



**Intelligence, surveillance,
and oversight:
tracing connections and
contestations**

CONFERENCE REPORT
2022- ENGLISH

GUARD//INT



Economic
and Social
Research Council



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OVERVIEW

The purposes of this document are to archive some of the interventions and discussion from the workshop, list resources shared, and provide an alternative format of the discussions for both reference and accessibility.

About the project:

The GUARDINT project ('Intelligence and Oversight Networks: Who Guards the Guardians'), is a collaboration between UK, German, and French research teams. The project aims to understand the limits and potentials of existing oversight mechanisms in the three countries and offer conceptual and methodological tools for more democratic and transnational oversight.

About the conference:

Held online on the 26th and 27th January 2022, the conference '*Intelligence, surveillance, and oversight: tracing connections and contestations*' aimed to situate the research done in GUARDINT within a broader conversation with intelligence studies, security studies, and International Relations. Participants addressed the meaning of democratic oversight, practises of formal and informal oversight, the role of contestation, actors, and publics in holding intelligence and security actors accountable and transforming practices of (in)security and surveillance. They also discussed challenges that transnational cooperation between intelligence and security actors pose for oversight, as well as new digital technologies.

The report:

Please note that the research included has been taken directly from participants, some of which is research that has yet to be published.

Huge thanks to transcribers of the conference Elisabetta Pulcini, Emma Thomas, and Helen Brown.

June 2022

DAY 1 of CONFERENCE

Panel I: Oversight as contestation: scandals, controversies, disputes

OWEN THOMAS: **The limits of scrutiny: official inquiries and the past, present, and future of security**

Resource:

- Warnings from the Archive – A Century of British Intervention in the Middle East (exeter.ac.uk): <https://warningsfromthearchive.exeter.ac.uk>

This intervention was based on the paper ‘The limits of scrutiny: Official inquiries and the past, present, and future of war’ by Owen D Thomas, Margot Tudor, and Catriona Pennell at the University of Exeter. The aim of that paper is to begin to sketch a research agenda for how inquiries into matters of security, war and conflict can be conceptualised and researched, and what role inquiries play in democratic scrutiny and accountability.

For Thomas and his co-authors, inquiries have become an instrument of last resort and have historically been represented as both panacea and placebo (i.e. a chance to remedy failings or an establishment whitewash). Inquiries don’t simply pass on the facts but frame them through a point of view. The focus on security and war is important given these are exercises of the most basic sovereign power, in addition to the ‘civilised’ expectations and justification associated with them. The intervention focused on how inquiries are constructed, and decisions scrutinised, arguing that inquiries function as an apparatus of “authoritative sense-making” through 3 practices of line drawing: i) scandalisation, ii) archiving, and iii) cultures of knowing.

Beginning with the investigation of scandals in inquiries, Thomas elaborated on how scandals are understood as an alleged transgression of *valued* social norms, values, or moral codes that become publicised. Thomas explained that by defining the scandal—discrete event, the actors, the types of decisions under scrutiny—an inquiry implicitly affirms everything outside of those terms as proper and legitimate. Not only did Thomas show that the process of scandalisation narrows the political scope of an inquiry, but also that inquiries scrutinise such decisions by separating the transgressive from the otherwise proper political order (arguably even protecting the political order). To illustrate this, he drew on the absence

of any ad hoc inquiry into abuses of surveillance powers revealed by Snowden, and the limited scope of the Chilcot Inquiry.

Another form of line-drawing that Thomas elaborated on was archiving—that is, the construction of an archive of evidence for an inquiry. No matter how transparent an inquiry, he argued that archives necessarily impose a hierarchy in terms of who and what is heard. This impacts the historical record and may reflect societal prejudices of race, gender, and class – further entrenching a hierarchy of experiences of who is listened to and valued. Thomas argued that it was evident from their archives that British public inquiries have a record-keeping culture that privileges high politics, establishment voices, and classified evidence above other knowledge. Again, he drew on the Snowden revelations and the defence of surveillance powers presented through the ISC hearings with the platforming of intelligence chiefs, and the publication and preservation of engagements with politicians and officials (and the dismissal of insights from other political standpoints) in the transcripts of the Joint Intelligence Committee reports with regards to the Iraq war.

The final line-drawing practice of an inquiry that was discussed, was its culture of knowing, that is: those implicit and explicit ontological, epistemological, and methodological assumptions that an inquiry uses to produce and justify its claims and those that, crucially, are regarded as reasonable by the inquiry’s audience. Put simply, Thomas explained that if scandalisation establishes the limits of *what* must be explained, and archiving determines *who* speaks, the culture of knowing shapes *how* the scandal is explained and the voices of the archives are interpreted. Through a methodological preference for ‘individualisation’, Thomas illustrated that public inquiries preclude investigation into wider ethical structures or societal values and centralise issues of technique: actors’ ability to follow norms, less the norms themselves. Again drawing on the Chilcot Inquiry and the case of ‘Report X’, Thomas highlighted the focus on Blair, and the *individual* interpretations/transgressions rather than the less legible, political and cultural presuppositions underpinning decisions and ‘analysis’.

Thomas ended his presentation arguing that the three lines combine to produce ostensibly democratic scrutiny of war that is often grounded in technique and one that always already frames subsequent political and ethical questions amongst the public spheres that watch an inquiry. In turn, this generates a kind of “public secret” in which we habitually “act as if mischief were not afoot in the kingdom of the real and that all-around”, outside the frame of inquiry, “the ground lay firm”. Thomas argued that while inquiries can be tools to gather information and generate accountability, there is much to be gained from subjecting what

could be viewed as a technocratic, depoliticised, and decontextualised 'process' to critical reflection.

ANDREW NEAL: **The parliamentary politics of oversight**

Resource:

- Security as Politics: Beyond the State of Exception, Edinburgh University Press, 2019: <https://edinburghuniversitypress.com/book-security-as-politics.html>

This intervention called for a rethinking of what 'oversight' means, encouraging us to look at the fuller spectrum of security policy that has occupied everything, and the areas whereby intelligence has historically been allocated/placed. Part of this was an overview of Neal's research - the building of a dataset of every security-related parliamentary inquiry since 1978, which shows growing engagement with security topics of a wide range.

The start of the presentation traced the history of intelligence in parliament and the (lack of) oversight, highlighting the absence of acknowledging intelligence agencies before the late 1980s. The structure of parliament, and constitutional design was highlighted.

Rather than a linear understanding that suggests intelligence becomes less taboo over the years, Neal encouraged analysing intelligence and oversight in a non-linear and uneven way, that pays attention to scandals, leaks, and major events. Highlighted also were the antithetical ways in which intelligence was (not) presented/debated, at times pushed by government, such as the in the case for intelligence on Weapons of Mass Destruction in the lead up to the Iraq War. Neal highlighted ways in which secrecy can be seen as a mode of government, and as capital.

