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**Michael Herman**

Problems for Western  
Intelligence in the New Century

## Notes on the author

### **Michael Herman**

Michael Herman served from 1952 to 1987 in Britain's Government Communications Headquarters, with secondments to the Cabinet Office and the Ministry of Defence. Since retirement he has written extensively on intelligence matters, with official clearance, and with academic affiliations at Nuffield and St Antony's Colleges, Oxford. He is Founder Director of the Oxford Intelligence Group, and an Honorary Departmental Fellow at Aberystwyth University. The degree of Honorary Doctor of Letters was conferred on him by Nottingham University in July 2005. Michael Herman was a speaker at the international conference Intelligence in Waging the Cold War: NATO, the Warsaw Pact, and the Neutrals, 1949–1990 organised by Norwegian Institute for Defence Studies in Oslo 28 April to 1 May 2005.

# Problems for Western Intelligence in the New Century

by Michael Herman

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I retired from British government service in 1987, and by then the Cold War had established intelligence everywhere as a permanent part of the peacetime state. Events after 1990 confirmed this position, but with greatly changed roles. I sketch here the changes of the 1990s, and then the issues raised by subsequent events. I talk mainly about the British system, in conjunction with the American one, but I touch also on “Western” intelligence, “democratic” intelligence, and intelligence everywhere.

## 1990–2000: Intelligence after the Cold War

The Cold War was particularly an intelligence war. When it was over, some Western effort against Russia continued, but intelligence as a whole took its share of the cuts of the “peace dividend”. It was a time of appraisals of its future role. Some Americans argued (unsuccessfully) that the CIA should move to providing support in America’s economic “wars” with Japan and Europe, and there was speculation that intelligence everywhere should become concerned with new issues such as world health and global warming. The British and American intelligence communities did indeed increase their new efforts on the drug trade and other international crime.

But radical change was checked as the 1990s became a decade of international intervention by Western armed forces in

Yugoslavia and elsewhere. Support to military operations became a high priority, and intelligence had to re-learn the Second World War lessons of providing operational and tactical support in warlike situations, in a period in which new technology appeared to be revolutionizing what intelligence could provide.

With this and other requirements intelligence at the end of the century seemed to have found its new *métier*. It was no longer a safeguard against the ultimate threat of nuclear war, but was increasingly valuable against the newer targets of insurgency, state collapse, rogue states, terrorism, nuclear proliferation and the other threats that seemed bound up with them. Its budgets were stabilized, even slightly increased. It seemed to facilitate the surgical use of military power, in multinational enterprises for good causes. It fitted the American superpower’s sense of mission, while Britain enjoyed the role of St George, slaying foreign dragons through its high-quality military professionals supported by the world class intelligence available through the transatlantic alliance. Compared with the Cold War, intelligence seemed less vital but more useful.

The same period also saw a new impetus for intelligence’s democratic oversight and legal basis. The United States had led the way in this from the mid-seventies onwards, but the process was at its height in the 1990s in

Britain and Western Europe, the former Warsaw Pact countries, Latin America, South Africa and South Korea: much of the world. There was an increased domestic legitimacy, some of which extended internationally. Norms were internationally promulgated, and became a criterion for accession to the European Union. The Hague Tribunal called for intelligence inputs to its investigation of crimes in the former Yugoslavia. Britain explicitly included "strengthening the capacity of [local] intelligence services to assess genuine outside threats" in its policy for Third World development.<sup>1</sup>

So in the year 2000 I was upbeat about intelligence's prospects, and was fairly confident about its ethical justification. I had been stimulated by a student's question to his Oxford chaplain: could he apply in good conscience for a job in a secret agency? I argued that intelligence had to be considered as an amalgam of two things: the collection of information by special means, and the analysis of *all* information on some subjects to produce expert, objective assessment, distinct from policy recommendation. On the second of these, objective assessment seemed self-evidently valuable; thus in the Cold War the USSR seemed to have had massive covert collection but no facility for assessing it properly, and remained woefully ignorant about some aspects of its Western adversaries. I argued that information itself never killed or maimed anyone, and that good intelligence made for better international behaviour. Sir Percy Cradock's verdict on the British Joint Intelligence Committee (the JIC) was that "Despite the best intentions, government is usually a hand-to-mouth affair. The Committee made it less so".<sup>2</sup> Philosophers are wary about any idea of objective truth, but I was happy to credit intelligence with a professional aspiration towards truthfulness.

On the other hand the activity of covert collection produces some ethical downsides.

