

## Intelligence Disgrace

*Andrew Mackinlay MP*

*On 22 May 2008, the Labour MP for Thurrock criticised the lack of accountability of the British intelligence organisations MI5 and MI6 when he spoke in the House of Commons.*

There is never a right time to bring up the matter about which I want to detain the House. I am somewhat nervous about doing so. All too often, Members from all parties acquiesce by their silence in a slow undoing of our human rights and civil liberties in this country. We are not sufficiently zealous in fulfilling our role of probing those areas that the establishment in this country would not like us to dwell on. I am referring particularly ... to our security and intelligence services.

I think that it is a thundering disgrace and an abdication of our responsibility in this House that there is no parliamentary oversight at all of the security and intelligence services. That is a severe deficiency and a flaw in our democratic institutions. Most of the great democracies have parliamentary committees charged with probing and overseeing their security and intelligence services, but that system does not exist here.

I have challenged successive Ministers about the matter, including the current Prime Minister. They have dismissed my questions by referring to the Intelligence and Security Committee, which is hand-picked by the Prime Minister of the day from parliamentarians with whom he or she – and, more importantly, the security and intelligence services – feels comfortable. One Minister told me, ‘Mackinlay, this is a distinction without a difference,’ but I disagree. Who clerks the Intelligence and Security Committee? It is clerked by a spook, a member of the security and intelligence services, and not by the Clerk of the House of Commons. When does it meet? We do not know. We do not know the

parameters of its jurisdiction, as the term ‘security and intelligence services’ is a generic one: does it include the special branch of the Metropolitan Police and other forces, or does it involve just MI5, MI6 and GCHQ? We do not know.

That is a serious abdication on our part, and it is time that it was remedied – with some expedition, as Whips are already coming to me to talk about this business of the 42 days [detention without charge]. I have told them – I shall paint it on their eyelids – that there is no way that I am going to support that proposal. There are many reasons for that, but a particular one is the fact that there is no parliamentary oversight of our security and intelligence services.

**Mr. Richard Bacon (South Norfolk) (Con):** ... will he acknowledge that there is some parliamentary oversight of the security and intelligence services, albeit not enough? Under the National Audit Act 1983, the Chairman of the Public Accounts Committee – who, by convention, is a member of the Opposition – has certain statutory responsibilities for auditing them.

**Andrew Mackinlay:** I am grateful to hear it. I do not mean to be disrespectful as I think that that is good, but it is barely a fig leaf. I make no apologies for saying that this place is abdicating its responsibilities, at a time when civil liberties are at stake – and, as I intend to go on to share with the House, when the role of this place is being undermined.

**Dr. Julian Lewis (New Forest, East) (Con):** ... This House is a democratic Chamber, and all sorts of people get elected to it. Among its hundreds and hundreds of Members over many years, there might have been some who were genuinely a subversive danger. Does he accept that there must be some form of screening of the members of any parliamentary committee that has oversight of secret organisations and access to information that properly is held to be secret? Otherwise, the secret organisations will not make secret information available – and they shall be right not to do so.

**Andrew Mackinlay:** The answer to the hon. Gentleman is yes, I do accept that, but it is not the issue. The issue is that successive Labour and Tory Prime Ministers have said that there shall not be any parliamentary oversight, and I believe that they have done so because they are weak and craven before the security and intelligence services. The point that the hon. Gentleman raises is addressed in the US Congress, which has a very powerful committee to oversee security and intelligence matters. It does not appoint suspect people, but the pride of Congress – and of this place – is that parliamentary institutions should be able to make judgments of that sort.

... The fact is that the US Congress, France's National Assembly, Canada's House of Commons and Australia's House of Representatives all address this subject: it is a matter of pride for them. They find ways to ensure that the members of their respective committees are suitable and appropriate, but they are appointed not by the head of the security and intelligence services – that is, by each country's equivalent of the Prime Minister or the head of the CIA – but by their Parliament or Congress.

... I was going to save the story that I am about to tell for my memoirs. They will be the mother and father of all memoirs, and will actually be interesting. When the late Robin Cook was Foreign Secretary, he had to instruct a man called C to meet the Foreign Affairs Committee. I did not know that there really was a guy called C; I thought that such things were confined to films, but there really is one. I remember going down to the MI6 building, and the Committee was made as welcome as people with bubonic plague. It was clear that the then incumbent C deeply resented the fact that the Foreign Secretary had instructed him to see the Foreign Affairs Committee. Frankly, the meeting was not very productive, as the House can imagine ...

**Mr. Nigel Evans (Ribble Valley) (Con):** ... He has intimated that other Parliaments seem to get around the problem without threatening security. Will he be a little more constructive and suggest how we might change the custom by which the Prime Minister makes appointments to the Intelligence and Security Committee?

