



FINAL DEGREE PROJECT

**How the Edward Snowden's Security
Crisis Case affected the International
Relations field?**

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Abstract:

The project's main focus is to study the security crisis originated from the Edward Snowden Case; computer system analyst and former secret intelligent agent of the National Security Agency (NSA) of the United States of America. As a result of leaking confidential information to prestigious global newspapers. Additionally, under the framework of the International Relations, specifically through a diplomatic and legal prism, by interpreting and evaluating the consequences of revealing a Surveillance Mass Program in the international arena. Where the implication of countries, head of States, diplomatic representation, multinationals, or international organizations played a key role.

Keywords:

Edward Snowden Case, Mass surveillance, National Security Agency (NSA), PRISM Project, Secret Intelligence Services.

Resumen:

El enfoque principal del proyecto es estudiar la crisis de seguridad generada a partir del Caso Edward Snowden; analista de sistemas de ordenadores y antiguo miembro de la Agencia de Seguridad Nacional (NSA) de los Estados Unidos de América. Como resultado de la filtración de información confidencial a periódicos de prestigio internacional. Además, bajo el marco de las Relaciones Internacionales, más concretamente; desde un prisma diplomático y legal, se interpretarán y evaluarán las consecuencias que supusieron la revelación de un programa de vigilancia masiva en el escenario internacional. Donde la implicación de países, jefes de Estado, representación diplomática, multinacionales, u organizaciones internacionales jugaron un papel fundamental en el desarrollo de la historia.

Palabras Clave:

Agencia de Seguridad Nacional (NSA), Caso Edward Snowden, Proyecto PRISM, Servicios Secretos de Inteligencia, Vigilancia masiva

Index of Acronyms and Abbreviations:

ACRONYM	ENGLISH	SPANISH
BND	Federal Intelligence Service (Germany)	Servicio Federal de Inteligencia (Alemania)
CIA	Central Intelligence Agency (USA)	Agencia Central de Inteligencia (E.E.U.U)
CNI	National Intelligence Centre (Spain)	Centro Nacional de Inteligencia (España)
FBI	Federal Bureau of Investigation (USA)	Oficina Federal de Investigación (E.E.U.U)
FISA	Foreign Intelligence Surveillance Act (USA)	Ley de Vigilancia de la Inteligencia Extranjera (E.E.U.U)
FSB	Federal Security Service (Russia)	Servicio Federal de Seguridad (Rusia)
GCHQ	Government Communications Headquarters (United Kingdom)	Cuartel General de Comunicaciones (Reino Unido)
ICJ	International Court of Justice (The Hague, Netherlands)	Corte Internacional de Justicia (La Haya, Países Bajos)
KGB	Committee for State Security (Soviet Union)	Comité para la Seguridad del Estado (Unión Soviética)
NSA	National Security Agency (USA)	Agencia de Seguridad Nacional (E.E.U.U)
OHCHR	Office of the United Nations High Commissioner for Human Rights (UN)	Oficina del Alto Comisionado de las Naciones Unidas para los Derechos Humanos (ONU)
SIS	Secret Intelligence Service	Servicio Secreto de Inteligencia
UDHR	Universal Declaration of Human Rights (UN)	Declaración Universal de los Derechos Humanos (ONU)
UN / ONU	United Nations	Naciones Unidas
USA / US	United States of America	Estados Unidos de America

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1. Introduction

Throughout human history, significant events have happened that have altered the path of history. In fact, a year is generally remembered for a specific event; 1492: The Discovery of America, 1789: The French Revolution, 1945: The End of WWII, 1969: The Moon Landing... events that marked a turning point in our existence. Nonetheless, the remembered dates must be considered not just in terms of discoveries and clashes, but also in terms of their political, social, cultural, and economic implications.

Furthermore, the French Revolution gave birth to the Republic, a new form of government administration in the country. The end of World War II meant the end of Adolf Hitler's dictatorial rule across Europe; in Spain, without a doubt, 1978 was the most significant political development in our country's recent history due to the adoption of the Spanish Constitution, what meant the final step in the transition from a dictatorship to what we are now, a parliamentary monarchy.

When it comes to historical events, there is a considerable amount of debate within the society regarding the importance of whether an ideological movement lead to a specific event. Or by contrast, it was the event, by itself, what created a new way of thinking. Taking this into account, in this research, the implications of a mass surveillance program carried out by the National Security Agency (NSA), and leaked by former analyst of the agency, Edward Snowden. Hence, topics related to national security, the defense and application of minimum rights recollected in treaties, such as the Vienna Convention on International Relations or the Universal Declaration of Human Rights (UDHR), will clarify a case that has not been solved yet due to its complexity.

However, through an explained theoretical framework about the subject of study; Diplomatic Law, a precise context of the agencies involved and the importance of national security, would be the perfect combination for understanding in a clear and concise way why Edward Snowden was considered a person of interest to the United States, and finally, why a diplomatic crisis was originated between Bolivia, Russia and the United States, and their implications.

1.1. Objective

The paper will address a relationship between the security crisis provoked with the Case of Edward Snowden and the field of International Relations, for achieving it, the objective of the research is to analyse and interpret theories that have contributed to the development and understanding of the international arena; such as the Realism scope in the International Relations field, or the Foreign Policy approach of Woodrow Wilson - theory that is commonly known as Wilsonianism-, the Securitization Theory and the concept of Complex Interdependence. In order to be able to create a final statement on whether the Russian Federation would be in its right of granting asylum to Edward Snowden.

Moreover, an interpretation on domestic and international covenants and treaties, would create a further and easier understanding of the subject, as it is common to observe a direct relationship between the number of actors involved and the difficulties that tribunals and major organization find to solve an international crisis. When more actors are involved, more time and resources are needed, and vice versa. Therefore, the analyse of these policies may create an individual point of view for each country, that at the same time, might coincide with their domestic Foreign Policy that the government in power established as part of their political program and agenda. In fact, this combination of elements might be useful to fulfil the objective established within the project.

Additionally, it is important to previously understand that if a debate has been generated is because countries or, international actors, may have applied or considered international or domestic law statements in their favour in order to get advantages from the situation. However, during this analysis an objective and explained analysis will be done, by providing official statements from the authorities and international documents that played a key role for the final ending of the case. Finally, we need to understand that the case is not yet resolved, as the U.S is still considering Edward Snowden guilty of the accusations that were made back in 2013.

1.2. Methodology

For creating a reliable analysis and study of the case it is essential to follow a coherent and structured methodology, which of course will be associated with the topic of the investigation. In fact, it has been clearly defined that we are under the circumstances of a case study; that will take into account the consequences that the “event” of leaking confidential information from an intelligence secret service had in the field of the International Relations, and how the different actors reacted to the measures that were taken.

For doing so, the research is going to be based on a qualitative research methodology; where scientific reports, peer-reviewed articles from experts of the International Relations field, ratified treaties and declarations are going to be used to establish a better knowledge about possible core elements of the case while directly relating them with the concepts learned during my academic development at the Universidad Europea de Madrid. In fact, the creation of this paper would have not been possible without the feedback and support, despite being located in different countries for academic reasons, of Professor Daniel Sansó-Rupert Pascual, person in charge of tutoring me during this investigation.

