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AN ANALYSIS OF THE NATIONAL SECURITY LAW IN SPAIN AS A COMPREHENSIVE SECURITY LAW. PROPOSAL TO INCLUDE SECURITY ON LAND ROUTES AS AN AREA OF SPECIAL INTEREST FOR NATIONAL SECURITY

Abstract

A National Security Law has officially come into force in Spain, establishing a National Security System and contributing to international security. Its key components are National Defence, Public Security and External Action. With a view to improving the necessary anticipation, prevention, analysis of, reaction and resistance to, as well as the recovery from risks and threats that might compromise National Security, the proposal is presented here for a new cross-cutting dimension not specifically contemplated heretofore, which is the Security of Land Routes and the Security of Mobility and Land Transport, and for Spain to assume a leading role in the EU Commissariat for Security Union.

Keywords

National and international security, land routes, security, mobility, fight against terrorism, organised crime, political violence, information and intelligence services, criminal investigation, international police cooperation.

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INTRODUCTION

National Security is linked to global security and legislation and the National Security Strategy needs to be addressed from an international perspective; this forces countries to analyse what happens in the rest of the world from a universal viewpoint. In addition, countries have to meet their international commitments, and the United Nations[1], OSCE[2], NATO[3], and the European Union[4] promote comprehensive, coordinated and coherent responses to Security at international level thus providing the framework for individual National Security Policies and Strategies.

This paper, through its theoretical analysis of the National Security Law in Spain, following the Comprehensive Security model, proposes the specific inclusion of Maritime Security, and Security on Land Routes as a new area of special interest for National Security, with Mobility and Land Transport Security as a line of action in the National Security Strategy, Similarly it envisages their inclusion as a legal provision for Security in Transport and Critical Land Infrastructures.

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1   UNITED NATIONS, The General Assembly approved the United Nations Global Strategy on Terrorism on September 8, 2006, Resolution 60/288. Cited on http://www.interior.gob.es/documents/642012/5179146/NACIONES+UNIDAS+8+SEPTIEMBRE+2006+   (SPANISH).pdf/2053629e-27d1-4a0f-a8aa-a131f51093e3. Obtained on September 2, 2012 http://www.un.org/es/sc/ctc/action.html September 8, 2010 "The states reaffirmed the National Strategy against terrorism and reiterated their strong and unequivocal condemnation in all its forms and manifestations, regardless of who committed it, from where and for what purpose". '*Plan of Action to prevent Violent Extremism*' A/70/674, December 24, 2015. Consulted on February 22, 2016. "The UN Security Council called on the international community to increase cooperation and concerted efforts in the fight against terrorism to prevent attacks on vital infrastructure" https://www.un.org/spanish/News/story.asp?NewsID=36761 Obtained on February 16, 2017.

2   NATO, "NATO 2020. Assured Security; Dynamic engagement" May 17, 2010

http://www.nato.int/nato_static_fl2014/assets/pdf/pdf_2010_05/20100517_100517_expertsreport.pdf. Consulted on April 13, 2013.

3   OSCE, OSCE consolidated framework for the fight against terrorism, Decision number 1063, December 7, 2012. http://www.osce.org/es/pc/98545?download=true. Consulted September 14, 2014.

4   EU, 'A global Strategy for the European Union's Foreign and Security Policy", June 2016 http://eeas.europa.eu/archives/docs/top_stories/pdf/eugs_review_web.pdf Consulted on January 2, 2017

The line of approach adopted with this proposal is in accordance with the framework of the National Security Law and the strategic lines of action contained in the National Security Strategy of 2013 *A shared project* [5], as well as in previous Annual Reports on National Security and the 2016 Annual National Security Report [6]. Similarly it takes into account the Spanish government's warning [7] of the need to tackle the new challenges of National Security.

In the Guidelines for the drafting of the National Security Strategy [8] it is clearly stated that "the draft National Security Strategy should include an analysis of the strategic environment to identify the risks and threats that affect the Security of Spain, to define the strategic lines of action in each area of activity and to promote the best possible use of existing resources".

From a methodological standpoint,[9] attention is paid in this paper to the analysis of the variable multiples interacting along these strategic lines and in particular:

- The security environment.
- The goals and objectives.
- The strategy.
- The limited resources.
- The means and utilities.
- The risks.

Bartlett's method of analysis, combining variables to set goals and achieve a balance between all of them, is ideal for defining National Security strategies through their interaction.
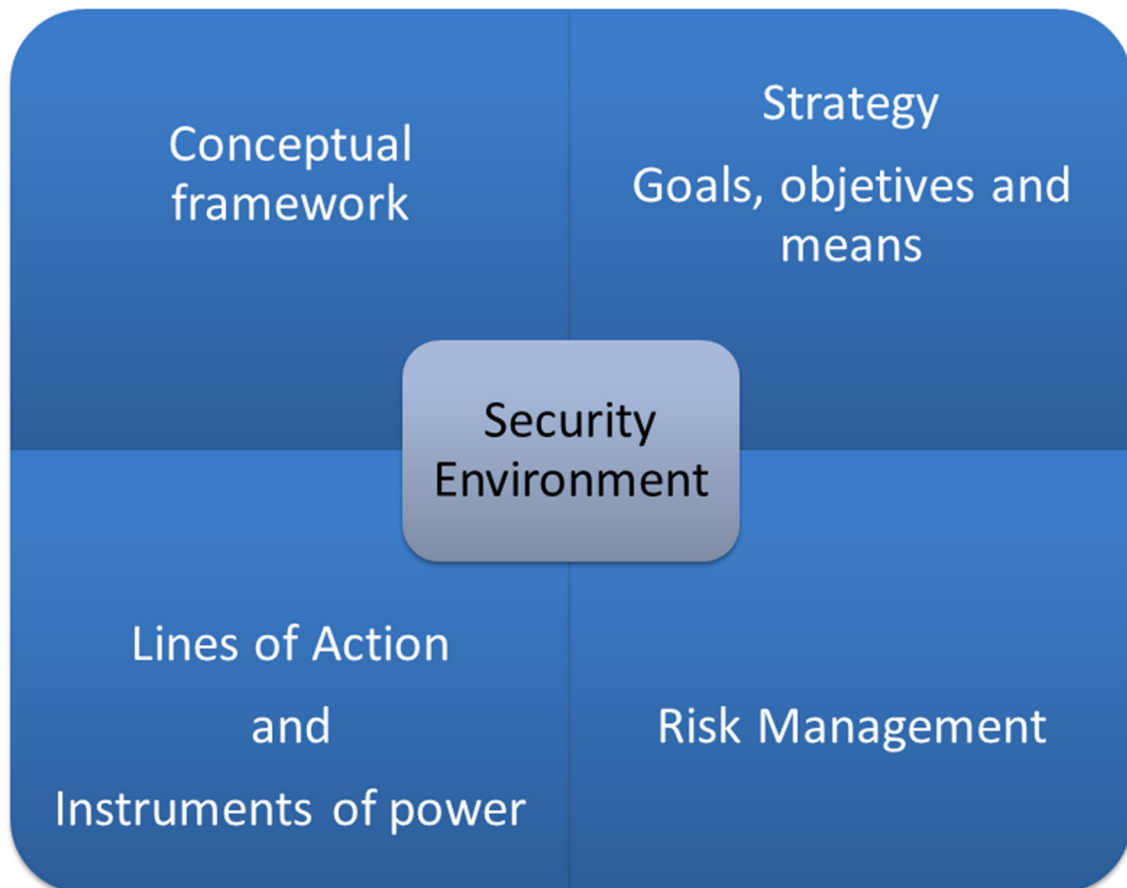
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5   GOVERNMENT OF SPAIN. PRIME MINISTER'S OFFICE, National Security Strategy, A shared project, 2013, NIPO 002130347. Accessed on September 24, 2014 http://www.lamoncloa.gob.es/documents/seguridad_1406connavegacionfinalaccesiblebpdf.pdf.