Some maintain that the secret collection of others' secrets is dishonourable in itself, at least in peacetime. I argued more practically that some of this collection – by no means all – exacerbated tensions between states. It was depressing that Cold War-style espionage and counterespionage seemed to have continued between the former adversaries, and I wondered why they did not move towards an intelligence equivalent of mutual arms reduction. The issue of "spying on friends" kept coming up, for example in the Continental criticism of the US-led Echelon system of electronic interception. But I also pointed to the shift to non-state targets, already including terrorism; and I argued for tacit rules of the intelligence game between "decent" states.

From these aspects I drew up an ethical balance sheet. Governments behaved better with good information and assessment than with bad, but intrusive collection produced inter-state friction. I suggested a new paradigm of intelligence, to be no longer a zero-sum contest between states, but a cooperative activity by states against common threats, many of them from non-state entities.

It also seemed clear how intelligence should operate. The UK, US and Old Commonwealth had what seemed an admirable ethic for seeking objective assessment and judgment, telling truth to power; and I claimed, with hesitation, that this was also a "Western" one. I argued for more intelligence in multinational and UN operations, for international discussion of its doctrine, and for more explicit inclusion of it among the democratic ideas that were spreading worldwide. In short intelligence seemed to be gaining legitimacy, nationally and internationally.

### Events of 2001–2003

Then came the shocks of the new century: the terrorist strike against Washington and New

1 Clare Short (Secretary of State for International Development), DFID Policy Statement *Poverty and the Security Sector*, p. 6, the basis of an address at the Centre for Defence Studies London, 9 March 1999.

2 Percy Cradock, *Know Your Enemy: How the Joint Intelligence Committee Saw the World* (London: Murray, 2002), p. 302.

York (the 9/11 outrages), and then the failure to find the Weapons of Mass Destruction (WMDs) in Iraq. A succession of American investigations has demonstrated intelligence's apparent failures in both episodes and called for its reform. British intelligence attracted no blame for 9/11, but its performance over Iraq has now created widespread doubts about its reliability. The government has justified its new, tough security legislation by pointing to intelligence's assessment of a serious and continuing terrorist threat; critics have replied that if it was so wrong over Iraq it cannot be trusted on anything else. So intelligence in both countries is under a cloud.

In fact the two apparent failures were very different. The CIA actually gave good strategic warning in early August 2001 that a terrorist attack was being planned but was unable to provide tactical warning of method, place and time. The problem the attack raised has been well described as "connecting up the dots" in diverse sets of data, including those of the separate foreign intelligence and domestic security institutions. Counterterrorism is not new, but the scale and ambition of Al Qaeda have given it new dimensions, and raise a raft of political and practical problems. But these are identifiable and it is reasonably clear how intelligence has to move to solve them, difficult though this is.

On Iraqi WMD, on the other hand, intelligence was assessing not for tactical warning but for top decision-making of the highest politico-strategic kind. The task was difficult but not novel. It was a throw-back to the Cold War: estimating what weapons a secretive adversary possesses, and drawing conclusions in this process from an apparent absence of evidence. I am forcibly reminded of the transatlantic debates in the late 1950 and early 1960s about the Soviet missile threat; were there hundreds of deployed ICBMs, or none at all?

We still do not know precisely what British and American intelligence said about

Iraq in all its classified reports and oral briefings. The British reports undoubtedly referred to the patchiness of the evidence. The Prime Minister certainly cherry-picked and exaggerated. Nevertheless I suggest that the UK and US intelligence communities both believed that the weapons of mass destruction existed in some form, and were content that this was the message their governments would take from them. There were no takers for the hypothesis that there were no operational weapons. Intelligence may have been uncertain, but it was not strident enough in its uncertainty, when for both governments the existence of these weapons had become an article of faith.

So intelligence was wrong: understandably so, and by quite a fine margin, but wrong nevertheless.<sup>3</sup> I will not speculate about the difference this made to the course of events. But for intelligence's own future in government the doubt posed is not whether it can work at joining up the dots in counterterrorism, but whether it is *ever* capable of questioning deeply rooted conventional wisdom on strategic issues, in circumstances of high government importance and stress. It has to be on the same wavelength as government to have any credibility and be useful, but is that compatible with providing objective, policy-free assessment? Is it, instead, just a *placebo* to reinforce government's conviction?

The doubt goes to the root of ideas of intelligence's domestic and international legitimacy. Modern governments are expected to justify security policies by quoting intelligence, in the same way as they cite government statistics as evidence on other things; but intelligence is now suspect of cooking the books for them. Should one be less confident than five years ago in advising the Oxford student that joining intelligence can contribute to a better world?

3 Målfrid Braut-Hegghammer and Olav Riste, "Were WMDs the Real Issue? The International Community versus Iraq 1991-2003", *Forsvarsstudier*, no. 4 (2005).