The end of the intervention encouraged a return to reflections on fundamental questions of who oversight was for, and what purpose it served? Having shown that the services called for intelligence oversight, rather than the government, Neal encouraged us to ask about how oversight is perceived by the public (as a source of reassurance or anxiousness), and whether formal oversight mechanisms legitimise practices by intelligence agencies and serve simply as a liberal totem.

CLAUDIA ARADAU + EMMA MC CLUSKEY: **Making digital surveillance unacceptable? Security, democracy and the political sociology of disputes**

Resource:

- Claudia Aradau, Emma Mc Cluskey, Making Digital Surveillance Unacceptable? Security, Democracy, and the Political Sociology of Disputes , International Political Sociology, 2021
<https://academic.oup.com/ips/advance-article/doi/10.1093/ips/olab024/6408727>

This intervention was based on the joint paper by Aradau and Mc Cluskey, 'Making Digital Surveillance Unacceptable? Security, Democracy, and the Political Sociology of Disputes' (2021).

It highlighted the paradox of the extension and legalisation of surveillance in the name of security, attending to different criticisms of surveillance (acceptable/normal vs unacceptable/outlandish). Aradau and Mc Cluskey proposed to:

1. Theoretically develop a political sociology of disputes to trace how the relation between security and democracy is shaped by critique in practice.
2. Empirically analyse civil society mobilisation in the wake of the Snowden disclosures (with a focus on legal cases brought before the European Court of Human Rights (ECHR)).

Aradau and Mc Cluskey adopted an understanding of disputes outlined by Boltanski and Thévenot (2006) that refuse a definition of disputes limited simply to struggle or antagonism, but rather are subject to a series of constraints that 'govern the construction of a well-founded argument' (Boltanski and Thévenot 2006, 140). They also used Boltanski's later work (2012) that highlights a denunciation of injustice becomes (not) acceptable depending 'on the way in which each political order constructs the relation between the particular and the general, between private interests and the common good' (Boltanski 2012, 194). They situated and problematised this in the context of liberal democracies, particularly in dealing with majorities/minorities.

The second part of this intervention focused further on the generalising of security and singularising of democracy, drawing on different empirical materials. Aradau and Mc Cluskey focused on three areas:

1. **Arbitrariness and discretion** (generalising through large numbers, and singularising through small). This included interception, filtering/discarding, applying simple/complex search criteria, retaining, and examining material.
2. **Suspicion and democracy** (generalising through (unknown) threats, singularising through intrusiveness).
3. **Secrecy and opacity** (generalising through publicity, singularising transparency, and the right to redress).

DUNCAN CAMPBELL

Resource:

- Duncan's website: <https://www.duncancampbell.org>

This intervention started with biographical information with a focus on Campbell's relationship with GCHQ and ended with reflections on the role of journalism/oversight and a call for greater attention to transnational collaborations and agencies.

Campbell described his journey from starting off as a physicist and then turning to investigative journalism with now over 20 years expertise in computer forensics. This journey of course detailed the infamous ABC arrest and trial that Campbell was a part of in the 1970s. Campbell described the process of documenting information about the agencies and publishing photos of where they worked in the 1980s, with the help of insiders; noting the 'James Bond School' that trained Kim Philby near Portsmouth. Of particular importance was the 1980s *BBC's* 'Secret Society' series that Campbell made. He mentioned his current plans to hand over all papers to a specialist collection at Edinburgh university that will be allow this body of work to be readily available. Linked to his journey, Campbell highlighted his mixed relationship with GCHQ, who had previously wanted him jailed, but had recently been more amicable at the Science Museum exhibition on GCHQ's history. Campbell argued that the conversations with GCHQ at the Science Museum should be made publicly available. He traced the structural changes at GCHQ and the turning point that came with the appointment of David Omand as head. Whilst there was increasing public engagement with civil society (more information available on the GCHQ website), a much more securitised surveillance took hold in Britain.

The next part of the intervention focused on journalism on surveillance. Campbell mentioned the ambition to drive 'scandal' seen with the Investigatory Powers Act and the

Snowden files. He highlighted the difficulty in publishing articles referring to surveillance given the need to micro-identify harm (the need for a photogenic victim that you can show has suffered). He encouraged the audience not to lose sight of the scale in which police agencies have been involved (e.g. forming sexual relationships with activists) and the severe consequences this has had on people. Highlighting that the D notice is not a control mechanism, he encouraged a resistance to fear of the press.

The last part of the intervention called for greater attention to the transnational intelligence cooperation, highlighting the very clear effects of integration amongst agencies, especially in highly technical areas of surveillance. Campbell mentioned the importance of the White Anglo-Saxon group given its consequences on the future, and the greater 'openness' that intelligence agencies have adopted.

FÉLIX TRÉGUER: Intelligence Oversight and Clashing Meanings of Democracy: The Case of Whistleblower Protection

This presentation spoke to a paper under review, 'Struggles around Intelligence Oversight and Clashing Meanings of Democracy: The Case of Whistleblower Protection' – written with Ronja Kniep, Lina Ewert, Bernardino León Reyes, Emma Mc Cluskey, and Claudia Aradau. In the paper, the authors argue that the literature on intelligence oversight – that is the review, monitoring, and supervision of intelligence agencies, programs, activities, and policy implementation – has tended to implicitly follow liberal and technocratic ideas of democracy. In turn, this has shaped and limited the understanding of oversight in academia and in practice.

The paper interrogates three sites of non-official oversight: intelligence litigation, whistleblowing, and advocacy, and analyses struggles around these practices, identifying the dominant ways that 'democracy' and 'oversight' are construed. The three sites encourage different openings and questions into the debate. Litigation opens up questions about who is included as a democratic protagonist of oversight? Whistleblowing questions what role 'secrecy' plays in excluding who counts as an oversight actor? Advocacy, and highlights how contestation and critique are deligitimised in the intelligence policy-making process?

The intervention starts with an interrogation of oversight in academia situated within the (sub)discipline of Intelligence Studies - a field historically derived from a strong Anglo-

American state-policy lineage and grounded within functionalist, state-centric epistemologies. Through this tracing, Tréguer traced the limitations in what is understood as oversight. In this field and through an elimination of radical critiques and contestations of intelligence and modes of oversight, 'healthy' or 'efficient' democratic oversight becomes a matter of technical expertise, non-partisanship, and the ability to guard secrets. Tréguer, however, illustrated a history of oversight as responses to scandals and public pressure from unauthorised disclosures, rather than adopting the dominant frame of oversight limited to institutionalised, well-ordered, and secret arrangements. As an example, he cited the Church Committee, and the so-called 1975 'Year of Intelligence' in the US, situating this in decades of scandals and long radical opposition to US intelligence.

Focusing on whistleblowing and examples including the Snowden revelations and the Pentagon Papers, Tréguer explained laws around whistleblowing being disparate from international standards, as well as the absence of the practice from academic and scholarly discussion. He illustrated that although it is arguably one of the most important forms of oversight over intelligence abuse, 'public' whistleblowing remains a contested practice that is effectively repressed and delegitimised by dominant approaches to intelligence oversight. By looking at whistleblowing, he asked us to revisit democratic tensions between secrecy and publicity and reformulate publicity beyond discourse of the balance between security and privacy. Democratic publics are not pre-given, he argued, but they are enacted in the process of whistleblowing, which challenges given boundaries of secrecy and reveals the failures of oversight institutions.