6   GOVERNMENT OF SPAIN. PRIME MINISTER'S OFFICE AND MINISTRY OF TERRITORIAL ADMINISTRATIONS. Annual National Security Report 2016, approved by the National Security Council at its meeting on January 20, 2017 NIPO electronic ed. 785-17-002X. http://www.lamoncloa.gob.es/serviciosdeprensa/notasprensa/Documents/140217-Informe_Anual_de_Seguridad_Nacional_2016.pdf. Consulted on 15.2.17.

7,8   PRIME MINISTER'S OFFICE AND MINISTRY OF TERRITORIAL ADMINISTRATIONS, PRA Order 115/2017, February 9, in its publication of the Agreement of the National Security Council, establishing the schedule of procedures for the drafting of the National Security Strategy. State Gazette number 38, February 14, 2017, Sec I, pp 9878 and 9879. https://www.boe.es/boe/dias/2017/02/14/pdfs/BOE-A-2017-1459.pdf. Consulted February 14, 2017.

9   BALLESTEROS MARTÍN, Miguel Ángel. "Theoretical methods for the drafting of defence and security strategies" in Searching for a National Security Strategy Ed. Ministry of Defence, General Technical Secretariat; Prologue Javier Solana; Edition number: 1ª; Ed. Ministry of Defence: Madrid, 2016, pp.151 to 152 and 165 to 168. ISBN 978-84-9091-176-1 (printed version).

Vulnerability on Land Routes and Land Transport Security

Conceptual framework	**Strategy** Goals, objetives and means
Security Environment	
Lines of Action and Instruments of power	**Risk Management**

Prepared by the author combining the Methods of Bartlett and Kugler.

According to Kugler's analytical method, multidisciplinary analysis involves different levels and considers firstly the establishment of the conceptual framework, strategy development and its evaluation; at a second level, a systems analysis with state plans and programmes, and finally, at operational level, the establishment of specific directives, prioritisation and the allocation of resources.

"A comprehensive approach to crisis management provides for the unlimited connection of the so-called fundamental components of National Security, specifically National Defence, Public Security and Foreign Action, with the permanent support of the State's intelligence services, both for its normal operation" ex art.18.2 of the National Security Law (hereafter, NSL) (...) as well as "for its use in crisis management within the framework of the National Security System"[10].

Thus, in view of the stated proposal for the inclusion of the Security of Land Routes as an area of special interest for National Security[11], the present analysis also

10   See footnotes 7 and 8, p. 9880.

11   GOVERNMENT OF SPAIN. PRIME MINISTER'S OFFICE AND MINISTRY OF TERRITORIAL ADMINISTRATIONS. Annual National Security Report 2016, approved by the National Security Council at its meeting on January 20, 2017 pp. 1 to 5 including paragraph 5,

http://revista.ieee.es/index.php/ieee

recommends that Mobility and Land Transport Security in an international context should be considered as a line of action under our National Security Strategy, since our National Security Law reflects the need to comply with the international commitments assumed by this country. Its regulation is addressed from the perspective of Comprehensive Security, and as such "subscribes a comprehensive approach to security, which recognises a balance between its political, economic, socio-cultural and environmental dimensions"[12].

THE SECURITY OF COUNTRIES AT INTERNATIONAL LEVEL

The concept of Security is a very complex one and has undergone multiple transformations since the end of the Cold War. Security specifies that in its definition qualifying adjectives should be included with their different meanings, such as National, International, Interior, External, Regional, Territorial, Public, Private, Human, Collective, Shared, Cooperative, Global, Comprehensive, Sustainable, Energy, Traffic, Food, Cybersecurity, etc. Therefore, Security is today a complex, dynamic and mutated concept.

In an approximation to the definition of Security the Royal Spanish Academy's Dictionary of the Spanish Language[13], defines it as "the quality of secure" and "secure", and also "free and exempt from all danger, damage or risk".

For its part, the Dictionary of Intelligence and Security[14] establishes the meaning of Security as follows: "situation free or exempt from threats, danger, damage or risk that permits the satisfactory development of activities (...)". This work also includes in its definitions a varied typology of related adjectives: Citizenship, Cryptology, Information, Classified Information, Emanations, Information and Communication Technologies, Operations, Personnel, In-depth, Physical, Human, Comprehensive, Interior, Legal, Multilayer, National, Private, Public and Tactical.

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containing a detailed reference to Spain's activities in an international context in relation to Security, including Defence, with regard to International Organisations and Agencies, multilateral scenarios of various kinds and with the participation of other countries.

http://www.lamoncloa.gob.es/serviciosdeprensa/notasprensa/Documents/140217-Informe_Anual_de_Seguridad_Nacional_2016.pdf Consulted on 15.2.17 NIPO ed. electrónica 785-17-002X.

12   LABORIE IGLESIAS, Mario TCol DEM, Framework paper 05/2011 *La evolución del concepto de Seguridad*, Ministry of Defence, IEEE, June 2011, p.3, http://www.ieee.es/Galerias/fichero/docs_marco/2011/DIEEEM05-2011EvolucionConceptoSeguridad.pdf Consultedel 12 January 2012.

13   Dictionary of the Spanish Language Twenty-second edition.www.dle.rae.es Consulted on November 27, 2010.

14   DÍAZ FERNÁNDEZ, Antonio M. et al. Dictionary of Intelligence and Security. Ed. Lid, prologue José Manuel Blecua: Madrid, 2013, pp. 230 to 234.

This last definition includes "threat" and "risk", when the latter is perceived as "danger". When a causal agent of danger - animate or inanimate – brings about its materialisation, it becomes a "threat" that crystallises into "harm".

There are currently threats to Security that were not foreseeable when the United Nations (hereafter UN)[15] was constituted in 1945, which contemplated six groups of threats that were of concern to the world at that time and in the decades to come:

- War between States;
- Violence within the State, including civil war, large-scale abuse of human rights and genocide;
- Poverty, infectious diseases and the degradation of the environment;
- Nuclear, radiological, chemical and biological weapons;
- Terrorism;
- Organised transnational crime;

"Protection against all danger necessarily implies protection against all threats, which in turn will inevitably always constitute danger. On the other hand, Security is preventive in nature (...) while Defence is the way to oppose a danger or a threat; Security is much more demanding and more difficult to achieve; it is more preventive and more utopian in in that it tries to stave off all risk, danger or threat to the persons and goods that are the object of that Security. In the field of international relations, the goal of Security is a stable world".[16]

In September 2015, representatives from 193 countries adopted a historic commitment with the approval of 17 Sustainable Development Goals[17] which for the first time were agreed upon after more than 3 years of negotiations, with the participation of all UN member countries, non-governmental organisations (NGOs hereafter) and other actors. Goal 16 set out to promote peaceful societies and access to justice for all. Common threats make it possible for countries to unite with each other and address such issues together, through international, multilateral or regional organisations. The historical precedent of Collective Security is to be found in art. 11 of the Covenant of the League of Nations of 1919, which stated that any war or threat of war, whether immediately affecting any of the Members of the League or not, implied the need for action to safeguard the peace of nations: "to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international

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15   UNITED NATIONS. A more secure world. High-level Group Report on threats, challenges and change. Summary. Ed. United Nations, 2004. Consulted on April 12, 2011 on http://www.un.org/es/events/pastevents/a_more_secure_world/pdf/brochure_sp.pdf.

