The Discreet Charm of Impact Assessments: Contesting the Evidence Base for Security Research Policy

Vienna, 13-14 November 2014

SecurePART

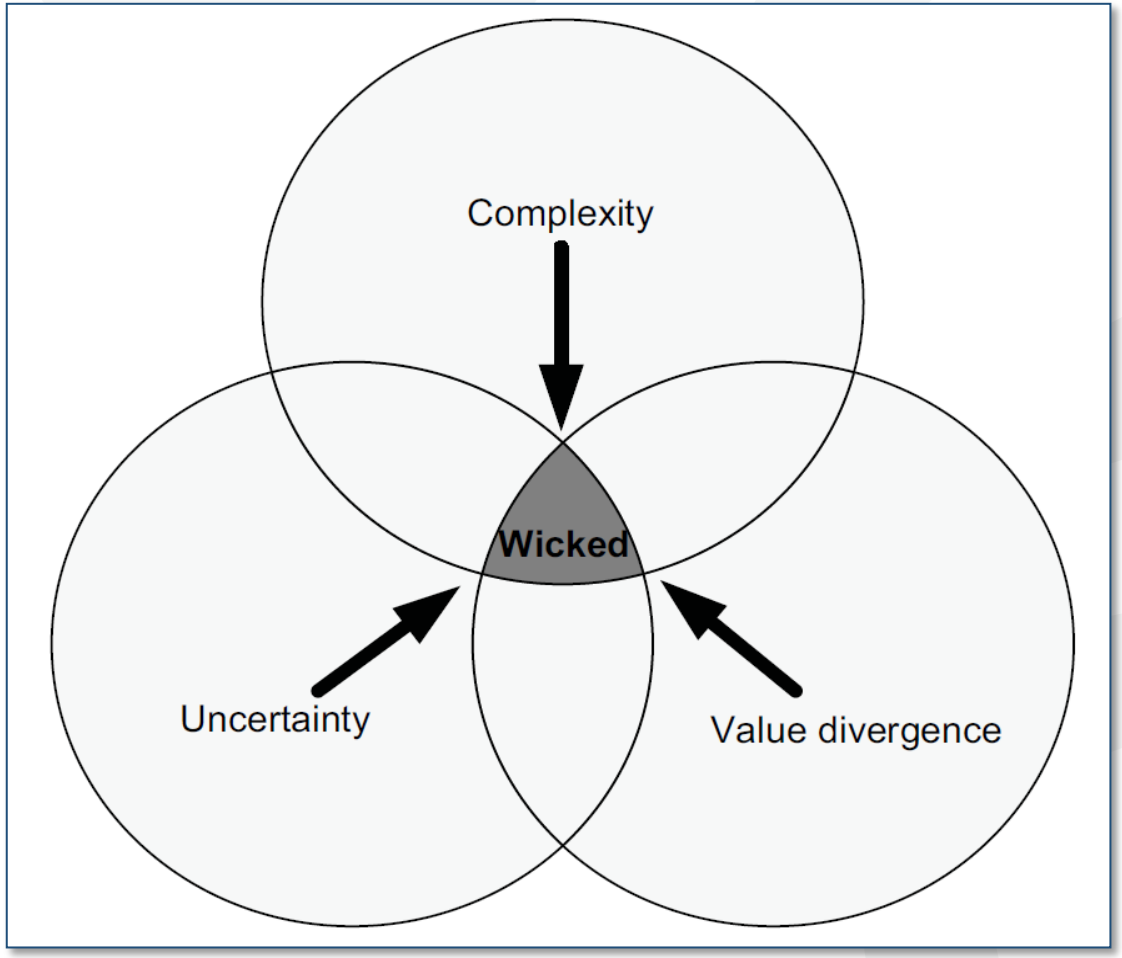
Increasing the Engagement of Civil Society in Security Research

Georgios Kolliarakis

Goethe-Universität Frankfurt, Cluster of Excellence

Security Research: Quo Vadis?

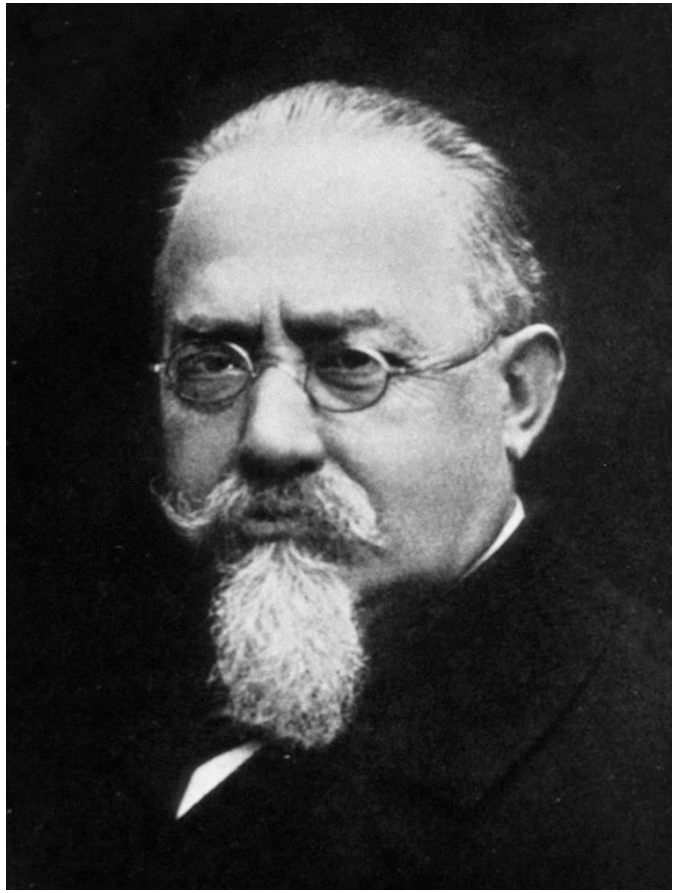
Security (Research) Policy as a Wicked Problem



