

## **Accountable Intelligence—The British Experience**

*by*  
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This review of the British approach to accountable intelligence argues that the main weakness of the approach is the absence of adequate bureaucratic and political controls. Critics of the traditional British approach would be most unwise to focus attention on the problem of *external* control, public accountability, to the neglect of the more mundane, but potentially more effective, requirement for better management of intelligence. Successive British governments have reacted to "scandals," failures and breaches of security by a series of patchy and inadequate attempts to create a proper structure for ensuring that intelligence fulfills the needs of a modern state. This is particularly true in the domestic sphere where existing arrangements do not even conform to traditional criteria of adequacy such as ministerial responsibility. Such inadequacy has led to a form of accountability by "leaks" which is detrimental to the efficiency and morale of the intelligence services.

Britain has not experienced the "irresistible" demand for greater accountability of intelligence which the United States experienced in the 1970s. The reason for this can be found in two areas. One is the traditional British attitude towards public discussion of intelligence which is best exemplified by the view that the only realistic choice facing an intelligence service is between total secrecy, the suit of armor, and the fig-leaf, anything short of total secrecy. The second is the nature of the scandals associated with British intelligence. The first of these will be demonstrated by many examples in the body of the text. The second is dealt with below.

In the UK, the main scandals associated with intelligence have concerned penetration by agents of the Soviet Union. This is quite different from the concerns with covert action and domestic abuse of intelligence which generated demands for accountability in the US. Even the recent allegation that MI5 was 'plotting' against a Labour Prime Minister, Harold Wilson, has done little more than arouse a certain degree of public curiosity, perhaps because the 'plot' is not seen as affecting the public but only politicians.<sup>1</sup> Of course, it would be quite wrong to make such an assumption since a plot to overthrow or damage an elected government affects the very fundamental right to determine, by election, who rules. Similarly, the accusation that British intelligence has been engaged in a campaign of 'dirty tricks' in Northern Ireland also tends to arouse little public anxiety since it is assumed that Northern Ireland, because of terrorism, is in a unique situation.<sup>2</sup> So far, despite the hopes of the critics and reformers, no scandal has been interpreted by a majority of citizens or Parliamentarians as sufficiently wide-ranging or serious to warrant fundamental change in the traditional approach to intelligence services. The suit of armor has been chipped and dented in places but no can-opener has yet been found. Thus, the fundamental

issue which, for the last forty years, has brought intelligence into public discussion remains the accusation that British intelligence has been penetrated by agents of the Soviet Union. However, this form of 'scandal' leads attention toward issues such as recruitment, counter-intelligence and management and not toward the *use or abuse* of intelligence whether for domestic or foreign policy purposes. In the United States the concern over the use of intelligence led to the debate on accountability focusing on two areas: the need to ensure proper constraints on intelligence activity and the need to monitor performance. Neither of these has, as yet, emerged in Britain as a major focus of disquiet.

One further reason why this is so is the British attitude to the American reforms of intelligence. In so far as Ministers or former Ministers have expressed a view on the effect of the various US reforms of intelligence such views have been negative in nature.<sup>3</sup> The British attitude is that there is little to be gained if inquiries only produce evidence of past abuse at the expense of the present and future security of the state. This posture may well be considered somewhat complacent in that revelations of past errors may well lead to improvements in future performance but there seems no doubt that there would be little support from those with experience of the activities of the British intelligence services for the kind of inquiries undertaken by the US Congress in the mid-1970s. When it was suggested that the present government undertake US style reforms the Prime Minister's reply was as follows: "I do not answer for the United States, but I ask him [the questioner] to consider which has the more effective security service [prolonged laughter]." The laughter of MPs, one assumes Conservative members enjoying the Prime Minister's reply, may seem less than justified to a North American audience but it does reflect two important attitudes: the confidence of the Government that it and it alone is responsible for the activities of the intelligence services, and the opinion that the experience of the United States over the last ten years has been anything but salutary.

In Britain, the concern with security has led attention toward the "old boy network," the effectiveness of positive vetting, and the degree to which secrecy prevents adequate investigation of the extent and depth of Soviet penetration. Not only is the origin of the demand for greater accountability different, so is the solution offered. In the United States the desire to restrict intelligence led to the passing of a variety of laws and executive orders, as well as the creation of oversight committees in Congress. New laws or guidelines, quite understandably, have not been seen in the UK as priority items in helping to solve the problem of Soviet penetration. The UK has also not seen the US efforts to improve intelligence performance through cuts in manpower, and discussion of collection priorities and of the value of covert action, as a part of the solution to hostile penetration. The US measures were designed to affect intelligence operations, something which has not been, so far, an issue in Parliament or elsewhere. In comparison, the British demand for accountability has been tame, focusing on the creation of a group of 'wise men' whose task it will be to act as the secret 'public' watchdog. It is highly

debatable, however, whether such a committee would be the most effective or relevant solution to the problem of hostile penetration of intelligence services or indeed to some of the other, more recent, anxieties. Public accountability cannot be effective unless and until the British intelligence services are part of a proper system of management and political control.

