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## Mass surveillance: Enhancing national and human security

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### Abstract

Amongst the numerous roles that a state is envisaged to perform, the most crucial, is the protection of its citizens and ensuring their survival. One of tools modern states use to enhance the security of the state as well as individuals is Mass Surveillance. Mass Surveillance enables a state to avert threats emanating from non-state actors, check crime, fight diseases and enhance the efficiency of its institutions. Though Mass Surveillance continues to be portrayed in a negative light on the grounds of possible misuse of the data and intrusion of privacy, it plays a significant role in enhancing the National and Human Security by checking the multifarious challenges the modern state faces in contemporary times.

**Keywords:** Surveillance, National Security, Human Security, Terrorism

### 1. Introduction

An enormous public outcry erupted against the National Security Agency of United States' Mass Surveillance program which was exposed by one of NSA's ex-contractor - Edward Snowden. According to the reports provided by Snowden, NSA has been spying people and governments across the world and has access to all the communications occurring over telephone calls, e-mails, or social networking websites like Facebook or Skype. According to the reports "The NSA uses the analysis of phone call and e-mail logs of American citizens to create sophisticated graphs of their social connections that can identify their associates, their locations at certain times, their travelling companions and other personal information [7]".

"Taken together, the revelations have brought to light a global surveillance system that cast off many of its historical restraints after the attacks of Sept. 11, 2001. Secret legal authorities empowered the NSA to sweep in the telephone, Internet and location records of whole populations [3]".

Though some such programs existed before the 9/11 attack, it was after these attacks that these mass surveillance programmes covering the almost whole of the population of the world were launched. PRISM as the programme was named has been spying on citizens in the United States as well as other countries of the world. It has also been reported that it spied on some of the governments of other states.

In response to the revelations, protests erupted in various parts of the world particularly in the United States against conducting such extensive spying operations which covered the whole of the populations. The primary concern of the protestors has been that such surveillance programs are a breach of their privacy and can no way be an excuse for national security.

The mass outrage over the issue and wide media coverage made the US government come in defence of their acts and justify the mass surveillance done by NSA as a counter-terrorism strategy. The US government has made claims that such practices have managed to prevent terrorist attacks and is a necessary prerequisite for ensuring the national security in the 21st century.

Since then a debate has begun over the possible pros and cons of the mass surveillance or spying of individuals by the state. Most of the literature and media houses seem to be targeting the state surveillance on various grounds of privacy, human rights and liberty. Whereas fewer justifications have come up from the authorities who are being held accountable for such mass-spying programmes.

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This paper would attempt to fill this critical research gap by demonstrating how mass surveillance done by the state enhances the national as well as human security instead of undermining it. It also aims to bring forth the various positives inherent in the very idea of surveillance. By critically engaging with the critics, it will prove the viability of a surveillance state in addressing various issues related to both the national and human security. The following section deals with some of the major claims made by the critics of mass surveillance:

- **Intrusion of Privacy:** This has been one of the major and consistent points of opposition to mass surveillance. Critics say that tapping personal conversation of a vast majority of the population cannot be solely justified on the grounds of national security. It is a violation of the core values of a liberal and democratic state.
- **Does not deter terrorism:** Critics also point out that mass surveillance is not an effective deterrent to terrorism since terrorist attacks have occurred despite having surveillance systems put in place.
- **Security of the Data Accessed:** Many scholars have raised doubts regarding the security of data especially with regard to its misuse for private interests.
- **The absence of judicial oversight**
- **No fly lists:** Due to such surveillance programs, many people who do not have anything to do with terrorist activities have been put on such lists.
- **Intensive surveillance of one place makes another place more vulnerable to threats.**
- **Economic cost of conducting such large-scale surveillance is enormous.**

## 2. Mass Surveillance and State Security

The primary justification given by states regarding mass surveillance is that it is essential to ensure that on the first-hand terrorist attacks do not take place and secondly for faster and better tracing of suspected terrorists after any such attacks. In the wake of 9/11, terrorism became a central organising issue for international security. A vast body of literature has sprung up about state's capability to fight terrorism which has been termed as the 'strange type of war'. It has been identified as a significant threat to peace and security of the world. The threat from other states does exist, but this threat from violent non- state actors which are primarily aimed at civilian populations and with an unpredictable nature makes states more vulnerable.