16   BALLESTEROS MARTÍN, Miguel Ángel et al. "*Las Estrategias de la Seguridad y la Defensa*" in Baselines of Strategy for the 21st Century, CESEDEN monographs, no. 67. Prologue Fernando Armada Vadillo; Ed. Ministry of Defence, General Technical Secretariat. Madrid, 2004, pp. 17 and 18. ISBN 84-9781-087-2.

17   UNITED NATIONS. Sustainable Development Goals 2016–2030 https://www.sostenibilidadp.es/pages/index/objetivos-de-desarrollo-sostenible-2016-2030 Consulted on November 7, 2015.

law can be maintained"[18] and which would serve as a basis, in addition to the rest of the contents of the United Nations Charter, for the UN to take up the staff of global governance, as a universal organisation and a global reference for dealing with global issues.

The United Nations Global Counter-Terrorism Strategy in the form of a resolution, which is reviewed every two years based on the priorities of Member States and the Plan of Action annex A / Res / 60/288, is composed of four pillars[19]:

- Pillar I: Addressing the conditions conducive to the spread of terrorism;
- Pillar II: Preventing and combatting terrorism;
- Pillar III: Building States' capacity to prevent and combat terrorism and to strengthen the role of the United Nations system in this regard;
- Pillar IV: Ensuring respect for human rights for all and the rule of law as the fundamental basis for the fight against terrorism.

United Nations papers analyse global security in the regions of the world, while including universal recommendations and joint actions from international and multilateral organisations and agencies. The Fourth Report of the Secretary-General S/ 2017/97 [20] on the threat posed by ISIL to international peace and security and the range of United Nations efforts in support of Member States in countering the threat, points out that activities of Member States in the European, Maghreb and East African regions are being examined in order to "implement measures in a number of thematic areas, in particular to counteract the threat posed by foreign terrorist fighters returning to their States of origin or traveling to other States, as well as the efforts undertaken by the United Nations, its partners and international and regional organisations in support of the initiatives of the Member States."

In the European Union, the Communication from the European Commission [21] on the European Agenda on Security to fight against terrorism and pave the way towards an effective and genuine Security Union states that "the European Agenda on Security has provided a clear framework for the EU to work better together on security and was the basis for the European Council's endorsement of a renewed internal security

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18   From the Preamble to the United Nations Charter signed on June 26, 1945 in San Francisco, closing session of the United Nations Conference on International Organisation, which came into force on October 24, 1945.

19   UNITED NATIONS   https://www.un.org/counterterrorism/ctitf/es/un-global-counter-terrorism-strategy Consulted on February 11, 2017 on the activities of the Counter-Terrorism Implementation Task Force.

20   UN GENERAL ASSEMBLY Fourth Report of the Secretary-General S/2017/97 on the threat posed by ISIL to international peace and security and the range of United Nations efforts in support of Member States in countering the threat. Cited on http://www.un.org/es/comun/docs/?symbol=S/2017/97 Consulted on February 19, 2017.

21,22   EUROPEAN COMMISSION COM (2016) 230 final http://eur-lex.europa.eu/legal-content/ES/TXT/?uri=CELEX%3A52016DC0230 Consulted May 24, 2016.

strategy"[22] in which terrorism is one of its three stated priorities, alongside organised crime and cybercrime.

ANALYSIS OF THE NATIONAL SECURITY LAW IN SPAIN AS A COMPREHENSIVE SECURITY LAW

The approval of the National Security Law in Spain: context and integrating and comprehensive treatment of the issue of Security

The National Security Law was published in the Official State Gazette on September 29, 2015 and came into force on September 30, 2015. This Law regulates the relevant agencies of National Security, the National Security System, crisis management within the framework of the National Security System and the contribution of resources to National Security.

The unique and particular characteristics of the National Security Law derive from the complex nature of the subject matter and the time when it was approved, at the end of the 10th Legislature. The Bureau of the Chamber of Deputies at its meeting on May 29, 2015 [23] adopted an agreement to delegate approval with full legislative powers to the Constitutional Commission. National Security as a public service needs maximum parliamentary and social support. The duration of the legislative process until its final approval was marked by sensitive political situations, in addition to the complexity derived from the State of autonomous communities marked by asymmetry in the realm of Public Security, thus requiring coordination and hearings before the relevant Autonomous Communities (AACC hereafter) and the involvement of the Central State Administration, the Autonomous Administrations and Local Administrations.

The Permanent Commission of the Council of State, at its meeting of May 13, 2015, unanimously delivered an optional opinion on the draft National Security Bill.[24]

The National Intelligence Centre (hereafter NIC) was closely involved in the drafting of the draft text and, similarly, the draft bill was sent for consultation and to the CCAA and the autonomous cities. A report by the Department of National Security at the Prime Minister's Office was also included, which examined the

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23   CONGRESS OF DEPUTIES Official State Gazette. 10th Legislature. Series A Draft legislation, May 29, 2015 Number 158, p.1. http://www.congreso.es/docu/docum/ddocum/dosieres/sleg/legislatura_10/spl_105/pdfs/1.pdf
Consulted on October14, 2015.

24   COUNCIL OF STATE Judgement file no. 405/2015 unanimously approved on May 13, 2015 on the National Security Draft Bill. Consulted on July12, 2016 on http://www.boe.es/buscar/doc.php?id=CE-D-2015-405.

observations made by Catalonia. Finally, the Technical Secretaries of the Ministries involved –Prime Minister's Office, Foreign Affairs and Cooperation, Defence and Interior- also issued mandatory reports.

The preliminary draft submitted for consultation begins with an explanatory statement setting out the purpose of this law, underlining the fact that "security constitutes the basis on which a society can develop, preserve its freedom and ensure the stability and proper functioning of its institutions"[25]. The purpose of the law is to deal with the complexity of the challenges presented by security and the cross-cutting nature of certain risks and threats: "this is recognised by Spanish legislation which, within the framework defined by the Constitution, regulates issues such as states of alert, exception and siege, National Defence, Security Forces and Bodies, the protection of Public Safety, the protection of critical infrastructures, civil protection, State Action and Foreign Service and Private Security, assigning powers in these areas to the different authorities and Public Administrations (...)" [26].

The Council of State ruled that the proposed Law "does not affect the regulation of the different agents and instruments contained in specific sectoral rules, but facilitates their harmonious insertion in the general organisational programme established by the National Security Strategy of May 31, 2013 called the National Security System, under the leadership of the Prime Minister. In addition, the Council of State ruled that, under the exclusive powers conferred to the State recognised in rules 4 and 29 of article 149.1 of the Constitution, the provision must be ordinary, as it is limited to regulating National Security from an organisational and comprehensive standpoint, without affecting the regulation of fundamental rights. With respect to articles 23.2 (situation of interest for National Security), 27 (the contribution of resources to National Security in the National Security System) 28 (catalogue of resources for National Security) and 29 (declaration of resources for National Security), the Council of State concluded that these articles did not need to be qualified as organic precepts, and could be maintained in the preliminary draft as precepts of an ordinary nature.

