**‘Familiar but not intimate’: Executive oversight of the UK intelligence and security agencies**

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**Abstract**

Studies of the relationship between ministers and the intelligence agencies have tended to focus on the government’s use of intelligence, while studies of intelligence oversight in the UK have focused almost exclusively on the work of the parliamentary Intelligence and Security Committee. This paper will examine the role of the executive in the oversight of the UK intelligence and security agencies. Drawing on a range of sources including a series of interviews with former Cabinet ministers, reports of other oversight bodies, as well as ministers’ responses to parliamentary questions on their role, it will trace the evolution of ministerial accountability for the UK intelligence and security agencies. The article raises questions about the capacity of ministers to provide effective scrutiny in this area, focusing on ministers’ knowledge and understanding of the work of the intelligence agencies, the impact of ministerial workload and the likelihood of conflicts of interest.

**Introduction**

Studies of the relationship between the executive and intelligence agencies have tended to focus on the intelligence-policy nexus, seeking primarily to examine the mechanisms through which intelligence feeds into the policy process, or the ways in which policy-makers have sought to mobilise intelligence in support of policy.[[1]](#endnote-1) In the UK there has been a particular interest in the relationship between Prime Ministers and the intelligence and security agencies.[[2]](#endnote-2) In a recent addition to the literature on this subject, Richard Aldrich and Rory Cormac traced the extent to which successive Prime Ministers, from Asquith to Cameron, sought to use intelligence in order to further their agenda at home, and particularly abroad.[[3]](#endnote-3) However, the literature on ministers as users of intelligence often neglects another, at times contradictory, role which is that the executive also has a role in providing oversight of the intelligence and security agencies. Indeed, far from exercising a restraining influence on the work of the agencies, the literature has tended to focus on ministerial enthusiasm for covert action. Aldrich and Cormac for example argue that, ‘[w]hen secret intelligence took extreme risks, it was usually at the direction of Downing Street.’[[4]](#endnote-4) While some ministers’ enthusiasm for secret intelligence has been well documented, one recent study of intelligence accountability in the UK described the status of ministers within the formal structures of accountability as ‘ambiguous.’[[5]](#endnote-5) Yet government ministers do have a responsibility, and more recently a legal obligation, to ensure that the intelligence and security agencies operate within the law. Prior to the appointment in 1985 of a judicial commissioner to oversee the interception of communications and the establishment of a parliamentary oversight committee in 1994, ministerial oversight was the principal mechanism for providing democratic accountability for the UK intelligence and security agencies. The Prime Minister and a small number of other senior ministers continue to play a central role in overseeing the work of the agencies, yet this legally defined role is perhaps even less clearly understood than their role in tasking the agencies to carry out covert activities in support of policy.

While the literature on the relationship between the executive and intelligence has tended to focus on ministers as users of intelligence, the literature on intelligence oversight in the UK has focused almost exclusively on the role of the legislature rather than the executive. There is a significant body of work on the role, functions and evolution of the parliamentary Intelligence and Security Committee (ISC).[[6]](#endnote-6) The legislature, however, provides only one level of intelligence oversight, alongside executive and judicial oversight and the demands of civil society.[[7]](#endnote-7) Unlike other mechanisms, the executive is the only body to provide *ante hoc* approval of the actions of the intelligence and security agencies. Recent cases involving the role of UK agencies in the alleged rendition and torture of a number of individuals have served to draw attention to the role of ministers in approving the work of the agencies.[[8]](#endnote-8) Moreover, recent delays in the appointment of the parliamentary Intelligence and Security Committee have also served to highlight the extent to which the Prime Minister in particular, exercises control over the work of other oversight bodies.[[9]](#endnote-9)

This article examines executive oversight of the UK intelligence and security agencies, focusing on the legal requirements, mechanisms and practice of ministerial control. It draws, in part, on a series of lengthy face-to-face interviews with over 100 parliamentarians undertaken as part of a wider project on parliament and the intelligence services.[[10]](#endnote-10) This included interviews with a number of former ministers who served from the 1980s to the early 2000s, including five former foreign secretaries, four former home secretaries, two former defence secretaries and four former Secretaries of State for Northern Ireland, as well as a number of MPs and Peers who had held other ministerial posts in these and other departments. Information about the practice of executive oversight has also been gleaned from ministerial memoirs as well as ministerial statements in parliament and appearances before parliamentary committees. One of the consequences of the introduction of legislative and judicial scrutiny of the agencies, is that the output of these bodies has also served to shed light on the process of ministerial control and the article draws on the reports of the judicial commissioners responsible for overseeing aspects of the agencies’ work along with the output of the parliamentary Intelligence and Security Committee.

The article begins with a brief overview of the rationale for executive oversight of intelligence and some consideration of best practice. The current arrangements for executive oversight of the UK intelligence and security agencies is then explained, focusing on the legal requirements for ministerial approval and the mechanisms which enable this to take place. The article concludes with an examination of the operation of these arrangements in practice and raises a number of questions about the capacity of government ministers to provide effective oversight in this area.

**Executive oversight of intelligence**

Executive oversight of intelligence agencies is a necessary feature of democratic accountability, but it is also inherently problematic and is not on its own sufficient to protect the public from undue harm or the agencies from political interference. Executive oversight of intelligence is problematic because executive bodies such as government ministers or cabinets, belong to the same arm of government as intelligence agencies. There is an inherent tension between the role of the executive in setting policy and providing direction to the agencies, and their responsibility to oversee and provide approval for the agencies’ work. This requires that intelligence agencies retain some independence from the executive in the day to day management of their activities in order to ensure that they are not used for political ends. It is also important that other oversight mechanisms, including the legislature, are in a position to scrutinise the executive. It does not, however, mean that agencies should be able to operate free from executive oversight or that the executive cannot be held accountable for the actions of agencies operating under their mandate. As Born and Leigh highlight, while executive and legislative oversight are both necessary features of democratic accountability, they are also complementary; powerful executive oversight is necessary in order to ensure that effective legislative scrutiny can take place.

There is no inherent conflict between effective executive control and parliamentary oversight. Quite the contrary: effective parliamentary oversight depends on effective control of the agencies by ministers. Parliaments can only reliably call ministers to account for the actions of the intelligence agencies if ministers have real powers of control and adequate information about the actions taken in their name.[[11]](#endnote-11)

A number of studies have highlighted the necessary features of effective executive oversight of intelligence agencies. Born and Leigh begin by stressing the importance of ministerial access to intelligence agencies. Ministers need to be in a position to access intelligence agency staff and documents in order to be held accountable for their work. Conversely, intelligence agencies should be able to brief government ministers on sensitive matters and issues of national security. They conclude that it is ‘important that ministers have an open-door policy towards the agencies.’[[12]](#endnote-12) Moreover, such contact should not operate simply on an *ad hoc* basis but should be based on the presumption of regular meetings between intelligence agency staff and responsible ministers. The arrangements for rights of access may be set out in law, and will undoubtedly be strengthened if they are, but may also be found in established convention or formalised through institutional arrangements which ensure that ministers and senior agency staff meet on a regular basis. Indeed, as will be seen in the UK case, legal expectations are more likely to be effectively applied if they are underpinned by institutional arrangements which facilitate proximity, although such arrangements may not ensure access if the principle is not embraced in practice by all parties.

