

DEFENCE, PRESS AND BROADCASTING ADVISORY COMMITTEE

MINUTES OF A MEETING HELD IN THE MINISTRY OF DEFENCE AT 6 PM ON TUESDAY 27 NOVEMBER 2001

1. Present:

Mr K R Tebbit, Chairman
Mr J Gieve
Mr S J L Wright
Sir Roger Jackling

Mr R Hutchinson, Vice Chairman
Mr S Anderson
Mr J D Bishop
Mr G Brock
Mr T H S Cole
Mr R Esser
Mr J McLellan
Mr C Roycroft-Davis
Mr R G Tait
Mr S Whittle
Mr W Wilson

Rear Admiral N J Wilkinson - Secretary
Captain N R Hodgson - Deputy Secretary

2. Apologies: Mr A Goode, Mr J Grun.

3. The Chairman welcomed Mr Chris Roycroft-Davis (NPA) to his first meeting.

Agenda Item 1 – Minutes of Meeting held 26 June 2001

4. The Minutes were accepted.

Agenda Item 2 – Matters Arising from Previous Meeting

5. The Secretary reported that, for reasons unknown, the decision on the Special Forces Confidentiality Agreement case had still not been made by the New Zealand Court of Appeal. He would inform Members of the outcome as soon as it had been announced.

6. On the temporary injunction granted to MOD against UTV, it was reported that despite contacts facilitated in August/September by the Secretary/DPBAC, and the progress that had been made, the position had still to be resolved. In discussion, it was said that the DPBAC system was intended to achieve speedy resolution of problems; that the Committee's credibility was damaged if, as in this case, the media did consult the Secretary and yet were still enjoined. It had even been suggested that using the DPBAC system merely alerted the government

department concerned; the Secretary reminded the Committee that all his dealings were in confidence unless otherwise agreed by the source organisation, and that in this case the MOD had learnt of the programme directly from a participant.

7. The Chairman pointed out that, while the voluntary system does normally resolve problems, it could never achieve 100% certainty that something damaging to national security would not be published; only the government department concerned would know the whole security background, and if concerned about a serious risk to life it might therefore have on occasion to resort to law, without setting a precedent by so doing. He undertook to ensure the early resolution of the case in question, and he agreed that, if MOD still then considered the injunction to be justified, a further explanation of the reasons would need to be given to the media in the interests of maintaining the credibility of the DPBAC system.

Agenda Item 3 – Secretary's Report

8. General. The Secretary reported reduced levels of requests for advice after the General Election, and increased levels since 11 September. There had been only one book manuscript on which to advise (no changes recommended), one incoming editor briefed, one senior foreign journalists delegation addressed, and one parliamentary question (about advice on Afghanistan operations). The Secretary had also participated in the October conference of the Society of Editors in Belfast.

9. Examples of Prior Advice Being Accepted. Included:

- a. Unpublished details of an operational equipment limitation in a leaked Naval document.
- b. Details in an interview with Mr Shayler published in a specialist national security magazine.
- c. Details known to disaffected ex-Army agents.

10. Examples of Corrective Action. Included:

- a. Follow-up request to editors not to repeat details of the time and place of memorial service for the late Head of SIS.
- b. Request not to re-publish the name of an ex-FRU agent handler unless formal action against her was to be put in hand.
- c. Request to destroy photographs of an SAS participant in a Remembrance Day parade.

11. Example of Where Secretary Declined to Intervene. Picture of two marines on roadblock duties at Bagram, since official sources had already revealed that all RM there were SBS.

12. Other Matters.

a. The Data Protection Commissioner had submitted written evidence to the first DPA Tribunal, which included the DPBAC concept of national security as a template against which national security delimitation might be considered.

b. The Secretary had issued advice to editors generally, on 25 September and 9 November, about the potential dangers of widespread speculation on SF, intelligence and security operations, and about specific matters where publication would endanger lives and/or operations. Some concerns had subsequently arisen over reporting of overt SF matters, for example details of casualties, but otherwise journalists had consulted him where they had hard information, and accepted his advice.

13. In discussion, it was observed that speculation about SF issues had been unhelpful although no seriously damaging publication had so far occurred. It was suggested that speculation would be much reduced if greater use was made of media briefings about sensitive areas, with appropriate security warnings about details to be avoided. The traditional no comment policy on SF matters was not appropriate when SF were so often deployed overtly where the world media could see them. Where the media very occasionally and inadvertently came across SF deployed covertly, they would respect the traditional rules, and in all cases the media would consider the DA-Notice guidance, since the SF still had legitimate concerns about identities and operational techniques and equipment.

Agenda Item 4 - Any Other Business

14. The Committee wished Sir Roger Jackling well in his new appointment.

Next Meeting

15. The Secretary was asked to arrange the next meeting for May 2002.

5 December 2001