## Reassessment

So the Iraq failure points to reviewing my ethical balance sheet, and three related developments point in the same direction. First, the UK-US invasion highlighted intelligence's increased connection with the use of force. Some of it is now linked almost in real time with precise weaponry in the "sensor-to-shooter" linkage. The integration is now so close that it is harder to maintain that intelligence is only information and never harmed anyone itself.

Second, the counterterrorist campaign has caused one intelligence method to acquire much greater ethical salience: the interrogation of prisoners and detainees. Everyone says that better human sources are needed on terrorism, but it is usually overlooked that interrogation is a major provider of this kind of information. Democracies are confused over the acceptable dividing lines between pressure and torture, and the publicity for interrogation has raised new doubts about intelligence as a whole.

Third, there is what seems to be the growing role of covert action in counterterrorism, counterproliferation and negotiation over hostages: a role which makes intelligence services "doers" as well as information-collectors. A former member of the British Secret Intelligence Service (MI6) wrote a long time ago that "the essential skill of a secret service is to get things done secretly and deniably",<sup>4</sup> and recent American writing has indeed argued that intelligence operatives should be "hunters not gatherers".<sup>5</sup> Western practice is perhaps now rather closer than it used to be to the KGB doctrine that covert action was as important for intelligence organizations as information-gathering.

These three developments contribute to international scepticism about British and

American intelligence, but the main factor in this is the failure over the WMD in Iraq. Here there is no mystery about the cause.

Intelligence was not corrupt or self-serving. Its performance was a precise reproduction of the academic findings on cognitive rigidity and groupthink in closed groups. In Britain the groupthink effect was accentuated by the closely-knit nature of the "Whitehall village", and by developments in the JIC itself over twenty years in which governments of both parties have wanted black-and-white "action men", not given to seeing many shades of grey. Over Iraq these effects were compounded by a regrettable weakening of the scrutiny and validation of information from human agents, which caused some key reports to be wrongly assessed as reliable.

Some of these factors applied also in Washington. Intelligence there is normally less close to the executive than in London, but the shock of 9/11 probably gave it a special urge to be 'on side' with government. An American writer claims that the terrorist threat had moved CIA to a policy of "warning-at-any-cost".<sup>6</sup> Intelligence in both capitals was too much influenced by government assumptions about the Iraqi threat. In such circumstances it always needs stronger nerves to be a dove than a hawk.

So what form should a post-mortem take? Part of it could, arguably, reconsider what we expect of intelligence. On Iraq it was providing assessments for policy at the highest government level. The UK and US practice of providing these in peacetime goes no further back than the beginning of the Cold War, and it is still largely an English-speaking speciality. Most of the world's 192 governments see intelligence in more limited ways, often as simply the secret collection of secrets: intelligence agencies submit their reports, and leaders themselves judge their significance. Or the opposite may apply, with intelligence fully involved in policy

4 John Bruce Lockhart, "Intelligence: a British View" in K.G. Robertson (ed.), *British and American Approaches to Intelligence* (London: Macmillan, 1987), p. 46.

5 Charles Cogan, "Intelligence in the Twenty-First Century" in L.V. Scott and P.D. Jackson (eds.), *Understanding Intelligence in the Twenty-First Century: Journeys into Shadows* (London: Routledge, 2004), p. 157. Cogan cites CIA's role of 'offensive hunt' in the Afghanistan campaign against Al Qaeda.

6 Bob Woodward, *Plan of Attack* (London: Simon and Schuster, 2004), p. 439.

formation. In some regimes intelligence is itself part of the ruling elite.

More commonly, the idea of intelligence's policy-free assessment has some acceptance, but only on selected subjects, not necessarily dealt with at the highest politico-strategic level. Military leaders everywhere look to their intelligence staffs for objective and expert assessment of the enemy, and the same applies to the authorities responsible for catching terrorists and thwarting their operations. Political assessment on the other hand often remains the business of foreign ministries. Bringing together the varied strands of departmental intelligence is often part of policy-making, and falls to Ministers and their staffs, not to intelligence on the British JIC model.

Governments are served by intelligence in many different ways, and many of them probably regard the Anglophone idea of objective inputs to top-level policy formation as an unrealistic ideal. It is a useful reminder to us that it is only one of many things we expect from the system, and it is not necessarily the most important. For tactical support for counterterrorism, for example, the new British Joint Tactical Analysis Centre (JTAC) is probably more important than the JIC. Nevertheless I would certainly not recommend abandoning top-level assessment. How otherwise can we avoid government by intuition and "spinning" the evidence?

### Lessons from Iraq

So what lessons are to be learned from Iraq? American commentators are arguing that radical re-thinking is needed, but at least for the British system I prefer a more pragmatic approach: keep the system but tune it to do better. One external influence is worth mentioning. Parliamentary oversight developed in Britain, as elsewhere, essentially to *stop* intelligence doing undesirable things.