As noted above a clear legal framework may be the most effective means of establishing executive oversight, this is particularly the case when it comes to establishing the respective powers and responsibilities of ministers and intelligence agencies. As Gill and Phythian argue, a legal framework is necessary in order to avoid problems associated with too much or too little ministerial control:

If there is too much, then the problem may be just one of inefficiency as security professionals are directed by an enthusiastic but ignorant minister, but more likely, ministers may fall into the temptation of deploying security agencies for their own partisan ends… Alternately, if ministers adopt the position that they would prefer not to know what agencies are doing since it may be messy or illegal, then the problem will be that of agencies as ‘rogue elephants’, acting primarily on the political and ideological preferences of their own employees.[[13]](#endnote-13)

In an attempt to delineate best practice, Born and Leigh suggest that on the ministerial side legislation should allocate responsibility for formulating policy on intelligence and security matters; establish the right to receive reports from the agencies; provide for ministerial approval of international cooperation; and establish the mechanisms for the approval of intelligence agencies’ use of special powers, such as interception or intrusion. On the agency side, legislation should establish a duty to implement government policy; to report to ministers on a regular basis; and to seek approval for specified sensitive activities.[[14]](#endnote-14) There is considerable scope for variation in the application of these principles. Once again this may relate to whether practices are institutionalised through the establishment of formal structures. There may also be different approaches to the reporting requirements, both in form and scope, and the extent to which some responsibilities might be devolved or shared with other oversight bodies.

One area of particular significance is executive approval for intelligence activity. Intelligence agencies are granted special powers which include the legal right to monitor and intercept communications, enter property and undertake physical surveillance. While the authority to carry out such activities can be defined in law; their application requires approval on a case by case basis. In his theory of *jus in intelligentia*, David Omand stresses the importance of proper authority for intelligence operations, suggesting that the level of authority to approve such activities should reflect the ethical risks at stake, and that significant actions should require senior-level approval. ‘[S]ufficiently senior-level approval on the most sensitive operations’, Omand argues, ‘is part of building trust on behalf of the public that the secret world is under proper control.’[[15]](#endnote-15) While judges are often involved in approving the application of state power, proper authority for intelligence activities may also involve senior politicians on the grounds that such individuals are directly accountable to the public for their actions. However, if ministers have a role to play in approving the application of intelligence agency powers, questions remain about which ministers should be involved. Omand’s emphasis on proper authority suggests that only the most senior ministers should be involved, but there may be some variation over which ministerial portfolio includes responsibility for authorising intelligence activity, and there may be a particular role for the Prime Minister.

**The legal framework for executive oversight of intelligence in the UK**

For much of their existence, accountability to ministers, was the only form of oversight that the UK intelligence and security agencies were subject to. In the official history of MI5, Christopher Andrew notes that the intelligence and security agencies were historically governed by two constitutional doctrines. The first of these was that the very existence of the agencies was never to be officially acknowledged. Following from this, the second constitutional doctrine was that the agencies would not be subject to any form of external scrutiny. Oversight insofar as it existed at all, was entirely in the hands of the executive. ‘[T]he mysteries of intelligence’, Andrew observes, ‘must be left entirely to the grown-ups (the agencies and the government) and the children (parliament and the public) must not meddle in them.’[[16]](#endnote-16)

Events in the latter half of the twentieth century served to erode the notion that the UK did not retain intelligence and security agencies, while legislation in the 1980s and 90s, placed oversight arrangements to ministers *and* to parliament on a statutory footing. Nevertheless, the notion of accountability to ministers remains an important constitutional doctrine and one which still carries considerable weight today. By convention the agencies have been directly accountable to the Prime Minister. This situation changed somewhat in 1952, when responsibility for the Security Service was allocated to the Home Secretary, while the Foreign Secretary assumed responsibility for SIS and GCHQ.[[17]](#endnote-17) Although this represented a significant shift in day-to-day responsibility for the agencies, it did not entirely replace the role of the Prime Minister, and agency heads continue to have the right to direct access to the Prime Minister.

Some insight into the arrangements for ministerial control of the agencies did emerge prior to the public avowal of their role. In 1957, a committee of Privy Counsellors looked into the government’s power to intercept communications. While not naming any of the agencies involved, the committee concluded that the origins of the executive’s authority to intercept communications was ‘obscure’ but dated back at least two hundred years and that in recent times at least, it ‘was used with the greatest care and circumspection, under the strictest rules and safeguards’ and never without the personal authorization of a Secretary of State.[[18]](#endnote-18) The most detailed explanation of Security Service accountability to ministers appeared in 1963 as part of Lord Denning’s report into the Profumo Affair. Denning’s report included the so-called Maxwell-Fyfe directive issued by the Home Secretary, David Maxwell-Fyfe to the Director-General of MI5 in 1952. This directive set out the role of the Security Service establishing the Home Secretary’s responsibility for the service, but also asserting that the Director-General should continue to have ‘direct access to the Prime Minister’.[[19]](#endnote-19) It also established the principle that Ministers should not seek to deploy the Security Service for political ends. In particular it instructed the Director-General that ‘no enquiry is to be carried out on behalf of any Government Department unless you are satisfied that an important public interest bearing on the Defence of the Realm is at stake.’ It also noted the ‘well-established convention whereby Ministers do not concern themselves with the detailed information which may be obtained by the Security Service in particular cases.’[[20]](#endnote-20) Although the Maxwell-Fyfe directive was superseded by subsequent legislation it continued to influence those working in the Security Service. Writing in 2001, the former Director-General, Stella Rimington observed that ‘the Denning report is to this day the guide for Director-Generals.’[[21]](#endnote-21)

Ministerial accountability for the agencies was formalised in a raft of legislation passed in the 1980s and 1990s, which also provided for some form of oversight by judges and parliamentarians. This was prompted in part by a series of critical judgments in the European Court of Human Rights which found that as the UK intelligence and security agencies had no statutory existence their activities could not be considered to be in accordance with the law.[[22]](#endnote-22) There is also evidence that prior to the introduction of legislation some ministers were nervous about the potentially damaging consequences of covert activity and had sought to exercise greater political control over the agencies. Anthony Eden, for example, demanded greater ministerial control over SIS operations following the much-publicised disappearance of the diver, Buster Crabb, when undertaking covert surveillance of the hull of a Soviet cruiser during Khrushchev’s state visit to Britain in 1956.[[23]](#endnote-23) The Thatcher government in particular was forced to respond to a series of embarrassing revelations about the work of the intelligence and security agencies including historic cases of Soviet espionage in the UK, the publication of the memoirs of the former MI5 officer, Peter Wright, and the agencies’ failure to provide timely intelligence of the Argentine invasion of the Falklands.[[24]](#endnote-24) Although Thatcher was less inclined than many of her predecessors to demand greater control over the agencies, repeated questions about their work made the continued denial of the agencies’ existence increasingly untenable. Perhaps most significantly, senior officials within the agencies themselves began to argue for the benefits of putting their work on a more solid legal footing and eventually prevailed upon the Prime Minister to bring forward legislation.[[25]](#endnote-25)

In tacit acceptance of the fact that the British state did indeed retain a covert capability, the *Security Service Act, 1989* and the *Intelligence Services Act, 1994*, provided for the continued existence of the Security Service, the Secret Intelligence Service and GCHQ. Although the legislation states that the agencies exist ‘under the authority of the Secretary of State’, a distinction is made between the role of the Secretary of State and the agency heads.[[26]](#endnote-26) The legislation effectively entrenched the operational independence of the agencies by establishing that although ministers are accountable to Parliament for the work of the intelligence and security agencies, in order to prevent political interference in their work, the day to day operation of the agencies is devolved to agency heads.[[27]](#endnote-27) The legislation also prohibits the agencies from taking ‘any action to further the interests of any political party.’[[28]](#endnote-28) In practice there is a distinction in the application of these principles to the work of the intelligence services and the domestic remit of the Security Service. Although the intelligence agencies are expected to operate in support of the foreign and defence policies of the government of the day, the Security Service, in line with the Maxwell-Fyfe directive, is effectively self-tasking, allowing it to investigate threats to national security irrespective of political considerations.