The intervention invited the audience to enlarge a theory of intelligence to include actual practices that have been marginalised – sometimes even repressed – by intelligence oversight structures, imaginaries, and policies, at times in breach of international human rights standards. Without losing sight of the agonistic and conflictual nature of democracy, Tréguer argued that moving towards more democratic forms of intelligence oversight would require political imaginaries and policies to accommodate more radical claims and practices and better articulate the different actors engaged in oversight practices.

PANEL II: Enacting publics. Oversight between trust, suspicion, indifference.

JEF HUYSMANS: **Towards a democratic analytics of surveillance unbound**

Resources:

- Doing International Political Sociology: <http://www.doingips.org>
- Jef Huysmans (2016). Democratic curiosity in times of surveillance. *European Journal of International Security*, 1, pp 73-93 doi:10.1017/eis.2015.2
http://journals.cambridge.org/abstract_S2057563715000024

This intervention was a contribution to a conceptual reflection on how we study surveillance and how we bring in democratic politics into the study of surveillance. Huysmans work drew from feminist curiosity and literature on everyday surveillance, proposing a ‘democratic curiosity’ in times of extitutional surveillance. For Huysmans, democratic questions come in with oversight and control of surveillance mechanisms, but given how embedded surveillance is in into our societies, this intervention also asked how we bring in democratic perceptions of power into conceptions of surveillance systems.

The intervention looked at how surveillance has been conceptualised, encouraging us to look at the active role of the surveilled in the shaping of surveillance. Huysmans highlighted two elements in the way that surveillance is conceptualised: i) Surveillance work starts as a centre of power, and ii) we can hold that centre of power to account. However, the intervention highlighted the often very dispersed and everyday nature of surveillance, and the participation involved in data gathering and surveillance processes (which are part of the surveillance system).

Huysmans highlighted the decentring of power relations that is involved in surveillance. This involves the need to understand the collaboration of multiple professions that work in coalition, and attention to *all* the actors and how they perform surveillance. Whilst he described a decentring analysis, he emphasised the centre from which surveillance flows into/springs onto everything else: surveillance is dissipated but there is a systemic relationship between all actors. A significant part of this, as described by the intervention, is the need to pay attention to the surveilled and their involvement in surveillance. Huysmans encouraged a moving of the panopticon with an understanding of surveillance that is systemic and technological, imposed on the surveilled – to an understanding where people

who are surveilled are folded into the web but are active (not passive) participants. This understanding lends a different take on resistance to surveillance that is not simply limited to mobilising against a force but considers small disputes of different natures and at different nodes/sites of surveillance activity a crucial part of the picture.

LINDA MONSEES: **Reconfiguring Legitimacy: Big Tech and the Enactment of Issue Publics**

Resources:

- Monsees, L. (2019) 'Public relations: Theorizing the contestation of security technology', *Security Dialogue*, 50(6), pp. 531–546. doi: 10.1177/0967010619870364. <https://journals.sagepub.com/doi/abs/10.1177/0967010619870364?journalCode=sdib>
- J Carlos Magalhães & Nick Couldry (2021) 'Giving by Taking Away: Big Tech, Data Colonialism, and the Reconfiguration of Social Good', *International Journal of Communication* (15), pp.343–362 <https://ijoc.org/index.php/ijoc/article/view/15995>
- A Digital Geneva Convention to protect cyberspace - Microsoft Policy Papers: <https://query.prod.cms.rt.microsoft.com/cms/api/am/binary/RW67QH>

This intervention was also a conceptual contribution on legitimacy and Big Tech companies. This intervention focused on (the so-called) GAFAM big tech companies and their unique role in the digital society. They are highly involved in matters of surveillance and data retention but rarely centred in analysis. Monsees' intervention focused on the political role of Big Tech and how the political landscape is impacted by Big Tech, with a focus on democratic politics (specifically on legitimacy).

Whilst acknowledging that private companies obviously have relations with states, and have been identified as political previously, she highlighted distinct elements that haven't been covered. The main element described in this intervention was the intimate relationships that these companies create with users through services, highlighting non-conventional means beyond lobbying and advertising, but including creating ideas of how we wish to be in the world.

The second element described in the intervention was the concept of legitimacy, and Monsees encouraged the audience to think about legitimacy as a relationship between Big

Tech, the state, and individuals. Monsees emphasised the role of legitimacy in giving power and authority, beyond parliamentary politics, to include social relations. She argued that ascribing legitimacy to an actor inspires them to act on the problem, questioning what happens when private actors claim legitimacy for themselves or are ascribed legitimacy by others. In looking at examples of Microsoft and Facebook, Monsees highlighted processes of defining standards of safety and security by private actors, as well as (de)legitimising actors (such as the state), the reconfiguration of social good, and who is best chosen to deal with these issues.

Monsees argued that Big Tech puts issues on the agenda and in some ways has been an ally against state surveillance, whilst acknowledging that it is also very active in data retention practices and state surveillance. For her, Big Tech is reshaping the relationship between the state, the user, and what we consider to be a private actor and a public problem by making claims about authority and what issues we have to tackle. Monsees argued that when we consider legitimacy as performative, we can see how Big Tech is able to have a broader sociopolitical role and impact. This she explained, can't simply be reduced to profit maximisation or an economic actor, but must be understood also as a political actor.

THORSTEN WETZLING AND FELIX RICHTER: **Practitioners' perspective on civic intelligence oversight in France, Germany and the UK**

Resources:

- European Intelligence Oversight Network (EION): <https://www.stiftung-nv.de/en/eion>
- Civic Intelligence Oversight Explorer: <https://survey.guardint.org> - provides open access & visualises anonymised data gathered in our empirical investigation on the perceptions of media & civil society professionals in FR/GER/UK on surveillance and oversight.
 - The data explorer allows anyone interested in civic intelligence oversight to take a deeper look into the data collected by teams SNV and WZB in Berlin.. You can download our codebooks, filter answers by country & field and download charts. More details on this thread: https://twitter.com/guard_int/status/1486294637820227585

This intervention focused on an empirical exploration of intelligence oversight. With a focus on civic intelligence oversight, researchers aimed to: i) shed light on a new and under-

researched concept, ii) analyse agencies with the goal of preventing future misconduct/identifying past misconduct, and iii) examine the structural conditions of civic oversight.