On top of that, the paper has been structured in the following parts: The first section, (1) *Introduction*; where a presentation of the topic will provide the reader a conceptual idea about the security crisis case, while stating the final objective of the paper and the methodology type that was used. The second part, (2) *Theoretical Framework*; corresponds to the analysis and research of information inside the field of International Relations, that later on could be used to interpret and make a relation with the subject of the paper. For doing so, theories, treaties and covenants are going to be used to commit the purpose of the investigation. The third part, (3) *Background*, will be directly linked with the subject of Diplomatic Law, and possible explanations on how the leaking of confidential information affected the existing ties of involved nations. Moreover, in fourth place (4) *Environment and Context*, will bring a contextualization of the Secret Intelligence Services inside the United States, especially from the National Security Agency; place where the confidential information came from.

In fifth place (5) *The Edward Snowden Case*, part with the core elements of program information that was leaked, along with the explanation on why the former agent took the decision of declassifying top-secret files, the tools he used for sharing the information, together with the instant reaction of the governments that were directly affected, especially highlighting the point of view of the United States of America. Everything surrounded by a new world system that changed the rules of the game through innovation and the appearance of the new technologies during a short period of time. In addition, in sixth position (6) *the Conclusion*; where the social perception on national security is going to be explained, while the hypothesis will show if our initial statements were the right ones, or for instance, the path of the case was mismatched. To end the paper, a personal point of view will be given to provide possible solutions to avoid this situation in the future. If it is avoidable.

1.3. Hypothesis

For establishing a clear direction and focus to the research, while creating a framework for conducting the investigation through an organized and systematic approach, an hypothesis about the Case of Edward Snowden has been formulated. And is the following statement:

If the Case of Edward Snowden can be related with the main theories and treaties or covenants developed in the International Relations field, then we can assume that the country who adopted and supported these measures has the right of granting him asylum, because there are inalienable rights that every human must preserve, or, due to a particular interest of an actor after being affected by a mass surveillance program.

In addition, the statement of the hypothesis presents the possibility on whether Edward Snowden can be arrested or being able to obtain asylum outside his national frontiers. At the same time, I have created a direct relationship with the field of International Relations, as the core element of the paper is to demonstrate the field has a relationship with the case.

2. Conceptual Theoretical Framework:

Besides, on account of the fact that a paper of research needs to clarify and present concepts that later on will be essential in the understanding of the Case as a whole. Moreover, I decided to divide it in four different theory approaches from the field of the International Relations: International Relations of Realism, Wilsonianism Principles, Theory of Complex Interdependence and last but not least, the Theory on Securitization. Which are going to be displayed in chronological order to avoid possible misunderstandings, as the following way:

- International Relations Theory of Realism

To start with, realism is considered to be one of the ancient elements of the field of International Relations, and many characters have been establishing new outcomes about a similar way of thinking. In fact, some prestige characters that have provided their knowledge to understand and develop this theory are Thucydides, Machiavelli, or Thomas Hobbes (M.Johnson, 1993). Hence, all these thinkers agree that States are the main character of the international system, which main objective is to increase their power and influence from an individualistic point of view. Without taking into consideration agreements for aiding for the development of other economies, states, or communities. Taking this into account, it is exemplified that the Realistic approach establishes that the State only commits to their self-interest adjustments of their national security and political agenda. While there is no central authority inside the international community who is able to regulate the way of behaving of nations, usually through the implementation of sanctions and prohibitions, that is the reason why under this theory it is considered that we are part of an anarchic international system.

If we implement this theory inside the Edward Snowden Case, the logical procedure would be to establish the United States in the centre of the international system, as it can be considered as one of the main States of the field whose political agenda is composed by self-interest policies. In fact, strategy that is followed by most countries inside the system; no matter their ideological backgrounds, allies, enemies, or political objectives to be fulfilled.

Moreover, in relation to the Security Crisis provoked by the leaking information of Edward Snowden, if we apply the scope of the Realistic Theory. Then, the United States will be using all their resources; without taking into account the advice or recommendations from the international arena, as they will consider their approach as the right one to fulfil the objective of prosecuting the person that created a risk inside their national defence system. And need to be legally punished, to create an example for possible future threats and to demonstrate that there is no individual greater than system, in this case the state.

On the other hand, the possible negative outcome for the United States, is that a country with similar power in the system have also interest in granting protection or asylum to Edward Snowden. But, taking into account that states use an individualistic approach, then for sure, there will be countries who may be thinking of taking advantage of the situation in order to be able to obtain an idea on how the secret intelligence services of the United States work. And maybe, implement those strategies for future programs or policy measures into their security foreign policy agenda.

- Wilsonianism Approach Theory

This theory that is part of the field of international relations, has been considered essential for the development of a democratic system where human rights are inalienable for every human being without taking into consideration their color of skin, place of birth or beliefs. Additionally, this theory has its origin in the Foreign Policy Agenda that the former president of the United States, Woodrow Wilson implemented when he was at the White House during the first decades of the 20th century. Bearing this in mind, the former president promoted international cooperation through international organizations to address global challenges and to maintain the world order (Ernest, 2016). For doing so, multilateralism is needed as collective decision-making will accelerate the process of solving the social, economic and political crisis that might appear through time; while promoting individual rights, a fair rule of law and the right to use in an effective way the principle of self-determination, to those nations who feel restricted due to social and political differences, for ensuring a peaceful world to live in.

After the analysis of the theory, we can affirm that there is an almost opposite way of interpreting the same Case Study, depending on the thinker or theory you select. Something that has been perfectly demonstrated with the differences between the Realistic Approach inside the International Relations field and the Wilsonianism Approach Theory. With this in mind, if we compare Wilson's policies to the actual case of research. Then, we will be able to understand that if those policies are met, then the crisis would be solved as through diplomacy is how most of the agreements are obtained. For sure, will significate the triumph of democracy and will enforce the labor of the international community, as the system would be able to solve this national security crisis through the correct procedures.

- Theory of Complex Interdependence

Alternatively, after the Realism theory was analyzed and studied by experts on the field, some thinkers established that there were multiple channels of interconnection between States, beyond military purposes and threats regarding the security of citizens. In fact, sectors like diplomacy, social or economic industries were able to be identified as crucial for establishing peaceful and long-term relationship among the different governments in power of States. Furthermore, it is established that is common to observe how national and international systems are interconnected, by encouraging win-win solutions for countries without using the use of the force (O. Keohane & S. Nye, Jr., 1987). As through diplomacy is enough to be able to find solutions or agreements, no matter the topic analyzed. At the same time, it encourages the use of international organization to grant and facilitate cooperation among all the actors involved in the international arena, without excluding anyone.

Moreover, as occurred with the Wilsonian Approach, with this interpretation of the Case. We will be able to determine that the crisis can be solved through diplomacy channels between the countries affected. Apart from that, international organizations should interfere in the crisis in order to create legitimacy and support to a specific measure so that transparency requirements are met and to provide support to countries.

- Theory on Securitization

Every country, especially those with higher expenditures on national defense, have an intelligence security agency that establishes issues or even, non-security issues, as security threats to be considered by the government in power. In consequence, temporary measures can be taken into action to deal with the problem. Because most of the time, countries are preparing in case of receiving an attack in their national boundaries, although no State is planning to attack. But is how politicians and citizens feel safer (Balzacq, 2011).