However, before considering possible reforms it is necessary to review the traditional conception of accountable intelligence in the UK. Traditionally, intelligence services have only been accountable to the Crown, or to its modern counterpart, the elected government. The existence of secret services has not even been acknowledged, so secret are their activities considered. Until recently the only form of public acknowledgement that such activities took place was the annual voting of monies for secret state activities in the form of the "Secret Service Vote." This annual ritual has been in existence since 1797 although the amount of money voted has not accurately reflected the amount actually spent on secret activities.<sup>5</sup> The fact that for many years the only 'official' glimpse of the secret world allowed to Parliament and the public concerned the budget may strike many as unusual since this is an area of traditional secrecy even in the more open United States. The origin of this curious ritual lies in the fact that Parliament has always treated control over the public purse as its first and most important right and, it must be stated, because the annual vote posed little threat to true secrecy because of the practice of utilizing revenue from other sources.

Parliament has normally been prevented, on the few occasions when it has sought to express an interest in doing so, from discussing intelligence because of the rule that questions on "security matters, including the operation of the security services" are excluded by the Speaker of the House.<sup>6</sup> The Speaker of the House of Commons is the final authority on the admissibility of questions and he has ruled that questions on certain secret matters, such as the activities of the Secret Service, are not in order.<sup>7</sup> Furthermore, members of Parliament are only allowed to ask one written question on the same topic in any one year. This rule means that any written question on security matters, even if it has had a one word answer, "No," cannot be raised again in that session.

Ministers have only considered debate on intelligence topics to be legitimate on the occasion of an intelligence scandal such as the discovery of espionage. Only when the existence of treachery has been revealed by the holding of a trial or by diligent journalism has the government felt unable to resist the pressure for Parliamentary discussion. The principle has been that no Minister should reveal any information concerning the secret services except when forced to do so by *external* circumstances. It has even been claimed that Ministers have resisted requests from within the secret services that some public acknowledgement be made of their successes.<sup>8</sup> However, even when debates have occurred following a security scandal they have focused more on the handling of the affair, the role of the government in handling the consequences of treachery,

than on the organization or activities of the intelligence services. Only the most general statements have been made by Ministers or former Ministers, of whichever party, on the activities or organization of intelligence. For example, during the debate which followed Mrs. Thatcher's admission of the treachery of Anthony Blunt statements typically took the following form:

Clearly the public services are an attractive target for Soviet penetration and the Security Service especially so . . . . Procedures for recruitment, vetting and monitoring members of the public services who have access to classified information have been much extended and improved [since 1940].<sup>9</sup>

I can tell the House—there is no reason why it should not have been said earlier—that my right hon. Friend the then Home Secretary did change the nature of recruitment into the Security Service and the way in which it was conducted.<sup>10</sup>

Details are conspicuous by their absence. There was no statement on the nature of previous recruitment procedures or on the current practices, merely a statement that people do get recruited and that things have changed. The only principle given any degree of elaboration is that concerning the role of Cabinet Ministers and their relationship to the secret services, a point which will be considered further below. Parliamentary debates then, when they do occur, are either concerned with the role of Ministers or contain very general and bland statements concerning the nature of the secret services.

The only other avenue of investigation open to Parliament is by means of a Committee. However, the only Committees to have even flirted with these issues have been those dealing with Public Records and the Special Branches of the Police Force.<sup>11</sup> No Committee has ever investigated either of the Secret Services. Whenever this has been suggested it has been rejected by Ministers of whichever party has been in office. The grounds for such rejection have been that no one other than a Minister can develop the trust with the Secret Services which is so essential to ensuring the free flow of information. It is argued that no Committee of the House could hope to achieve that essential trust. As Merlyn Rees, a former Home Secretary and Secretary for Northern Ireland has expressed it:

What is going on should be banded [sic] about from day to day. If it is, it washes back on to the service concerned and its members behave almost in the way that public opinion expects them to behave. To come to this House and justify the detailed activities in what one is doing would be wrong, and it would not work.<sup>12</sup>

In other words, Parliament, or a Committee of Parliament, would merely "politicize" the intelligence service and destroy its independence in defending the realm. Public discussion is feared not only because of its

effect on maintaining secrecy but because of its effect on the quality of the intelligence product. Only when intelligence is seen as a profession which carries out objectives greater than those of any one Minister or government can it keep the trust of the people. For British governments the danger of intelligence being seen as a tool of government, rather than as an independent agency defending the realm, has been a greater danger than the secret abuse of power.