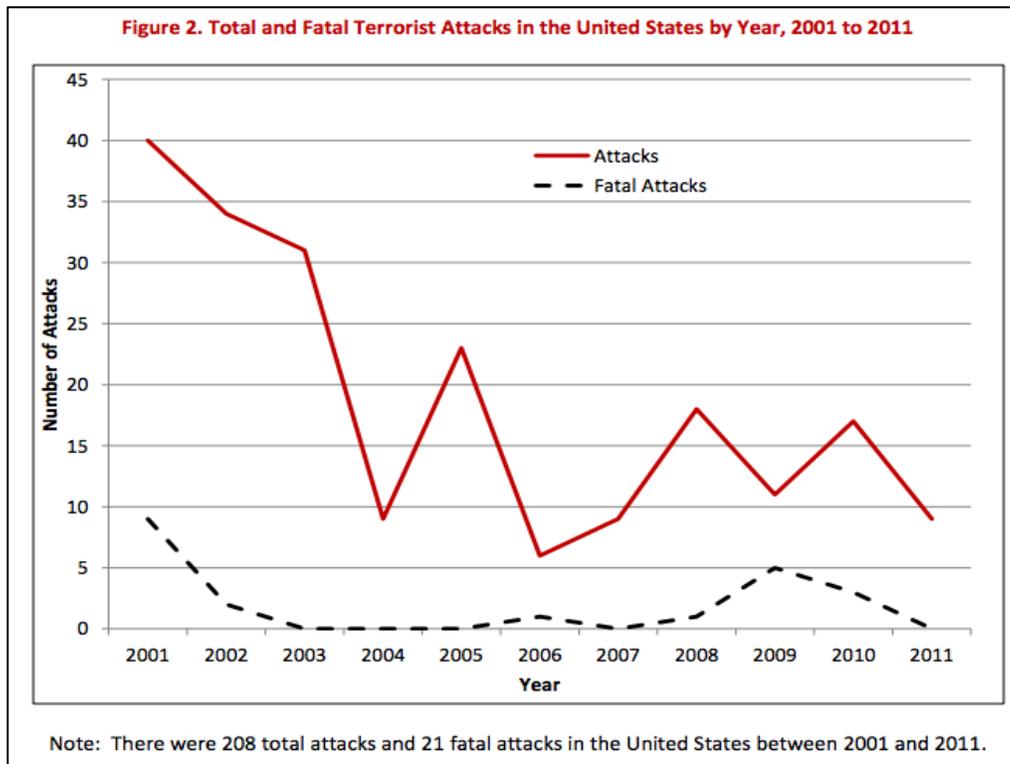
Post 9/11, states have been formulating their domestic as well as foreign policies, keeping in mind the need to deter

terrorist activities. To curb terrorism, states have even stepped out of their boundaries to fight what they consider as sources or sponsors of terrorism that might lay within the borders other states. While at the same time states have become more cautious of the need to address the threats that might originate within their own territory.

Terrorists too have adapted with the emerging strategies of the state. Terrorists have taken advantage of the advancements in technology particularly in the field of communication. They use all the modern means of communication from social networking websites to the handy mobile phone or even the satellite phones. "Over the years, the nature of terrorist organisations, camps and weapons, and communication facilities have also undergone change. Terrorists and insurgents rarely work from large jungle camps, or use heavy weapons or use primitive instruments to communicate. Today they are one or more steps ahead of security forces in technical capabilities (Raghavan, 2014) <sup>[6]</sup>".

The role of mass surveillance measures of the state becomes crucial at this moment. As the primary goal of Mass Surveillance by states is to take a proactive and preventive action to deter any terrorist threat, they require spying programmes that can cut across all sorts of communications and provide them with valuable intelligence information. Moreover, "most contributors to the book 'Fighting Back' believe terrorism will never be routed so success against terrorism must be measured regarding how effectively governments can reduce violence and promote a climate of security <sup>[9]</sup>". This leads us to the conclusion that states have to enhance their capabilities to fight the ever-changing nature of terrorism and the mass surveillance is one such measure that has contributed a lot in the fight against terrorism.

