

It is time to adopt a different approach to appointing members of the Intelligence and Security Committee

By Democratic Audit UK

*The Intelligence and Security Committee which oversees Britain's Security Services (MI5, SIS, and GCHQ) has come under sustained scrutiny for its perceived reluctance to exert scrutiny over those it is tasked with watching. **Andrew Defty** argues that recent events show the need to change the appointments procedure in order to buck the trend of appointing establishment figures who aren't known for asking 'difficult questions'.*

In the last few weeks the Intelligence and Security Committee has lost its [Chair](#), Sir Malcolm Rifkind, who remains as a member of the committee, and one of its members, Julian Lewis, who has [stepped down](#) from the committee. The changes mark an unwelcome end to the term of office of the current committee which, with the exception of the untimely death of Paul Goggins, had remained unchanged since the 2010 general election.

The stability in membership of the current committee had been a welcome change from the previous parliament in which the ISC had three chairs and five changes of membership.

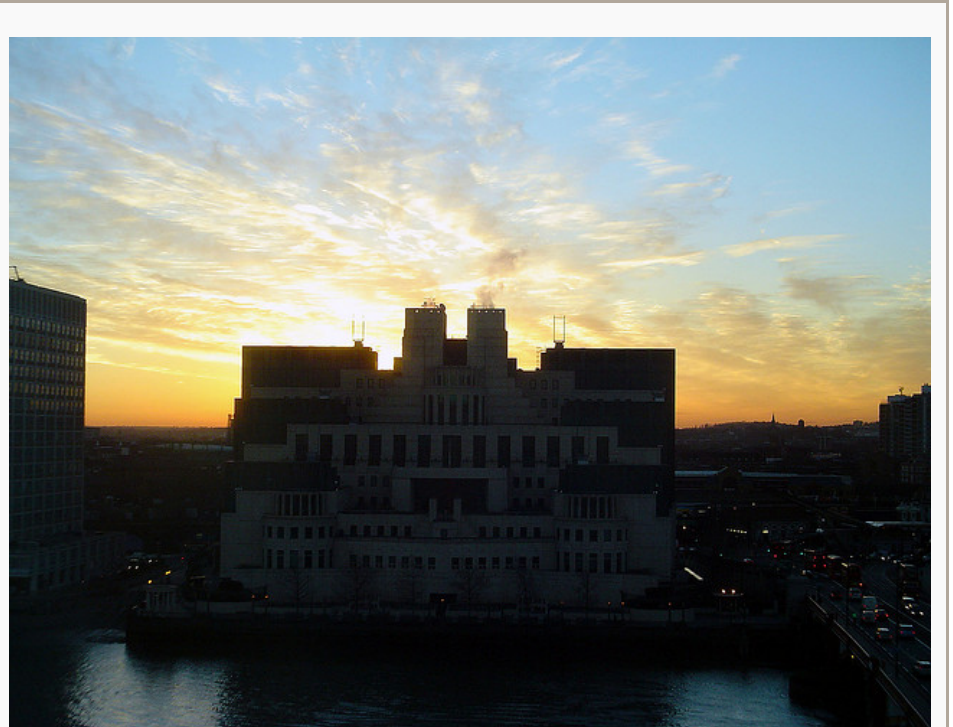
However, these recent changes

once again raise questions about the composition of the committee and the kind of parliamentarians selected to serve on the ISC.

The [ISC](#) is a cross-party committee comprised of nine members from both Houses of Parliament. Until changes introduced as part of the [Justice and Security Act 2013](#), the ISC was a statutory committee with a membership hand-picked by the Prime Minister. The committee was reconstituted as a parliamentary committee in 2013, although the membership remained the same. New members are now nominated by the Prime Minister but their appointment must be approved by Parliament. The Chair of the committee is now selected by its members.

Sir Malcolm Rifkind will be the last ISC Chair to have been appointed by the Prime Minister. These changes marked an important step towards making the ISC more accountable to Parliament. However, changes to the process by which members of the ISC are selected are unlikely to enhance the credibility of the committee unless there are also changes to the kind of individuals nominated to serve on the committee.

The establishment of the ISC in 1994 was an important step forward in intelligence agency accountability in the UK. The committee has undoubtedly developed a close working relationship with the intelligence agencies and has been instrumental in demystifying parliament for the agencies to the extent that agency heads now also [give evidence](#) to a number of other parliamentary committees. However, the ISC has done little to build credibility for the agencies within parliament and the credibility of the committee itself is often questioned.



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The committee's image problem was acknowledged by its former Chair, Sir Malcolm Rifkind, in a [speech](#) shortly after his appointment in 2010, in which he observed that the ISC must 'not just be entirely independent in law and in the eyes of its own members. That independence must in practice, be fully respected by all government departments and the ISC perceived to be fully independent, both by Parliament and by the public.'

Unfortunately, Sir Malcolm was himself part of the problem. As part of research undertaken at the [University of Lincoln](#), in a series of interviews with over one hundred parliamentarians from both Houses, one of the most consistent weaknesses identified in the ISC was the kind of parliamentarians selected to serve on the committee. There was a widespread perception within Parliament that those appointed to the ISC were too close to the agencies and not the kind of members one would expect to ask difficult or probing questions.

