

THE UNITED KINGDOM: THE GOVERNMENT'S ANTI-TERRORISM RESOURCES

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On June 29 and 30, the United Kingdom foiled three attacks in the cities of London and Glasgow. Work by the British security forces thwarted plans made by Islamist activists of Indian and the Middle Eastern origin. Two cars loaded with explosives that were supposed to explode in the British capital were neutralised in good time thanks to the vigilance of the security services. In Glasgow, a vehicle filled with bottles of gas tried without success to crash into the airport terminal in what would have been a suicide attack. These events have reminded the government and the general population that the United Kingdom remains a favourite target of Islamist fundamentalists.

The day after the attacks of September 11, 2001, the decision of Tony Blair's government to actively fight alongside the United States against Islamist terrorism led to the dispatch of British troops to Afghanistan. In March 2003, London followed Washington into Iraq in order to overthrow the regime of Saddam Hussein. This British engagement at the side of the United States reinforced the determination of terrorists claiming to be under the influence of al-Qaida to undertake terrorist acts against the United Kingdom. Recently, following the conferral of knighthood on the author Salman Rushdie, the number two in the terrorist organisation, Ayman al-Zawahiri, clearly threatened the government of Prime Minister Gordon Brown¹.

The attacks perpetrated in London on July 7, 2005 by four British subjects of the Muslim faith, demonstrated that the organisation of Osama Ben Laden can act effectively within the country. Fifty-two victims resulted from these attacks, which were the bloodiest ever recorded on British soil. Some officers in the security services believe that the attacks of 7/7 were just 'the beginning².' This is why the British government presented in July 2006 its national strategy for combating international terrorism. It takes up the strategy of the '4 Ps' set out in 2002 with the framework of the CONTEST project. This strategy relies on four activities: prevent, pursue, protect and prepare. The document also states that the threat is 'growing' and that it does not appear to be on a path of decline³. Under these conditions, and

¹ Ian Black, « Al-Qaida's deputy leader threatens retaliation for Rushdie's knighthood », *The Guardian*, July 11, 2007. <http://www.guardian.co.uk/alqaida/story/0,,2123444,00.html>

² Rosie Cowan and Richard Norton-Taylor, « Britain now No. 1 al-Qaida target – anti-terror chiefs », *The Guardian*, October 19, 2006. <http://www.guardian.co.uk/print/0,,329604444-111274,00.html>

³ *Countering International Terrorism: The United Kingdom's Strategy*, The Stationery Office, July 2006, p. 1. <http://www.intelligence.gov.uk/upload/assets/www.intelligence.gov.uk/countering.pdf>

in the context of possible reform of the French intelligence services, a general survey of the resources which the British authorities now have to combat terrorism may be instructive.

1. The legislative arsenal

In a struggle such as that being waged by the Western security forces against Islamist terrorism, it is essential to have an efficient and up-to-date legislative arsenal. The United Kingdom was able to take advantage of the experience it gained in combating the pro-independence terrorist movement of Northern Ireland. **The fight against the IRA (Irish Republican Army) enabled the British authorities to acquaint themselves with intense terrorist activity in practice and to understand the need to have a suitable legislative arsenal**⁴. One year before the attacks of New York and Washington, the British Parliament had modified the legislative framework of the fight against terrorism by passing the *Terrorism Act 2000*⁵. This document foreshadowed the emergence of international terrorism as a major threat for the United Kingdom. The law put forward a definition of terrorism as *'the perpetrating or threatening to perpetrate, for the sake of promoting a political, religious or ideological cause, any act causing grave harm to persons or property, endangering the lives of others, seriously threatening the health or the safety of persons or groups of persons, or having the objective of disturbing or gravely upsetting an electronic system, for the purpose of influencing or intimidating the population or any part of it'*⁶.