The research with colleagues in Berlin described in this intervention included workshops with former practitioners and civil society members engaged in oversight, literature research, and the design and development of two different surveys (one for media and the other for civil society). 77 participants (38 journalists and 39 civil society professionals) who on average had worked for 11.6 years on surveillance, filled out the survey and key findings included:

- Only 30% stated they had sufficient funding for their work.
- There are insufficient legal safeguards for journalists and civil society members.
- There is a widespread fear of surveillance (42% of participants suspect or have evidence of being surveilled in the last 5 years).
- Attitudes towards surveillance (amongst participants) were predominantly of a constructive/reformist nature (i.e. seeing intelligence agencies as necessary but of needing reform)
 - 40% of participants had this reformist attitude
 - 12% had an abolitionist attitude (all these respondents were from Germany)
 - 60% were in favour of a fundamental reorganisation of oversight
 - 26.5% believed oversight was hopeless even when reformed.
 - 0% believed oversight was generally successful/has succeeded

A journal article on these findings is to be published soon. The GUARDINT website provides open access to data sets, and findings can be sorted by country and survey type.

VIAN BAKIR: Public Accountability of Intelligence Agencies and the Sousveillance Generation

Resources:

Published resources underpinning this talk:

- Bakir, V. 2019 [2018]. Intelligence Elites and Public Accountability: Relationships of Influence with Civil Society. Routledge. <https://doi.org/10.4324/9781315143347> (Some highlights at: <http://intel-elites.bangor.ac.uk/what-are-intelligence-elites.php.en>)

- Bakir, V. 2017. Political-Intelligence Elites, Strategic Political Communication and the Press: the Need for, and Utility of, a Benchmark of Public Accountability Demands. *Intelligence and National Security*, 32(3).
<https://doi.org/10.1080/02684527.2016.1231866>
- Bakir, V. 2015. Veillant Panoptic Assemblage: Critically Interrogating Mutual Watching through a Case Study of the Snowden Leaks. *Media and Communication* 3(3). <https://www.cogitatiopress.com/mediaandcommunication/article/view/277>
- Bakir, V. & A.McStay. 2018. Fake News & the Economy of Emotions: Problems, Causes, Solutions. *Digital Journalism*, 6(2): 154-175. (Free version available here: https://www.researchgate.net/publication/318575699_Fake_News_and_The_Economy_of_Emotions_Problems_causes_solutions)
- Bakir, V. 2021. Interview with CSI-COP Advisory Board Member, Professor Vian Bakir, In CSI-COP Newsletter 3, October 2021: <https://csi-cop.eu/third-newsletter/>

This intervention started with a comparison between surveillance and sousveillance, describing the former as monitoring from a position of power by those who aren't a participant to the activity of being watched. The latter, coined by Steve Mann, was explained as monitoring from a position of minimal power and by those participating in the activity of being watched; watching from below (rather than above).

Concerned with the 'sousveillance generation', Bakir asked where public accountability fits in? The intervention brought together two areas of research in answering this. The first is focused on the insufficient internal oversight of intelligence agencies, describing challenges to NGOs, journalists, and whistleblowers, whilst highlighting huge human rights contravening issues of the last decade. Secondly, Bakir argued that given the challenges she outlined, we need best practice guidelines, what she terms "accountability demands", using the example of the narrative of questioning around weapons of mass destruction in Iraq to illustrate previous failures in this area. On these accountability demands, Bakir put forward three areas for civil society to consider and prioritise in their questioning:

1. **Accuracy and value of intelligence** (including consensus and uncertainty amongst the intelligence community).
2. **Intelligence elites' response to intelligence controversies** (addressing also political and corporate responsibility). This area also asks what work is needed to achieve full accountability.

3. Ethics, morality, and legality of how intelligence is gained and for what is it used (with attention to issues of human rights, justice, morality in the production and use of intelligence).

Addressing issues of disinformation and regulation, Bakir ended the intervention asserting that if processes were adopted with the above civil society accountability demands being made, and there is a reduction in emotional, false virality, we end up with a less engaging/emotionalised but more truthful and trustworthy media ecology.

CHRIS BRIAN: Squaring the Circle: A Public Inquiry on Secret Policing

Resources:

- The Undercover Research Group: <http://undercoverresearch.net>
- The Special Branch Files: <http://specialbranchfiles.uk/>
- The Undercover Research Portal:
https://powerbase.info/index.php/UndercoverResearch_Portal
- The Spycops Podcast: <https://soundcloud.com/spycops>
- [Kate Wilson Vs Metropolitan Police and National Police](#)

This intervention focused on the Public Inquiry on Secret Policing, and the spaces and limitations of oversight in the context of the inquiry.

The intervention started with an overview of the inquiry, and of Kate Wilson's case of being spied on by six police officers and principally for the relationship she had with Mark Kennedy, who unknown to her, was an undercover police officer. The intervention traced the start of the inquiry in 2015 that was supposed to conclude and report to Parliament in 2018, but delays have meant that it's now very unlikely to report until 2026. It is therefore likely to be the second longest running public inquiry after the 13 year long Bloody Sunday Inquiry. Some positive elements of the inquiry were highlighted, such as the publication of over 3000 documents published since November 2020 as well as the publication of 69 cover names of SDS officers.

The intervention traced the role of media (what Hillebrand may consider a form of unsystematic oversight), as well as the primary role of campaign groups like Police Spies Out of Lives, Blacklist Support Group, and Undercover Research Group, and individual

journalists in undertaking roles of oversight. Focusing from 2015-2019, Christopher focused on the limited role of the inquiry that mainly considered restriction orders that restricted information about officer deployment. Ironically, was the citation and use of Article 8 (privacy) of the ECHR by Undercover Police Officers to prevent their names being released; using international legislation to protect their privacy whilst they had for years invaded the privacy of others in the most intimate of ways.

The intervention described the limitations to the hearings, including covid regulations, no audio and video available for the first set of hearings, and later being available to only those attending a live streaming to a hotel in Marble Arch. Christopher explained how the hearings were already 'framed', as the Chair had previously decided what cases were considered 'remarkable' (or not) and therefore worthy of examination. However, he also expanded on the pushbacks and alternative systems set up by activists and journalists to make hearings as accessible as possible.

The way that the era of the National Public Order Intelligence Unit (1999-2011) will be dealt with by the Inquiry paints an even less promising picture, with activists and groups infiltrated unable to challenge or provide counter statements, whilst officers will often be questioned either in closed hearings or with anonymity provided by the likelihood of closed hearings. For the period between 1999-2011, only very limited information on who and what groups were infiltrated will be available. The intervention concluded that the description of the inquiry as elaborated on clearly illustrated that the inquiry is not a working oversight mechanism, regardless of the external efforts that have pushed against the inquiry's limited methods. For Christopher, the current hostile environment for political dissent in the UK only exacerbates the problems at hand and the mechanisms in place.

DAY 2 of CONFERENCE:

Panel III: Oversight as transnational practice and human rights

ANDREW DEFTY: International Intelligence Accountability: institutions and actors - an overview

This talk provided an overview of transnational intelligence accountability, focusing on the oversight of institutions working together and transnational organisations. It started with an exploration of what oversight commonly refers to, drawing on the distinction between control and review – the former concerning management and within the remit and responsibilities of executives in government, and the latter involving the process of reviewing practices afterwards. Defty asserted that international intelligence accountability is more concerned with the review element of oversight and listed main drivers behind international intelligence accountability. These included the development of more mature domestic oversight mechanisms (that sought to cooperate with other transnational bodies), foreign and security policy (that led EU institutions to take more interest), development of international cooperation (increased intelligence cooperation since 2001), the role of communication technology, and human rights frameworks (more robust from the 1980s).

