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Mr Taylor, Mr Abbott, Mr
Maynard, Mr Preston

26 July 1999

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Mr. Dermot Gallagher
Second Secretary
Anglo-Irish Division
Department of Foreign Affairs
Dublin 2

Dear Secretary,

Further to my letter of 20 July, and as requested by the Minister, I met David Manning, Deputy Under Secretary at the Foreign Office, this morning in connection with the Channel Four programme transmitted on 15 July alleging that the British authorities have, since the mid 1980's, intercepted all telecommunications between Britain and Ireland using a facility based in the North West of the country. Manning is the senior FCO official with responsibility for security and defence matters.

I outlined to Manning the details described in the programme and gave him a copy of the letter from Channel Four of 13 July. I took him through the points outlined in my letter of 20 July emphasising in particular the concern in relation to commercial and business traffic. I asked him if there was anything he could say to allay the concerns of the Government on the matter or that the Government could use to answer the concerns that had been expressed to them.

Manning hoped that we would understand that as a matter of policy the British Government did not confirm or deny allegations of specific intelligence activities. To begin to do so now would be to "start on a slippery slope"; if they were to deny this set of allegations it would be impossible to refuse to comment on other allegations in the future. He regretted therefore that he was

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not in a position to comment on the detailed points raised in the Channel Four report. We would know, however, that the British Government did carry out intelligence activities to counter terrorist violence from republican and loyalist groups. While he could not comment on individual allegations, he could say that the interception of telecommunications by British authorities was carried out in accordance with the Interception of Communications Act of 1985 (a copy has been faxed to you separately) which regulated the circumstances under which a Secretary of State could authorise intercepts and provided a framework for controlling such intercepts. Any intercepts would be carried out in the context of the Act and Ministers would be fully involved and aware of them.

In reply to my questions Manning said that intercepts were authorised in accordance with the Act (the Act specifies that the Secretary of State may issue warrants only in the interests of national security, for the purpose of preventing of detecting serious crime, or for the purpose of safeguarding the economic well-being of the United Kingdom). Warrants were issued for specific purposes and for specific time frames as set out in the Act. Pressed on the issue of commercial information he said that it was not the practice to issue warrants for blanket surveillance and he referred back to his comment about the need to counter republican and other violence.

You will see from the Act that the text refers to "the Secretary of State". The particular Secretary of State is not defined in the Act, although the context would indicate that it is the Home Secretary. When I asked Manning about this he said that he would need to look again at the Act but he did not rule out that the reference to Secretary of State could cover the Defence and Foreign Secretaries as well as the Home Secretary.

**Comment**

Manning's reply is very much along the lines I expected. British policy is not to confirm or deny specific allegations of intelligence activities, and he apologised for the fact that he could not do so with a friendly country like Ireland. His emphasis on counter terrorism and the provisions of the Act were designed to suggest that any intercepts were for the purposes of countering republican and loyalist violence, were carried out in accordance with the law, were for designated reasons and were not in the nature of trawling operations. The reference to Ministers was intended to allay fears that in some way the intelligence agencies operated outside of Ministerial control. The inference we

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are supposed to draw (but which he could not state) is that any monitoring of telecommunications traffic between Britain and Ireland is primarily for counter terrorism, and that the legal framework governing operations, the Ministerial controls over them, and Ministerial knowledge of them preclude the abuse of powers under the Act such as the wide scale or blanket surveillance of telecommunications for industrial or business purposes.

Yours sincerely,

Edward Barrington
Ambassador

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