(Source: Head 2010, p. 22)

- → **Problem definition depends upon available solutions, not vice versa;**
- → **Public communication of the problem transforms it into a moving target: (i.e.: „self-fulfilling/-defying prophecies“);**
- → **Problem definition depends upon other moving targets (e.g. legality, ethics, privacy);**
- → **Solutions trigger themselves 2nd order effects and have non-anticipated /non-intended effects: (i.e. „Security paradox“)**

Interface politics/science: Evidence-based policy



→ **Prevent & contain politically opportunistic, ideologically biased, private-interest-driven public policy**

→ **Controversies in international climate politics; public health / medicine (Cochrane collaboration); social policies / education (Campbell collaboration)**

La escuela de Lombroso aplicaba las técnicas de la antropometría para combatir la inseguridad.

El objetivo era identificar a los criminales según sus características físicas.

The European Security Research Mandate

"Investing in security research for the benefit of European citizens, critical infrastructures, SMEs and industry"
(COM 2013, *EU Research for a Secure Society*, p. 1)

- ESRP: Mission-led R&D&I policy aligned to:

EU Internal Security Strategy in Action (European Council, 2010)
Five Priority Areas:

  - **Disrupt international Crime Networks**
  - **Prevent terrorism and address radicalisation and recruitment**
  - **Raise levels of security for citizens / businesses in cyberspace**
  - **Strengthen security through border management**
  - **Increase Europe's resilience to crises and disasters**

- ***The final implementation report of the EU Internal Security Strategy 2010-2014*** (European Commission 2014):
  - **Strengthening the role of and the involvement in security research, funding and training**

ESRP Limited evidence base for assessment/evaluation

→ Do SEC technologies deliver on significantly raising security levels in society?

- **No „transparent, comprehensive, balanced evidence“**
- **Non-disclosure** of sensitive „security-relevant“ data, e.g. of how many/when/how crimes/attacks have been traced, averted, missed etc. through deployment of the developed technological solutions;
- **Commissioned Studies**:
  - ***Study on Civil-Military Synergies in the Field of Security*, ECORYS (2012)**
  - ***Action Plan for an innovative and competitive Security Industry*, COM (2012) 417 final**
    - **Fast-growing security & surveillance technologies market**
    - **Supporting SMEs and accelerating R-t-M;**
    - **Promoting PETs and „societal acceptance of SEC technologies“**
- **Institutionalized permanent/non-permanent consultation groups:**
  - ***Programme Committee* (28 MS delegates +)**
  - ***SEC Advisory Group* (Institutional & independent experts)**

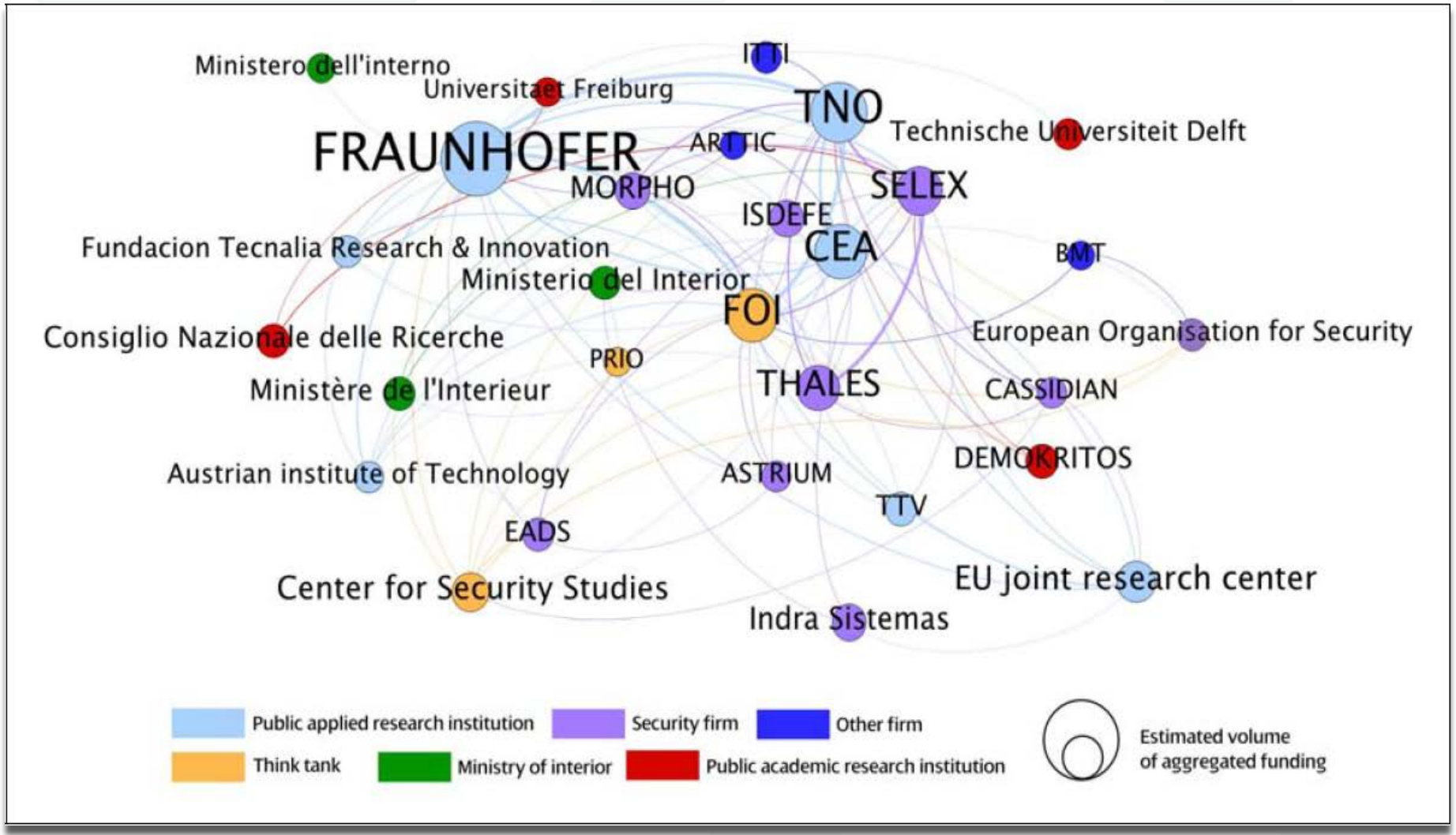
ESRP Limited evidence base for assessment/evaluation