According to the Ruling of the Constitutional Court (hereafter, RCC) 184/2016 [27] handed down in the Appeal 7330/2015 filed by the Government of the Generalitat of Catalonia against articles 4.3 LSN (National Security Strategy), articles 15c) and 24 LSN (declaration of the Situation of Interest for National Security by the Prime Minister), the appellant argued that the contested articles violate the constitutional order of distribution of powers by not providing for the participation of the Generalitat

25 National Security Law 36/2015, of September 28, Preamble. State Gazette No.233 Sec. I p. 87106. Consulted on 29.9.15 on https://www.boe.es/diario_boe/txt.php?id=BOE-A-2015-10389.

26 Preamble National Security Law. Cited in Council of State Ruling. See note 23.

27 CONSTITUTIONAL COURT, Judgement of the Full CC 184/2016 handed down in Appeal 7330/2015 against articles 4.3, 15c) and 24 of the National Security Law 36/2015 of September 28, State Gazette no. 299 of December 12, 2016 https://www.boe.es/diario_boe/txt.php?id=BOE-A-2016-11817#analisis Consulted on December 13, 2016.

in circumstances regulating the exercise of its powers and in areas where these may be affected. This appeal was based on the fact that the Constitution does not mention National Security as a jurisdictional power and, even though this expression has been used on occasion in certain state regulations, it is not mentioned in the legislation on the Foreign and Domestic Security of the State (Organic Law 5/2005 on National Defence, Organic Law No. 2/1986, nor in that of Law-Enforcement and security Forces and Organic Law No. 4/2015, on the protection of citizen security). It was also argued that the new legal concept of National Security includes other concepts such as Defence and Public Security. In this sense, the Constitutional Court (hereafter CC) states that "the matter of 'National Security' is a new mandate, not provided for in art. 149.1 EC, nor in the Statutes of Autonomy which, as such, corresponds to the State by virtue of the residual clause of art.149.3 CE", thus dismissing the remainder of the appeal.

The conceptual framework and the context of National Security

We now address the characteristic features and the context of National Security using a comprehensive secure system model and the Bartlett and Kugler combined methodology noted above.

As stated in the aforementioned Law, "Reality shows that the challenges to National Security that affect society are sometimes highly complex, going beyond the boundaries of traditional categories such as Defence, Public Security, External Action and Intelligence, as well as others more recently incorporated into our concern for Security, such as the Environment, Energy, Transport, Cyberspace and Economic Stability.[28]

Ballesteros points out that "Comprehensive security implies a vision of security in its broadest sense, which recognises a balance between its political, economic, social-cultural and environmental dimensions. It therefore requires a balanced multidisciplinary design and approach" [29] while others point out that "the overall objective of this comprehensive approach is to improve the internal management instruments for dealing with the crisis and for coordination both internally and with other international actors".[30]

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28   Preamble to the National Security Law 36/2015, of September 28, Official State Gazette of September 29, 2015, no. 233, Sec. I. pp. 87107 Consulted on 29.9.15 on https://www.boe.es/diario_boe/txt.php?id=BOE-A-2015-10389.

29   BALLESTEROS MARTÍN, Miguel Ángel. "*Taxonomía de la seguridad*" from En busca de una Estrategia de Seguridad Nacional. Ed. Ministry of Defence, General Technical Secretariat; Prologue Javier Solana; Edition No.: 1ª; Ed. Ministry of Defence, Madrid, 2016, p. 106. ISBN 978-84-9091-176-1 (printed version).

30   MOURE COLÓN, Fernando. "*Seguridad y Estrategia*" in Armonización de las líneas de acción de la Estrategia Integral de Seguridad, Edition No.: 1ª; Ed. Dykinson, 2014, p. 43. ISBN 978 84 9085 226 2.

National Security is a public service, which needs to be dealt with as a State Policy" (…) For this reason, National Security requires the commitment and consensus of all, to act in a concerted and cohesive manner" [31]. To that end, the Government will make every effort to obtain maximum social and political support. This explains the complexity of approving a National Security Law in the final phase of the legislature.

Art. 2 of the Organic Law No. 5/2005 of November 17 on National Defence[32] states that "Defence Policy is intended to protect the whole of Spanish society, its Constitution, the higher values, principles and institutions enshrined in it, the social and democratic State of Law, the full exercise of rights and freedoms, and the guarantee, independence and territorial integrity of Spain. It also aims to contribute to the preservation of international peace and security, within the framework of the commitments undertaken by the Kingdom of Spain".

"In the area of international relations, Security Strategies and Defence Strategies alike seek to break the sequence that permits a hostile agent to scale the strategic chain that stretches from risk to threat and even as far as harm to achieve its political objectives. The difference is that while a Security Strategy is capable of taking action against a potential risk, a Defence Strategy can only be designed to face danger or threats. Given that the degree of uncertainty is greater in the face of risks compared with threats, whose main characteristics are usually known, the complexity of Security Strategy information systems has to be greater than those relating to Defence".[33]

Nevertheless the conceptual uncertainty of National Security[34] "generates a varied range of political semantics (…) to the genesis and development of agencies and government policies designed to safeguard it"[35], "including their *ad extra* protection within the realm of international relations theory (…)[36]".

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31   SPANISH GOVERNMENT, PRIME MINISTER'S OFFICE. National Security Strategy 2013 A shared project. Cited on p.8.

32   Organic Law on National Defence No. 5/2005, of November 17 Head of State, BOE no.276 of November 18, 2005 Cited on https://www.boe.es/buscar/pdf/2005/BOE-A-2005-18933-consolidado.pdf, consulted on June 30, 2016.

33   [33] BALLESTEROS MARTÍN, Miguel Ángel. *En busca de una Estrategia de Seguridad Nacional*, Ed. Ministry of Defence, 2016, pp. 50 y 51.

34   GONZALVO NAVARRO, Vicente "*Inteligencia Económica y Seguridad Nacional*" in the legal journal Economist & Jurist Edition No.: 1ª; Ed. Difusión Jurídica, Madrid, 2015, p. 109. ISBN 978-84-92656-33-2.

35   ZURAWSKI, N. *Sicherheitsdiskurse Angst, Kontrolle und Sicherheit in einer 'gefärlichen' Welt* Frankfurt am Main, New York, 2007, Op. Cit Gonzalvo Navarro 2014, see note 36; p.109.

36   MOREIRO C. *Las cláusulas de Seguridad Nacional*, Ed. Iustel, 2007 pp 4-82, Op. Cit. Gonzalvo Navarro 2014 see note 36; p.109.