The talk then used Born and Leigh's (2005) model for understanding intelligence oversight, putting domestic and international dimensions side by side to provide an overview and comparison. Below are the 5 dimensions explored:

1. Internal oversight (at the level of agency)

International agencies operate according to codes of practice and international norms, whilst domestically, management and internal control is simply at the level of the agency itself.

2. Executive oversight

The executive has overall responsibility for agencies' authorisation of special powers domestically, whereas internationally, it's difficult to find examples of executive oversight. Defty drew on the thin role of the European Council and agencies such as INTCEN and Frontex, as well as commissions and external bodies.

3. Legislative oversight

Domestically, oversight in this area is conducted by parliamentary committees (UK ISC's visits from counterpart committees). Internationally, EU parliamentary assemblies (e.g. on Echelon, extraordinary rendition, mass surveillance) and the Parliamentary Assembly of Council of Europe have performed this role. Defty also mentioned channels such as the biennial International Intelligence Review Agencies Conference and the Annual Conference of the Parliamentary Committees for the oversight of intelligence and security services within the European Union.

4. Oversight by external review bodies (judiciary)

Domestically, this form of oversight is conducted by the judiciary and inspector generals who authorise intelligence activities and investigate complaints.

Internationally, legal frameworks are provided by the ECHR, Charter of Fundamental Rights of EU, and scrutiny is relegated to bodies like the ECtHR and ECJ. Quasi-judicial review bodies were also mentioned including the UN Special Rapporteur on Privacy and the CoE Venice Commission; as well as the cooperation between national review bodies (Five Eyes Intelligence Oversight and Review Council)

5. Scrutiny by civil society

The media, citizen groups, and academics play a significant role domestically.

Similarly, media outlets like the Guardian and the Washington Post played a significant role on international issues (e.g. the Snowden revelations), as well as international NGOs.

Defty ended the talk with asserting that there is potential to promote good practice and that cooperation can be a vehicle to share best practices, drawing from the UK Intelligence and Security Committee's report on the treatment of detainees as an example. However, he also highlighted that there are numerous examples of agencies working together in ways that are significantly bad in terms of international standards, and that there is a concern for a race to the bottom when it comes to human rights issues. He stated that whilst intelligence cooperation internationally is an issue for oversight, it's out of the purview of domestic oversight systems.

DANIELA RICHTEROVA: **Ambient accountability: intelligence services in Europe and the decline of state secrecy**

Resource:

- Richard J. Aldrich & Daniela Richterova (2018) [Ambient accountability: intelligence services in Europe and the decline of state secrecy](#), *West European Politics*, 41:4, 1003-1024

This was an observational intervention focused on how the international oversight/accountability environment is expanding, looking at the interaction between actors. Richterova's intervention described which players make up this new accountability environment and showcased ambient accountability through the case of extraordinary renditions and a case of high-profile kidnapping in Slovakia.

The intervention traced collaborative conversations about unreconstructed intelligence practices across central and Eastern Europe, asking whether models adopted worked or were simply being used as a veneer of legality for unreconstructed practices. Questions around the international arena and responses to scandals and abuses were looked at, as well as questions on whether national bodies could keep up in overseeing sometimes shocking practices. Looking at formal and national models of accountability, many introduced in the 1980s-90s, researchers found that they failed to hold accountable many agencies across the world, including when these models were exported. Richterova then documented the complex coalition of informal oversight actors and the process of ambient accountability that took over (and is much more prominent now). These actors included whistleblowers, NGOs, academics, trainspotters, plane spotters, victims, perpetrators, and others who worked in conjunction with international courts and institutions to hold governments to account.

Richterova attended to the case of CIA black sites that involved a web of 50 countries (17 in Europe) that was uncovered and reported on by journalists, NGOs, plane spotters etc. The Council of Europe and European Parliament were stimulated to investigate the case because of these informal oversight actors that worked together to uncover unlawful international intelligence practices. The second case Richterova looked at was the kidnapping of the president of Slovakia's son (Michal Kovac Jr) by then Prime Minister Meciar. She explained that there was no prosecution in the 1990s given that the Prime Minister himself had imposed amnesty on anyone involved. It wasn't until 2017 with the release of a fictional movie loosely based on the kidnapping that the issue came to the spotlight with the work of a coalition of activists, NGOs, artists, politicians, and lawyers that brought with their work

public debates, a reversal of amnesties, and possible prosecution for intelligence officers involved.

Richterova ended the intervention with questions on how the landscape of intelligence activities are changing with recent cases like the Pegasus case. She reasserted that a mixture of formal and informal actors is needed to hold agencies accountable.

HAGER BEN JAFFEL: **How a new research agenda on intelligence can inform intelligence oversight**

Resources:

- Hager Ben Jaffel and Sebastian Larsson (ed), *Problematizing Intelligence Studies: Towards a New Research*, Abingdon: Routledge. Out in June 2022
- Routledge series *New Intelligence Studies*

This intervention provided a response to problems with the discipline of Intelligence Studies (IS). Tracing the discipline from the 1950s when it was developed, Ben Jaffel detailed the domination of the field by scholars and ex-practitioners. She identified two key problems with the understanding adopted:

- **Anglospherism:** Experiences of intelligence services of Britain, the US, and their Five Eyes allies were the focus and blueprint models – informing a strategic conception of intelligence (see below).
- **Functionalist agenda:** Intelligence is understood as a function ‘for’ the state and Intelligence Studies aims at improving this. This agenda does not stand up to empirical scrutiny.

For Ben Jaffel, this results in discrepancies between categories of understanding adopted by Intelligence Studies, and intelligence practices happening on the ground. Intelligence Studies do not sufficiently explore the ‘everyday life’ of intelligence within & outside intelligence services, the cycle, and the Anglosphere.

Elaborating on their aim to challenge assumptions in IS and generate knowledge on intelligence, Ben Jaffel spoke to the need for shifting the analytical lens towards people and their everyday practices, drawing on collaborative research (Ben Jaffel, Hoffmann, Kearns and Larsson (2020), ‘Towards critical approaches to intelligence as a social phenomenon’, *International Political Sociology* 14, 323–344). She illustrated that intelligence is a social space shaped by a diversity of actors whose relations reframe the meaning and practice of

intelligence and widen the scope of involvement. Those who have a stake in intelligence are no longer just intelligence services: police officers, border guards but also parliamentarians, privacy groups and oversight bodies.

The main rupture with Intelligence Studies that she focused on was that people and practices are the immediate point of departure, and that the research agenda she proposed does not serve functionalist purposes.

The intervention ended with 3 ways in which this proposed research agenda could contribute to the study of intelligence oversight:

- Problematising intelligence oversight by interrogating those that are subject to control.
- Analysing professionals' self-awareness of having crossed the limit.
- Exploring the relationship between intelligence and politicians .

