreign bugging. Being able to operate without reckoning with covert intelligence attacks may be a factor - if only a minor one - in the special quality of the English-speaking transatlantic and Old Commonwealth relationships, and perhaps of those of the Scandinavian countries. Intelligence-gathering within the EU hardly makes it easier for it to stagger towards its Common Foreign and Security Policy. Espionage is said to be a factor in the low state of US-Chinese relations.[66] Most important of all, the continuation of the Cold War pattern of intelligence attack and defence surely has some influence on relationships between Russia on the one hand and the US plus NATO on the other.[67]

Perhaps the more open modern world helps to make covert intelligence more disturbing. In the age of worldwide investigative journalism intelligence is now far more exposed than formerly; few secrets remain secrets. Foreign policies are now more influenced by domestic politics, and it is difficult for politicians and opinion-formers to accept foreign intelligence attacks as natural parts of the international game. The modern humanitarian morality that 'something must be done' takes effective intelligence for granted, yet at the same time prizes international legality and clean hands. Even before the present British government's ethical foreign policy, its predecessor endorsed a 'moral base' for its defence doctrine; the 'concept of propriety, which seeks to ensure that the activities of the armed forces are viewed universally as being justifiable, fair, and apolitical.'[68] It can be argued that intelligence everywhere - an aspect of national power, like armed forces - needs a similar ethical foundation.

Balance Sheet and Desiderata

Despite intelligence's modern status, what states do is worth more ethical scrutiny than the intelligence they use and the activities that produce it. Some intelligence knowledge does not affect the ethical standards of the foreign policies it influences, and many intelligence activities have no ethical significance in themselves. Nevertheless part of intelligence's knowledge and a smaller proportion of its activities probably have some general (and contradictory) effects on the morality of international society.

The ethical case for this knowledge is fairly clear. Despite intelligence's failures and distortions, its rationales of information-seeking and objectivity tend to make those leaders who draw on it behave 'better' internationally than those less concerned with an intelligence view of reality, or less exposed to it. (Governments that encourage objective intelligence may well be inclined anyway to 'better' international behaviour than those that do not, but intelligence probably has some institutional influence). The international community working *qua* community depends upon national intelligence inputs, particularly from American technical collection. It needs intelligence as much as the population, health and environmental data that are other foundations for international action.

Yet a minority of intelligence collection poses ethical problems. On some targets the ends justify the intelligence means, though perhaps not completely. (Should one torture terrorists to forestall imminent operations?[69] Perhaps one should.) On the other hand, the more intrusive methods of peacetime collection - espionage, some bugging, and perhaps diplomatic targeting and the exploitation of diplomatic immunities - probably are disturbing factors when used against legitimate states. The situation is not static. 'Since the end of the Cold War a universal international system has come into existence marked by the unprecedented situation in which almost all states are in diplomatic relations with other states.'[70] This aspect of globalization sits uncomfortably with the prospect that 185 states and statelets may all invest in covert intelligence collection to keep up with the international Joneses. If international arms limitation is a desirable objective, why not limit intrusive intelligence?

This balance sheet suggests three *desiderata* for strengthening the international attitudes and norms that already exist. The *first* is to recognize that the Western idea of objective, all-source intelligence assessment on foreign affairs, with some separation from policy-making, is a necessary part of the modern, global standard of government. All states should be encouraged to develop the machinery, in the spirit of Ms Short's commendation of intelligence to the developing world.[71] The CIA's Directorate of Intelligence with its remit for analysis and assessment should be an international role-model, and it is tragic that historical accident has caused it to be identified with the covert collection and covert action of the Agency's Directorate of Operations.

The *second* is to emphasize the place of international exchanges between states at this 'finished intelligence' level. International action is no more cohesive than the intelligence exchanges that underlie it. The UN, EU, NATO and other regional institutions will eventually develop machinery for supranational intelligence assessment, but it will be a long haul, and will have to build on inter-state exchanges. Two former American DCIs argued some years ago that American intelligence should become an international good,[72] and the US subsequently

committed itself to intelligence support for international organizations.[73] To some extent this is already a *de facto* underpinning of international society, yet for its credibility the American input needs to be complemented by national intelligence institutions capable of critically assessing it for their own governments. States cooperating internationally need some kind of peer review of their own intelligence estimates. One wonders how far the impasses between NATO and Russian over Kosovo reflected different national intelligence inputs.