As far as the UK is concerned, the most important sense of accountability has always been the accountability of the secret services to Ministers. However, there are grave doubts as to the adequacy of this mechanism. This is not merely because of the secrecy which it implies but because of its implications for the degree of control exercised over intelligence activity and organization. Ministerial control can only be considered adequate if the mechanisms exist which make such control a reality. A statement that Ministers exercise control cannot be persuasive if the public is unaware of how this control operates in practice. This constitutional device is only credible in this, as in any other sphere of government activity, if the principles and organizational structures which give effect to the control are available to Parliament and therefore to the public.

The question then arises of whether, for each of the intelligence services, the mechanism are adequate. In the case of the foreign intelligence service, the Secret Intelligence Service (SIS), or MI6 as it is more commonly known, no official inquiry on its activities or organization had ever been made until the Report of Lord Franks into the Falklands Islands.<sup>13</sup> However, even in the Franks Report the statements made on intelligence were of a very general form such as:

On operational matters relevant to our review the agencies report to the Foreign and Commonwealth Office, but they serve the government as a whole and their heads have a right of direct access to the Prime Minister.<sup>14</sup>

The message is that although intelligence is a part of a Ministry, in this case the Foreign and Commonwealth Office (FCO), the primary responsibility of the intelligence services is to collect information on behalf of the State as a whole. The tasking of SIS is not a matter for any one Minister but for the government as a whole. This principle does, however, create difficulties. Although independence from daily 'interference' by a Minister is seen as desirable because it is more likely to produce independent assessments it may also mean that the needs of decision makers are not being met. This is a dilemma familiar to US intelligence specialists. Is collection or analysis to be driven by the requirements of the President or by the interests and expertise of the intelligence agencies?<sup>15</sup>

Britain has failed to address this issue and has retreated behind a change in the appointment of the chairmanship of the Joint Intelligence Committee (JIC), from the chair automatically being taken by the FCO representative to the chairman being appointed directly by the Prime

Minister.<sup>16</sup> This amounts to only a partial recognition that a problem exists, since it fails to answer the key question of whose needs intelligence is designed to meet. Intelligence can never be 'independent' since it will develop its own preconceptions and interests even when Ministers are quietist. Putting the issue another way—whose preconceptions are to rule? Even if a Minister takes a 'hands-off' approach and even if this produces more independent or objective assessments, these assessments are likely to be unread because they are not geared to his needs or preconceptions. There are arguments that the more activist relationship between Ministers and the intelligence community implied by greater Ministerial control of intelligence may not only improve public confidence but improve the quality of the intelligence product. Any loss of 'objectivity' which derives from the loss of 'independence' by the intelligence services may be more than made up by an increase in the utility of the intelligence product to Ministers—especially if one believes that 'independence' is no guarantee of objectivity anyway.

A similar problem arises in the case of the Security Service (MI5). The Directive issued in 1952 by the Home Secretary, Sir David Maxwell Fyfe, to the Security Service stated that:

1. In your appointment as Director-General of the Security Service you will be responsible to the Home Secretary personally. The Security Service is not, however, a part of the Home Office. On appropriate occasion you will have a right of direct access to the Prime Minister.<sup>17</sup>

This paragraph was interpreted by Lord Denning in his Report on the Profumo Affair as meaning:

- (1) The Head of the Security Service is responsible directly to the Home Secretary for the efficient and proper working of the Service and *not* in the ordinary way to the Prime Minister. [Emphasis in original.]

- (2) The Security Service is, however, not a department of the Home Office. It operates independently under its own Director-General, but he can and does seek direction and guidance from the Home Secretary, subject always to the proviso that its activities must be absolutely free from any political bias or influence.

. . .

- (4) The Head of the Security Service may approach the Prime Minister on matters of supreme importance and delicacy, but this is not to say that the Prime Minister has any direct responsibility for the Security Service. He has certainly none in day-to-day matters. It would be a mistake for the Prime Minister to take such responsibility because he cannot in practice exercise adequate supervision, and he has not the secretariat for the purpose.<sup>18</sup>

In many ways the above is a masterpiece of obfuscation. The Security Service is a part of the Home Office but only for limited housekeeping purposes. The Director-General can report to the Prime Minister but

need do so only when he sees fit since the Prime Minister does not have the resources to monitor the Security Service. Finally, the seemingly impossible is to be achieved by keeping the monitoring of domestic subversion free from political bias or influence! The only conclusion which can be drawn is that in operational matters effective control lies with the Director-General himself. The statement that the Prime Minister has "no secretariat for the purpose" is the most interesting of all. In the case of foreign intelligence it is clear that the Cabinet Office is the central institution for coordinating intelligence collection and for carrying out the analysis of the information collected. There is a structure, the JIC, which deals with tasking, analysis, and dissemination of the product, but no equivalent mechanism has *ever* been claimed for domestic intelligence.<sup>19</sup> Without such a structure for domestic intelligence it is very hard to accept that Ministerial responsibility is a reality.

