

**DEFENCE, PRESS AND BROADCASTING ADVISORY COMMITTEE**

MINUTES OF A MEETING HELD IN THE MINISTRY OF DEFENCE  
AT 6 PM ON WEDNESDAY 15 MAY 2002

1. The following were present:

Sir Kevin Tebbit, Chairman  
Mr I C F Andrews

Mr R Hutchinson, Vice-Chairman  
Mr S Anderson  
Mr J D Bishop  
Mr G Brock  
Mr S Bucks  
Mr R Esser  
Mr S Whittle

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

2. Apologies: Mr A Goode, Mr J Grun, Mr J McLellan, Mr C Roycroft-Davis, Mr R G Tait, Mr W Wilson, Mr J Gieve, Mr S J L Wright.

3. The Chairman welcomed Mr Simon Bucks (Sky TV) and Mr Ian Andrews (2nd PUS/MOD) to their first meeting. He also thanked Mr Simon Cole, the previous Sky TV representative, for all that he had contributed to the work of the Committee over the past seven years.

Agenda Item 1 – Minutes of Meeting held 27 November 2001

4. The Minutes were accepted.

Agenda Item 2 – Matters Arising from Previous Meeting

5. The Secretary confirmed that the New Zealand Court of Appeal had unanimously upheld the UKSF Confidentiality Contract introduced by MOD in 1996, as applied in this case to the ex-UKSF author 'Mike Coburn'. They had declined however to grant MOD the injunction preventing any publication of his book, but, since this would be a breach of the contract, they had ruled that the author must surrender any profits that he might make, and that MOD might claim damages. Coburn had since been granted leave to appeal to the UK Privy Council against the judgement on the confidentiality contract, and it was expected that this appeal would be considered in late autumn. The Secretary said he would report on the outcome.

**ACTION: SECRETARY**

6. The Secretary confirmed that, following a meeting last December convened by 2nd PUS/MOD of ITV, UTV and MOD representatives and the Vice Chairman DPBAC, it had been agreed to ask Secretary/DPBAC to become re-involved in resolving the disagreement between MOD and UTV. The Secretary had visited Northern Ireland in January and, after discussions with UTV and local intelligence authorities, had been able quickly to provide reassurances to MOD which had enabled it to request the Court to lift the injunction soon afterwards.

7. In discussion, it was reported that, although the programme in question had become outdated by the time the injunction was lifted, parts of it had been used subsequently in other programmes. UTV had asked that its appreciation of the Secretary's role and impartiality be recorded, and the Chairman also thanked the previous 2nd PUS/MOD for his part in breaking the deadlock. Further discussion focussed on how any such disagreements between MOD and the media could be better resolved in future. Both sides had agreed strongly that they should continue to use the DPBAC system, and that whenever possible sufficient time should be allowed for the Secretary to explore every possibility in his role as an independent go-between. The Chairman commented that it would only be in exceptional circumstances that this would be insufficient to resolve disagreements.

8. A question was asked about MOD's future attitude to the use of injunctions, and comment was made about the current ambiguity facing the media. Mr Andrews said that, while MOD could never completely renounce the use of injunctions, and while there would always be some circumstances of response time and serious danger in which seeking an injunction might be considered necessary by MOD, in principle the Department would seek first to resolve problems through the DPBAC system, and only seek an injunction as a last resort. MOD would also of course have to convince the court that any injunction was justified. He would ensure that this last resort policy was understood within the Department. **ACTION: 2ND PUS MOD**

9. Referring to discussion at the previous meeting on providing further guidance about SF matters, Mr Andrews said that work on this was still ongoing within MOD, and he would report further at the next meeting. In discussion, it was pointed out that UKSF now operated overtly far more frequently, and were of greater political significance than previously, and that any new policy on SF public information would need to be consistent across Whitehall. **ACTION: 2ND PUS MOD**

### Agenda Item 3 – Secretary's Report

10. The Secretary reported that, after an initial flurry of SF related stories, the past six months had been relatively quiet. In his opinion, this was due amongst other things to the improved dialogue now possible between the media and the Agencies, and to the presence in Afghanistan of overt UK Forces whom the media could talk to and photograph.

