

Foreign Affairs Committee

Oral evidence: [FCO secure communications and handling of classified information, HC 2541](#)

Tuesday 16 July 2019

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Members present: Tom Tugendhat (Chair); Priti Patel; Andrew Rosindell; Mr Bob Seely; Royston Smith; Catherine West.

Questions 83-115

Witnesses

I: Sir Ivan Rogers, former UK Permanent Representative to the EU, Sir Adam Thomson, former UK Permanent Representative to NATO and Director of the European Leadership Network, and Sir Peter Westmacott, former UK Ambassador to the US, France and Turkey.

Examination of witnesses

Witnesses: Sir Ivan Rogers, Sir Adam Thomson, and Sir Peter Westmacott.

Chair: The tone of this session, as you are aware, is different. It is not you assisting in the same way, Sir Ivan; it is you being a witness, so please feel free to go for it. In this session we are not talking about the process of leaving the European Union; we are talking about the events leading up to the very unwelcome retirement of Sir Kim Darroch after 42 years in the Foreign Office. This inquiry is being conducted at some speed, in order to understand both the events that led up to that and the consequences of a culture of leaking that seems to have grown up within Government. If you can focus on that area, we would be very grateful.

Q83 **Priti Patel:** Sir Ivan, I want to come straight to you with my first question. Your resignation resulted from a leak. What impact did that have and how was it dealt with at that time when the leak came out?

Sir Ivan Rogers: We covered the circumstances a bit in the earlier session. It stemmed from a leak on 15 December—I know that because I ran as the main news item all day on 15 December, from the European Council—of a minute that I had written two months previously. I rapidly worked out what that minute must have been. As I recall, it was paragraphs 5 to 7 of that minute of 14 October, which was my scene-setter minute to the Prime Minister. I am very happy to go through what that advice said. I don't think it is terribly shocking. The Chairman asked earlier whether there was a reaction from it. There was not on paper. I assume this was the reaction to it in practice.

It was basically my reaction of surprise and some shock at the Prime Minister's party conference speech on the four red lines. I alluded to the Tusk speech, which had talked about there being no such thing as a soft Brexit, only a hard Brexit. I said that Tusk was and still is widely perceived as an Anglophile, but he had been widely praised by other leaders for making that speech. I said to the Prime Minister that Donald Tusk was not ahead of the market in making that statement, and that I had talked to many of my best colleagues in the 27 and in the institutions and that they had concluded that, at most, we wanted a quite distant free trade agreement—some were even mentioning a Canada-style deal—and they were saying to me, "That is only negotiable after you leave the European Union and will take three or four years to negotiate, and maybe another year or two to ratify." So it could not be in force until the early to mid-2020s. Some people were raising with me whether even that, on sovereignty terms, because what would be in an FTA, and all the kind of stuff we are now seeing about level playing field conditions might be beyond the UK to ratify. Others in the 28 might have problems ratifying it.



HOUSE OF COMMONS

I said to the Prime Minister in Brussels that thoughts are now turning to what happens over a transitional period running from, say, 2019 to 2023. It is too early for that to have broken out but people are therefore already thinking about the linkage with citizens' rights, about the EU budget and about how they limber up for the article 50 process. I said that for the 27 it obviously went down quite badly. It is about how to maximise their leverage and on what, but it is also about making the UK's experience sufficiently difficult so that no one else considers the same exit route to be attractive.

- Q84 Priti Patel:** We are looking at classified communications and leaking specifically. How was this dealt with within the system and the structure of the Foreign Office? What was your view of how this was handled?

Sir Ivan Rogers: Several of my best European colleagues said to me on 15 December, "You have just been stabbed in the back or the front." It is quite difficult to deny that, isn't it? When you are the victim of one of these things, it is not for the victim of the leak to mandate what happens next. To the best of my knowledge—well, to my knowledge—there was no leak inquiry and after 15 December, but there was no leak inquiry to establish who did it, and it is not for me to demand the leak inquiry, so nothing was instituted.

- Q85 Priti Patel:** So nothing was instituted, but what conversations took place once the leak had happened between you and Jeremy Heywood, the permanent secretary? Were there no formal discussions about it whatsoever?

Sir Ivan Rogers: Not that I recall. I had a breakfast discussion with Jeremy on that, among other things, in the week after 15 December. I don't recall having had any discussion with Simon McDonald.

- Q86 Priti Patel:** This question is for Sir Adam and Sir Peter. Before you answer the question, please introduce yourselves for the Committee. Did either of you experience leaks at all during your careers, and if so what happened, how was it handled and what was your experience of them?

Sir Adam Thomson: Thank you, Ms Patel. Until November 2016, for two and half years, I was the British ambassador at NATO. Before that I was the British high commissioner in Pakistan. Unlike my friend, I have not been the victim of a leak, so my experience of leaks out of the British Government has been at second hand.

My experience of the response to leaks has been various. On occasion there have been leak inquiries, usually if there has been enough of a media storm around it. On other occasions I have not been aware of any particular follow-up. My career has had a lot to do with security matters—in the sense of tanks rather than locks. If the Chairman will forgive me, I found the Ministry of Defence particularly leaky, and any follow-up to that appeared to be very rare, in terms of trying to control it.

