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Lawfare and Foreign Influence on Politicians: NATO and Portuguese Internal Intelligence Service Insights ^[1]

Introduction

Portugal is considered Europe's oldest nation-state, as it was founded in 1143, and is referred as a pioneer in globalization, since the late 15th and early 16th centuries.

Foreign influence on political affairs can be regarded as normal and legitimate  in the area of international relations. This is often observed when a government, in the pursuit of its

interests, seeks to influence the affairs and decisions of (an)other government(s). Foreign influence activities comprise public communications, lobbying and diplomacy. Illegitimate interference from one government in the politics of another State can be called foreign interference. Unlike foreign influence, this is deceptive and covert, including, for example, corruption and espionage. In this context, there are hostile activities.

In this piece, given that differences fade away, it is considered that the terms foreign influence and foreign interference can also be used as synonyms.

Lawmakers and other politicians

Lawmakers can be the targets of various foreign influences, as is the case with covert operations. To the foreign influencer, among a variety of aspects, it is vital to get to know the climate in which decision-making takes place and to come up with ways of introducing information that underpins their objectives. In international relations, the use of lawfare tends to increase in the short and medium term; this is why we need to stress the importance of legal intelligence, whose purpose is to identify vulnerabilities, hazards, opportunities and hostile activities in the legal sphere. Lawfare comprises aspects of an offensive and defensive nature.

Elections are moments in a country's political life that other governments take advantage of to pursue their goals. A foreign power can recruit a certain politician and, over time, develop a relationship, seeking to benefit from that person's possible election, to the extent that person will take part in government debates and decisions. Foreign interference in political parties warrants particular attention. In reality, the previously referred aspects are somehow part of political warfare.

NATO

In relation to the field of Security and Defense, Andres Munoz Mosquera considers that, without legal cohesion among member-states, NATO would have disintegrated long ago. He 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 organization can try to sway decisions, by turning to lobbying firms. He says 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 counterintelligence 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 states 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 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 organization) 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.

Portuguese Internal Intelligence Service (PIIS)

According to PIIS Director Adélio Neiva da Cruz, the mission of the Portuguese Internal Intelligence Service (PIIS) includes understanding and examining the phenomena matching various types of threats, such as foreign interference, with negative effects on economic sovereignty and national security. He maintains that, in fulfilling its missions, the organization cooperates with NATO and the EU in a variety of areas, namely interference from hostile States. (Portugal is a member-state of both NATO and the EU.)

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, he stresses that, as part of the EU, article 4(2) of the *Treaty of Lisbon* sets forth that each member-state is solely responsible for its own national security.

Neiva da Cruz adds that the PIIS comprises activities that raise various private and public bodies' awareness to counterespionage, warning them of issues related to influence and interference in Portugal, so as to protect classified and sensitive information. In terms of counterintelligence, Neiva da Cruz asserts 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.

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.

According to Linville and Warren, it is preferable to focus too much on problems related to foreign influence than to be negligent.

In addition to bibliographical research, this article draws from exclusive interviews with Andres Munoz Mosquera, Director of Allied Command Operations in the Office of Legal Affairs for NATO's Supreme Headquarters Allied Powers Europe (SHAPE); and Adélio Neiva da Cruz, Director of the Portuguese Internal Intelligence Service (PIIS)

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