

DEFENCE, PRESS AND BROADCASTING ADVISORY COMMITTEE

MINUTES OF A MEETING HELD IN THE MINISTRY OF DEFENCE
AT 6 PM ON TUESDAY 12 NOVEMBER 2002

1. Present:

Sir Kevin Tebbit, Chairman
Mr W Ehrman
Mr I C F Andrews

Mr R Hutchinson, Vice Chairman
Mr S Anderson
Mr J D Bishop
Mr S Bucks
Mr R Esser
Mr J McLellan
Mr C Roycroft-Davis
Mr S Whittle

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

2. Apologies: Mr G Brock, Mr J Gieve, Mr A Goode, Mr J Grun, Mr S Purvis, and Mr W Wilson.

3. The Chairman welcomed Mr Stewart Purvis (ITN) (in his absence) back to the Committee after a break of 7 years, and welcomed Mr William Ehrman (DG Defence and Intelligence, FCO) to his first meeting. He thanked their predecessors, Mr Richard Tait and Mr Stephen Wright for their active contributions to the work of the Committee.

Agenda Item 1 – Minutes of Meeting held 15 May 2002

4. The Minutes were accepted.

Agenda Item 2 – Matters Arising from Previous Meeting

5. The Secretary reported that the Privy Council was not now expected to consider the 'Mike Coburn' appeal, against the New Zealand Court of Appeal's ruling on the SF Confidentiality Contract, until early 2003. The Secretary would report the outcome. **ACTION: SECRETARY**

6. The Media Side commented that this postponement was particularly disappointing because it further delayed MOD's reconsideration of its Special Forces Public Information policy. It was now almost a year since this review had been promised, and the Media Side was becoming restless. The recent announcement of gallantry awards in Afghanistan had been yet another example of where lack of information from MOD had led to media speculation and repetition of leaked material. The potential operations in Iraq could bring the problem up again well before MOD had reconsidered its policy, with the attendant difficulties of reporting what could not be totally concealed from the national and international media. The MOD representative explained why the policy on reporting matters which could genuinely endanger the security of SF personnel and operations could not be changed in the heat of the moment, and that MOD had a responsibility to its people and their families to ensure their security. The Chairman acknowledged that the current policy was sometimes less than helpful to both MOD and to the media, and that a change might reduce the kind of damaging reporting seen recently. He agreed that, should the Privy Council consideration of the Coburn appeal slip further, MOD might have to address the policy in advance, and that, if a policy review were completed before the next DPBAC meeting, Members should be informed out of committee. Meanwhile the Chairman undertook to inform S of S/MOD of the strong concerns of the Committee, and of the growing frustration of the Media Side at the continuing delays.

ACTION: CHAIRMAN

7. The Secretary confirmed that mutual links between the websites of the DPBAC and the Press Complaints Commission were now in place.

8. The Secretary confirmed that he had started a programme of discussions with undergraduates and post-graduates at the Schools of Journalism about the role of the DPBAC, and initially would be visiting Goldsmiths, Sheffield University and City University, with others to follow as advised by the Society of Editors.

9. The Chairman commented on the success of the DPBAC 90th Anniversary Reception held on 16 October. About 90 had attended, representing a good cross-section of press and broadcasting, publishing, academe and past and present DPBAC members. Many comments had been received about the usefulness of the discussions which had been possible in this relatively informal environment. The Media Side agreed unanimously, and commented that it had been particularly beneficial that a good number of younger journalists had attended, who had previously not been fully aware of the role of the Committee. It was agreed that the success of the reception should be built on, and that it should be the aim to hold a similar reception annually, funded largely by MOD.

ACTION: SECRETARY

Agenda Item 3 – Secretary’s Report

10. The Secretary reported a relatively quiet six months, until the recent trial of Mr David Shayler, which had caused one newspaper incorrectly to report a row between the Committee and the Attorney General, and correctly to reflect concern from the Media Side about the suppression of matters already in the public domain.

11. Turning first to routine matters, the Secretary gave examples of where his advice has recently been accepted by the media, including the omission from a broadsheet article of the name of a member of the Security Service not yet in the public domain, consultation by a TV production company making a series on the SAS, and advice on a book manuscript about Home Defence where the author had agreed to omit certain details of systems which are still in force.

12. The Secretary also gave examples of where he had given post hoc advice to editors, on reports concerning the home area of the Head of the SIS, details of SIS stations and modus operandi, night flying limitations of Chinooks, an alleged evacuation plan involving SF, and the publication of a photograph of a serving SIS Officer seconded to the EU.