Sir Peter Westmacott: I am Peter Westmacott, and my last three jobs in the Foreign Office were as ambassador to Turkey, ambassador to France



HOUSE OF COMMONS

and ambassador to the United States—I finished there a little over three years ago. Like Adam, I do not recall ever being the direct victim of any leak of this nature, which put me in an embarrassing position. My predecessor in Washington did see a long document that he wrote about the incoming President—President Obama—published in *The Daily Telegraph*. There was an inquiry into that, which I know turned out to be inconclusive. However, in my personal experience I have not had to go through the same process.

- Q87 **Priti Patel:** On the broader point about leaks from Government Departments—you mentioned the MoD, Sir Adam—have you experienced any serious consequences and actions being taken around sensitive communications or the leaking of information? Has there been any sense of urgency, or a desire within the system to want to sort this out?

Sir Adam Thomson: Subject to correction by the two other witnesses, I think I can probably remember one or two circulars reminding officials of the consequences of breaching the Official Secrets Act or other forms of messaging. As I have said, there have been leak inquiries—Peter has just referred to one of them.

- Q88 **Chair:** Can I just ask a question? When is a leak a leak, and when is it not a leak? I ask that question because sometimes one sees diptels or private communications appearing in the media that appear to make senior officials or a Minister—someone who had access to that information—look particularly good, even if they produced it themselves, and very often if they produced it themselves. Is that a leak?

Sir Peter Westmacott: Can I have a little go at that, Chair? It is actually a very good question. When we see official documents brought into the public domain in this way, there are a number of reasons why it happens. One reason is that it can be in order to ensure that the author ends up looking rather good, and it has sometimes been deemed over the years—I am going back a long way now—to be quite helpful to that individual's next move. Valedictory dispatches come to mind; that is one of the reasons why they were stopped, because they were suddenly mysteriously appearing in the public domain, sometimes on behalf of the individual.

If it is not that, it can sometimes be a disgruntled employee, and I believe I know one or two occasions when that may have been the case. That is designed simply to make trouble, or possibly to embarrass the author. Sometimes it can be about personal ambition: somebody wants a job, wants somebody else's job, or wants to embarrass the individual. Sometimes it can be a foreign Government hacking operation, and sometimes it can be part of a political process designed to embarrass the Government, embarrass the individual, or possibly—if you like—to continue a process that some of us are worried about: the politicisation, or attempted politicisation, of the civil service.

Of course, there are some overlaps between those. If you are, say, a Government that is into malevolent leaking of another Government's communications, you might quite like to use a cut-out, or if you are the



HOUSE OF COMMONS

Russians you might use Wikileaks, for example. You might use either a useful idiot or somebody who shares that interest in getting that material into the public domain.

I think it is fair to say that where something has been made public with the connivance or conscious decision of the author, it is probably not regarded as much of a leak. I cannot comment on the one that Ivan mentioned; why was there no leak inquiry when his stuff was made public? I don't know. Maybe it was a conscious political act; maybe it wasn't. I don't know, but there are many different categories. Clearly, this last one affecting my successor in Washington was an operation that was very damaging to the relationship, very damaging to his position, and obviously drove the President of the United States wild at the time. I think it is in a category of its own.

- Q89 **Chair:** This inquiry spread out of a leak of papers that were drafted in the US embassy in Washington. In 2016, another paper that was drafted in the US embassy in Washington appeared on the front page of *The Sunday Times*. Was that a leak?

Sir Peter Westmacott: This was after my time and I cannot quite remember what it was. I think it was written by my successor, was it not?

Chair: It was written by your successor, Sir Kim Darroch. If it was not a diptel, it was certainly written in diptel format, and it outlined the incoming Administration's strengths and weaknesses, focused very heavily on one element of the—

Sir Peter Westmacott: I can only guess that somebody gave it to *The Sunday Times* because they thought it was quite useful to have that material in the public domain. I am not conscious that there was any serious leak inquiry carried out after it, but I may be wrong.

- Q90 **Chair:** The reason I ask is because in many ways these are two very similar leaks from the same—well, drafted by the same source. I do not know where the leaks came from, obviously, but they were drafted by the same source or the same embassy, and they were treated very differently.

Sir Adam Thomson: If you are asking whether the stable door should have been closed after the 2016 leak from the embassy in Washington, I would refer you to Sir Simon McDonald's remarks to you last Wednesday, when he commented on the two types of protection you need in the diplomatic business: one is technical, to prevent hacking; and the other is human. That really rests on a working culture, if you like, that is quite difficult to transform and very difficult to protect against an individual leaker, particularly in circumstances where there is a history of limited or no consequences to the individual who is responsible for leaking.

- Q91 **Chair:** That is the interesting point: that the response to previous leaks influences future ones. Do you agree?

Sir Ivan Rogers: Yes.



Sir Adam Thomson: We can all probably think of one or two cases stretching back to the 1980s where individuals have been punished when they have been found to have been leaking, but it is very rare.

- Q92 **Priti Patel:** Have any of you ever had an instance in which you have had personal concerns about the information that you are sending across? Obviously, there is more technology, and there are obviously threats now of foreign interference and hacking and so on. However, have you ever had concerns about not only the security of your communications, but how the system and the structure within the Foreign Office handles that, bearing in mind geographies, instances and all sorts of things?

Sir Peter Westmacott: Can I have the first go at that? I would say definitely yes, partly because of what has happened previously, and partly because, whether or not they have directly affected you, there have been unfortunate leaks. I think most of us—I am certainly speaking for myself—paid very careful attention to what we were saying and how we were sending it back.

