



# UNDER THE INFLUENCE

**Jorge Marinho** considers lawfare and foreign influence on politicians as he examines NATO and Portuguese internal intelligence service insights

**P**oliticians can be the targets of influence operations directly or indirectly conducted by adversary states, by turning to various instruments such as the media and lobbying firms, for instance. In this case, influence operations are developed such that the target state can politically decide to regard as hostile or unwanted and, for this reason, in relation to which it can also determine certain countermeasures.

In reality, there are circumstances where countries can not only cooperate in a variety of fields, but also compete in various spheres. Actually, espionage occurs not just between adversary states, but even between those that publicly present themselves as

friends. As influence operations can be conducted with contributions from intelligence services that will be counteracted by the counterintelligence services of the target state.

This article highlights the influence on lawmakers within the context of lawfare. Under the Rule of Law, in principle, the lives of individuals and the activities of the various kinds of organisations should conform to the laws. This way, those influencing lawmakers are somehow influencing even a certain country, with greater or lesser impact on that society, as a function, *inter alia*, of subject matters and the population covered by the laws in question. All this can entail repercussions, for instance, in defending national interests. This is why, desirably, citizens, in general, and, especially, state

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entities tasked with upholding national interests must remain attentive to issues related to lawfare.

The terms 'foreign influence' and 'foreign interference' can be used synonymously, given that the differences between both are not always clear-cut. In other words, it might not be easy to distinguish legitimate from illegitimate influence. However, said differentiation can be relevant from a legal and judicial standpoint.

In our society, information and communication technology is part of the lives of most people and organisations. Technological aspects combine with multi and interdisciplinary research in the field of communication, most notably social and human sciences, thereby enabling influencers' heightened capabilities. Currently, influence operations over politicians of a certain country could go by way of social media and by international, domestic and local traditional media, which could comprise undercover agents, proxies and accomplices serving foreign States. Lobbying firms can also use media in general to attain their goals. As part of lawfare, passing laws to counter said media instrumentalisation could generate domestic controversy. On the one hand, there are those seeking legal conditions favourable to certain interests, with few or even no limits to the free circulation of information, including through international media; on the other hand, some defend the opposite.

In the field of influence, we can have both mass communication and highly personalised communication. In terms of targeting, it is now possible to send messages to a single individual, with a great deal of precision, via email or text messaging, for example. In this regard, it is vital to know the target individual as in depth as possible, where such a task could be assigned to intelligence services.

Currently, in the field of international relations, lawfare is a reality and, in the future, as can be predicted, will tend to increase. Lawmakers can be the targets of attempted corruption and various types of foreign influences, including covert operations. Within this context, it is vital to get to know the environment in which decisions are made along with decision-making processes. This way, the influencer knows the key persons who, directly or indirectly, should be contacted or be provided with certain information aimed at influencing the decision maker in a given sense. The study of the legal framework and the legislative process of any given country, seeking to get to know their strengths and weaknesses, among other aspects, is part of legal intelligence.

Foreign influencers, directly or indirectly, through – for instance – lobbying firms, will not only target various politicians, such as members of parliament, both central and local authorities, but are also interested in influencing parliamentary and government administrative staff. All this could weaken national sovereignty and harm national interests, thus favouring competing countries.

There are politically sensitive moments in the lives of countries where foreign governments seek to wield their influences over politicians, as is the case during election periods. Even before, anyone just starting out in political life can be recruited by a foreign power which uses several methods to promote them in society; at the right moment, even in the medium-

to-long term, said recruited politicians will defend the interests of those recruiting them. This is a sort of political investment that can concern individually considered politicians and, more broadly speaking, political parties.

Foreign influence can be countered. For instance, Singapore is currently known for its measures intended to tackle foreign interference, including hostile information operations. This way, that country seeks to protect Politically Significant Persons. This matter also warrants particular attention both in the US and in the European Union, while looking at what is happening, respectively, in Congress and in the European Parliament, for example.