- ***Impact Assessment on Public-Private Dialogue in Security Research and Innovation*** (European Commission, 2007)
  - **Economic impacts: Create internal security market (goods & services); pool capabilities; boost international competitiveness of industry**
  - **Environmental impacts: none or non-relevant**
  - **Social impacts: beneficial to labour market and employment**

- ***Interim Evaluation of FP7 SEC*** (CSES, 2011):
  - **Stakeholder networking effects**
  - **Patent Applications**
  - **Dominance of Defense/Security industry/RTOs**
  - **SMEs as main addressees have been supported**
  - **High potential for Civil-Military synergies**
  - **Low participation of „end users“ (e.g. emergency services, CI operators, intelligence/criminal agencies)**
  - **Presence of the „civil society“ as passive recipients, but not as ultimate beneficiaries and active influencers**

- ***Final Evaluation of FP7 SEC*** (Technopolis Group, starting as of November 2014)

WHO? Leading beneficiaries under FP7 SEC



Source: EuP LIBE Committee 2014, Review of Security Measures in the 7th Research Framework Programme, p. 20

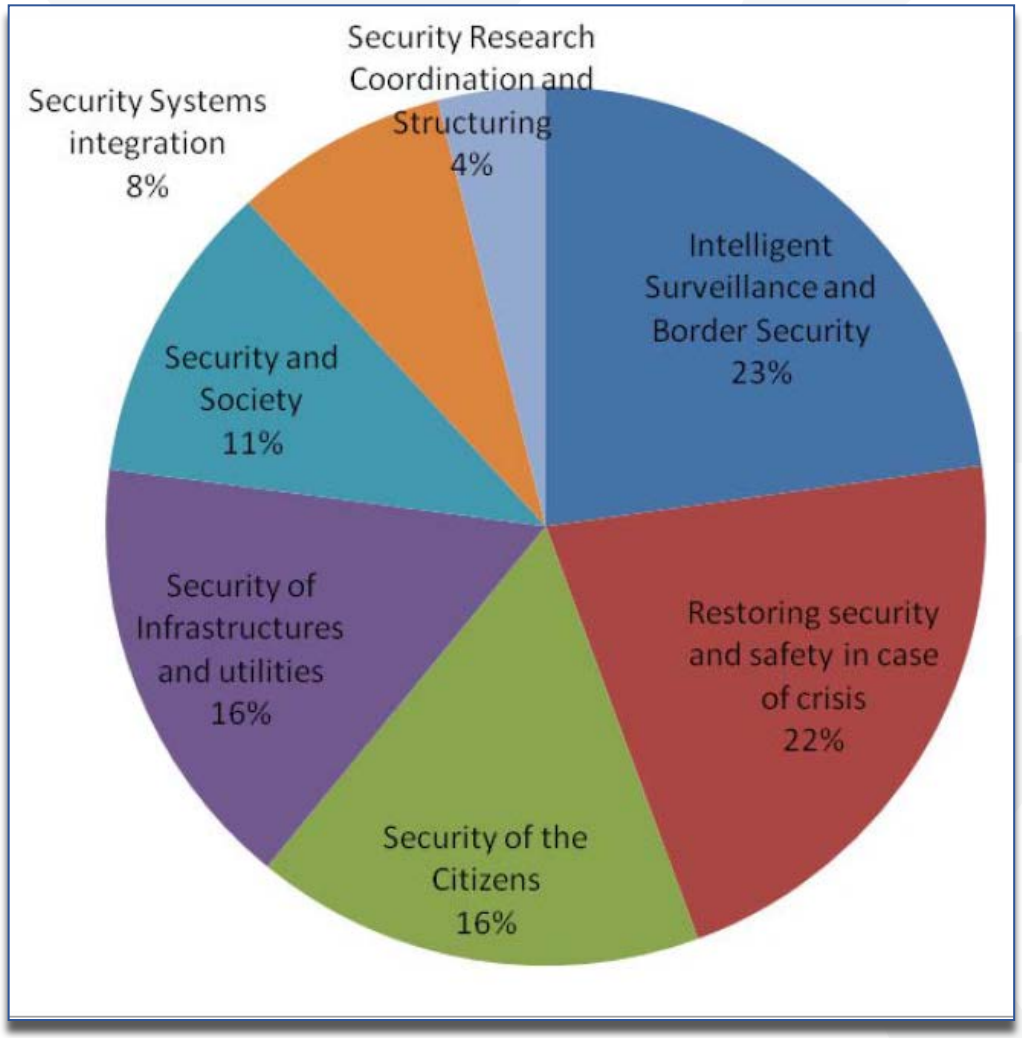
WHAT? ESRP Focal R&D Areas 2007-2013

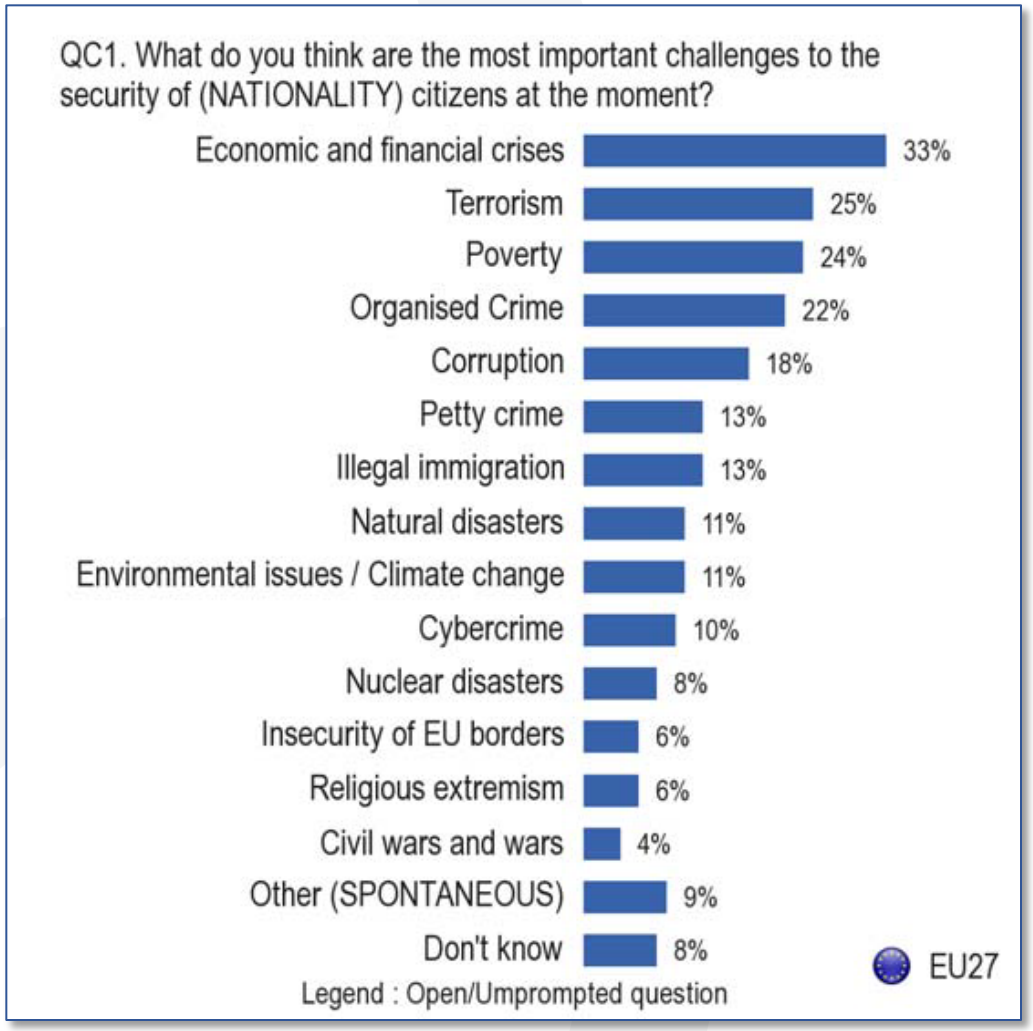
- **CBRNE** (Chemical, Biological, Radiological, Nuclear, Explosive) substance detectors for dirty WMD in urban settings

- **Interception of Telecommunications & DPI** (Deep Packet Inspection) →Data mining & matching technologies
- **Profiling & Predictive analytics** (from Google, Amazon to XKeyScore and PRISM)
- **Biometrics & Remote identification** → Pattern recognition
- **Location & Tracking Technologies** → **GPS** (Global Positioning System); **RFID** (Radio Frequency Identification)