In the case of the leaks that have done a lot of damage, in my view, over the last week or so, there was a mixture of stuff. There were some diplomatic telegrams, which go, on a fairly wide automatic distribution, to large numbers of people, and in many cases all round the world, depending on whether the originator wants the whole world to see them. There is stuff that is an email to a limited number of named addressees, which is a more personal, more informal, chatty document.

And then there's something else, which I used to use quite a lot, as I am sure has my successor. This is a letter that I would draft and sign and address to whoever the person was. It might be the Foreign Secretary, the Prime Minister's chief of staff or the National Security Adviser, or it could be a senior Minister. It would not normally be copied to more than half a dozen people, whom I would personally name, and I would give it a "Personal" privacy marking, as well as calling it "Official—Sensitive or Restricted" or whatever it was.

In those documents was very much my personal judgment on a situation, how to handle a relationship or how to fix the national interest in the context of problems that had arisen in—let's say Washington, but I did it from Paris as well. I would not pull my punches, but I would try to make very sure that this advice did not go any further than the individuals to whom it was addressed, because it was pretty personal, pretty indiscreet and very tactical, and it would not be in the national interest for it to be made public.

However, with one or two exceptions, usually I did not classify it as secret or top secret, partly because it wasn't intelligence-based, and partly because—this is perhaps another story—secret and top secret goes through a totally different set of communications and is linked to the need to protect sources and secret material, and this wasn't that; it was my personal judgment.



- Q93 **Priti Patel:** On that point, Sir Peter, if you have concerns and obviously you have gone through various classifications, exercising your judgment on how information is circulated and shared, how do you ensure that, with the system around you in the embassy or whichever mission you are in, the integrity of that system is in place with other members of staff as well?

Sir Peter Westmacott: If you are writing a personal letter to a limited number of named individuals, it does not go on any automatic embassy-wide or worldwide distribution. It might go on what we call a float, whereby copies of your documents are seen by a small number of senior staff, or it might not at all. It might well, especially if it is marked "Personal"—in our world, that is almost more of a protection than "Secret", because it limits the distribution not just to those who have clearance to see secret stuff, but to those who really need to see this delicate piece of information.

I wouldn't distribute it to others, except perhaps a very small number of my senior staff directly involved in the subject matter that it was covering, and I would say to them quite often, "No further copy-in without my approval." I am therefore relying on the integrity and the loyalty of my staff to ensure that they play by the rules I am establishing, and I am also relying or hoping that at the London end the same rules are applied. Clearly, sometimes things have gone wrong.

- Q94 **Chair:** Can I jump in on that? You have mentioned that you might not use classifications such as secret or top secret, and you have suggested that one of the reasons was the source origin of the information. Is one of the other reasons the complexity of getting on to the secret computers from an embassy and just the hassle factor of doing that?

Sir Peter Westmacott: I would say yes, because a few years ago we split up the systems. One was for "Official—Sensitive or Restricted"—the lower level of security classification, not necessarily involving personal sensitivity. The other one was for "Secret", "Top Secret" and the varieties of "Top Secret", which was largely about protecting intelligence or defence secrets, or occasionally the personal judgment of the ambassador on a really delicate matter. But that is on a different system; it is in a different room. It might not be looked at by some of the people you want to read it, because it is a bit of a clog dance to get access to it. We used it when we had to, and we certainly used it if we were dealing with anything that had an origin in the security services or some other delicate area, because there was absolutely no choice.

Otherwise, I think it is probably a fair comment, Chairman, that that was one of the reasons we didn't. But it was also because, if I am really honest, was what I was writing a matter of genuine highly classified national security? Probably not. It was about the personal judgment and advice that I was giving to senior Ministers on an issue that was important but not necessarily very high-security.



HOUSE OF COMMONS

Sir Adam Thomson: I share all of that. I would say that we think about this daily; part of our job as diplomats is to think about how much information we are releasing to our interlocutor, so it comes naturally to think about what we are putting down on paper and where it goes.

In response to Peter's points, I cannot speak for everyone, but I certainly miss the confidential classification that we had, which sat on what I understand is a higher level of security, between official-sensitive and secret. It was on our desktops, not in a different room; it felt better protected. If things have not changed in the last three years, officials now have a choice between simply official-sensitive for everything, and secret, on a different system that is a bit clunkier.

Q95 **Chair:** Forgive me, Sir Adam, but is that because there was an illusion that "confidential" was more secure, when actually it was not?

Sir Adam Thomson: It may have been an illusion, but that was not quite what I think we were told about it.

Sir Ivan Rogers: Just to add briefly to that, for a multilateral embassy it was a little bit different, but essentially the same position. To put it bluntly, I would never have put anything in a telegram. I instructed people not to, and not to put comment paragraphs at the end. We frequently had stuff from headquarters saying, "Could you produce a comment and a summary?", and I would say, "I can produce a comment that is completely vacuous, because it will be read globally; I can produce no comment at all; or I can produce a comment that is seriously interesting and that will leak. So if I have anything interesting to say, it ain't gonna be in a telegram." That was basically my style; as I say, I am not a Foreign Office person by origin.

I am not a huge fan of the diptel system, by and large, but that system is enormously valuable for junior and middle-ranking officials to know, in a multilateral environment, what is happening in the working group, why it is happening, what the French have said or what the Germans have said. It is a tremendously important communication device, but you would not offer a serious strategic judgment in a telegram. If I had something to say that I wanted to bring to the attention of senior Ministers, it would go in a letter.

