

REPORT BY TONY HALL ON REVIEW OF MEDIA ACCESS TO PERSONNEL

Introduction and Review Remit

1. In the wake of the return of the 15 Royal Navy/Royal Marine personnel detained by Iran on 23 March, the Defence Secretary told the House of Commons on 16 April (full text of statement at Annex A) that he was instigating two reviews – the first on operational aspects of the incident itself, to be led by Lieutenant General Sir Rob Fulton RM (Retired), and the second on the issue of media access to personnel, including the issue of media payments.

2. On 24 April, he made a further statement (full text at Annex B), in which he announced that I would lead the media access review, with the other members of my review team being Patrick Turner, a senior civil servant in the Ministry of Defence, and Major General Andrew Stewart, the Assistant Chief of Defence Staff (Policy), neither of whom had any involvement in the original incident. The statement also set out the team's remit, which was to:

“conduct a review of media access to individual personnel involved in operations, particularly in such high-profile incidents . . . draw on all relevant experience, including recent incidents and other high-profile incidents; consider how best to manage the complex issues at play, including in balancing our responsibilities to support our people and their families, to safeguard the security of our people and operations, to protect the reputation of the Services, and to meet the requirements of transparency in a demanding media environment; [and] identify lessons and make recommendations for any necessary changes in policy, regulations, processes and practice, including in relation to media payments to our personnel.”

3. The Defence Secretary made clear in his statement to the House of Commons on 16 April that the review was not intended to be a witch hunt focused on apportioning responsibility or blame for the decision to allow media payments to the returning detainees: he stated that he accepted responsibility for, and regretted, the decision that had been made. Rather, the intention was to be forward-looking and to identify lessons and recommendations for any necessary changes for the future. The bounds of the review have included consideration of both Service and Ministry of Defence (MOD) civilian personnel, but not retired personnel.

Review Method and Scope

4. The team spoke to a wide range of people inside the MOD, and beyond. These included: past and present Chiefs of Staff; those responsible for personnel policy in the MOD and the Armed Forces; those responsible for the MOD's media and communications work (the Directorate General Media and Communications); a range of people at all levels in Fleet Headquarters in Portsmouth; the MOD's Permanent Joint Headquarters at Northwood; a wide range of people from both the print and broadcast media, both at a very senior level, and at correspondent level; and a number of Service personnel who found

themselves for various reasons in the media spotlight. We spoke to some of those who helped to advise the 15 detainees and their families on dealings with the media, but did not seek to speak directly to the personnel concerned, or their families.

5. We have compared this latest episode with other episodes where hostages have been involved (for example, Sierra Leone in 2000, Iran in 2004, and the hostages taken in Ethiopia earlier this year). None of those episodes caused the sort of difficulties encountered in this case – not least because the individuals did not have the same global public profile and because the arrangements following their release were different. In the first respect, the nearest comparison is the personnel detained by Iran in 2004, who appeared on Iranian television, but at a time when relations with Iran were somewhat less high profile and sensitive than now. In terms of the profile of this latest incident, and the resulting level of media interest in the individuals concerned, there are probably no relevant recent parallels.

6. We examined the media handling of the return of the 15 Royal Navy/Royal Marine (RN/RM) detainees in some detail in order to identify lessons, and focused on “who did what when” only to the extent needed to do that. This report is intended to identify the lessons that are important for the way that the MOD and Armed Forces deal with the media in future and we believe that the lessons we have identified have broad application. The time available did not allow a much wider look at all aspects of media access to personnel on operations, although we make one or two recommendations in this respect.

7. We are very grateful that so many people made themselves available to us at such short notice, for the many helpful observations and ideas we received, and for the openness of those we spoke to. Although the report draws on a number of these, the recommendations are very much our own. They are offered in the spirit of ensuring that future episodes of this kind can be handled as well as possible, in the interests of all those concerned. However, the one near certainty is that the next set of circumstances where similar issues arise in such a high profile way will be very different.

Overall Context

8. Many of those we spoke to made the point that the conditions – including the media environment – in which the MOD and the individual Armed Services are operating are changing fast. Since the time of the Falklands campaign, when media reporting was very tightly controlled, and a great deal of “news” suppressed or at least severely delayed, there has been a steady, if not always linear, progression towards greater media access and integration in military operations.

9. By the time of the 1991 Gulf conflict, there was a higher degree of media access to military operations, including 24 hour instantaneous broadcasting and larger numbers of journalists embedded with the Allied forces. The 1991 campaign has been described as “the CNN war”. By the time of the 2003 Iraq

campaign, more than 160 journalists were embedded with selected US and UK forces, providing instantaneous or near-instantaneous *reportage* from multiple locations. And the phenomenon of what have been termed “citizen-journalists within the ranks” had started to emerge – soldiers who could give their own report through blogs and emails, and using mobile phones for text and image.

10. Today, the public knows far more about the details of military operations and the thought processes behind them than at any point in the past. This greater level of openness and scrutiny has, to a large extent, been accepted by the MOD and Armed Forces as part of modern public accountability, but its consequences have not yet been fully worked through. Neither the Armed Forces, nor the MOD, nor the media would yet regard today’s more accessible situation as optimal, but there has been some real, deliberate progress. Finding the correct balance between openness and operational and personal security is crucial, but that balance will always be dynamic and therefore requires constant, mature reflection by all involved.

11. Another part of the wider background is the attitudes and approach of the media. The industry has become more competitive, as a result, for example, of the proliferation of all forms of media: 24 hour news; the challenge to the print media represented by online media; and greater competition amongst broadcasters and newspapers. In order to secure market share, media outlets are having to seek more “exclusive” stories and are having to go to greater lengths to get them.

12. The subjects of modern news stories have also changed. There is an increasing emphasis on individual “human interest” stories and on “celebrities”, and a greater demand for the sensational. This new culture has less interest in carefully researched context or narrative, which is important to understanding complex defence and security issues. Adapting to these trends presents a very significant challenge to the MOD and Armed Forces (along with other parts of Government).

13. More widely, there is a greater focus on individuals, and individual preferences and rights throughout society, and a lesser inclination to accept unquestioningly the requirements imposed by employers, whether the Armed Forces or others. So the strong “all of one company” ethos of the Armed Forces – i.e. where individuals put the interests of the whole Service or the whole unit above their own interests – is perhaps becoming less the norm in society generally, and also becoming harder to uphold.

14. In addition, wider availability and use of, for example, blogs and emails, video from mobile phones and social networking sites makes information, including from operational theatres, more likely to be widely available. All of these factors increase the likelihood that the media will want to focus on individuals in the Armed Forces, and in some cases that individuals may be more inclined to court the attention of the media.