While the legislation provided for innovations in judicial and parliamentary scrutiny, in terms of executive oversight, it did little more than to put onto the statute books the light touch approach which had hitherto characterised executive oversight of the UK agencies. The legislation sets out in some detail the role of those appointed to lead the intelligence and security agencies but says relatively little about the role of ministers. Aside from appointing the heads of the agencies and providing approval for some activities (see below), the legislation places very little responsibility on ministers to oversee the working of the agencies. Moreover, the statutory duty of agency heads to report to their political masters is limited to the requirement that the head of each agency, ‘make an annual report on the work of the Service to the Prime Minister and the Secretary of State’. It also states that agency heads may ‘at any time’ report independently ‘to either of them on any matter relating to its work.’[[29]](#endnote-29) It is perhaps significant that neither piece of legislation identified which Secretary of State should be responsible for the agencies, or indeed if the role should be held by one or more Secretaries of State. This was the subject of considerable debate when the Security Service Bill was making its way through the House of Commons in 1989 and in response to the suggestion that warrants might be signed by any Secretary of State, the government reassured the House that ‘it is only those Secretaries of State who are in an informed position who would take a decision of that nature and who would be approached.’[[30]](#endnote-30)

The provision allowing agency heads to report separately and directly to the Prime Minister at any time, also creates potential confusion about the respective responsibilities of the Secretary of State and the Prime Minister. Moreover, there is no mention of the existing structural arrangements for the management of the agencies, such as the Joint Intelligence Committee or for any new executive oversight arrangements to allow for collective Cabinet discussion. The legislation allowed for considerable freedom on the part of the agencies, but also on the part of the executive to pay as much or as little attention to the work of the agencies as they feel comfortable. As Lustgarten and Leigh observed in 1994, ‘[t]he brevity of the British statute reflects the fact it is largely a cloak draped over an unchanged figure, not intended to disturb existing working relationship.’[[31]](#endnote-31)

The one area in which ministers have played a significant and evolving role is in providing approval for covert interception on the part of the agencies. The state’s statutory right to intercept communication was established with the passage of the *Interception of Communications Act* (IOCA)in 1985. Although the legislation did not refer specifically to the intelligence and security agencies, and government ministers studiously avoided mentioning the agencies during the legislation’s passage through Parliament,[[32]](#endnote-32) it placed on the statute books the practice which had applied to the intelligence and security agencies for some time, whereby telephone and postal interception would only take place on the basis of a warrant signed by a Secretary of State. A warrant would only be considered necessary in the interests of national security; for the prevention or detection of serious crime; or for the purpose of safeguarding the economic well-being of the UK. In the latter case this was subject to the qualification that it would only be considered necessary if the information to be acquired related to the acts or intentions of persons outside the British islands.[[33]](#endnote-33) The Secretary of State’s role in issuing warrants covering the activities of the intelligence and security agencies was fleshed out in the *Security Service Act* and the *Intelligences Services Act*. These added the entry and interference with property to the warranted activities which must be approved by a Secretary of State.[[34]](#endnote-34) In 2000, the *Regulation of Investigatory Powers Act* updated and superseded the 1985 legislation, taking account of developments in communications technology. It also provided a regulatory framework for authorising activities such as eavesdropping and visual surveillance which had not been covered by the 1985 legislation.[[35]](#endnote-35)

The *Intelligence Services Act* also provides for ministerial approval for a range of other, unspecified, activities on the part of the UK intelligence agencies when operating abroad. Section 7 of the Act allows the Secretary of State to authorise ‘any act done outside the British Islands’ for which a person would be liable under the criminal and civil law in the UK.[[36]](#endnote-36) This apparently sweeping authorisation is qualified in two respects. Firstly, that nothing will be done ‘beyond what is necessary for the proper discharge of the functions of the Intelligence Service’ and also that the ‘nature and likely consequences’ of any act carried out under authorisation, ‘will be reasonable, having regard to the purposes for which they are carried out.’[[37]](#endnote-37) Section 7 has its basis in the legislative mandate of SIS which, according to section 1 of the *Intelligence Services Act*, is ‘to obtain and provide information relating to the actions or intentions of persons outside the British Islands’ and ‘to *perform other tasks* relating to the actions or intentions of such persons’[[38]](#endnote-38) [emphasis added]. There is, however, no indication as to what such other tasks might be or the extent to which a Secretary of State might provide approval to going beyond UK law.

In 2016, the *Investigatory Powers Act* provided for the most significant change to the executive oversight regime by introducing an element of judicial scrutiny to the warranting procedure. Existing legislation had provided for oversight of this process through the creation of a number of judicial commissioners to ensure that warrants were issued in accordance with the law.[[39]](#endnote-39) This was, however, a *post hoc* process which involved the scrutiny of a sample of warrants and supporting documentation. It did not, however, involve external scrutiny at the moment that warrants were issued and would not as a result prevent harm from taking place in the event that warrants were incorrectly drawn. After considerable consultation and drawing on examples from other states, most notably Canada, the *Investigatory Powers Act* introduced a double-lock whereby warrants issued by a Secretary of State must now be approved by a judicial commissioner before coming into force. It also expanded the number of interception activities which required Secretary of State warrants, to include bulk acquisition. The legislation also created a new Investigatory Powers Commissioner to replace the various existing judicial commissioners.[[40]](#endnote-40)

**Ministerial oversight in practice**

Whatever its strengths and limitations a regulatory framework is only effective if those working within it are willing and able to apply it. As Lustgarten and Leigh observe, the UK system of oversight is distinguished not so much by legislation as by its reliance on informality and bureaucratic consensus: ‘legal provisions play a role but more in the background; they form the skeleton, but the flesh and blood are found not in books but in custom and practice.’[[41]](#endnote-41) This section examines the operation of ministerial oversight. It aims to shed some light on the processes for ministerial control, but also to identify some of the potential problems evident in the practice of ministerial oversight of the UK intelligence and security agencies. It begins by asking questions about the extent to which government ministers are sufficiently willing or interested in overseeing the work of the agencies, and also whether they have sufficient knowledge to enable them to do so. It moves on to consider some of the limitations in the institutional arrangements for ministerial accountability and the operation of the procedure for authorising warrants.