Q96 **Royston Smith:** Sir Ivan, you have been a victim of leaking; Sir Adam and Sir Peter, you have not, but the principle is the same. How do you feel when there has been a leak and you are, or could be, the victim? How does it make people working close to you feel, and how does it make you feel about them? Is it something that lingers beyond the first 24 hours? Do people start to be suspicious about who they say things to and who they copy into communications?

Sir Ivan Rogers: I can only speak from personal experience. The leak ran as the main item on the 10 o'clock news, before the European Council, so I knew I was in for a lively day there. I had had a tip-off that I was going to be the main news item for the day. It affected the handling of the day: when we were getting the Prime Minister from the airport, there was a



HOUSE OF COMMONS

whole business about whether we should step out of the car at the same time. If you do, there is a *mêlée* around you; if you don't, people notice that your practice is completely different from the other times when you have been with the Prime Minister. It made the handling of giving her advice during that European Council more difficult.

The follow-up, with my resignation, was obviously much more difficult. We had to leave our house for several days because we had TV vans outside, and every time the kids left the house they were doorstepped by several TV companies. But that was the consequence of resigning as I did; again, I had not expected it quite to become an international news story, but it did.

The key issue for me was the one that I identified about the reactions of European colleagues. It is the same judgment, but in very different circumstances, and Kim's are worse circumstances than mine: you have to judge whether you can do the job any longer. When you are milling around at the European Council, and four of your best European colleagues—old friends and colleagues, whom I had known for a very long time—say that they think this is a story put about to ensure that you cannot do the job, that has an impact on whether you can do the job, because you don't have the credibility to do it any more. Did it have an impact in terms of whether I thought I should carry on? I had obviously been thinking before we reached the December Council about whether I was the right person to do the Article 50 negotiation—the longevity. There were lots of jokes in the summer and autumn of 2016 that I would be there until the mid-2020s myself, but you are weighing up whether it is sustainable and whether it is right.

What matters in a multilateral environment, where you have a very intensive cultivation of the same group of people and you have known them for a long time, is your credibility as an interlocutor, which depends on whether you are, one, serious and authoritative behind the microphone, two, a good negotiator, and, three, an incredibly reliable guide to where your boss is going to be coming from. If one of those is damaged, and obviously it was damaged by this, you think there is no point carrying on doing 100 hours of work a week in circumstances where my colleagues think: "He's being undermined by his own side".

Sir Adam Thomson: More generally, a leak leaves you feeling that your system is not working, because you know that in an ideal, fantasy world there should be no leaks. You tend not to find your personal relationships impacted, if you are not a direct victim, because you assume that your team are not responsible for this. I have never had a suspicion about any of my staff leaking something and I think that judgment has been right, but you certainly watch what you say in writing in future.

For most British diplomats, most of the time, leaks have less impact than the requirements of our democracy for freedom of information, which has had a powerfully cooling effect on the frankness of diplomatic reporting.



HOUSE OF COMMONS

Sir Peter Westmacott: Can I add one brief comment on that? I recall when I was in Paris after the WikiLeaks revelations produced a whole raft of US Embassy cables, one former Prime Minister whom I happened to know well said to me: "I'm never going near the US Embassy again because if every conversation that I have with an American diplomat is going to be written down in a cable and then handed to *The New York Times* or the *Washington Post*, there is no point in our having that conversation. There is no point in my being remotely indiscreet or telling what I think, so I am not even going to go back into the building again".

There is an issue, therefore, of the very damaging effect leaking has on your sources, especially if you name them. Personally, I used to try to avoid naming a name, unless it really was an important person or a key Cabinet officer who had a role in the area of policy I was discussing and therefore it was important that our senior Minister should know what that individual had told me and was probably telling me in an official capacity, more or less on the record and therefore was not quite so sensitive.

A lot of the time, many of us were very conscious that in case something was made public, we better do our best to protect the integrity of the people we were talking to. There is a personal element when something is made public. I have had it in other respects, a phone call which is transcribed on the front of a newspaper because some intelligence service has handed it to another Government—nothing to do with our own Government—or when some newspaper has produced what you said and you become the story, it is not very nice. You are right in the middle of it. Our job on the whole is not to be the story, it is to be civil servants and to try to do a job professionally to the satisfaction of our Ministers.

- Q97 **Chair:** I'm interested in picking up a point you made about freedom of information. We are talking about leaks affecting the credibility and function of Government. Certainly, there was a culture I am aware of in other Government Departments where effectively drafts would simply have post-it notes on them, so that the post-it notes could be thrown away. Should an FOI request come in, there was no evidence of any commentary or discussion, merely a final draft. Was that something you were aware of?

Sir Ivan Rogers: Shall I go first? I agree with Adam's overall comment. It is an issue and a problem and has become more of a problem. I am a believer, as is obviously clear, that when you have information and intelligence which is clearly of value to Ministers and other decision makers in "where should we go?" and "why should we go there?", you should divulge it as soon as you know it. That was not a universal view in the autumn of 2016 either, I have to say, but that is another conversation. I am a believer in audit trails and putting down what you know when you know it, and recording it in print.