15. As a result, **the Armed Forces and MOD have to learn to find a balance. It has long been recognised that the best, most direct and most compelling account of what the Armed Forces do is often given by ordinary soldiers, sailors and airmen, rather than by senior officers, civil servants or politicians. But, at the same time, a focus on the individual story should not be allowed to undermine the collective ethos of the Armed Forces, and the importance of the team. And there needs to be a consistent approach across the individual Services.**

16. An important part of the background is also that the UK military presence and operations in Iraq and, to a lesser extent, Afghanistan, have come to be increasingly controversial. More broadly, the military campaigns in which the UK has been involved since 1945 have been essentially “wars of choice” rather than of national survival. So public support for these campaigns – or democratic authority to conduct operations – has had increasingly actively to be earned, and maintained, rather than assumed.

17. As a result of these and other factors, military operations have become more politicised and more subject to the vagaries of politics. This has been accompanied by a tendency to criticise not only the Government or the MOD, but some aspects of the Armed Forces themselves. This is seen within the Armed Forces as one of the major factors colouring their relationship with the media and leading to its serious deterioration. And these factors all strongly work against any attempt by the MOD or Armed Forces to shape media comment.

18. All of this means that it is important that the MOD keeps thinking through, even more carefully, its relationship with the media. The media and societal environment in which our Service personnel are working is changing rapidly. The history of the MOD/Armed Forces and the media over the last 25 years shows just how far that relationship has changed. To keep adapting, and to keep the reputation of the Services as high as this country expects it to be, will need clarity of responsibility and leadership from the MOD, and an understanding of the differing perspectives and needs of the media.

Media Payments: Past Cases

19. On the narrower issue of media payments to serving Service personnel, it is worth noting that these are far from unprecedented. For example, when he was a young officer, Winston Churchill was employed by both the Daily Telegraph and the Morning Post, though General Kitchener refused him permission to work for The Times. More recently, fully in accordance with the existing regulations, Lance Corporal Johnson Beharry VC was granted permission to write a book while in service telling his extraordinary story, and to receive payment. And there have been other examples. “Selling stories”, in the wider sense, is not unprecedented.

20. At the other end of the spectrum, following the publication in the early 1990s of a number of books by former members of the Special Forces, a written contract came into force in 1996 which has bound for life all then and

subsequently serving Special Forces personnel. This forbids all such personnel from disclosing information relating to their service with the Special Forces without express prior authority in writing from the MOD.

The Release of the Iran Detainees: What Happened

21. From the moment the detainees were captured to the time they were released just over 12 days later, there were daily meetings of a crisis group in the Cabinet Office Briefing Rooms (COBR), sometimes chaired by Ministers and sometimes by officials. Representatives of No 10, the Cabinet Office, the Foreign and Commonwealth Office (FCO), MOD and others were present at those meetings. Their focus was on achieving the release of the detainees.

22. The MOD also held daily crisis meetings called COGs (or Current Operations Group), to prepare for, and consider the outcome of, the COBR meetings. These involved the MOD, the Permanent Joint Headquarters (PJHQ) in Northwood and Fleet Headquarters (Fleet HQ) in Portsmouth, amongst others. This is a well-tested process and helps to ensure the effective and timely direction required when dealing with such sensitive and potentially fast-moving situations.

23. The lead for dealing with the media during the period of detention lay with the FCO, whose Press Office was regularly represented at the COBR meetings. Understandably, the COBR meetings concentrated, in terms of media issues, much more on the media aspects of the crisis itself rather than on the media handling of the return of the detainees. The COG meetings were generally attended by staff of the MOD's Directorate General Media and Communications (DGMC) although, because their staff were overstretched, they were not present on every occasion. The COBR and COG meetings ended on Wednesday 4 April, the day the release of the hostages was announced, which was in retrospect too early. **The tempo of such meetings needs to be kept up right through to the conclusion of the episode, and DGMC staff should be more fully involved in them.**

24. **We believe that in future such crises – as has happened in other cases – there should be daily MOD meetings to discuss wider media issues, looking beyond the immediate events as they unfold.** In some instances it may be possible for the COBR or COG meetings to fulfil this function but it is more likely to require a separate forum bringing together representatives of all interested stakeholders.

25. Although not discussed in detail in the COBR or COG meetings, PJHQ and Fleet HQ had, however, begun to plan in more detail what would be done following the eventual release of the detainees. Other interested parties were involved, such as the FCO and the MOD, including DGMC staff. The focus was on getting the detainees back safely and reunited with their families, in a secure and private location, as soon as possible. The plans also involved providing them with appropriate medical and welfare care, media advice, and debriefing them. The plans foresaw some sort of "media facility", but no clear detailed plans for a press conference or interviews were made in advance.

26. The fact that the planning was heavily focused on reuniting the detainees with their families, and doing so as fast as possible, was not without precedent. Much the same procedure was followed in 2000 when 11 servicemen were rescued from capture in Sierra Leone, and brought back to the UK for a short time, before being returned to their units. However, four years later in 2004, when eight Royal Navy and Royal Marines personnel were detained for four days by the Iranian Revolutionary Guard, the servicemen were sent straight back to their unit in Iraq.

27. In this case, however, it was decided at an early stage that, once the detainees were brought back to the UK, the Navy (Fleet HQ) would take charge of the overall arrangements. This was because Fleet HQ has responsibility for members of the Royal Navy and Royal Marines when they are not deployed to an operational theatre. But the planning was less than totally clear on who should have the lead for media handling – whether Fleet HQ, in conjunction with DGMC staff, or vice-versa. The lead came in practice to lie with Fleet HQ.

28. The result was that, on the return of the detainees, **the lead for media handling of a very major national and international story more or less went straight from the highest levels of Government to Fleet HQ, which was not best able to lead on a strategic national issue of this kind, or to cope with what they described to us as the “tsunami” of media coverage. This transition was far too extreme and abrupt. We believe that it is unreasonable to expect a Front Line Command to balance the range of factors in play in such cases, and that in future the MOD rather than a Front Line Command should always take the lead in such situations. And there should be absolute clarity on who has the lead in any media plan and the responsibilities of those in supporting roles.**

29. During the whole crisis, a key concern of Fleet HQ was their “duty of care” towards the detained personnel and their families. On the day of capture, a total of six trained “media shielders” were allocated to the families of the detainees. These were members of the Royal Navy or Royal Naval Reserve, selected for their knowledge of the Royal Navy or for their experience and training in public relations or the media. All such specialists undergo both Royal Navy and tri-Service media training, to equip them for various tasks they are given, which include acting as press officers, public relations officers or media shielders.