Historically, either through distaste or deference, government ministers have often preferred to keep the intelligence and security agencies at arm’s length. The official history of MI5 narrates a bizarre episode from 1924 in which the Labour Prime Minister, Ramsay Macdonald, was so concerned to avoid coming face to face with a member of the intelligence services that he conducted a meeting with the head of the political section of SIS by sitting in an adjoining room, with the Permanent Secretary acting as an intermediary.[[42]](#endnote-42) Rab Butler who became Home Secretary in 1957, expressed surprise when he was informed that he was allowed to know the location of MI5 headquarters and that he could, if he wished, visit.[[43]](#endnote-43) In 1964 the Director-General of MI5 received assurances from the new Home Secretary, Frank Soskice, that he ‘did not propose ever to ask to see Security Service files or their contents nor to ask for the source of our information.’[[44]](#endnote-44) When Soskice later discovered that in the course of his duties he did wish to see MI5 files, he was too embarrassed to ask and told colleagues, incorrectly, that he was not allowed to do so.[[45]](#endnote-45) Such attitudes were not confined to the period in which the government maintained the fiction that the agencies did not exist. Echoes of Soskice’s reticence can be found in Jack Straw’s refusal of the offer to see his own MI5 file following his appointment as Home Secretary in 1997.[[46]](#endnote-46) The attitude of many ministers was perhaps best summed up by the former Labour Prime Minister, Lord Callaghan, during the passage of legislation to put the agencies on a statutory footing in 1993, when he argued that neither Parliament nor ministers should delve too deeply into the work of the agencies and that ‘the relationship between Ministers and the secret services should be familiar but not intimate.’[[47]](#endnote-47)

If ministers, including Prime Ministers, have been reluctant to embrace their responsibility for the intelligence and security agencies, it is a reluctance which the agencies have often been happy to accommodate. The historian Hugh Trevor-Roper, who worked in SIS during the second world war, told the House of Lords during the passage of the Security Service Bill in 1989, that during his time in the service, politicians ‘were regarded as leaky vessels’ and that if any took the opportunity to visit, ‘all kinds of papers were hidden away lest they should be seen, and inconvenient questions asked.’[[48]](#endnote-48) More recently, Ken Clarke who served as Home Secretary from 1992 to 1993, wrote in his memoirs that he was ‘never persuaded that MI5 regarded my role as much more than formal and nominal’:

MI5 were friendly enough when I insisted that I should be kept better informed about what they were doing but I was never left with the impression that I would be allowed to know very much about anything except their more spectacular operations and their successes, which were occasionally presented to me in order to reassure me.[[49]](#endnote-49)

Some insight into the agencies’ attitudes towards ministers is provided in the memoirs of Stella Rimington who served as Director-General of MI5 during the period in which the service was placed on a statutory footing. Rimington confirmed that politicians were sometimes treated with mistrust but also argued that ‘former Home Secretaries who pop up now saying they never really knew what MI5 was up to in their day and had the most acute suspicions of it, should ask themselves why they didn’t do more to find out.’[[50]](#endnote-50) Rimington concludes that the distance that often developed between the agencies and their political masters was the result of mutual denial for which both must share the blame:

It seems to me, looking back on it, that the fault for that distance lay on both sides, and it was not a party-political issue. I think that the then heads of the intelligence services probably felt that they could not trust civil servants and Ministers to understand the issues and to take a balanced view of what the intelligence agencies were seeking to do. So, they kept their distance. Ministers, for their part, may well have thought that although intelligence services were essential, they were a potential embarrassment to the government and the less they knew about them the better.[[51]](#endnote-51)

The relationship between ministers and the agencies is much closer now than in the past. Changes to the threat environment in recent years mean that contact between ministers and the agencies is now more frequent and formalised. In interviews, former ministers often highlighted the close working relationship between Secretaries of State and agency heads. One former Foreign Secretary noted, ‘I saw C about once a month, sometimes more when there were particular issues’,[[52]](#endnote-52) while a former Home Secretary observed that at times when the threat assessment was particularly acute meetings with the Director-General of MI5 might take place on a daily basis.[[53]](#endnote-53) This is also reflected in ministerial memoirs, Jack Straw for example, recalls ‘regular bilaterals’ with the Director-General of MI5 during his time as Home Secretary,[[54]](#endnote-54) while another former Labour Home Secretary, David Blunkett, recorded in his diary that ‘tricky security issues’ often involved daily discussions with the Director-General of MI5.[[55]](#endnote-55) In evidence to the ISC in 2014, the Foreign Secretary, Philip Hammond, described weekly meetings with intelligence agency officials ‘to discuss either specific issues or issues of broader policy that have arisen from warrant applications that I have received.’[[56]](#endnote-56) Moreover, as Hammond’s evidence suggests, ministerial meetings now extend beyond one-to-one briefings with agency heads. In interviews former ministers indicated that an early visit to Thames House or Vauxhall Cross now often forms part of the induction for incoming Home and Foreign Secretaries, while one former Foreign Secretary noted that on overseas visits he always asked to meet the SIS station embedded in whichever British embassy they visited.[[57]](#endnote-57) In marked contrast to the reticence of earlier incumbents, one former Home Secretary remarked that on taking the role he asked to visit MI5 headquarters in order to track the procedure for applying interception warrants, ‘I wanted to satisfy myself that the process of authorising warrants was robust so I followed a warrant through from me signing it, to see what happened to it; to observe the process right the way through.’[[58]](#endnote-58)

While opportunities for ministerial discussion about and with the intelligence and security agencies has undoubtedly increased in recent years, formal structures have been slow to develop and there remains a tendency for discussions of intelligence to be confined to small informal or bilateral meetings. Following the passage of the *Intelligence Services Act* in 1994, a new Ministerial Committee on the Intelligence Services (CSI) was established, chaired by the Prime Minister and comprising the Home, Defence and Foreign Secretaries, the Chancellor of the Exchequer and, following Labour’s election in 1997, the Deputy Prime Minister. The committee’s terms of reference were, ‘to keep under review policy on the security and intelligence services.’ This included consideration of intelligence requirements, programmes and expenditure.[[59]](#endnote-59) However, the Ministerial Committee on the Intelligence Services did not meet at all between 1995 and 2003.[[60]](#endnote-60) In 2003, the ISC criticised the government’s reliance on ‘crisis-driven and ad-hoc groupings’, which ‘do not provide Ministers with an active forum in which they can make collective decisions about longer-term intelligence requirements and priorities for secret intelligence’.[[61]](#endnote-61) Despite repeated reassurances from the government that the CSI would meet when necessary it did not meet again and was eventually replaced in 2007 by a Ministerial Committee on Security and Terrorism.[[62]](#endnote-62)

