

## **'Response to Bochel et al: 'Scrutinising the secret state'**

**Policy and Politics (2010), 38, 3, pp.489-490.**

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Following the failure to find anything even remotely resembling weapons of mass destruction in Iraq, and the consequent upending of a key part of the rationale for the 2003 invasion there, questions about intelligence, how it is gathered by security agencies, and the way in which it substance and attendant processes are subjected to scrutiny and questioning have come to the fore of political debate in Britain. One of the most pressing issues surrounding this debate, as demonstrated by Bochel, Defty and Dunn above, is that there is a transparency gap at the heart of the Westminster parliament's approach to scrutinising the intelligence and security infrastructure. Quite what, if anything, might be done about this gap, has become a pressing problem, not just in the long-term aftermath of the Iraq invasion calamity, but also in the context of more recent attempts to reform politics following the fall-out from the 2009 MPs' expenses scandal.

Although the political crisis prompted by the revelations about MPs' expenses was confined to the relatively narrow issue of how public funds were used by public servants in the course of their work, the issue quickly expanded to bigger issues about how politics works, the way in which political institutions function,

and how these institutions and the people inside them might work better. This necessitated questioning about how parliament operated more generally: the House of Commons Reform Committee established in summer 2009, and chaired by the senior Labour backbencher Tony Wright, was tasked with generating a range of proposals designed to tilt the terms of trade away from the executive and towards parliament. Its subsequent report focused extensively on how executive scrutiny might be enhanced through significant changes to the Commons select committee system. Part of its series of proposals related to the Intelligence and Security Committee. Since 2008, both Houses of Parliament have been able, following changes pursued as part of the Labour government's *Governance of Britain* project, to propose Members that the Prime Minister might wish to recommend for ISC membership. Yet, for the Reform Committee, such changes did not go far enough, and the report argued that it was 'unsatisfactory' that its proposals to elect members to select committee could not also apply to the ISC, given its unique origins. The Reform Committee was therefore limited to recommending that the chair of the ISC be held by convention by a Member from the majority party, that those who wished to stand for election to chair of the ISC should seek the formal consent of the prime minister in advance of a ballot, and that the rest of the members should secure places on the ISC using the new processes recommended by the Reform Committee.

The debate over whether Commons select committees should be elected is an issue of long-standing controversy in the House, but on 4 March 2010, MPs remarkably managed to agree, amongst other things, to adopt a process of electing Members to committee service, a staggering achievement that will

remove the ability of the government to choose those who will scrutinise it (assuming these changes are eventually combined into House Standing Orders, which they had not been by the time parliament was dissolved in April 2010). However, the Reform Committee's suggestions for electing members to the ISC were not approved as part of the broad package of change approved.

This latest failure to secure change to the ISC, even as part of a much bigger reform programme, demonstrates, as Bochel, Defty and Dunn argue, just how hard it has been for parliament to take ownership of the scrutiny processes pertaining to matters of intelligence and security. However, once the Commons select committees finally shift to the new process of elected members, and as the House as a whole takes more control over its affairs and procedures following the range of changes approved in February and March 2010, it is likely that the strange extra-parliamentary twilight status of the ISC will come to look even more bizarre than it already does. Consequently, although the ISC escaped being subject to the 2010 Commons changes, that escape is unlikely to be long-lasting, and parliamentarians and the public will now more easily see the anachronism of the ISC in comparison to the rest of parliament's increasingly robust scrutiny infrastructure.

House of Commons Reform Committee (2009) *Rebuilding the House*, HC 1117, London: The Stationery Office