30. Media shielding most often occurs in instances of bereavement, but in this case they were principally responsible for providing protection and advice to the families, both the majority who wished to have no contact at all with the media, and those who did, or came to do so. **Although the media shielders in this case did their job well, there is an issue of whether – not least given the protracted and very demanding circumstances – enough shielders were deployed. For the future, there may be a wider issue of whether the MOD has sufficient numbers of adequately trained media shielders to draw on in extreme circumstances involving very large numbers of families.**

31. One of the first issues the shielders were dealing with was the issue of identification. From an early stage, very significant numbers of media organisations were trying to identify the names of those who had been captured, and to track down members of their families. The so-called “Green Book” sets out the MOD’s working arrangements with the media for use throughout the full spectrum of military operations. It includes guidance on what and what not to report in relation to “missing” personnel who might be captured as prisoners of war. While not applying directly in this case, the guidance is relevant, and is worth quoting:

“63. . . . In some circumstances it may be necessary for the MOD to withhold information about missing personnel for a considerable period . . . personal information published about a missing serviceman could assist his interrogators if he were to be taken as a prisoner of war.

*64. For this reason . . . editors are urged not to publish any information, from whatever source, which might identify [aircrew or other service personnel who might be captured], or give details of their personal backgrounds. **Details of their families, home-base and home-town addresses and any other information, including photographs, which could assist an interrogator, or be exploited for propaganda purposes, should be similarly protected.**” (Emphasis added)*

32. As the guidelines spell out, there is the potential for personal family information to be used by interrogators against captives or detainees. In this instance, we understand that one of the families was approached by the Iranian Embassy, possibly as a result of a name having emerged in the media: this is very significant and points to the kind of difficulties which may arise.

33. The families were consulted on whether they wished the names of the detainees formally to be released to the media and whether they wanted to issue a joint statement to the media asking for their privacy to be respected and for them to be left alone. In the event, not all of the families were supportive of the names of the detainees being released. Nor was it possible to get agreement to a joint statement to the media. The MOD, therefore, never formally confirmed the names of the detainees whilst they were in detention, yet by the time of release it was widely known who most of them were.

34. We have been told that many of the families felt themselves overwhelmed by the pressure of the media. A number were subjected to constant telephone calls and letters asking for comments and interviews, or making financial offers. Others described unsolicited face-to-face approaches (“door-stepping”) and media “camps” being set up outside their properties. Despite working flat-out, the media shielders, who were mostly covering a number of families, were unable to deflect this level of interest and intrusion. In truth, the media shielders had not as a group coped with a story of anything like this size or interest before. Alongside direct approaches to the families, the MOD Press Office was dealing constantly with enquiries about the detainees.

35. While there were some discussions with the media about a week after the original detention, drawing attention to the risk to those captured from releasing family details, **there was not a clear policy for how the MOD and media should deal with the issue of naming detainees and their families. For the future, we believe that a clearer policy needs to be developed for naming individuals in these and other circumstances**, akin to the clear and well established policy in the case of naming Service personnel who have been killed. This should recognise that it will become untenable in practice to withhold names once individuals have appeared on television and given their names. We understand that some work is already in hand on this.

36. **In addition, we recommend that in future the default policy should be that no details of family members should be released. As with the Green Book, this should be communicated to the media in advance, and to the families at the outset of incidents. In this case, it would have been easier to discuss issues of mutual concern had it been possible to bring the families together at an early stage. Several attempts were made to do this, which were hampered by the wide geographical dispersion of the families, and a meeting for all the families had been planned for 5 April – in the event, the day the detainees returned to the UK. For the future, families in such incidents should be brought together as early as possible.**

37. **Finally, there could also have been merit in employing the services of the Press Complaints Commission at an early stage to help protect the families, and this should be considered in future where individuals or their families are being subjected to media intrusion or harassment.**

38. In addition to the media shielders, 14 Visiting Officers from the Joint Casualty and Compassionate Centre (reporting to PJHQ rather than, as in the case of the media shielders, Fleet HQ) were assigned to the families. These personnel are responsible for welfare issues surrounding this sort of incident, or in cases where there may be casualties or fatalities. In this instance, the Visiting Officers were responsible for keeping the families regularly informed of developments and discussions about the release of the detainees, answering the families' questions and providing a reliable and trusted link with the Royal Navy and the MOD. **There was, however, at the least scope for confusion between the responsibilities of the Visiting Officers and the media shielders, and consideration should be given to whether steps need to be taken to minimise this scope for confusion, including whether the two groups should come under a single chain of command.**

39. Once individual detainees were identified, and their families tracked down, some media organisations began to make offers of payment to the families for the detainees' stories. From early on, interest focused particularly on the single female detainee, Leading Seaman Turney, and the youngest detainee, Operator Maintainer Batchelor, but was by no means confined to these two. At that early stage we understand that the families in receipt of these offers indicated that they did not wish to take them up. But some were willing to speak to the media, and some were undecided on how to respond, or changed their minds with the passage of time.

40. Apart from these very pressing issues of duty of care to the families involved, there also arose the issue of duty of care to the detainees. This was particularly the case once some of them had appeared on Iranian television. Other reports in the UK media questioned whether the detainees' behaviour showed they had given way to Iranian pressure and demands, and had allowed themselves to be used for Iranian propaganda purposes, even though it was widely recognised that nobody could assess accurately what physical and psychological pressure they had been subjected to. Taking that into account and the fact that their behaviour could be seen as a proper tactic to secure their release, the detainees, once they heard of this, wanted – and in duty of care terms had a claim to – a “right to reply”.

41. Along with this responsibility to families and individuals went the issue of maintaining the reputation of the Service as there was also concern that the episode – both in terms of the original capture and then the conduct of the detainees after capture – did not reflect well on the professional competence of the Royal Navy and Royal Marines. There was naturally, therefore, some pressure to “set the record straight” and give the detainees the ability to tell their side of the story, not only in their own interests but also that of the Navy. Not to do so could also have looked like they had been gagged for whatever reason, for example to avoid further diplomatic tension with Iran.

42. At the same time, a view emerged that in reality, even if payments to the Service personnel were not permitted, money would simply flow to their families. It would be impossible to stop. The existing regulations were clear on the need for Service personnel to get authorisation for speaking to the media, but were not so clear on the issue of whether receiving payment in these circumstances was acceptable. It was also argued that, if families rather than the Service personnel themselves were paid for their stories, it would be harder to exercise any control over the stories which came out, and that the risks to, for example, operational security would therefore be greater.

43. But this was an error of judgement: even had that been the case, this should not have been a decisive consideration, and should not be in future such cases. Our clear view is that, once the “principals” in this story – i.e. the Service personnel themselves – had spoken through a joint press conference, the news value of family members and friends would have declined very sharply. This has been confirmed by many of the media representatives we met. This lesson will apply to similar episodes in future. Concern, therefore, about what the families might do was misplaced and, in the last resort, not something that could be controlled. It also reinforces our conclusion that the MOD, rather than a Front Line Command or a single Service, should be in the lead in cases like this.