The Intelligence and Security Committee has also repeatedly highlighted limitations in agency reporting to ministers. In its first annual report in 1995, the ISC stressed that there was ‘a particular responsibility on Agency Heads and senior departmental officials to ensure that Ministers are fully and promptly briefed on relevant intelligence and security issues’, but expressed concern that they were ‘not satisfied that in every case these responsibilities are being fully discharged.’[[63]](#endnote-63) In 2000, the ISC reported that ministers were not sufficiently briefed about the publishing project involving the defector Vasili Mitrokhin, or about decisions previously taken not to prosecute the former KGB agent, Melita Norwood.[[64]](#endnote-64) In 2003, it expressed concern that ministers were not fully briefed on counter-proliferation work by the agencies[[65]](#endnote-65) and in 2005 it revealed that the Foreign Secretary had not been informed when an important line of intelligence, which had been used in crafting the dossier on Iraqi WMD, had been formally withdrawn by SIS.[[66]](#endnote-66) The committee’s ongoing work on the interrogation and rendition of detainees has highlighted a number of incidents in which ministers were informed late or not at all about the mistreatment of detainees. In its first report on the issue in 2005, the ISC claimed that minsters were not informed in a ‘timely manner’ about suspicions regarding the mistreatment of detainees who were interviewed by UK personnel while in the custody of other states.[[67]](#endnote-67) The committee’s 2007 report on rendition revealed that SIS had not informed ministers about a significant change in US policy on the global arrest and detention of terrorist suspects and were selective about the cases of possible mistreatment reported to ministers on the basis of assurances received from US intelligence.[[68]](#endnote-68) Most recently, in the course of its long-running detainee inquiry, the ISC reported that it was unable to determine how many of the 2,304 cases which involved a serious risk of mistreatment of detainees had been referred to ministers and found ‘dangerous ambiguities’ in the consolidated guidance on the treatment of detainees with regard to reporting to ministers.[[69]](#endnote-69)

Opportunities for collective discussion between ministers and agency heads were significantly enhanced with the establishment of the National Security Council (NSC) following the election of the coalition government in 2010. The NSC, which is chaired by the Prime Minister, for the first time brought agency heads together on a regular basis with their respective Secretaries of State. According to Aldrich and Cormac, the NSC has created a new kind of relationship between ministers and the agencies:

For the first time ever, the Prime Minister met his intelligence chiefs together every Tuesday morning, so long as they were all in London, in the company of key decision-makers. This was a far cry from the informal, personality-driven arrangements of the past.[[70]](#endnote-70)

However, while the NSC may have provided a more coordinated and prompt response to the terrorist threat, at home and abroad, it is not clear that it provided for a broader ministerial understanding of the agencies work. When the Snowden leaks revealed extensive details of the intelligence agencies’ capacity to collect bulk communications data and the extent of cooperation between GCHQ and the American NSA, the former Deputy Prime Minister, Nick Clegg, revealed that ‘only a tiny handful’ of cabinet ministers were aware of the details of the interception capability and not through membership of the NSC.[[71]](#endnote-71) It is also apparent that significant discussions continue to take place outside the formal structure provided by the NSC. In his memoirs, former Prime Minister, David Cameron, noted that discussions with senior military and intelligence personnel about targeted drone strikes in Syria often took place in his office immediately after NSC meetings, ‘where we could have a more private and frank exchange.’[[72]](#endnote-72) Moreover, while the NSC appears to have met on a regular basis under Cameron and his successor Theresa May,[[73]](#endnote-73) it has been reported that under Boris Johnson the NSC did not meet for five months in early 2020 as the government struggled to respond to the emerging Covid-19 pandemic.[[74]](#endnote-74)

Problems associated with ministerial access may be exacerbated by the level of ministerial knowledge and understanding of the work of the intelligence and security agencies. Unlike other policy areas, intelligence is not one in which most politicians have any experience prior to being elected and even for parliamentarians there are few opportunities to learn about intelligence outside of ministerial office. For some government ministers this means that there is a very steep learning curve on being appointed. This problem was summarised by the former Defence Secretary, Lord Robertson, in a speech in 2010:

There has been no tradition, as there is in the US and other countries, of considering national security to be a broad responsibility for the country and not just the province of the government alone. In my 18 years in opposition, all of them on the front-bench, and 11 of them specialising in foreign affairs, I was only once briefed on secret intelligence… Yet after that 18-year long intelligence desert I became, literally overnight, Her Britannic Majesty’s Principal Secretary of State for Defence and as a consequence an inhabitant of that exclusive club of Prime Minister, Foreign Secretary, Chancellor and Defence Secretary who see all intelligence and are the main customers of the intelligence agencies. Some training! … To go from zero visibility to total immersion is a remarkable experience and not one which, in a democracy and a parliamentary one at that, makes great sense.[[75]](#endnote-75)

Lack of knowledge or experience clearly has potential consequences for the way in which ministers use intelligence in support of policy. One of the conclusions of the Butler inquiry into intelligence on Iraqi weapons of mass destruction was that there was a need for users of intelligence at all levels to properly understand the strengths and limitations of intelligence and ‘have the opportunity to acquire experience in handling it.’[[76]](#endnote-76) This prompted the production of a brief guide on the uses and limitations of intelligence, which, on the recommendation of the ISC, is circulated to relevant ministers shortly after taking office.[[77]](#endnote-77)

The level of ministerial knowledge and understanding of the work of the agencies may also impact on their ability to provide effective oversight. While opportunities for ministerial discussion of intelligence have increased in recent years, the principal formal mechanism through which the intelligence and security agencies are held to account by ministers remains the process of authorising warrants for covert intrusion and surveillance. The processing of warrants undoubtedly involves a significant amount of work and ministers are often heavily reliant on the support of their officials. Warrants are subject to an extensive process of review within government departments before being submitted to the Secretary of State. According to one study, ‘the level of bureaucratic scrutiny here is striking, with multiple levels of assessment of the clarity, accuracy and validity of the application.’[[78]](#endnote-78) With contributions from a wide range of individuals within the agencies, government departments and legal advisors, submissions can be lengthy, running to over twelve pages, compared to the standard three or four pages for most policy papers.[[79]](#endnote-79)

However, while they are clearly well-supported in this role, it is unclear whether ministers are always fully apprised of their responsibilities in terms of providing approval for the work of intelligence and security agencies. The ISC detainee report advised that the consolidated guidance on the treatment of detainees was ‘insufficiently clear as to the role of Ministers, and what - in broad terms - can and cannot be authorised.’[[80]](#endnote-80) In another striking example, in public evidence to the ISC in 2014 the Foreign Secretary, Philip Hammond, was apparently unclear about the distinction between authorising the interception of communications when one or both parties to the communication were located in the UK. During a prolonged and difficult exchange, seemingly incredulous ISC members repeatedly sought to prompt the Foreign Secretary regarding the correct legal position, before officials stepped in to explain the legal requirements, leaving the Foreign Secretary to write to the committee afterwards to clarify his position.[[81]](#endnote-81)

The process of approving warrants also constitutes a significant and time-consuming addition to the workload of Secretaries of State. While it is not possible to determine precisely how many warrants are issued by each Secretary of State or in relation to each agency, the number of warrants has increased in recent years and the introduction of bulk acquisition warrants coupled with the double-lock procedure for approval is likely to make it a more time-consuming process. According to the Investigatory Powers Commissioner, 3,535 new interception warrants were issued in 2017, an increase of just over 17.5% on 2016. In addition, MI5 made 20,503 applications under the new procedure for bulk acquisition warrants.[[82]](#endnote-82) These figures do not include renewals of existing warrants, warrants for intrusive surveillance or section 7 warrants under the *Intelligence Services Act* for which figures are not provided. This burden is shared between up to four Secretaries of State and one Scottish Office minister, but the bulk of the work undoubtedly falls on the Home Secretary and the Foreign Secretary.