The Preamble to the NSL, paragraphs 5 and 6, states that "in today's world, and in the most predictable environment for the future, the actors and circumstances that endanger levels of security are subject to constant change, and it is the responsibility of the public authorities to provide the regulations, procedures and resources that allow them to respond effectively to these security challenges. In this context, the field of National Security appears as a space for new public action, focused on the harmonisation of existing objectives, resources and policies in the field of Security. In this sense National Security is conceived as an integrating element of pre-existing security legislation and as a goal shared by different Administrations. Moreover, National Security is a dynamic concept, and in this sense, as Fernando Moure Colón states: "In its definition one would have to consider the interdependence between military, economic, social, political, and environmental issues. (...) Thus, any definition of the concept of "National Security" must take into account unpredictable factors (the impact of non-military factors on security) which, in a subjective way, provoke insecurity in states and their citizens conditioning the objectives of "National Security" and the measures to be adopted in the context of the "National Defence Policy". In addition, any definition of the concept of "National Security" must consider not only the national interests of Security (which form the basic aspirations of the state in an international context and are the foundation of the well-being and prosperity of its citizens and which justify the defence effort, should the need arise), but also changes in the international strategic arena that in particular from the nineties onwards (with the fall of the Berlin Wall and an end to East-West confrontation) and, above all, with the terrorist attacks of 11 September 2001 (11-S), have influenced and conditioned National Security policies."

The concept of National Security as an action of the State and an established public policy is based *ex art. 4.2* of the NSL on the following principles: unity of action, coordination, collaboration and anticipation alongside prevention, resilience and recovery, efficiency and sustainability in resource use, information and knowledge management and transparency. The basis of the principle of *unity of action of the State in National Security* requires that Security in its term and scope of application should be National but with the provision for an International dimension. The NSL articulates a National Security plan for Public Security in a state of asymmetric autonomies and accordingly art. 21 of the NSL provides for the participation of all public and territorial administrations, which in Spain includes the Autonomous Communities and cities with a Statute of Autonomy, as well as local administrative authorities, which would be summoned to Council meetings should their contribution be deemed necessary, and in all cases where the issues to be dealt with affect their respective powers.

Closely linked to *collaboration* is the Culture of National Security, according to a literal dictum "that favours the active involvement of society in its preservation and guarantee, as an indispensable requirement for the enjoyment of freedom, justice, well-being, progress and the rights of citizens". To this end, it is expected that the Government will implement actions and plans to drive home this concept and raise awareness in society. In order to achieve a system of national, cross-sectional, multilevel and multifunctional national security culture, it is necessary to roll out a

Strategic Action Plan for a Culture of National Security, that includes all participants and provides for the harmonisation of instruments and dimensions of security that already coexist: the Defence Ministry's Master Plan for the Culture of Security and Defence, the Culture of Internal Security, the Culture of Security and Intelligence and the Culture of Private Security.

In this connection, this paper proposes the implementation of prevention and information campaigns, along the lines of those developed by the General Directorate of Traffic or the National Plan on Drugs, to specifically raise public awareness of the need to preserve a level of security whose consolidation in Spain comes as a result of intensive effort achieved through enormous application and extreme sacrifice of lives. This would involve deploying an entire targeted and specialised institutional system of communication to deal with the general public and specific public groups, by population segment, by age, by type of message; it would imply a visible institutional initiative, which would actively take control, imbued with the values of a democratic and law-abiding society, while interfering with the propagandistic and biased messages of terrorist movements, and the jihadi movement in particular.

The Ministry of the Interior in Spain has designated the *Intelligence Centre against Terrorism and Organised Crime (CITCO)* within the Secretariat of State for Security to implement and develop the Comprehensive Strategy against International Terrorism and Radicalisation, which includes the National Strategic Plan to Combat Violent Radicalisation (PEN-LCRV), approved by the Council of Ministers on January 30, 2015, in accordance with European Union guidelines for combating radicalisation and violent extremism, including a range of training programmes for state department officials, vulnerable groups or those at risk of radicalisation, civil society as a whole, and, most importantly, for the Security Forces and Law-enforcement Agencies[37].

Likewise, within the Intelligence Centre against Terrorism and Organised Crime (CITCO), the Radicalisation Information Coordination Centre (CCIR) has been set up where citizens can provide information on possible cases of radicalisation, helping to prevent, detect and neutralise outbreaks or hotspots of violent radicalism. Through the "Stop radicalism" campaign, various mechanisms promoting citizen collaboration with State Security Forces and Bodies have been set in place, such as an app called Alertcops, with which anyone, irrespective of their language, origin, hearing or vocal disabilities may communicate to the relevant authorities criminal acts or security incidents which they have been a victim of or may have witnessed.

In terms of anticipation and prevention, art 9.2 of the National Security Law states that the Intelligence and Information Services of the State, in accordance with the scope of their powers, shall permanently support the National Security System, providing

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37   INTERIOR MINISTRY. National Strategic Plan to Combat Violent Radicalisation. Secretariat of State for Security, CITCO. Consulted on September 19, 2015 on http://www.interior.gob.es/web/servicios-al-ciudadano/plan-estrategico-nacional-de-lucha-contra-la-radicalizacion-violenta/plan-estrategico-nacional.

elements of judgment, information, analysis, studies and proposals that are necessary to prevent and detect risks and threats, and contribute to their neutralisation.

The aims, means and tools of National Security. Limited resources and their optimisation

The direct aims of National Security are the protection of the freedom, rights and well-being of citizens, guaranteeing the defence of Spain and its constitutional principles and values, contributing to International Security in fulfilment of the commitments undertaken. In addition, according to the NSL, the following needs and other purposes should be highlighted:

- To respond effectively to the constant mutation of actors and circumstances that endanger security levels;
- Efforts to integrate and harmonise existing security objectives, resources, and policies;
- To respond to the increasingly cross-cutting and complex risks and threats of an uncertain and unclear nature;
- To act in a coordinated way as an objective shared by the central, autonomous and local government authorities, with the constitutional bodies, notably with the Congress of Deputies and the Senate, with the so-called private sector and with civil society;
- To act preventively.

In terms of efficiency and sustainability in the use of resources, it is the responsibility of the Public Authorities with responsibilities in areas of special interest for National Security and within the framework of the National Security System to establish the mechanisms of coordination and exchange of information, especially in relation to surveillance and warning systems indicating possible risks and threats, provided for in art.11 NSL. In this sense, as stated in art.27.3 of the NSL, public authorities will have a system of identification, evaluation and planning of means and resources corresponding to their respective fields of competence to deal with the possible risks and threats to National Security. Besides, the private sector will participate in the contribution of resources to National Security, according to art.27.5 and art.7 of the NSL, whenever circumstances so dictate and, in any event, when they are essential service operators and critical infrastructures that could affect National Security. It will be the Government, in coordination with the CCAA, which will establish the channels that will promote the participation of the private sector in the formulation and execution of National Security policy. In this sense, the approval of the Private Security Law 5/2014, of April 4, represented a decisive step here in Spain in the reinforcement of collaboration between Private and Public Security, which was *de facto* already taking place. "It is clear that the police force, at state, regional and local

level, could better exploit our potential by developing and enhancing mechanisms of collaboration, putting into practice the sum of public and private endeavours" [38].

The National Security Strategy

Art. 4.1 of the NSL establishes that the National Security Policy is a public policy in which, under the direction of the Prime Minister, all Public Authorities participate, in accordance with their respective competencies and society in general, in response to the needs of National Security[39] which can be considered as a "concept in which governments include all those aspects that they consider indispensable for the survival of the State and what it represents, such as its sovereignty, independence, territorial integrity and constitutional order, in addition to its vital interests, including those relating to the fundamental rights and the security of its citizens."

