



Transcript

Securing the State: A Question of Balance

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Sir David Omand:

This is a good moment to be discussing issues of national security, given the lively debate (not least that likely between the partners in our the British coalition government) about what limits should be set on security, intelligence and surveillance methods and what international liaisons with countries with very different ethical standards to our own ought to be acceptable in the pursuit of public safety. We now have a National Security Council, and a new National Security Adviser, and the government has launched a strategic defence and security review. What we should mean today by national security is a pressing issue of public policy. In my book, *Securing the State*¹, I attempt to answer that question in three steps.

The first step is the recognition that national security is 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 pandemic flu. A feeling of insecurity is highly corrosive of a healthy society so governments rightly see providing security as their first duty. A national UK risk matrix was published last year developing work I started, although we did not as I recall include either greedy bankers or volcanic ash, so as my book discusses there is a way to go in learning how to acquire what I term '*strategic notice*' of problems ahead.

The second step, however, is to recognize that security rests on the sensible management of risk not on its elimination. Efforts to prevent risks can do more harm than good. In particular, there is a delicate balancing act for governments in maintaining justice, freedom of movement and of speech, civic harmony and the right to security. 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 is to see that the key to maintaining that delicate balance is to have better informed decision-making by government. Decisions based on adequate knowledge of the situation, plus satisfactory understanding of what is going on. With situational awareness plus good explanation there is some hope that what is liable to happen next can be predicted and risks anticipated, within the limits of the knowable. We should look to government then to decide in good time whether to act to try to reduce the risk or to reduce society's vulnerability to it, or in many cases sensibly to decide to leave well alone.

Now, improving decision making by reducing ignorance is the purpose of intelligence, and secret intelligence achieves that purpose in respect of things that other people are trying their best to prevent us knowing. If we take terrorism as an example, having pre-emptive intelligence enables the risk to the public to be managed without recourse to the bludgeon of

State power, such as mass arrests, house to house searches, 90 days detention without trial, and so on. A virtuous circle is created as all sections of the public, confident that their rights will be respected, then volunteer more information to the authorities. So intelligence becomes central to national security.

On the cover of my book, *Securing the State*, you will find details from Ambroglio Lorenzetti's great 14th century fresco cycle in Siena, entitled Good and Bad Government. There will be so much that is new to us in the 21st century, it is as well to recognize that some of the most pressing challenges we face over public security are ancient ones, albeit dressed up with modern technology. That point struck me last year when, after walking the ancient route from San Gimignano to Siena, I found myself once again gazing in the Town Hall at Lorenzetti's depiction of the effects of Good - and Bad - Government.

Good government brings peace, stability and security, prosperity, and culture. Cheerful townspeople and country folk are shown in the Spring and Summer, 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. The watchtowers are well kept and manned. Maidens dance in the street and the aristocracy, it may be seen, is shown blamelessly employed in the countryside in hunting and falconry whilst the business of city government is left to the hard-working merchants. Hovering overhead is Securitas, security, under whose wings all this is possible. Shown as a winged figure, Security holds an emblem of justice administered. Watching over town and country, Security also holds up a scroll on which is written the promise that 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'. Anticipation places a great responsibility on the intelligence of those who are to provide strategic notice of emerging risks and on the wisdom of those who have to decide whether and how to act upon such warning.

On the opposite wall is Lorenzetti's representation of the effects of Bad Government. The prevalent emotion is insecurity and fear. Bands of hungry and diseased citizens roam the clearly violent city. Not only the city walls are crumbling, leaving the city vulnerable to its enemies, but the very internal fabric of the town is decaying. The message directed at Siena's rising merchant class (and now to our own global markets) is that insecurity makes investment hazardous.

How did the 14th century Sieneese imagine that this utopian ideal of Security could be maintained and yet the evils of Tyranny be avoided?

The answer is provided in the third and central fresco of the cycle, depicting the Allegory of Good Government. It is the 14th century's equivalent of a Powerpoint slide, showing in graphic images what the art of good government consists of and a constant reminder for the governing council of Siena of the principles needed to understand to ensure Good Government. Wisdom and intelligence illuminate the independent exercise of justice, upon which civil harmony and civic responsibility rests, which mediated through the representatives of the citizens leads to wise government that in conditions of security can deliver the common good through armed peace, prudence, fortitude, the rule of law and the other virtues.

Could we produce as compelling a construct for modern national security? What would be our equivalent, on a Powerpoint slide? That is what my book sets out to address. For example, we too would wish to emphasise the independence from government of justice.

We should also recognize the importance of '*Fortitudio*', fortitude, as an essential component of resilience, the ability to bounce back from disaster. Investment in national security needs to be rethought in terms of what level of protection government can reasonably offer the citizen. Governments need to take a long view, and be looking for ways to increase the physical and psychological resilience of our own society to a range of disruptive challenges.