SARAH NAIMA ROLLER: Identifying differences across countries: transnational intelligence and transnational oversight

Resources:

- <https://guardint.org/research/>
- [Handout](#)

This contribution provided an overview of collaborative work with colleagues in Berlin working on civic intelligence oversight. Naima Roller started the intervention echoing the importance of taking the transnational into account and facilitating cross-country participation whilst critiquing contemporary indexes. She illustrated that whilst research has shown the very transnational nature of intelligence, oversight remains fragmented and limited to the national level. Naima Roller suggested that whilst there are clear discrepancies between both levels, there may also be variances within the transnational level which lead to hard questions around identifying these variances and their possibilities. The [handout](#) provided two examples that explored these issues further: delegated oversight and civic oversight. Naima Roller expanded on issues like the problem of the relegation of oversight bodies to third parties in delegated oversight, whilst highlighting the collaborative nature of oversight by media reporting or strategic litigation in the civic oversight model.

The intervention ended with the highlighting of two significant problems:

1. The distance between values of transnationalisation are not hard facts. There has been attempts to be very precise in indicators adopted (e.g. adopting different values, rather than asking how often do you cooperate).
2. How transnationalisation is benchmarked best? What does the task have to fill, and what differences if found would matter? By analysing different patterns, the researchers hope to have a more comprehensive understanding and establish a different benchmark.

Panel IV: Technologies of surveillance, AI and intelligence: what role for oversight?

SARA DEGLI ESPOSTI: **Vulnerable trustors and the quest for trustee competence, integrity, and benevolence in the oversight of digital surveillance**

Resources:

- Trustworthy humans and machines: Vulnerable trustors and the need for trustee competence, integrity, and benevolence in digital systems
By Sara Degli-Esposti, David Arroyo
Book (Open Access): Trust and Transparency in an Age of Surveillance, 2021, Routledge
URL: <https://www.taylorfrancis.com/chapters/oa-edit/10.4324/9781003120827-15/trustworthy-humans-machines-sara-degli-esposti-david-arroyo>
- 2021. Degli-Esposti S., K. Ball & S. Dibb, “What’s in it for us? Benevolence, national security and digital surveillance”. Public Administration Review. First View February. DOI: 10.1111/puar.13362 (WOS/JCR Q1; CABS 4*)
- Open access: <https://onlinelibrary.wiley.com/doi/full/10.1111/puar.13362>

This intervention was theoretical and based on the publication of a recent chapter that sought to rethink the concept of trustworthiness.

This intervention looked at standardisation bodies as a specific example of useful oversight mechanisms to transform abstract principles (e.g. security, privacy, accountability) into functionalities of a digital system. There was discussion and critique of the lack of incentives and formal mechanisms facilitating the participation of scholars in these committees as a lack of useful oversight in the specific domain of using digital technologies for security purposes. The main argument of the intervention was that in the case of complex and highly technical issues, such as the use of digital technologies powered by AI and big data in the security domain, we cannot expect the public (through NGOs and outcry) to exercise meaningful oversight of services protected by state secret. Instead, Degli Esposti asserted that having honest, competent, and benevolent security agents implies inscribing specific values in their way of operating, giving the example of EDEN of Europol.

She also argued in favour of auditing systems by giving access to experts (researchers and NGOs) who would then be able to exercise peer pressure and she advocated for a notion of “blind trust” as a mechanism to safeguard the identity of these experts. Standardization bodies for Degli Esposti represent another potential important player in oversight orchestration. Members represent different countries and/or private/public interests. She argued that the balance of power generated by the conflict of interests of members of the committees somehow help achieve a balanced agreement, and that a conflict of interest between the parties must somehow exist to avoid collusion.

By standardization bodies, Degli Esposti clarified that she was referring to bodies like ISO and NIST and others which operate at a national level. She explained that experts who participate in standardisation bodies do it voluntarily, which contrasts with the US NIST which has paid personnel (whose quality of their standards is higher according to Degli Esposti).

Some examples of standards provided by Degli Esposti are listed below:

- Systems Security Engineering: Considerations for a Multidisciplinary Approach in the Engineering of Trustworthy Secure Systems
- <https://csrc.nist.gov/publications/detail/sp/800-160/vol-1/final>
- ISO/IEC 27001 INFORMATION SECURITY MANAGEMENT
- <https://www.iso.org/isoiec-27001-information-security.html>
- ISO/IEC 27701 is a data privacy extension to ISO 27001
- ISO 22311:2012 Societal security – Video-surveillance – Export interoperability
- <https://www.iso.org/standard/53467.html>
- ISO/IEC JTC 1/SC 42 - Artificial intelligence
- <https://www.iso.org/committee/6794475.html>

THORSTEN WETZLING: **Caught in the Act? An analysis of Germany's new SIGINT reform**

Resources:

- 2021 Report: <https://www.stiftung-nv.de/de/publikation/caught-act-analysis-germanys-new-sigint-reform>

This intervention sought to give an overview of the status quo of intelligence legislation and shed light on future frontlines for effective review and safeguards against abuse, focusing on suitability tests and bulk interception. Focusing on the German political landscape, Wetzling traced reforms and potential for reforms through different channels, with a particular look at legislation and judicial oversight.

Wetzling pointed to the fragmentation in oversight bodies and the absence of oversight with the intra-data transfers to the military and other security actors. He also questioned oversight in relation to the access to data held by the private sector.

Elaborating on the new BND reform, Wetzling praised the more elaborate catalogue of purposes for manual and automated contexts included which for example obliges the BND to log data sharing. This, he argued, provides more complete and meaningful audit trails that are necessary for executive oversight. However, Wetzling also pointed to the timely data destruction of data transfers, and therefore the need for independent controls of data oversight to access logs along various stages of the intelligence cycle. Elaborating on oversight bodies that are also beneficiaries of such technology (timely data destruction) are not to be ignored. Wetzling illustrated that the audit logs required in the BND Act 21 are insufficient given how narrow the logging requirements are relegating internal reviews of executive oversight to BND staff. Through various examples, he illustrated how oversight bodies could receive notifications when data is accessed. He ended the intervention with a call for more attention to this, and the implementation of more effective oversight.

DAVID MURAKAMI WOOD: **AI ethics are not enough: towards a militant politics of intelligent machines**

Resources:

- Surveillance Studies Centre: <https://www.sscqueens.org>
- Surveillance & Society: <https://www.surveillance-and-society.org>

The intervention started with an assertion that it would focus on the more foundational questions and attempt to make a radical argument. Murakami Wood started with a scoping of AI, addressing different systems of AI, including systems that are incorrectly referred to as AI. The intervention spoke to three problems around AI ethics:

1. **Ethics-washing** – the superficial use of ethics to demonstrate commercial acceptability. Corporations can be seen to ethics-shop, seeking for AI ethicists who will tell them what they want to hear.
2. **AI ethics is an end to itself** –asserting that we only need ethics to control AI. This is used cynically by platform organisations, the military, and emerging professional actors.
3. The idea of speculative AI ethics that mainly concerns itself with rights for AI, apps, software etc. This focus distracts from the real problems of violence and harm enabled and perpetuated by systems, and points to concerns for implication on software etc. instead.