44. So there was an emerging assumption that payments would be made, and should be permitted. In the short time available, there were discussions within Fleet HQ, which involved the Deputy Commander in Chief Fleet and others. PJHQ and a number of different parts of the MOD (including DGMC, the Naval Staff, the central Service personnel area and the Second Permanent Secretary) were consulted on, or aware of, the issue. Many of those involved

were just responding to emails, which involved fragmented consideration of the issues, and by only some of those involved. Most either did not take a clear view in either direction, or took the view that the lead lay elsewhere, and passed the question on.

45. A submission was then sent to the Defence Secretary on Maundy Thursday, the day the detainees returned to the UK, asking him to “note” that media payments to the returning detainees would be allowed, and that Queen’s Regulations, although they did not cover precisely the issue in question, said that individuals may under certain circumstances “retain whole or part of any fees payable as appropriate”. The submission concentrated on the “legality” of Service personnel accepting payments rather than whether this was the right policy. That day the First and Second Sea Lords, who met the detainees and their families at Chivenor on return, were told of the media bids, but were not involved in the preparation of the submission.

46. The nature of the submission itself was problematical. It asked the Defence Secretary to “note” what was being proposed, suggesting that a decision had already been taken. However, we understand that the original intention of its drafters was that no payments should be authorised before the Defence Secretary had taken note, although the submission did not make this clear. The Defence Secretary was informed of the submission by telephone on Good Friday. As he has already indicated, he had the opportunity to contest the decision, and question its wisdom. He has taken full responsibility and regrets the fact that payments were made to Service personnel.

47. It is easy with hindsight to see what events came together to produce this “perfect storm”. The decision to release the detainees on Wednesday 4 April was sudden and unexpected, and significantly telescoped the timescale for making arrangements for the return of the detainees. It also – because it had not been resolved earlier – significantly contracted the time available to consider how the detainees could tell their story, and the subsidiary issue of media payments. And the relief at the release of the detainees – the strategic objective of the intensive political and diplomatic efforts over the preceding days – together with the fact that it was about to be the Easter break, meant that too many of those concerned failed really to think through the media handling of the return of the detainees, and stay adequately involved and in communication, particularly in a fast-moving 24/7 media environment. The return of the detainees remained the principal national story and was still an important element of UK/Iran relations, but it was not adequately treated as such.

48. As set out above, many people at various levels were involved in discussions of this issue, or were aware of it, but **we have not been able clearly to identify a single person who in practice took the decision to authorise payment, or a clear moment when that authority was given. That lack of clarity on who was authorised to decide, on who should decide, and on how the decision was taken, is in itself potentially one of the main lessons from the episode. This was a collective failure of judgement or an abstention from judgement, rather than a failure of judgement by any one individual. Many people were consulted or involved, but very few took a**

clear view, and nobody clearly took control of the issue. Many people could have said no, and nobody did.

49. Returning to the narrative, it had not been envisaged by all those involved in the early stage of planning that there would be a press conference at all or, if there was one, that it would take place as early as the day after the detainees' return. In the event, a press conference was organised in Chivenor for the afternoon of Friday 6 April. That left little time for a full debriefing of the detainees on what had happened to them, a proper psychological assessment and proper preparation for a press conference and any subsequent media activity.

50. With the benefit of hindsight, it also did not make much sense to hold the press conference without Leading Seaman Turney, the person of most interest to the media. While we do not take issue with the idea of a press conference, it should probably have been delayed until she was judged ready, perhaps until the following day. Until Leading Seaman Turney appeared, press interest in the story was not going to fade away.

51. For future such cases, while a press event of this kind remains in principle a good option to be considered (although it may not always be appropriate), more time needs to be built in for debriefing, welfare issues and preparation. Operational priorities, such as debriefing, should be paramount. And more deliberate and collective consideration needs to be given to the issues and sensitivities involved.

52. Following the press conference, the offers of payment which had been tabled were given to those concerned. Almost all the journalists and media executives we have spoken to were very surprised that Service personnel had been allowed to accept payments. Those organisations that made bids involving payment for stories believed they were just doing their jobs, but did not expect acceptance of the bids to be permitted. There was also a widespread, though not universal, belief that Service culture and ethos would rule such payments out.

53. Many of those we have spoken to also commented that the MOD and Fleet HQ did not "take command" of the arrangements. For example, it would have been possible to give clearer guidance to the families and it would certainly have been possible simply to order the Service personnel not to take payments. Also, it might have been possible to promulgate in advance, on a confidential basis, the provisional logistic and media arrangements for the return of the detainees, even if these were subject to change in the light of circumstances: such conversations or briefings have taken place in the past. **More generally, the observation of media and other representatives we spoke to was that the MOD had allowed the media to set the agenda and drive the arrangements, when in fact the lead lay with the MOD to make and control arrangements.**

Regulations and Guidance

54. As part of the review, we examined regulations and guidance on contact with the media and on the acceptance of payments applying to: the MOD and

Armed Forces; Ministers (the Ministerial Code); the Civil Service as a whole (the Civil Service Code and the Civil Service Management Code); other Government Departments, including the FCO; the Metropolitan Police; and Armed Forces in other countries. A summary of these regulations is at Annex C.

55. For Service and MOD civilian personnel, we found that the regulations and guidance, including in Queen's Regulations, the Statement of Civilian Personnel Policy and a "Defence Council Instruction" last issued in 2004, are clear about the need to seek prior authority before speaking to the media. In the case of the RN/RM 15, the detainees had been given permission to speak to the media if they wanted to. **But the regulations and guidance are not totally clear in relation to Service personnel and MOD civilians taking payments from the media and other organisations. This needs to be remedied.**

56. A greater level of clarity does exist in the Ministerial Code and the FCO's guidance. The Ministerial Code says that:

"Ministers should not accept payment for speeches or official broadcasts on radio or television of an official nature or which directly draw on their responsibilities or experience as Ministers, either on their own or their Department's account, or with a view to donating the fee to charity. If the organisation insists on making a donation to a charity then it should be a charity of the organisation's choice to avoid criticism that a Minister is using his or her official position to influence or take credit for donations to charity."

57. The FCO's regulations make clear that staff must not accept payment for any activity which would involve the disclosure of official information or the use of official experience, including holding interviews with the media. The accompanying guidance spells out that: *"Serving officers should not accept payment, royalty or fee unless the publication or disclosure of information falls entirely outside official work or use of official information or experience"*.

58. Other Government Departments we consulted for the most part believe that the Civil Service Code rules out accepting payments from the media, although it was not clear to us that this is the case. Within some other countries' Armed Forces there are regulations which state that serving personnel are not allowed to receive payments, although at least one country allows such payments.

