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Five Eyes Modernization: Expanded Partnerships and Renewed Strategies

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Exercise Solo Flight

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FIVE EYES MODERNIZATION: EXPANDED PARTNERSHIPS AND RENEWED STRATEGIES

INTRODUCTION

The formalized intelligence-sharing agreement between the United States, the United Kingdom, Canada, Australia and New Zealand has roots going back more than seventy-five years to the height of the Second World War. Colloquially known as the Five Eyes, the partnership was originally conceived in 1943 as the Britain – United States Agreement (BRUSA) for the sharing of signals intelligence (SIGINT) in the fight against Nazi Germany. By 1946, the growing conventional and nuclear threat from the Soviet Union had reaffirmed the intelligence cooperation as an interoperable burden-sharing relationship within the Anglosphere. This new British – United States Communication Intelligence (UKUSA) Agreement continued to emphasize the importance of SIGINT collection and cryptology¹, although it existed under a veil of secrecy and denial. Canada was added in 1948, followed by Australia and New Zealand in 1956, resulting in the current Anglo-centric (English speaking) Five Eyes model that spans the entire globe today.

For most of its existence, the Five Eyes had maintained a relative cloud of secrecy. In 1999 however, the head of the Australian Defense Signals Directorate (DSD) openly admitted that Australia "does co-operate with counterpart signals intelligence organizations overseas under the UKUSA relationship"², and specifically referenced the Echelon program of global surveillance. Under the original agreement, the Five Eyes practice burden-sharing amongst the members, aligning collection and analysis activities with national priorities and proximity to

¹ James Cox, *Canada and the Five Eyes Intelligence Community*, Canadian Defence and Foreign Affairs Institute, Strategic Studies Working Group Papers (December 2012): 5.

² Duncan Cambell, *Development of Surveillance Technology and Risk of Abuse of Economic Information*, European Parliament, PE 168. 184 Vol 2/5 (October 1999): 1.

states of interest. Canada for example has used Canadian Forces Station (CFS) Alert on Ellesmere Island to eavesdrop on Russian arctic bases since 1958. Similarly, Australia monitors communications across South and East Asia, New Zealand is responsible for the South Pacific, the United Kingdom covers Europe and Western Russia, and the United States covers the Caribbean, China, Russia, Africa and the Middle East.³ The Echelon network thus is a vast global network of listening stations that provides actionable intelligence through collaborative analysis. Unlike the intelligence-sharing practices of other alliances such as NATO, the Five Eyes ignore traditional need-to-know protocol in favour of a true cooperative agreement so complete that "the national product is often indistinguishable."⁴

While the Five Eyes is largely viewed as a successful intelligence-sharing model, it has not been without challenges in the evolving security environment. Since the end of the Cold War, the partnership has adapted its efforts to include non-conventional threats from non-state actors, cybersecurity, counter-terrorism, organized crime, climate change, mass migration, etc., all while becoming more transparent to a global population ever-increasingly aware of threats to their privacy. Among politicians and academics alike, serious discussions are happening regarding the evolution of the Five Eyes specific to policy, privacy and accountability while non-member countries concurrently seek inclusion. By evaluating current policies of the member states through the lens of intelligence requirements, this paper will show that to remain relevant and functional the Five Eyes must abandon ambitions of diplomatic expansion in favour of membership expansion while developing a more robust framework for intelligence sharing that is both accountable and sensitive to individual privacy and democratic values.

³ Corey Pfluke, *A History of the Five Eyes Alliance: Possibility for Reform and Additions*, *Comparative Strategy*, 38:4 (2019): 306.

⁴ *Ibid*, 305.

