



INTELLIGENCE AND SECURITY COMMITTEE OF PARLIAMENT



PRESS NOTICE: INTERNATIONAL PARTNERSHIPS

The Intelligence and Security Committee of Parliament published its Report on International Partnerships today.

The Chairman of the ISC, the Rt Hon. Sir Julian Lewis MP, said:

“The breadth of evidence taken in this Inquiry reflects the reality of modern intelligence: almost every aspect of intelligence work relies upon, or benefits from, international co-operation. Strong international partnerships act as a vital ‘force multiplier’, enhancing the ability of the intelligence Agencies, the wider Intelligence Community and the Government to make sense of, and act in, an increasingly complex world. Intelligence is a team effort and these partnerships allow the Intelligence Community to share with allies the burden of countering the most acute threats to the UK, providing access to intelligence services and capabilities beyond the UK’s reach. They help keep UK citizens safe.

However, we cannot ignore the potential pitfalls. In many cases the partners with whom the Agencies work operate under different legal and ethical constraints to the UK and may not necessarily share the UK’s values – a fact to which the Intelligence Community has not always been sufficiently alert, as this Committee has previously reported. With no choice but to work with other countries, the legal and compliance framework under which our Agencies engage is therefore of the utmost importance: it must be embedded into the operational culture and decision-making of the Agencies. From the evidence provided to this Inquiry it is clear that lessons have been learnt. There has been a significant improvement in processes and procedures, there is a far greater understanding of the issues that must be taken into account, and there is a genuine recognition of the broader impact of these relationships and the need for continued monitoring of their appropriateness.”

The Committee’s key findings

How partnerships work

- The UK’s relative strength across a broad range of intelligence disciplines and subject matters makes it a partner of choice for many countries. The Intelligence Community should continue to foster this reputation – which, like all reputations, is hard won and easily lost.
- The Committee fully supports the positive approach the Intelligence Community takes towards intelligence partnerships, seeking actively to develop them beyond

the merely transactional. Making full use of the UK's relative strength in intelligence terms to build effective partnerships is an effective use of resources that can help keep the UK safe in times of crisis.

- The Committee was satisfied that instant messaging applications are not used for the exchange of classified intelligence information with foreign counterparts. However, it is essential that audit trails are maintained of diplomatic exchanges that are made using Whatsapp and similar applications – not least so that retrospective oversight can be applied by Parliament should this be required.
- The UK's overseas collection facilities are indispensable in terms of the contribution they make to the UK's national security: the Intelligence Community should continue to exploit them for intelligence gain and broader Government policy must take into account such considerations.
- The SIS global network of stations overseas is a vital enabler for the work of the Intelligence Community. While the Committee recognises that financial pressures will always require decisions to be made on the value for money provided by each station, SIS should maintain a general ambition to grow, rather than consolidate, its global footprint.
- The Committee is supportive of SIS's capacity building efforts. However, working with some partners carries inherent risk and the Agencies must continue to take great care about what capabilities they choose to share with which countries, and ensure robust safeguards are put in place (including the ability to withdraw if this becomes necessary).

Law and values

- The UK Intelligence Community – and SIS in particular – has to work with countries and foreign liaison partners that do not share the UK's values or commitment to human rights and the rule of law. The UK's international and domestic law obligations are a critical component of the Agencies' work with international partners. Law and compliance should therefore be an inherent characteristic of operational teams, not just part of the operational process.
- 'The Principles' is a key government policy document regarding the detention and interviewing of detainees overseas, and the passing and receipt of intelligence relating to detainees. They appear to be working well and are fully integrated into Agency processes. The evidence we have received reassures us that, whenever possible, appropriate due diligence is carried out to ensure that information is not obtained via prohibited methods. Although we note that this cannot be guaranteed.
- The Committee is pleased to see that its recommendation relating to joint units has finally been taken on board and that engagement with such units is now explicitly

covered by The Principles. However, it is disappointing that HMG took nearly seven years to amend its policy: this is an unacceptable delay given the gravity of the compliance risks and volume of joint work undertaken by SIS.

- The Committee is still concerned that the Foreign Secretary is given significant discretion to authorise activity that may carry a real risk, although with the additional oversight of the Investigatory Powers Commissioner's Office, there would appear to be sufficient checks and balances in the system.
- The Prime Minister should provide this Committee with a full copy of the Confidential Annexes to the Annual Reports of the Investigatory Powers Commissioner. The approach being taken by the Deputy National Security Adviser to redact operations that were 'current' at the time the Reports were written as if they were current today was severely misguided, at best. We trust the Prime Minister will follow the spirit of the Justice and Security Act 2013 and the commitments given to Parliament during the passage of that legislation.

The UK-US relationship

- The UK's intelligence partnership with the US is of a breadth and depth without parallel anywhere else in the world. It is the envy of our allies and adversaries alike. In particular, the partnership between GCHQ and the National Security Agency represents, perhaps, the pinnacle of intelligence co-operation; it is a testament to the ambition and commitment of generations of intelligence personnel on both sides of the Atlantic. Long may it continue.
- The dominance of the US 'Big Tech' companies means that their actions are an increasingly important aspect of the partnership between the UK and the US. Both governments need to work together to engage with the companies to ensure a constructive dialogue.
- The UK-US Data Access Agreement – which provides US technology companies with the legal basis on which they can share data with UK authorities for the purpose of investigating and prosecuting serious crime – is a positive development.
- The ongoing debate around end-to-end encryption has frequently been presented as a matter of privacy versus security. This is a false dichotomy: it is not an either/or choice. It is technically possible for technology companies to implement end-to-end encryption in a responsible way which maintains privacy while still allowing lawful access to encrypted communications – in legitimate circumstances – and which, therefore, does not hand a gift to terrorists.

