

Britain Monthly briefing - May 2022

Counter-terrorism and Counter-extremism

- Leaks from Shawcross review of Prevent indicate a return to targeting 'Islamists'
 - During May, further leaks from the Independent Review of Prevent led by William Shawcross, gave an indication of the shape of the review and its recommendations.
 - The leaks in May centred on a proposed return to predominantly targeting '*Islamist extremism*' - as opposed to the 'equal opportunity anti-extremism' that has shaped Prevent since 2016 - and criticising the supposedly overzealous targetting of 'far-right extremism' in recent years.

According to [coverage of the leak](#) in *The Guardian*, William Shawcross has argued that the category of far-right extremism used in Prevent has "*been so broad it has included mildly controversial or provocative forms of mainstream, rightwing-leaning commentary that have no meaningful connection to terrorism or radicalisation*".

He has also apparently argued that Muslim organisations and projects funded by Prevent have promoted 'extremist narratives' themselves.

- Leaks and speculation on the report published since David Amess MP's killing in October 2021 also indicate that the Shawcross review is likely to propose:
 - The centralisation and securitisation of the Prevent process through [greater MI5 control](#) over Prevent and Channel panels, representing a break from the multi-agency community-police partnership model of Prevent.
 - A stripped back focus on 'radicalisation leading to terrorism' as opposed to the more wide-ranging policing of social practices that was promoted under David Cameron and Theresa May's tenures
 - Further isolating Muslim civil society groups critical of Prevent.
- These latest leaks echo the narrative on the review promoted by pro-security thinktanks such as Policy Exchange, whose April report *Delegitimising Counter-Terrorism* identified a number of Muslim groups, including CAGE, as being responsible for the failure of Prevent.

The Henry Jackson Society have also been leading calls to break from policing the far-right under Prevent and re-emphasising countering 'Islamist extremism' [since last year](#), decrying supposed 'political correctness' as

'paralysing' Prevent.

- Moreover, the strategy deployed by pro-security thinktanks mirrors the lead up to the 2011 Prevent review under the Coalition government, where mounting failures and criticisms of Prevent were recast as an issue of extremist-adjacent Muslim groups infiltrating Prevent and poisoning perceptions of the programme.

This tactic was used to justify government disengagement with even mildly critical Muslim organisations then, as is being demanded again - 11 years later.

- The Shawcross review is expected in July, almost 3.5 years after first being mandated by the Counter-terrorism and Border Security Act 2019.

Its release is being [held up by lawyers](#) within the Home Office pending legal and factual checks on its contents, indicating concerns that its attacks on Muslims organisations may cross over into libel or misleading characterisations.

- Divisions in the Home Office and counter-terror industry over the future of counter-extremism

- The proposal to reorient towards Islamist extremism has been controversial within the counter-terror industry.

Many of its leading figures have staked their legitimacy on the turn towards equal opportunity anti-extremism in recent years, and on building community engagement strategies now under threat by Shawcross' proposals.

These include former lead of the Commission for Countering Extremism, Sara Khan, [who argued](#) that focusing on one form of 'extremism' was "totally counter-productive" as well as [government advisers](#) on extremism who pointed to the recent plurality of referrals of individuals under the 'Mixed, Unstable or Unclear' category as the future direction of Prevent.

Their critiques echo divisions within Whitehall that have been [alluded to](#) for a number of years, for example over the fate of the recently-scrapped *Building a Stronger Britain Together* counter-extremism fund.

- The leak of the Shawcross review to *The Guardian* itself indicated that these divisions had reached a boiling point, with the leaks likely intended to stoke dissent and undermine the review.

The [hostile response](#) to the leaks from the likes of Alan Mendoza of the Henry

Jackson Society further illustrates a 'turf war' within the field that has been growing under the tenure of Priti Patel.

- These divisions centre around those who see Prevent as a 'catch-all' for managing all social ills - and who therefore see value in an 'all extremisms' approach - and those, represented by Shawcross and the current Home Office, who understand it more as a focused, ideological policing programme - and therefore call for greater discipline in targeting select ideologies, namely 'Islamist extremism'.

This also maps onto a further division between those who seek greater community and civil society buy-in for Prevent and counter-extremism - particularly through engagement and funding arrangements to bring civil society into the counter-extremism orbit - and those who desire a more centralised security and policing-led process, who are currently in charge of the review.