11. Routine activities included his briefings for incoming editors and senior officials; his participation in panel discussions with the Fleet Street Lawyers, the City University School of Journalism, a firm of media solicitors and the NUJ Magazines Branch; interviews with Vera Productions and Eye-Spy Magazine; an after-dinner speech to the BBC Bushmen; re-establishing contact with the Inter Service Providers' Association; and advice on four forthcoming books (two concerning historical GCHQ matters, one about how emergency services world-wide should react to terrorist events, none of these books requiring more than minimal advice, and one book concerning Cold War Home Defence still under study).

12. The Secretary reported that he continued to receive 2 to 3 requests for advice from journalists per week, for example on details of operational areas and intentions in Afghanistan, and that his advice had invariably been accepted. He had also contacted editors on several other occasions after potentially damaging detail had been published, for example in the cases of Chinook night flying limitations, and of identification details of SF personnel, to ask that the staff concerned be reminded of the advice in the standing DA-Notices. He had also corresponded with the Secretary of the Press Complaints Commission about the desirability of a common interpretation of 'widely in the public domain'. The Secretary had occasionally declined official requests to become involved when he considered that a story did not seriously endanger any aspect of national security.

13. The Secretary mentioned three cases in which he had become involved which highlighted the continuing difficulties in reporting on UKSF matters. These were the returning SF casualties, where he was involved by MOD too late to prevent some reporting of clues to the identity of some of the casualties, and also to advise therefore against the 'door-stepping' of their families; the firefight in the Mazar fort, where the TV footage by a local cameraman had been sold widely throughout the world, showing the unconcealed faces of some UKSF personnel; and allegedly first-hand accounts of SF action in Afghanistan, where the media had accepted his advice on certain details, but MOD had had additional concerns about breach of the UKSF Confidentiality Contract. These cases had caused some discord between MOD and the media, and, from the Secretary's impartial position, such continuing difficulties seemed due, on the media side, to a few journalists not fully understanding the potential dangers to personnel and operational security of publishing certain details, and on the official side, to the blanket policy of 'we never comment on SF matters', which was being addressed in current MOD work, as discussed earlier.

14. In answer to a question about the attitude of book publishers, the Secretary confirmed that, although not represented on the DPBAC, publishers had copies of the DA-Notices and followed the advice in them, and generally encouraged their not invariably so willing authors to do so.

15. In discussion, the media side pointed out that the events of 11 September 2001 had brought many more young journalists into contact with national security matters for the first time, and that there was a need therefore to publicise more widely the

work and advice of the DPBAC. It was agreed that new ways of informing younger journalists should be explored, for example by the Secretary increasing his participation in discussion groups at the major Schools of Journalism. It was also suggested that a web link with the Press Complaints Commission website would be beneficial.

**ACTION: SECRETARY**

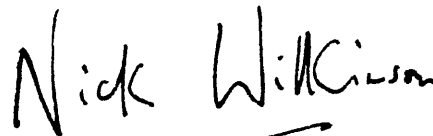
Item 4 – Any Other Business

16. The Chairman asked the Committee whether they wished to mark the 90<sup>th</sup> Anniversary of the Committee in Autumn 2002. It was agreed that a reception would be appropriate, and that it should be used also as a way of increasing awareness of the current role of the DPBAC. Invitees would therefore include not just key media and official people involved with national security, but also younger journalists too. 2nd PUS/MOD and the Secretary would investigate venues, and the Secretary would make proposals on the guest list, and on a date as close as possible to the 16 October anniversary, and on funding.

**ACTION: SECRETARY**

Next Meeting

17. The Chairman asked the Secretary to arrange a meeting in November 2002.

A handwritten signature in black ink that reads "Nick Wilkinson". The signature is written in a cursive, slightly slanted style.

Secretary

27 May 2002

Distribution

All Committee Members