It is clear that in so far as there are mechanisms for the control of intelligence services they lie within the Cabinet Office and not particular Ministries. The Cabinet Office includes: a Security Coordinator (whose functions have never been officially described); the JIC and the Current Assessment Groups; and Cabinet Committees such as the Ministerial Group on Intelligence headed by the Prime Minister, the Official Committee on Intelligence, and the Official Committee on Security, the latter two being chaired by the Head of the Civil Service. Only one of these Committees, the Ministerial Committee responsible for the budget and overall policy, is actually chaired by a Minister.<sup>20</sup> It is worth commenting that the existence of these Committees, their chairpersons and functions, are all a state secret. The organization of the Cabinet Office is only publicly available because of the investigative work of the former *Times* journalist, Peter Hennessy.

This description shows that the mechanisms for the political control of intelligence do not even satisfy the minimum criteria for accepting that Ministerial responsibility is a reality. However, there exists a body with potentially wide powers of investigation, reporting, and criticism in the form of the Security Commission. The Security Commission came into existence in 1964 and has the function of acting as an independent review body after a breach of security has occurred. Its primary mandate is to investigate and make recommendations after a breach of security has been brought to light by a Court case or by some other public incident such as a defection. It can only undertake such a task when requested to do so by the Prime Minister; it cannot initiate investigations at its own behest or at the request of Parliament. Parliament is able to put pressure on the Prime Minister to hold some form of inquiry but not to insist on its form or to determine its terms of reference.

The Security Commission was created in January 1964 by the Prime Minister, Sir Alex Douglas-Home, in consultation with the Leader of the Opposition, Harold Wilson, following a series of scandals and inquiries concerning security culminating in a debate on the Profumo Affair. In the debate on Lord Denning's Report on Profumo the main reason given for the creation of a standing commission on security was that the setting

up of a Tribunal of Inquiry was too cumbersome a device to be reasonable in any but the most serious cases.<sup>21</sup> A Tribunal is a quasi-judicial body whose proceedings have the appearance of a trial. It was felt that this was not necessarily fair to those individuals being investigated since it might damage their reputations without offering those individuals any recourse and that therefore a less judicial approach would most often be appropriate. Furthermore, a Tribunal is obliged to operate, to some degree, in public which poses particular difficulties in security cases.<sup>22</sup> The government therefore argued that a permanent body of investigators with experience of security and appointed by the Prime Minister would be a more appropriate investigating body.

The Leader of the Opposition argued during the debate concerning the above that, although he was sympathetic to the idea of a standing commission on security, he would rather that such cases were dealt with by a Select Committee of the House of Commons.<sup>23</sup> Such a Committee would have the advantage that it could operate in private, call for witnesses and papers, and avoid being seen as a "trial" of persons with the risk to reputations which such a process implied. He also rejected the criticism that a Select Committee would inevitably be partisan and divide along political lines. Wilson clearly implied that the Executive should not be able to escape from its responsibility to the House by hiding behind the skirts of the judiciary. However, most members on the government benches argued that such a Select Committee would be bound to divide on party lines and that this was not the best way of arriving at the truth in security cases which are not partisan matters in their nature but concern the defence of the realm. A few days later, however, the concept of a Security Commission was accepted by the Leader of the Opposition as a desirable step provided all references to the Commission were made known to the House, and provided it did not curtail the right of the House to debate and question Ministers.<sup>24</sup> The Security Commission, a non-statutory body, came into being in January 1965.