National Security

- National Security Bill (2nd reading)
 - The [National Security Bill](#) was introduced on 11th May, going through its Second Reading in Parliament on 6th June.
 - The Bill follows a [consultation](#) carried out by the Government in 2021 for the purposes of creating a law to:
*'modernise existing counter espionage laws to reflect the modern threat and modern legislative standards
create new offences, tools and powers to detect, deter and disrupt hostile activity in and targeted at the UK
improve our ability to protect official data and ensure the associated offences reflect the greater ease at which significant harm can be done'*
 - The provisions in the Bill include a swathe of offences and powers directed at activity that is conducted at the behest, or on behalf, of 'foreign powers' that the British government has deemed hostile, including:
 - **State Threats Prevention and Investigation Measures (STPIMs):** modelled on counter-terror Terrorism Prevention and Investigation Measures (TPIMs) - which allow for severe restrictions and control over an individual's movement, place of residence, travel and use of electronic devices, without any criminal conviction. (*Schedule 4*)
 - **Espionage offences:** Creating a number of offences previously consolidated under 'Espionage', including 'Obtaining or disclosing protected information', 'Obtaining or disclosing trade secrets' and 'Assisting a foreign intelligence service', with maximum sentences ranging from 14 years to life

imprisonment (*sections 1-3*)

- **Prohibited place offence:** Criminalising entry into a designated 'prohibited place'; areas which are used for UK defence purposes; extracting any metals, oil or minerals for use for UK defence purposes; or for the purposes of the defence of a foreign country or territory (*ss. 4-6*)

- **Sabotage:** Criminalising damage to 'assets' including electronic systems and information, to the benefit of foreign powers, including through recklessness. Up to life imprisonment (*s.12*)

- **Foreign Interference:** Criminalising 'Foreign interference' with legal process, political processes, public functions or conduct which is prejudicial to the safety or interests of the UK with up to 14 years imprisonment (*ss. 13-14*)

- **Preparatory offences:** Creating a category of preparatory offences, criminalising preparation for the sabotage, prohibited place and espionage offences listed above (*s.15*)

- **Arrest without warrant:** Enabling arrest without warrant for up to 48 hours for anyone a constable 'reasonably suspects is, or has been, involved in foreign power threat activity' (*s.21*)

- **Immunity for overseas crimes:** Granting immunity from prosecution for assisting crimes overseas when carried out for the 'proper exercise of any function' of British security services or the army (*s.23*)

- **Court Duty for considering national security considerations:** Placing a duty on the courts to consider the reduction of civil damage payments to wronged individuals where national security considerations are invoked (*s.58*)

- **Freezing civil damages:** Allowing for the freezing and permanent withholding of civil damage payments to wronged individuals where 'there is a real risk that those damages will be used for the purposes of terrorism' (*s.61*)

- **Denying civil legal aid following terror convictions:** Denying individuals convicted of terror offenses the right to civil legal aid indefinitely (*s.62*)

- [According to Priti Patel](#), an amendment to the Bill introducing a 'Foreign Influence Registration scheme' will be proposed in due course.
- Many provisions in the Bill subvert legal proceedings, criminalise behaviour well outside the realm of intentionality, or lend themselves to deeply politicised bad faith accusations - drawing from some of the worst excesses of counter-terror legislation.

For example, some of the offences listed above can be prosecutable where an individual '*ought to know*' that their conduct is prejudicial to the interests of the UK, where they commit an act through *recklessness*, cause '*spiritual damage*' or commit an offence through *neglect*.

Provisions in the Bill also enable the courts to bar the public from proceedings 'If it is necessary in the interests of national security' (*s.31*)

- The Bill is the latest in what we can expect to be a litany of laws targeting 'hostile activity' from foreign states (or 'malign actors') - a concept first introduced in the [Counter-Terrorism and Border Security Bill 2019](#) - as the

War on Terror-framework of counter-terrorism makes way for the targeting of hostile/foreign state activity, in the present era of great power rivalry.

Though no state is named in the Bill - allowing for flexibility in the designation of states as 'hostile' - [Priti Patel named](#) Russia, China and Iran during the Parliamentary debate on the Bill's Second Reading.

- The proposals in the Bill are breathtakingly broad and draconian, and in many cases mirror and expand on the most egregious examples of counter-terror laws, such as the aforementioned TPIMs/STPIMs.

Similar to how the Terrorism Act 2000 has served as the legislative backbone of the post-2001 counter-terror apparatus, the National Security Bill will likely be augmented and expanded through new anti-espionage and surveillance powers in the coming years.

- Since the onset of the Russia-Ukraine war in February we have seen how a widespread suspension of critical faculties has enabled a swift crackdown on supposedly Russian-backed media sources, with the active or tacit support of the public and civil society.

The present Bill will feed off and entrench this cultural context of paranoia, censorship and national fervour which will be regularly renewed with allegations of foreign state meddling.