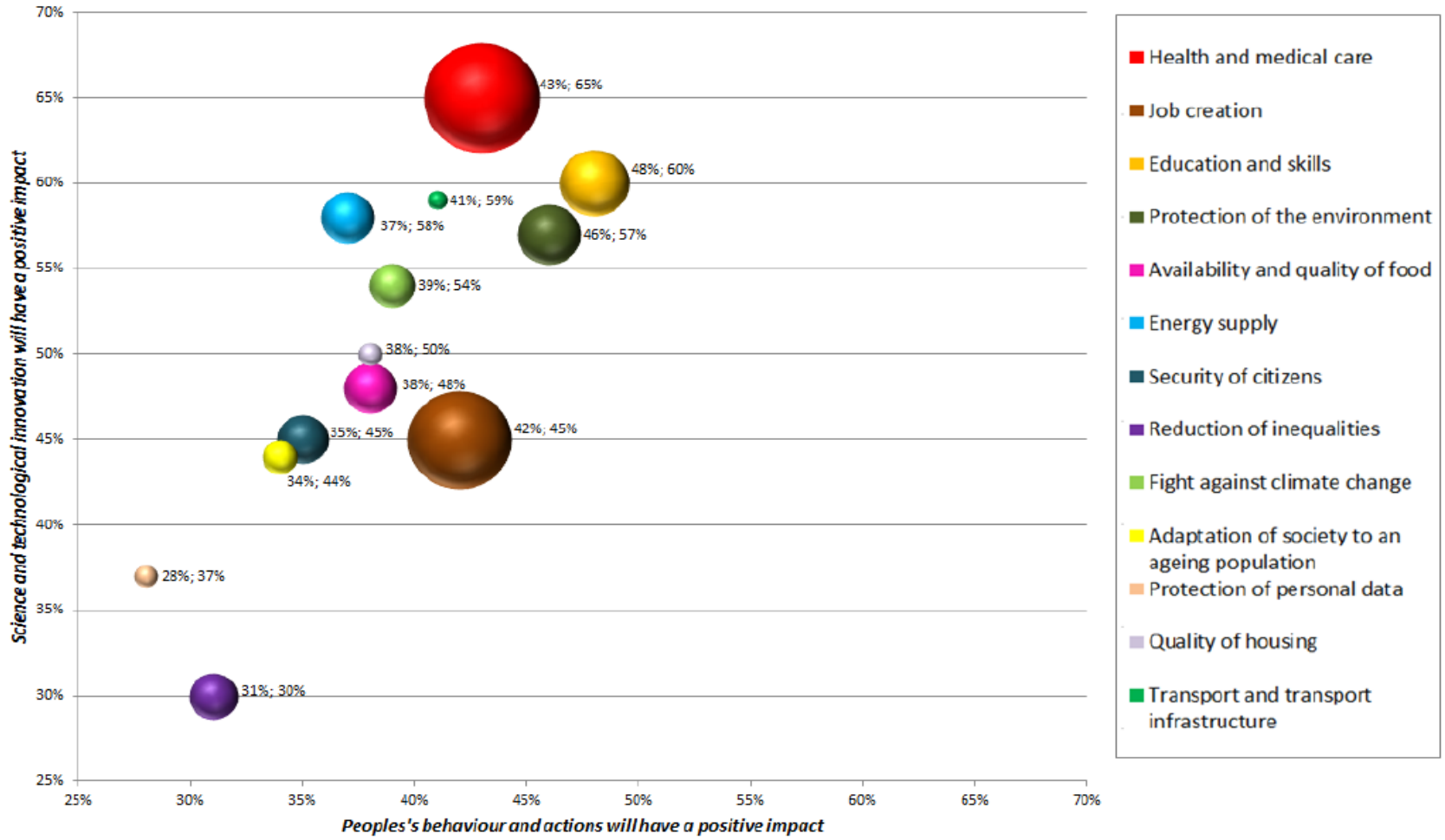
- **Nanosensors** (Infrastructure Resilience)