Subsequently, this theory can be directly related to the position of Russia in the Edward Snowden's Case. As they can use the opportunity of granting him asylum, while obtaining information about the systems that their historical rival has established in terms of security and technological development. On the other hand, it can show how an issue that was not even expected by the Russian Federation can now become a priority for the Russian Foreign Policy agenda.

Besides, it is also important to understand, that although most of the countries share seat in the same international defense organizations. During the most time of the occasion, representatives of countries have direct orders of not revealing all their information regarding a topic as they believe that this might be used against them in the future. Although being together with other representatives that form an alliance. In other words, it shows how there is no truly reliability on partners and allies. As in this unstable system, you don't actually know if your ally can become you enemy in a short period of time. That's why securitization theory often focus only on national perspectives and theories rather than in international ones.

3. Background information: Diplomatic Law

3.1. The concept of Diplomatic Law

Before establishing a relationship with the Case of Edward Snowden, it is important to define the concept of Diplomatic Law, a term that can be explained by Cornell Law School from Ithaca, U.S: *“Field of International Law, concerning the practice of diplomacy, rights, and obligations of state representatives on the territory of other states. The broad corpus of diplomatic law derives from one of the oldest principles of customary law international law, diplomatic immunity, and sovereign immunity. Inside the International Relations field, Diplomatic Law has been codified by the Vienna Convention on Diplomatic Relations 1961”* (Cornell Law School, 2022).

Moreover, this scenario must be assessed within the context of the launch of new technologies this is the reason why the NSA’s initiatives are historically unprecedented, since the United States is regarded as the leader in the fields of communications, research, and technological development. Having in the XXI century the full capability in terms of resources and innovation to be successful; due to its high level of infrastructure and investment, this, along with a series of advantageous legislation and policies that foster their national strategy.

Furthermore, when talking about Diplomatic Law, there are some basic rights that need to be respected by States in order to facilitate the relationship between nations, something that could lead to future economic or political agreements. Among these cases, being a democratic country is essential for achieving common goals, especially in a world where everything can be connected through globalization. For doing so, there are some minimum rights that must be accomplished, and that need to be defined and expressed in this paper, among these terms we can include Freedom of Expression, both speech and publication, Right of Privacy, the Right of Asylum and their types and Diplomatic Immunity, all of them, with high implications during the process of collecting private information through the intelligence program and afterwards, when Snowden decided to escape to look for asylum in a foreign country.

3.2. The Vienna Convention on Diplomatic Relations of 1961

The international treaty was ratified the 18 of April of 1961 in Austria by the United Nations and former members and entered into force six days later (Nations, Vienna Convention on Diplomatic Relations, 1961). Is considered to be one of the most successful instruments of International Law after the Second World War due to the high number of representatives involved in the formation of the clauses, and as a consequence of the efficiency of its establishment in domestic policies, including the respect and acceptance of possible sanctions in determined situations. Additionally, it follows the principles and main purposes of the Charter of the United Nations regarding the equal sovereignty of States in order to achieve friendly and cordiality relations among countries for establishing a peaceful environment in the international arena (Nations, The Charter of the United Nations, 1945).

In fact, the treaty states the legal framework and aspects that should be considered by any State when for instance receiving a diplomat from another country in an official mission, but something that is key is that as it is established in Article 2. Therefore, we can confirm that diplomacy can only takes place if there is mutual consent between parties, as you cannot oblige a State to be part of a diplomatic mission if it is not part of their political agenda. However, fortunately in today's world diplomacy is considered a basic element in democratic countries to reinforce and apply their political agenda through their Foreign Policy and established by diplomats in official mission. Regarding this aspect, the official functions that they perform can be resumed in Article 3 of the treaty.

It is important to understand that during the time that Edward Snowden was escaping from the US authorities, the intelligence services of the North American country obtained the information that he was part of the crew of Evo Morales's plane, former politician of Bolivia, after being on a diplomatic mission in Russia. As a consequence, when the American authorities decided to intervene the plane. Something that was a complete failure because Snowden was not there, those ratifications from the Vienna Convention on Diplomatic Relations were not respected.

As explained in the treaty, Evo Morales and his team, are in their total right of having immunity, as it is expressed in Article 29. In fact, he was performing the functions explained in Article 3, which included a negotiation between Russia and Bolivia for the proliferation of business activities that would benefit both parties in economic and social terms, and consequently promoting peaceful relations among the countries involved. Therefore, there is no doubt that he is considered by all means as a diplomat in official mission, something that should be supported by the international community and entities.

Nonetheless, due to the diplomatic crisis between the United States, Bolivia and Russia, a new scenario arrives, as Russia might give Snowden facilities to obtain asylum in the country; as a part of the historical disagreements with the United States, the whole international community ratified the North American country did not respect the minimum rights of the Vienna Convention, once they entered into Evo Morales's plane. The truth is that by granting asylum to Snowden, Russia is ensuring the safety of Edward Snowden, and consequently following the minimum standards of the international community, that can be found in the Convention and also, in other vital documents like the Universal Declaration on Human Rights (UDHR).

3.3. Universal Declaration of Human Rights (UDHR)

Adopted by the United Nations General Assembly in December of 1948, three years after the end of Second World War, the Universal Declaration of Human Rights (UDHR) is a resolution of thirty principles that outlines the basic human rights that are inherent to all human being, without taking into account their social status, place of birth or ethnicity. In fact, the relationship between Diplomatic Law and the Universal Declaration, although we may think that there are not directly related to each other, is that diplomatic law seeks to promote and protect basic human rights according to international law. A clear example is that diplomats in official mission have to respect the human rights of the host country's citizens, as they are representing their home country with their acts.

Additionally, it is key to specify the articles from the Universal Declaration of Human Rights (UDHR) that have a relationship with Edward Snowden's Case. Firstly, judicial statements and the application of the rule of international law. Secondly, those rights that grant safety when escaping from the country. Finally, the Universal Declaration, despite not being a binding document, should be respected and supported by the international arena.

To start with Article 6, was made to ensure the legal protection of all human beings in an arbitrary and fair judicial process without exception. This means that Snowden has the right to defend himself in a fair trial with legal representation, no matter the place of location; something that obviously includes the United States, as the right of legal protection must be granted. In fact, during the analysis of the case we will see how the United States is willing to prosecute Snowden for the crimes committed in US soil. However, Edward Snowden argues that as a consequence of revealing classified information that is considered a key element for the national security of the country, his personal security will not be granted.

Of course, these accusations are supported by articles from the Universal Declaration of Human Rights, to be more concrete these issues are specified in Article 5, Article 14, and Article 19. What means that the nature of the case is complex, as ambiguity and conflict of interests may arise. Following the path of Article 6, this clause expresses that despite the fact of exposing government surveillance programs, Edward Snowden must be treated with a fair and impartial treatment through an already established judicial process, as his political beliefs should not interfere in the investigation or final judgements to his person. The truth is that the United States of America is a democratic country, so individuals their right of a fair trial. However, it is important to understand that though history the US have been using legal holes to take advantage in their favor and benefit, there cannot be better example than the prison located in Guantanamo, Cuba (Fletcher & Stover, 2008); that has been subject of criticism from international organizations like the United Nations for allegations and accusations of torture, or even, detention of individuals without proper trial or charge.