[Accusations in the media](#) alleging leading members of the RMT Union as being 'Putinists' in the run up to their June strikes also indicate the manner in which allegations of foreign allegiances will be deployed to delegitimise and repress political activity.

- Investigation into abusive, far-right undercover MI5 asset published following attempted block by Attorney General

- In May the BBC [published an in-depth](#) report of an unnamed Covert Human Intelligence Source (CHIS; an undercover asset) for MI5 who had fled the country after having violently abused and threatened to murder his partner, and after accumulating extensive 'far-right extremist' material.
- The publication of the story had been delayed after an [injunction was sought](#), unsuccessfully, in the High Court by Attorney General Suella Braverman, on grounds that it would damage national security and constitute a breach of confidence if any details on the CHIS' identity were published.

He was ultimately *not* named in the BBC report, other than specifying that he

was a foreign national and that after fleeing the UK he had begun working for a foreign intelligence agency.

- Following the publication of the report, the partner of the asset launched a legal [case against MI5](#), on the basis that they had breached her human rights on account of the protections and impunity they had afforded the asset.
- The use of CHISs by security services has been under scrutiny in recent years, first with the revelation that [children were being deployed](#) as CHIS assets into gangs to gather intelligence, and then with the passage of the Covert Human Intelligence Sources (Criminal Conduct) Act which permitted CHISs to [engage in criminal activity](#) with impunity, up to and including murder.

The fact that the CHIS in question was able to continue his intelligence career after fleeing Britain raises concerns both about the way that British security services are incorporating dangerous elements into their ranks, and providing them with skills and contacts that they can transfer into employment or illicit activity.

Russia/Ukraine

- Multiple proposals for a new global security apparatus
 - There have been calls from a number of world leaders to create new institutions to develop a new global security apparatus or systems, which would expand the frontiers of European and American political and economic power.
 - On 27th April, UK Foreign Minister Liz Truss outlined Britain's vision for a ['Global NATO'](#) and for an 'economic NATO' advanced through the G7 in her 'Return of geopolitics' speech, which would draw in countries under the West's political and economic umbrella in order to counter China.
 - The next day, the British ambassador for Honduras invited the country to this new ['global security approach'](#), which would be based on Stronger defence, Boosting economic security and Building a stronger network of alliances.
 - In May, newly re-elected French President Emmanuel Macron called for [a new European body](#) alongside the EU, with membership available to countries outside of the EU's parameters.

He described it as a "new European organisation [that] would enable democratic European nations who adhere to our values to find a new space for political cooperation", indicating that its priorities would include security, energy, movement across borders'.

- Finally, in late April the [US assembled a group](#) of 40+ 'nations of goodwill', rallying them around the US' position against Russia.

- The Russia-Ukraine war has accelerated a geopolitical realignment years in the making and has, at least temporarily, rallied European and EU support around NATO and the US.

These various proposals reflect attempts by different governments to assert a leadership role on the international stage during this period of realignment - and on the part of Macron may suggest that his long-held ambition of a 'strategic autonomy' from US dominance of the EU may not have ended with the Russia-Ukraine war.

While they may or may not be mutually antagonistic at this point, these different proposals could likely harden into rivalries and competition in the future.

And if domestic issues persist - such as the growing economic and political crisis in Britain, and developing elsewhere - then we may see more aggressive moves from these governments on the international stage in order to try and resolve these crises at home.

Other

- Queen's Speech outlines Parliamentary agenda for next year
 - On 10th May, the government unveiled its legislative agenda for the coming year in the ['Queen's Speech'](#).

38 laws were announced as part of the speech, which will be introduced as Bills over the coming year.

- A number of the Bills concern policing and securitisation, advancing the agenda that has defined the present government of centralising and expanding the scope of state power, eroding democratic rights and legal safeguards, and granting impunity to state agencies.

These include the:

- **National Security Bill:** Expanding and updating anti-espionage powers and criminalising conduct on behalf of, or which benefit, hostile 'foreign powers' (see above)

- **Protect Duty Bill:** Placing a statutory duty on public venues to increase security and develop counter-terror proofing plans, modelled on ['Martyn's Law'](#) adopted by Manchester City Council

- **Bill of Rights:** Replacing the Human Rights Act 1998 and drastically weakening rights protections

- **Data Reform Bill:** Scrapping GDPR data regulations and eroding privacy, while allowing for greater commercial exploitation of private data

- **Public Order Bill:** Reinstating anti-protest provisions removed from the

sweeping Policing, Sentencing, Crime and Courts Act 2022

- **Northern Ireland Troubles (Legacy and Reconciliation) Bill**: Granting veterans amnesty for crimes carried out on behalf of the British state in the North of Ireland, providing that they engage with a new, independent commission.