The primary goal of security remains 'Survival'. If a state cannot ensure the survival of its citizens from lethal terrorist threats, it cannot be said to be a guarantor of security to them. The critics of mass surveillance should look for answers to the following questions before examining the mass surveillance done by the states: What is of more importance to the citizens of a state-privacy or survival? Does any action taken after a terrorist attack has occurred make sense to the victims? What about the innocent lives that have been lost in a terrorist attack? Can a state rely only on traditional methods of surveillance when the terrorists are using such high-tech forms of communication? Why since 9/11, United States has not faced any major terrorist attack (a lot of them foiled beforehand).



Source: [https://www.start.umd.edu/sites/default/files/files/publications/START\\_IUSSDDataTerroristAttacksUS\\_1970-2011.pdf](https://www.start.umd.edu/sites/default/files/files/publications/START_IUSSDDataTerroristAttacksUS_1970-2011.pdf)

The above graph depicts that there has been a continuous decline in terrorist attacks and the number of fatal attacks since 9/11. Though this cannot be wholly attributed to the mass surveillance programs of the US, these programmes and other surveillance practices have played a very vital role in preventing such terrorist attacks. Former “President of United States, Mr. Obama, said that the programs had thwarted “at least 50” possible attacks. He also defended the tradeoff of civil liberties for security as a necessary one — “we have to make choices as a society” — adding that the programs were merely “modest encroachments on privacy.” Moreover, the privacy concerns over tapped phone calls should be overlooked since “the government insists that the content of telephone conversations are not recorded, they acknowledge that telephone numbers, location data, call duration, and other unique identifiers are sent to the NSA for analysis<sup>(11)</sup>” So there is no need for people to panic about their conversations being misused.

A few good examples of the success of mass surveillance programmes for the United States and India could be:

- “NSA helped prevent involved David Headley, a United States citizen living in Chicago. He was eventually convicted on charges of terrorism, in which he later admitted to being involved. Headley was involved in an attack in Mumbai that killed 160 people. The NSA became aware of him when they intercepted communications by him planning an attack on a Danish newspaper<sup>(8)</sup>”.
- In the Indian context - the trapping of Indian Mujahideen terrorists by Indian police and intelligence services. “Police officials say they have evidence of the two men regularly accessing Islamist websites — notably the speeches of the slain al-Qaeda ideologue Anwar al-Awlaki. Police records claim that Nirban was contacted, through his Facebook account. Following weeks of Facebook chats, the cell allegedly received a

visitor — recently arrested IM commander Tehseen Akhtar<sup>(10)</sup>”.

- “A hundred security forces personnel are needed to find and defeat one terrorist. That is one approach in which every jungle hideout in J&K, mountain cave in Afghanistan, or an apartment in a town is watched, searched or raided. Another uses technology as the better means to find and eliminate terrorists. Satellite surveillance, wireless interception, infrared photos and drones used in combination lead security forces to terrorist safe houses, meeting places, and vehicles in which they travel (Raghavan, 2014)<sup>(6)</sup>”.
- Also, the countries from where the NSA programme extracted a maximum amount of data are the ones which are a hub of terrorist activities in the world i.e. Afghanistan, Pakistan. Thus mass surveillance on the other states seems justified in this regard because the concern for a state is to protect its citizens.

“The mass surveillance could prevent the terrorist use of nukes, dirty bombs, or other futuristic weapons. Instead of blanket bans in dangerous research areas, we could allow research to proceed and use surveillance to catch bad actors and bad practices. We might even see an increase in academic freedom<sup>(11)</sup>” It is these myriad forms of threats to national security that prove that there is an emergency measure attached to the Mass Surveillance programmes of the state and it cannot be desecuritized.