Some of the more restrained comments about the ISC membership was that they are 'not the sort of people to make a big issue out of things', 'not the kind of people to rock the boat', and 'an elite group of parliamentarians who believe they're the only ones who know about these matters.' One former member of the ISC admitted that the committee had been 'too deferential' while a member of the current committee acknowledged that there was a still a danger of members being 'starstruck' by the agencies.

The ISC does have a rather different complexion to other parliamentary committees. There has been a tendency towards seniority in appointments to the ISC. Twenty-three of the thirty-nine parliamentarians who have served on the ISC have held ministerial office before being appointed to the committee, with a clear preference for members with ministerial experience in defence, foreign affairs and Northern Ireland. With the exception of Kim Howells, the six Chairs of the ISC have all held Cabinet positions prior to their appointment, including two former Foreign Secretaries (Margaret Beckett and Sir Malcolm Rifkind), two former Defence Secretaries (Sir Tom King and Rifkind), two former Secretaries of State for Northern Ireland (King and Paul Murphy) and two former Leaders of the House of Commons (Beckett and Ann Taylor).

There is a popular misperception that members of the ISC also have to be Privy Counsellors, based perhaps on the practice that Governments have occasionally shared secrets with selected parliamentarians on 'Privy Council terms'. Although this is not the case, Privy Council membership has often been a reward for serving on the committee. Julian Lewis's elevation to the Privy Council was, for example, announced at the same time as his departure from the committee. Many former members have also found themselves in the House of Lords. Although this has been less so in recent years, there are at present as many current and former ISC members in the House of Lords as in the House of Commons.

The appointment of ISC members from the House of Lords has allowed the appointment of individuals with professional experience of working with the intelligence agencies. Baroness Ramsey of Cartvale who served on the committee from 2005 to 2007 is a former member of SIS. The appointment to the current committee of the former Cabinet Secretary, Robin Butler, was opposed by some who felt that he was too close to the agencies. In an interview prior to Butler's appointment, one member of the current committee noted that the ISC certainly 'should not' have people like Butler serving on it, although in a later interview the same individual argued that enough time had now passed since Butler had any professional contact with the agencies and his expertise meant that he could play an important role on the committee.

There are of course very good reasons for staffing intelligence oversight committees with individuals with experience of working in this area. ISC members must be trusted to handle classified information, and there may be a risk that those who are not accustomed to handling such material may, either by accident or intent, leak secret information. Intelligence is also an area in which few parliamentarians have any experience and there is therefore a steep learning curve for new members. These problems may be mitigated if members have previously encountered the agencies through ministerial office, or previous appointments. Such individuals may also be better placed to ask difficult questions of the agencies.

However, there is also clear potential for conflicts of interest, and such appointments can also serve to give the impression that the committee is not sufficiently independent, as Sir Malcolm Rifkind acknowledged in 2010 it is not sufficient for scrutiny to take place, those outside of the process must also have confidence it is taking place. In responding to such concerns it is not enough simply to throw up one's hands, as ISC members have been

[prone to do](#), and simply state that the critics will never be persuaded. The ISC must work to build credibility within parliament and beyond. One way in which it may do so is to accept that the membership of the committee has not always inspired confidence and to adopt a wider and more imaginative approach to appointments.

The ISC will be reappointed after the general election and there are a number of potential changes to the membership which might serve to enhance its credibility. Whoever is Prime Minister after the election could nominate more members from outside the standard profile of ISC membership, in particular there could be less former-Ministerial appointments. While some experience in this area is clearly valuable to the committee it is damaging if the ISC is viewed as a sinecure for former Ministers. Similarly, in making appointments from the House of Lords, those who have experience of working in, or very closely with, the agencies should be avoided.

The recent practice of appointing former senior members of the intelligence community to the House of Lords presents an obvious pool of individuals to serve on the ISC. However, whatever their qualifications for the post it would be a poor day for the committee if a former head of MI5 found themselves serving on it. Indeed, the Prime Minister along with Opposition leaders might instead go so far as to seek out potential members who are known to be critics of the agencies, or if that is a step too far, individuals who at least engender respect in the House for their independence of mind.

In considering such individuals for nomination the question should simply be whether their membership would be damaging to national security not whether their questions might undermine confidence in the agencies. There is also clearly a case for [more women on the committee](#). Parliament itself could also do more to shape the committee. While the Prime Minister is still responsible for nominating members, Parliament has the power to challenge those nominations, it remains to be seen whether it will exercise that power or [routinely nod through](#) the Prime Minister's nominations. The committee itself could also seek to assert its independence from the Executive by adopting a policy of appointing as its Chair, an Opposition member. This is widely viewed as best practice in intelligence oversight committees and would serve to balance the in-built government majority on parliamentary committees.

Whatever the damaging effects of recent weeks, under Sir Malcolm Rifkind the ISC has taken some important steps towards making itself more open and accountable. In addition to navigating through Parliament significant reforms to the powers and status of the committee, Sir Malcolm has also been more prominent than previous Chairs in publicly explaining the work of the committee and seeking to contribute to debate on issues of national security.

Despite some flaws, the introduction of public evidence sessions is another welcome initiative which it is hoped will develop. However, for many the ISC continues to look and sound like every previous committee. A different approach to the nomination and appointment of members of the next committee might help to change that.

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