

Intelligence in Public Media

Secrets and Spies: UK Intelligence Accountability after Iraq and Snowden

Jamie Gaskarth (Brookings Institution Press, 2020), 147, notes, index.

Reviewed by Jason U. Manosevitz

Intelligence accountability in the United Kingdom has changed tremendously in the last 30 years. Starting in the late 1980s and early 1990s the government began passing laws strengthening oversight of intelligence. These included the Interception of Communications Act, the Security Services Act, the Intelligence Services Act, and the Justice and Security Act. More recently, in 2016, the United Kingdom passed the Investigatory Powers Act, adding more scrutiny while also expanding authority to monitor communications. These laws broke the long-held British norm of avoiding public discussion of intelligence issues. More importantly, intelligence oversight is no longer exclusively an executive branch function because Parliament plays a role through its Intelligence Security Committee (ISC) and judicial commissioners scrutinize communication intercept warrants.

Scholars have closely watched these developments. Well-known researchers, such as Christopher Andrews, Peter Gill, David Omand, and Mark Phythian, have traced the emergence of legal mechanisms, Parliament's role, UK intelligence practices, and changes in British intelligence's ethics. Jamie Gaskarth's *Secrets and Spies: UK Intelligence Accountability after Iraq and Snowden* aims to fill a key gap by flipping the perspective from which accountability is viewed. Rather than looking simply at how those those charged with oversight view the issues, Gaskarth asks how British intelligence and security policymakers understand accountability and how their understanding links to institutional structures and organizational performance. (6)

Gaskarth, as a senior lecturer at the University of Birmingham teaching strategy and decisionmaking, is well poised for this work. For several years he has focused on ethical dilemmas of leadership and accountability in intelligence, foreign policy, and defense. He has authored, edited, or co-edited six books. Gaskarth is motivated to write by what he sees as a deepening debate between those who argue UK oversight is deeply flawed because the security services continue to miss threats and those who argue the services have improved based on lessons learned. Similar to some in the United States,

Gaskarth thinks a key problem is that the intelligence agencies respond well to crises but are poor at predicting them and that this issue gets little attention in oversight circles, even though it has major consequences for security policy. (4)

Gaskarth's typology and word choice is awkward for US readers. And despite the book's title, he spends no time on the intelligence or deliberations that led the United Kingdom to join the war against Iraq or the substantive issues surrounding Edward Snowden's leaks. Those seeking to learn about how the United Kingdom dealt with intelligence issues related to the Iraq War and Snowden's leaks would be better served by reading the Butler and Chilcot reports as well as the judgments from the Investigatory Powers Tribunal. Those quibbles aside, *Secrets and Spies: UK Intelligence Accountability after Iraq and Snowden* offers an important contribution to the study of intelligence oversight.

Gaskarth frames *Secrets and Spies* with a review of academic theories on oversight. He covers these theories through a series of classic questions academics have long grappled with—what does oversight mean, what are its limitations, why is it important, who should hold intelligence agencies accountable, what are the goals of accountability, and what new challenges are there to accountability in the United Kingdom? He breaks little new ground with this first chapter but it helps orient the reader to how UK scholars see political science's oversight theories. Gaskarth covers the waterfront—the difficulty of defining accountability, how secrecy can hide abuse, the complexity of intelligence work as an obstacle to understanding it, the role of the media, and the problems with external overseers' incentives and closeness to intelligence organizations. Naturally, he also discusses the age-old problem of oversight as an exercise in either “police patrolling” or “firefighting.” Although not explicit, Gaskarth essentially jettisons this US-favored rational choice approach to analyzing oversight.

Gaskarth moves from the theoretical to the practical, which is an examination of formal UK oversight

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mechanisms. He focuses on how primary oversight bodies, the media, and some commentators hold the United Kingdom's intelligence services accountable. Gaskarth's overall point in this chapter is that external actors focus on effectiveness, efficiency, and intelligence services' ethics. He acknowledges, however, that how these groups define these terms leads them to emphasize different aspects in carrying out their oversight roles. In his analysis, he sees effectiveness in the quality of policies initiated and the methods used to implement them. He further subdivides effectiveness into political and operational issues—but these are not what one might expect.

Political issues, for Gaskarth, are poor coordination among agencies, misinterpretation of intelligence, and failure to anticipate threats. Operational issues cover the handling, production, and analysis of intelligence. Efficiency boils down to recordkeeping, which readers learn is occasionally quite poor in the UK system. Ethical issues run the gamut from treatment of detainees, cooperation with intelligence partners, and asset running, particularly children. Gaskarth pulls details from several official UK reports and investigations over the last 20 years, touching substantively on UK counterterrorism, counterintelligence, and intelligence collection issues. Unfortunately, how intelligence support to policymakers fits into the external actors' rubric of effectiveness, efficiency, and ethics appears to be missing.