**AS PART OF THE EU, EACH MEMBER-STATE IS SOLELY RESPONSIBLE FOR ITS OWN NATIONAL SECURITY**

Portugal is regarded as Europe's oldest nation-state, having been founded in 1143. From the late 15th and early 16th centuries, this nation has been noteworthy for its role in globalisation, forging contacts with peoples from various parts of the world. All of these historical aspects should not be overlooked when analysing Portugal's domestic and foreign policy, as well as security and defence issues, over time and to the present.

Portugal is a founding member of NATO and has been a part from 1949 to this day. In relation to the field of security/defence, Andres Munoz Mosquera – Director of Allied Command Operations (ACO) Office of Legal Affairs, Supreme Headquarters Allied Powers Europe (SHAPE)/NATO – considers that, without legal cohesion among member-states, NATO would have disintegrated long ago. Munoz Mosquera points out that the Preamble and articles 3, 4 and 5 of the *North Atlantic Treaty* and article 51 of the *United Nations Charter* have greatly contributed to such cohesion.

Regarding influence on members of the Parliaments of NATO member-states, Munoz Mosquera acknowledges that the adversaries of said organisation can try to sway decisions by turning to lobbying firms. This expert feels that it is up to each government and not to NATO to determine whether legislation needs to be created in order to control lobbying firms' activities.

As concerns counter intelligence measures that NATO member-states' governments could take to prevent their Parliament members to be the subject of foreign influence operations by NATO's adversary states, Munoz Mosquera believes there are advantages in revealing to operators what is going on in the legal battlefield both in peacetime and in times of crisis. According to Andres Munoz Mosquera, this will broaden operators' horizons regarding the impact of legal matters in the current strategic competition.

Munoz Mosquera clarifies that the only NATO body with legal operations capacity (the designation given to lawfare at this organisation) is SHAPE. He explains that, as part of SHAPE, said operations include the following aspects: legal vigilance or

legal intelligence – that is, monitoring and assessing adversaries’ legal moves; obtaining open-source information from adversaries; creating awareness and providing training in relation to legal, intelligence, hybrid and strategic communications staff.

Munoz Mosquera underlines that all this seeks to back NATO leadership with information aimed at decision making. This interviewee adds that adversaries have seriously undertaken actions that break the Rule-of-Law under the guise of false legality and legitimacy.

## FOREIGN INFLUENCERS CAN WEAKEN NATIONAL SOVEREIGNTY AND HARM NATIONAL INTERESTS

According to Adélio Neiva da Cruz, Director of the Portuguese Internal Intelligence Service, this body’s mission includes understanding and examining the phenomena matching various types of threats, such as foreign interference, with negative effects on economic sovereignty and national security. The PIIS Director maintains that, in fulfilling its missions, the organisation that he heads cooperates with NATO and the European Union in a variety of areas, namely interference from hostile states. Portugal is a member-state of both organisations. Neiva da Cruz asserts that there is a relationship between Portugal’s domestic security and European domestic security, as part

of a common space comprising freedom, security and justice. In this regard, the PIIS Director makes reference to a document which was recently approved with an outlook for the EU’s next decade: *A Strategic Compass for Security and Defence*. Nevertheless, Neiva da Cruz stresses that, as part of the EU, article 4(2) of the *Treaty of Lisbon* (9 May, 2008) sets forth that each member-state is solely responsible for its own national security.

Adélio Neiva da Cruz adds that the PIIS comprises activities that raise various private and public bodies’ awareness to counter espionage, warning them of issues related to influence and interference in Portugal, so as to protect classified and/or sensitive information. In terms of counter intelligence, Neiva da Cruz exposes that, within the current context of war economy and changes in world geopolitics, one of PIIS’ main objectives includes developing operational cooperation and exchanging information among the various authorities in outlining a common legal basis, using more effective methodologies, by turning to new tech tools and applications.

Adélio Neiva da Cruz considers that PIIS remains attentive to diverse situations where national security is called into question, *inter alia*: covert operations aimed at recruiting Portuguese nationals with access to relevant information, chiefly information that is protected with security measures, in the political, economic, diplomatic and military spheres; electronic access to communication networks and databases where valuable information is found. The missions conducted by PIIS as a domestic body are vital to Portugal’s security ●

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