The *third* is to borrow the criteria of restraint, necessity and proportionality from Just War doctrine to discourage gung-ho approaches to intrusive covert collection. Morality reinforces the considerations of cost-effectiveness that covert methods should only be used where overt material is inadequate. The more intrusive the methods the greater the justification needed; recruiting additional human sources to fill the gaps in technical collection runs its own ethical risks. Ethics should be recognized as a factor in intelligence decisions, just as in anything else, and the Western notion of elected leaders' accountability for sensitive intelligence operations provides one way of reinforcing the ethical dimension. Similar considerations should be applied to covert action, though the essential difference should be recognized between the morality of information-gathering and action. Perhaps more should be done to separate the two.

This restraint implies some re-ordering of collection priorities. National security matters should remain central and legitimate requirements. But to these can now be added those bearing on international security, justice and humanitarian concerns. John Keegan has argued that democracy's professional soldiers are now international society's check upon violence; 'those honourable warriors who administer force in the cause of peace.'[74] *Mutatis mutandis*, national intelligence should now be seen in this light.

The counterpoint to this approach is some limitation over collection for purely national purposes, especially those unrelated to security. Throughout the 1990s it has been fashionable outside the English-speaking countries to target covert collection on other countries' non-military secrets of economic, financial and technological kinds. Russia has seen this as a means of solving its economic problems vis-à-vis the West. French publicists have been rather proud of collection of this kind, though is by no means a purely Gallic activity.[75] The issues over government activity of this kind are complex, but as a generalization it is both provocative and overblown. The Soviet aircraft industry is said to have copied stolen plans of Concorde; much good it did them. Immediately after the Cold War some argued that US intelligence should be redeployed to the 'trade war' with Japan and Western Europe, and Washington deserves credit for substantially rejecting the case.[76] Even for governments that want to get into this field, using open and 'grey' sources and commercial information brokers is a better bet than tasking their intelligence agencies.

This restraint also implies extending the existing limitations on targeting other states for 'bargaining intelligence' on matters of purely national interest. Covert intelligence increases diplomatic effectiveness, but sometimes with the long-term costs already suggested. Firms in the private sector depend on reading their competitors' hands, but those that care about their reputations are careful about how they do so. Perhaps governments should exercise similar care over the intelligence methods used against friendly powers, and rely instead on journalists as the experts on intrusion.

These are desiderata for multilateral action, not for unilateral intelligence disarmament. They reflect Western views and Western cultural power - though a doctrinal restraint on intrusive methods would not come easily to the major Cold War powers, East or West. The US, Russia and Britain all have strong (and differing) reasons for keeping intelligence power unfettered. Yet the case remains for developing the present loose code of conduct through reciprocal or multinational understandings, probably inconspicuously. The problem is to de-mystify intelligence's role and make it a fit subject for international discourse.

Two features of international norms may be helpful. First, some evolve gradually through informal international contacts and the influence of 'world opinion.' The international patchwork of multilateral and bilateral intelligence relationships already provides scope for confidential discussion of intelligence purposes and priorities. In particular Western intelligence already has well-publicized links with Russia on international terrorism, drugs and other criminality, and evidence of war crimes, plus the military opportunities presented by the Partnership for Peace programme and other contacts. The publicity now given to intelligence objectives by Britain and America provides a basis for further discussion, with Russia and more widely.[77]

International understandings of any kind may seem an unlikely outcome, but are not impossible. Before the SALT I and II and ABM agreements of the 1970s it would have seemed quite inconceivable that the superpowers would in effect legitimize aspects of each other's secret collection, yet they did.[78] Recently the OECD nations plus some others signed a 'bribery convention' in which 'the United States has got all the rich countries to play by roughly the same rules.'[79] This is still far removed from intelligence; but it is a reminder that unexpected things can happen when states are persuaded of common interests. Russia is reported to have pressed the UN Secretary-General in 1998 for an international treaty banning information warfare.[80] The possibility of mutual US and Russian reductions in espionage was raised, apparently from the American side, in July 1999 in Washington discussions between the US Vice-President and Russian Prime Minister, and remitted for further examination. The Prime Minister was removed from office shortly afterwards, but the idea has at least got to the conference table.[81]

Second, international law has a momentum of its own. An American naval officer writing on intelligence argued that there are limits of behaviour which 'create definable customary international norms.... To those who must work with these subjects, the norms are real, the boundaries tangible, and the consequences of exceeding them unacceptable - personally and professionally, nationally and internationally.'[82] Geoffrey Best takes us further by reminding us that 'much international law of the contemporary age ... is "normative". Normative means standard-setting; adding to established State practice, the aspirational concept of State practice as it is expected, intended, or hoped to become at some future date.'[83] International law need not remain as silent on intelligence as it is now.