The aim of the American government was to obtain information from individuals associated to terrorist groups without breaking any international law inside their frontiers, therefore, if the activities were done in Cuba, the nature of the accusations will become more complex to analyze for the international tribunals inside the field due to a great variety of possible legal interpretations. Something that shows that ethics and morality play a role in the international sphere, especially in a globalized and interconnected society, that as we will see afterwards, will also affect the Snowden's Case. Of course, each party will defend their own interests, as even humanitarian doctorates and experts are not able to reach a consensus about the circumstances that involves the case.

A further representation can be the one stated by Fionnuala Ní Aoláin; academic lawyer and representation of the Office of the High Commissioner for Human Rights (OHCHR), which main goal is described in their official website as "to ensure that the support is given to the projects, activities, organs and bodies of the human rights programmed" (Rights, 1993), about her impressions regarding the past events taking place in the prison located in Cuba:

"We particularly highlight the failures of the United States judicial system to play a meaningful role in protecting human rights, upholding the rule of law and enabling a legal black hole to thrive in Guantanamo with their apparent approval and government support" (Fionnuala Ní, 2022).

With a similar background compared to Article 6 and Article 7, this clause remember that a fair process of judgement should always be applied, no matter the circumstances of the accusation. In other words, despite being considered a traitor against the interest of the United States, the trial carried out by national institutions must not have any conflict of interest in order to ensure that the basic elements of a democratic state are accomplished. At the same time, describes that Edward Snowden is free and is in his right of having a lawyer to defend his personal interests against the accusations of sharing confidential information from the National Security Agency (NSA), intelligence service of the country.

Moving forward, apart from stating the basic elements of rights related to how an arbitrary trial should be, inside the category of International Law among the articles of the Universal Declaration, it is key for the analysis of the case of Edward Snowden to take into consideration Article 15, which is divided in two points. In fact, the first point establish that every human being is in his or her right of having a nationality, the reason why having a nationality is important is due to the fact that provides you legal recognition and protection by a state, while giving the individual an identity and belonging to a determined group with usually similar cultural heritage and beliefs. At the same time, provides you international recognition when you are outside of your country.

On top of that, in the precise case of Edward Snowden, after leaking top secret information of the NSA, he decided to leave the country in order to not be prosecuted. As a consequence, when the intelligence agency discovered that the ex-agent was in Hong Kong and his intention was to fly to Russia, the decision they made was to remove his passport following the indications and instructions of the central government of the United States. Therefore, in that moment Edward Snowden was in a legal hole, as while the North American country were contacting the local authorities to perform an operation to capture an American citizen, with the removal of the passport, the state has officially retired a basic right that is inalienable to all human beings, no matter the topic of prosecution (Snowden, 2019).

Secondly, and what can also be understood as a consequence of not having a valid passport, Snowden decided to apply for asylum in Russia, something that was publicly condemned by the United States and that created an international turmoil in the relationship between both countries, that historically have been confronted, especially during the Cold War; until the collapse of the Soviet Union in December of 1991. Finally, after being part of the asylum program of Russia, Edward Snowden and his wife obtain the Russian nationality in November of 2020. Although, the United States tried by all means to stop the process, and therefore, by not respecting and implementing Article 15 in its totality. Something that is against the values of the international community.

Considered to be one of the main and core elements of the Universal Declaration of Human Rights, Article 3 defends by all costs, some minimum standards of living that must be respected in every single place of our complex system, and at the same time supported by international organizations and states for being socially responsible to create a better place to live in. The reason why there is a connection between Article 3 and the Case of Edward Snowden is that, as he directly reflected on his personal biography, he was scared about the possible conditions that he would have suffered if he stayed in the country, place where he was raised professionally and as a person.

Eventually, when the process of asylum in Russia is originated, one of the main arguments given by the ex-annalist of the NSA is that in the country governed by Vladimir Putin he would be able to enjoy his right to life and freedom (Hirsch, 2013), something that was supported of course by the Russian government and ratified by his president with the following statement: *“He can rest easy that he would not be handed over to U.S. authorities”* (Baczynska, 2013). While the official response of the White House was: *“Come home to the United States and be judged by a jury of his peers”* (Rhodan, 2015).

A situation that shows the complexity of the case, as everything is based on suppositions and arguments that are merely theory until they are taken into practice. But what needs to be clarified is that Article 3, must be respected by all countries in the international sphere, or otherwise a new diplomatic crisis can appear if political leaders have different approaches and ideas on how to deal with the situation. Moreover, we should realize that when a judicial case creates a wide international interest, is easier to ensure that the minimum rights are accomplished by the authorities as the final decision of the court will be analyzed by international experts in order to find possible similarities with previous events.

Since its enactment, article 5 has considered one of the main elements to consider when facing war crimes or social injustices related to inhuman treatment, as through history; unfortunately, there has been cases where authorities abused and took advantage of their position to implement tortures in order to obtain information or as a punishment.

The predisposition of democratic countries to promote peace and human rights after the Second World War, in order to learn about mistakes that should never be repeated again. However, a clear fact is that the events of September 2011, universally acknowledged as 9/11, were a terrorist coordinated attack by Al-Qaeda in the city of New York through hijacked commercial airplanes that caused the collapse of the World Trade Center, considered a symbol of the city and that unfortunately, ended with the loss of more than three thousand innocent lives (The White House, 2005).

These events had a direct impact on global security and politics, as the unexpected events were considered as War Attack for the United States, and logically, a new war was launched by the United States, that afterwards was denominated as War on Terror, to capture and combat terrorist's groups inside the frontiers of the country, and also internationally, whose operations ended with a social turmoil due to the lack of information that still is part of the debates inside the society that did not end through the years, as the procedure information has not been shared yet.

Additionally, those prisoners captured were moved to the prison of Guantanamo Cuba, that was constructed with the suitable equipment to fulfill the tasks ordered by officials, and that had an advantage compared to the ones in US soil. Hence, Guantanamo was the place to carry out tortures with favorable judicial conditions due to the legal holes of our system.

In relation to the Snowden's Case, it is important to know that Edward Snowden was familiarized with the techniques used by intelligence services to obtain information. In fact, we can assure that was accomplished by the Russian Federation, as temporally asylum was granted to Snowden in August of 2013, something completely legal, especially after the removal of the US part from the US governmental authorities.

Furthermore, as explained by Sir Ernest Satow, former British diplomat, and ambassador during the XIX century: *“Asylum is regarded as a matter of humanitarian practice, rather than a legal right, and it is accepted that it may now be accorded only for the purpose of saving life or preventing injury in the face of an immediate threat to the refugee”* (Satow, 1917). A basic right that must be supported by the international arena, by providing international recognition.

On the other hand, when article 19 was ratified and promulgated by the General Assembly, the objective was to protect the right of freedom of speech to every individual, as an inalienable right. This interpretation can be linked to the decision of Edward Snowden to share information of something that he considered unethical and illegal; however, it is important to understand that as XVI President of the US, Abraham Lincoln stated: *“A person’s freedom ends where another man’s freedom begins”* (Lincoln, 1842), because it can be also understood that Snowden shared private messages and emails of innocent citizens to demonstrate the mass surveillance of the government, an activity that equally is against the minimum standards that every citizen must have, although this theory is difficult to be supported, as he was proven a system of mass surveillance.