### 3. Mass Surveillance and Human Security

The term Human security is primarily concerned with the security of an individual. Human security is when referent object of security is Individual rather than the State. Since the well-being of the state always does not necessarily lead to the well-being of all the individuals that are citizens of that state, or sometimes the state itself commits certain excesses on its citizens. But what role does mass

surveillance has to play in enhancing human security? In what ways a practice that encroaches on the privacy of individuals, enhance their security?

These questions are dealt with in the following section:

- **Fighting Crime:** Crime has been a major threat to human security. Many cities in the world are witnessing an ever increasing crime rate. An effective way to deal with this problem of rising crime rates could be installing CCTV cameras. These not so expensive cameras could be put in various places including shopping malls, parks, railway and metro stations and major markets. They could help in speedy identification of criminals and can keep a check on their actions through speedy activities. "If calibrated properly, surveillance might eradicate certain types of crime almost entirely. People respond well to inevitable consequences, especially those that follow swiftly on the heels of their conduct. Few would commit easily monitored crimes such as assault or breaking if it meant being handcuffed within minutes. Prompt police responses would create near-perfect deterrence, and violent crime would be reduced to a few remaining incidents of overwhelming passion or extreme irrationality <sup>[1]</sup>" A good example could be the CCTV cameras places at the traffic lights which could help in sending a notice to the violator of laws automatically with the proof of the crime they committed. Also, various agencies could use these videos to analyse patterns of criminal behaviour and places vulnerable to different types of crimes. Finally, a reduction in crime rate is a sure guarantor of increased Human security.
- **Fighting Infectious Diseases:** A large number of pandemics have haunted the humanity for a long period. "The Black Death killed a third of Europe's population in the 14th century and, in the early 20th century, the Spanish Flu killed off between 50 and 100 million people. Also, smallpox buried more people than the two world wars combined <sup>[1]</sup>". "Whereas traditional disease surveillance may take weeks to identify an outbreak, the collection of signals intelligence, as well as something much less sinister — totally legal analysis of Google searches — allows the government to potentially predict future epidemics. Rather than analysing doctor reports over time, public health authorities might glean real-time information about disease outbreaks, offering the ability to forecast such events like the weather <sup>[5]</sup>". "Mass surveillance could also expose lax safety standards or dangerous practices in legitimate organisations <sup>[1]</sup>". With a timely check on a pandemic, states can prevent it from spreading, thus thereby saving hundreds of thousands of lives that could have been affected, thereby ensuring human security for a large number of people.
- **Increasing Efficiency of Institutions & checking unnecessary state oppression:** Institutions and organisations could work more effectively and efficiently if a mass surveillance system has been put in place. With increasing chances of getting trapped for corruption, people will refrain from taking bribes. Also, the government can keep a check on all the public

institutions including Hospitals, Public Works Departments, schools, etc. without having an Inspection team that itself might be inefficient and corrupt. Keeping public institutions in check will ensure timely delivery of services which could contribute a lot to the cause of human development and security. Also sometimes a few officials of the state or those in power misuse the power and authority yielded to them by the citizens. Mass surveillance could keep an easy check on it. For example, CCTV cameras in Police stations will check unnecessary torture and oppression. In short, efficient institutions and a check on misuse of public power would definitely enhance human security.

### Conclusion

Though the media might decide to make mass surveillance the villain with regard to privacy concerns or lack of accountability or security of the data accessed. Through mass surveillance, the state might intrude in the lives of the people, but the state does exist to perform its primary role as an agent to ensure safety and security of its citizens. And it is in this context the role of mass surveillance cannot be neglected. "It was Thomas Hobbes in his 1651 work Leviathan who stated that citizens yield to a powerful sovereign who in turn promises an end to civil and religious war, and to bring forth a lasting peace, and give him the right to conduct policy, including wage war or negotiate for peace for the good of the "commonwealth", i.e., a mandate for national security <sup>[4]</sup>". It is in light of this statement that the importance of mass surveillance as a measure of ensuring national as well as human security is to be measured. Thus surveillance state seems to be the necessary evil for providing security in a world full of multiple threats. To conclude, as one NSA official remarked "You can't have 100 percent security and then also have 100 percent privacy and zero inconveniences. You know, we're going to have to make some choices as a society <sup>[2]</sup>".

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