The Five Eyes

- The Five Eyes is a remarkable testament to the power of international partnerships to increase the reach, influence and capability of the parties concerned such that the whole amounts to more than the sum of its parts.
- The Five Eyes alliance is a truly exceptional arrangement that is wholly in the UK's interest, providing access to intelligence and capabilities far beyond that which the UK Intelligence Community alone can obtain, and facilitating burden sharing for intelligence collection and analysis in a way that allows the respective members to develop greater expertise and coverage. Maintaining and reinforcing the Five Eyes alliance, and the UK's place within it, should be the Intelligence Community's highest priority in relation to international partnerships.
- The Committee acknowledges that the level of trust necessary between members of the Five Eyes alliance creates a very high barrier to entry, and it appears to the Committee that, at present, the risks of allowing another country to join the alliance far outweigh the benefits. Five Eyes partners should instead engage collectively with other close allies in the 'Five Eyes Plus' concept, to provide operational benefits.

The European Union

- Co-operation between European domestic intelligence services is clearly to be welcomed. The sharing of secret intelligence – as opposed to policing and other law enforcement data – is not an EU competence and, as such, has always been conducted outside of EU structures. Overall, the Committee is reassured that Brexit – which has provided the political context over the past five years – has not had a negative impact on intelligence co-operation between the UK and EU member states. However, the Agencies must invest time to reassure their counterparts of the UK's continuing commitment to European security. The Committee expects to be kept updated by the Agencies on any impact this has had on resources.

Multilateral bodies

- NATO has limited intelligence capabilities of its own, and relies on member states to provide it with intelligence and assessments. The Committee was greatly impressed with the breadth of the contribution and commitment of Defence Intelligence to an alliance which remains a cornerstone of UK defence, security and foreign policy. We also recognise GCHQ's increasingly important role in relation to NATO, given their ambition for the UK to be the leading cyber power in the alliance.

- The rest of the Intelligence Community should ensure that it capitalises on the UK's influential position within NATO to share intelligence and assessments where appropriate, and to build consensus on key security issues.
- The value of seeking a leadership role in multilateral intelligence organisations can be seen in Defence Intelligence's leadership of the Joint Expeditionary Force (JEF), a multinational high-readiness military task group of more than 10,000 personnel. The JEF focuses on collective capacity-building and sharing analyses on threats – in particular the Russian threat.

NOTES TO EDITORS

1. The Committee began this Inquiry in October 2019, but the Agencies' approach to it resulted in counterproductive and entirely unnecessary delays. Even after the Committee completed taking evidence, there was a lengthy delay by the Government – meaning that it has taken over two years to publish the Report.
2. The Intelligence and Security Committee of Parliament (ISC) is a statutory committee of Parliament.
3. The Committee consists of nine Members drawn from both Houses of Parliament, and appointed by Parliament. The Chair is elected by its Members.
4. The Committee oversees the intelligence and security activities of the UK Intelligence Community. The Committee was originally established by the Intelligence Services Act 1994, and was reformed, and its powers reinforced, by the Justice and Security Act 2013.
5. Its remit includes oversight of the policies, expenditure, administration and operations of MI5, MI6 (the Secret Intelligence Service or SIS) and the Government Communications Headquarters (GCHQ), and the work of the other parts of the Intelligence Community, including the Joint Intelligence Organisation and the National Security Secretariat in the Cabinet Office; Defence Intelligence in the Ministry of Defence; and Homeland Security Group in the Home Office.
6. Commitments were made to Parliament that the Committee would oversee all security and intelligence activity across Government. The Committee is therefore seeking to ensure that its remit covers those parts of policy departments which have been given security responsibilities since 2013 – for example, the Investment Security Unit in the Cabinet Office; the Telecoms Security and Resilience Team in DSIT; the Counter Disinformation Unit in DSIT; the Office of Communications in DCMS; the Transport Security, Resilience and Response Group in DfT; and the Intelligence Policy Department in FCDO. The Committee's remit can be updated by way of an exchange of letters between the Prime Minister and the Committee.
7. The Members of the Committee are subject to Section I(l)(b) of the Official Secrets Act 1989 and are routinely given access to highly classified material in carrying out their duties. This Report reflects the work of the following Members of the Committee:

The Rt Hon. Sir Julian Lewis MP (Chairman)

The Rt Hon. Maria Eagle MP (until 8 September 2023)

The Rt Hon. Sir John Hayes CBE MP

The Rt Hon. Stewart Hosie MP (until 14 December 2022)

The Rt Hon. Dame Diana Johnson DBE MP (until 14 January 2022)

The Rt Hon. Kevan Jones MP

The Rt Hon. Mark Pritchard MP (until 22 January 2022)

Colonel The Rt Hon. Bob Stewart DSO MP

Owen Thompson MP (joined 7 February 2023)

The Rt Hon. Theresa Villiers MP

Admiral The Rt Hon. Lord West of Spithead GCB DSC PC

The Rt Hon. Sir Jeremy Wright KC MP

8. The Committee sets its own agenda and work programme. It takes evidence from Government Ministers, the Heads of the intelligence and security Agencies, officials from across the UK Intelligence Community, and other witnesses as required. The Committee makes an Annual Report on the discharge of its functions and also produces Reports on specific issues.

9. The Committee's dedicated Press Officer can be reached at:

Wayne.Bontoft@cabinetoffice.gov.uk
07858 923590