Alternatively, the case of Edward Snowden would have not been possible without the collaboration of the media, to be more concrete, The Guardian and The Washington Post were responsible of sharing the confidential information provided by the ex-analyst of the National Security Agency (NSA) about the mass surveillance through the Prism Program. In fact, it is important to clarify that for obtaining the information, journalists from both newspapers needed to travel to Hong Kong. Once the valuable information was obtained, the prestigious press media decided to publish on the main page the information.

As the Council of Europe states: *“In situations where there is conflict, the role of media is critical in providing the public with accurate and timely information to ensure there is no violation of the basic Human Rights”* (Europe, 2021).

4. Contextualization and Environment of the Case

4.1. National Security

Throughout history national security has been a topic of interest inside the social, economic, and political scenario. By creating policies and applying contingency measures, states have been able to protect their own citizens from external threats that could damage the stability and peace inside the national territory. For doing so, international cooperation has been key, especially within neighbor countries with similar political perspectives and with a shared threat. In fact, national security; with proper representation in the board of the government, has become part of the political agenda. Some examples can be Boris Pistorius in Germany, Lloyd Austin in the United States, Ben Wallace in the United Kingdom, or Hulusi Akar in Turkey (NATO, 2023).

In fact, a state's security is developed and adapted to specific conditions, that evolves through time to meet the demands of each country, by adjusting to the historical, cultural, and social context. The capacities of states, their internal condition, and their international surrounds cause threats and national ambitions, encouraging their constant will of improvement on the field. Furthermore, a definition of the term is needed in order to avoid possible misunderstandings that could arise. Therefore, as presented by Professor Michael H.H Louw during the symposium of National Security held at Pretoria, South Africa in 1977.

“National Security is the condition of freedom from external physical threat which a nation-state enjoys. Although moral and ideological threats should be included, it is physical violence which is perceived as the ultimate leverage against a state and therefore as the real and tangible danger to its survival” (Louw, 1977).

Bearing this in mind, the author states that there exists more than one type of violence, he clarifies that physical violence from a foreign country is what the National Security of a nation is trying to avoid by all means. As logically, an act of war within national frontiers would entail significant human and social costs, as well as an economic crisis caused by a scarcity of basic resources and the necessity to finance weaponry for a conflict that might have been prevented with a proper execution of security policies.

Although not being expressed in first place, Louw considers that moral and ideological vulnerabilities should be taken into account, that's why governments try to allocate their national security towards the opinion of the vast majority of their citizens, not only because of the political agenda towards future possible elections. But also, because of the level of education of individuals have increased and therefore, a better functionality and operations inside the government is required, at the same time the economy plays a key role on the happiness of citizens, so creating and developing a state with market opportunities for new businesses is key for a country's development.

Additionally, there are numerous approaches to implementing a security plan with the goal of enhancing capabilities within borders and being able to avoid or prepare for potential difficulties. To do this, a committee of professionals designated by each nation's head of government or head of state initiates a negotiation process with various international institutions to develop laws or legal reforms for the benefit of the country. As mentioned, collaboration between agencies is favorable when both institutions share a common goal or mission.

4.1.1. The role of diplomacy in National Security issues

To begin with, the role of an ambassador or consul on a diplomatic mission is critical in understanding the requirements of other nations and learning about their perspectives on the structure and function of the political, economic, and social systems inside the country of representation (Nations, Vienna Convention on Diplomatic Relations, 1961). Without no hesitation, this technique can determine whether a major confrontation may occur; due to the fact that obtaining information abroad can be more reliable, especially if it comes from official sources. As, regardless of whether the regimes are ideologically opposed, one of its tasks is to guarantee that any misunderstandings are handled as swiftly and promptly as possible.

In relation to the previous point, the Foreign Minister is in constant communication with embassies and representatives overseas to make assumptions about the different circumstances that can appear (Satow, 1917).

Usually, the assumptions are mainly political, although it has infinity responsibilities such as trade, military, cultural and economic affairs. Consequently, Foreign Policy has become a key element of every political agenda. Despite the fact that the previous characters performed security-related functions. The truth is that the Ministry, or Department, of Defense and the Intelligence Services play a role focused solely on the protection of citizens.

4.2. Secret Intelligence Services

The truth is that almost every nation around the globe has intelligence services to prevent circumstances or situations that might endanger the security of the State. In fact, these agencies are usually classified depending on their target or objective to accomplish, whether it refers to international or national surveillance. Some world known examples can be, for instance in the United States; the main entities in charge of international affairs are the Central Intelligence Agency (CIA) and the National Security Agency (NSA), while for domestic issues the Federal Bureau of Investigation (FBI) is considered the main federal law enforcement agency.

Moreover, regarding the US allies, the United Kingdom has for foreign intelligence the Secret Intelligence Service (SIS), also known as MI6, while for domestic affairs the main agency is the Security Service or, how is usually named, MI5. Moreover, for gathering data and future analysis of information, the main agency used is the Government Communications Headquarters (GCHQ). While countries like Israel use the Mossad Agency for foreign intelligence and special operations, or Spain, which main organization is the National Intelligence Centre (CNI) and finally, among others, Germany use as a Federal Intelligence Service, the Bundesnachrichtendienst (BND) Agency (Vitkauskas, 1999).

On the other hand, following the previous structure of maintaining the United States as the center of the international surveillance system, like the Sun in the Solar System, it is important to understand that States with historical disagreements or rivalries with the North American superpower have developed their own intelligence services through annual expenditures in equipment and communication programs.

For being prepared for a possible future attack to their internal communications or confidential information that can become a threat for their governmental or federal institutions; some examples can be the Ministry of State Security (MSS) in China; the Intelligence Directorate (DGI) in Cuba; or the Federal Security Service of the Russian Federation (FSB) in Russia, what is considered to be one of the successor organizations of the Soviet Committee of State Security (KGB), that played a key role during the Cold War, until the collapse of the Soviet Union in December of 1991; after being considered the main superpower of the international arena along with the United States.

The essential purpose of an intelligence service is to provide assistance to the government when making decisions related to the security and defense of the State. Its role is to deliver to the maximum representation of the State; usually the presidential government elected by the citizens through a democratic and legitimate process, or head of the State; with information that has been previously compared, analyzed, and interpreted properly for being capable of directing the agenda of the governmental institutions both national and international. In fact, this information combined political, economic, social, scientific, technological, and military information (Todd & Bloch, 2003). As a result, the intelligence service cannot be a completely independent organization with no ties to the government due to the key role they play when obtaining useful information that can be used for the benefit of the country in terms of security and stability inside the frontiers of a nation.

Furthermore, there has been an evolution as secret services are no longer merely information services dedicated merely to spy, but rather intelligence services that investigate, analyze, and study the information they obtain so that the leaders of the State can make the most suitable decision depending on the circumstances and situation of the country. What means that the answers necessary to address the emerging threats depend less on the quantity of information obtained than they do on the quality, and especially on the adequate appraisal and interpretation of the information.

Once the information has been gathered and analyzed by the secret intelligence agencies, the elected government decide concrete actions that will be carried out by the security bodies and forces of the State to ensure security, freedom and democracy. Additionally, it is key to distinguish the responsibilities between the activities taken by the public authorities to guarantee the rule of law and rights of the citizens, with the activity of intelligence services (Group, 1983).

Besides, the main difference is that secret agencies do not usually investigate criminal acts or violations of the legal system, as their usual goal is to gather information of possible criminals that may threat the interest of the country in both national and international scenarios. However, the truth is that depends on the circumstances and importance of the situation, as every institutional organization is on behalf of the security and protection of the liberties.