Now, I am very much in Peter's line that if that needs to be on a very narrow copy list, that is fine by me, and if it is just going to a selected very few people at the top of the machine and senior Ministers, that is also fine. It is dangerous, in an ambassadorial position like mine—in the



HOUSE OF COMMONS

autumn of '16, lots of things are moving and I am having loads of conversations. You want to be able to divulge pretty freely and fully on paper to a small group what you think is going on, and what you are making of it.

That is part of the service that you are offering, because that is not stuff you read in *The Economist* and the *Financial Times*. You are offering judgments: "Where is this game going? How are they thinking about it? Where are the 27 going? Are there divisions between them?" You have to produce that stuff pretty regularly. If you are then consistently feeling constrained by how difficult or dangerous that is going to be if it is in print and whether any of it is going to be disclosable, that is difficult.

The other issue I have had, which incidentally was not under this Government—I do not want to go into details on it—is requests, sometimes, from private offices to essentially rewrite your advice with glosses and thoughts from that office. To be honest, again, that's in order that the only advice and the only audit trail contains advice that had been in some way amended from your original—

Q98 **Chair:** Setting the record, effectively.

Sir Ivan Rogers: Yes. I am against that and have always refused to do it. I basically said, "If you want to write, 'This is the usual nonsense from Rogers' on the top of my advice on a yellow sticky that you subsequently throw away, that is your prerogative. You are in charge of the Prime Minister's or the Chancellor of the Exchequer's box, not me." However, I do not want my advice bowdlerised and changed. If I am offering advice, it is because I think the advice needs to go in as it is. By all means then say, "But that is a judgment that only reflects his position, and does not reflect the reality of the politics we are facing."

I think that has changed a bit. There were some signs of that in Whitehall under several Administrations, and that worries me. I do think the yellow sticky effect and that desire to avoid going into print until we have reached a consolidated judgment has got worse in the past 10 to 15 years, and then we almost have a reconstruction of what the advice would have been to arrive at the decision we have already taken. That is very dangerous, in my view.

Q99 **Mr Seely:** Is that then verbal? Are you having to increasingly brief people verbally, or you do it down the phone when you talk to them, if you are having to work out how you are constructing the more sensitive information and how you get it back to the Ministers and decision makers in London?

Sir Ivan Rogers: Clearly, if you have access regularly and you are coming back to London, you can decide to do some things verbally and say, "I am not going to put this in print" or "I can put it in print, but only after this conversation if you want me to put it in print." Yes, you can do some of that, but sometimes that is just not possible. As I say, what I felt very conscious of as a senior official in a fast-moving thing and a massive negotiation was that, if I am in possession of stuff that I think is really



HOUSE OF COMMONS

interesting and valuable, I have to find a way of expressing it to Ministers in a way that they understand—even if it is unwelcome news, which it frequently was.

Sir Adam Thomson: What I occasionally found necessary was to send something in writing, but then follow up with a secure phone call to explain some of the background and perhaps who the individuals are.

Q100 **Chair:** The detail, perhaps, would be in the phone call.

Sir Adam Thomson: Yes. Peter has rightly described the efforts we now have to go to to protect sources lest our reporting leak, so it may be useful to describe to one particular individual or a couple of individuals back in London who the source really is that you have described generically in your reporting.

Sir Peter Westmacott: I think that is right. Perhaps a bit less than some others; I wasn't just across the channel in Brussels when I was in Washington, but I would sometimes supplement my written stuff with a secure phone call, especially if there was personal stuff or there were differing views on a delicate subject, and it was just something that it was better not to put in print.

I would also add that if I was writing something that was considered, and for a limited number of people—"Here is the problem; here is where the national interest lies; here is my advice as to how you deal with this with the President or whoever it happens to be"—there would almost never be a written reply. Precisely how that advice was acted on and to what extent it became part of policy, who knows? It is not written down. Partly that is because people are busy. Who is going to write that sort of response? Sometimes it might be a phone call, or when I next run into the Prime Minister it might be, "Thanks for that, it was interesting. I am not sure whether you are really right about da-di-da", or, "Do you really feel that strongly?" That is fine, but there was not much put down in writing.

Q101 **Royston Smith:** I asked about how people could obtain information that was not for them, or even if it was for them, how they could get that out into a leak, such as by taking a picture of a computer screen or a computer being connected to a printer. That was pretty much ruled out as being probably not likely to happen. In your experience or opinion, do you think that the distribution of communications to Ministers and officials is appropriate, or does it need to be re-looked at to prevent leaks in the future?

Sir Adam Thomson: My strong view is that this is really all about the integrity of the working practices of the British diplomatic service and the British Government. My sense is that that is eroding a bit, although leaks are still more the exception than the rule. Personally, it is very welcome to see, in this case at least, that stern action is being pursued. I hope it will also result in something, because that does send a healthy signal. If somebody is sacked for damaging disclosures that contravene the Official Secrets Act, that is healthy for the functioning of our system. Confidentiality is absolutely the lifeblood of doing diplomacy. As Peter has



HOUSE OF COMMONS

said, every time you have a conversation with an American colleague nowadays, you think, "Am I going to appear in Wikileaks?" They have suffered immense damage as a result of that. God forbid that we should ever end up quite that far down the road.

Sir Peter Westmacott: Adam is right: the confidentiality and integrity of our secure communication systems are only as good as the integrity of the people who operate them. That really is the case. That is not just in government. I do some work as an independent non-exec in audit, where professional challenge, scepticism and kicking the tyres is vital. It is about the attitude and the culture of the individuals, almost more than it is about the systems that are in place. The systems have to be good and the secure communications have to be there, but you have to have people who function with integrity and honesty in operating those systems. Without that, if the culture is not right, it does not matter how secure the system is—someone can run off a copy or take a camera to it and hand it over malevolently to someone who is going to make trouble with it.