WHAT? Supply-Demand (Concerns) Discrepancy in SR





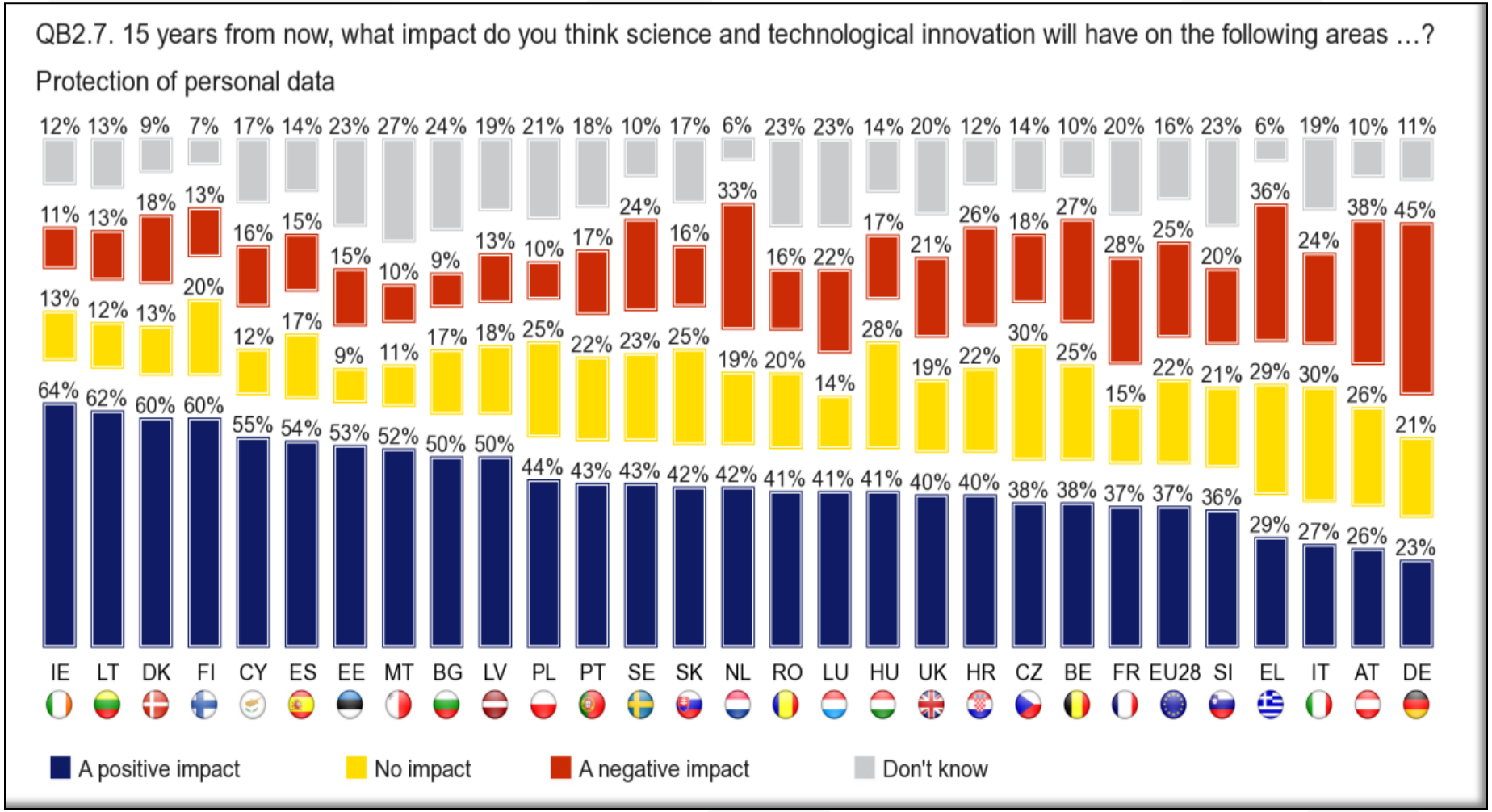
EUB 419: Influence of R&D&I on Security / DP



Base: all respondents in EU28 (n= 27,910)

Source: Eurobarometer 419 , *Public Perception of Science, Research and Innovation*, October 2014, p. 98

EUB 419: Influence of R&D&I on Data Protection



Source: Eurobarometer 419 , Public Perception of Science, Research and Innovation, October 2014, p. 57

Security Research and Security: A Red-Queen's Race?

→ **Does "privacy" research commit a type III error?**

→ **Are PETs clumsy solutions to the wicked problem of security?**

European Commission Impact Assessment Guidelines

- **Originating** in the EU „Smart Regulation“ programme and anchored in the TFEU, policy development in contentious high-potential fields (e.g. *renewable energy, GMO authorisation, shale gals, endocrine-disrupting chemicals, Nano-tech,* etc.) should undergo a RIA (since 2002, adopted 2005, revised 2009, update pending 2014) to check that legislative/non-legilsative measures are:
  - **Fit for purpose (effective)**
  - **Proportional (benefits outweigh costs)**
  - **Informed by scientific evidence**
  - **Value-adding to other EU policies (coherence, compatibility)**
- **Addressing:**
  - **Economic impacts**
  - **Environmental impacts**
  - **Social impacts**
  - Taking account of the **Charter of Fundamental Rights** (SEC(2011) 567 final, May 2011)
  - Taking account of **Sustainable Development** (OECD/COM, February 2012)
- **Examining:**
  - **BAU (baseline scenario); BAU+; moderate scenario; maximalist scenario; backlash**

European Commission Impact Assessment Guidelines

Impact Assessment Analysis Should Be	
Comprehensive	IA analysis should be comprehensive, considering relevant economic, social, and environmental impacts of alternative policy solutions.
Proportionate	The scope and depth of the IA should be proportionate to the type of initiative, the importance of the problem, and the magnitude of the expected impacts.
Evidence-based	All Commission proposals should be based on the best available evidence and scientific advice, or a transparent explanation of why some evidence is not available and why it is still considered appropriate to act.
Open to stakeholders' views	Stakeholders' views must be collected on all key issues and reported on in the IA Report. Every effort should be made to ensure that the Commission has sought and considered a wide and balanced range of views. The reasons for disagreeing with dissenting views must be explained.
Unbiased	IA analysis must be objective and balanced. An IA should inform political choices with evidence - not the other way around.
Conducted in cooperation with other services	An IA is carried out by the lead DG, with the support of other relevant DGs through an Impact Assessment Steering Group.
Embedded in the policy cycle	Lessons from implementation and retrospective evaluations must be taken into account. Future monitoring needs and implementation challenges should be considered.
Transparent	The credibility of IA hinges on the transparency with which results are presented, estimations explained, choices justified and limits acknowledged.