4.3. National Security Agency (NSA)

Through the Executive Order 10173 issued by 33rd President of the United States, President Harry S. Truman on November 4, 1952; it was formally established the National Security Agency (NSA) as the successor to the Armed Forces Security Agency (AFSA); which was formed in 1949 to perform signals intelligence activities for the United States Department of Defense (Center for Cryptologic History, 1949). The main objective of the Presidential Political Party was to stop the spread of communism initiated and expanded by the Soviet Union during the 50s; what is considered to be the peak of the Cold War, including an engagement between both superpowers for an armament and ideological race. No better example than Truman's Doctrine of 1947, where president S. Truman expressed the following statement in Washington D.C at the US Congress:

“The United States of America would provide political, military and economic assistance to all democratic nations under threat from external or internal authoritarian forces ... the Congress would provide \$400,000,000 worth aid to both the Greek and Turkish Governments and support the dispatch of American civilian and military personnel and equipment to the region” (National Security Directive 42, 1990).

In other words, President S. Truman thought that if the ideology of communism of the Soviet Union was expanded during the late 40s to Turkey and Greece, then it would be too late to stop what was considered as an ideological virus. Therefore, the NSA was established to assist the United States in maintaining an advantage in the intelligence war and to safeguard the country's national security interests. Since its creation the National Security Agency has been involved in a wide range of signals and intercommunications intelligence activities, including the collection, analysis and through international agreements the use of foreign intelligence material to protect the United States national security interests established in their political agenda.

In addition to its establishment in 1952, the role and duties of the NSA have evolved through time, considered to be an autonomous organization under the United States Department of Defense, with their headquarters located in Fort Meade, Maryland since 1956 as a way of ensuring their independence and security efficiency (National Security Agency, Our Mission, 2022).

Despite having their main headquarters in Maryland, the intelligence agency has been increasing their offices all around the world for obtaining a higher efficiency and control when gathering data. As a consequence, every location where there is personnel deployed of the agency there is a U.S military presence to support and ensure the security of the members of the agency as it is explained in the official website of the organization. Moreover, although most of the locations are classified for security reasons, the organization has published, apart from the main headquarter in Maryland (US General Nakasome, 2018), the location of four cryptologic centers inside the US National Frontiers.

Following the previous statement, the headquarters were first located in Washington D.C and Virginia, but in an effort to unify the agency, the presidential team decided to move the main offices to Fort Meade, Maryland in 1956, place where they still until now.

As explained in the official website of the government, the main offices of the National Security Agency where:

“Over 20,000 employees work for the NSA at Fort Meade, making it the largest employer in the county, one of the largest employers in Maryland, and the largest employer of mathematicians inside our national territory” (The Center for Land Use Interpretation, 2019).

Something that shows the importance of the agency for the leaders of the country, and the efforts they made for creating a stable and efficient organization.

The truth is that is really complex to determine the investment that is done from the governmental institutions, as usually this type of documents are confidential and classified as top secret. However, as democratic countries, the United States is in the obligation of making Fiscal Year Reports to show their citizens an estimation of how the money recollecting through taxes is used in a proper way for the benefit and defense of the country inside the borders of the nation and, also, abroad. As Secretary of Defense Lloyd J. Austin III stated:

“I am proud to join President Biden in submitting the fiscal year 2023 Budget. Our department’s budget will help us continue to defend the nation, take care of our people and succeed through teamwork with our allies and partners ... This \$773 billion budget request reinforces our commitment to the concept of integrated deterrence, allows us to better sequence and conduct operations around the globe that are aligned to our priorities, modernizes the Joint Force, and delivers meaningful support for our dedicated workforce and their families” (Homeland Security, 2022).

5. The Edward Snowden Case

Born on June 21, 1983, in Elizabeth City, North Carolina, Edward Joseph Snowden was raised in an economic family structure where the government was the primary breadwinner. In fact, his father was a Coast Guard officer, responsible for maritime security and countering smuggling and drug trafficking from the Atlantic Ocean. On the other hand, his mother worked as an administrative assistant in the Federal Court of the State of North Carolina. Due to his patriotism and love for his country, he enlisted in the United States Special Forces to fight in the Iraq War in 2004. However, he was released due to an accident since he did not satisfy the minimum requirements and standards to be a member of the military unit, despite his desire (Snowden, 2019).

For this reason, and as a consequence of his scientific expertise and technological knowledge, he was recruited by the CIA, where he worked under diplomatic cover in Geneva, Switzerland, as the person responsible for ensuring the security of computer equipment. After being in Geneva, a new job position was offered to Snowden inside the National Security Agency (NSA), and as explained in his personal biography he was one of the crew on the development of a new way of surveillance:

“During my seven-year career inside the North American Intelligence Community (IC), I participated in the most significant change in the history of American espionage—the change from the targeted surveillance of individuals to the mass surveillance of entire populations. I helped make it technologically feasible for a single government to collect all the world’s digital communications, store them for ages, and search through them at will” (Snowden, 2019).

Due to the United States internet structure control, almost every information or action originated from the world's internet traffic passes through technologies developed, owned or operated by the North American services.

Something that is possible due to the infrastructure and devices, including satellites, fiber cables and servers, from both; public institutions that are totally managed by the government, or even private businesses located in American soil with agreements with governmental institutions. Additionally, and by taking into consideration the American influence in the communication industry, it seems logical the possible engagement of American authorities for initiating a process of mass surveillance, as a consequence of having the resources for doing it. However, it is difficult to demonstrate an illegal practice without proper evidence, and when the government insists and disclaims it, you might be treated as a conspiracy junkie against the system.

5.1. The implications of a new technological world

Since the emergence of the new technologies and the Internet, the entire world has been in the necessity of adapting in a short period of time to a new way of understanding life, especially in developed countries with higher resources, as a result for being more efficient in businesses and during our day-to-day life. Furthermore, through the resources it offers, numerous opportunities have emerged; clear evidence can be observed in the communication industry, thanks to modern innovative software programs and worldwide connections, our society is able to communicate and interact regardless of the place and time of connection. In fact, it is possible to learn and know about a country's political, economic, and social realities simply by using an electronic device and clicking a button through a large number of apps that offer and met the customer need.

Besides, these new conditions may aid in understanding the needs and opportunities that may exist beyond national borders or frontiers, thus creating a space for the development of international companies and fostering the social inclusion of employees around the globe. On top of that, this process can be gathered under the term of globalization, defined by the United Nations as "*Global integration of economies and societies* " (Department of Education and Social Affairs, 2005), and which symbolizes the interaction between societies and trade, something that has contributed to the strengthening of the relationship between nations and international organizations.

However, not everything is positive, there are some disadvantages created from this new world, as today's mass surveillance systems can collect private information from conversations taking place in any nation in real time, all at an acceptable cost and degree of complexity, revealing and exposing any interaction that may be considered or perceived as a threat to authorities. As explained by Edward Snowden, former agent of the National Security Agency:

"The internet is on principle a system that you reveal yourself to in order to fully enjoy, which differentiates it from, say, a music player. It is a TV that watches you. The majority of people in developed countries spend at least some time interacting with the Internet, and obtaining information that will be used or not in the future for their benefit, and without looking after the welfare of the user" (Snowden, 2019).

