

Buffeted not Busted: The UKUSA 'Five-Eyes' after Snowden

Written by Adam D.M. Svendsen

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<https://www.e-ir.info/2014/01/08/buffed-not-busted-the-ukusa-five-eyes-after-snowden/>

ADAM D.M. SVENDSEN, JAN 8 2014

This brief article offers some thoughts on how the recent series of Edward Snowden-related NSA leaks witnessed especially during December 2013, notably those most focused on UKUSA, will affect intelligence co-operation among the English-speaking, 'Five Eyes' UKUSA intelligence 'club' – consisting of the United Kingdom, the United States, Canada, Australia and New Zealand.[1]

The aim is to offer some much-needed further public contextualisation regarding the 'intelligence world' as a whole; together with arguing, more specifically and embedded within that wider 'intelligence world' context, that the UKUSA 'Five Eyes' signals intelligence (SIGINT) arrangement will not be as affected as might be more argued elsewhere.[2] Readers are also directed to the sources cited throughout this article for further background reading on this complex subject.

Why UKUSA Persists

As one of the strongest, most formal, long-standing, official forums for, amongst many tasks, facilitating intelligence co-operation, UKUSA continues to retain much contemporary use. In its 'plug-n-play' functionalism, its baseline relevance and purposefulness is not likely to change dramatically or fundamentally in the foreseeable future.

Today, for example, UKUSA remains useful in relation to offering a model and several paths forward relating to effectively dealing with, and attempting to monitor and manage, 'newer' full-spectrum ranging issues, risks, hazards and threats currently being experienced, such as those of a cyber nature.[3]

In systems theory terms, the 'whole' of UKUSA, and the system(s) it represents, is 'greater than the sum of its (individual) parts'. Therefore, given the recent slew of publicly revealed allegations, UKUSA will probably become subject to some further examination through being reviewed. At most from that review, at least in particular places and with regards to the details of more specific programmes, degrees of adjustment may be more witnessed in the not-too-distant future.[4]

Some Adjustments That can be Anticipated

It can readily be anticipated that, during the course of any review, UKUSA will most likely revisit its core 'original' or 'classical' rationale and foundations, which are also enshrined historically (see below). Key areas closely examined will most probably include careful consideration of whether the subsequent evolution of UKUSA over several years, and continuing up to contemporary developments witnessed today, has kept sufficiently 'in-step' with, and even suitably 'ahead' of, the 'curve of events and developments' experienced (both internally and externally). In proximity terms, this is as proportionately as is broadly agreeable as possible.[5]

Any anticipated adjustment developments can be most expected to occur marginally. Largely, this scenario is due to two main widespread determining factors. Contemporary developments relating to the UKUSA arrangement remain both subject to occurring:

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(i) closely and dominantly in accordance with the demands exerted by the existence of 'newer' technologies (the Internet, programmes and platforms such as Skype, Facebook, voice over internet protocols – VOIP, etc.), and wider trends encountered today in the early twenty-first century, such as during our contemporary cyber, information, and computer eras; and

(ii) closely relating to the plethora of fast-paced, and frequently condensed-space, dynamics (including all the opportunities, risks, hazards and threats) that flow and are experienced from those above aspects and entities, such as including: mass 'Big Data' information flows, metadata and cybernetic features, phenomena up to and including the impact of 'globalisation *writ large*', 'glocalisation' (where the 'local' and 'global' connect, often messily), and, more specifically, issues relating to the 'globalisation of intelligence'.^[6]

UKUSA Drivers

Considering all of the above listed factors, together with their nexus, emerges as important. This helps to both frame, and understand, contemporary UKUSA management and its decision-making. Those factors, at least approximately in their interpretation, are worth keeping in mind in current contexts and during contemporary circumstances.

This extended level of perspective and contextualisation is particularly necessary when (i) several multi-functional operations (ranging from 'peace' to 'war' activities, such as including: peace-making/keeping, humanitarian, counter-terrorism, counter-insurgency, counter-organised crime, counter-proliferation, other military operation efforts, and so forth) are all occurring across the world, during (ii) a simultaneous overall era of highly complex uncertainty and globalised strategic risk.^[7]

Both deeply and highly challenging in their nature, the managerial factors also account for why more continuity than change is most likely expected with regards to UKUSA, the monitoring work it undertakes (most significantly for 'strategic early warning' purposes), and the intelligence co-operation occurring between the 'Five Eyes' (and others) within that forum.