'*Civitas*' – the public value of civic harmony – is a defining characteristic of good government, generating a healthy sense of local community based on a shared sense of place, of belonging, regardless of ethnic roots or religious difference. To this end government must be seen to uphold the rule of law and the independence of justice, retaining a strong sense of values that can infuse all the activities of government. A common feature of breakdowns in civic harmony is that they are liable to arise from government not having reacted early enough through not having – or not paying sufficient heed to – the necessary strategic notice of trouble brewing.

It is in the judicious combination of reducing the risks and reducing societal vulnerability to the risks, that we will find future 'national security'. The expression 'building the protecting state' is one that I have coined for this task. The international dimensions arise naturally from this way of framing the issue since the potential global hazards and threats that really should command our attention are not going to be susceptible to simple solutions, least of all purely domestic remedies. Tackling most of these risks involves international cooperation and action, as does reducing some of the key vulnerabilities in society (for example, in relation to cyberspace).

In communicating this with the public, a separation should be made between the outcomes that would be disliked, and disapproved of, ones that government should work to overcome, from the outcomes that would be unacceptable, and therefore are ones that the nation should be prepared to take up arms to fight against.

Safeguarding the public, however, involves governments in taking steps that involve moral hazard. But it is not an ethics-free zone. The public has the right to know the ethical principles governing work being done in their name, even if – as must be the case – the public has no right to know the details of sources and methods used by the security authorities. It will help if there is greater recognition that intelligence and security work can both contribute to public welfare and follow a set of ethical norms set firmly within the framework of human rights.

A lesson from most conflicts is that after the effort is over, in the words of Matthew Arnold, ‘uphung the spear, unbent the bow’. People forget what had to be done to survive and ‘it must never happen again’ elides into ‘it can never happen again’. But it can and it does. Security and intelligence capabilities can take a long time to build up, but are very quickly run down, as was the case when the so-called ‘peace dividend’ was taken in reductions in defence and intelligence spending at the end of the Cold War. Too often the unexpected crisis erupts in a country or region where it was assumed there would be no intelligence requirement. Preemptive intelligence, however, becomes even more important; this requires even closer cooperation between domestic and overseas services, and now between intelligence and policing communities.

At times of great national danger, daring and innovation is forced upon government, along with an influx of fresh talent drafted in, drawn from the best brains of the universities, the law or commerce. In between times, the temptation to stick to routine is evident. Long conflicts, such as that against jihadist terrorism, demand just as much fresh thinking as sudden struggles for national survival. One aspect of innovation is the bringing together of talent from different services and backgrounds to work together to develop new ways of delivering security and intelligence. That should include the private sector. Where, however, the powers of the State to coerce or to intrude upon personal privacy are concerned the guiding principle for public trust should be that these should always be in the hands of those bound by public service values, not shareholder value, even if supported by commercial contractors conducting specialist functions such as forensic science and managing complex ICT systems. I shall be saying more about adapting the intelligence cycle for the modern age when I talk to IISS on June 16th.

This talk like the book opened with a fresco, a vision of good government in Siena in the 14th century. Our horizons are, however, larger than those of the renaissance city state and our

communications round the globe are instantaneous. Our media can be strident and demand instant answers that are rarely available. It will help government to hold fast to some principles that should govern our search for public security. Let me cite ten.

Principle One, Security is best defined in terms of a state of normality, derived from a sense of confidence on the part of the public that the major risks facing them are being managed satisfactorily so that people can get on with their lives freely and with confidence. Looking at the security of individuals and communities in this way recognises that all events that threaten to disrupt normality even if global in their origin are local in their impact in terms of casualties or loss of essential services such as power and water. A principle of subsidiarity can be applied so that problems are dealt with at the lowest level at which a reasonable level of risk can be achieved and society avoids falling into the trap of 'securitizing' all its ills as national security issues.

Principle Two, The boundaries of risk between national domestic and overseas spaces now overlap. The episode of the Danish cartoon illustrates the problem of globalised audiences in an internet age; equally, events outside Europe can impact quickly on our domestic security. Weaknesses in security in one country (say in public health, commercial aviation, or affecting the safety of nuclear power plants) will be the weak link that increases the risk carried by citizens of other nations.

Principle Three, Today no country can provide adequate security through its own resources. Even the United States has come to accept that alliance and partnership with others is needed, within a framework of strong international institutions and rule-based international order. There is the need to encourage new powers such as China and India to continue to play by international rules. The principal levers overseas are likely to be diplomatic, or involve international development, economic and social governance programmes but as a last resort must also include the capacity to conduct multilateral military interventions overseas as part of wider international strategies, for example to manage the risks from failing states, and deny havens to terrorists.

Principle Four, A citizen-centred view should be taken of the major risks to the public, requiring security policies that address both man-made threats and natural hazards, rather than the traditional emphasis on State-centred domestic security concerns for territorial integrity and the ability to detect and counter subversion by hostile powers. So security has an important psychological dimension.

Principle Five, Government should try to anticipate future risks: where possible acting to prevent risks arising and, when not possible, to mitigate their effects through reducing vulnerability and increasing preparedness. Anticipation implies that dangers are tackled

when they are identified as 'clear and present' but have not yet become immediate. Since 2003, for example, the UK has been following a counter-terrorism strategy, CONTEST designed explicitly to be an exercise in risk management.