**Andrew Mackinlay:** ... First of all, it should be a parliamentary committee. No doubt, there would always be discussions through the usual channels about the method and modus by which people are selected ... but appointments to the committee would be a matter for Parliament. I think that people would emerge about whose qualifications all parties were confident. Achieving the sort of committee that I have described really is not rocket science.

Importantly – and this is not merely a shibboleth of mine – the committee's secretariat should be provided by the Clerk of the House of Commons. At present, as the House knows, the Clerk does handle confidential papers. Without going into too much detail, there are occasions when, rightly, items that require some discretion and security have to be held in this building. Therefore, that is not a problem.

The problem is that there is a cosy consensus among the people who run our political parties. I will not sign up to it, but they are craven before the security and intelligence services. No one is allowed to ask any questions at all, and I shall give an illustration of that very serious problem in a

moment. I dismiss the idea that it cannot be resolved, and think that we should pursue it.

As I noted earlier, the parameters of what comes under the generic term ‘security and intelligence services’ are not quite clear. I want to emphasise that I have no doubt that some very dedicated and brave men and women work in those services, as I do not want anything that I might go on to say to be used against me. I will not accept any suggestion that I do not acknowledge the professionalism, bravery and patriotic dedication of the people who work for our security and intelligence services. However, what I do question is the arrogance of the culture surrounding those services that leads them to believe that they should be exempted from any oversight whatsoever of anything that they do, even when that stuff is almost a matter of history.

Soon after we return from the recess, the question of the 42 days will come before the House, but for me it is a matter of trust. Far too many things lately have caused me to reflect about whether I can trust what are described as the security and intelligence services. I regret that, but in any event it is certainly the mood of the very many people in our society who are asking the same question.

I will give one illustration to buttress my argument. I am one of the Members of Parliament who joined in a court case – Lord Alton of Liverpool and others *v.* the Secretary of State for the Home Department – and my interest in this matter is registered. It went to the Proscribed Organisations Appeals Commission – the POAC is of the status of the High Court – which found against the Home Secretary. In that judgment, it said the Home Secretary’s action in relation to what is known as the People’s Mujahedeen Organisation of Iran was perverse. A lawyer friend tells me that the use of the term ‘perverse’ by a court is the nearest that it gets to being rude to one of the parties in a case. The Home Secretary is a bad loser. Off she trots to the Court of Appeal. After a long deliberation by the Court of Appeal, including days when the hearing was *in camera* and special advocates had to be appointed, the judgment, headed not by a ‘mere’ judge but by the Lord Chief Justice, was confirmation that the action of the Home Secretary was perverse. He went on to say that all that having sat in secret for two or three days did was to reinforce his view that the Home Secretary’s action was perverse.

I want to be generous to the Home Secretary. The Home Secretary’s view was framed by – guess – this country’s security and intelligence services, which peddle a line, quite confident and arrogant, that nobody is ever going to question their judgment. However, on this occasion they did,

and not just Members of Parliament – including Lord Waddington, Baroness Boothroyd, Lord Russell-Johnston, a former Conservative Lord Advocate and many Members of this House – but a court of the level of the High Court and the Lord Chief Justice of England. That is a slight victory, but when there is the damning judgment that the attitude being pursued by Her Majesty’s Government was ‘perverse’, that shows the need, in my view, for people to be able to explain their position more fully before the high court of Parliament, and to be accountable for their stewardship.

... I have two serious points that I want to share with the House ... In the last decade of the South African apartheid regime period, a man called Wouter Basson was the head of the South African equivalent of Porton Down. He was described by journalists writing about the truth and reconciliation commission, in respect of which he had a big hearing, as the Dr. Mengele of South Africa. It is a matter of fact, not conjecture, that he was involved in chemical and biological research ... For 10 years, he was given access to the United Kingdom. It is not unreasonable for me or any other hon. Member to ask why, and on what basis.

I tabled a parliamentary question this week asking on what basis Wouter Basson was allowed to come to the United Kingdom, and to have either the ownership or tenancy of a house in Berkshire. The Government’s reply was, ‘We don’t discuss individual cases’. Of course, I would defend that as a general principle, but it is a matter of fact that that man was involved in serious wrongdoing both in South Africa and internationally. He was an agent of the South African apartheid regime. He was involved in chemical and biological weapons. So he must have been in the United Kingdom with the full knowledge and full consent of our security and intelligence services, and I want to know why.

I also want to know whether there was any ministerial cover for that. If there was not, it is a serious matter, and probably criminality could be involved, because of United Nations sanctions, as well as the United Kingdom law that governed such relationships. If there was ministerial cover, there is even more reason why the House should know. That illustrates how the security and intelligence services will use Ministers to not disclose that which should be disclosed, and I challenge the Government to come clean to the House on the relationship of Wouter Basson and his Project Coast.

