The Future Trend of UK's Counter-terrorism Intelligence Work in the Post-Brexit Era and Its Enlightenment to China

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Abstract: Brexit has an important impact on the its domestic counter-terrorism intelligence work, hinders the sharing of intelligence. By carding the research achievements before, the paper analyzes the cooperation framework and trend of the counter-terrorism intelligence work between the UK and the EU in the Post-Brexit Era. The counter-terrorism intelligence cooperation between the UK and the EU is pretty close. Given the serious circumstance it will face, the UK is bound to seek ways to join the international counter-terrorism intelligence work, including the EU.

1. Introduction

At 23:00 local time on January 31, 2020, Britain officially left the European Union. For a long time, Britain has been an active participant in EU governance, and this "internationalist" way of participation is unlikely to end with brexit.[1] As early as the 1970s, Britain participated in the anti-terrorism intelligence work of the European Union, such as the Trevor group formed by senior officials of justice and internal affairs departments of European Community countries in 1975.[2] Britain has not only contributed "British wisdom" to the anti-terrorism intelligence system of EU and its Member States, but also effectively maintained its own security with the help of EU. In the post brexit era, cooperation with the EU and its Member States will be an important part of the UK's anti-terrorism intelligence work.

The purpose of this paper is to sort out the anti-terrorism intelligence cooperation mechanism between Britain and Europe, predict the future situation of anti-terrorism intelligence work between Britain and Europe and the security partnership, so as to summarize the beneficial experience and Enlightenment for China.

2. UK anti terrorism intelligence cooperation mechanism under the framework of EU

According to the brexit agreement, Britain has participated in about 40 EU measures aimed at

supporting and strengthening internal security as well as police and judicial cooperation in criminal matters. The outstanding performance is the information exchange and data sharing mechanism between the two sides, which mainly includes the following contents:

2.1 Schengen Information System (SIS)

SIS is a large database shared among EU Member States, which supports police and judicial cooperation, manages external boundaries, and contains a wide range of information about people and things. It is a whole set of early warning system, which helps member states identify potential risks and plays a prominent role in searching for missing persons and locating specific stolen items. On April 19, 2013, the second generation SIS went online. On the basis of inheriting the functions of information collection, data sharing, risk identification and early warning of the previous generation system, the second generation SIS specially improved the personal information protection matters to ensure that the second generation SIS retains the appropriate personal information, so as to maintain the privacy security. SIS is the most widely used information sharing system for security and border management in Europe, with more than 5 billion searches in member countries in 2017. In 2015, the UK was granted the right to visit sis. With the approval of the European Council, the UK can fully or partially apply the provisions of the Schengen Agreement and share the expanding achievements of Schengen cooperation. [3]

2.2 Passenger Name Record (PNR)

PNR is the information about passengers' itinerary recorded and collated by transport carriers, such as personal information, itinerary arrangement, etc. Recording flight and passenger information related to EU member states can help to analyze the travel patterns of terrorists, identify previously unidentified individuals who may pose a threat, find out people's travel time on high-risk routes in advance, and determine the time when terrorists tend to act.

2.3 Prüm agreement (Prüm)

The purpose of the agreement is to achieve law enforcement cooperation on border issues, especially terrorist crimes, transnational crimes and illegal immigration. The main means stipulated in the agreement are the exchange of DNA data, fingerprint information and vehicle registration information. In 2008, the EU incorporated most of the agreement into the EU legal framework. The report issued by the European Union home affairs sub committee of the House of Lords after approving the British government's accession to the Prüm agreement in December 2015 points out that it is in Britain's national interest to rejoin the agreement, which will simplify the intelligence gathering process and encourage information sharing. The access and use of Prüm common database can effectively obtain criminal intelligence about terrorism, so as to help law enforcement agencies identify risks in advance and take corresponding measures.