5.2. The PRISM Project

Everything changed in January 2013, when Edward Snowden contacted Ewen MacAskill, journalist from the British newspaper The Guardian; and Bart Gellman, journalist from the American newspaper The Washington Post; to release exclusive information about the NSA Project conducted by the NSA. Which main objective was to show the large internet companies gave the agency access to their services, including documents, emails, messages, and files in order to obtain private information about the users. Moreover, among those enterprises we can find multinationals like Microsoft, Google, Facebook, and Apple, all of them based and created in the country (The Washington Post, 2013).

As stated by Bart Gellman after the meeting in Hong Kong with Snowden, place where the information was shared, a common statement was created and supported by the people who were on the building in that moment: *"If you build a system that stores data about a person and you know that you live in a country with laws that allow the government to access that kind of information, maybe you shouldn't build that system. And this is the difference between privacy by enactment and privacy by design"* (The Guardian, 2013).

However, it is difficult to imagine that a country with the resources and capabilities for taking operations without the consent and knowledge of their citizens, is going to be restricted internationally or even in their own territory, if they strongly believe it is going to be the best solution and method for the safety of the country. Furthermore, it could be linked with the term of securitization at all costs, the problem is that sometimes the minimum rights that every human being must have as granted is not accomplished, and this is something that needs to be analysed after having a better description of the procedures of the Prism Project.

Moreover, the project was able to create metadata, in other words, it was able to create external information apart from the message itself, that could be even more useful for the agency. Besides, it could vary from the place from when the call was made or the message was sent, to know the devices that were closely connected to your map positioning, providing data of the people you maintained direct contact with while you were using your phone or tablet. In fact, another issue arises when the person is not able to control the external information that is obtained by the system, as the only thing that as humans we can control is our language when speaking or writing (Snowden, 2019). But, through metadata, the information is created automatically through devices that are constantly connected within a system of verified signals with low percentage of error.

As explained by the Director of National Intelligence James R. Clapper, the Prism Project was considered essential for the future of the organization in order to commit the goals established: *“information collected under this program is among the most important and valuable foreign intelligence information we collect and is used to protect our nation from a wide variety of threats. The unauthorized disclosure of information about this important and entirely legal program is reprehensible and risks important protections for the security of Americans”* (National Security Directive 42, 1990).

Regarding the previous statement, the information was obtained through a collaboration among intelligence agencies, and then the data was processed and analysed by specialized systems that was able to create unique signatures of targets, that afterwards would be shared following the indications of the directors in charge of the program.

On top of that, the Guardian leaked the amount that the US Government was paying for obtaining the information, what give us a final amount of \$20 Million per year to multinationals. It is hard to imagine if apart from money, they were receiving any **kind of advantage in regard** of taxation, or useful information that could be essential for a higher market capitalization.

- Amount Paid by the US Government during the Prism Project

JOINING DATE	ENTERPRISE	COST
11 th September, 2007	Microsoft	Classified
12 th March, 2008	Yahoo	Classified
14 th January, 2009	Google	Classified
3 rd June, 2009	Facebook	Classified
7 th December, 2009	Pal – Talk	Classified
24 th September, 2010	YouTube	Classified
6 th February, 2011	Skype	Classified
31 st March, 2011	AOL	Classified
October 2012	Apple	Classified
TOTAL:		\$20.000.000 / per year

(The Guardian, 2013)

5.3. United States' Point of View of the Case

Edward Snowden landed in Hong Kong from Hawaii in June 2013 and proclaimed himself to be the source of the information regarding the enormous spying operation. While a large number of US congressmen publicly demanded his extradition, accusing him of espionage, Snowden reappeared in an interview with the South China Morning Post, where he stated that he wanted to remain in Hong Kong due to the possibility of being tried in his home country, and insisted that the US spied on "*hundreds of thousands of computers*" (Snowden, 2019).

Moreover, the United States formally states that Snowden is charged by the U.S Department of Justice for espionage, theft, and illegal use of governmental assets during June of the same year. Therefore, the North American authorities made a direct contact with the local authorities in Hong Kong in order to create an extradition request after being arrested. This process was going to be based on an order for fugitive offenders of the North American law, and was based on the following statements:

- The Protect America Act of 2007

The United States defended their innocence, as they were operating inside the legality of domestic law, by defining their goal in the official report when the act was approved back in 2007 with President George W. Bush as: "*The Protect America Act Modernizes The Foreign Intelligence Surveillance Act (FISA) to Give Intelligence Professionals the tools they Urgently need to gather information about our enemies, while protecting The Civil Liberties Of Americans*" (The Protect America Act, 2007). A statement that seems to clarify why programs like the one leaked by Edward Snowden were needed in that time, when the United States was fighting the Terror War against terrorism, with partners like the United Kingdom or Spain. However, the truth is that this amendments are of dubious legality, as can be demonstrated in one of the clauses of the report:

"The Government should not have to obtain a Court Order to conduct surveillance on Foreign Intelligence Targets located in Foreign Countries" (The Protect America Act, 2007).

Without a doubt, one statement that can be dangerous for the reputation of a country, especially if gathering information without starting a judicial process. Something that is completely illegal and can be supported by the minimum rights that we have as individuals stated in the Universal Declaration of Human Rights (UDHR) and in the Vienna Convention on Diplomatic Relations.

- Section 215 of the Patriot Act

After the 9/11 attacks, the government implemented several political measures to create a social and political consensus about attacking the enemy at all costs, until they were defeated. For doing so, and as explained previously in the Prism Program, the United States used the main corporation for obtaining valuable information that afterwards, would be used to capture the enemy. In fact, *“According to Section 215 of the Patriot Act, also known as the business records provision, the government was authorized to obtain orders from the FISA Court that compelled third parties to produce “any tangible thing” that was relevant to foreign intelligence or terrorism investigations”* (Snowden, 2019).

What meant, that there was no need in getting agreements with corporation as they were obliged to collaborate for an established common goal by the elected government of George Bush.

- Foreign Intelligence Surveillance Act (FISA)

In relation to the previous Act, the Foreign Intelligence Surveillance Act was approved for National Security purposes in 1978, to address international surveillance of possible threats. However, during the Snowden’s Case, authorities used Section 702 with the following objective: *“Allows the Intelligence Community to target any foreigner outside the United States deemed likely to communicate foreign intelligence information”* (The Foreign Intelligence Surveillance Act, 1978)

Bearing this in mind, the United States is applying a domestic judicial system to take advantage on international situations, something that should not be allowed by the international system. Especially, when there is evidence that the minimum rights of individuals are not respected.

- Fourth Amendment to the United States Constitution

Despite having Domestic Law that protects the interest of the State, since the elaboration of the American Constitution back in 1787, American citizens have the rights expressed in the Fourth Amendment to be considered innocents until there is a judicial order and reason to be prosecuted: *“The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized”* (The Constitution of the United States, 1787).

Besides, this clause follows the international path of democratic states towards the rights of individuals, and it is important that authorities implement Domestic Law within the right interpretation for ensuring that the liberties of the American society is fully achieved.

6. Conclusion

Additionally, once the term of National Security has been defined, it is essential to acknowledge if it can be measured in order to create a comparison between nations. Therefore, United States of America Retired Colonel Philip Katz explains in the book National Security and expert in the field:

“The degree of security is of course relative because it depends on the threat perception of the government leaders of the threatened state, which, though a based on objective considerations and its enemy’s capabilities, is also subjective, depending on the personalities of leaders & morality of the people” (Katz, 1977).