The Security Commission described its terms of reference in June 1965 in the following manner:

to investigate and report upon the circumstances in which a breach of security is known to have occurred in the public service, and upon any related failure of departmental security arrangements or neglect of duty.<sup>25</sup>

The Commission is composed of individuals, currently seven, with relevant experience of government service. Its Chairman is always a retired judge and other representatives are drawn from retired members of the Armed Services and Civil Services. A panel is then drawn from those available to carry out any particular investigation. The reports of the Security Commission are the best single source on the management of the British intelligence services officially available.<sup>26</sup> Their reports are surprisingly detailed as to the circumstances which led to a breach of security, the behavior of the relevant departments including the intelligence services, and the recommendations made for changes in practice. A good example of the capacity of the Commission to be independent of the



government is its Report on Michael Bettaney.<sup>27</sup> This was the first time the Commission had had to investigate a breach of security involving an MI5 officer and it utilized the opportunity to extend its investigation beyond the immediate circumstances of Bettaney's treachery. The Prime Minister had asked the Commission to investigate the circumstances in which "breaches of security have or may have occurred arising out of the case of" Bettaney and to suggest any changes which may be desirable or necessary. In fact it considered evidence from members of the Security Service:

of a more general character relating to the internal organisation and management of the Security Service. Some of this evidence, coming from both present members of the Service at various levels and from former members, has been highly critical. In the unusual circumstances of this investigation we thought it appropriate to encourage witnesses to express any criticisms they had on this subject with complete candour and to assure them that any criticisms adopted in our Report would not be attributed to individuals.<sup>28</sup>

The Report thus contains general conclusions on the management of the Security Service and makes the following striking statement:

No doubt security considerations dictate that the Service should be to a large extent a *self-contained and substantially autonomous organisation*. But the very fact of the Service's comparative isolation makes it more important that those responsible at the higher levels for management should maintain a self-critical attitude and be constantly alert to the need to keep the Service's organisation, practices and procedures under review.<sup>29</sup> [Emphasis added.]

The Report goes on to criticize the Director-General of the Service for his failure to meet the substance of the recommendations concerning management structure and practices in his published reply to the Commission's criticisms. The Commission comes very close to accusing the Director-General of complacency when it states, "The commentary [by the Director] on the individual recommendations seems to amount, in effect, to a claim that existing practices in the Security Service already meet the substance of the requirements [on personnel management] . . . . We cannot accept that this is so."<sup>30</sup>

The Commission has shown itself to be a very useful mechanism for reviewing the management and organization of the secret services but it only operates after the fact. It has only been asked to report on breaches of security which have come to light and it has no role as a permanent review body. However, the fact that the Commission has normally operated only after the fact is not as serious a defect as it may appear. To some degree the Commission's effectiveness depends on the number of such breaches which occur and unfortunately such breaches have not been in short supply. As a result we have a range of reports covering security in GCHQ, the

Defence Intelligence Service, the armed services, various Ministries, and the Security Service itself. It is doubtful whether a review body acting at the behest of Parliament would have covered a wider range of government agencies. The main difficulty arises over the Commission's terms of reference. It is confined to reviewing breaches of security and therefore it does not deal with operational efficiency or effectiveness. Neither is there any obligation on the Government to accept the conclusions or recommendations of a report although the Government normally indicates which it accepts and which require "further thought," a euphemism, one suspects, for rejection.

Another aspect of the Commission's work is that it has been used for purposes broader than those originally outlined to Parliament in 1964. For example, Mrs. Thatcher used the Commission as a means of dealing with the accusations of Soviet penetration contained in Chapman Pincher's *Their Trade is Treachery*. This book claimed that the former head of MI5, Sir Roger Hollis, had been a Soviet agent. The Prime Minister in her statement to the House on 26 March 1981 said that she had decided to ask the Security Commission to undertake a review of "security procedures and practices currently followed in the public service."<sup>31</sup> This was an unusual use of the Security Commission since it was not being asked to examine any specific breach of security. No "known breach of security" was accepted as having occurred, since Mrs. Thatcher has never accepted that the evidence against Hollis is persuasive or conclusive. The only conclusion which can be drawn is that this review was a means of deflecting criticism that no mechanism existed whereby dissatisfied members of the intelligence community could communicate their grievances or anxieties over Soviet penetration. Perhaps she hoped that such a device would deflect the 'young turks' from going public or pressing their demands for a thorough investigation in private. In this, it seems to have failed. The Report of the Commission was not published, although a White Paper summarizing its conclusions and recommendations was released in March 1982 with no detail provided.<sup>32</sup> The White Paper provoked little Parliamentary or public interest but this may have had more to do with the timing of publication, in the midst of the Falklands crisis, than with its content. However, this use of the Security Commission as means of allowing criticism to be aired from within the intelligence community without such criticisms becoming public is unsatisfactory.

