

BOOK REVIEWS

The history thieves: secrets, lies and the shaping of a modern nation, by Ian Cobain, Portobello Books, London, 2016, xix + 342 pp., GBP £20.00 (hardback), ISBN 978 1 84627 583 8

Ian Cobain emphasises, ‘... this is not a history book. Nor is it a book about history; it is a book about today.’ But it is a book that examines aspects of British history largely forgotten, ignored or, indeed, never generally known, to explore the evolution of the ‘very British disease’ of official secrecy. It discusses, among other matters, the Official Secrets Acts; press censorship; signals intelligence; clandestine military involvement in foreign operations; subversion of the principle that justice should be *seen* to be done; and withholding of official documentation. Cobain asks some big questions: is government secrecy compatible with democracy? Should the secret state be publicly accountable? How much government business *really* needs to be concealed? As one would expect from the pen of an investigative journalist (Cobain works for *The Guardian*), this is a ‘good read’, thought-provoking throughout, frequently shocking, but sometimes amusing in its exploration of the more bizarre attempts of the powers-that-be to keep us in the dark.

Its wide coverage makes *The History Thieves* difficult to review in its entirety, and I am focusing on two chapters: ‘Sinning Quietly’, which discusses the so-called ‘migrated archives’ removed from British colonies at independence; and ‘Locks, Keys and Responsible Custodians’, which examines public records and freedom-of-information legislation. Elsewhere in the book Cobain touches on related topics: the deliberate destruction by the British army in 1990 of the working papers and computers of a British official inquiry into sectarian murders in Northern Ireland; the 2013 destruction of *Guardian* hard drives by intelligence officials in the wake of the Snowden revelations; the parallel series of ‘open’ and ‘closed’ judgments maintained by courts and tribunals empowered to hold secret trials.

The ‘migrated archives’ have been the subject of much scholarly and media attention. In 2011, in consequence of a claim brought by veterans of the Kenyan Mau Mau uprising, the Foreign and Commonwealth Office (FCO) was forced to admit that it held around 20,000 government files from 37 former dependencies. An internal investigation claimed that they had simply been forgotten, but there is evidence that over many decades they were the subject of sporadic attention within the FCO and in its discussions with the UK National Archives.

Cobain rather skates over the formulation of policy relating to colonial government archives at decolonisation, suggesting a more coherent development than was the case. From the late 1940s, when the subject became urgent in the context of Ceylon, there were anxious discussions between the Colonial Office geographical departments and library staff on the one hand and the colonial governors and their staffs on the other. It was not until 1961 that standard instructions were issued. Responsibility had by then been removed to the Colonial Office Intelligence and Security Department, which worked closely with the domestic counter-intelligence and security agency (MI5) and had little interest in the lasting value of documentation or, indeed, its legal ownership. Concern now was to withhold from incoming independent governments material ‘embarrassing’ to Britain. Or, as Cobain stresses, that might provide evidence to prosecute British officials. Practice in the dependencies varied. Far more material was sent to London from some than from others. Much was destroyed.

In 2011 the FCO obtained a legal opinion, disputed by many, that the ‘migrated archives’ are UK public records, and they were subsequently deposited in the UK National Archives. With some retentions and redactions they are available there to ‘the public’ – although not of course

to the great majority of the ‘publics’ of former dependencies. Kenya in particular has made strenuous, ongoing, but unsuccessful attempts to secure the repatriation of its records. And we must remember that this documentation was not only secretly removed, its very existence was denied for half a century and more.

The British Government’s position on its own records is that it is ‘committed to openness and transparency’, but, as Cobain shows, the reality often appears rooted in a culture of concealment and retention. A standardised mechanism for the assessment of documentation for permanent preservation was introduced only in 1958, and is not always implemented. The FCO’s internal investigation into the ‘migrated archives’ also examined systems for storage and declassification of its own records, and found them woefully inadequate and excessively secretive. A survey revealed the existence of as many as 600,000 historic items that were never processed in accordance with public records legislation, and a similar number that were overdue.

This is not the only example of the ‘subversion’ of the public records acts ‘on an industrial scale’. In 2013 the Ministry of Defence (MoD) was holding more than 66,000 files unlawfully, and had been granted permission to retain another 8.5 million under the legal fiction that they were still in use. One of Cobain’s sources provided examples of highly sensitive material that had been destroyed – in one case under the unverified pretext that files were damaged during an asbestos-decontamination exercise. Others detailed the unsatisfactory situation whereby sensitivity reviewers in both the MoD and the FCO may evaluate records with which they have been professionally connected.

Cobain examines the long campaign for freedom-of-information legislation, an area in which Britain lagged behind other mature democracies. In 1996 Tony Blair, then leader of the Opposition, announced his plans for legislation which would sweep away ‘obsessive and unnecessary secrecy’. A Freedom of Information Act, passed in 2000, came into effect in 2005. Since leaving office Blair has expressed a very different view, describing the legislation as ‘utterly undermining of sensible government’. Those using the law may feel differently. The 23 legal exemptions and the cost limit on staff time often prove insurmountable. Some public bodies have found ways of avoiding disclosure, for example by destroying emails, or have released information but claimed that it remains in Crown copyright and cannot be further disseminated. Others are exempted from both public records and FOI legislation. The Secret Intelligence Service (MI6) has declassified none of its files, and MI5 and the Government Communications Headquarters only a carefully selected few. More generally, private companies undertaking government work under contract are not covered by FOI.

Cobain is reticent about being described as an historian, although his credentials in that respect are amply demonstrated both here and in his earlier study of British complicity in the use of torture. But he cannot be an expert on all topics covered in *The History Thieves* and the specialist may be critical of the occasional misunderstanding or misinterpretation. However, Cobain effectively meets his brief of shining a spotlight on today’s secretive state and its historical development. British readers will find resonances with current events – for example, the destruction of files of the London police force in advance of an inquiry into its undercover work, a review of official secrets legislation, the granting of compensation to former Guantanamo detainees not for the fact of their detention but because evidence from intelligence agencies could not be shown to them. Will non-British readers find comparable examples and parallels in their own national affairs?

Mandy Banton

Institute of Commonwealth Studies, University of London

 mandy.banton@sas.ac.uk

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