13. As an example of where he had declined to become involved, the Secretary mentioned the media harassment of an SF dependent, since this was properly a matter for other authorities rather than a National Security matter.

14. As to other miscellaneous matters, the Secretary listed:

a. His recent agreement with ISPA on a modus operandi should he need to give advice to a UK ISP.

b. His lectures to the US War College Public Information course, to the Commonwealth Press Union young journalists, and to the City Forum.

c. His speech to the end-of-annual conference lunch at the International Data Protection and Information Commissioners.

d. Interviews to C4 and Eye Spy, and an article in the Armed Forces magazine ‘Pennant’.

e. Briefings to editorial staff of two broadsheets.

f. A Court Order to hand over two book manuscripts from DPBAC archives to the Metropolitan Police Special Investigations Unit, with which the author concerned was content.

15. In discussion, the Media Side raised the concerns arising from the recent trial of Mr David Shayler. It had been reported, in particular, that the prosecution had argued that certain matters already widely in the public domain, in particular the names of two SIS officers, should not be reported, on the basis of the danger caused by repetition, and that this had led to one newspaper being enjoined. This interpretation was quite contrary to the advice in the DA-Notices. The FCO representative explained that in fact the Attorney General's request for an injunction related not to the names, nor to the re-appearance of old and discredited allegations, but to the risk that their publication then would have prejudiced the trial. The trial judge indeed commented that the originally intended article would have represented a serious contempt of court. The Secretary explained that, because the newspaper had not been present to dispute this request, and because the newspaper was then legally prevented from making known the terms of the injunction to others in the media and the public, the true position and its rationale had not been published at the time nor since. The Media Side accepted the Chairman's reassurance that there had not been an official intention to widen the concept of national security, nor to reverse the policy on publication of matters already widely in the public domain

Agenda Item 4 - Any Other Business

16. The Media Side raised the recent, apparently differing, government statements about the threat to Britain from Al Qaeda terrorists, and asked whether the DPBAC had a role to play in the reporting of such threat warnings. The media might for example uncover a story which raised the level of public concern, and it would be important to balance being responsible against being alarmist. Asked if there might be circumstances in which the media would approach him for advice, the Secretary suggested that a journalist might hear of a particular threat, and of the countermeasures which the authorities were putting in place; because the publication of these might indeed be damaging to the countermeasures, the Secretary might then become involved in advising against publication. In discussion, it was agreed that in such circumstances, DPBAC advice would indeed be relevant. The wider interpretation of threat warnings was not however strictly DPBAC business, but it was of vital interest to the media to achieve the right interpretation, and the Media Members of the Committee might therefore be a useful conduit for informing those they represented. The Chairman undertook to raise this thought with the Cabinet and Home Offices. **ACTION: CHAIRMAN**

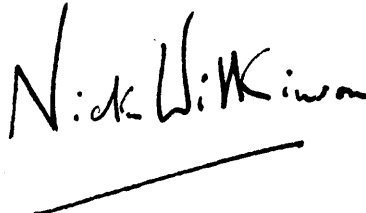
17. The Ministry of Defence representative returned to the problems caused after the announcement of the SF gallantry awards, by the publication of sufficient details of two of those decorated for them to be easily identified by hostile intelligence. As a consequence, serious measures had had to be taken to enhance the security of them and their families. There had also been an emotional impact, on the families in particular. MOD had therefore now written to all editors, reminding them of the need to consult the Press Office and/or the DA-Notice Secretary, before publishing such articles, neither of which had occurred in this case. The Media Side commented that, while there was such a lack of information about SF from MOD, there was an

increased likelihood of such lapses in reporting. The Chairman pointed out that the case was also a good example of why MOD had to be so careful of the security of its SF personnel, and why there could be no quick fixes in changing the current PI policy. In response to a media question as to whether he was routinely informed by the MOD Press Office and relevant secretariat of queries about SF or breaking stories about them, the Secretary responded that this was mostly but not invariably the case. The Chairman asked MOD to ensure that this happened invariably.

ACTION: 2ND PUS/MOD

Next Meeting

18 The Chairman invited the Secretary to arrange a meeting in May 2003.


A handwritten signature in black ink that reads "Nick Wilkinson". The signature is written in a cursive style and is underlined with a single horizontal stroke.

21 November 2002

Secretary

Distribution

All Committee Members