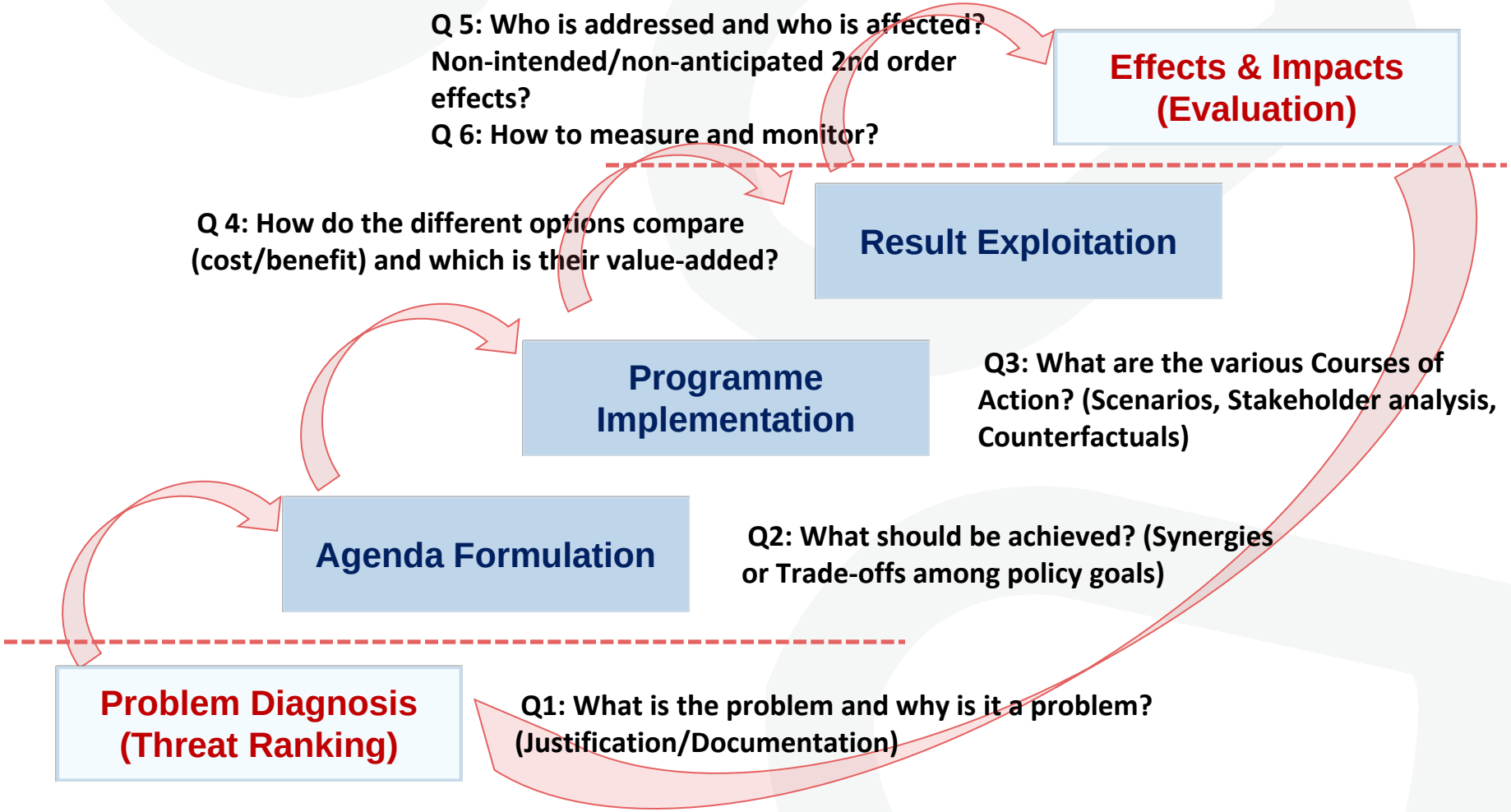
Source: European Commission 2014, *Revision of the European Commission Impact Assessment Guidelines,* Public Consultation Document, p. 8

European Commission Impact Assessment Guidelines

The Questions An Impact Assessment Should Answer	
1.	*What is the problem and why is it a problem?*
2.	*Why should the EU act and not Member States alone?*
3.	*What should be achieved?*
4.	*What are the various ways to achieve the objectives?*
5.	*What are their economic, social and environmental impacts and who will be affected?*
6.	*How do the different options compare in terms of their benefits and costs?*
7.	*How will monitoring and retrospective evaluation be organised?*

Source: European Commission 2014, *Revision of the European Commission Impact Assessment Guidelines,* Public Consultation Document, p. 9

Probing in the ESRP policy cycle



Hope springs eternal: RIAs as policy correctives

- **Mobilise reflection and accountability about WHO should be engaged as relevant stakeholders along the policy cycle of the ESRP**

  → Mischief 1: "The Coalition defines the Mission"

  (Promote stakeholder inclusion, responsiveness and legitimacy)

- **Mobilise reflection and accountability about WHICH are appropriate directions for security R&D&I**

  → Mischief 2: "If you got a hammer, every problem looks like a nail"

  (Calibrate vision, clarify objectives, promote effectiveness)