59. In terms of Service and MOD regulations on the acceptance of payments by serving personnel, our conclusion is that there need to be clear rules. These should be enforced robustly and consistently including, as necessary, by Service and civilian disciplinary procedures. The principle applying to the issue of payments to serving personnel should be that they are only paid once for their work. It is a normal part of the duties of serving Service personnel and MOD civilians to explain their work in public, and this should not attract additional payment.

60. We therefore recommend that, for the future, serving personnel (both military and civilian) should not accept payments for talking to the media or the public about their work. There should be no exceptions to this rule. The acceptance of payments from the media offended the public and their view of the special place of the Armed Forces in British life. And it also ran contrary to what the Armed Forces believe they stand for: the team versus the individual, and selfless service on behalf of the nation. That the decision to accept payment caused such anger and concern was entirely understandable.

61. Single Services also need to take full account of the impact of their actions in such cases on the other Services and MOD civilians, as well as on bereaved families. In practice, what was decided here had a potentially damaging and divisive impact not only on the Navy but on the other Services.

62. If our recommendation is accepted, Queen's Regulations, the Statement of Civilian Personnel Policy and the Defence Council Instruction would need rapidly to be amended accordingly, along the lines of the guidance issued to FCO staff. In the meantime, the ban on acceptance of media payments announced on an interim basis by the Defence Secretary on 9 April would continue to apply.

63. As to the issue, arising in this episode, of media payments to families, the MOD and the Armed Forces do not have, and cannot reasonably expect in future to have, the authority or means to stop such payments. However, we recommend that, as part of the amending and updating of regulations and guidance, personnel are reminded of their responsibilities not to disclose confidential information and to maintain operational security. This should ensure that family and friends are not in a position to discuss such issues with the media.

64. There is also an issue with regard to serving personnel publishing, and taking payment for publishing, books and articles, and this warrants further examination within the MOD. There are some categories of books which are clearly ruled out by existing regulations. There is, for example, a bar in the Civil Service Management Code to serving civil servants publishing or broadcasting "personal memoirs reflecting their experience in Government". The principle of only being paid once for the same work also applies here, as it does to media payments. **We are clear that accounts of the professional experiences (including operational experiences) of serving personnel – whether given to the media, in lectures, in articles, or in books – should not in principle attract an additional payment to the individuals concerned.**

65. But there are other cases where serving personnel have been paid for publications, and with which we see no difficulty, so long as they are completed using private time and resources – examples include works of history or historical fiction, or regimental histories. There are other, greyer, areas – for example, books on leadership or management, or publications by academics, which draw on individuals' official experience. There may also be very exceptional circumstances such as those of Lance Corporal

Beharry VC where the wider Departmental interest is directly served by allowing individuals not only to write about their official experiences, but to be paid for doing so. **This is a complex area and the rules in this area, and the clearance mechanism for publication, and for acceptance of payment (in principle a separate issue), needs further examination.**

66. While it goes beyond our specific remit, we believe that there would also be a case for the Cabinet Office to consider whether it would be helpful to clarify the guidance in the Civil Service Management Code.

67. Finally, as our report made clear at the beginning, the media environment has changed enormously since the Falklands War. It is changing again at a speed that is vertiginous. We have heard, in the course of our review, of cases where the release of information inadvertently led to risks to operations and individuals, and the proliferation of technology, and extension of media access to operations, set out above clearly means that the potential for further such cases is, if anything, increasing. For that reason, we think that **urgent consideration needs to be given to policies dealing with the use of mobile phones, the video capacity of mobile phones, and the use of blogs, emails and social networking sites. We have been told that work in this area is already underway. Given the rise of the “citizen journalist”, the implications need to be thought through as a priority.**

Clear Lines of Control and Responsibility

68. The account of the return of the RN/RM detainees makes clear there was a lack of clarity about who was in control. Many people were involved in the chain of communications about media payments but it seemed that in the end no one felt responsible for actually saying stop. **The media handling of the return of the detainees should unequivocally have been led by the MOD, not Fleet HQ.** In any such future cases, a more rounded view should be taken of all the factors at play – such as operational effectiveness and security, diplomatic and political considerations, responsibilities for people and the various reputations at stake. Fleet HQ were not well placed to balance these factors, and nor could they have been reasonably expected to do so. The issue was one of major national significance, rather than principally of concern to one Service. **Delegation to a Front Line Command is not appropriate in such cases, nor will it be in the future. Responsibility must clearly lie with the MOD.**

The Role of the Media Department within the MOD

69. There is no doubt that the pressure of media inquiries on the MOD is high and increasing. Many we spoke to, both in the MOD and in the media, felt that the MOD Press Office (a relatively small part of DGMC) was over-stretched and under-resourced. This is especially the case when compared with Press Offices in other Government Departments. **We suggest that urgent consideration be given to strengthening the MOD Press Office, both in terms of absolute numbers, and in terms of the experience and expertise they can draw on: we understand that this process is already underway. Their work for the**

MOD and the Armed Forces is highly demanding and needs wider recognition.

70. An element of this – but only an element – is the ability to draw on adequate military knowledge and experience, a good deal of which is currently located in the non-news areas of DGMC. Many of those we have spoken to have advocated the restoration of single Service one star officers within the MOD's central media and communications structure. Others have pointed to the fact that senior military officers work within DGMC but are responsible for public relations rather than news.

71. The detail of how DGMC is organised is not best dealt with in this report. However, while we are not advocating a return to the single Service one stars, we do conclude that **the Press Office element of DGMC needs to draw more heavily, routinely and consistently on high level expertise and advice from the Services. Getting that right is vital for the future.** We also make the observation that the current distinction made within DGMC between its “news” and “public relations” components is somewhat artificial and potentially not the most effective way of marshalling the resources available.

The Relationship between the MOD/Armed Forces and the Media

72. The relationship between the MOD/Armed Forces and the media has, as a result of this and earlier incidents, suffered. **We believe that the overall relationship between the MOD and the media should be looked at afresh, to rebuild trust, and to rebuild a relationship where each respects the different needs and perspectives of the other.** The MOD cannot control the media: what it must do is to control its own narrative. But there needs to be recognition that there has been a decline of trust, and a worsening of the relationship, in part because of the controversial nature of the continuing UK presence in Iraq. Ways of improving the relationship and re-establishing mutual confidence, and improving the MOD's ability to bring the media into its confidence in situations of this kind, need to be examined.

73. A number of particular suggestions have been put to us, which we think should be given proper consideration. **One suggestion is to have an informal group of experienced media figures, including former editors or managing editors, who could be taken into the MOD's confidence in particularly sensitive situations where the safety of personnel is clearly at risk.** Their advice, whilst recognising the different interests of the media, could be invaluable. **In addition, the MOD should consider calling on the Press Complaints Commission (PCC) to provide training to its media shielders,** to help ensure that personnel and their families are clear from the start about how to deal with intrusion from the media if it is unwelcome: the PCC have told us they would be willing to provide such training.