At the same time, this document forbids a number of international terrorist organisations such as al-Qaida, Palestinian Hamas and Lebanese Hezbollah to operate on British territory. Individuals associated with these organisations may henceforth be prosecuted. The law grants to the police enhanced powers of detention and search. A person suspected of having contacts with terrorist organisations can thus be kept in custody for fourteen days. At the end of two days, the detention must be approved by a magistrate. Moreover, the British police can arrest and search the property of anyone who is *'reasonably suspected'* of being a terrorist⁷. Finally, the law of 2000 created new crimes such as instigating acts of terrorism, researching and carrying out training for terrorist ends, as well as providing training in the use of firearms, explosives and chemical, bacteriological or nuclear weapons. **Even today, this text constitutes the keystone of the British legislative arsenal in the area of the fight against terrorism.**

♦Toughening of anti-terrorist legislation after September 11

Notwithstanding the modernity of the law of 2000, British Parliamentarians had to introduce some updates the day after the attacks of September 11, 2001. Passed on December 14, 2001, the ***Anti-Terrorism, Crime and Security Act 2001 (ATCS)* provides the authorities with additional powers, taking into account the reality of the threat posed by such organisations as al-Qaida.** The arrangements set out by the ATCS are aimed principally at limiting the financing of terrorism, ensuring better cooperation between the various government agencies, reinforcing immigration procedures and the powers of the

⁴ In 1973, a law granting reinforced powers to the security forces was approved by the British Parliament. Prepared especially for the fight against the pro-independence movement in Northern Ireland, this law permitted the police to arrest without warrant any person suspected of terrorism.

⁵ *Terrorism Act 2000*, 20 July 2000. <http://www.opsi.gov.uk/acts/acts2000/20000011.htm>

⁶ *National profiles relating to the capability of fighting against terrorism: United Kingdom*, Expert Committee on Terrorism (CODEXTER), Council of Europe, April 2007, p. 1.

[http://www.coe.int/t/e/legal_affairs/legal_co-operation/fight_against_terrorism/4_theme_files/country_profiles/CODEXTER%20Profiles%20\(2007\)%20UK%20F.pdf](http://www.coe.int/t/e/legal_affairs/legal_co-operation/fight_against_terrorism/4_theme_files/country_profiles/CODEXTER%20Profiles%20(2007)%20UK%20F.pdf)

⁷ *Terrorism Act 2000*, *op. cit.*

police, improving security at nuclear and airport installations⁸. Certain of these measures were rejected during the debate over the law of 2000.

In March 2005, that is to say prior to the attacks in London of July 7, the anti-terrorist legislation was once again updated with the passage of the *Terrorism Prevention Act 2005*. The principal measure of this law was the creation of *control orders* which can be imposed by the Home Secretary on anyone suspected of being involved in activities relating to terrorism, whatever their nationality. **These control orders are of a preventive nature and impose one or more obligations on an individual in order to prevent, restrict or put an end to his involvement in activities relating to terrorism.** Any failure to live up to the obligations imposed in the order without good reason constitutes a breach of the law subject to possible penalty of imprisonment for up to five years. The law of 2005 also grants additional rights to those under custody (the right to a lawyer, the right to inform a person they so designate of their detention) but these can vary if there is reason to believe that exercising them would interfere with the investigation⁹.

The final touch on British anti-terrorist legislation came on March 30, 2006 with passage of the *Terrorism Act 2006*. In response to the attacks committed in London on July 7, 2005, **this law establishes a range of new crimes** (inciting terrorism; dissemination of terrorist literature; preparation of terrorist acts; training for terrorism; being present at a site of terrorist training; fabrication, possession and use of radioactive substances or bombs; a prohibition on entering nuclear sites) intended to facilitate the work of the authorities¹⁰. **These measures are a response to the reproaches addressed to the British authorities over their laxness towards the Islamists, who are so well established on the streets of London that the city has been nicknamed ‘Londonistan.’** It should be noted that a government sponsored amendment aimed at extending the period of detention before an indictment from fourteen days to ninety days was rejected by a vote of the House of Commons. However, the Parliamentarians did agree on doubling this period, which is now twenty-eight days.