Britain has introduced, in November 1987, a part-time 'Ombudsman' for the intelligence services. Sir Philip Woodfield, a former senior civil servant in the Home Office and Northern Ireland Office, will be available for consultation by any member of the intelligence services who "has anxieties relating to the work of his or her service."<sup>33</sup> This new move is in response to the complaints of former members of MI5 such as Michael Bettaney and Cathy Massiter, that there was no independent person whom they could approach to discuss their personal or ethical problems. This is a welcome step<sup>34</sup> although it is difficult to judge the extent to which Sir Philip will be effective. It is certainly desirable that an avenue for consultation exists but the creation of a part-time

ombudsman is not the equivalent of the US Inspector General of the CIA or the President's Foreign Intelligence Advisory Board to whom complaints of impropriety can be made. The US has formal and legal structures which can review complaints and their requests that *action* be taken have the authority of the law or President behind them. In the case of Sir Philip, he is dependent upon good will and his effectiveness will depend upon his developing good relations with the Cabinet Secretary and the Directors of the intelligence services. His role will depend upon his personal skills as a member of the civil service machinery. It is typical of the British approach to these matters that it has once again adopted an *ad hoc* solution which depends upon personal qualities and contacts for its success rather than the creation of more formal management structures. The obvious danger with this approach is that Sir Philip will quickly become "co-opted" by the civil service so that he will cease to be seen by members of the intelligence services as independent. However, one should never underestimate the significant impact which strong personalities can have on the British civil service and it may well be the case that Sir Philip can be more than just a 'sounding board' and that he can actually bring about changes in the practices which lead to people expressing anxieties.

The Security Commission is a major and underestimated aspect of accountable intelligence although it is inadequate in at least three areas: it has a narrow focus of interest, breaches of security, which excludes such matters as intelligence requirements; it cannot initiate inquiries on its own behalf; and the content of its reports can be withheld on the grounds of national security, a decision solely determined by the government. Although it has played a very useful role in pointing to specific areas where the management of intelligence requires improvement it is not a substitute for adequate internal mechanisms for the management of intelligence.

The final section of this paper deals with the reforms demanded by various groups and individuals who seek to make intelligence more accountable. The most comprehensive set of proposals is that produced by a Labour Party study group in a document entitled *Freedom and the Security Services*.<sup>35</sup> Although the document contains many ideological assertions concerning the secret services it does make some recommendations which have been embraced by a wider section of opinion than those who believe in conspiracy theories of history. The two most important recommendations are first, to increase the role of Parliament in dealing with security matters and second, to enact legislation placing intelligence work on a statutory basis.

The first of these recommendations would be given substance by creating a Select Committee to review intelligence activity. The members would be drawn from the House of Commons and would have the power to decide what was heard in private session and what in public. The rules on Parliamentary questions would also be altered to require Ministers to reply to questions even though their answers may be brief and uninformative. It is argued that any answer is better than an outright refusal to

reply. The document also suggests that the accounts of the intelligence services be brought under the scrutiny of the Public Accounts Committee and the Comptroller and Auditor General although it also states that publication of such accounts would be a matter for the Committee to decide.<sup>36</sup>

The second recommendation involves the creation of a new statute governing the "security services," a Security Act. The use of the plural "services" is puzzling and seems to indicate some confusion over the different functions performed by secret services, internal security and external espionage. In fact almost all of the recommendations refer to the Security Service and not to SIS. The only aspect of SIS which is the subject of specific comment concerns the desirability of the new Select Committee reviewing British covert action or intervention in the hope of making such work less biased against Third World liberation movements and socialist governments.<sup>37</sup> The Security Act would require that Ministers report annually to Parliament on the activities of the services for which they are responsible. The content of the reports, it is argued, should cover such topics as the number of surveillance operations carried out and telephone taps authorized. Finally the Act would clearly define the structure of Ministerial and Prime Ministerial responsibility for the intelligence community.<sup>38</sup>

However, it is very unlikely that such a comprehensive blueprint for intelligence will ever come into existence given the amount of valuable Commons' time it would take for a bill to become law. Other matters are likely to be given a higher priority unless there is a scandal of such proportions that the time has to be found. The accusation that there was a conspiracy within the Security Service against the government of Harold Wilson is the only immediate candidate that could play such a role although Margaret Thatcher has so far resisted demands that an independent inquiry into the allegations be held. However, the main criticism of the document is that it is highly derivative, merely selecting bits and pieces from overseas practice, with little or no real understanding of how British intelligence may be made better able to serve the needs of the contemporary state. It appears that those members of the Party with some experience of intelligence decided to be relatively silent members of the Committee or decided not to participate in it at all.