FAILED DIPLOMATIC EXPANSION

In the years since the Five Eyes entered public awareness, there has been a tendency to link the cooperative to various other foreign relations policies, unrelated to any actual intelligence framework. There also exists debate regarding the nature of the alliance itself. Srdjan Vucetic from the University of Ottawa notes that British officials do not consider the Five Eyes as an actual alliance as its remit does not go beyond intelligence. Similarly, he goes on to highlight that “the publications and press releases of Canada’s security and intelligence organizations, the Communications Security Establishment (CSE) and the Canadian Security Intelligence Service (CSIS), suggest a clear preference for “partnership” and its derivatives – “alliance partners” or “allied partnering arrangement”.⁵ Similarly, in a joint press conference in April 2021 regarding a difference of policy regarding China between Australia and New Zealand, the New Zealand foreign minister, Nanaia Mahuta, responded to questions related to comparisons of other five-way partnerships: “the Five Eyes arrangement is about a security and intelligence framework. It’s not necessary, all the time on every issue, to invoke Five Eyes as your first port of call in terms of creating a coalition of support around particular issues in the human rights space.”⁶

The Five Eyes was also threatened by differences in foreign policy regarding the Chinese telecommunications giant Huawei. A trade war between China and the United States was recently exacerbated by a US ban on Huawei components in any of its national 5G networks. Subsequently, the United States threatened reprisals for any Five Eyes member state that did not follow its ban⁷. The issue was only recently resolved when Canada announced on May 19th, 2022

⁵ Srdjan Vucetic, *More Than a Spy Alliance? The Five Eyes Today*. Centre for International Policy Studies, CIPS Working Paper No 14 (May 2021).

⁶ *Ibid.*

⁷ Wesley Wark, *The Changing Scope of the Five Eyes: Implications for Canada*, Centre of International Policy Studies (21 October 2021).

that they would follow suit and ban Huawei components from Canadian networks⁸, albeit nearly three years after the Director of CSIS publically warned the government about the threat. While many pundits have speculated about the role the two imprisoned Michaels (Kovrig and Spavor) had in the delayed decision, it nevertheless highlights the role foreign politics now impacts both national security and the Five Eyes.

Despite only being publically acknowledged twenty years ago, the Five Eyes governments have fully embraced transparency and have since leveraged the partnership to address global security issues at the senior political level. Since 2013, member nations participate in an annual Five-Country Ministerial forum that sees senior ministers meet to discuss issues ranging from cyber security, mass migration, violent extremism and COVID-19. While the Government of Canada claims "the Five-Country Ministerial is an example of how the Five Eyes alliance helps to not only strengthen Canada's international cooperation efforts but our domestic efforts as well,"⁹ others such as historian Wesley Wark believe that "the Five Eyes partnership appears to have morphed from a strictly intelligence alliance into a grand political coalition. Five Eyes has become a G5".¹⁰ Wark also believes that this isn't necessarily a negative development, as it has the potential to highlight the importance of intelligence considerations within Canadian policy-making while providing an opportunity to collectively challenge controversial global policy initiatives of the United States.¹¹

There is however the risk that a Five Eyes Diplomatic Alliance would jeopardize the current independence of intelligence sharing. After a brief foray into advocacy for human rights

⁸ Government of Canada, *Policy Statement – Securing Canada's Telecommunications System*, Innovation, Science and Economic Development Canada (19 May 2022).

⁹ Government of Canada, *Five-Country Ministerial*, Public Safety Canada (9 April 2022).

¹⁰ Wesley Wark, *The Changing cope of the Five Eyes: Implications for Canada*.

¹¹ *Ibid.*

and democracy (focused primarily on Chinese legislative reform in Hong Kong), a spokesman for the Chinese government declared "those who dared to harm China's sovereignty would find their own eyes poked out"¹², clearly mocking the Five Eyes. As a result, New Zealand segregated itself from the remaining Four Eyes, perhaps influenced by the importance of China as a trading partner and worrisome of a similar trade war to which Australia finds itself losing. This highlights the complexities of foreign relations compared to clandestine SIGINT, and while the parallel diplomatic alliance appears to have been unsuccessful, fortunately, the intelligence framework remains intact. If member states continue to pursue diplomatic and policy expansions of the partnership traditionally rooted in security and intelligence sharing, future failures may not leave the intelligence aspects unaffected. That isn't to say that the Five Eyes should retreat to the shadows like spies, but rather they should double down on intelligence collection and analysis, quietly supporting policymakers and advising on matters of national security.