The most significant contribution of *Secrets and Spies*, I think, rests in its chapter on intelligence practitioners' views of accountability. Gaskarth conducted 40-some interviews with current and former practitioners, ISC members, and ministers, blending in public remarks and speeches for his analysis. He recounts that practitioners emphasize accountability as “following commands of elected leaders” and cites a former SIS officer who sees accountability as “performing against the objectives you are given and demonstrating an acceptable stewardship of state resources.” (80) This establishes a hierarchical structure, a familiar hallmark of principle-agent theory.

Gaskarth probes more deeply to look at how the UK services maintain high standards despite the limitations of external scrutiny. To do so, he separates internal oversight into two categories. These are the nature of the intelligence business, which he calls “task-oriented accountability” (86) and organizational culture, which he calls “vernacular accountability.” (90) Task-oriented accountability is about interpreting past mistakes and learning for the future. The key characteristic Gaskarth

brings forth here is that “intelligence professionals hold each other to account for errors, not because of fear of external oversight but because their sense of identity is inextricably bound up with the idea that they perform their tasks effectively.” (88) Implicitly (and surprisingly) he is arguing that analytic and operational tradecraft serve as oversight mechanisms because they guide intelligence officers on the methods to accomplish their work. Some key issues that need to be addressed within task-oriented accountability include how intelligence services can innovate, learn from successes, and stay ahead of strategic change because most “lessons learned” exercises stem from missteps. This helps an organization work better in the strategic environment within which it operates, but doesn't lend itself to predicting strategic shifts.

Internal culture—Gaskarth's “vernacular accountability”—boils down to ethics. This is a key part of his analysis. An intelligence organization's ethics are critical because so often the capabilities of a service outstrip what it or its overseers view as appropriate action, according to Gaskarth. Gaskarth relays that some SIS officers, particularly after the Iraq experience, gained a deep appreciation for avoiding groupthink, fostering a culture that challenged analytic lines, and stimulated contrary views no matter what one's seniority. (116) Neither Gaskarth nor his interlocutors address the need to come to analytic closure and avoid endless navel-gazing, however. Gaskarth does address the UK services' engagement of tech firms to tackle the dilemma of biases seeping into artificial intelligence (AI) algorithms and AI morphing into systems that challenge the moral compasses of the security services.

Gaskarth applies his external and internal approach of oversight in two chapters about how the UK services operate in practice as well as in liaison relationships. The chapter on the UK services in practice does not go much beyond what is laid out in previous chapters, but is still good and provides several examples that support his arguments. It reiterates how the UK intelligence and security services have gone through a tremendous transformation, particularly the creation of new structures and of using judicial commissioners to review communication surveillance warrants when operating domestically.

In addressing intelligence partnerships, Gaskarth finds that UK services are focused on performance—their own and that of their partners. He touches on what he and his interlocutors see as the transactional nature of intelligence partnerships. From this optic, Gaskarth argues that it's

not just the result of intelligence work that the United Kingdom provides or receives but how those outputs fit or clash with the United Kingdom and its partners' formal and informal oversight structures. As an example, he explains that the United Kingdom had difficulty working with Pakistani services because their collection methods would not hold up in the UK system for prosecuting counterterrorism cases. In a few brief, somewhat odd passages, Gaskarth asserts that liaison relationships may be useful for circumventing formal oversight structures. This does not seem well founded and cuts against Gaskarth's own argument. Specifically, he states that it is the internal culture and the myriad conversations about appropriateness and efficacy between and among colleagues that keep secret organizations honest when external scrutiny is partial and the demands from operational tasks are high. (121) As such, it seems unlikely that intelligence services would use liaison partners to circumvent their own oversight structures.

One aspect that begs for more explicit discussion is the interplay between formal and informal accountability.

One such example in the US context comes from former CIA Director Robert M. Gates, who related that often during his tenure, interlocutors would come up with a "really goofy idea" for covert action and he could dispense with it by reminding them he would have to brief the two congressional committees within 48 hours, which then made the proposal seem less like a "hot idea."^a A particularly useful aspect of this question would be to assess how the internal mechanisms of oversight evolved, specifically as British attitudes towards national security have changed over time.

Other useful lines of inquiry that would help round out Gaskarth's work include considering the implications of an increasingly "legalized" system on the internal forms of accountability. In the US case, the evolution of formal IC oversight mechanisms has led to the development of various IC legislative affairs offices and an expanding need for legal advice and interpretation. How these forces influence internal forms of accountability would be useful to know, as would how intelligence practitioners view an increasingly complex oversight system.



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a. Robert M. Gates, interview transcript, George W. Bush Oral History Project (July 2000), <https://millercenter.org/the-presidency/presidential-oral-histories/robert-m-gates-deputy-director-central>.