The intervention then spoke to critical responses to AI ethics in the face of ethics being captured by platform corporations. Murakami Wood encouraged the audience to focus on the drivers of AI, particularly the two main ones he highlighted being the market and the military. He spoke of the main funders of AI research being platform corporations like Google, as well as to significant military research projects like Air Combat Evolution (ACE) that allow a single pilot to control a whole fleet of aircraft (therefore assigning them to make ethical military decisions). The intervention cautioned the audience from human rights centred AI design, deliberation, and oversight that pushed the discussion into the arena of the design process. Murakami Wood ended the intervention with a call to rethink appropriate technology and the need to provide communities in the Global South with affordable, usable, environmentally sound, and relatively autonomous tech. This he argued would be a commitment to innovation with constraint and context, that centred around people and planet; humans and the environment.

IAIN MUNRO: Whistleblower support: questions concerning legal reform, social activism and the criminalisation of protest

Resources:

- Benkler, Y. (2014) A Public Accountability Defense For National Security Leakers and Whistleblowers, Harvard Law & Policy Review: 281-326
- Jaffer, J. (2021) What We Owe Whistleblowers, The Knight First Amendment Institute, Columbia University, <https://knightcolumbia.org/content/what-we-owe-whistleblowers>
- Munro I (2018) An Interview with Chelsea Manning's Lawyer: Nancy Hollander on Human Rights and the Protection of Whistleblowers. Organization, 26(2), 276-290.

This intervention was focused on whistleblowing and arises partly from a book Munro is co-authoring ('New perspectives on whistleblowing'). The intervention started with a look at whistleblowing, oversight, and democratic reform, asserting that human rights lawyers and whistleblowers often frame whistleblowing as a form of democratic reform, with a quote from Snowden. Munro cited various scholars to demonstrate how whistleblowing does this, whilst asserting that it is a relatively moderate form of reform (not requiring radical action but rather oversight and accountability of intelligence services).

The second part of the presentation looked at the failures of whistleblower protections. Whilst highlighting new reforms like the European Whistleblowing Directive, Munro pointed to the failures as seen by the imprisonment of Chelsea Manning for 7 years who was also subject to torture. Other cases mentioned included the US government's attempts at extraditing Julian Assange, as well as his arrest, torture, being cut off from the internet and CIA considerations of killing him. Visitors to Wikileaks are also being spied on. The assassination of journalist Daphne Caruna Galizia was another stark case mentioned. In this section, Munro covered the limitations of formal channels and protections citing the failure of the law (lack of public interest defence) and the ambivalence of protections with complex/vague wording and poor advice.

The third section of the presentation looked at whistleblowing in relation to the criminalisation of protest. Munro highlighted three parts to this criminalisation of democratic oversight: i) the increasing criminalisation of whistleblowing, ii) the criminalizing of investigative journalism and those who work with whistleblowers, and iii) the criminalizing social protest and democratic oversight itself (moves to dismantle human rights law).

The fourth and final section of this presentation asked whether whistleblowing is considered to be reformist or revolutionary. Munro highlighted that there are arguments for both, starting with assertions from human rights lawyers and Snowden that whistleblowing is about reform. On the other hand, arguments have been made to argue that whistleblowing has far more revolutionary characteristics. Munro mentioned the journalists who uncovered the Panama Papers who described the digital characteristics of modern whistleblowing in terms of revolutionary practice, and de Lagasnerie who argued that the whistleblowing of Snowden, Assange, and Manning is not simply reformist since it is directed “at the heart of the judico-political system” (2016, 104). The view of whistleblowing as a revolutionary practice echoes the views of those like Lida Maxwell who have asserted that anti-imperialist whistleblowing is an "insurgent truth" and a counter-hegemonic practice, directed against financial, military and media centres of power.

Roundtable: Futures of Intelligence Oversight

AZADEH AKBARI: Opening the Black Box of EU's Migration Data Banks

This intervention is based on a co-authored paper with Christopher Husemann that is under review and to be published soon. The abstract of this paper is provided below:

This paper unveils the inner workings of datafied immigration management in the European Union through a historical analysis of the evolution of EU's biometric data banks. The research introduces black-boxing as a threefold process of revealing datafication practices of EU's biometric data banks, demonstrating their registration and archiving operations, and writing from an epistemological standpoint that undermines the black-boxing style of academic scrutiny. The paper demonstrates the increasing number of data categories and formats, people subjected to invasive data gathering, and access points to data banks since establishing the Schengen Information System (SIS) in 1995. In a thorough examination of European law, regulations, and proposals, the paper summarises the data categories stored by various immigration data banks. Furthermore, it investigates the data protection provisions in each of these systems and studies their applicability in everyday border management practices. Through highlighting the data protection and security challenges in the current constellations of immigration data, the paper conceptualises discriminative secrecy as a reluctance to be accountable for the workings of the black box to subjected populations. Finally, the research criticises the outcome-based process of academic black-boxing by attending the silent, hidden and seemingly violence-free functions of data banks. In doing so, the paper aims to introduce the lived experience of immigration into the knowledge production process to unsettle the notion of black-box navigating people's movement, making decisions about their life and mobility choices, and produce knowledge based on predictive science.

The talk focused on “black-boxing” within the EU immigration system, exploring business practices of leading internet and finance companies. Tracing immigration data banks in the EU, Akbari explained their introduction in the 1990s and their relation to the Schengen areas, explaining that each data bank was initiated to gather data on a different group of people (many of which overlap). The intervention asked about the probability of “mistakes”, with a focus on the Right to Appeal, and used Akbari's personal experiences in demonstrating the obstructions and paradoxes in the process (e.g. language, access to lawyers, access to data, needing to go to court in a country in which you are denied entry).

The intervention prompted us to question how valuable asserted human rights are in practice, and who the audience is for these rights?

The intervention spoke of the complex data systems, and Akbari attended to attempts at theorising a system of documentation, and to the idea that the more you register, the better. She explained that the number of people in data banks is increasing (including children), and that the age of people being documented is decreasing. Akbari highlighted the concerns around access points, and who has access to these data banks and the subsequent consequences (e.g. police access and the probability of violent, racist, xenophobic encounters). In addition to this, Akbari encouraged us to think about algorithmic authority, and ask who is designing these processes, as well as the risk discourse developed that provides the foundation for developing data banks. This discourse of risk depends heavily on prediction and future, and Akbari again reminded the audience to ask about whose future is being centred.

DIDIER BIGO: Is control of coalition led by western intelligence service of democracies an utopia forever or a practicality for the fight against impunity?

Resources:

- Aldrich, R. J. (2009). Global intelligence co-operation versus accountability: new facets to an old problem. *Intelligence and National Security*, 24(1), 26-56.
- Council of Europe Commissioner for Human Rights (2015). Democratic and effective oversight of national security services
- Bigo, D. (2020) 'Adjusting a Bourdieusian approach to the study of transnational fields', in *Charting Transnational Fields: Methodology for a Political Sociology of Knowledge*. Routledge.
- Bigo, Didier (2019) 'Shared secrecy in a digital age and a transnational world', *Intelligence and National Security*, 34(3), pp. 379–394.
doi:10.1080/02684527.2019.1553703.