One former Foreign Secretary interviewed for this research claimed that about a quarter of the work in their ministerial red box comprised active SIS submissions.[[83]](#endnote-83) In 2013 the Foreign Secretary, William Hague told the House of Commons that he received ‘hundreds of operational proposals from the SIS and GCHQ every year’[[84]](#endnote-84) while his successor, Philip Hammond told the ISC in 2014 that he expected ‘to spend several hours in each week considering warrants and reading the supporting paperwork.’[[85]](#endnote-85) The Home Secretary, Theresa May, told the ISC that the process of reviewing warrants took up a significant amount of time each day:

I do question warrants: sometimes I will question maybe the proportionality of a warrant; sometimes I will ask for some more information which will help me to make the decision. Often it is said that it is the thing that takes most of my time. I think, proportionately, if you looked at the whole of the Home Secretary’s time, actually doing the red box is the thing that takes most of most Cabinet Ministers’ time. But, no, seriously, in the Home Office, the amount of time I have to give to it each day is significant. I think that is important, and I do defend the process we have, because I think it is important that that decision is taken by somebody who is democratically accountable to the public.[[86]](#endnote-86)

With several hundred, if not thousands, of potentially lengthy and complex warrants to authorise each year, questions have understandably been raised about the amount of time Secretaries of State devote to scrutinising individual warrants.[[87]](#endnote-87) Ministers are chary about answering such questions but often argue that the rigour of the process can be demonstrated by their willingness to turn down some applications for warrants. Ken Clarke, for example, recalls that he sought to ‘make a point of refusing to sign some of the huge numbers of warrants which were presented to me… to establish that I was not going to rubber-stamp every operation.’[[88]](#endnote-88) Baroness Manningham-Buller, the former Director-General of MI5, told the House of Lords in 2015 that the approval of warrants, ‘was not an automatic process. I was often challenged by successive Home Secretaries and Northern Ireland Secretaries as to why a warrant was needed, and warrants were turned down.’[[89]](#endnote-89) However, the claim that ministers’ willingness to turn down warrants is indicative of the rigour of the system, should perhaps be tempered by evidence that the number of warrants which are declined is vanishingly small. Data from the Investigatory Powers Commissioner’s Office indicates that very few warrants are turned down. Of the 3,535 new interception warrants issued in 2017, there were 116 occasions when clarification or additional information was sought before a warrant was authorised and a small, but unspecified, number of warrants were rejected.[[90]](#endnote-90) Peter Hain claims that in the two years he served as Secretary of State for Northern Ireland he can only recall turning down two warrant applications.[[91]](#endnote-91) Theresa May told the ISC in 2014 that the number of warrants she refused to sign was ‘very, very small.’[[92]](#endnote-92)

Another potential problem with the warranting process relates to the division of responsibility for the intelligence and security agencies between several government ministers. The former Home Secretary, Roy Jenkins, argued that the division of responsibility between the Security Service and SIS created a ‘lacuna which was the enemy of effective ministerial control’.[[93]](#endnote-93) While Jenkins claimed both agencies were responsible for the interception of some communications in the UK, ‘neither Secretary of State knew what the other was authorising. As a result, there was no minister who could see the overall picture.’[[94]](#endnote-94) The potential accountability gap identified by Jenkins continues to exist. In evidence to the ISC in 2014 the Foreign Secretary revealed that while his role occasionally involved approving warrants for interception in the UK, these were ‘not routinely’ discussed with the Home Secretary.[[95]](#endnote-95) Tony Blair apparently proposed the creation of a single minister with responsibility for the intelligence and security agencies, but was quickly disabused of the idea by the Cabinet Secretary, who argued that such a move would undermine the Prime Minister’s personal responsibility for the agencies.[[96]](#endnote-96) The Blair government did establish a ministerial post within the Home Office with responsibility for security. In recent years the security minister has become the government’s leading spokesperson on intelligence and security issues, for example, leading the government’s response to the Salisbury poisoning[[97]](#endnote-97) and to the publication of the ISC’s report into Russian interference in the UK.[[98]](#endnote-98) However, the position of security minister has often been combined with a diverse range of other portfolios including immigration, policing, counter terrorism and economic crime. Moreover, while the status of the post has shifted between Parliamentary Under-Secretary of State and the more senior Minister of State, neither have the Cabinet rank which provides statutory responsibility for the intelligence agencies.

A related issue which reflects both the workload of senior ministers and also the notion of proper authority is the question of which ministers are responsible for authorising warrants. While convention dictates that, depending on the agency involved, warrants are authorised by the Home Secretary or Foreign Secretary, legislation merely specifies that a warrant for intrusion or interception by the intelligence and security agencies must be authorised by a Secretary of State. As noted above, Parliament was reassured in 1989 that Home Office warrants would only be signed by those Secretaries of State ‘who are in an informed position.’[[99]](#endnote-99) Normally this would be another Cabinet minister with experience of the warrant procedure. Peter Hain, for example, recalls that as Secretary of State for Northern Ireland he occasionally signed warrants when the Home Secretary was unavailable.[[100]](#endnote-100) In 2017, the Investigatory Powers Commissioner noted that four Secretaries of State and one Scottish Minister consider *most* requests for interception warrants: the Home Secretary, the Foreign Secretary, the Defence Secretary, the Secretary of State for Northern Ireland and the Cabinet Secretary for Justice for Scotland.[[101]](#endnote-101) However, if for some reason the appropriate Secretary of State is unavailable, legislation prevents responsibility being devolved down to a more junior minister in the same department and there is evidence that, contrary to the reassurances made to Parliament in 1989, in practice other Secretaries of State may be asked to sign interception warrants. One former Cabinet minister interviewed for this research claimed that they routinely signed warrants in the Home Secretary’s absence, despite having no experience in any of the departments responsible for the intelligence and security agencies.[[102]](#endnote-102) If the warranting process is not clear to the Foreign Secretary when giving evidence on the subject to a parliamentary committee, it is perhaps too much to assume that a Secretary of State from a different department entirely will be fully apprised of the process.

**Conclusions**

Accountability to ministers is the most long-established form of oversight in the UK system and remains central to the democratic accountability of the UK intelligence and security agencies. However, while there have been innovations in other areas of intelligence oversight in the UK, most notably in the development of parliamentary oversight and judicial review, the role of ministers has changed little since the days when they provided the only form of democratic oversight. Ministerial contact, and by extension familiarity, with the intelligence and security agencies has undoubtedly increased in recent years. Moreover, institutional changes since 2010 have, somewhat belatedly, placed the arrangements for contact on a more formal basis. Nevertheless, there remain some significant questions about the ability of ministers to provide effective oversight of the intelligence and security agencies. While institutional changes have provided for greater access, it is not clear that these changes are designed to enhance oversight so much as providing a more central role for the agencies in informing policy. Moreover, such developments may be more likely to enhance than avoid the opportunities for conflicts of interests.