Collectively, this work is undertaken together to, not least, keep valuable qualities such as the 'initiative' and an 'edge' both on and over any opponents or more visceral adversaries. Great care and caution needs maintenance both in and with regard to highly complex intelligence and security enterprises.

The Historical Dimension

History also offers us helpful further insights regarding UKUSA. In June 2010, well before Snowden, NSA declassified several of the historic documents and the long-standing agreements between the UK and US that relate to UKUSA and to its wartime predecessor, BRUSA (Britain-USA), dating from the 1940s.^[8]

By way of a quick background, postwar a range of agreements were negotiated and signed between 1946 and 1948, with some periodic updates since. These agreements collectively form the bedrock memoranda of understanding (MoUs) that in their overlap constitute the UKUSA arrangement. They guide how it works, including providing some insights into how it runs currently.^[9]

When these historical documents are examined, they tell us much about the foundations on which the UKUSA SIGINT arrangement is constructed and much about the frameworks around which it operates. They also suggest much to us about how episodes of 'leaks' are dealt with both by, and within, the UKUSA forum.

Notably, embedded within the appendices of the UKUSA documents, they note that: 'In addition to the ... regularly assigned [liaison (i.e. intelligence co-operation)] personnel, visits by selected personnel for short periods of time to deal with special problems will be encouraged.'^[10]

As the italics-emphasised portion of the previous passage shows, well-established ways of dealing with any conflicts and disagreements that emerge between the UKUSA members firmly exist. For instance, this is to prevent

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intelligence co-operation becoming more stymied and their more important overall business and mutually shared 'missions', such as focused on counter-terrorism and WMD counter-proliferation, from losing direction and tempo, and from spiraling more out of control.

As already seen, those UKUSA management protocols outlined above have also existed for some considerable time after the Second World War (1939-1945). They have become effectively 'tried-and-tested' over several years in many different, difficult circumstances, such as during the Cold War.

What now for UKUSA?

Perhaps paradoxically, both within and between their respective intelligence communities, currently several enhanced liaison activities by each of the UKUSA member countries can be readily expected. For example, this liaison will be underway between the partners to discuss and then address the issues currently in play, notably stemming from the cascades of documents being repeatedly released by Snowden throughout 2013.

Inevitably, essentially what might be called 'damage limitation' tasks will be taking place within the UKUSA arrangement. Particularly the occasions when intelligence end-user requirements involving the 'benchmarking' or 'best practice standards' criteria of 'STARC' – consisting of: 'Specificity, Timeliness, Accuracy, Relevance and Clarity'[11] – are still being upheld by the UKUSA arrangement with regards to its intelligence business, those 'damage limitation' efforts are occurring rightly so. That work is intended for all of our 'public safety' benefit.[12]

In those last contexts, as Reuters correspondent William Maclean has found: 'International intelligence cooperation is too important in tackling a transnational, networked foe like al Qaeda to allow tactical differences to grow into major disputes, analysts say.'[13] Overarching governance 'ends', focused on broader concerns and considerations, do have to be maintained.[14]

However, the occasions when it is found that those above 'best criteria' are not being upheld, or are not being met as effectively as they could be, then constructive adjustments can be demanded more legitimately. This is especially if, in their more positive-leaning critical constructivism, they ultimately head towards stimulating the greater optimisation of intelligence enterprises.[15]

The occasions of 'over-reaching' and/or 'under-reaching' in UKUSA-related events and developments, particularly as they unfold strategically, seek to be addressed. These situations relate to collectively judged imbalances in overall conditions of 'intelligence and security reach', which in turn depend closely on the – often highly difficult to assess – specifics of the contexts in which the episodes are actually occurring. Dangerous and damaging conditions of misguiding over-generalisation seek to be avoided, as far-extending degrees of risk management are better addressed and corrected.[16]

General Intelligence Co-operation Dynamics

Setting the tone for how intelligence co-operation dynamics generally occur within forums, such as including UKUSA, as a former CIA operative Fred Hitz has noted elsewhere: 'Aren't the CIA's supposed relations with liaison services like... the British more important than one spy?'[17] Here, his argument regarding the impact of individuals can be readily extended from being relevant to the CIA to being equally applicable to NSA, and it can be transposed from 'spies' to highly disaffected IT computer systems administrators able to obtain wide access to NSA's servers.[18]

Ultimately, as concluded overall recently: 'the historically enduring phenomenon of intelligence liaison will survive.. What is more apparent is that intelligence liaison – together with its associates, extending to outreach – is so dynamic that it will continue to fascinate, considerably challenging its practitioners and analysts alike well into the future.'[19]

Conclusions

For all the reasons discussed above, UKUSA and the intelligence co-operation occurring between all the different

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'Five-Eyes' (and other) members will therefore be, and indeed can be best analysed as being, *buffeted and not busted* in the wake of what Snowden has been releasing recently. Liaison may even be enhanced, including into the longer-term.

