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'Reflections on Intelligence'

Transcript:

"Had I known when I accepted the invitation to give this talk the backdrop against which I would be speaking, I might have thought twice about doing so. But, as you might expect, the text has altered since I first drafted it. I chose the bland title, partly because I am not good at snatchy ones, and partly because I wanted to focus when I chose it on the seduction of intelligence and some of its risks. Now my speech is in three parts, the first covering that issue, the second giving what I hope is a cool and measured response to some of the recent accusations against the Security Service which I led for nearly 5 years, the third looking ahead.

Seduction of intelligence

In 2004, which you will no doubt recall was the anniversary of the Entente Cordiale, our Embassy in Paris gave a dinner to which the British intelligence community invited their French counterparts and predecessors. The close relationship between those two communities long pre-dates (and was traditionally unaffected by) the trauma of Anglo-French relations in the EUINATO. The head of the French intelligence service made a speech of thanks in which he jokingly complained that the British, and indeed, the English-speaking world had a glamorous and seductive word for the covert collection of information. The British called it "Intelligence" whereas in France at that stage, pre-Sarkozy, at least one of the security intelligence agencies laboured under the dull title of "General Information." In the eye-catching and romantic stakes, our French friend said that there was no contest.

Some of you will rightly consider that the report on WMD produced by Lord Butler, with two other members of this House, Lord Inge and Lady Taylor, also on the team, said the last word on the subject of intelligence. The description of intelligence in Chapter I of that report is one of the best descriptions of intelligence I know. Its themes bear repeating. Intelligence is the acquisition of information that is deliberately intended to be concealed. That information should have no special value because it has been collected covertly. Its sources need to be validated, it needs to be carefully and objectively analysed and a cool assessment reached of it, involving a spectrum of expertise.

Always, to quote Lord Butler, it should be remembered that "much ingenuity and effort is spent on making secret information difficult to acquire and hard to analyse."

It rarely offers completeness or certainty. And it needs context from other material, such as diplomatic reporting and open sources. Above all those who read it must not be seduced by its attractions or attach too great a significance to it.

The excitement which is sometimes engendered about how it was obtained risks colouring its importance. This may sound as if I am dumbing down the collection of intelligence.

I am not. It has been of major strategic importance; it has saved lives in peacetime; it has contributed to success in war-time. And at a tactical level, not covered by the Butler report, the small bits which are collected help form a picture; the telephone numbers, the photographs, the

association of individuals and their behaviour can also be of vital importance. But all must be judged impartially and checked and checked again. And readers of finished, assessed reports need to be educated. Whether or not there is a change of government, I would advise new Ministers to approach intelligence material with healthy scepticism and questioning. The security and intelligence agencies want thoughtful, balanced and critical readers of their material, with independent judgement.

Three other points which I think need stressing, and which I find members of this House and others, occasionally forget. Firstly intelligence is vulnerable. Individuals supplying it can be exposed, interrogated and killed. Our duty is to protect them. Operations can be compromised, techniques blown, ciphers changed. The targets of intelligence learn and improve their own techniques to conceal their actions from the authorities. So pleading for transparency, for full public scrutiny of the techniques used potentially jeopardises those techniques. The targets must not become aware of what is possible.

Without that being secret we shall be unable to discern the secret plans of those who aim to bring us harm. Secondly not all intelligence can be developed into evidence, however hard you try, and individuals about whom there are grave concerns will not, and properly not, all be prosecutable. Nor can the risk they pose easily be mitigated. I am not here talking about telephone intercept, the use of which in court I favour in principle, provided some complex, procedural issues (which have thwarted all governments since my Service first proposed in 1988 to government that it examine the issue) can be satisfactorily resolved.

But I am talking about information that falls short of evidential standards, hearsay at third hand, things said, things overheard, things seen which could be variously interpreted, things grey, unclear, vague, rarely clear cut even with the benefit of hindsight, sometimes designed to mislead, all of which, back to Butler, need validation, analysis and assessment, but which any judge would unhesitatingly kick out even if the prosecutor thought them useable. That sort of intelligence can move one from ignorance towards understanding but rarely to certainty.

Thirdly not everything is knowable in advance. Not being omniscient is not of itself "an intelligence failure." The actions of all our citizens, or indeed citizens from elsewhere, cannot be anticipated or prevented. As the Americans say "Do the math". 60 million plus people here, 3Y2 thousand Security Service staff plus the other agencies, SIS and GCHQ and some 140,000 police, most of whom are not engaged in counterterrorist work. As my successor has said, you can know of an individual without knowing what he will do. And you can't anyway know everybody nor, and this is important, do you wish to.

The security service

In recent weeks a raft of criticism has been made of the Service in which I spent 33 years. I have no wish to pour petrol on the flames, the reverse. I believe strongly in the rule of law. I abhor torture or the threat of it. I come from a family of lawyers and nearly studied law at University. (And if I may be allowed an irrelevant aside, Peter Hennessy brought to my attention the fact that my father, Attorney General at the time of Suez, warned the Eden government that what it was planned was illegal in international law). Without law we are defenceless. When the Cold War ended and the emerging democracies of Eastern Europe were considering what security and intelligence apparatus they wanted to replace their repressive predecessors, we provided, with SIS, help and advice. Above all, we stressed (as I also remember doing in South Africa soon when invited there soon after Mandela came to power) the need for a proper legislative base for intelligence and security work. My Service sought that ourselves for a number of years before the Security Service Act of 1989.