Q102 **Chair:** Can I ask you a question, Sir Peter? Now that you are doing this private advisory work, presumably there is a clause in your contract that says, "Were you to leak this, not only would it invalidate the contract, but you may be liable for damages and fines could apply in some way." Would that be correct?

Sir Peter Westmacott: Yes, that is right.

Q103 **Chair:** Would you recommend that the civil service contract be adjusted? It could include not only an element that is an element in everyone's contract, which is the Official Secrets Act—whether you have signed it or not, you are bound by it, as you are by every other Act of Parliament—but an element that says, "Should you be caught leaking, the cost of the inquiry and perhaps fines for damages could be placed at your door."

Sir Peter Westmacott: You can try. Civil service pay is not very high, so I am not sure—

Q104 **Chair:** You may not get much of the damages back, but at least it would be a very clear signal as to the financial cost of the inquiry and perhaps even the financial cost of damages.

Sir Peter Westmacott: There is scope for having some very firm language, perhaps including financial penalties. It could also be about disqualification from future employment in the public sector if you are deliberately and consciously breaking the rules, even if that stops short of a criminal prosecutable offence under the Official Secrets Act. That would be helpful, but it is also about people feeling loyalty to Government, colleagues, the system and the integrity of their profession so that they do not want to do it. That is why it is terribly important on this occasion—it is a bit different from most other leaks, although it is perfectly legitimate for you to ask "when is a leak not a leak"—that we get to the bottom of this and that we find out how it happened and who and why. It might be something absurd, ridiculous and accidental, or an act of malevolence or a so-called whistleblower, but it might be something a great deal more



HOUSE OF COMMONS

sinister. If we discover, for example, that this is about a systematic hack of our communication system by a malevolent Government, we sure need to know. If it is about a culture of individuals, for political or other reasons, who think, "I can just do that to ensure that the civil service is no longer a bunch of namby-pamby professionalised, apolitical creatures, and we can get real believers into the key positions of authority," we need to know that as well.

Chair: Is somebody trying to reintroduce the Test Act?

Q105 **Catherine West:** Will diplomatic staff feel confident that they can report back on things that are important but sensitive? What has been damaged in the long term, in terms of trust between key individuals in the civil service and politicians?

Sir Adam Thomson: We have covered some of the ground in our earlier responses. If you are asking about this specific case—Kim Darroch's case—we will not know quite how to respond until we know what the reasons for the leak were. It is one thing if it was leaked by a political adviser, it is another thing if it was leaked by a British diplomat, and it is a third thing if it was a Russian hack. Those have different consequences.

This leak is perhaps felt in the diplomatic service more than others, because we have lost one of our best as a result, so it gets quite personal. But as I said earlier, in my experience, no leak has eroded trust in the people I have been immediately working with, so it is not that corrosive. There are other factors besides leaks that result in reporting by diplomats that is less frank than it would otherwise be.

Leaks are a part of our world, but unless you are on the receiving end of one, it is part of the environment you have to deal with and work around. I don't think that it generally or fundamentally changes things. This is a leak of a limited amount of information. What is more, the significance of the information is simply that everybody believes that the British ambassador was saying it.

There are other leaks that can be massively more damaging, such as cases where lives are lost because sources and methods have been disclosed, or things on the scale of what Chelsea Manning and Edward Snowden were responsible for, which, I assume, have had large-scale consequences for how the US system operates. Does that meet the point?

Catherine West: Yes.

Sir Ivan Rogers: I have very little to add to that. In terms of the broader cultural question, which I addressed with my staff when I quit, I do not think it is about leaks, but about what civil servants are for in our system, and whether we want to stick with a Northcote-Trevelyan-type system or fundamentally change it.

Having dealt with systems elsewhere in the world that are politicised at the top level, I am sceptical as to whether they are as effective as ours. However, I do have issues and qualms in some areas, including on

European issues, with the effectiveness of the civil service system—it is not just a ministerial issue. I also have issues—we all should—with groupthink and confirming each other's orthodoxies on things.

The difficulty with secrecy on these things is that you need a culture of healthy and vibrant internal challenge. I tried to build that wherever I worked, including in UKRep, where I frequently said to my staff, "I may well be talking complete nonsense, in which case I want you to tell me that I am, rather than thinking, 'I can't possibly say that to the ambassador'." You have to build that culture generally, but that then has to apply to all of us, including the advice we give to Ministers and other senior officials. We have to be able to have a serious, robust debate about where we are, and why we are where we are. I worry about that if I look at Whitehall from the outside, frankly, now, and at what I was seeing in 2016, because I think there is a culture, at the moment, of punch-pulling and suppression of views, because people think "It might be a bit dangerous and risky to say that."

The best Ministers I have worked for—and this is a completely unpartisan point, because it applies right across the scale and party affiliation makes no difference in my experience as to which Ministers really welcome challenge and advice and "Are you sure that's right?" from officials; but the best officials, at all levels, are there for precisely that. Then they are there, when Ministers say "I hear you. I have thought about that carefully but I want you to do X." Then you do X—but if we have a system which self-censors on official policy advice because they think that is not going to want to be heard in the quarters that most matter, then we are in trouble, in my view.