In the aspect of combating money laundering and terrorist financing, Britain and Europe mainly realize the sharing of financial intelligence through the Egmont Union and the EU anti money laundering directive. From the perspective of meeting the interests of British banking industry, the British government may incorporate the EU anti money laundering directive into the scope of

domestic legislation. [4] Under the idea of European integration, the EU is keen to promote cooperation among member states by building supranational organizations (such as the European Parliament, the European Court of justice, Europol, etc.). In the field of anti-terrorism intelligence, Europol is the law enforcement agency of the European Union, which provides an information platform for Member States to exchange anti-terrorism intelligence. Among them, the first is the European Criminal Police Information System (EIS), which is also the central criminal information and intelligence database of Europol. In addition, there are European criminal record information system (ECRIS), security information exchange network (Siena), European Criminal Police Organization expert platform (EPE), etc., which together constitute the main anti-terrorism intelligence tool set of Europol.

3. Anti terrorism intelligence cooperation between Britain and Europe in the post brexit Era

3.1 Current situation of anti terrorism intelligence cooperation between Britain and Europe

According to the new functionalism, security cooperation is the performance and result of spillover effect caused by the development of European integration to a certain extent. The security cooperation between Britain and Europe has experienced the development process of "Trevor group Maastricht model Amsterdam model Lisbon model (JHA framework)". Under the existing JHA framework, the EU has established a complex cooperation system through legislation. The legislative decisions and working frameworks of the EU and its member states interact and recognize each other, which further deepens the degree of European integration, especially the security integration.

The European Affairs Committee of the House of Lords believes that access to the EU's law enforcement database and data sharing platform is an indispensable part of daily public security work, and the loss of access rights may bring risks to public security. Therefore, it attaches great importance to the cooperation with the EU in security. Two successive political manifestos have mentioned that it is necessary to maintain "cooperation in law enforcement, criminal justice and foreign affairs" with the EU It also gives a special chapter on the future security partnership with the EU, including two parts: one is law enforcement and judicial cooperation in criminal matters, and the other is foreign policy, security and defense. Among them, the first part stipulates "comprehensive, close, balanced and mutually beneficial law enforcement and judicial cooperation in criminal matters", covering three specific areas, namely data exchange, business cooperation between law enforcement authorities and criminal justice cooperation, anti money laundering and combating terrorist financing. The UK and the EU will make further arrangements on PNR data, DNA, fingerprint and vehicle registration information, as well as extradition, searching for wanted and missing persons through data sharing, and exchanging criminal records. [5]

During the transitional period, the UK can still access the EU's anti-terrorism intelligence database and participate in anti-terrorism operations, but it is gradually losing its influence on EU security policies and its operations are subject to more restrictions. Although some scholars believe that the British constitution does not have the ability to deal with brexit. [6] However, as brexit is irreversible, reaching a new security agreement with the EU as soon as possible is an important issue for the UK EU security relations in the transitional period. Although both sides have expressed their willingness to establish a partnership in the fight against terrorism, no substantial progress has been made.

3.2 The impact of brexit on British anti terrorism intelligence

Table 1 Statistics of the number of people arrested in Britain and Europe for their involvement in terrorism related activities[①]

Year	UK	EU
2009	207	587
2010	125	611
2011	167	484
2012	246	537
2013	222	535
2014	289	774
2015	280	1077
2016	260	1002
2017	412	1219
2018	273	1056

The correlation between the two groups of data can be obtained by Pearson correlation calculation of Table 1 data as 0.783 (the correlation between 0.6-0.8 can be considered as strong correlation), so it can be considered that the two groups of data have strong correlation. This shows that the number of arrests in the UK and the EU is highly correlated with the number of people arrested for terrorist activities, and reflects the consistency of the number of arrests in the trend of the change with the development and improvement of the UK EU counter-terrorism intelligence work.

Under the framework of cooperation with EU, Britain can expand its anti-terrorism intelligence sources and serve the national core security interests, and properly protect its key information by setting access conditions for other countries to visit their own anti-terrorism information database. The UK has used more frequently and rely on EU counter-terrorism intelligence tools than other EU members. For example, Siemens, the information exchanged by Britain through Siemens in 2015 increased by 26% compared with 2014. [7] By learning from the UK's experience in the field of anti-terrorism intelligence, the EU has strengthened the anti-terrorism capability of Europol as the EU's law enforcement agency, promoted the construction of the EU's anti-terrorism intelligence information system, helped to unify intelligence standards, improve the efficiency of intelligence information collection, storage and sharing, and optimize the allocation of resources.