74. **Likewise, for the future the MOD should consider taking the media into its confidence to talk through sensitive issues, as has happened in the past.** If such episodes occur again, the threat to those captured from information gleaned by the media from their families is one such case in point: the media

often cooperate with media blackouts when hostages are taken in the UK. The experience of Sierra Leone in 2000 when the media agreed not to report the deployment of troops to rescue hostages is another case. In the more anarchic media world of the Internet, such actions are more difficult, but that should not stop the discussions taking place.

75. We also believe there needs to be more thought given to building specialist knowledge within the media about Defence and the Armed Forces. There are some exceptionally talented correspondents of all ages, but we recommend that the MOD helps to develop the pool of such expertise. Suggestions put to us include journalists taking part in Staff College courses, and the development of Defence Fellowships for journalists. We believe such ideas should be seriously considered with the key objective of developing and deepening understanding of the Armed Forces.

Conclusion

76. In conclusion, we have been impressed by the positive and open way in which individuals and organisations have responded to this review. There is a chance that what was an unhappy episode for all concerned can be turned to good effect. The reputation of the Armed Forces is of vital significance to this country. The MOD must take the lead (with the individual Services) in building a new relationship of mutual understanding with the media.

77. Understandably, after this crisis, and others before it, there is a temptation for those concerned to shrug in a world weary way and say nothing can be done, and that what is good for the media and what is good for the Armed Forces are simply irreconcilable. On the contrary, we believe that, with clear leadership, much can be achieved, and we hope that this report points to some clear areas of learning and work to be taken forward. It is vitally important to get the relationship between the MOD/Armed Forces and the media right and, despite inevitable ups and downs, to preserve and build the hard won reputation of the Armed Forces. They deserve no less.

Tony Hall

June 2007

ANNEX A

ORAL STATEMENT BY DEFENCE SECRETARY IN HOUSE OF COMMONS 16 APRIL 2007

With permission, Mr. Speaker, I should like to make a statement about operational events over the recess.

Before I start, I know that the whole House will want to join me in expressing my condolences to the families and friends of the nine servicemen and women who have lost their lives since the House last sat.

On 1 April Kingsman Danny Wilson and on 2 April Rifleman Aaron Lincoln were killed by small arms fire while on patrol in Basra city. On 5 April Second Lieutenant Joanna Yorke Dyer, Corporal Kris O'Neill, Private Eleanor Dlugosz, Kingsman Adam Smith and their interpreter were killed when their Warrior vehicle was hit by a massive bomb west of Basra city. On 13 April Private Chris Gray was killed in Afghanistan in a firefight with the Taliban, and on Saturday night two servicemen were killed when two UK helicopters collided north of Baghdad. An investigation is ongoing, but all the evidence so far indicates that that was an accident, not an attack.

Several personnel were seriously injured over that period in those and other incidents in Iraq and Afghanistan and they, too, are in our thoughts. That is a reminder of the risks faced every day by our forces on our behalf. I offer our gratitude and profound respect for those who have died and those who have been injured in the service of their country.

I am sure that the House will wish me in the time available to focus on the incident that has attracted the most public and parliamentary attention over the recess, namely the incident in which 15 of our personnel were captured and detained by the Iranians, and the events that followed. I will describe, first, the incident itself; secondly, how it was handled diplomatically; and thirdly, how it was handled in media terms, including the decision to allow serving personnel to talk to the media individually and to accept payment for so doing – decisions for which, as I have already made clear, I accept responsibility. Finally, I will set out how we intend to learn the lessons for the future.

Let me first turn to the incident itself. On 23 March HMS Cornwall was operating as part of the Coalition Task Force in the northern Arabian Gulf, under the authority of a UN resolution. The task force is responsible for a range of maritime security operations, including protecting the Iraqi oil infrastructure and undertaking boardings to disrupt weapons smuggling.

At 07.53 Cornwall launched two boats, with a Lynx helicopter in support, with the intention to board MV Tarawa, a merchant vessel that had evaded a boarding the day before. En route, the Lynx flew over a different vessel, MV al-Hanin, and

reported a suspect cargo. A decision was made to board the al-Hanin. The position was well inside Iraqi waters.

The boarding team boarded the vessel and, at 08.46, the Royal Marine boarding officer reported the ship secure. The Lynx was tasked to return to Cornwall. By 09.00 the helicopter was back on board and put at 30 minutes' notice to fly.

At 09.04 one of the two Royal Navy boats reported Iranian Revolutionary Guard navy activity nearby. Very soon afterwards, one of the boats reported that the Iranians were "beside them". By 09.06 voice communications with the boats were lost, and shortly after, all communications were lost. At 09.28 the Lynx was launched again and returned to the position of the al-Hanin. Initially it was unable to find the UK boats but at 10.05, one was spotted being escorted by Iranian vessels.

That concludes what I can say about the operational details. I am happy to answer questions, but there is not much more to say at this stage, until investigations are complete. I will say two final things. First, the Royal Navy is not currently conducting boarding operations, although coalition partners are, and the Navy continues to fulfil its other tasks. Secondly, I support the decision of the Royal Marine captain to order his boarding party to lower their readied weapons. As he put it, he judged that, if they had resisted,

"there would have been a major fight, one we could not have won, with consequences that would have had major strategic impact".

Let me turn now to the diplomatic handling of the incident. The Iranians detained our personnel illegally, taking them first to an Iranian Revolutionary Guard naval base, and from there to Tehran. We made it clear, both directly to the Iranians and in public statements, that their detention was unacceptable and that they should be released immediately. We made intense diplomatic efforts to establish direct lines of communication with Iranian leaders, to prevent the situation from escalating and to resolve it quickly. It became clear that this alone would not be enough, not least because of the internal struggles within Iran as to who had control of the situation. We therefore galvanised the international community to put pressure on the Iranian regime. The Prime Minister has rightly paid tribute to those friends in the EU, in the UN, and in the region who supported us and condemned the illegal detention. I am in no doubt that this focused minds at the top of the Iranian regime.

Our personnel were released on Wednesday 4 April, after a predictable attempt by the Iranian President to turn it into a propaganda victory. But this should fool no one. Serious observers do not believe that Iran has emerged from this in a stronger position, and we should remember that our main objective – the peaceful resolution of the incident and the safe return of our people – was achieved, earlier than many predicted. And let me be clear: there was no apology, and there was no deal.

Let me turn now to the media handling of this incident. On Thursday 5 April, the 15 personnel arrived in the UK, and were debriefed and reunited with their

families. The next day, six of the 15 held a collective press conference, organised by the MOD, which was uncontroversial. The controversy surrounds the relations between individual personnel and the media. The media had approached the families of the detainees while they were still being held in Iran. There were many offers of payment. These approaches intensified as soon as the 15 were released, and it was clear that the pressure would soon be transferred from the families to the individuals themselves. They were already aware of the criticism of their behaviour while detained, and some were intent on setting the record straight.