To sum up; intelligence is now a permanent part of the nation state. Even lesser states need it and will soon have it. There is plenty for it to do. But the new millennium should seek to emphasize internationally:

> (a) the value of accurate knowledge and policy-free intelligence assessment of foreign affairs, based on all sources of information and not necessarily the product of covert collection;

(b) the increased relevance of this national covert collection to the working of international institutions, and other international action in the interests of security, justice and humanitarianism; and

(c) the arguments for restraint in the use of intrusive methods of collection for purposes not geared to national security or support for the international community.

In short, *The Times*' dictum that 'Cold War or no Cold War, nations routinely spy on each other' provides a realistic starting-point for considering intelligence ethics, but is not the last word.

Endnotes

[1] R.Hibbert, 'Intelligence and Policy', *Intelligence and National Security*, Vol.5 No.1 (January 1990), p.115.

[2] Contrary to the 'peace dividend' elsewhere, France planned a considerable expansion after the humiliation of depending on American intelligence in the Gulf War. (P.Kemp, 'The Rise and Fall of France's Spymasters', *Intelligence and National Security*, Vol.9 No.1 (January 1994)).

[3] 'Reborn CIA dusts off Cloak and Dagger', *The Observer*, 14 March 1999. Expenditure for FY97 was $26.6 billion, and for FY98 $26.7 billion. Figures for FY 99 have not been released; Congress is said to have approved an 'emergency' increase of $1.5-2.0 billion in the fall of 1998. (Press references summarized in Canadina Association for Security and Intelligence Studies Newsletter 34 (winter 1999), p.20).

[4] The three intelligence agencies have a published budget of about three-quarters of a million pounds, but the cost of MoD and other strategic intelligence needs to be added. For costs of 'the national intelligence capability' see the author's *British Intelligence towards the Millennium: Issues and Opportunities (London Defence Studies No 38)* (London: Centre for Defence Studies, 1997), pp.7-9).

[5] Within the European Union the Republic of Ireland may be an interesting exception.

[6] Speech 23 March 1998.

[7] Kent Pekel, 'Integrity, Ethics and the CIA', CIA *Studies in Intelligence* spring 1998 pp.85-94.

[8] Leader, 26 May 1999.

[9] The phrase 'stealing others' secrets' comes from a radio interview with one of the British secret agencies' recent whistle-blowers.

[10] P.Wright, *Spycatcher: The Candid Autobiography of a Senior Intelligence Officer* (New York: Viking, 1987), p.54.

[11] For a criticism of le Carré's moral stance see J.Burridge, 'Sigint in the Novels of John le Carré', CIA's *Studies in Intelligence*, Vol.37 No.5 (1994).

[12] Attributed to Professor Huntingdon (as a comment on international opinion) by N.Chomsky, *The Guardian*, 17 May 1999.

[13] L.Lustgarten and I.Leigh, *In from the Cold: National Security and Parliamentary Democracy* (Oxford: Clarendon Press, 1994), p.225. This work concentrates on intelligence's domestic aspects, but incidentally provides some ethical criticism of foreign intelligence.

[14] Discussed in chapter 20 of the author's Intelligence Power in Peace and War (Cambridge: Cambridge University Press, 1996), written from the perspective of the early 1990s.

[15] M.Howard, 'Introduction', in R.Williamson (ed), *Some Corner in a Foreign Field: Intervention and World Order* (London: Macmillan, 1998), p.9.

[16] D.Kahn, *The Codebreakers* (London: Sphere edition, 1973), p.456.

[17] H.Reiss (tr. H.B.Nisbet), *Kant: Political Writings* (Cambridge: Cambridge University Press, 1991), pp.96-97.

[18] A US policy-maker of the time has claimed that the timing of the flight, on May Day before the conference, was taken by Khrushchev as a deliberately offensive US signal (Robert Bowie, BBC2 *Baiting the Bear*, 8 October 1996).