This intervention discussed the transfer of responsibility through international cooperation of intelligence. It started with a discussion of a horizontal narrative of surveillance, and the individual and commercial interests consumed in the name of protection. Bigo discussed the participation and content with involvement in surveillance by society, and the limits to critical approaches that have led to high tech fascination, popular movies, and interviews about intelligence. He encouraged us to look at how far we are from condemning violent acts

committed in the name of national security. The intervention ended with reflections on the collaboration and network of secret services. Bigo highlighted that delegated oversight effectively design the details of operations in order to avoid some bad apples or do an arbitration to respective politicians. He asserted that, for this reason, oversight and the fight against impunity have to be designed as a coalition of different actors. Bigo ended his intervention with a return to the transfer of responsibility, the limited control of those who work in agencies, and the lethal consequences at stake.

RICHARD NORTON-TAYLOR: Trust, scrutiny, and access in the face of expanding surveillance

Resources:

- Declassified UK: <https://declassifieduk.org/>

This intervention started with an overview of the current and prevailing UK political climate that suggests a worsening picture for intelligence oversight. Norton-Taylor discussed the UK government's desires to tighten the Official Secrets Act - stifling whistleblowers, abandoning a public interest defence, and treating journalists the same as spies. He also mentioned the desires to tighten the Freedom of Information Act – adding more exemptions to prevent disclosure of information. These examples are amongst others that are done in the name of “national security”. The talk then highlighted the role of the parliamentary Intelligence and Security Committee (ISC), and the example of Theresa May's prevention of evidence given by MI6 officers directly involved in extraordinary rendition and torture, even at a time when the ISC was considered to be more inquisitive.

The intervention then moved to the topic of secrecy, that Norton-Taylor asserted breeds sensationalism, conspiracy theories, and distrust. He posed the question of how we bridge the gap between the intelligence elite and civil society and mentioned the need for greater mutual trust and more mature, informed debate and treatment of the security and intelligence agencies. He outlined the power structures that leave most MPs reluctant to question the activities of agencies, ending up being more sympathetic to the government than outsiders (e.g. journalists) when controversial matters and scandals come to light.

Norton-Taylor expanded on the need for constant review of legislation, echoing Snowden's concerns that laws cannot keep up with developments in surveillance/intrusive technology. Drawing on personal conversations, Norton-Taylor highlighted a conversation with Dennis Mitchell, a senior GCHQ officer who resigned in protest against the trade union membership

ban in 1984. Mitchell stated “GCHQ is an industrial complex. Its product is intelligence. Intelligence imparts power; power which may be used to withstand a threat, or to apply one; to avert an ill, to bestow a benefit – or to exploit.” “GCHQ provides power to the British government, and governments with which it is allied. GCHQ staff have a moral responsibility, both corporate and individual, for the use to which that power is put”. The only watchdog, he emphasised, was the workforce. “It is they on whom the general public must rely if errors of judgment, excessive zeal or malpractices are to be averted in a department which has considerable discretion.”

The intervention ended with suggestions of what needs to be done. Norton-Taylor highlighted that ministers have been the bigger hurdle (than agencies themselves) to intelligence oversight and transparency and have wanted to avoid being questioned and held accountable about the agencies. Norton-Taylor called for greater reforms to the ISC, suggesting the inclusion of citizens’ groups into meetings and evidence sessions (a suggestion the former MI6 chief Richard Dearlove had himself put forward). More broadly, the intervention echoed understandings of intelligence and intelligence-gatherings as an “everyday exercise” and called for a further demystification of the work of the agencies. On the subject of whistleblowers, Norton-Taylor asserted that they must be protected and have a direct “hot line” to the Investigatory Powers Tribunal. Finally, he called for the protection of individual/personal privacy from increasing threats from intelligence agencies and private technology companies.

SUSAN CAHILL: **Surveillance Frontierism and Creative Futurities**

Resources:

- <http://www.artandsurveillance.com/>

This intervention started with the exploration of the space of otherwise: the imagined, future space where new ideas, research, thinking take us into a previously underthought or unknown direction – asking what work needs to/should be done? On what? By whom? Cahill emphasised that the foundational ethical dilemma importantly includes the subjectivity, positionality, and responsibility of the researcher as part of the inquiry. On *who* is “watching the watchers”, Cahill encouraged us to also ask about the ethical responsibilities of who is watching.

Taking a reflexive approach that attended to her positionality, Cahill explored the art of surveillance within the ongoing colonial space that is Canada. In opposition to the

deployment and use of the word “surveillance” that Cahill explained is often emptied of its histories, specificities, logic, and legal implications, she proposed the use of a more specific term. She put forward the term of “surveillance frontierism” to make present the histories of surveillance with ongoing colonial capitalism, which includes white supremacy, resource extraction, and technological innovation as salvation. To illuminate her point, Cahill drew on the artwork of Saheer Tarar. Tarar’s digital installation, *Jack Pine* (2019) intersperses projections of live feeds from unsecured surveillance cameras from around Canada, with a map of the Canadian territory that charts the specific geographical locales of the cameras. In the artwork, Tarar brings these histories together by making explicit connections between territories of contemporary surveillance structures, representations of colonial expansion, and questions of for whom the land is marked and protected. To encapsulate the complex dynamics apparent in a work like Tarar’s *Jack Pine* about surveillance without qualifiers is to limit the analytical capacity to engage in this work and the contexts it addresses. In the Canadian context, surveillance is inextricably linked to imaginaries of white settler futurity. Using artworks like Tarar’s as her entry point, Cahill thinks through these connections as a form of “surveillance frontierism”, a way in which to address surveillance infrastructures through logics of extraction that are inextricably linked to colonial-capitalist contexts and to landscape as a resource to be claimed and exploited.

The second section of Cahill’s presentation focused on “Creative Futurities” and returned to her provocations around the ethical responsibility of the surveillance researcher at the start. Drawing on her positionality, Cahill explained the study of surveillance she has undertaken and how it is part of the way she mobilises her own positionalities and access: to use her privilege and complicity to unsettle and unchallenge the very settler state that has utilized surveillance structures in uneven and particular ways that she has ultimately benefitted from. The presentation ended with further calls for reflexivity, and the constant asking: What case studies we engage in? What? And to whom and what audiences do we direct our research? To what ends? Cahill explained that a large part of this is contending with language and concepts that are more precise, refined, and directed in our analysis to account for the multiplicities and histories and positionalities that all intersect with broad ideas of surveillance.

Cahill explained that as an art historian, she always engages with creativity and art, and sees creative engagements as participating productively in the future spaces of research. However, when speaking of “Creative Futurities,” she explained that she refers to both the generative contribution of creative practices to scholarship as well as the creative ways we as researchers must re-envision our own ethical engagements in the topics we study.