MEMBERSHIP EXPANSION

While the addition of the commonwealth states in the 1950s helped expand collection efforts worldwide, the resulting intelligence exchange was asymmetric and unfavourable to the United States. Andrew O'Neil, an Australian critic of the partnership, estimates that "the two-way intelligence flow between Australia and the US is roughly 90 percent in Australia's favour, with Canberra providing only niche contributions overwhelmingly [about] Southeast Asia."¹³ Canada and New Zealand find themselves in similar positions as junior partners. Despite this, the United States has recently passed a provision in the 2022 Defense Authorization Bill that calls for the Director of National Intelligence, in coordination with the Secretary of Defense, to report

¹² Frank Gardner, Five Eyes: Is the alliance in trouble over China?, BBC Online (4 May 2021).

¹³ Andrew O'Neil, "Australia and the Five Eyes Intelligence Network: the Perils of Asymmetric Alliance," *Australian Journal of International Affairs* 71, no 5. (2017): 531.

on the “current state of the Five Eyes agreement, including any potential shortcomings... the benefits of expanding the Five Eyes arrangement to include South Korea, Japan, India, and Germany...[and] the risks associated with expanding intelligence-sharing arrangements”.¹⁴

Given that the current Five Eyes is overwhelmed with data while trying to manage and incorporate new technologies an expanded membership would offer benefits similar to the last geographical expansion, albeit now in the information domain. New membership would further expand the burden-sharing responsibilities while increasing collection, analysis and dissemination. In the past, the Five Eyes have temporarily shared intelligence with certain states when it was in their allied national interest, such as France regarding ISIS in Syria, but it requires all member states to agree. Since the Five Eyes also plays a role in the larger global networked SIGINT enterprise, including countries occasionally represented in "Five Eyes Plus" such as NATO partners in the west and Pacific partners in the east, new permanent inclusions would not be significantly difficult and as James Cox discussed in 2012, “such extensions [would] add ‘reach’ and ‘layering’ to Five Eyes SIGINT capabilities”.¹⁵

Looking first at Germany, the Five Eyes must consider current German space capabilities. As a leading nation in space activity, they possess the means to significantly increase space-based SIGINT collection and dissemination. Historically, Germany has always been a leader in SIGINT collection, and in 2016 the German Bundesrat (the upper house of the German legislature) passed a law that would expand the powers of the Bundesnachrichtendienst (BND; their Federal Intelligence Service) to allow for the collection of SIGINT from foreign

¹⁴ United States Government, *National Defense Authorization Act for Fiscal Year 2022: Report of the Committee on Armed Services*, House Report 117-118 (10 Sept 2021).

¹⁵ James Cox, *Canada and the Five Eyes Intelligence Community*, Canadian Defence and Foreign Affairs Institute, Strategic Studies Working Group Papers (December 2012): 7.

targets abroad and to share products with other foreign intelligence services.¹⁶ Thus if Germany was added to the Five Eyes, it would give all partners equal access to any data collected from their current SIGINT operations, while alleviating some of the European burdens from the United Kingdom, especially concerning western Russia.¹⁷ Additionally, and perhaps more importantly, Germany has had open diplomatic relations with North Korea since 2001 and has maintained its embassy in Pyongyang. Given their relations with the North Korean regime, the addition of Germany into the Five Eyes would provide much need intelligence that could be used to de-escalate the current situation.¹⁸

Similarly, the addition of South Korea into the Five Eyes would provide a clear benefit to intelligence collection in the region given its geographical proximity to both North Korea and China. The United States and South Korea have maintained strong military and economic ties, which often included intelligence sharing through the Echelon network. Both Australia and New Zealand use cable landings at Pusan, South Korea if access to their bases is degraded¹⁹, and a leaked NSA map has shown South Korea to be a critical interception point for the external communications of China, Hong Kong and Taiwan.²⁰ Beyond geography, South Korea offers analysis insight based on similar language and culture, and going back to the 1990s, they were renowned for their intense signals intelligence activity and deemed a world leader.²¹ As the Five Eyes are already well established in South Korea, and often leverage their existing capabilities,

¹⁶ Jenny Gesley, "Germany: Powers of Federal Intelligence Service Expanded," *Library of Congress*, November 18, 2016.