Perhaps it should now do more to monitor intelligence's competence in getting things right. But the main requirement is to seek within government to improve quality in the assessment process and in its relationship with policy.

The British investigating committee under Lord Butler has made sensible recommendations to this end in its report.<sup>7</sup> It looked critically at the central Assessments Staff on which JIC depends for its quality, and pointed out that it was not much bigger in 2003 than when it was created in 1968. It also noted that the objective then was to create a high-quality, expert, semi-permanent staff, and that this had never actually happened. We have had instead a staff of talented people, almost all on temporary secondments from elsewhere, notably our Foreign Office. This reflects in fact a wider feature of Britain's post-1945 intelligence arrangements. These provided quite well for covert collection at one end of the intelligence process, and for the JIC machinery for serving top government at the other, but did not give enough attention to the analysis that lies between them. Butler has bravely recommended creating an analysis specialism with a proper career structure, and a degree of integration into it of our Defence Intelligence Staff.

He has been equally robust about the stature of the JIC Chairman. He recommended that the post-holder should no longer be junior to some members of his committee, and should be someone "demonstrably beyond influence, and thus probably in his last post". In effect this was revisiting a 1947 recommendations that Ministers should have "a single individual to whom they could refer any general issue ... and would equally give to intelligence as a whole a spokesman well placed to voice its possibilities and its needs";<sup>8</sup> in other words, government's chief intelligence officer.

7 Review of Intelligence on Weapons of Mass Destruction: Report of a Committee of Privy Counsellors, Chairman The Rt Hon The Lord Butler of Brockwell KG GCB CVO, HC 898 (London: The Stationery Office, 2004).

8 *Review of Intelligence Organizations, 1947* by Air Chief Marshal Sir Douglas Evill, Misc/P 4781 6 November 1947: National Archives 163/7, p. 12. Quoted in the author's *Intelligence Services in the Information Age* (London: Cass, 2001), p. 115.

In its response the government has promised an increase in the Assessments Staff's size. It will also create a new post of professional Head of Intelligence Analysis, with a wide remit for improving analytic standards, including contacts outside government. It is still seeking a new long-term Chairman of the JIC itself, presumably searching for someone with the experience and seniority to make him demonstrably independent yet influential within Whitehall.

Butler's was the first independent review of its kind since 1947, and in these and its many other recommendations it provides a comprehensive tuning programme. My only disappointment is that on the intelligence-policy nexus it could have done more to translate into practice an image of intelligence and policy operating in separate rooms, though with an open door between them.

On this, in addition to his recommendation over the chairmanship, Butler considered the committee itself. It is, strictly speaking, not an intelligence body at all; it brings together *all* relevant government knowledge and judgment, not just intelligence's. Policy departments, particularly the Foreign Office, and senior policy advisers sit alongside the intelligence agencies. The result has many strengths, but is still the Whitehall consensus incarnate. Butler was aware of the American example of appointing distinguished academics to their National Intelligence Council, but rather surprisingly did not follow it. In this and other ways Britain still sees intelligence assessment as the preserve of long-serving "insiders", and does not yet recognize that some participation by "outsiders" might add something to the process.

## Conclusions

I draw no sensational conclusions from this survey. Intelligence is flourishing worldwide, but its roles and characteristics vary as much as the government systems in which it is set. We in Britain need some humility about

recommending the principles of our own system as a world standard. Yet intelligence as it develops worldwide will be a menace if it does not constantly consider how the elusive qualities of independence and good judgement are to be cultivated, at the same time as empathy with power.

At least in the British case, I suggest that the key is constant tuning of the system: looking at the small things and trying to make them better. Travelling hopefully may be better than seeking to arrive.<sup>9</sup> We have quite a good system, but have been too satisfied with it for too long. As the poet Kipling wrote about the British defeats by the Boers in South Africa over a hundred years ago,

Let us admit it fairly, as a business  
people should,  
We have had no end of a lesson: it  
will do us no end of good

Perhaps there is also a lesson for governments and publics elsewhere.

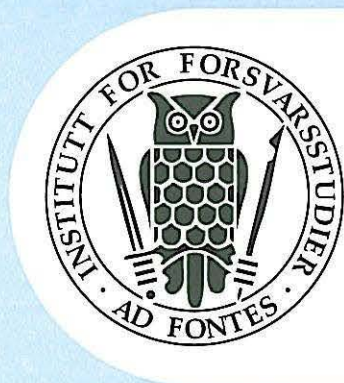
9 "To travel hopefully is a better thing than to arrive, and the true success is to labour" (R.L. Stevenson, *El Dorado*).



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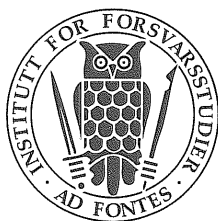
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