

# UK parliament attempts to restore confidence in intelligence agencies

By Paul Mitchell  
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A report published last week by the UK parliament's Home Affairs Committee (HAC) declares the current system of monitoring the British intelligence agencies MI5, MI6 and GCHQ "not fit for purpose."

This has had "an impact upon the credibility of the agencies accountability, and to the credibility of Parliament itself," the report said.

However, none of the evidence of systematic and illegal mass surveillance by the NSA and its British counterparts revealed by the NSA contractor and whistleblower is addressed.

The HAC has been forced to publish a critical report in an attempt to put pressure on the government to clean up the public face of the British intelligence services. It is an impossible task. The report is a catalogue of one cover-up after another over the years and it is clear this latest attempt will be no different.

Announcing the report's publication, HAC chair, Labour Party MP Keith Vaz, declared that, "The agencies are at the cutting edge of sophistication and are owed an equally refined system of democratic scrutiny. It is an embarrassing indictment of our system that some in the media felt compelled to publish leaked information to ensure that matters were heard in parliament."

"Some in the media" primarily refers to the *Guardian*, which first published Snowden's documents. The paper's editor Alan Rusbridger is quoted approvingly for pointing out that "you can criminalise newspapers all you like and try to take them out of this," but if so, "the next leak or the next Edward Snowden or the next Chelsea Manning will not go to newspapers. They will dump the stuff on the internet."

The report explains how governments denied the existence of the UK's intelligence and security agencies right up to 1989 (MI5) and 1994 (MI6 and

Government Communications Headquarters--GCHQ) when the European Court of Human Rights (ECHR) ruled they had to be placed on a legal footing. Although the Labour Party government was forced to create a parliamentary Intelligence and Security Committee (ISC), the then Home Secretary, Jacqui Smith, declared its role was to assure the public that the "security and intelligence agencies are fulfilling their lawful duties efficiently and effectively."

The Home Secretary and the Foreign Secretary were given powers to withhold "sensitive" material from the ISC, and the Prime Minister was empowered to redact any information considered to be "harmful to national security" from its annual reports.

The ISC covered up the dirty work of the Labour government and the spying agencies over the following years. As the HAC itself noted, the ISC received "significant criticism" because of its handling of the Iraq Weapons of Mass Destruction lies, its denials that Britain was involved in rendition and torture, and its previous awareness of the programs exposed by Snowden.

The HAC makes mild criticism of ISC Chair, Sir Malcolm Rifkind, who was invited "to give evidence to us on its work" but "declined to do so."

Rifkind, a Conservative and an outspoken mouthpiece for the security services, brushed aside the rebuke declaring the HAC criticisms, saying they were "old hat" and that the ISC would conduct its own inquiry into state surveillance. Rifkind's frequent tirades against Snowden and his supporters make the outcome of any such inquiry a foregone conclusion.

As well as the ISC, oversight of the intelligence agencies is supposed to be carried out by two commissioners (the Intelligence Services Commissioner and the Interception of Communications

Commissioner) and the Investigatory Powers Tribunal, created under the Labour government's Regulation of Investigatory Powers Act 2000 (RIPA).

According to the report the commissioners look at less than 10 percent of the intercept and surveillance warrants that are issued and the few documents they publish "refer almost entirely to basic errors e.g. errors in transposition of telephone numbers rather than providing a broader review of the propriety of covert surveillance operations."

With regard to the Investigatory Powers Tribunal, which is supposed to investigate complaints against the intelligence services, the committee noted that out of 1,468 complaints, it had only decided in favour of ten, half of whom were members of the same family. None of the ten successful complaints were made against the security services.

The HAC report also notes that section 94 of the 1984 Telecommunications Act gives wide-ranging powers to the Secretary of State to issue secret directions to telecommunications companies in the interests of national security, but there is no monitoring of its use.

The HAC recommendations to overcome these "systemic failures" consist of pleas to the government for more oversight of the intelligence agencies by elected officials.

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