The introductory part of the ESN 2013 *A shared project* sets out how, by means of the National Security System as an added-value institutional system at the service of all, available resources will be effectively prioritised and decision-making organised to coordinate all areas of Security in search of a rapid, coordinated and comprehensive response in order to achieve the system's ultimate goal, which is the preservation of National Security. In this sense, ESN 2013 continues on from and furthers the ESS approved in 2011[40]. The stagnant period occurring between the approval of both strategies can be largely attributed to political factors, as on the one hand, despite the efforts of the Spanish government in the drafting and initial phase, the EES 2011 was not presented to Parliament and the opposition did not feel identified with it, while on the other hand, its approval coincided with a time when the government was weak and a change of political party in power was imminent[41].

In its first chapter, the ESN 2013 puts forward a comprehensive view of National Security and sets forth the underlying principles of the Strategy, which have inspired

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38   MERINO THOMAS, M.A. *El modelo de Seguridad Privada, a debate,* Revista Seguritecnia 2011 Consulted on June 7, 2012 on http://www.belt.es/expertos/HOME2_experto.asp?id=5944.

39   DÍAZ FERNÁNDEZ, Antonio M. et al., Dictionary of Intelligence and security. Ed. Lid, prologue by José Manuel Blecua; Edition No.: 1ª; Madrid, 2013 p. 233. ISBN: 9788483567609.

40   SPANISH GOVERNMENT. "The Spanish Security Strategy. A responsibility for all", presented in 2011 with a projected lifecycle of ten years and a periodical review every five years or when circumstances so require. http://www.lamoncloa.gob.es/consejodeministros/Paginas/enlaces/24062011Enlace2.aspx Consulted on September 13, 2011. NIPO: 000-11-011-3.

41   GARCÍA MALO DE MOLINA MARTÍNEZ, J.M. "*Análisis comparativo de las Estrategias de Seguridad Nacional del año 2013 con su predecesora de 2011*" in the journal Cuadernos de la Guardia Civil no. 50, 2015, p. 84. Consulted on January 27, 2017 at http://www.uma.es/foroparalapazenelmediterraneo/wp-content/uploads/2015/02/150225-GC_RevistaCuadernos_Num.50.pdf   Ed.   INTERIOR MINISTRY. General Technical Secretariat. Directorate General of the Civil Guards. Guardia Civil University Centre. NIPO: 126-14-006-3.

the NSL principles we have already discussed. In the second chapter, the ESN places Spain in the strategic geographic environment of a globalised world. The third chapter discusses the risks and threats to National Security: armed conflict, terrorism, cyber threats, organised crime, economic and financial instability, energy vulnerability, the proliferation of weapons of mass destruction, irregular migration flows, spying, emergencies and catastrophes, the vulnerability of maritime space and the vulnerability of critical infrastructures and essential services. Potential factors such as climate change, poverty, inequality, ideological extremism, demographic imbalances or the widespread use of new technologies, which, while not in themselves a risk or a threat, could trigger or aggravate them. In keeping with these risks and threats, the fourth chapter establishes 12 priority areas for action and defines for each of these the main objective to be achieved and several strategic lines of action, which will frame the responses and concrete actions required to preserve Security. These are specific lines that match the specific characteristics of each area of action, although all of them include public-private collaboration, the promotion of a Culture of Security, the optimisation of available resources and the strengthening of international cooperation[42]. In this sense, the Department of National Security (DNS) under the Cabinet of the Prime Minister's Office coordinated the work for the drafting of the 2016 Annual Report on National Security[43], the fourth consecutive report produced since 2013, which makes a complete updated diagnosis of the evolution of the risks and threats to our Security, the degree of compliance of the National Security Strategy 2013 and the activities of the National Security System during the previous year.

The Ministries with responsibilities over the different spheres of National Security were actively involved in the report, and for the first time its contents were presented before the recently constituted Joint Congress-Senate Committee on National Security, established by the NSL. Likewise, at the meeting of the National Security Council on January 20, 2017, the procedure for the preparation of the 2017 National Security Strategy was agreed, with the participation of all relevant Ministries in their respective spheres, as well as that of the National Intelligence Centre and the Department of National Security itself. The Strategy will be submitted for consideration by the National Security Council for its subsequent approval by the Council of Ministers by Royal Decree. The Agreement adopted in January to approve the National Security Strategy 2017 called for a meeting of the High Level Commission for its preparation. That meeting was held for the first time on March 8, 2017.

The drafting of the National Security Strategy 2017 "is a very relevant project for the Government in this first year of the 12th Legislature, this being a paper that outlines the reference framework for the National Security Policy and guides government action

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42   SPANISH GOVERNMENT. PRIME MINISTER'S OFFICE, National Security Strategy, *A shared project,* 2013. Consulted on September 24, 2014 http://www.lamoncloa.gob.es/documents/seguridad_1406connavegacionfinalaccesiblebpdf.pdf.
NIPO 002130347.

43   See above note 6.

for the subsequent development of all initiatives related to our Security, in its broadest sense. The new Strategy will bring continuity to the understanding of National Security as a state policy of consensus, with a collaborative procedure involving the public authorities, civil society and the private sector, configuring a Strategy at the service of the people and general interests and with the need for continual updating to deal with changes on the international landscape"[44].

PROPOSAL TO INCLUDE SECURITY ON LAND ROUTES AS AN AREA OF NATIONAL SECURITY AND MOBILITY AND LAND TRANSPORT SECURITY AS A LINE OF ACTION UNDER THE NATIONAL SECURITY STRATEGY

Security across land routes relates to both road and railway support systems, already provided for in the protection of critical infrastructure, and to activities of a diverse nature carried out on inland routes. Security on Land Routes is a critical issue, and a key area that conditions social and economic life and welfare, and permits the preservation of rights and freedoms inside and outside Spain, predominantly in the EU, which, on account of its mediate nature, paves the way for other spheres of National Security.

The transport of people overland in the EU[45] reached 89.8% in 2010, of which 73.7% was done in private vehicles[46], 7.9% by coach, and 6.3% by rail and the remainder by other inland modes of transport. The transport of goods by road over the same period was 56.1%, with 45.9% by road and 10.2% by rail, while in 2014 in the EU the total transport of goods by road amounted to 74.9%, with 18.5% by rail[47].

The total length of the railway network in the European Union in 2014[48] was about 220,000 kilometres, an increase of 2% compared to the year 2009 and in the case of

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44   DEPARTMENT OF NATIONAL SECURITY, Spanish Government. Drafting of National Security Strategy 2017 http://www.dsn.gob.es/es/actualidad/sala-prensa/primer-paso-elaboración-nueva-estrategia-seguridad-nacional-2017 Consulted on March 11, 2017.

45   EUROPEAN COMMISSION, 'Road transport, a change of gear', 2012. Consulted on June 26, 2013 on https://ec.europa.eu/transport/sites/transport/files/modes/road/doc/broch-road-transport_en.pdf.

46   EUROSTAT *Passenger Transport Statistics* (EU) A figure that rose in 2013 to 83.2% Consulted on December 3: http://ec.europa.eu/eurostat/statistics-explained/index.php/Passenger_transport_statistics

47   EUROSTAT *Road freight transport in the European Union (EU),* Consulted on December 3, 2016 on http://ec.europa.eu/eurostat/statistics-explained/index.php/Freight_transport_statistics_-_modal_split.