To sum up, brexit will bring the following challenges to the UK's anti-terrorism intelligence work: first, the ability to combat terrorism will be reduced. After brexit, Britain's access to EU database will be partially or completely prohibited, which will bring severe challenges to British law enforcement. Britain is not only unable to obtain complete information about terrorists and terrorist attacks, but also unable to screen risks with the help of EU's anti-terrorism intelligence tools to find potential terrorist risks as soon as possible, let alone make arrangements for the arrest and extradition of terrorists. Anti terrorism cooperation between Britain and Europe will return to the level of the mid-20th century. In order to maintain the current level of cooperation, the UK must meet the EU's data protection requirements and make more compromises at the political and legal levels. It also needs to

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[①] The data in Table 1 are from the *Operation of police powers under the Terrorism Act 2000 statistics and EU TERRORISM SITUATION & TREND REPORT (TE-SAT).*

explore the possibility of building more bilateral or multilateral information exchange channels with EU Member States. Second, the cost of anti-terrorism has increased. Through the cooperation with the EU, the UK has shared the cost of building its own anti-terrorism intelligence information system and reduced its anti-terrorism budget pressure. After brexit, the UK will have to increase its anti-terrorism investment, which will also force the UK to reduce its dependence on the EU. Third, Britain has formed a sensitive position in the post brexit era. As mentioned above, the anti-terrorism intelligence cooperation between the UK and the EU is mutually reinforcing. It has long been involved in all aspects of EU governance and plays a very important role in the EU. Once brexit, Britain will not be able to use the EU's anti-terrorism intelligence tools, and will lose its membership in supranational organizations such as Europol. Most of the anti-terrorism intelligence tools mentioned above have no precedent for countries and regions outside the EU to be allowed to visit, and only PNR is shared with a few countries.

3.3 Outlook of UK anti terrorism intelligence work

3.3.1 The third country participation

In the post brexit era, Britain is likely to participate in the EU's anti-terrorism intelligence work as a third country. The so-called third country participation means that Britain participates in the EU anti-terrorism intelligence system as a non EU member state, especially in the framework of all kinds of intelligence information exchange. The EU has signed treaties on the exchange of PNR information with non EU countries such as the United States, Canada and Australia, but different information sharing conditions have been set for different countries (Europol has different agreements on personal data exchange with Norway and Albania, and the former can exchange PNR information with Europol without stating the purpose and reason Personal data, which cannot be exchanged with Europol).[8] In the same way, based on the above-mentioned relevant treaties, giving Britain the status of participating in anti-terrorism intelligence cooperation as a third country, the conclusion of anti-terrorism intelligence cooperation articles between Britain and the European Union will be a very realistic solution. Britain took the lead in formulating EU policies on anti radicalization and aviation safety. In order to promote the necessary legislation, Britain has done a lot of work in managing the vital relationship with the United States. [9] As a European country, Britain has a very close and complex relationship with the EU in terms of cultural tradition and historical origin. It can not be ruled out that the EU will give Britain higher treatment than other non EU member states in the field of anti-terrorism intelligence, such as relaxing the conditions for Britain to visit the EU intelligence system, or not only allowing it to abide by the basic legal framework and domestic laws of the EU On the basis of access to most systems, it can also have a certain say in the construction and application of anti-terrorism intelligence system in the future.

3.3.2 Bilateral (multilateral) cooperation

The UK will further strengthen its counter-terrorism intelligence cooperation with countries outside the EU, and continue to strengthen its cooperation with single or multiple European allies. In addition to the anti-terrorism intelligence cooperation under the framework of the European Union, one of the important transnational anti-terrorism intelligence cooperation mechanisms that Britain participates in is the five eye intelligence alliance, which can be traced back to the intelligence cooperation between Britain and the United States during World War II. Today, after nearly 80 years

of development, it has developed into an exchange platform for all-round cooperation in the field of intelligence among governments with the heads of intelligence agencies of Member States as the media. [10] In the post brexit era, Britain's position in the alliance is likely to be affected by the loss of the EU's anti-terrorism intelligence tools. On the one hand, it needs to maintain the existing channels of intelligence communication, further strengthen intelligence and information exchange with the United States and other countries, and strengthen cooperation in personnel training, technology updating, especially data sharing; on the other hand, it may sign bilateral or multilateral agreements with the European Union Sub countries and non EU Member States should conclude intelligence agreements that are more in line with their core security interests and participate in other regional security cooperation frameworks. At present, great progress has been made in intelligence cooperation between Britain and France, the Netherlands and other countries, and bilateral (multilateral) intelligence exchanges will continue. [11]

