Report:

Security, intelligence and EU cooperation: Scotland's comparator countries

Publication date: 21 August 2014

Report on the third of six events in the seminar series:
Security in Scotland, with or without constitutional change

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Key points:

- Scotland to an extent already resembles a small western European state in its police and security arrangements.

- Scotland faces the same choices as its comparative neighbours in terms of geopolitics and NATO, working with bigger partners, and cooperation with the EU on 'freedom, security and justice' matters.

- Political differences with neighbours are not necessarily a hindrance to security cooperation.

- The EU is often flexible and accommodating in its 'freedom, justice and security' approach to European states, whether members or not.

- Being a small country is not necessarily a hindrance to undertaking ambitious security sector reforms.

- In comparative European terms, smallness is no hindrance to being secure.

Security, intelligence and EU cooperation: Scotland's comparator countries

On 6 May we held the third seminar in our series 'Security in Scotland, with or without constitutional change'. We heard from expert speakers from the Netherlands, Ireland, Sweden, Norway, Finland, the Faroe Islands and on EU security cooperation. This report will discuss some of the main themes and issues to emerge from our discussions with a particular emphasis on the lessons that can be drawn for the question of security in an independent Scotland. We do not aim to provide a comprehensive description of the security arrangements of each comparator country.

It is clear that security and intelligence in small western European countries is characterised by variety, being largely the product of each country's specific history. No intelligence and security setup has been designed from scratch. It is tempting to assume that an independent Scotland would have the advantage of starting its security and intelligence arrangements from a clean sheet, picking and choosing from what works best elsewhere. However, Scotland already has much in place that would serve as the basis for security and intelligence: the resilience planning section of the Scottish government, a newly centralised police force with established covert surveillance, intelligence gathering and counter-terrorism expertise, and a small unicameral parliamentary system (see our first report for more detail). While in theory a post-referendum constitutional convention could put all this into question, realistically none of this is likely to change if Scotland became independent. The only new thing proposed by the Scottish government publication 'Scotland's Future' (the white paper) is a single integrated intelligence agency for Scotland. As discussed in our second report, this new agency is likely to be focused on domestic police support activities and cyber security, since only big countries have the resources for extensive foreign intelligence.

The role of history in shaping an independent Scotland's security arrangements would not be limited to what already exists in concrete form. History also shapes expectations. This might mean that Scotland seeks to do things differently from the UK in order to differentiate itself, such as promising greater scruple over international cooperation on contentious activities such as rendition. It might also mean that the public and political class possess inherited expectations about what intelligence oversight looks like, namely that it should be done by parliamentary committee.

In terms of intelligence oversight therefore, the existing UK model is likely to form the baseline for new arrangements in an independent Scotland. The recent reform of the Intelligence and Security Committee (ISC) in London means that Scotland would expect a form of oversight at least as capable and probably more transparent than that. Indeed, that is more or less what is proposed in the white paper, albeit with few details provided. The ISC reforms have yet to be really tested, and despite the committee's increased efforts to engage with the public, it is under pressure to demonstrate that it is not too close to the intelligence agencies. This controversy is shaping deliberations on the nature of intelligence oversight, with many believing that an independent Scotland could and should offer something better.

With this context in mind, let us now turn to the comparative angle to see what may be learned. Despite the current debate, the UK does not lack transparency in security and intelligence oversight when compared to some other European countries. For example, Ireland's intelligence services, which exist as extensions of the police and military, are very secretive and little discussed in public. This stems from Ireland's fractious political history and the extreme sensitivities that would be involved in any politicization of the intelligence services in relation to nationalism. As a result, parliamentary oversight of intelligence is light in comparative EU terms, and Irish parliamentarians rarely engage with such matters openly. Ireland's National Security Committee is chaired by specialists rather than ministers. Similarly, although Sweden is transparent in most areas of governance it is not so in intelligence oversight, which here is undertaken by a government appointed 'court' of experts. Reports on Sweden's intelligence activities are kept classified and any information supplied in response to freedom of information requests is heavily redacted. Likewise, although Norway has an oversight model a little more like that of the UK, with a committee appointed by parliament performing its work through inspections, most of its oversight work remains classified.

In terms of pursuing security and intelligence reform, a small, agile, efficient system of government seems to be an advantage in comparative terms, and therefore the centralised nature of Scottish government and policing will likely be of some benefit if the time comes to develop a more independent security architecture. In contrast, the Netherlands has historically had a layered and localised system of government which has been something of a hindrance in creating a less fragmented, more integrated approach to security and policing. Internal intelligence sharing and interoperability between police and intelligence agencies has been difficult due to a history of mistrust and local autonomy. In the past decade, the Netherlands has made efforts to create a national police force, which can be seen as an attempt to move towards a more centralised Scandinavian model of policing. This has some parallels with the centralisation of the Scottish police and the creation of the UK's National Crime Agency. In the Netherlands the process was resisted by local mayors and police chiefs, and eventually pushed through by the government with minimal public consultation, mainly in the name of efficiency. In contrast, an independent Scottish police-security-intelligence set up would begin from a relatively efficient, interoperable and integrated starting point.