Some adjustments will most likely occur relating to UKUSA, but not a complete transformation. That is probably a more fortunate outcome than not, as contingencies seek to be maintained, and the addressing of contemporary mutual burdens benefits from continuing to be shared as far as possible.[20]

Between the UKUSA 'Five Eyes' (up to and including other partners beyond), perhaps albeit amid some more specific tactical differences, sufficiently broad consensus exists strategically. That last suitably robust platform persists into the foreseeable future to continue to adequately structure overall developments and forward movements, including culturally. More is gained in their interactions together than without.

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[1] For further background information on UKUSA, see, for example, A.D.M. Svendsen, *Intelligence Cooperation and the War on Terror: Anglo-American Security Relations after 9/11* (London: Routledge/Studies in Intelligence Series, 2010 [Pbk 2012] – see via <<http://www.routledge.com/books/details/9780415622226/>>), esp. p.236, col.2; see also A.D.M. Svendsen, *Understanding the Globalization of Intelligence* (Basingstoke: Palgrave Macmillan, 2012 – see via <<http://www.palgrave.com/products/title.aspx?pid=522280>>), p.238, col.2; A.D.M. Svendsen, *The Professionalization of Intelligence Cooperation: Fashioning Method out of Mayhem* (Basingstoke: Palgrave Macmillan, 2012 – see via <<http://www.palgrave.com/products/title.aspx?pid=628307>>), p.244, col.1.

[2] For recent media coverage of UKUSA, see, e.g., P. Farrell, 'History of 5-Eyes – explainer: Partnership forged in wartime to monitor enemy radio transmissions now scoops up data about ordinary citizens', *The Guardian* (2 December 2013); see also J. Ball and P. Farrell, 'NSA considered spying on Australians "unilaterally", leaked paper reveals', *The Guardian* (4 December 2013); J. Ball, 'US and UK struck secret deal to allow NSA to "unmask" Britons' personal data', *The Guardian* (20 November 2013); B. Quinn, 'Another US-UK "special relationship" – between intelligence services', *The Christian Science Monitor* (14 June 2013).

[3] See, e.g., references to UKUSA in I. Wallace, 'Cyberwar: Leveraging old ties for new threats', *The Interpreter* (24 September 2013); see also discussion of UKUSA in D. Munton and K. Fredj, 'Sharing Secrets: A Game Theoretic Analysis of International Intelligence Cooperation', *International Journal of Intelligence and CounterIntelligence*, 26, 4 (2013), esp. pp.670-671.

[4] See also arguments in A.D.M. Svendsen, 'Introducing RESINT: A Missing and Undervalued

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"INT" in All-Source Intelligence Efforts', *International Journal of Intelligence and CounterIntelligence*, 26, 4 (2013) – via: <<http://dx.doi.org/10.1080/08850607.2013.807196>>.

[5] For these sorts of trends, see also, e.g., as discussed in A.D.M. Svendsen, 'Strategy and disproportionality in contemporary conflicts', *Journal of Strategic Studies*, 33, 3 (June 2010), pp.367-399 – via: <<http://www.tandfonline.com/doi/full/10.1080/01402390903189576>> and A.D.M. Svendsen, 'Re-fashioning risk: Comparing UK, US and Canadian security and intelligence efforts against terrorism', *Defence Studies*, 10, 3 (September 2010), pp.307-335 – via: <<http://www.tandfonline.com/doi/full/10.1080/14702436.2010.503677>>.

[6] For details on these aspects, see, for example, as discussed in A.D.M. Svendsen, "'Strained" relations? Evaluating contemporary Anglo-American intelligence and security co-operation', chapter 8 in S. Marsh and A. Dobson (eds), *Anglo-American Relations: Contemporary Perspectives* (London: Routledge/Routledge Advances in International Relations and Global Politics Series, 2012 [Pbk: December 2013]) – see, e.g., via <<http://www.routledge.com/books/details/9780415643412/>>. On the 'globalisation of intelligence', see, e.g., Svendsen, *Understanding the Globalization of Intelligence* – via <<http://www.palgrave.com/products/title.aspx?pid=522280>>; see also V. Mayer-Schönberger and K. Cukier, *Big Data: A Revolution that will transform how we live, work and think* (London: John Murray, 2013) and their 'The Rise of Big Data: How It's Changing the Way We Think About the World', *Foreign Affairs* (May/June 2013).