Similarly we sought parliamentary accountability for several years before the establishment in 1994 of the Intelligence and Security Committee. Moreover it was my Service that argued for the need for the Regulation of Investigatory Powers Act, to make sure that two intelligence collection techniques not covered by earlier legislation, namely the use of covert human sources and following and observing people (directed surveillance) were legislated for, to be compatible with the Human Rights Act 2000.

As well as the law, I believe in fairness and justice and not even a lawyer would claim that these always run in tandem. I do not believe that the law always gets it right. I do not believe that the Security Service always gets it right. It works in a tricky and complex environment, not only with expectations, rightly, that it should operate to the highest standards, but, as I have mentioned, with unreasonable expectations of 100% prescience. Intelligence work or course raises moral and ethical issues; it is not alone in that. Because the Service's work affects peoples' lives, freedom and privacy, it is critical to ensure that what is done is fully justified, legal, proportionate and impartial. And in that work the support is needed not only of the Government of the day and, if at all possible, the opposition parties, but also of the public from whom recruits are drawn, who support operations and who supply information in confidence.

The Service today has to deal with a severe threat from Al Qaeda and those directed or merely inspired by it. It also has to deal with countries, some of which have little law, little democratic accountability, and none of the safeguards of our legislation such as the Police and Criminal Evidence Act. Dealing with such countries raises troubling issues. When I was Director-General I discussed this dilemma with the head of Amnesty who had kindly come to give a lecture to my staff, at my invitation. I hope that I am quoting her position accurately when I say that she thought that we should not have international relations with any foreign service which operated to different moral and legal standards to our own. The central problem of her position, which I respect, is that the global nature of terrorism requires a global response. We need intelligence from outside these islands, as well as in, if we are to protect our citizens from at least some of the threats we face in the 21st century.

Almost all the terrorist plots uncovered here have had overseas links. In collecting that intelligence the service must make careful judgements, paying close attention to the law and be fully accountable to the law, to Ministers and through them to Parliament. And, of course, the work of the Service takes place in the wider context of UK foreign and defence policies.

The reason why the Portcullis is part of the Service's crest is because, for generations, the Service's responsibility has been to help protect the UK and its parliamentary democracy. In my experience throughout the part of its history which I shared, and earlier, according to Christopher Andrews' centenary history, with few exceptions, the Security Service has been sensitive about its work in the UK.

As history shows there have been several occasions when the Service has elected to be deaf to the suggestion of the government of the day that it should collect intelligence on, for example CND, some trade unions and protesters. The Service almost always took a narrow perspective on what it was proper for it to be engaged in. Intrusions to privacy can only be justified if the threat they aim to counter is high.

I should like to describe the organisation I know. I understand that so doing will elicit angry protestations from those who wish to see it as a repressive tool of a government, insufficiently sensitive to human rights, ignoring the law like the cast of "Spooks". The three and a half thousand staff are not part of a vast conspiracy. They are men and women of different backgrounds, beliefs and ethnicity who wish to work, without any chance of personal fame, or

recognised success, because they believe in the UK, its rights and freedoms and because they wish to protect it, as far as they are able against threats. (After all the first human right under ECHR is the right to life: the right not to be blown to bits on your way to work).

The staff reflect British society and will have similar ethical and legal concerns, the discussion of which is encouraged. The allegations of collusion in torture and lack of respect for human rights will wound them personally and collectively and, in some respects, whether proven or not, will make it harder for them to do their job.

I make no comment on the allegations themselves or the views that have dominated the press lately. That is not because I have no views. I do. But police investigations are in hand which may or may not lead to cases being referred to the CPS. The CPS mayor may not decide that there is a case to answer. A jury may or may not decide that the law has been broken. That process should continue, in my view without prejudicial comment, from me or anyone else. I do understand public concern about what may have been done in its name and after the legal processes have been completed whichever shade of government we have will wish to see if there are lessons to be drawn for the future. But I doubt that these lessons will offer an escape from the reality that we live in a dangerous world and have to talk to those whose behaviour is very different from our own.

And just remember while I am speaking to you now that those men and women are likely to be at full stretch, working into the night. Sources will be being met, operations being run, documents translated, microphones installed, people being followed, cryptic telephone conversations being interpreted, film being taken, warrant applications being drafted, meetings being held with police, prosecutors, ministers, Whitehall officials, members of SIS and OCHQ, foreign intelligence officers and hundreds of pieces of incoming intelligence being sifted, pursued and analysed, all done to save lives.

Looking ahead

Finally, I know Peter Hennessy argues for a history of horizon scanning by HMO in the 20th Century. He has asked me to look ahead into the 21st Century. I can't match Lord Rees of Ludlow's superb analysis of the next 50 years, made in the previous lecture in this series. But soon after the centenary both of my Service and SIS I shall make a few cautious predictions.

- We shall see terrorist attacks involving chemical, biological and radioactive weapons
- New threats, currently unanticipated, will arise, putting a premium on flexibility of response
- We shall still need covert collection of intelligence if we are to counter such threats.
- Attempts at cyber attack will proliferate.
- The accountability arrangements and scrutiny of the security and intelligence agencies may change but will never be able to be transparent if the effectiveness of the agencies is not to be destroyed.
- After the next terrorist attack there will again be calls for fresh legislation, some of it repressive which should be resisted. The criminal law as it stands is enough.
- Espionage, the world's second oldest profession will continue. More states will acquire nuclear weapons: means of delivery will become more sophisticated and long-range.
- The "war on terror" will not be won but the threat will mutate and may moderate."