I made a Data Protection Act request to the Foreign Office in relation to myself. I asked a lot of questions about Wouter Basson and Project Coast, and to summarise, the Minister’s replies were broadly, ‘There’s nothing in

this'. Yet when I made my Data Protection Act request, it was disclosed that 'a handling strategy meeting to deal with Andrew Mackinlay's questions' had taken place and that no fewer than 13 officials attended that meeting to give me the reply that there was nothing in it. Being a diligent Member of Parliament, I inevitably asked the next question, 'Who were the officials who attended the handling strategy meeting to deal with Andrew Mackinlay's questions about Wouter Basson and Project Coast?' And they refused to answer, because the spooks were there. That is the truth, and they know that it was true that there was some illicit, probably illegal, involvement by our security and intelligence services with Wouter Basson and the apartheid regime's chemical and biological weapons research. So they do not like that sort of question.

The other thing that I want to share with the House – I have hesitated about this – is that I, as a diligent Member of Parliament, take an interest in many parts of the world, and from time to time, as other Members of Parliament do, I meet an official from the Russian embassy, to ascertain the Russian Government's views. We cannot rely on the British press and media and certainly not on the British Government's objectivity in such matters. In my discussions, I give such state secrets as 'I think that Tony Blair will retire probably in 2007' and my firm prediction that there will be no contest for the leadership of the Labour Party. That is the extent of it. If those are state secrets, I plead guilty before the House.

What I learn from meeting a diplomat from the Russian embassy approximately three times a year is what Russia's views are on a range of things – for instance, the Helsinki accords in relation to the controversy about Kosovo. I learn its views about nuclear missile defence. I suspect that many other hon. Members do that. If they do not, they should, because at least if we understand the other guy's point of view, we can make a good assessment of how we should probe the Government and what we should be arguing and so on. For example, the British want someone extradited from Moscow, but what has not been told in the House is that Moscow would like some people extradited from London to face courts in Moscow – not a wholly illegitimate claim.

... I want to share with the House – this is why I raise it as a matter for Parliament – the fact that I was approached very formally last summer by a Minister who said, 'I've been approached by you know who, who tells me that you're meeting a person from the Russian embassy'. I was and I remain highly indignant and angry, both in my regard and for Parliament. I found the approach menacing, and bearing in mind that I meet the people from the Russian embassy in this building, it means that the security and

intelligence services are monitoring not only the people who come into this building, but the hon. Members whom they meet and presumably what is discussed.

I ask the House a question: is that not an affront to Parliament? Is it not serious that there should be scrutiny of hon. Members talking to people from around the world? My view is that it is important – people have fought battles over this – that any Member of Parliament should be able to talk to whomever he likes, particularly in this building. If oversight of that starts to happen, it diminishes Parliament and is very dangerous politically.

**Mr. Kevan Jones: (Durham North), (Lab)** I hate to accuse my hon. Friend of being a bit naïve, but does he not live in some sort of utopia and does he not think that those other people might be interested not in what he is up to, but rather in the Russian gentleman whom he meets? Does he not think that the Moscow security services follow British diplomats and other EU diplomats around different parts of the former Soviet Union?

**Andrew Mackinlay:** I am not naïve about the security and intelligence services around the world. I guess that they monitor officials from a variety of embassies. I object not to that – indeed, I make the assumption that it happens – but to the approach by a Minister warning me off doing such things. That was unacceptable to me, and it remains so. I see it as a breach of my rights and duties to the House and as a Member of Parliament. Of course, I have refused to buckle on this.

I want to share with the House the fact that those conversations I have with the Russians are casual. I have not exaggerated and was not being flip. I will talk about my predictions – for what they are worth – about the United Kingdom political scene over the next few months. What I get in return is Russia's views, which I do not necessarily accept, but I then understand its views about a range of issues. If we abandon that and if we feel influenced or intimidated, that is a real diminution of our roles as legislators, and I find it intolerable. I hope that other hon. Members share my view.

I am concerned about the mere fact that other people clearly had knowledge of our discussions – times and details. It occurs to me that my hon. Friend the Member for North Durham is probably part of the establishment, but I am not and I am never going to be. Basically, there is an attempt to frighten hon. Members, as I was, and they say, 'We know that you're a perfectly good patriot and we have every confidence in you, but it would be helpful if you could let us know next time you're meeting them, and you might be able to broach one or two subjects'. I think that

that is what goes on, and it has been going on in the House for years, and I am not prepared to sign up to it.

I urge hon. Members to reflect on what I have said. We must have oversight of the security and intelligence services. Ministers must be less craven to them. The Prime Minister must be bold and go down in history as saying that he will do what happens in the United States of America, Australia, Canada, the Republic of France and every other democracy, where the legislature has control and oversight of the security and intelligence services.... I believe that we are ignoring a great danger to our liberties. We should be much more jealous of the rights and privileges of the House, which people fought for and are enshrined in the Bill of Rights.



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