[7] See also, e.g., T. Fingar, *Reducing Uncertainty* (Stanford, CA: Stanford University Press, 2011); D. Kilcullen, *Out of the Mountains: The Coming Age of the Urban Guerrilla* (London: Hurst, 2013).

[8] See, for example, 'Declassified UKUSA Signals Intelligence Agreement Documents Available', *NSA Press Release*, and 'UKUSA Agreement Release 1940-1956', *NSA/CSS website* (24 June 2010); 'Newly released GCHQ files: UKUSA Agreement', *The (UK) National Archives* (June 2010); see also G. Corera, 'Details of secret US-UK "spying pact" released', *BBC*, and R. Norton-Taylor, 'Not so secret: deal at the heart of UK-US intelligence', *The Guardian*, and R.G. Satter, 'Details of Cold War intelligence pact published', *Associated Press* (25 June 2010).

[9] Svendsen, *The Professionalization of Intelligence Cooperation*, esp. pp.19-20 – see via <<http://www.palgrave.com/products/title.aspx?pid=628307>>.

[10] 'Liaison Personnel' in 'Appendix I – Sheet 1: Liaison and Methods of Exchange' (1 June 1951), p.85, para.5, *HW/80/9 – UK National Archives* (declassified: June 2010).

[11] See these criteria in W.M. Hall and G. Citrenbaum, *Intelligence Collection* (USA: Praeger Security International – PSI, 2012), p.81.

[12] See also, e.g., A.D.M. Svendsen, 'The Federal Bureau of Investigation and Change:

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Addressing US domestic counter-terrorism intelligence', *Intelligence and National Security*, 27, 3 (June 2012), esp. p.378 – via:
<<http://www.tandfonline.com/doi/abs/10.1080/02684527.2012.668080>>.

[13] W. Maclean, 'Europe, U.S. juggle divergent tolerance of risk', *Reuters* (5 October 2010), as quoted in Svendsen, *Understanding the Globalization of Intelligence*, p.51 – via
<<http://www.palgrave.com/products/title.aspx?pid=522280>>.

[14] See also, e.g., M. Ignatieff, *The Lesser Evil* (Princeton, NJ: Princeton University Press, 2005); Svendsen, *Understanding the Globalization of Intelligence*, p.131 – via
<<http://www.palgrave.com/products/title.aspx?pid=522280>>.

[15] See also, e.g., A.D.M. Svendsen, 'Special Issue on "The CIA and US Foreign Relations Since 1947: Reforms, Reflections and Reappraisals," Intelligence and National Security 2-3 (April-June 2011) – Section I: Challenges and Reform', *H-Diplo/ISSF Roundtable Reviews*, III, 6 (December 2011), esp. p.42 – via: <<http://www.h-net.org/~diplo/ISSF/PDF/ISSF-Roundtable-3-6.pdf>>.

[16] For an 'intelligence and security reach' thesis, see, e.g., as discussed throughout Svendsen, *Understanding the Globalization of Intelligence* – via
<<http://www.palgrave.com/products/title.aspx?pid=522280>> and developed further in Svendsen, *The Professionalization of Intelligence Cooperation* – see via
<<http://www.palgrave.com/products/title.aspx?pid=628307>>; see also G. Ebbutt, 'Data, data everywhere: Adrift on a sea of intelligence', *Jane's International Defence Review* (November 2012).

[17] F.P. Hitz, *The Great Game: The Myths and Reality of Espionage* (New York: Knopf, 2005), p.152, as quoted in Svendsen, *Intelligence Cooperation and the War on Terror*, pp.7-8 – see via
<<http://www.routledge.com/books/details/9780415622226/>>.

[18] See also, e.g., Sir David Omand, 'Edward Snowden's leaks are misguided – they risk exposing us to cyber-attacks', *The Guardian* (27 September 2013).

[19] Svendsen, *Understanding the Globalization of Intelligence*, p.155 – via
<<http://www.palgrave.com/products/title.aspx?pid=522280>>.

[20] See also conclusions in Svendsen, "'Strained" relations? Evaluating contemporary Anglo-American intelligence and security co-operation', chapter 8 in Marsh and Dobson (eds), *Anglo-American Relations: Contemporary Perspectives* – see, e.g., via
<<http://www.routledge.com/books/details/9780415643412/>>.

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