There are multiple examples of agencies failing to provide sufficient or timely information to ministers, before and since recent developments. Aside from a, perhaps natural, reticence on behalf of the agencies, there are a number of other possible reasons for this. The ability of ministers to provide approval for intelligence activities, and the operation of the warranting procedure in particular, may be undermined by a lack of ministerial knowledge and understanding both of the role of the agencies and ministers’ own statutory responsibilities. Ministerial overload may also be a factor.[[103]](#endnote-103) This almost certainly has an impact on the warranting procedure, but it may also be the case that the overwhelming caseload of warrants means that ministers see this as their only duty in terms of scrutinising the agencies and prevents them from asking wider questions about the role and operation of the agencies. The division of responsibilities between Secretaries of State and the lack of clarity surrounding the role of the Prime Minister also create opportunities for accountability gaps to emerge. The development of new and enhanced parliamentary and judicial scrutiny mechanisms may help to support ministers. However, unless the relationship between ministers and agencies is itself subject to greater scrutiny enhancements in accountability may be slow to emerge.

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1. **Notes**

   Borer, Twing and Burkett. “Problems in the intelligence-policy nexus”. [↑](#endnote-ref-1)
2. See for example, Andrew, C. “Churchill and Intelligence”; Stafford, D. *Churchill and Secret Service*. London: John Murray, 1997. [↑](#endnote-ref-2)
3. Aldrich and Cormac. *The Black Door.* [↑](#endnote-ref-3)
4. Aldrich and Cormac. *The Black Door*, p.2. [↑](#endnote-ref-4)
5. Gaskarth, *Secrets and Spies*, p.100. [↑](#endnote-ref-5)
6. See for example, Glees, Davies and Morrison, *The Open Side of Secrecy*; Gill, ‘Evaluating intelligence oversight committees’; Phythian, ‘The British experience in intelligence accountability’; Defty, ‘Coming in from the Cold’ [↑](#endnote-ref-6)
7. Born and Leigh, *Making Intelligence Accountable.* [↑](#endnote-ref-7)
8. Intelligence and Security Committee, *Detainee Mistreatment and Rendition: current issues;* Blakeley and Raphael, “British torture in the ‘war on terror’”; Bowcott and Cobain, ‘Jack Straw and UK Government must face kidnap and torture claims’. [↑](#endnote-ref-8)
9. Defty, ‘Coming in from the cold’; Defty ‘Where is the Intelligence and Security Committee’. [↑](#endnote-ref-9)
10. Bochel, Defty and Kirkpatrick, *Watching the Watchers*, for more details of the method see pp.20-24. [↑](#endnote-ref-10)
11. Born and Leigh, *Making Intelligence Accountable*, p.55. [↑](#endnote-ref-11)
12. Born and Leigh, *Making Intelligence Accountable*, p.55. [↑](#endnote-ref-12)
13. Gill and Phythian, *Intelligence in an insecure world*, pp.176-7. [↑](#endnote-ref-13)
14. Born and Leigh, *Making Intelligence Accountable*, p.57. [↑](#endnote-ref-14)
15. Omand and Phythian, *Principled Spying*, p.81. [↑](#endnote-ref-15)
16. Andrew, *Defence of the Realm*, p.75. [↑](#endnote-ref-16)
17. Aldrich and Cormac, *The Black Door*, pp.165-6; Bochel, Defty and Kirkpatrick, *Watching the Watchers*, pp.36-37. [↑](#endnote-ref-17)
18. Report of the Committee of Privy Councillors Appointed to Inquire into the Interception of Communications ‘The Birkett Committee’, Cmnd.283 (London: Her Majesty’s Stationery Office 1957) paras.8–9. [↑](#endnote-ref-18)
19. Denning, *The Denning Report*, para. 238. [↑](#endnote-ref-19)
20. Denning, *The Denning Report*, para. 238. [↑](#endnote-ref-20)
21. Rimington, *Open Secret*, p.192. [↑](#endnote-ref-21)
22. Cameron, ‘Beyond the nation state’; Andrew, *Defence of the Realm*, p.756-760. [↑](#endnote-ref-22)
23. Aldrich and Cormac, *The Black Door*, pp.193-194. [↑](#endnote-ref-23)
24. Bochel, Defty and Kirkpatrick, *Watching the Watchers,* pp.40-46. [↑](#endnote-ref-24)
25. Andrew, *Defence of the Realm*, pp.751-768. [↑](#endnote-ref-25)
26. *Security Service Act, 1989*, s.1 (1); *Intelligence Services Act, 1994*, s.1(1). [↑](#endnote-ref-26)
27. *Security Service Act, 1989*, s.2; *Intelligence Services Act, 1994*, s.2, s.3. [↑](#endnote-ref-27)
28. *Security Service Act, 1989*, s.2 (2)b. In an important distinction the Intelligence Services Act prohibits the agencies from supporting ‘any *United Kingdom* political party’ *Intelligence Services Act, 1994*, s.2 (2)b. [↑](#endnote-ref-28)
29. *Security Service Act, 1989* s.2 (4); *Intelligence Services Act, 1994,* s2(4), s.4 (4). [↑](#endnote-ref-29)
30. *Hansard – House of Commons debates -* 23 January 1989, col.792 [↑](#endnote-ref-30)
31. Lustgarten and Leigh, *In from the cold*, p.424. [↑](#endnote-ref-31)
32. *Hansard – House of Commons debates* – 12 March 1985; *Interception of Communications Act, 1985*; For a detailed account of the passage of this legislation, see Bochel, Defty and Kirkpatrick, *Watching the Watchers,* 49-55. [↑](#endnote-ref-32)
33. *Interception of Communications Act, 1985.* [↑](#endnote-ref-33)
34. *Security Service Act, 1985*, s.3; *Intelligence Services Act, 1994*, s.6. [↑](#endnote-ref-34)
35. *Regulation of Investigatory Powers Act*, 2000. On the problems associated with the omission of some methods of collection from the earlier legislation see Rimington, *Open Secret*, pp.194-5. [↑](#endnote-ref-35)
36. *Intelligence Services Act*, 1994, s.7 [↑](#endnote-ref-36)
37. *Intelligence Services Act*, 1994, s.7(3). [↑](#endnote-ref-37)
38. *Intelligence Services Act*, 1994, s.1 (1). [↑](#endnote-ref-38)
39. *Interception of Communications Act, 1985*, s.8*; Security Service Act, 1989*, s.4; *Intelligence Services Act, 1994*, s8; *Regulation of Investigatory Powers Act, 2000*, Part IV. [↑](#endnote-ref-39)
40. *Investigatory Powers Act*, 2016, s.23. On the parallels with the Canadian system see Anderson, *A Question of Trust*, annex 15. [↑](#endnote-ref-40)
41. Lustgarten and Leigh, *In from the cold*, p.424. [↑](#endnote-ref-41)
42. Andrew, *Defence of the Realm*, p.151. [↑](#endnote-ref-42)