48   EUROPEAN COMMISSION, Fifth Report on monitoring the development of the EU rail market, to the European parliament and the Council, Brussels 8.12.16 COM (2016) 780 final. Consulted on January 2, 2017 on http://ec.europa.eu/transparency/regdoc/rep/1/2016/ES/COM-2016-780-F1-ES-MAIN.PDF.

the road network, the Trans-European Transport Network is working in the EU to cover and connect 90,000 km of motorways and high-quality roads before 2020[49].

In Spain the road network[50] has 166,003 kilometres, of which 26,329 km are managed by the central authorities, which account for 51.8% of total traffic and 63.3% of heavy goods traffic. In addition, there are 71,324 km managed by the Autonomous Communities with 42.5% of traffic, and 68,349 km are managed by the Provincial Councils, with 5.7% of the remaining traffic. In addition to this road network, according to the latest available data, municipalities are responsible for [51] 489,698 km, of which 361,517 km are interurban. Finally, there are 11,355 km of roads dependent on other organisations. Of the total network, 17,021 km are high-capacity roads: toll roads, tolled motorways, free motorways, dual-carriageways and multi-lane roads, of which 11,942 km belong to the State Road Network.

During 2016 in Spain[52] 222.1 million road trips were made, 12 million more than in the same period of the previous year, representing an increase of 5.37%.

National Security takes into account that (...) "reforming a State Security system cannot leave out the process of reforms that makes possible its governance ... without at the same time attending to all the circumstances that bring about insecurity"[53].

In relation to the circumstances that influence insecurity surrounding the management of risks and instruments of power for the purpose of prevention and anticipation in neutralising the result one seeks to avoid, and without prejudice to the provisions of the protection regulations for critical infrastructures, the NSL obliges public authorities with responsibilities in areas of special interest for National Security, to establish the mechanisms for the coordination and exchange of information on surveillance and warning systems regarding possible risks and threats.

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49   EUROPEAN COMMISSION, Mobility and Transport. Consulted on December 22, 2016 on http://ec.europa.eu/transport/road_safety/topics/infrastructure/trans-european_networks_es.

50   MINISTRY OF PUBLIC WORKS, Spanish Government, Catalogue and development of Spain's Road Network December 31, 2015. Consulted on April 13, 2016 on https://www.fomento.gob.es/MFOM/LANG_CASTELLANO/DIRECCIONES_GENERALES/CARRETERAS/CATYEVO_RED_CARRETERAS/.

51   MINISTRY OF PUBLIC WORKS, Spanish Government, "*Vías de dependencia municipal*", 1998. Consulted on February 11, 2013 on http://www.fomento.gob.es/NR/rdonlyres/168E494B-083B-42F7-B459-3B523F78A04C/3697/vias_municipales.pdf.

52   MINISTRY OF THE INTERIOR, Spanish Government, General Directorate of Traffic. Consulted on August 7, 2016 in http://www.dgt.es/es/prensa/notas-de-prensa/2016/20160802-julio-han-realizado-2-5-millones-mas-desplazamientos-carretera.shtml.

53   ARTEAGA MARTÍN, Félix *et al.* "*La reforma del sector de la seguridad: propuesta en su incardinación en la política española de defensa*" in La reforma del sector de seguridad: el nexo entre la seguridad, el desarrollo y el buen gobierno; Prologue by Marcelino Oreja Aguirre. Cuadernos de Estrategia 138, MINISTRY of Defence 2008, p.161. Consulted on April 14, 2014 http://www.ieee.es/Galerias/fichero/cuadernos/CE_138_Reforma_Sector_Seguridad.pdf NIPO electronic edition: 076-08-140-1.

The capacity for resistance and recovery correlates to the resilience of the National Security System, as a set of bodies, organisations, resources and procedures integrated in the structure provided for in art. 20 of the NSL, in anticipating what will happen and their management of risks and threats in order to contribute to their neutralisation.

Regarding the management of information and knowledge as a fundamental component of National Security, art.9 section 2 of the NSL establishes that the Intelligence and Information Services of the State, in accordance with the scope of their powers, will permanently support the National Security system, providing elements of judgment, information, analysis, studies and proposals necessary to prevent and detect risks and threats and contribute to their neutralisation, and in this sense, the consideration of Mobility and Land Transport as a strategic line of action would enable the integration of the information it generates in an orderly manner within the national information system.

For the purposes of this law, these shall be, among others, cybersecurity, economic and financial security, maritime security, security of airspace and outer space, energy security, health security and preservation of the environment.

The NSL uses the so-called "areas of special interest for National Security" as core material complementary to the fundamental components of Security National: National Defence, Public Security and Foreign Action, in order to integrate them into the National Security System and submit them to the directives dictated by the Prime Minister within the framework of the new policy on National Security, since they are basic to the preservation of the rights, freedom and well-being of citizens and guarantee the provision of essential services and resources. To this effect, art.10 of the NSL employs the open-ended formula of "among others", thereby not ruling out other areas. Therefore, in view of the fact that the Security of airspace and outer space, as well as maritime security *are* referred to as areas of special interest for National Security, it is hereby proposed that the Security of Land Routes be also specifically included in art.10 of the NSL as an area of special interest for National Security, on account of its transnational, crosscutting nature, and its budgetary requirement for the welfare and preservation of rights and freedoms.

Using as a reference the format employed in ESN 2013, "A shared project", the wording for the objective of the Security of Land Routes could be as follows: to promote a policy of security in the terrestrial environment for the purpose of maintaining security across land routes, and their protection zones, as well as to protect inland traffic, integrating the protection of critical terrestrial and land transport infrastructures and preserving the security of inland modes of transport and the persons who use them in the face of criminal and terrorist activities on land routes used for the perpetration of criminal or terrorist acts. Thereafter, by identifying the risks and threats involved, lines of action can be determined, and to that end, we advocate its inclusion as one of the lines of action provided for under the new National Security Strategy, along with the consideration of Mobility and Land Transport Security to help achieve the aforementioned objectives.

The structure of our National Security System includes the National Security Council, in its capacity as Government Delegate Committee for National Security, assisting the Prime Minister in directing National Security policy and the National Security system, while the Specialised Committees are set up as agencies providing support to the National Security Council. The agencies currently in existence are the National Council of Cybersecurity, the Specialised Committee on Immigration, the Specialised Situation Committee, the National Maritime Security Council, and the Specialised Committee on Energy Security. Therefore, in line with what has already been achieved, we propose that consideration be given to the creation of a Specialised Committee on the Security of Land Routes.

In this context, within the framework of the EU, the European Commission has recently carried out some changes to its structure (2016) to include, for example, the newly-created post of EU Security Commissioner, who will be working with a number of experts on a range of diverse fields and in particular on issues relating to Home Affairs, Mobility and Transport, and who will similarly be providing support to the Commissioner for Migration and Home Affairs. The situation of virulent terrorist attacks against the interests of the EU and its Member States needs a stronger European identity, and a reinforced leadership position in the European Union in the medium and long term; in this context, Spain's contribution is hugely relevant in terms of its experience, its geostrategic situation, its natural relationship with Latin American countries and Spain's proven commitment to the EU's Interior Security Strategy as well as the implementation of the European Security Agenda adopted in April 2015 [54]. Moreover, Spain as a non-permanent member of the United Nations Security Council during the 2015-2016 biennium has promoted the adoption of Resolution 2322 (2016) to strengthen international judicial cooperation in the fight against terrorism. The purpose of this Resolution is to launch international legal, police and judicial cooperation as an effective tool for the international community to deal with the terrorist threat and transnational organised crime.