2. The intelligence services

The *Security Service*, which is also known by the acronym MI-5, is the part of the intelligence services operating exclusively on British territory. It is under the statutory authority of the *Home Office* without being part of it. **This agency is charged with the task of protecting the United Kingdom from all threats to national security such as terrorism, espionage and proliferation of weapons of mass destruction (WMD).** The current director of MI-5 is Jonathan Evans. He has two deputies. The first is responsible for intelligence and for providing advice in matters of security. In this connection, he supervises investigations relating to counter-terrorism, counter-espionage and proliferation of WMD. He is also in charge of the branch to which the *National Security Advice Centre* (NSAC) is attached. The NSAC supplies recommendations concerning security measures and protection against the main threats. He also directs a branch devoted to Ireland and domestic counter-terrorism. The second deputy is responsible for managing human resources and financial resources. In addition, he has authority over the operational branch of MI-5, as well as over the branch responsible for information management¹¹. The *Security Service* does not

⁸ *Anti-Terrorism, Crime and Security Act 2001*, 14 December 2001.

<http://www.opsi.gov.uk/ACTS/acts2001/20010024.htm>

⁹ *National profiles relating to the capability of fighting against terrorism: United Kingdom*, Expert Committee on Terrorism, *op. cit.*, pp. 4-5.

¹⁰ *Countering International Terrorism: The United Kingdom's Strategy*, *op. cit.*, p. 18.

¹¹ *National Intelligence Machinery*, The Stationery Office, 3 November 2006, pp. 11-13. http://www.intelligence.gov.uk/upload/assets/www.intelligence.gov.uk/national_intelligence_booklet.pdf

have any police powers but collaborates closely with the country's local police forces. Counter-terrorism constitutes the priority task of MI-5 and takes up nearly sixty percent of its resources¹².

Foreign intelligence is the work of the *Secret Intelligence Service* (SIS) or MI-6. The mission of this agency is to gather secret information from around the world using human and technical means in order to provide support to the policy and objectives of the British government in the domain of national security (notably defence and foreign policy), to the economic interests and to the wellbeing of the United Kingdom as well as to prevent *serious crime*. MI-6 is also charged with other tasks enabling it to carry out clandestine operations abroad in support of the British government's objectives. It is currently directed by John Scarlett and operates under the responsibility of the Foreign Office¹³. In its capacity as a state entity responsible for foreign intelligence, **MI-6 cooperates closely with its counterparts abroad such as the CIA, with whom it has created a solid relationship of confidence that permits it to practice common methods of training for the fight against terrorism.** The cooperation is also very valuable in the matter of analysis. Thus, the hundreds of thousands of pages of documents collected in Afghanistan in the training camps of al-Qaida were made available to both parties and were analysed on site by a joint CIA-MI-6 team¹⁴.

The GCHQ or *Government Communications Headquarters* is the British agency charged with the task of collecting and analysing intelligence gathered by electromagnetic means, i.e., from intercepting communications and all other forms of signals. The activities of the GCHQ are conducted from British territory as well as from abroad. It works closely with foreign intelligence agencies such as the NSA (*National Security Agency*), its American counterpart. The GCHQ reports to the Foreign Office. It is also responsible, through the CESG (*Communications Electronics Security Group*) for advising the departments and agencies of the government as well as the armed forces with regard to making the communications and information systems secure. It works closely with manufacturers and security services in order to ensure that sensitive information is properly protected¹⁵.