Sir Peter Westmacott: There are two points. One is self-censorship sending messages that are not welcome because political masters do not want to hear it. That has got nothing to do with the leak inquiry and nothing to do with the media, but it is an issue out there and I personally think it is very important that Ministers themselves create a culture where they are ready to accept the honest judgment of their senior officials, be they diplomats or be they other officials around London, given in good faith. Then they can accept it or they can discard it. That is an important part of it and I hope we are not heading in that direction.

I know I wrote stuff that was very sensitive at a very senior level, which was deeply unwanted and unwelcome, and did not get an answer; but I still thought it was my job to do that. Your direct question: I would say that if we found, or our successors find that they can no longer really say what they really think in all honesty, in a scene-setter before a critical bilateral meeting or a European Council, or a judgment about handling a critical relationship like for example that with the United States Government, either because it is going to be a bad career move—although hopefully by the time we get to our seniority it shouldn't matter too much and you have just got to do it—or because we think it is going to be made public, that is a real problem. It matters much more than a diptel which says "We have assessed current US policy towards the Yemen and they are a little bit this on Saudi Arabia and a little bit that on Iran, but on



balance we consider”— that is sort of embarrassing, but personally it is not compromising and it is not relevant in the same terms of giving the honest dispassionate advice to the best of our ability to our political masters, which is what we as individuals are really there for.

Catherine West: Really quickly, after the 35% cut to the FCO, and the general tone, and the pressure and the hard job and the hours that are worked—I was in Washington on the day that we had, it might have been leaving drinks, with Sir Kim, with another Committee—I felt that it shook the level underneath him quite hard, because they didn’t know what was going to happen to their boss. I think that is what I mean by trust. As a package it is a less attractive job to do if it is that intense. It has been pretty austerity-driven, the FCO, in the last eight to nine years. Then you add the hours that you work, and the culture and the pressure, and the leaks: I think maybe trust isn’t the right word. Perhaps it is just a sense of being slightly overwhelmed. I could feel the reverberations for the very good and excellent staff that we have in Washington who were briefing us on a completely separate topic. It did feel as though it had shaken them, because they are such excellent professionals, but this feels like quite scary territory. That is not a question. It was just a sense to give you what I experienced as a relatively new MP, being there on site when it happened.

Q106 **Chair:** I think the follow-up for that is very briefly, if I may: therefore are politicians, is the Government, doing enough to protect individuals from the political fallout?

Sir Peter Westmacott: Well, part of it is to ensure that when something like this goes wrong, which is demonstrably, I would argue, no fault of the individual concerned, but an act of malevolence or foolhardiness or whatever you want to call it—disloyalty—by somebody who has received the material that he has written, then it is very, very important that Government should support civil servants in doing their job. We have all seen the endless comment about whether or not Kim was sufficiently supported during the debate between the two candidates to be Prime Minister, and clearly, there was disappointment that there was not a more ringing endorsement of the ambassador and his ability to carry on and stick with the job, if that is what he wished to do.

But I think in general—my experience, anyway—Ministers are good at saying to us all, “Carry on doing the job. Tell us what you think. Use your judgment without fear or favour or telling us something that we don’t want to hear. That’s what we expect of you.” But when the balloon goes up on an occasion like this, I think it is important that people come out loud and clear and support the profession and the individual. You did, Mr Chairman, on television and I noticed that Alan Duncan, a Minister of State in the Foreign and Commonwealth Office, was ringing in his endorsement and moral support. I know that it went down extraordinarily well in the missions.

To go back to your point, Ms West, ambassadors are a little bit like a head of a family. If an ambassador is doing his or her job properly, there is a



HOUSE OF COMMONS

personal loyalty towards that person, so if something goes wrong for your boss, and it is no fault of his, then people do feel bad—you feel it personally, even if you are not the boss. So I think providing that support to the system, to the profession and to the diplomatic service as a whole is a very important part of it. But overall, I thought that most politicians—not every one, but most politicians—came out with exactly the right response and I know that it went down well across the diplomatic service.

Chair: Andrew, you had a couple of questions about the detail.

Q107 Andrew Rosindell: I have a few brief questions, if I may. In view of the recent leaks, do you think that the FCO's classification markings are still fit for purpose? After what has happened, do you think there perhaps ought to be some sort of review of how this is conducted?

Sir Peter Westmacott: I go back to my basic point, which is that it is the behaviour of the individuals and the culture that are key, more than the systems and whether you have put this document through that system and called it confidential, restricted, official sensitive or whatever—leaving aside the absolutely categorical requirement to protect secret classification stuff that comes from secret sources in a different area, for all the obvious reasons.

I am not sure that a review of that would be much help. Adam has made the valid point that there is a sort of orphan between the everyday official sensitive and the secret, which is called confidential, which goes through a different, slightly clunkier communications system—that was the Chairman's point. Should we look at whether we can upgrade to confidential more of the stuff that has been leaked this time? You could, but you would spend a lot of time and a lot of money looking at it. We did that not very long ago.

The fundamental problem is that, if you do that, there is an awful lot of Whitehall that would often, but not always, need to see your material, which is not that highly classified, but that could not see it, because they do not have the same communications systems. You need to be quite careful about that. The fundamental thing, I am afraid, is the culture of integrity and loyalty of the people who see this stuff and handle it.