[19] In Russian usage the first is 'Razvedka' or 'Shpionazh', the second 'Svedeniye.'

[20] See H.Suganami, 'Stories of War Origins: a Narrativist Theory of the Causes of War', *Review of International Studies*, vol.1 no.4 (October 1997) for a typology of 'war-conducive' acts comprising contributory negligence and insensitive, thoughtless and reckless acts.

[21] J.L.Gaddis, 'History, Grand Strategy and NATO Enlargement', *Survival*, vol.40 no.1 (spring 1998).

[22] *The Economist*, 22 May 1999, p.5.

[23] Percy Cradock, *In Pursuit of British Interests: Reflections on Foreign Policy under Margaret Thatcher and John Major* (London: Murray, 1997), p.37.

[24] Compare intelligence with the many statistical failures such as over British earnings in 1997-8, set out for example in *The Economist*, 5 March 1999, p.38.

[25] Vice Admiral Sir Louis Le Bailly, letter to *The Times*, 3 August 1984.

[26] For a discussion of American intelligence and policy in the Cold War see C.Andrew, *For the President's Eyes Only* (London: Harper Collins, 1995). For CIA's record in estimating the Soviet Union see D.J.MacEachin, 'CIA Assessments of the Soviet Union', CIA's *Studies in Intelligence*, (semi-annual unclassified edition, no.1, 1997), and K.Lundberg, *CIA and the Fall of the Soviet Empire: the Politics of 'Getting It Right'* (Harvard Intelligence and Policy Project), 1994.

[27] H.Kissinger, *Years of Upheaval* (London: Weidenfeld and Nicolson, Joseph, 1982), p.828. Similar proposals were also made as part of the Israeli-Syrian settlement, p.1254.

[28] Statement by Robert Gates, BBC radio programme *Open Secrets*, 21 March 1995.

[29] For discussion see *Intelligence Power in Peace and War*, chapter 9.

[30] Article 23 (Verification) permits NTMs to be used to back up a call for on-site inspection if the data has been collected 'in a manner consistent with generally recognized principles of international law.'

[31] An early team leader from the UN Special Commission in Iraq wrote that 'In the face of the highly efficient Iraqi deception, the inspection could not have gone forward without accurate intelligence.' (D.Kay, 'Arms Inspections in Iraq: Lessons for Arms Control', *Bulletin of Arms Control* (London: Council for Arms Control/Centre for Defence Studies) no.7 (August 1992), pp.6-7). For a more complete account see Tim Trevan, *Saddam's Secrets: the Hunt for Iraq's Hidden Weapons* (London: HarperCollins, 1999).

[32] As early as 1971 the Secretary-General complained of the 'lack of authoritative information, without which the Secretary-General cannot speak (U Thant letter of 30 March 1971, quoted by A.W.Dorn, 'Keeping Tabs on a Troubled World: UN Information-Gathering to Preserve Peace', *Security Dialogue* Vol.27 No.3 (1996)). The theme was taken up again in the early days of intervention in the former Yugoslavia in statements such as 'intelligence is a vital element of any operation and the UN needs to develop a system for obtaining information without compromising its neutrality' (a British Admiral: *RUSI Journal*, vol.139, no.1, p.35 (February 1994)), and 'I have asked for numerous reforms in the structure of the UN in Yugoslavia, especially in the use of information, the capacity to analyze and reflect' (A French general; quoted in *The Independent*, 31 January 1994).

[33] 'Aerial photographs and phone intercepts are giving instant evidence of atrocities' (A.Lloyd, *The Times*, 14 May 1999).

[34] GCHQ graduate careers brochure 1996.

[35] As in its (reported) refusal to provide satellite results during the period of disunity before mounting IFOR.

[36] J.Keegan, *Daily Telegraph*, 4 June 1999.

[37] DFID Policy Statement *Poverty and the Security Sector*, the basis of an address at the Centre for Defence Studies, 9 March 1999, p.6.

[38] As in the TV programmes about British Cold War observations from trawlers in northern waters.

[39] For this legal position see B.Jasani, 'Civil Radar Observation Satellites for IAEA Safeguards', *Journal of the Institute of Nuclear Weapons Management*, Vol.27 No.2 (winter 1999). UN resolutions such as A/RES53/76 have however stessed the need for transparency on the use of outer space and the avoidance of a space arms race.

