

Finland to approve new intelligence-gathering legislation

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Concerned about the threat from Russia and from domestic terrorism, Finland is finally regulating its intelligence community's operations in statute. Veli-Pekka Kivimäki analyses the changes and their implications for Finland's international positioning

Key Points

- In the face of growing state and terrorist threats, Finland is set to approve new legislation that will bring its intelligence capabilities and oversight closer to the level of major Western peers.
- Statutory regulation of the interception of communications and a framework for foreign intelligence collection will be two major developments affecting civilian and military agency operations.
- Funding and staffing are highly likely to increase to meet the additional demands as operational costs rise in the period through to 2021, and longer-term re-evaluations of the intelligence community's performance are also likely.

Finland is on the verge of enacting new civilian intelligence legislation, which aims to bring the country up to par with its Western European peers, in terms of capability. Before this legislative project, Finland did not have standing legislation governing intelligence. The country's uneasy history in the shadow of the Soviet Union helps to explain how Finland's intelligence culture has evolved (see box).

Russia has re-emerged as a security priority for Finland, following Moscow's military actions and posturing since 2008. The 2017 annual report of the Finnish Security Intelligence Service (Suojelupoliisi: Supo) noted that espionage targeting Finland was active and that the country was of intelligence interest, especially to Russia. At the same time, the threat of terrorist attacks in Finland is greater than ever before, highlighting the diversity of challenges facing Finnish authorities.

Dual threats

In the post-Soviet period, there was initial optimism in the late 1990s and early 2000s about the development of a new and more democratic Russia. However, in 2007, then Finnish minister of defence Jyri Häkämies claimed during a speech in Washington DC that the three major security challenges facing Finland were "Russia, Russia, and Russia". The speech caused a stir among Finnish politicians, but Russia's 2008 incursion into Georgia started to change the mood.

Espionage targeting Finland came into the public spotlight in 2013, after the government disclosed that the Ministry of Foreign Affairs had been targeted by a network intrusion that had lasted several years. Then minister of foreign affairs Erkki Tuomioja described the intrusion as "a severe and large hacking in the ministry's data network" in October 2013. During the course of the investigation into the breach, Supo discovered another more serious breach in the ministry's systems, with accessed information including Finnish communications with the EU.

According to Finnish TV channel MTV3, one of the breaches was believed to have been conducted by Russia and the other by China, but the acts were not officially attributed. The Finnish authorities

appear to have been alerted to the intrusion by another country, with Finnish daily *Helsingin Sanomat* claiming that the Swedish signals intelligence (SIGINT) agency, the National Defence Radio Establishment (Försvarets radioanstalt: FRA), had provided the tip. This event highlighted a Finnish capability gap for monitoring threats in the cyber realm.



Ukrainians protest against Russia on 16 July 2018 in Esplanadi Park, Helsinki, ahead of a bilateral summit between US President Donald Trump and Russian President Vladimir Putin. Russia's actions since its intervention in Georgia in 2008, most notably its annexation of Crimea, have forced Finnish authorities to re-evaluate the threat that Moscow poses. (Alessandro Rampazzo/AFP/Getty Images)

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Russia's 2014 annexation of Crimea marked a notable turning point in Finnish security and foreign policy, as Finland joined the EU's sanctions programme targeting Russia. Events in Crimea and subsequently in eastern Ukraine also triggered a rapid transformation of the Finnish Defence Forces, as the training focus gave way to an emphasis on readiness and the ability to rapidly muster forces to meet fast-moving threats, for example through the introduction of readiness units (Valmiusyksiköt).

Transnational terrorist movements have also become a security issue for Supo. A 2014 Ministry of the Interior report noted that Finland had become a possible safe haven for terrorist suspects in the 2000s, but in the 2010s terrorism increasingly came to be perceived as a direct threat, in part due to Finnish military involvement in international operations in the Middle East. Combatants arriving from the Middle East and the global reach of Islamic State propaganda and recruitment factored in to the rising threat level.

The first terrorist attack in post-war Finnish history took place in August 2017 in Turku, when a Moroccan asylum seeker and Islamic State sympathiser stabbed 10 people in the city centre, killing

two. Because of a confluence of these factors, Finland's security situation has changed drastically from the early 2000s, and the country needed to rethink its toolkit for maintaining situational awareness in a fast-paced security environment.

Intelligence legislation

As the powers of Supo and the Finnish Defence Forces no longer corresponded to the realities of the cyber age, and the threat landscape facing Finland was developing unfavourably, the government established a working group in 2013 to define a baseline for the powers that authorities should be granted to ensure that the country could be protected from serious national security threats.

“The issue of network traffic intelligence was discussed in conjunction with the 2013 cyber security strategy work, but it was the Foreign Ministry hack that really got things moving,” Martti J Kari, a retired colonel and former assistant chief of Finnish Defence Intelligence, told *Jane's* on 14 October. Kari worked with the intelligence legislation project from 2013 until his retirement in 2017. “Initially, we were discussing just the need for network traffic intelligence legislation, but we soon realised there was no legislation that overall governed intelligence, so the working group focus shifted to creating the guideline report as a basis for civilian and military intelligence legislation.”

One major issue relating to the civilian intelligence legislation was that Supo's investigatory powers had been rooted in the Police Act 2011, and the practical means to employ tools such as covert information gathering had been linked to the pre-trial investigation of a crime in an evidential rather than intelligence-gathering framework. Procedures such as communications intercepts could therefore only be targeted at an individual suspected of a crime, and this narrow intercept ability severely limited Supo's ability to acquire cyber threat intelligence. The deficiency became one of the points to be addressed in the proposed legislation.

The intelligence legislation guideline report was issued in January 2015, laying out the blueprint for how Finnish intelligence would function in the future. A key proposal of the working group was to grant powers for the targeted monitoring of cross-border network traffic, under a strict court authorisation system.

The report also proposed the foundations for enabling human intelligence (HUMINT) operations abroad, as well as for potentially conducting targeted intrusions into foreign information systems in cases where critical national security threat intelligence was required for the top echelon of the government. Finally, the working group noted that in enacting such legislation, a constitutional amendment would also be needed to introduce a national security exception to the otherwise inviolable protection of a message's confidentiality.

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