Sir Adam Thomson: I agree with that. The FCO classifications are now the same as the Government's classifications. That makes sense; there are reasons for that. It is hard to imagine that changing easily. It is not that FCO communications are uniquely more sensitive than those of other agencies or Departments.

Q108 Andrew Rosindell: How do you classify something as official secret or top secret? How do you decide those things and who decides them?

Sir Adam Thomson: The author decides those things, generally speaking. It is instinctive, I think. You are producing a lot of this every week, so you get a good feel for how to pitch it—at what level.



HOUSE OF COMMONS

Sir Peter Westmacott: We used to get grief for overclassifying stuff, some years back. One of the consequences of separating out official, restricted and sensitive from the more highly classified stuff was that we classified a lot of material less highly, because it was not source-sensitive and it was not an issue of national security. That is not to say that it might not be deeply embarrassing if it got into the wrong hands, as we have just seen, but that was one of the consequences.

It is the originator who decides what they think, and it is more or less second nature. As soon as there is anything to do with an intelligence agency or an intelligence report, it goes through a totally different filter and a different classification, and that is totally understood. For the other stuff, the pressure has been to try, in the interest of freedom of information and transparency, not to be less classification-conscious, but to classify our stuff less highly, if we can without compromising the national interest.

Q109 **Andrew Rosindell:** What do you think about the FCO's response to what has happened? Do you think there will have to be some kind of review of how they proceed in future, because of the damage this particular leak has caused?

Sir Peter Westmacott: I think the response has been one of a degree of shock. As Ivan was saying, we have lost one of our best through no fault of his own. The all-staff meeting, which the Permanent Secretary Simon McDonald addressed the other day, went down extremely well—it was very highly attended—and people really needed a message of reassurance, which they received. Clearly, Simon handled that brilliantly.

A review of all this? Well, I think I would not do that until we had got to the bottom of where it came from and why and how, because from that will flow a number of conclusions as to what we need to do about the security of our communications and, indeed, the training of our staff.

Q110 **Chair:** Can I just ask a quick follow-up question to all three of you? Given your experience, how confident are you that we will catch whoever did this?

Sir Adam Thomson: If you believe the Sunday papers that a source for this leak has already been identified and it was a crude grab into the archives, then you can be really quite confident, but I don't know whether I believe the Sunday papers.

Sir Peter Westmacott: I have run into a number of very senior people, former Cabinet secretaries, as Ivan would say—"Waste of your time, it's not going to produce the culprit. We have been here before and there won't be an answer." I kind of don't feel that this time. One of the reasons why I think it ought to be possible is that with the help of some IT specialists, a document—and clearly one or two, maybe more, of these ones with a very narrow distribution, a kind of personal letter from the ambassador that I am talking about—it ought not to be beyond the wit of man or technology to discover who copied that on or who might have forwarded it to somebody else. Maybe not to discover who photocopied a

hard copy of it without revealing how they got hold of it, but I sort of feel on this occasion—

Q111 **Chair:** Not many people print documents any more.

Sir Peter Westmacott: They don't, but they might if they wanted to cover their traces. So—

Q112 **Chair:** The very fact that you printed it may be the indicator.

Sir Peter Westmacott: Yes. I kind of like to think that on this occasion we will get to the bottom of it; I think it's terribly important that we do.

Q113 **Chair:** Can I ask one final question? Would you remove the forward button from the new Rosa system—the upgraded firecrest?

Sir Adam Thomson: No, because that would be a greater inhibition on the good conduct of business than the benefit it would deliver.

Q114 **Chair:** You would lose too much in the all-knowing network.

Sir Adam Thomson: Yes. It comes back to the point that we have been making repeatedly about the integrity of the system. Even the very personal message that Ivan might send to London might need to be seen by your deputy, for example, and you might need to forward it to them, rather than just copying it off or asking them to come in and read it over your shoulder on the screen.

Sir Ivan Rogers: The key point on dissemination of information quickly and efficiently through the system is that it is a massive strength—or it has been—of the UK system. Just ask continental European counterparts, because I have. I have worked with them for a very long time and we are famed for getting information that is needed right across the system, and then an ability to reach a uniform perspective and then promulgate that; that is what we are good at. It is based on very smooth, effective dissemination of information to where it is needed. So I would be very careful about threats to that.

Q115 **Chair:** So the threat of this leak is actually rather more fundamental to us than it might be to other organisations, because our culture and our system and our strength relies on the ability to trust each other, to communicate widely and therefore to have a united approach. As we discussed in the earlier session, that is one of the explanations for why some of these talks may not have gone quite as well as one might have hoped.

Sir Peter Westmacott: I think that is right. The extent to which UK delegations, visiting teams to Brussels, or whoever it is coming to Washington for important talks on policy are up-to-speed with recent developments and have seen a copy of the key reports they need to know from something that took place just a few hours earlier is the enemy of the competition, because others don't do that. They perhaps don't have the same system of comprehensive record-writing of the kind that Ivan was describing. If you have got something important to say, get it down



HOUSE OF COMMONS

quickly and make sure those who need to see it are aware. We are quite good at that and it would be a great shame to lose it.

Sir Ivan Rogers: We have all very frequently been in the position, I am sure, of telling our foreign counterparts what various other visiting members from their capital have been saying to us, which they were not privy to.

Chair: Can I leave it there? Thank you very much to all three of you for coming in. Sir Ivan, thank you very much for staying for a marathon session, for which we are extremely grateful.