[40] For a brief description see *British Defence Doctrine JWP 0-01* 1996, Annex B.6.

[41] Though for many years a British protest group has alleged that the American Sigint station at Menwith Hill in northern England is intercepting British communications.

[42] The well attested American U-2 observations of Anglo-French preparations in Cyprus for the Suez operation perhaps entailed overflights of what was then British territory but might have been possible by oblique photography from outside territorial limits. On maritime collection, the relevant law is *United Nations Convention on the Law of the Sea 1982*, articles 19 and 29. 'Innocent passage' excludes 'collecting information to the prejudice of the defence or security of the coastal state.' (19.2.(c)).

[43] For a summary see Dick Nelson and J.Koenen-Grant, 'A Case of Bureaucracy in Action', *International Journal of Intelligence and Counterintelligence*, Vol.6 No.3 (fall 1993).

[44] O.Gordievsky, *Next Stop Execution*, (London: Macmillan, 1995), p.257-8.

[45] D.R.Herspring, 'The Cold War: Perceptions from the American Embassy, Moscow', *Diplomacy and Statecraft*, Vol.9 No.2 (July 1998), p.200.

[46] For Soviet activities see D.Ball, *Soviet Signals Intelligence (Sigint)* (Papers on Strategy and Defence No 47. Canberra: Australian National University, 1989), pp.38-70.

[47] *Vienna Convention 1961*, Articles 3.1 and 41.3.

[48] A Soviet defector, himself betrayed by Ames, claimed that up to 45 CIA agents had been identified (*The Times*, 18 February 1997). Other press reports quoted lower figures.

[49] B.L.Gerber, *A Discussion of Intelligence Ethics*, (paper at International Studies Association Convention, Toronto, March 1997), p.6.

[50] Compare with S.Cohen, *Folk Devils and Moral Panics: the Creation of the Mods and Rockers* (Oxford: Blackwell, 1987 ed.)

[51] The liberal view also includes the belief that the agent can be induced to 'betray obligations of loyalty which may be legitimately demanded of him.' (Lustgarten and Leigh, *In from the Cold*, p.225). (This assumes, of course, the regime spied upon deserves loyalty). Other elements are the risks to the agents, and the corrupting effects on the officers running them; according to a former CIA General Counsel, 'the constant pressure of the clandestine life can try the moral ballast of the most honest man or woman' (quoted by Gerber, *Intelligence Ethics*, p.30).

[52] Thus China and Iran, in signing the Comprenhensive Test Ban Treaty, made separate declarations that verification should not be interpreted as including the results of 'espionage or human intelligence' (see also note 27).

[53] G.Best, *War and Law Since 1945* (Oxford: Oxford University Press, 1994).

[54] The second of these incidents, of KAL-007 in September 1983, also exacerbated a period of high East-West tension.

[55] Major C.B.Brackenbury, 'The Intelligence Duties of the Staff Abroad and at Home' (*RUSI Journal*, Vol.19 No.80 (1875), p.265.

[56] Lustgarten and Leigh, *In from the Cold*, p.496.

[57] Security Council resolution 699 (1991).

[58] Accusations by Scott Ritter, reported for example in *The Guardian*, 30 March 1999.

[59] See R.J.Aldrich, *Espionage, Security and Intelligence in Britain 1945-70* (Manchester; Manchester University Press, 1998), pp.33-34, 100-101, 103-104. For intelligence cases and diplomatic expulsions as an irritant in Anglo-Soviet relations see Anne Deighton, 'Ostpolitik or Westpolitik? British Foreign Policy, 1968-75', *International Affairs*, Vol.74 No.4 (October 1998), p.896.

[60] The official history of the Crimean War is said to have concluded that 'the gathering of knowledge by clandestine means were [sic] repulsive to the feelings of an English Gentleman' (quoted by B.Parritt, *The Intelligencers* (1983: Intelligence Corps Association, Ashford Kent, 2nd edition 1983), p.80). On the other hand Lord Salisbury wrote in 1875 that 'we receive pretty constantly copies of the most important reports and references that reach the Foreign Office and War Office at St. Petersburg' (from J.Ferris, quoted by the author in *Intelligence Power in Peace and War*, p.22). For 'reading each other's mail' see correspondence in *Intelligence and National Security*, Vol.2 No.4 (October 1987).