The only other serious suggestions for reform have come from the historian of intelligence, Christopher Andrew. In an article in *International Affairs* he argued that there are three reasons for greater openness towards intelligence: to reduce the possibility of abuse of power; to convince the public of the necessity of intelligence; and to improve the efficiency of intelligence services.<sup>39</sup> The implementation of greater openness could be achieved by opening the historical record, by having a government more open in its statements to Parliament, and by creating a committee of Privy Councillors to monitor the activities of the intelligence community. He contends in *Secret Service* that the government cannot now argue that this is "unthinkable" since just such a device was used after the Falklands crisis to carry out an investigation into the origins of the crisis which included intelligence.<sup>40</sup> He points out that four of the six members

of the Committee were either members of the Lords or Commons and that they were subject to no reservations in their access to personnel or papers. As well as these arguments from principle and precedent Andrew also points to overseas practice as providing convincing evidence that oversight is not incompatible with effective intelligence. Not only has the United States adopted some form of oversight but so also have Australia, New Zealand, and Canada.<sup>41</sup>

However, one criticism that can be made of both these approaches is that their fire is misdirected. The first priority must be effective internal control with the desirability of external control, whether through new laws or committees, coming second. Oversight is no substitute for adequate internal mechanisms for ensuring effective and efficient intelligence. Of course, it will no doubt be replied that no one is suggesting that the one is a substitute for the other but this does not meet the criticism that the focus on external review is a diversion away from the much more important issue of everyday bureaucratic organization. Oversight must be seen in its proper place, as an adjunct to everyday legal, political and administrative structures.

The problem can be expressed succinctly although solutions are more difficult to achieve. What system of internal management of the British intelligence services is more likely to produce "good" intelligence? In order to provide an answer two key points must be borne in mind. The first is the nature of the tasks which such services are expected to perform and therefore the capacity and powers necessary to accomplish those tasks. The second concerns the extent to which Ministers are aware of the type of intelligence they require. Only after these issues have been dealt with can one consider what form of legal and constitutional safeguards are necessary to insure democracy and liberty. Placing this task at the end of the process does not mean that it is of lesser importance, although it can be argued that it should logically precede the others. It may be that it is impossible to have the kind of capacity one needs to fulfill the requirements of Ministers because this would be at too great a price, but it is quite absurd to define good intelligence as intelligence without abuses.<sup>42</sup>

To place the discussion of the requirements of democracy and liberty prior to an examination of intelligence requirements is to risk constructing safeguards for an instrument which performs no useful tasks whatsoever. No engineer would build a new machine by beginning with the question of how to minimize the risk of harm to the public before deciding what kind of machine best meets the public's needs. Engineers design machines and then build in safety measures; only if such measures are impossible do they abandon the project. It would be more honest if some of the critics of intelligence abuse admitted that they would rather the machine did not exist rather than asking the State to design a 'safe' intelligence service before discussing why it exists at all. The traditional discussion of these issues has too often been focused on democracy "versus" intelligence, and accountability rather than management. It is time to recognize that until the issues of intelligence requirements and

management are discussed little sensible discussion of safeguards and accountability can take place.

In this essay it has been argued that in Britain the issues of intelligence requirements and management have not been adequately discussed and that it would be a grave error if the focus on external review, so-called public accountability, was allowed to obscure the real issue. There is bound to be a temptation when dealing with the secret world of intelligence to believe that secrecy is the main problem but I believe that there is enough public information to know that the relationship between Ministers and the intelligence community is inadequate. Ministers do not manage the intelligence services and they do not appear to be aware of the kind of intelligence they require. These, and not accountability in the more usual sense of the term, are the real problems of British intelligence. It should not be possible for anyone to state, as the Security Commission has done, that a part of British intelligence is "to a large extent a self-contained and substantially autonomous organisation."

#### Endnotes

1. The allegation that such a plot took place is made by Peter Wright in his book *Spycatcher* which is the subject of court proceedings. A British newspaper, *The Independent*, published some details of Wright's allegation on 27 April 1987.
2. Such accusations have been made by 'a former MI5 undercover agent', James Millar and by two former British Army Intelligence Officers, Colin Wallace and Fred Holroyd. See *The Sunday Times*, 22 March 1987.
3. Merlyn Rees, a former Labour Party Home Secretary and Northern Ireland Secretary, stated that, "I do not think that the American security service arrangements - I have to choose my words carefully - have been exactly successful in recent years," House of Commons Debate on Anthony Blunt, 21 November 1979, *Hansard* col. 417. Jonathan Aitken, a Conservative MP, while attempting to propose the merits of the US system, was interrupted by a fellow Conservative, Raymond Whitney, in the following terms, "Is my hon. Friend aware that, whatever else the committee [The Congressional Select Committee on Intelligence] may have done to reassure the American public, the moves have effectively destroyed the American intelligence services," *ibid.*, col. 446. I feel that the sentiments expressed by Mr. Whitney were more representative of the Government's view than those expressed by Mr. Aitken.
4. Comment made during Prime Minister's Question Time by Mrs. Margaret Thatcher, *The Times* report on the preceding day's Parliament, November 15, 1987.
5. For a discussion of the financing of British intelligence and the Secret Service vote see, Eunan O'Halpin, "Financing British Intelligence - the evidence up to 1945," in K.G. Robertson (ed.), *British and American Approaches to Intelligence* (London: Macmillan Press; and New York: St. Martin's Press, 1987).
6. *Erskine May's Treatise on the Law, Privileges Proceedings and Usage of Parliament* (20th ed.; London: Butterworths, 1983), p.342-3.
7. *Ibid.*, p.343.
8. Christopher Andrew, *Secret Service* (London: Heinemann, 1985), pp.500-501.
9. The Prime Minister, Debate on Blunt, 21 Nov. 1979, *Hansard*, col. 408.
10. James Callaghan referring to his period as Prime Minister between 1976 and 1979, *Hansard, ibid.*, cols. 506-7.