3.3.3 The problem of Northern Ireland

The problem of Northern Ireland is a profound manifestation of national contradictions, and nationalism is the most lasting cause of terrorism. [12] From the perspective of brexit attitude, Northern Ireland will become the biggest uncertainty of British anti-terrorism intelligence work in the post brexit era, because it is not only a security issue, but also a national and political issue. Historically, Northern Ireland and Britain shared core values - democracy, rejection of violence, the rule of law and the future of the European community. [13] However, on the issue of brexit, Northern Ireland prefers to stay in the EU, which is not only due to its dependence on economic subsidies from the EU and employment assistance from the public sector, but also because brexit from the EU will cause great pressure on the internal security of Northern Ireland and aggravate the political and security tensions in Northern Ireland. [14] The UK has always advocated sovereignty over Northern Ireland, so it is necessary to continue to strengthen its anti-terrorism intelligence gathering activities, focus on information operations involving radical nationalism and separatism, and safeguard the national integrity and security. In addition, in order to maintain the stability of the domestic security situation and long-term peace in Northern Ireland, it is necessary for the UK to reach cooperation with the EU, which has devoted a lot of effort in the peace process in Northern Ireland. In addition, because the UK is particularly concerned about controlling the foreign population, it is concerned that immigrants from other countries enter the UK through the northern love border. [15] Therefore, border control deserves special attention.

4. The Enlightenment of brexit on the construction of China's anti terrorism intelligence system

At present, there are still some problems in the construction of China's anti-terrorism intelligence system. First, the integration of intelligence system is low and resources are scattered. Second, the data standard is still in the initial stage and the sharing of anti-terrorism intelligence information is blocked. Third, the narrow path of intelligence cooperation hinders the pace of China's overseas interest protection. Based on this, the Enlightenment of brexit on the construction of China's anti-terrorism intelligence system is as follows:

4.1 Build an integrated anti-terrorism intelligence system and integrate intelligence resources

At the operational level, the existing anti-terrorism intelligence system in the UK is still in a mess.

The anti-terrorism intelligence responsibilities are scattered in multiple agencies, lacking strong unified leadership and command, and most agencies are fighting their own ways, which is easy to form a waste of intelligence resources and repeated decisions. Some potential terrorist risks have not been effectively identified and managed, and intelligence agencies can not effectively carry out investigation and intelligence sharing. [16] The European Union is striving for the integration of anti-terrorism intelligence. The "joint anti-terrorism center" vigorously promoted by Germany, which is currently the vanguard of anti-terrorism within the European Union, will further provide the EU with multi-disciplinary strategic cooperation. [17]

According to the anti-terrorism law, the national intelligence law and other relevant provisions, the military security department, the national security department, the public security department and so on are the main body of anti-terrorism in China. In the long run, the national security committee is the primary body of the overall utilization of intelligence resources. To build an integrated anti-terrorism intelligence system, integrate the existing intelligence resources and integrate the functions of intelligence agencies, we should take the establishment of the National Security Committee and a special anti-terrorism intelligence agency, namely the national anti-terrorism Intelligence Center, as an opportunity to realize the establishment of a large intelligence pattern. Relying on the existing public security resources, Regional Anti-Terrorism intelligence centers should be set up in key areas (such as public security department and national security department of some provinces) or at a certain level (such as administrative divisions), so as to coordinate the Regional Anti-Terrorism intelligence work and take the responsibility of helping the government to make anti-terrorism decisions. We should not only collect and analyze the anti-terrorism intelligence collected by the public security organs, but also collect and analyze the intelligence related to economic operation, infrastructure, public health, telecommunications and other aspects in the area of responsibility, so as to prevent various types of terrorist activities. At the same time, we should establish standards for the exchange of relevant industries, rely on the existing resources, break the barriers for the exchange of intelligence resources among industries, improve the utilization efficiency of the overall intelligence resources, and give full play to the role of the public security organs, national security organs and other business departments in the collection, collation, analysis and utilization of anti-terrorism intelligence We should further strengthen information exchange with other industries, establish an integrated anti-terrorism intelligence system, and serve the overall national security situation.

