

UK: Review of Investigatory Powers Bill gives all-clear to mass surveillance

Trevor Johnson
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A report commissioned by the UK Conservative government to review the “bulk” powers proposed in the Investigatory Powers Bill aims to bolster its argument in favour of mass spying and indiscriminate collection of personal data. It is nothing more than a cover for the real aim of the ruling elite—to increase the power of the state to monitor the population for any signs of potential threats to their interests.

The “Report of the Bulk Powers Review” by David Anderson QC, who is designated the “Independent Reviewer of Terrorism Legislation,” was published August 19.

Together with his previous 2015 report, “A Question of Trust: Report of the Investigatory Powers Review,” the Bulk Powers Review was commissioned to ease the passage of the Bill (known as the “Snoopers’ Charter”) into law. To facilitate this, Anderson is portrayed as an expert who is independent of both the government and state apparatus.

With virtually no media coverage, MPs in the House of Commons voted in June by 444 to 69 in favour of the Bill. It will now be discussed in the House of Lords and is likely to come into effect in January 2017.

Anderson is a Queens Counsel (senior barrister appointed on the recommendation of the Lord Chancellor) and appointed “Independent Reviewer” in 2011 by then home secretary and now prime minister Theresa May.

Anderson came to public prominence earlier this year when he played a key role in a BBC *Panorama* documentary, *Edward Snowden: Spies and the Law*, which served as propaganda in favour of the spying carried out by the Government Communications Headquarters’ (GCHQ) on millions of people. Anderson spoke in favour of bulk data collection because there was “no way of predicting in advance in

which packet of data, in which cable contains the incriminating information.”

In the documentary, Andersen also set the tone for his review, arguing that Internet service providers ought to retain Internet records for a year, so that they could be trawled through by the secret services. He declared that this was not itself a bulk power and would therefore not be investigated.

The team he picked to carry out the review speaks volumes about his role. To help him investigate the activities of the secret services were none other than former members of the secret services, including Robert Nowill, GCHQ’s former director of technology and engineering, and Gordon Meldrum, the National Crime Agency’s former director of intelligence.

The report is based on evidence given to these trusted establishment figures by GCHQ and the other spying agencies, MI5 and MI6. Case studies were clearly selected in order to strengthen the case for the bulk powers. For instance, one concerns a terrorist group in Syria responsible for hostage-taking and attempted attacks on UK nationals, which GCHQ claims could only be countered by “bulk equipment interference” (EI)—the hacking straight into the devices and systems of large numbers of innocent people, bypassing encryption measures, on the off chance unknown individuals or data are discovered. The device and data it contains can be remotely monitored, changed, infected or destroyed.

Unsurprisingly, their conclusion is that there is a “proven operational case” for three of the four bulk powers examined, and a distinct “though not yet proven” operational case for the fourth bulk power.

Anderson’s report claims bulk powers “play an important part in identifying, understanding and averting threats in Great Britain, Northern Ireland and

further afield” including cyber-attacks, espionage and terrorism, child sexual abuse and organised crime.

His argument is that while mass surveillance represents a lessening of privacy, it is necessary for the sake of increased security. This flies in the face of the countless revelations that state spying is aimed at the general population that Anderson claims it should be protecting.

Anderson nowhere addresses why GCHQ and the domestic spying agency MI5 should be trusted to gather and handle private information on millions of people, when there is so much evidence of their existing powers being misused. Nor does he refer to the issue of police infiltration of political, environmental and campaign groups, including the family of murder victim Stephen Lawrence.

The strengthening of the military and intelligence arms of the ruling class is intensifying. Last September an anonymous serving general threatened a mutiny, within days of Jeremy Corbyn’s election as Labour leader, should a Labour government come to power with Corbyn at the helm, citing his unreliability to rule due to his declared opposition to the use of nuclear weapons.

The claim in Anderson’s previous report, and in the *Panorama* documentary, that the new powers in the Investigatory Powers Bill cannot be misused because they require a warrant providing judicial “independent oversight,” is worthy only of contempt. Such oversight was claimed to have existed in the years when GCHQ and other intelligence agencies carried out mass surveillance outside of the law as revealed by Snowden.

Even Anderson in his previous report “A Question of Trust” was forced to admit that “RIPA [Regulation of Investigatory Powers Act, 2000], obscure since its inception, has been patched up so many times as to make it incomprehensible to all but a tiny band of initiates. A multitude of alternative powers, some of them without statutory safeguards, confuse the picture further.”

What is described here—“a tiny band of initiates” using laws only they understood to run state spying activities without statutory safeguards—is utterly damning. The “patching up” of the law was done after the fact in order to justify what GCHQ were either already doing or actively developing.

That the security services are a law unto themselves

was shown in June by Edward Snowden, who revealed that, beginning in 2009, GCHQ had already embarked on “bulk powers” spying under its MILKWHITE programme. One leaked document described MILKWHITE as a “support system” for Home Office plans to modernise its domestic interception (spying) capabilities.

As part of MILKWHITE, the agency provided access to vast amounts of metadata—logs of telephone conversations, emails and other communications—to MI5, the Metropolitan Police, Her Majesty’s Revenue and Customs, the Serious Organized Crime Agency (now the National Crime Agency) and the Police Service of Northern Ireland, as well as the eight former Scottish police forces. GCHQ was seeking an additional £20.8 million to update its “advanced analytics” section in 2011/12 due to “increasing customer demand” for the service.

This whole intrusive, illegal system of mass surveillance was planned and operated in secret without any trace of a “public debate” on “bulk powers.” Anderson’s review gives a backdated seal of approval to these activities, justifies their continued deployment and paves the way for the next step.



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