11. House of Commons Education, Science and Arts Committee (Session 1982-83), *Public Records: Minutes of Evidence*; and Home Affairs Committee (Session 1984-85), *Special Branch*.
12. Debate on Blunt, House of Commons, 21 November 1979, Hansard col. 418.
13. Lord Franks, *Falklands Islands Review* (London: HMSO, 1983), Cmnd. 8787.
14. *Ibid.*, Appendix B, para. 16.
15. This is the main theme of Roy Godson (ed.), *Intelligence and Policy* (Lexington: Lexington Books, 1986).
16. This change was recommended in the Franks' *Falklands Islands Review*, para.319.
17. Lord Denning's Report, *The Resignation of Mr. Profumo*, (London: HMSO, 1963), Cmnd. 2152, para. 238.
18. *Ibid.*, para. 239.
19. The only public statement on this matter is the following, "The Metropolitan Police Special Branch is responsible for the assessment of intelligence about Irish Republican extremism and terrorism in Great Britain," para. 13 of the Home Office Guidelines on Special Branch which were tabled before the Home Affairs Committee on Special Branch, p. xii.
20. Peter Hennessey, "Whitehall's Real Powerhouse," *The Times*, 30 April 1984.
21. Statement by the Prime Minister in the debate on Security and the Denning Report, House of Commons, 16 December 1963, cols. 859-861.
22. See, for example, the anxieties expressed by a backbench MP in the debate, *ibid.*, cols. 881-2.
23. Debate on Security and the Denning Report, *ibid.*, cols. 879-881.
24. Oral Questions, House of Commons, 23 January 1964, *Hansard*, cols. 1271-1275.
25. Parliamentary Papers, XXII, *Report of the Security Commission*, June 1965 (London: HMSO), Cmnd. 2722, para.1.
26. The Reports of the Security Commission, by reference number and date only, are: June 1965, Cmnd. 2722; Sept. 1965, Cmnd. 2773; July 1966, Cmnd. 3151; June 1967, Cmdn. 3365; Nov. 1968, Cmnd. 3856; May 1973, Cmnd. 5362; July 1973, Cmnd. 5367; May 1983, Cmnd. 8876; March 1984, Cmnd. 9212; May 1985, Cmnd. 9514. All Parliamentary Papers (London: HMSO).
27. *Michael Bettaney*, Report of the Security Commission, May 1985, Cmnd. 9514.
28. *Ibid.*, para. 1.6.
29. *Ibid.*, para. 8.2.
30. *Ibid.*, para. 8.5.
31. House of Commons, 26 March 1981, *Hansard*, col. 108.
32. *Statement on the Recommendations of the Security Commission* (London: HMSO, May 1982), Cmnd. 8540.
33. The Prime Minister's statement as reported in *The Times*, 3 November 1987.
34. I recommended such a change in an earlier draft of this paper which was presented to the International Studies Association World Congress in April 1987. I am grateful for the financial assistance which I received from the ISA and the Research Board of the University of Reading which enabled me to participate in the conference.
35. Labour Party Discussion Document, *Freedom and the Security Services* (London: The Labour Party, March 1983). The policy was reaffirmed at the Labour Party Conference in 1987.
36. *Ibid.*, pp.63-68.

37. *Ibid.*, pp.20-22.
38. *Ibid.*, pp.54-63.
39. C. Andrew, "Whitehall, Washington and the Intelligence Services," *International Affairs* (Great Britain), 1977, pp.401-403.
40. C. Andrew, *Secret Service*, p.505.
41. *Ibid.*, pp.505-506.
42. The phrase, "it is absurd to define good intelligence as intelligence without abuse," was among the useful comments made by the anonymous referee in the review of this paper. It is a pleasure to report that the referees' comments were valuable and constructive.