



Seminar report:

Assessing security governance in the UK and Scotland under current arrangements

The first of six events in the ESRC seminar series:
**Security in Scotland, with or without constitutional
change**

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We held our first seminar at the Scottish Parliament on 4 October 2013, thanks to the sponsorship of Graeme Pearson MSP, shadow justice secretary and former senior police officer. This was a fitting location for our launch, as our seminar series is designed as a forum for policymakers, politicians, practitioners and academics. Of the 30 participants, about half were academics representing the disciplines of law, politics and international relations at four different Scottish universities, a quarter were Scottish Government and UK civil servants, and the rest were police officers, former members of the intelligence and security community, members of civil society organisations, and postgraduate researchers sponsored by us to attend the whole series (two from St. Andrews and one from Cardiff). It was held under the Chatham House rule.

The aim of our first seminar was to learn how current security governance arrangements work in Scotland and the UK. Only from there can we understand what might be lost or gained in the event of constitutional change and what it might mean to construct new arrangements on the basis of existing Scottish capacities.

The key lesson was about the importance of working relationships. Security governance depends on interaction between agencies, often a daily basis. We heard talks from the Scottish Government, Police Scotland and former intelligence and security service practitioners. From the perspective of our project, there are intra-Scottish relationships and Scotland-UK relationships. The intra-Scottish relationships are distinctive, work well, and display professionalism and agility. The UK-level relationships are no less frequent or important, but the question of what would replace them is a source of uncertainty to those involved.

As an example of working relationships internal to Scotland, the Scottish Government has as the core of its security strategy fostered a high degree of integration and interoperability between its emergency services and support agencies. Given that 'national security' is a reserved matter, the Scottish Government has carved out its own distinctive approach based on resilience, critical infrastructure protection and emergency response. It calls this a 'holistic approach to security' - an 'all risks' approach that takes a 'systemic' view of the agencies involved. By its own account, Scotland is world leader in this area and has shared its expertise with other sub-state regions abroad. The related example is Police Scotland, recently unified from the various Scottish police forces in a remarkably trouble-free process.

Scotland-UK security governance relationships take place at three different levels: strategic, operational and technical. The strategic level concerns the identification of emerging threats, such as that undertaken by the Joint Terrorism Analysis Centre (JTAC). The operational level concerns intelligence support, such as that provided to Police Scotland by the Security Service/MI5. The technical level includes, for example, cryptographic accreditation of government and police computer systems, done by a single UK agency. The smooth operation of the working relationships at these three levels is essential to security governance.

For example, the Specialist Crime Division of Police Scotland, which has counter-terrorism in its remit, relies on daily support from several UK agencies, including the Security Service/MI5 and the Office for Security and Counter-Terrorism at the Home Office. Any disruption to this support would directly affect the ability of the Specialist Crime Division to do its work. The Scottish Government also relies on national UK agencies for key parts of its security strategy, such as the Centre for Protection of National Infrastructure and the National Technical Authority for Information Assurance.

The Scotland/UK security relationships that matter most are not necessarily the same in practice as on paper. For example, counter-terrorism is a reserved matter and the Metropolitan Police is the national lead force. Deputy Assistant Commissioner Helen Ball is the Senior National Co-ordinator for Counter-Terrorism. One of her roles is to form and lead a liaison committee of key agencies in response to terrorist-related events nationwide. However, in Scotland such a committee is chaired by a Scottish chief constable, with the national coordinator only assisting when necessary. Despite the official Met lead, Scotland has always had its own counter-terrorism expertise in Strathclyde (previously its largest force). Our intelligence and security service speakers told us that although working with the Scottish police was essentially the same as working with other forces, the ‘atmospherics’ were different. Similarly, although CONTEST lays out the counter-terrorism strategy for the whole of the UK, it is not a daily reference point for Police Scotland. In practice, the Scottish Government and Police Scotland have developed a distinctive approach that integrates counter-terrorism with the policing of serious crime.

All this means that security governance *feels* different and *is* different in Scotland, but it is not independent of the UK. Any change to key Scotland-UK security governance relationships would have to be seamless to avoid disruption to established working practices. Independence would mean either creating new Scottish agencies to replace the loss of support from those based in England, or somehow continuing to work with the old agencies. Neither option would be straightforward. It is a matter of providing continuity in highly specialised forms of technical expertise that remain the jealous preserve of sovereign states.

At a strategic level, the Scottish Government and Police take their lead from the UK in identifying emerging threats. The Scottish Government plans for future priorities in risk management, resilience and policing, but this is not the same as, for example, the high level strategic overview currently provided by JTAC as a kind of clearing house for intelligence from the various security-related agencies of the UK. There are alternatives to the intelligence-led model of threat identification, but they have a mixed track record. On the rare occasions when police forces have taken the initiative on emerging threats they have done so problematically, targeting political protestors for example.

Our speakers agreed that it would be *possible* to create a new Scottish domestic intelligence agency. However, before any separation negotiations take place, there are too many uncertainties to say what such an agency should look like and

how effective it would be. Different models are available; for example a civilian service like MI5 or a police-based service as in Denmark. The existing arrangements of the UK and other states are based on historical accident and organic evolution, and so comparing their relative merits out of context is not straightforward. Nevertheless, some observations and comparisons are possible. A Scottish version of MI5 scaled down on the basis of population size would only have 300 staff. This would raise questions over usefulness, but also more practical matters such as providing meaningful career progression for its staff. This is a problem faced by the New Zealand service for example. And although MI5 has had a regional office in Scotland since the mid 2000s (and seven others around the UK), this outpost could not form the basis of a standalone Scottish agency. Any new arrangements would be politically sensitive because Scotland would not want to be accused of being a 'weak link'.

Intelligence gathering does not begin and end at the border, however. Currently, The UK external agencies perform an upstream operational role, from which counter-terrorist work in Scotland may benefit. A new domestic agency would not replace this arrangement. Scotland could not necessarily depend on intelligence sharing relationships with foreign partners instead. Although there is no reason to rule out goodwill towards Scotland from foreign governments (but nothing that can be taken for granted either), intelligence sharing depends on more than goodwill. For example, for New Zealand to be part of the 'Five Eyes' intelligence sharing relationship with the US, UK, Australia and Canada it has to meet the encryption and computer security standards of its bigger partners, meaning considerable costs for a small country with a small intelligence service. The senior, more powerful partner in such a relationship dictates the policy and the costs, raising questions over how much 'independence' a junior partner really has. This would have to be a consideration if an independent Scotland wanted to maintain close security ties with the remaining UK, not to mention broader international arrangements. However, we also heard that public focus on the 'Five Eyes' regime often distracts attention from equally important European intelligence sharing relationships, and these could be important for Scotland.