¹⁷ Corey Pfluke, "A History of the Five Eyes Alliance: Possibility for Reform and Additions", *Comparative Strategy* 38:4 (August 2019); 309.

¹⁸ *Ibid*, 310.

¹⁹ *Ibid*, 312.

²⁰ Philip Dorling, "Singapore, South Korea Revealed as Five Eyes Spying Partners," *The Sydney Morning Herald*, November 25, 2013.

²¹ Desmond Ball, "Signals Intelligence (SIGINT) in South Korea," Strategic and Defence Studies Centre Research School of Pacific and Asian Studies, Canberra (1995).

the inclusion of South Korea into the formal partnership would be fairly easy and immediately beneficial.

As the Anglosphere continues to focus on China in the Pacific, the addition of Japan into the Five Eyes would also provide a beneficial increase in regional intelligence. Similar to South Korea, the United States has maintained a strong military presence on the Japanese Islands, and thus Japan already enjoys second-tier status to the Five Eyes. Japan already maintains intelligence-sharing mechanisms with Australia, the United States, and the United Kingdom, and in April 2022 opened dialogue with New Zealand for the “seamless” sharing of classified information.²² Inclusion into the Five Eyes would be a logical progression and well-aligned with their strategic concerns regarding China and North Korea. In recent years Japan has adopted a national security strategy that “projects [itself] as a proactive regional leader ready to defend its national interests”²³, while simultaneously broadening its national intelligence legislation to increase sharing partners. A Five Eyes inclusive of Japan would provide a vast increase to SIGINT in North-East Asia while shattering the Anglophone preconceptions that the partnership has carried since its inception.

A NEW INTELLIGENCE MODEL

Notwithstanding a withdrawal from the international stage of diplomacy, there remains a requirement for the Five Eyes to continue advising national policymakers to influence national laws. This has not been an easy task, and the current member nations have strived to leverage common intelligence and security standards across various levels of institutional cooperation. While the partners have informally agreed to a “no-spy pact”, the original version of the UKUSA

²² Pete Mackenzie, “New Zealand deal may put Japan closer to ‘Five Eyes’ intelligence alliance,” *The Japan Times*, April 22, 2022.

²³ Jagannath Panda, “Resolved: Japan is Ready to Become a Formal Member of Five Eyes,” *Center for Strategic and International Studies*, Debating Japan Vol. 3 Issue 8 (December 8, 2020).

from 1955 doesn't explicitly forbid collections about the citizens of other member states (the current version of the agreement has yet to be declassified)²⁴, and it remains up to the individual member states to govern the collection of intelligence, each with the inherent “power of ‘veto’ over national SIGINT activity.”²⁵ That being said, common values, mutual sympathy and trust comprise the backbone of the partnership, reaffirmed through joint statements by the GCHQ and NSA directors: “Our alliance...[is] built on a history of strong shared values, including respect for privacy the rule of and law.”²⁶ Any spying done on Five Eyes states is assured to be accidental, and best practices continue to see the employment of SIGINT liaison officers embedded within many of the partner agencies.

However, since being publically acknowledged in 1999, there has been a significant increase in media coverage, and subsequently citizen understanding of the nature of the intelligence partnership. This isn't necessarily a detriment to the Five Eyes, however, it does mean that transparency will play a significant role in public support, which indirectly impacts government policy and funding. There are also misinformation campaigns, citing that the Five Eyes are spying on every citizen's digital footprint. NordVPN, for example, claims that “if you live in any of the mentioned [Five Eyes Plus] countries, your right to online anonymity is near impossible. Everything you do online is likely to be tracked...”²⁷ Companies such as these are only looking to capitalize off misunderstood WikiLeaks releases, like those involving Edward Snowden, and usually ignore vital context and the technical aspects of any interceptions. The complexities of information technology, specifically threats within the information domain and

²⁴ Corey Pfluke, “A History of the Five Eyes Alliance: Possibility for reform and additions,” *Comparative Strategy*, 38:4 (August 2019): 305.

²⁵ James Cox, *Canada and the Five Eyes Intelligence Community*, Canadian Defence and Foreign Affairs Institute, Strategic Studies Working Group Papers (December 2012): 6.