This left us with a dilemma. We had a duty of care to the individuals and their families, who were under intense pressure. On the Thursday, all those involved took the view that we should allow the individuals to talk to the media, and that we should support them through that process. I believe that all those involved in this decision acted in good faith and out of a desire to protect the individuals, to protect the service, and to protect operational security against the risks inherent in unofficial dialogue with the media. These were real risks, which have materialised in the past.

Once the decision had been taken to allow the individuals to talk to the media, this raised a second question: how to handle the fact that the media were competing for these individuals by offering substantial sums of money. This second question was considered by the Navy over the same short period. The Navy concluded that payments were “permissible” under Queen’s Regulations, and that in this particular situation it was “impractical to attempt to prevent” them. This was the position presented to me in a note sent from the Navy’s HQ in Portsmouth to my office on Thursday afternoon, and which was put to me on Good Friday. I accept in retrospect that I should have rejected the note and overruled the decision. The circumstances were exceptional, and the pressure on the families was intense. The Navy’s decision was made in good faith, and so was its interpretation of the regulations; but I should have foreseen that that attempt by the Navy, in good faith, to handle an exceptional situation would be interpreted as indicating a departure in the way in which the armed forces deal with the media.

Over the weekend I discussed the issue further, and on Monday I asked for further advice from naval chiefs and the Chief of the Defence Staff. I decided that we must review the rules immediately, and stop any further media payments to serving personnel until the review was complete. I informed the Prime Minister – which, as he has made clear, was his only involvement in this matter – and announced the decision in a statement.

Let me be clear to the House: I made a mistake. I have been completely open about that. To the extent that what happened between Friday and Monday has caused people to question the hard-won reputation of the armed forces, that is something I profoundly regret; but I remind people that precisely because that reputation is hard won, it is not easily undermined.

Those are the facts as I know them. Let me now turn to what happens next. I made clear on Monday the implications for the specific issue of serving

personnel receiving payment – I made it clear that it must not happen again – but clearly there are other lessons to be learned from the whole incident.

The first aspect relates to the operational circumstances and factors leading to the capture of the 15 personnel. This was an unusual situation with wide and far-reaching consequences. To reflect that, I can announce that the Chief of the Defence Staff has appointed Lieutenant-General Sir Rob Fulton of the Royal Marines, currently the Governor and Commander in Chief of Gibraltar, to lead an inquiry. As a retired former commander of UK amphibious task forces, he will bring both expertise and objectivity to the inquiry.

The inquiry will cover all operational aspects, including risk and threat assessment, strategic and operational planning, tactical decisions, rules of engagement, training, equipment and resources. I expect it to take around six weeks. Clearly those conducting the inquiry will consider operationally sensitive material and it will therefore not be possible to publish all the conclusions, but they will be presented to the House of Commons Defence Committee in full. I am committed to ensuring that Parliament and the public have the full facts, but also – which is just as important – to ensuring that the Ministry of Defence and the services learn from these events and do not let this happen again.

In a similar spirit and in the same time frame, I can also announce that I will be asking a small team to take over the review of the media handling which I started last week. The team will consist of a senior officer and a senior MOD official, both unconnected with these events, and will be led by an independent figure with wide media experience. The review will draw on all relevant experience, not just this particular incident but other high-profile incidents involving personnel on operations.

I want to make it clear that the review is not a witch hunt. As I have already said, I take responsibility for this particular case. Rather, the review will seek to identify lessons and make recommendations on how to manage the complex issues involved. It will make recommendations on how to balance our duty to support our people with our duty of transparency, our duty to protect the reputation of the services and, most important, our duty to protect the security of our personnel in a demanding media environment.

I take responsibility for what happened last weekend. I have acted to put it right. I have acted to ensure that we learn the lessons of the whole episode, in a manner that allows full parliamentary scrutiny. As we go through that process, we should remember the most important point – which is that we got our people back safe, and on our terms.

**WRITTEN MINISTERIAL STATEMENT BY DEFENCE SECRETARY IN
HOUSE OF COMMONS 24 APRIL 2007**

I am pleased to announce that UK forces will today recommence boarding operations in the Gulf that were suspended following the seizure of Royal Navy and Royal Marines personnel by the Iranians on 23 March 2007.

Pending the results of the inquiries set up to identify any lessons we can learn from this incident, we have taken measures, in line with the findings of initial reviews of procedures, to ensure the risk to boarding operations is minimised. This will involve an incremental return to full boarding operations in all areas. This approach in no way affects overall coalition naval operations in the Gulf.

As I announced to the House on Monday 16 April, *Official Report*, columns 23-26, there will be two inquiries, aimed at learning lessons from the events surrounding the seizure of RN personnel.

First, the Chief of the Defence Staff has initiated an inquiry into the operational circumstances, consequences and implications of the apprehension by Iranians of the 15 Royal Navy and Royal Marines personnel from HMS Cornwall. The inquiry will be led by Lieutenant-General Sir Rob Fulton RM (Retd), currently the Governor and Commander-in-Chief, Gibraltar.

The terms of reference of the inquiry are to establish the circumstances and to examine the policy, strategy and operational frameworks within which boardings were conducted and the way that these were given effect through coalition command and control arrangements. The inquiry will cover the risk and threat assessment, strategic and operational planning, tactical decisions, rules of engagement, training, equipment and resources. The Chief of the Defence Staff has also directed General Fulton to consider specific operational issues, the details of which remain classified. This inquiry is due to report in May 2007.

Secondly, I have asked a small team to conduct a review of media access to individual personnel involved in operations, particularly in such high-profile incidents. This review will draw on all relevant experience, including recent incidents and other high-profile incidents; consider how best to manage the complex issues at play, including in balancing our responsibilities to support our people and their families, to safeguard the security of our people and operations, to protect the reputation of the Services, and to meet the requirements of transparency in a demanding media environment; identify lessons and make recommendations for any necessary changes in policy, regulations, processes and practice, including in relation to media payments to our personnel.

The review team will be led by Tony Hall, the Chief Executive of the Royal Opera House and formerly the BBC's Director of News and Current Affairs, who is also a non-executive member of the Board of Channel 4. He is well qualified to lead this work. The other members will be Patrick Turner, a senior civil servant in the Ministry of Defence, and Major-General Andrew Stewart, Assistant Chief of

Defence Staff (Policy) in the Ministry of Defence. I expect this work to report in a broadly similar time-frame.

REGULATIONS AND GUIDANCE

(i) MOD and Service Regulations

1. The MOD's regulations for both Service and civilian personnel on public disclosure of official information, and payments arising from such activity, are contained within Queen's Regulations for each of the Services and in the MOD's Statement of Civilian Personnel Policy.