The DIS or *Defence Intelligence Staff* is the intelligence agency of the Ministry of Defence. The DIS is divided into two branches. The first, the *Defence Intelligence Analysis Staff* (DIAS) is responsible for furnishing strategic evaluations to the British government, the Ministry of Defence and the military command using intelligence coming from MI-6, MI-5 and GCHQ, as well as diplomatic notes and public sources. The other branch of the DIS is made up of the *Intelligence & Geographic Resources Staff* (IGRS). IGRS is responsible for supervising the collection of geographic intelligence (imagery, cartography). This branch comprises two agencies: the *Defence Intelligence and Security Centre* (DISC), which is charged with the task of training for intelligence activities and the *Defence Geographic Imagery Intelligence Agency* (DGIA) which is responsible for imagery. This agency is directed by an general officer coming from one of the three military branches and also has the task of coordinating all the activities of military intelligence¹⁶.

¹² Peter Chalk, William Rosenau, *Confronting the "Enemy Within": Security Intelligence, the Police, and Counterterrorism in Four Democracies*, Santa Monica, RAND Corporation, 2004, p. 10.

¹³ *National Intelligence Machinery, op. cit.*, pp. 7-8.

¹⁴ Alexis Debas, 'The planet of intelligence,' *Politique internationale (International Policy)*, n° 102, winter 2003-2004.

¹⁵ *National Intelligence Machinery, op. cit.*, pp. 9-10.

¹⁶ *Ibid.*, pp. 14-15.

3. The coordination machinery

The weaknesses of the American intelligence community which were revealed by the attacks of September 11, 2001 have shown the necessity of coordinating the work of the various agencies. In order to achieve this, the British government has several coordination offices at the ministerial level and at the level of agencies. They also participate in the efforts undertaken within the context of international and regional institutions to improve collaboration between States.

♦ *The Cabinet Office*

The *Cabinet Office* reports to the Prime Minister and has the function of coordinating the activities of the British government with regard to a number of subjects requiring an inter-ministerial approach. Terrorism is obviously one of the principal topics for which the *Cabinet Office* is responsible. **In order to coordinate inter-ministerial activities relating to the fight against terrorism, it puts into contact with one another the ministers, officials and agents of all the ministries concerned, including, if necessary, the police and armed forces.** The Prime Minister, together with the Home Office, steps in to organise national exercises of counter-terrorism. He is also responsible for the security of public buildings and, in consultation with the decentralised administrations of Scotland, Northern Ireland and Wales, for putting in place emergency plans.

A member of the *Cabinet Office*, **the Permanent Secretary, Intelligence, Security and Resilience is charged, on behalf of the Prime Minister, with coordinating the activities of the British government in the domain of security and intelligence.** This post is presently occupied by Sir Richard Mottram. The *Permanent Secretary, Intelligence, Security and Resilience* presides over the *Joint Intelligence Committee* (JIC)¹⁷. The JIC is an advisory instance charged with defining the government's priorities in the question of intelligence. He is also responsible for providing the Prime Minister with an evaluation of the results of the work of the secret services. The JIC is part of the *Cabinet Office* and should, in this context, provide the ministers and high functionaries with evaluations made based on intelligence furnished by the various British services. It meets once per week. It is composed of the directors of the intelligence agencies (MI-6, MI-5, GCHQ, DIS), representatives of the Ministry of Defence, the Foreign Office and the *Commonwealth Office*, the *Permanent Secretary, Intelligence, Security and Resilience* and the Prime Minister's advisor for foreign affairs. **The meetings of the JIC are divided into 2 parts: in the first the representatives of the Australians, the Canadians and the Americans are present; in the second there are no foreign partners.** The European allies may from time to time be present at some of these meetings. The JIC uses data provided by the foreign intelligence service (MI-6), the domestic intelligence services (MI-5), the services in charge of intercepting communications (GCHQ) and the military intelligence services (DIS)¹⁸.

♦ *The JTAC*

The *Joint Terrorism Analysis Centre* (JTAC) was created in June 2003 to serve as **a centre of excellence and expertise for evaluation of the international terrorist threat.** Its mission is to evaluate the levels of threat to British interests within the country and abroad. Although its director reports to the Director General of the *Security Service*, the JTAC is a separate organisation. It is composed of personnel coming from the government intelligence agencies (MI-5, MI-6, GCHQ et DIS), as well as representatives of the principal ministries concerned by the fight against terrorism. This centre analyses and evaluates

¹⁷ *Ibid.*, p. 22.