4.2 Improve the universality of security concept and intelligence standard, and strengthen intelligence sharing

The tendency of UK's selective application of EU anti-terrorism law is obvious, with a strong color of egoism. [18] This is a great obstacle to the integration of criminal justice in EU. After brexit, the process of EU in this respect will be significantly accelerated. The significance for China is to strengthen the universality of security concepts and intelligence standards, absorb the reasonable factors of other countries, and form a certain anti-terrorism intelligence consensus.

In order to improve the universality of security concept and intelligence standard, it is necessary to solve the problems of intelligence information preservation, transmission and supervision. There are still a number of outstanding issues in the UK regarding data preservation and monitoring, [19] which has led the EU to be wary of allowing Britain to access the intelligence information database.

Data protection is not regarded as a basic right in the UK. So far, the EU has been the benchmark of strict data protection law and the leader of data protection affairs. [20] There are huge differences between the two sides in their positions on data protection. In the world, intelligence sharing is a common issue for all countries. Therefore, we should promote the integration of China's security concept and intelligence standards with international common standards, actively participate in the formulation of international intelligence standards, and strengthen anti-terrorism intelligence cooperation and information sharing.

4.3 Improve the multi field and multi-level anti-terrorism intelligence cooperation mechanism

In the post brexit era, the UK's anti-terrorism intelligence cooperation will be based on bilateral (multilateral) cooperation and existing intelligence channels, and will further enhance intelligence cooperation with other countries, regions and organizations. Besides relying on the intelligence tools and organizations of the European Union, Britain's foreign anti-terrorism intelligence cooperation is also interdependent with NATO. Take military anti-terrorism as an example, the proportion of the UK's defense expenditure to the EU is no less than 25%. The experienced British forces are the main part of the European forces that can be used in expeditionary operations, while NATO undertakes the responsibility of preventing military threats. [21] UK's brexit from the EU poses a continuing challenge to Britain's international status and the integrity of NATO,[22] Therefore, it is not only necessary to maintain the channel of intelligence exchange with NATO, but also need to repair the relationship with the UK.

China should comprehensively investigate the existing transnational cooperation mechanism in the field of anti-terrorism intelligence, reflect on the shortcomings, constantly develop new ways of intelligence cooperation on the basis of maintaining the existing channels of intelligence cooperation, and establish intelligence contacts with more countries, regions, organizations, especially supranational organizations. Chairman Xi Jinping, at the opening ceremony of the eighty-sixth session of the Interpol, proposed that China is willing to work together with all governments and their law enforcement agencies and international organizations to hold high the banner of cooperation, innovation, rule of law and win-win, strengthen cooperation in policing and security, and jointly build a community of common security and common destiny for mankind. We should learn from the existing achievements of bilateral and multilateral cooperation, improve the anti-terrorism intelligence cooperation mechanism in the fields of intelligence collection, information sharing, personnel training, technical exchange, etc., at the levels of countries and organizations, smooth the channels of intelligence exchange, and expand the sources of intelligence information.

5. Conclusion

Brexit means the loss of the relationship between China and the EU, and it will bring subtle changes to the world pattern. [23] For the sake of their own interests, it is necessary for China and Britain to learn from the good cooperation situation in other fields and extend it to the security field. In the post brexit era, China needs to deal with Britain and the European Union separately, and is no longer restricted by the special relationship between Britain and Europe in the past. This will be conducive to the security dialogue and anti-terrorism intelligence cooperation between China, Britain and the European Union.

Based on the analysis of the anti-terrorism intelligence work between the UK and the EU, especially the intelligence cooperation between them, this paper forecasts the relationship evolution and status transformation before and after brexit. Combined with China's national conditions, this paper expounds the Enlightenment of brexit on the construction of China's anti-terrorism intelligence system from the perspectives of resources, sharing and cooperation. Looking back on the course of anti-terrorism intelligence cooperation between Britain and Europe, after brexit, Britain may face greater pressure of anti-terrorism intelligence work than before, and it is bound to be unable to stand alone in the global anti-terrorism wave.

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