²⁶ Srdjan Vucetic, *More Than a Spy Alliance? The Five Eyes Today*. Centre for International Policy Studies, CIPS Working Paper No 14 (May 2021).

²⁷ NordVPN, “How the Five Eyes Alliance Fuels Global Surveillance”, *NordVPN* (accessed 26 May 2022).

interactions with 'Big Data', are inherently shaping requirements for not only next-generation analysts but an updated national security policy.²⁸

To effectively function within an evolving information domain, without sacrificing privacy or compromising democratic values such as freedom of speech, the Five Eyes agencies must work with their respective governments to establish a new regulatory framework, develop a civic education plan, and collaborate with technology firms. Regulations must be harmonized across both platforms and nations. Since the volume of data exceeds what any one organization could reasonably expect to monitor, and distinguishing between legitimate speech and what constitutes hostile speech that incites violence or promulgates misinformation still requires human analysis, corporate firms cannot be expected to bear the responsibility to detect, remove and counter misinformation on social media by themselves.²⁹ Further, by aligning regulations across international jurisdictions, corporate entities like Google and Facebook would have clear expectations thus increasing the speed and coherence to which both they and intelligence agencies can respond and counter threats. Lastly, the Five Eyes should play an instrumental role in public education, a critical but often neglected tool.³⁰ The last two US presidential campaigns showed clear evidence of foreign interference through 'fake news', and similar threats exist in Canadian political elections. A lack of individual critical thinking skills poses risks while navigating the digital environment, and research has shown that rational thinking is further discouraged by the rapid flow of the information associated with social media.³¹ Fortunately, Canada has the *Centre for Digital and Media Literacy* which offers educational resources for

²⁸ Cameron Colquhoun, Bradley Knopp, Arzan Tarapore, "Five Eyes at 70: Where to from Here", *The Rand Corporation*, RealClearWorld, April 21, 2017.

²⁹ Daniel Dobrowolski, David V. Gloe, Trey Herr, "What Would Winston do? Cooperative Approaches Towards Securing the Five Eyes Environment," *Atlantic Council*, Issue Brief, May 10, 2021.

³⁰ *Ibid.*

³¹ *Ibid.*

young children, educators and parents. This model for ‘disinformation inoculation’³² should be expanded upon and developed jointly with the other Five Eyes partners.

CONCLUSION

Despite the recent challenges the Five Eyes partners have faced regarding differences in diplomatic and economic policy, the five-member alliance partnership remains intact, functional and desirable to non-members. In Canada's most recent defence policy, the government committed to "foster and strengthen intelligence-sharing relationships in a spirit of reciprocity"³³, while the United States is actively investigating the risks and benefits of expansion through the House Committee on Armed Services. Furthermore, despite threats from China to "blind" the Five Eyes, countries like Japan continue to actively advocate for inclusion. There is, therefore, a sentiment that the benefit of reciprocal intelligence-sharing partnerships outweighs the diplomatic risk. That is not to say that the Five Eyes is perfect, but rather that it has stood the test of time and now requires a modernization phase like any other alliance, similar to NATO expansion and NORAD modernization; and just like other alliances, the Five Eyes also needs each member state to update their national policies that govern membership.

A more inclusive intelligence-sharing partnership, be it eight, nine or fourteen eyes, would not only ease the burden-sharing responsibility of the current Five Eyes partners but produce more valuable intelligence products quicker. An expanded membership would also strengthen pre-existing diplomatic relationships and better align countries with similar goals. The path to modernization, however, is more than just new members. It will require operational collaboration with big data firms to identify transnational threats, and regulatory reform to ensure

³² *Ibid.*

³³ Department of National Defence, *Strong, Secured, Engaged: Canada's Defence Policy* (Ottawa: Minister of National Defence, 2017), 65.

consistency across industry and international borders. The Five Eyes must also play an active role in democratic debates regarding the balance between privacy and national security, and must actively educate citizens in areas of digital media literacy. Some of the member states have already started down this path, but it will take unanimous agreement from the current partners to truly invoke modernization.

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