¹⁸ *Ibid.*, pp. 23-27.

intelligence relating to international terrorism, at times in close collaboration with the *International Counter Terrorism Branch of the Security Service*, which conducts investigations into terrorist activities in the United Kingdom. The JTAC performs evaluations of a vast array of topics relating to the competence of numerous ministries and agencies of the British government¹⁹.

♦ *International Cooperation*

The United Kingdom is also involved in the fight against terrorism within international and regional organisations. The new Prime Minister Gordon Brown has recently come out in favour of reinforcing the international arrangements for fighting terrorism²⁰. In the context of the United Nations, London has approved the creation, in 2001, of a *Security Council Counter-Terrorism Committee*. The United Kingdom presided over this Committee in 2003 and played a central role in enabling its powers to be enlarged thanks to the passage of a resolution strengthening its capabilities for analysis and advice in the domain of coordinating international assistance.

At the European level, the United Kingdom cooperates with its partners. In particular it signed the Convention of the Council of Europe for the Prevention of Terrorism that came into force on June 1. This document is intended to encourage the signatories to reinforce national efforts and improve international cooperation²¹. **Mr. Brown and French President Nicolas Sarkozy have also just announced the creation of a Franco-British committee to work on improving the sharing of information between the two States.** According to Mr. Sarkozy, this body '*will meet once every quarter to exchange information on the fight against terrorism*²².'

As we mentioned earlier, the United Kingdom maintains very close links of cooperation with the United States, but also with Australia, Canada and New Zealand. These States collaborate in the matter of intercepting communications through the ECHELON network that was put in place during the 1970s.

4. The armed forces

Ever since September 11, the British armed forces have been fully involved in the international fight against terrorism both within the country and abroad. Within the national borders, they formerly played an important role in the fight against the terrorist organisations of Northern Ireland. This gave them unique experience in this matter. But with the exception of this example, **the role of the British armed forces with regard to domestic threats is extremely limited.** This is not due to the law, as, for example, in the case of the United States, but rather to a long political tradition which holds that any recourse to military action within the country should come from the civilian authorities. That is stated in the *British Defence Doctrine*²³. However, one should not deduce that the British army is absent from the fight against terrorism within the country even if some experts complain that

¹⁹National profiles relating to the capability of fighting against terrorism: United Kingdom, *op. cit.*, p. 9.

²⁰ Jean-Pierre Langellier, « London fears a battle against terrorism lasting from 'ten to fifteen years' » *Le Monde*, July 9, 2007.

²¹ *Convention of the Council of Europe for the Prevention of Terrorism*, Warsaw, May 16, 2005. <http://conventions.coe.int/Treaty/FR/Treaties/Html/196.htm>

²² « Création d'un comité franco-britannique contre le terrorisme », Reuters, 20 juillet 2007. <http://www.lemonde.fr/web/depeches/0,14-0,39-31772756@7-37,0.html>

²³ Jonathan Stevenson, « The Role of the Armed Forces of the United Kingdom in Securing the State Against Terrorism », *The Quarterly Journal*, Fall 2005, pp. 121-133.

it is under-utilised²⁴. In the context of domestic efforts of combating international terrorism, the role of the British armed forces is to respond to temporary requests of the civilian authorities, principally in missions to protect the infrastructure, aid the police forces and provide logistical support in the event of attacks.

Outside the country's borders, in 2001 the government of the United Kingdom supported the American decision to intervene militarily in Afghanistan in order to apprehend Osama Ben Laden and to overthrow the Taliban regime in Kabul. The British armed forces initially participated in the operation *Enduring Freedom*. They next took part in NATO activities to rebuild the country within the ISAF (*International Security Assistance Force*). In March 2003, British armed forces entered Iraq alongside the United States to overthrow the regime of Saddam Hussein, which was suspected of continuing to produce WMD despite its commitments. Today some 5,500 British soldiers remain in Iraq, principally in the South of the country, in the region of Basra. They are participating in security operations alongside Iraqi forces.