2. The rules for both Service and civilian personnel are very clear on the need to seek prior authority before taking part in any activity or making any public statement that might involve the disclosure of official information or draw upon experience gained in their official duties. The need to seek prior authority is also made clear in additional guidance on "Contact with the Media and Writing and Speaking in Public" contained in a Defence Council Instruction (last issued in 2004) which applies equally to the Armed Forces and civilian personnel.

3. For Service personnel, the Queen's Regulations on receiving payments state:

"Broadcasts by serving personnel acting as official spokesmen and speeches and lectures on official subjects will normally be undertaken as part of their official duty and, as such, covered by their Service pay; no question of extra payment to individuals will therefore arise. If, however, all or part of the preparatory work and delivery of the broadcast, speech or lecture is done during the individual's off duty time he may retain the whole or part of any fees payable, as appropriate."

This paragraph does not cover the exact circumstances of the detainees but it was used by Fleet HQ as part of their justification to allow payments in their submission.

4. The regulations for MOD civilians in its Statement of Civilian Personnel Policy are similar and state:

"If you receive a fee for any publication, broadcast, lecture or writing as part of your official duties you must forward the sum received to the People, Pay and Pensions Agency (PPPA). If an activity is carried out partly or wholly in your own time, PPPA may allow you to retain all or part of the fee."

5. The regulations for both Service and civilian personnel also state that individuals should not use their official position or information acquired in the course of their duties to advance their private interests. However, this rule covers outside appointments and activities rather than payments from the media.

(ii) **Ministerial Code**

6. Ministers are governed by the Ministerial Code which clearly states that:

“Ministers should not accept payment for speeches or official broadcasts on radio or television of an official nature or which directly draw on their responsibilities or experience as Ministers, either on their own or their Department’s account, or with a view to donating the fee to charity. If the organisation insists on making a donation to a charity then it should be a charity of the organisation’s choice to avoid criticism that a Minister is using his or her official position to influence or take credit for donations to charity.”

(iii) **Civil Service and Other Government Departments’ Regulations**

7. The regulations which cover the Civil Service as a whole (upon which the MOD rules are based) are contained in the Civil Service Code and the Civil Service Management Code. The Civil Service Code tells civil servants: *“You must always act in a way that is professional and that deserves and retains the confidence of all those with whom you have dealings.”* It also makes clear that: *“You must not misuse your official position, for example by using information acquired in the course of your official duties to further your private interests or those of others.”*

8. Section 4.2 of the Civil Service Management Code covers *“Conduct: Confidentiality and Official Information”*. It makes clear that: *“Civil servants must not take part in any activities or make any public statement which might involve the disclosure of official information or draw upon experience gained in their official capacity without the prior approval of their department or agency.”* The Management Code also specifically states that civil servants *“must not publish or broadcast personal memoirs reflecting their experience in Government”* whilst serving. Both the Civil Service Code and Management Code are clear that disclosure of any official information requires authority. Contact with the media and payments are not explicitly mentioned but paragraph 4.1.3 of the Management Code states that: *“Civil servants must not misuse their official position or information acquired in the course of their official duties to further their private interests or those of others”*.

9. We have consulted a number of other Government Departments, some of which do not have guidance separate from the Civil Service Management Code whilst others have issued additional guidance on officials talking to the media, although this does not address the issue of payments. These Departments have generally said that, while they do not have separate guidance on payments from the media, they are governed by the Civil Service Code which clearly states that staff should not make use of information acquired in the course of their official duties to further their private interests.

(iv) FCO Regulations

10. The FCO regulations state that its staff “*must not take part in any public activities which might involve the disclosure of official information or draw upon experience gained in the course of official duties without the prior approval of the appropriate authority.*” They also make clear that staff must not accept payment for any activity which would involve the disclosure of official information or the use of official experience including holding interviews with the media.

11. The FCO also has additional guidance and frequently asked questions to back up its regulations. In this, it clearly states that “*Serving officers should not accept payment, royalty or fee unless the publication or disclosure of information falls entirely outside official work or use of official information or experience*”. Where the organisation offering payment insists on making a donation to charity in return for the officer’s efforts, the guidance tells the FCO employee that the choice of charity should lie with the organisation offering the payment, so that the FCO avoids any criticism that an official is using his or her position to influence or take credit for donations to charity.

(v) Metropolitan Police Regulations

12. The Metropolitan Police regulations say that officers of the rank of Inspector or above may communicate with the media about their own areas of responsibility without seeking authorisation, whilst other ranks must seek the permission of an Inspector or above. Officers are not permitted to accept payment from the media for interviews or articles. They are, however, permitted to request that any fees are donated to charity.

(vi) Other Countries’ Regulations

USA

13. The Department of Defense’s tri-service rules advise US “active duty” personnel to speak with a public affairs officer before speaking to the media and warn them that they may face disciplinary or administrative action if they compromise military security. The rules prohibit all “active duty” personnel from receiving payments from the media, on the basis of the rule which prohibits such personnel from taking part in “outside employment” that will interfere with their performance on duty. The rules are rigorously enforced and there are both administrative and criminal sanctions available if they are breached.

Canada

14. The Canadian Forces’ rules say that personnel shall not without permission “*deliver publicly, or record for public delivery, either directly or through the medium of radio or television, a lecture, discourse or answers to questions relating to a military subject*”. Permission will only be granted by the Chief of Defence Staff or by another authority to which he has delegated responsibility. There are no specific rules on payments from the media but there is a rule covering civil employment which says that no member on full time

service “shall engage in any civil employment or undertaking which requires the disclosure of information acquired as a result of military service”.

Australia

15. The rules governing the Australian Armed Forces are laid down in a tri-Service Defence Instruction entitled “Public Comment and Dissemination of Information by Defence Members”. Permission to speak to the media must be sought through the chain of command and approved by the Director General Military Public Affairs in the Department of Defence following consultation with the subject matter experts. If approval is granted, individuals are given appropriate preparation. Whilst serving, no payments to individuals are allowed. If breaches to the policy occur, appropriate administrative or disciplinary action may be taken under criminal law, the Defence Force Discipline Act or the Public Service Regulations.

New Zealand

16. The New Zealand Defence Force has in place a “Defence Force Order-External Relations”, promulgated by the Chief of Defence Force, and the Armed Forces Discipline and Defence Act, which define who may or may not speak on defence issues. On matters of defence policy, government policy or operational security, there are approved spokespeople and levels of disclosure. Defence Force members are entitled to receive payments from the media for their stories or experiences – so long as the information involved does not breach policy or operational security guidelines. The policy is enforced and the penalties for breaches would be administrative or disciplinary (including discharge) dependant upon the seriousness of the offence.