Principle Six, Governments should develop the ability to provide strategic warning of potential developments in such areas as science and technology, international relations, and social attitudes that could bear upon our future security, and ensure we have the capability to monitor threats as they arise. International relationships will be needed in intelligence and security matters, including with countries with different attitudes to our own.

Principle Seven, Secure external borders for both people and goods and managed immigration controls are a fundamental component of domestic security and for providing public confidence. The UK has insisted on control of its own borders and is not a member of the Schengen area and new electronic e-borders information systems are being introduced into UK borders.

Principle Eight, Domestic security in peacetime is primarily civil responsibility but the Armed Services should be ready and able to aid the civil power when requested with their specialist capabilities under the well-established doctrine of aid to the civil power, especially planning for circumstances in which civil resources could be overwhelmed.

Principle Nine, National resilience and fortitude are key determinants of domestic security at all levels, involving communities, voluntary groups and businesses as well as local and central government. UK government has a well practised doctrine for pan-government command and control in a crisis including at the strategic national government level (the Cabinet Office Briefing Room COBR). Parliament has passed the Civil Contingencies Act 2004 that in a major emergency can allow the government to take sweeping temporary emergency powers. There are arrangements to draw on the considerable technological expertise of British industry to ensure that the critical national infrastructure is able to support everyday life even in the face of disruptive challenges.

Principle Ten, As an overarching principle, nations should apply the principles of right authority, necessity and proportionality to the security measures they take and ensure that the balance between security and privacy and other rights takes place within the framework set by the Human Rights Act. They should recognise that attempts to produce absolute security are liable to do more harm than good in terms of justice and civic harmony.

I have also tried to highlight the increasing importance of maintaining public confidence in the government's understanding of the delicate balance between liberty, freedom, privacy and security and the rule of law. As secret intelligence is increasingly seen by the public to

be the hidden force driving security measures so it becomes more necessary for 'the Secret State' to be seen to have given way to 'the Protecting State'. Civil harmony and civic responsibility is as important to us as it ever was, and our communities need to have the reassurance that the security and intelligence authorities working to protect them are doing so in ways that protect their rights and uphold the fundamental values of our society.

There is a danger of the public not seeing the whole picture and ending up debating individual issues such as privacy in isolation from the security context, and that increases the risk that individual issues become footballs in party political games.

What all this adds up to is the need for a 'grand understanding' of the application of such principles to emerge between political parties and public based on confidence that the government of the day will be working in good faith and to its utmost to maintain security as a state of normality in which individuals can get on with making the most of their lives as they choose, in freedom and without fear. We can express such an understanding in the form of 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. It follows that upholding the values of a democratic, civilised society is itself a strategic national objective, including upholding the rule of law and working within the framework of human rights, including the fundamental right to life and the absolute prohibition of torture.

Modernity brings with it huge benefits but also increasing fragility in the systems on which everyday life depends: the public should be invited to accept that there is no absolute security and chasing after it does more harm than good. Providing security is an exercise in risk management.

Pre-emptive secret intelligence is an essential key to reducing the risk from terrorism. There will always be 'normal accidents' and intelligence failures, but overall 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 criminal gangs are to be uncovered therefore there will be inevitable intrusions into their privacy and that of their associates. These intrusive methods are powerful and they get results. So public trust that this machine is only to be used for public protection against major dangers will continue to be essential.

The security and intelligence community have to accept in turn that ethics 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. The work of the intelligence agencies has to be overseen in Parliamentary and judicial terms in accordance with Statute.

The aim of those pursuing terrorists has to be to protect the public. Suspects will be prosecuted within the criminal law. Intelligence liaisons will be maintained in the interests of public safety and intelligence received that is capable of helping in that task will be received and acted upon but UK intelligence, police and military personnel will never solicit information that they have reason to believe may be obtained through torture.

The processes by which the intelligence community is managed, staffed and conducts its business will be made sufficiently transparent to build confidence in the integrity of all involved. The public must nevertheless 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 agencies by cleared Parliamentary representatives on the public's behalf, and should expect judicial oversight of the exercise of statutory authorities for intrusive investigation, with the right of investigation and redress in cases of abuse of these powers.

I have described national security as a shared state of mind, a state of confidence that the major risks are being sufficiently managed so that people can go about their normal lives, freely and with confidence. Life is full of surprises, however, sometimes unwelcome. Some level of insecurity has to be accepted day to day and lived with. Working to keep major risks to a reasonable minimum is a primary duty of government, part of the implicit contract between people and their government. Failure to try hard enough to do so is a likely indicator of poor government. But security comes at a price. There is an opportunity cost in terms of resources not available for other public goods such as education or culture. And there is a price in terms of personal privacy to allow the authorities to generate the pre-emptive intelligence on which much of the effort to maintain public security rests. That price buys the security under whose wings the benefits of good government can be reaped.