All countries have to make choices and compromises in their security priorities, small countries more so, and there is no single model for this. Ireland's military, police and intelligence services are all very small. There is a sense that Ireland 'deals with the threats it can afford', and in this light it has few foreign intelligence capabilities. Despite internal divisions between Irish agencies, there has always been close external dialogue and cooperation with the UK and US services, for example around the 1998 Omagh bombing. Irish 'neutrality' is something of a historical myth, and despite non-membership of NATO, in reality there has been good Irish/US/UK cooperation since the 1950s. The Irish comparison with Scotland is limited because its history and politics are so specific, but it does set a good precedent for security and intelligence cooperation with the UK based on a shared need, and despite any political differences.

The Faroe Islands' relationship with Denmark is an interesting comparison to that of Scotland and the UK. In many ways, Faroese autonomy is similar to Scottish devolution in terms of the powers held locally, with the exception that in the Faroes policing is controlled by Denmark. The Faroes are tiny compared to Scotland, with a population of only 48,000, but some of the geopolitical issues faced are similar, particularly with respect to the Arctic thaw and its challenges of increased regional shipping and developments in hydrocarbon extraction. Since the 2005 Foreign Affairs Act, the Faroes have been free to conduct their own foreign policy so long as it is not in conflict with Denmark. This parallels the way that Scotland has engaged in its own international 'paradiplomacy' in recent years. Danish interest in the Faroes has waxed and waned according to the geopolitical climate. In the cold war the Faroes hosted NATO radar stations and Danish commandoes. Those have gone, but Danish interest in the region has been rekindled due to the Arctic thaw. A debate on Faroese independence does exist, but ultimately independence would not change the geopolitics of the Faroes and its security dependence on bigger neighbours. Something similar could be said about Scotland, where from a geopolitical point of view, close security cooperation with the UK and US seems inevitable whatever the outcome of the referendum. Regardless of what happens with Trident, Scottish territorial waters and airspace will remain important to NATO regional strategy. It is true that the white paper suggests an increased maritime role for Scotland in the region, but ultimately this has to be couched in the context of NATO.

Norway, Sweden, Ireland and Denmark have made similar historic choices regarding north Atlantic security cooperation, and while of these four only Norway and Denmark are NATO members, all of them closely cooperate with the alliance. The exception is Finland because of its proximity to Russia. Historically, Finland maintained a position of equidistance between east and west. Nevertheless, Finland has been edging closer to NATO with a series of 5 white papers between 1995 and 2009, with the most recent stating that 'strong grounds exist for considering Finland's membership of NATO'. Finland has a tradition of strong independence in security matters, with a central doctrine of 'total defence'. In the past decade it has developed a comprehensive model of security which ranges from conscription to public/private partnerships on national infrastructure protection. Thus despite its small intelligence services, all sectors of its government and economy are in some way connected to defence and security planning. This resembles the direction of UK security thinking in the 2010 National Security Strategy, but so far the UK document remains more a statement of principles than a fully realised vision (see our second report). Current Scottish resilience planning also resembles a 'comprehensive security' approach, although of course at present it operates in a more limited scope as the policy of a devolved regional government (see our first report). Finland demonstrates what a more developed version of this model could look like. Of course, the geopolitics are different, with Finland sharing a 1300km border with Russia, but this has not hindered any ambition in Finnish security plans. For example, it has set 2016 as a target date to be the most cyber-secured state in the world.

One of the most important considerations is EU security cooperation, or more accurately, 'freedom, security and justice' cooperation. This is not a 'model' as such, but a patchwork of different agreements and information sharing arrangements that include EU member states and

non-member states, with agencies and structures that are by no means fixed. Leaving aside the vexed question of Scottish EU membership and any possible UK referendum on an EU exit, the main consideration is how an independent Scotland would integrate with EU information sharing systems, particularly regarding travel. The UK/Ireland common travel area (CTA) is an anomaly in EU terms, and whether an independent Scotland would join this is subject to the multiple in/out contingencies just mentioned. For the EU, the question is if and how an independent Scotland would integrate with the various databases such as the Schengen Information System. Either way, some accommodation would invariably be found, given that the history of EU security cooperation is not one of strategy as such, but *ad hoc* arrangements with members and non-members (such as Norway), *post hoc* justifications of what has been done, plus a long history of informal networking between police and ministers of justice and interior going back to the mid-1970s. Scotland is already invested in much of this, and again the centralisation and technical modernisation of its police and its databases suggest that it is ready to deepen its EU security cooperation. There would be transitional technical and political issues to overcome, including ongoing privacy and data protection issues, which could vary between Scotland and the EU as they do between the UK and EU.

Conclusions

In many ways Scotland already resembles a small western European state in its police and security arrangements. It faces the same choices as its comparative neighbours in terms of geopolitics and NATO, working with bigger partners, and cooperation with the EU on freedom, security and justice matters. The examples we have discussed show that political differences with neighbours are not necessarily a hindrance to security cooperation (e.g. the UK and Ireland); the EU is flexible (and changeable) in its approach to European states whether members or not; and small countries in more precarious positions than Scotland (such as Finland) can undertake ambitious security reforms and even become world leaders in their specialisms. Of course there would be issues to overcome in any transition to independence, but smallness is no hindrance to being secure.