43. Andrew, *Defence of the Realm*, p.483. [↑](#endnote-ref-43)
44. Andrew, *Defence of the Realm*, p.524. [↑](#endnote-ref-44)
45. Andrew, *Defence of the Realm*. [↑](#endnote-ref-45)
46. Straw, *Last Man Standing*, p.101. Straw also denied a request from Peter Mandelson to see his file. [↑](#endnote-ref-46)
47. *Hansard* – *House of Lords debates* – 9 December 1993, col.1041. [↑](#endnote-ref-47)
48. *Hansard – House of Lords debates* – 27 February 1989, col.872. [↑](#endnote-ref-48)
49. Clarke, *Kind of Blue*, p.283. [↑](#endnote-ref-49)
50. Rimington, *Open Secret*, p.191. [↑](#endnote-ref-50)
51. Rimington, *Open Secret*, p.190. [↑](#endnote-ref-51)
52. Former Foreign Secretary, interview with author. [↑](#endnote-ref-52)
53. Former Home Secretary, interview with author. [↑](#endnote-ref-53)
54. Straw, *Last Man Standing*, p.303. [↑](#endnote-ref-54)
55. Blunkett, *In the Bear Pit*, p.560. [↑](#endnote-ref-55)
56. Transcript of evidence, Rt. Hon. Philip Hammond, Intelligence and Security Committee, 23 October 2014. [↑](#endnote-ref-56)
57. Former Foreign Secretary, interview with author. [↑](#endnote-ref-57)
58. Former Home Secretary, interview with author. [↑](#endnote-ref-58)
59. Cabinet Office, *National Intelligence Machinery*, 2000. [↑](#endnote-ref-59)
60. The ISC first mentions this in its *Annual Report 1999-2000*, and again in: *Interim Report, 2000-2001*; *Annual Report, 2001-2002*; *Annual Report 2002-2003*; *Annual Report 2003-2004*. [↑](#endnote-ref-60)
61. Intelligence and Security Committee, *Annual Report, 2002-2003*. [↑](#endnote-ref-61)
62. Intelligence and Security Committee, *Annual Report, 2006-2007*. [↑](#endnote-ref-62)
63. Intelligence and Security Committee, *Annual Report 1995*, p.12. [↑](#endnote-ref-63)
64. Intelligence and Security Committee, *Security and Intelligence Agencies Handling of Information provided by Mr Mitrokhin*. [↑](#endnote-ref-64)
65. Intelligence and Security Committee, *Annual Report, 2002-2003*. [↑](#endnote-ref-65)
66. Intelligence and Security Committee, *Annual Report, 2004-2005*. [↑](#endnote-ref-66)
67. Intelligence and Security Committee, *Handling of Detainees by UK Intelligence Personnel in Afghanistan, Guantanamo Bay and Iraq*. [↑](#endnote-ref-67)
68. Intelligence and Security Committee, *Rendition*. [↑](#endnote-ref-68)
69. Intelligence and Security Committee, *Detainee Mistreatment and Rendition: current issues*. [↑](#endnote-ref-69)
70. Aldrich and Cormac, *The Black Door*, p.459. [↑](#endnote-ref-70)
71. Omand and Phythian, *Principled Spying*, p.155. Quoting, P. Wintour, ‘Only a ‘tiny handful’ of ministers knew of mass surveillance’ *The Guardian*, 5 November 2015; N. Clegg, ‘Surveillance Bill is flawed but at last we have oversight’ *The Guardian*, 5 November 2015. [↑](#endnote-ref-71)
72. Cameron, *For the Record*, p.599. [↑](#endnote-ref-72)
73. Aldrich and Cormac, *The Black Door*; Cameron, *For the Record*; Seldon, *May at 10*. [↑](#endnote-ref-73)
74. Sabbagh, ‘UK National Security Council has not met since January’. [↑](#endnote-ref-74)
75. Robertson, ‘Security, policy-makers and intelligence’, quoted in Bochel, Defty and Kirkpatrick, *Watching the Watchers*, p.13. [↑](#endnote-ref-75)
76. Butler, *Review of Intelligence on Weapons of Mass Destruction: Report of a Committee of Privy Counsellors,* p.15 [↑](#endnote-ref-76)
77. Intelligence and Security Committee, *Annual Report 2005-2006*. [↑](#endnote-ref-77)
78. Gaskarth, *Secrets and Spies*, p.100. [↑](#endnote-ref-78)
79. Gaskarth, *Secrets and Spies*, p.100. [↑](#endnote-ref-79)
80. Intelligence and Security Committee, *Detainee Mistreatment and Rendition: current issues* [↑](#endnote-ref-80)
81. Transcript of evidence, Rt. Hon. Philip Hammond, Intelligence and Security Committee, 23 October 2014. [↑](#endnote-ref-81)
82. Investigatory Powers Commissioner’s Office, *Annual Report 2017*. [↑](#endnote-ref-82)
83. Former Foreign Secretary, interview with author. [↑](#endnote-ref-83)
84. *Hansard* – House of Commons debates – 10 June 2013, col.32 [↑](#endnote-ref-84)
85. Transcript of evidence, Rt. Hon. Philip Hammond, Intelligence and Security Committee, 23 October 2014. [↑](#endnote-ref-85)
86. Transcript of evidence, Rt. Hon. Theresa May, Intelligence and Security Committee, 16 October 2014. [↑](#endnote-ref-86)
87. See for example, Intelligence and Security Committee, *Privacy and Security*; Gaskarth, *Secrets and Spies*, pp.101-102. [↑](#endnote-ref-87)
88. Clarke, *Kind of Blue*, 283. [↑](#endnote-ref-88)
89. *Hansard* – *House of Lords debates* – 20 July 2015, col.197. [↑](#endnote-ref-89)
90. Investigatory Powers Commissioner’s Office, *Annual Report 2017.*  [↑](#endnote-ref-90)
91. Hain, *Outside In*, p.371. [↑](#endnote-ref-91)
92. Transcript of evidence, Rt. Hon. Theresa May, Intelligence and Security Committee, 16 October 2014. [↑](#endnote-ref-92)
93. Jenkins, *A Life at the Centre,* p.385 [↑](#endnote-ref-93)
94. Jenkins, *A Life at the Centre,* p.385. [↑](#endnote-ref-94)
95. Transcript of evidence, Rt. Hon. Philip Hammond, Intelligence and Security Committee, 23 October 2014. [↑](#endnote-ref-95)
96. King, *A King among Ministers,* p.179. [↑](#endnote-ref-96)
97. House of Commons - *Hansard*, 12 September 2018 cols. 775-828; ‘Spy poisoning: minister defends not sharing full intelligence with Corbyn’ *The Guardian*, 5 April 2018, <https://www.theguardian.com/uk-news/2018/apr/05/spy-poisoning-ben-wallace-jeremy-corbyn-intelligence> [↑](#endnote-ref-97)
98. House of Commons – *Hansard*, 22 July 2020, cols.2154-2168. [↑](#endnote-ref-98)
99. *Hansard – House of Commons debates -* 23 January 1989, col.792 [↑](#endnote-ref-99)
100. Hain, *Inside Out*, p.371 [↑](#endnote-ref-100)
101. Investigatory Powers Commissioner’s Office, *Annual Report 2017.* [↑](#endnote-ref-101)
102. Former Labour Cabinet Minister, interview with author. This individual never held a ministerial position at any level in the Home Office, the Foreign Office, the Northern Ireland Office, the Ministry of Defence, the Cabinet Office or the Scottish Office. [↑](#endnote-ref-102)
103. Foster. “Ministerial overload and effective government”. [↑](#endnote-ref-103)