[61] For Vadim Bakatin's handover of bugging details see J.M.Waller, 'Russia's Security Services: a Checklist for Reform,' *Perspective*, Vol.8 No.1 (September-October 1997). Earlier reports of the handover were confirmed, with disapproval, by the Director of the Russian

code-breaking organization in a Russian televison interview of 25 October 1997. For statements by V.A.Kirpichenko, SVR Director, see Krasnaya Zvezda, 30 October 1993, p.6.

62 Reuters, quoted by *Jane's Intelligence Watch Report*, 1 July 1997.

63 J.Ferris, 'Intelligence After the Cold War: a Global Perspective' in A.Bergin and R.Hall (eds), *Intelligence and Australian National Security* (Canberra: Australian Defence Studies Centre, 1994), p.8.

64 Quoted from Professor D.Ball in *Far East Economic Review*, 9 June 1997. Chinese and North Korean reactions are referred to in VERTIC *Trust and Verify No 83* (November 1993), p.6.

65 A.James, 'Diplomacy', *Review of International Studies*, Vol.19 No.1 (Jan 1993), p.95.

66 Not limited to the alleged Chinese nuclear espionage. A Chinese academic had previously been arrested on his return from Stanford University and accused of betraying Chinese secrets (*Newsweek*, 29 March 1999).

67 The Russian *National Security Blueprint published 26 December 1997 (Rossiyskaya Gazeta*, Moscow) laid surprising emphasis on defence against 'leaks of important political, economic, scientific-technical and military information', 'the threat of foreign intelligence services' agent and operational-technical penetration of Russia,' and the need for 'information security;' far more than in any comparable Western statement of national security policy.

68 *British Defence Doctrine (JWP 0-01)* (London: HMSO, 1997), p.3.10.

69 The Israeli Supreme Court approved the use of physical force in these circumstances (Gerber, *Discussion of Intelligence Ethics*, p.7.

70 R.Cohen, *Diplomacy 2000 B.C.-2000 A.D.* (Paper delivered to the British International Studies Association annual conference, 1995), p.1.

71 The Russian national blueprint cited in note 67 also highlights 'the objective and comprehensive analysis and forecasting of threats to national security.'

72 S.Turner, *Secrecy and Democracy* (New York: Harper and Row, 1986), pp.280-285; W.E.Colby 'Reorganizing Western Intelligence', in C.P.Runde and G.Voss, *Intelligence and the New World Order* (Bustehude: International Freedom Foundation, 1992), pp.126-127.

73 'To the extent prudent, US intelligence today is ... being used in dramatically new ways, such as assisting the international organizations like the United Nations... We will share information and assets that strengthen peaceful relationships and aid in building confidence.' (*National Security Strategy of the The United States* (Washington: White House, January 1993), p.18.

74 Concluding words in J.Keegan, *War and Our World* (London: Hutchinson, 1998) (Reith Lectures 1998), p.74.

75 For accusations and counter-accusations see N.Farrell, 'Hark Who's Talking (and Listening)', *The Spectator*, 21 November 1998.

76 For a survey of the issues and of US thinking see L.Johnson, *Secret Agencies: US Intelligence in a Hostile World* (New Haven: Yale Univesity Press, 1996), chapter 6; also D.Clarke and R.Johnston, 'Economic Espionage and Interallied Strategic Cooperation,' *Thunderbird International Business Review*, Vol.40 No.4, July/August 1998.

77 US objectives are regularly aired by holders of the DCI office and through Congressional reports and special investigations. The annual reports of the Parliamentary Intelligence and Security Committee now provide a British viewpoint.

78 The US-USSR Incidents at Sea agreement of I972 also had some implications for intelligence collection at close quarters.

79 *The Economist*, 16 January 1999, p.28.

80 *Sunday Times*, World News 25 July 1999, p.21.

81 Russian accounts of the press conference refer to 'total mutual understanding' having been reached on 'one sensitive topic,' and existing agreements 'to work in a fairly correct sort of way.' (FBIS and BBC translations of 28 and 29 July items).

82 M.E.Brown, 'Intelligence and International Law', *International Journal of Intelligence and Counterintelligence*, Vol.8 No.3 (fall 1995), p.330.

83 G.Best, *War and Law Since 1945* (Oxford: Clarendon Press, 1994), p.7.

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