- **WHERE to look for relevant data?**

  → Mischief 3: "Lamb-posting"

  (Strengthen, diversify and valorize the evidence base for the current/future ESRP to counter particularistic interests)

THE END

The institutional EU COM side: Parallel Policies

→ Regulation of the European Parliament and of the Council establishing Horizon 2020

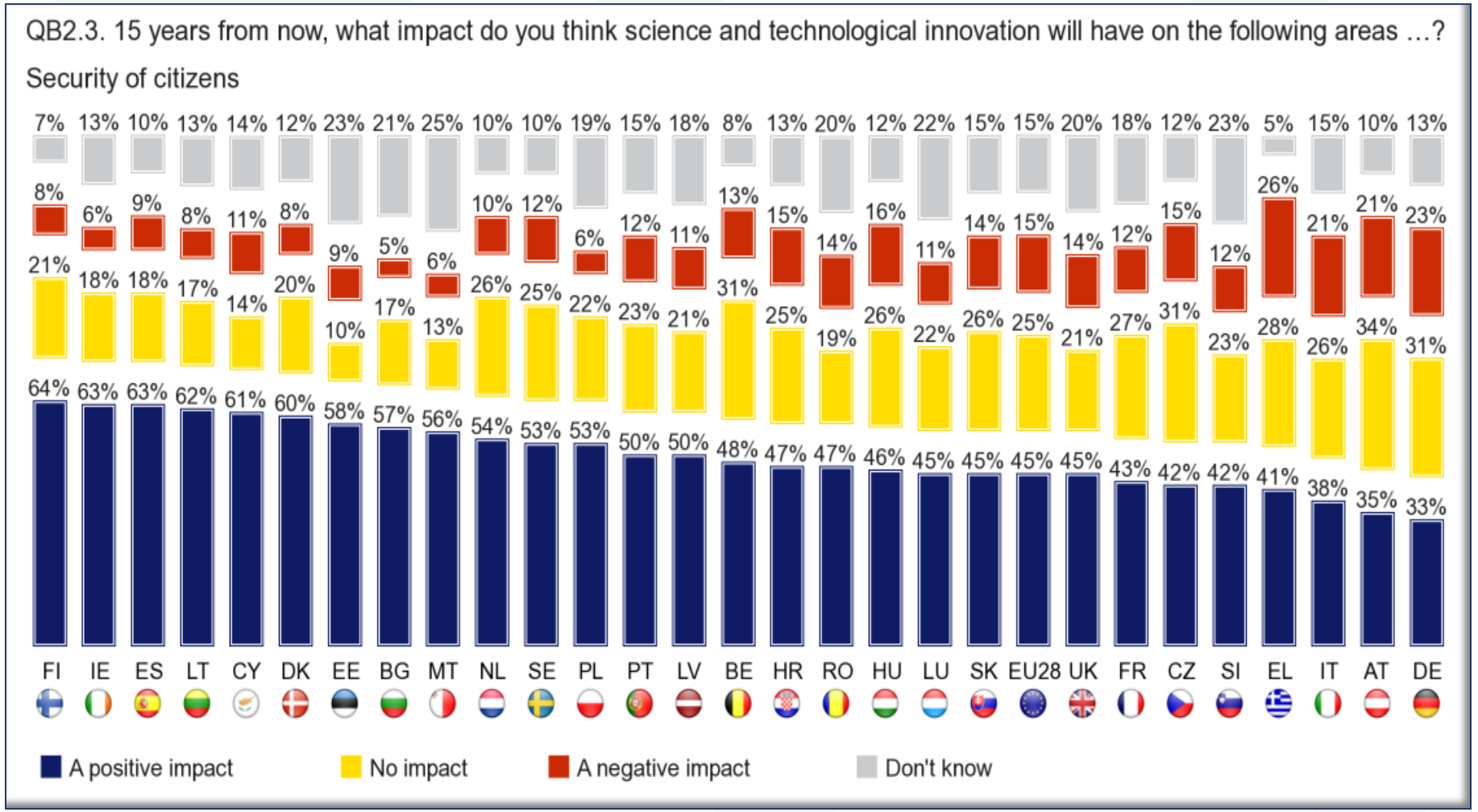
"[T]he aim is to foster the development of innovative societies and policies in Europe through the engagement of citizens, enterprises and users in research and innovation and the promotion of coordinated research and innovation policies in the context of globalisation and the need to promote the highest ethical standards. … Cultural and societal knowledge is a major source of creativity and innovation, including business, public sector and social innovation." (European Council 2012, File 2011/0401, p. 119)

→ COM general policies of "Good Governance"

- **2002: COM *White Paper on Good Governance*:**

  "For consultation to be equitable, the Commission should ensure adequate coverage of the following target groups in a consultation process: those affected by the policy, those who will be involved in implementation of the policy, or bodies that have stated objectives giving them a direct interest in the policy. … In determining the relevant parties for consultation, the Commission should take into account the following elements as well: the wider impact of the policy on other policy areas, e.g. environmental interests or consumer policy,…, the need to involve non-organised interests, where appropriate." (p.19-20)

- **COM online consultations (deadline 30 Sept. 2014)**:Science 2.0; Stakeholder Consultation Guidelines



Source: Eurobarometer 419 , Public Perception of Science, Research and Innovation, October 2014, p. 36

Technology Readiness Level