In fact, this relativity is not only from the home government, but also from the external one. Consequently, objective, and subjective situations introduce a new factor in the game, the risk and uncertainty of the possible actions that the leaders of the enemy country could undertake. Moreover, under these circumstances, states apply policies to be always prepared, even despite the fact of having an absence of an external threat, as it could be seen as a consequence of deterrent from the actual policies.

Secondly, if a coalition between countries exists, from an objective viewpoint, your odds in winning a possible conflict will increase. However, no matter how strong is that alliance, the most efficient way of strengthening your capabilities is through the development of national security systems to repel any foreign aggression. On top of that, the physical location of countries has a crucial value on increasing or decreasing the fear of a possible danger. Being on an island, for example, provides the protection of being able to see whether the enemy is approaching. On the other hand, a complete opposite scenario occurs when there exist differences between neighbor countries. In fact, the possibilities of entering into an armed conflict increase. Hence, the reason why the budget on national defense is executed by every nation according to their internal nuances, by strengthening their weaknesses and taking advantage of their opportunities for the benefit of the future of the nation.

Finally, throughout the investigation, and analysis, of the Edward Snowden's Case we have been able to appreciate two different perspectives, both of them supported by whether domestic or international policies, a situation that increases the complexity of the subject of study. Especially when more than one State is involved, and looking forward to obtaining information that could be beneficial for achieving their goals established in their Foreign Policy agenda. Moreover, these two approaches, can be perfectly defined in these two categories: the United States interest in prosecuting Edward Snowden for the sharing and leaking confidential information about the Prism Program, and their ways of operating. On the other hand, the accused individual; also known as Edward Snowden, defends that the mass surveillance program carried out by the program is an abuse from the government and is completely inappropriate.

To start with, and following the order previously established, the United States defends their national security operation under every circumstance, supported by legal domestic jurisdiction; especially through the Protect America Act and Section 215 of Patriot Act that is equally supported by the FISA, to create a system of mass surveillance to control possible threats that may arise or attack the interest of the country.

Therefore, Edward Snowden is considered a traitor for sharing confidential information that can destabilize the image of the country abroad, and consequently, their international figure. Whereas Edward Snowden states that the government of the United States is not respecting the basic rights standards that should be inalienable for every individual, as their unique goal is their own benefit, no matter the consequences. In fact, there are enough evidence to believe that the activities that were taking place inside the National Security Agency did not respect International Law treaties and agreements were almost all the international community are former members, like in the UDHR. In fact, these misunderstandings between domestic and international law, could be seen as normal due to the different objectives and goals from both sides.

However, what does not have any possible defense is when we look for a relationship between the case of Edward Snowden and Diplomatic Law. Something that is considered of high interest as any diplomatic crisis that may arise can perfectly end into an armed conflict between States, as we need to take into consideration that diplomats are the official representation of the State when they are in an official mission. Once the theory has been explained again, it is important to clarify that the incident of the US Authorities with the plane of Evo Morales, is a clear act of disrespect to the international community, as the principle of diplomatic immunity is not granted.

Of course, the United States acknowledged that if they entered the plane, they were not respecting the rights that any diplomat may have, but their national interest is considered more important than what the rest of countries may say. Especially, when the country involved do not have the economic strength to compete with the United States. But, this event, totally changed the perspective of the case. As from that precise moment, the international community knew that the rights of Edward Snowden may have not been respected and therefore, asylum may be granted. A situation that finally happened in August of 2013, when Russia granted temporary asylum to Snowden in their national territory.

It is also quite interesting, that Evo Morales was in a plane due to the fact that he went on a diplomatic mission to Moscow, what means that Russia's honor may have been debilitated when the authorities entered into the plane, as they were not able to ensure protection to a political representation that was visiting their country. Something that combined, created the requirements, for meeting the goal established in the hypothesis at the beginning of the research. In fact, this states that the process followed during the investigation has been coherent and that the methodology used has been effectively applied, as the results shows.

In conclusion, we can confirm that although Snowden not being a diplomat, there are high implications of Diplomatic Law on the final decision of providing asylum to Snowden, who is still living in Russia and was given the Russian nationality in 2020, after seven years in the country. On top of that, what is sure is that the United States has not showed any responsibility to the international arena about the programs that were taking place, maybe its powerful position creates fear in an international system that has been suffering during the last years due to the Economic Crisis of 2008, and with the health crisis of Covid-19, and they might believe that is not the time to create another diplomatic crisis.

Although, it can be perfectly connected to the idea of Realism and the Theory of Securitization; due to the fact that without not imposing any penalty to the United States, we are assuming that some countries are so powerful in the international arena that no matter the activities they realize they are not going to be punished for it. In fact, this could have created a political turmoil if the society was more conscious about the topic. However, after months of being in the front page, media started to look for other piece of news, something that demonstrate the impact that the United States has. Especially, when the most powerful communications multinationals have been involved in the scandal. But, despite being part of it, they have been able to maintain their customers and brand loyalty.

In fact, I consider that a clearer outcome of the Case should have been applied by authorities. Especially, regarding law statements that are part of the rule of law in the International Relations field.

Even more interesting is the position that countries adopted when the information was leaked, as most of them condemned the situation but without interfering in the actual process. What seemed to be more an advice or consideration, rather than a public condemn with economic sanctions to be paid by the North American country. In relation to this, and as I introduced before, the international system has developed a methodology towards countries with common ties, defend their partners although they might actually think that what they did was not appropriate. In other words, the intentionality of defending and supporting my ally at whatever cost, and whatever decision he made, unless it is against my interests.

What means that we are right now in a world where each countries seek and look for their own benefit, and for maintaining their status in the international system. While international organizations are not capable of dealing with this situation, as in determined situation, those countries with higher interest in maintaining their positioning in the international arena have the power of veto, such as in the Security Council of the United Nations, that prevent them for being threatened by external forces or nations. However, it is our obligation as citizens to seek for a better place to live in, and for fulfilling it fair and equal law statements need to be arranged and ratified by every country with no exceptions.

Furthermore, it is clear that this topic is not going to be part of their political agenda, as the government in power is not going to be looking forward to losing a privilege position inside the international arena. Nonetheless, the way of achieving it is through social awareness. As in fact if States are powerful inside the system is because, in democratic countries, the people have made use of their vote to establish what they consider to be the most appropriate representation of their values within national and foreign policies. Therefore, if citizens believe that their minimum rights are threatened then, the best way of solving this situation is to be sure that the government in power knows that their citizens, or voters, do not support the measures taken by the Department of Defense, what can actually mean an unexpected change of results in elections.

On the other hand, another possible solution to avoid this kind of situations in the future is that international organizations create and ratify clearer law statements about international mass surveillance, as need to be recollected under the precise words. Otherwise, the country who use its practice will fight to find legal holes to take advantage and not be guilty of the accusations.

As it is impossible to be disconnected in a technological world, however through education we can provide citizens the necessary tools for using the internet and technological devices in a proper way to avoid possible misunderstands in the future that may affect you in a wide variety of ways, not only in economic terms, but also in psychological and social terms. But is not only a task for schools of universities, as in your home, families should defend a proper and safety use of the technology, especially nowadays, when we start to use devices since we are young as part of our development.

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