5. Conclusion

The emergence of a new type of terrorist threat has prompted the British authorities to take the measures to adapt. In the context of applying the strategy of the '4Ps', the United Kingdom has considerably toughened its anti-terrorist legislation. The cooperation between the various agencies has also been reinforced thanks notably to the creation of such bodies as the JTAC which has within it representatives of the principal intelligence services. At the heart of this system, the *Permanent Secretary, Intelligence, Security and Resilience* plays an essential role in coordinating the counter-terrorism activities. This inter-ministerial approach and the various committees of coordination provide the British government with a certain flexibility. This aspect is reinforced by a rather small size bureaucracy that confers efficiency on the system in place. In addition, since 2005, the authorities have become more aggressive, notably with regard to Islamist preachers. One can say that ever since 2001 many terrorist cells have been dismantled in Great Britain.

However, the system in place does not enjoy unanimous support. Some observers have criticised its lack of coordination, which they attribute to the lines of authority overlapping²⁵. It is true that this system did not prevent the attacks of July 7, 2005 which caused the death of fifty-two persons. However, the work of the intelligence services was not really called into question. The president of the Parliamentary Commission on Intelligence, Paul Murphy, said that no '*blameworthy shortcoming*' had been committed by the agencies. The Commission nonetheless condemned the lack of resources made available to counter-terrorism²⁶.

Despite the additional funds released after the attacks of 2005, the problem seems to persist. Thus, as a result of its increased activities linked to counter-terrorism, the GCHQ was forced to drop part of the surveillance of certain

²⁴ *Ibid.*

²⁵ *European Approaches to Homeland Security and Counterterrorism*, CRS Report for Congress, RL 33573, Washington D.C., July 24, 2006, p. 37. <http://www.fas.org/sgp/crs/homsec/RL33573.pdf>

²⁶ Alan Cowell, « Panel Says Britain Underrated Threat Before July Attack », *The New York Times*, May 12, 2006.

<http://www.nytimes.com/2006/05/12/world/europe/12britain.html?ex=1305086400&en=2591d8e3cea7d95a&ei=5088&partner=rssnyt&emc=rss>

geographic areas which were deemed to be less sensitive²⁷. The British agencies also are experiencing a shortage of qualified personnel speaking Arabic or other Asiatic languages. MI-5 hopes to be able to increase its staff by fifty percent by 2008. Among the Opposition parties, primarily among the Conservatives, the idea of creating a Ministry of National Security modeled after the *Department of Homeland Security* in the United States is rather popular. Though Tony Blair rejected this idea, Gordon Brown, who was formerly Chancellor of the Exchequer, has not excluded the possibility of creating a special budget for security²⁸. This position is seen as the expression of an overture towards the idea of creating a new ministry.

Finally, the area in which the United Kingdom seems to be farthest behind is international cooperation, principally the question of sharing information. The Secretary General of Interpol has just criticised London for its reticence in sharing its information, saying that the British methods '*are not in keeping with the present century*'²⁹. In this perspective, the recent announcement of the creation of a Franco-British committee may foreshadow a change in the British position on this question. That is at least what Mr Brown has hinted at. The emergence of a European defence worthy of the name could also accelerate and facilitate cooperation within the Union with respect to counter-terrorism.

²⁷ *European Approaches to Homeland Security and Counterterrorism*, *op. cit.*, p. 44.

²⁸ *Ibid.*, p. 37.

²⁹ Mark Trevelyan, « Interpol accuses London of non-cooperation over terrorism », Reuters, July 9, 2007. http://fr.news.yahoo.com/rtrs/20070709/twl-gb-securite-interpol-a038158_2.html