CONCLUSIONS

National Security Strategies are conditioned by regulatory frameworks, such as the European Union's Internal Security policy, which serves not only to protect its Member States and the community formed by them, but also to contribute to peace and cooperation in world stability. In this sense, the EU's Global Strategy on Foreign Policy and Security presented on June 28, 2016 represents a change of philosophy and determines five priorities for Security and Foreign Policy of the EU: the reinforcement of the Security of the Union; state and societal resilience to the east and south; an integrated approach to conflict; cooperative regional orders and global governance

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54   EUROPEAN COMMISSION 'The European Agenda on Security' 28.4.15 COM (2015) 185 final.

for the twenty-first century. On the basis of this Global Strategy, the EU will review existing sector strategies and develop and implement new thematic and geographic strategies in tune with the Global Strategy's policy priorities, plans such as the recently created Security Commissariat with the backing of experts in Home affairs, Mobility and Transport, a move that in turn reinforces the proposal put forward here to include Security on Land Routes as an area of National Security and Mobility and Land Transport Security as a line of action under the National Security Strategy.

Coordinated effective criminal investigation activity assists in the fight against terrorism and specific forms of crime, and here, for example, it is important to highlight the role of the EU's performance in the fight against organised crime and serious forms of international crime in strengthening operational cooperation, and its considerable contribution to the implementation of the EU's renewed Internal Security Strategy 2015-2020, as well as the guarantee of "an anticipatory and criminal intelligence-oriented approach in this regard". This would require generating a common area of interconnectivity between all Intelligence and Information Services of the EU member states, rather than an occasional exchange of information. On the basis of the Prüm Treaty, joint operations allow international police cooperation beyond the range of possibilities offered by Joint Investigation Teams. The objective set out by the Prüm Treaty of stronger cooperation in the fight against terrorism, cross-border crime and illegal migration is fostered by the so-called 'communitisation' of the Third Pillar, in accordance with the Treaty of Lisbon, by consolidating the Area of Freedom, Security and Justice and promoting greater effectiveness in police and judicial cooperation on criminal matters. "Nevertheless, it would be desirable to achieve the long-awaited Criminal Intelligence Model, under the command of a supra-ministerial authority to deepen the exchange of anti-terrorist criminal intelligence and to deal more efficiently with the main threats to Security"[55].

One of the main difficulties with many National Security risk analyses is that they can move beyond presentations, plausible scenarios and possible future scenarios with effective and feasible neutralisation measures. There is a growing number of authors who advocate using scientific means for their research. Among the traditional difficulties cited by these authors are, for example, the partial nature of existing studies, not only in terms of subject matter, which is usually focused on terrorism, but also in terms of the scope of what is available, though it may include comparisons between several countries or geostrategic areas, but also because of the inertia of resorting to customary thought patterns, decision-making and management in government circles of the countries, agencies, or organisations with a specific mandate to carry out these analyses or to take decisions that curb them [56]. Similarly, there is a decided

55   DEL MORAL TORRES, Anselmo. *Cooperación Policial en la Unión Europea. La necesidad de un modelo de inteligencia criminal eficiente.* Edition No.: 1ª; Madrid, 2010, Ed. Dykinson ISBN 8499822460.

56   COHEN J. et al. "Research on terrorism. Critical analysis' in Knowledge, the Great Challenge to Deal with Terrorism, Revista de Estudios en Seguridad Internacional, Vol. 2, Nº 1, 2016, pp 46 y

lack of evaluation with respect to the measures developed by particular areas of crime, organised crime and political violence above and beyond terrorism in some regions of the world, with the added difficulty that cost-benefit concerns in such cases scarcely figure at all, given that in most instances, national interests, and sometimes even more heavily weighted supranational interests, take precedence. Authors like BLANCO advocate a strategic vision and a holistic approach to Security, which permits a global overview[57].

Considering that scientific evidence, large-scale data analysis, and subsequent modelling typologies can contribute to a greater understanding of the risks and threats to our Security, we should not rule out drawing on other means such as the application of Social Sciences, Applied Mathematics and Cross Processing, seeking the interaction of diverse realities that go beyond a holistic view, creating scenarios capable of potential and actual infinity as a new way of viewing the world. Thus, "the world is all that is the case", according to Wittgenstein (Tractatus logical-philosophicus:" Die Welt is alles was der Fall ist "), and involves outcome and chance. That being said, the world is not a set of indeterminate things (Dinge), but of certain facts (Tatsachen), which in turn determine (bestimmen). There is thus a circular process in which facts determine their own outcome, both in what is and in what is not[58].

In the case of Spain, the framework of the international community and in particular that of the European Union is crucial for the anticipation, prevention and detection of risks and threats to Security, thus contributing to their neutralisation, because on the one hand, it forces us, the Member States, to work in a concerted manner, with the advantage of a common regulatory framework for Internal and External Security, and on the other hand, to rethink and even adapt our National Security to European Security, and by extension, in concentric circles, to Peripheral Security, to our relations with third countries both near at hand and afar.

The proposal put forward in this paper to specifically include Security on Land Routes as an area of special interest for National Security and Mobility and Land Transport Security as a line of action in the National Security Strategy seeks to contribute to the Security System in addressing the phenomenon recognised in national and international Security regulations and strategies of the constantly changing risks and threats facing us and the need to come up with new approaches to current thinking and to consider the redesign of existing strategies.

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48 Consulted on September 1, 2016 in DOI: http://dx.doi.org/10.18847/1.3.3.

57   BLANCO NAVARRO, JM. et al. "*Gestión del Conocimiento y Cultura de Seguridad*" in Cuadernos de la Guardia Civil. Preface: Jorge Fernández Díaz. Ed. MINISTRY of the Interior, General Technical Secretariat, General Directorate of the Civil Guard, Guardia Civil University Centre. Special Edition 25th Anniversary, Madrid, 2015. p. 50 NIPO: 126-15-005-2.

58   GARCÍA PICAZO, PALOMA. La Investigación del medio Internacional. Fundamentos teóricos y conceptuales, métodos y técnicas. Edition No.: 1ª. Madrid, 2012, p. 63, Ed. Tecnos. ISBN 9788430955909.

The recent creation of the post of EU Security Commissioner will pave the way towards addressing issues and involving specialists from other subject areas that have not been involved to date or have had limited representation such as Land Transport and Mobility.

As a final conclusion, the proposal presented here to specifically include Security on Land Routes as a field of special interest for National Security and that of Mobility and Land Transport Security as a line of action in the National Security Strategy should be seen within the context of a leading-edge and all-encompassing approach to Security in ground transportation and critical infrastructures, which, given its cross-cutting transnational dimension enabling the development of other areas of special interest to Security National, will make a decided contribution to how the Security System can address the phenomenon of the constantly changing risks and threats recognised in national and international security regulations and strategies. It is incumbent on us to devise new patterns of thinking and consider the redesign of existing strategies, in line "with the idea of reserves of intelligence and a community of expanded intelligence"[59] for the effective exercise of Freedom and Security.

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59   JORDÁN, J. "*Análisis de Inteligencia Estratégica en Estudios Estratégicos y Seguridad Internacional*" in "Manual de Estudios Estratégicos y Seguridad Internacional". Ed. Plaza y Valdés, 2012, p.383 ISBN 978-84-15271-59-8.

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