



**HOUSE OF COMMONS
FOREIGN AFFAIRS COMMITTEE**

SIXTH REPORT OF SESSION 2006-07

**FOREIGN POLICY ASPECTS OF THE
DETENTION OF NAVAL PERSONNEL BY THE
ISLAMIC REPUBLIC OF IRAN**

**RESPONSE OF THE SECRETARY OF STATE
FOR FOREIGN AND COMMONWEALTH AFFAIRS**

*Presented to Parliament
by the Secretary of State for Foreign and Commonwealth Affairs
by Command of Her Majesty
September 2007*

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1. This Command Paper sets out the Government's response to the Committee's 17 July 2007 Report into the Foreign Policy Aspects of the Detention of Naval Personnel by the Islamic Republic of Iran. The Committee's recommendations are set out in bold. Unless otherwise indicated, references are to paragraphs in the Foreign Affairs Committee Report (HC880).

We conclude that, whilst it is difficult to establish which of the many centres of power in Iran ordered the capture of the British personnel, the situation was undeniably exploited by political leaders in Tehran. We further conclude that the treatment of the British personnel by the Iranian authorities was unacceptable by any account. In particular, we condemn Iran's use of public 'confessions' and its refusal to grant consular access to the detainees. (Paragraph 14)

2. The FCO welcomes the FAC's conclusions and shares the concerns of the Committee over the use of public "confessions" and the refusal to grant consular access to the detainees. We made these points repeatedly to the Government of Iran during the crisis, and have reiterated them since.

We conclude that the Government's decision to adopt a 'dual track' diplomatic approach against Iran during the captured personnel crisis was broadly the correct one. However, we further conclude that the attempt to use the UN Security Council to increase the pressure on Iran was much less successful than it had hoped. (Paragraph 23)

3. We welcome the Committee's conclusion that our approach was "broadly correct". We believe that the UN statement was not negligible – it contributed to the sense of international pressure on Iran.

We conclude that there is evidence to suggest that the map of the Shatt al-Arab waterway provided by the Government was less clear than it ought to have been. The Government was fortunate that it was not in Iran's interests to contest the accuracy of the map. We recommend that, in its response to this Report, the Government state why it chose to mark the boundary as a purely 'territorial water boundary' rather than including aspects of the 'land boundary' agreed to in 1975. (Paragraph 32)

4. The map was a simplification, designed to clarify a complex situation for presentation to the media and public. The Government believes that the graphic provided a reasonable depiction of the agreed Algiers 1975 "land" boundary that applies within the Shatt al-Arab, and a median line boundary depicted on UK Admiralty Fleet Charts, as issued to the Royal Navy, in a way that could be used for televisual and similar media purposes. The Government acknowledges that there are differences between the status of the "land" boundary and the maritime territorial limits. The general term "territorial water boundary" was used on the graphic to avoid making

the situation more complex for the media. It was not intended to undermine the formal status of the land boundary which applies in this part of the Gulf, nor to imply that there is a de jure maritime boundary. It was unfortunate, however, that this annotation was placed against an area of the Gulf where the land boundary applies. The Government's objective has always been to ensure that the merchant vessel was shown in its correct position in Iraqi waters. The Government notes that the views expressed in the Committee's Report do not challenge this.

We conclude that although the Government was making every effort to resolve the situation quietly through bilateral diplomacy in the first few days of the crisis, its application to speak to Dr Ali Larijani could and should have been made much earlier than 30 March. We recommend that, in its response to this Report, the Government state whether any internal review is being carried out into the lessons learnt from the failure to engage at a sufficiently early stage with the right interlocutors within the Iranian regime. (Paragraph 37)

5. Our assessment, at the time and in a subsequent FCO review of the incident, was that our phased approach of quiet diplomacy, moving to increased public and international pressure and bilateral measures, worked. We disagree that we failed to engage at a sufficiently early stage with the right interlocutors. In cases of this sort, official channels of communication with the Iranian authorities are through the Ministry of Foreign Affairs in Tehran and the Iranian Embassy in London. The Iranian MFA's own rule is that our Embassy in Tehran must conduct all official business with the Iranian government through them. These contacts were important in keeping open a channel for messages and to demonstrate the political importance we attached to a resolution. They were supplemented by early direct contact between the Foreign Secretary and Iranian Foreign Minister Mottaki on 25 and 27 March, which demonstrated the political importance we attached to early resolution of this issue. In all these contacts we made clear our wish for a diplomatic solution and believe our patience and use of MFA channels strengthened our stance, including in the eyes of the international community.

6. We believe that too much significance can be attributed to the date on which we formally requested a call between No10 and Dr Larijani. The fact is that if Dr Larijani had a message for us at any stage of the crisis, he could have passed it to the Embassy or direct to No10. In the Embassy's dealings with the MFA from the outset, when we raised the possibility of talking to other parts of the Iranian system, the MFA made it clear that we should deal only with them until other departments had been brought in. We first requested a call with Dr Larijani on 30 March, once it became clear that the Supreme National Security Council, of which he is Secretary, had been given responsibility for resolving the issue. We received no response to that request despite following up on a number of occasions. Our firm assessment is that Dr Larijani only agreed to the call with Sir Nigel Sheinwald on 3 April because that was the first point at which he had an agreed Iranian position to relay. We know from our extensive third party contacts that Dr Larijani and other senior Iranian officials were well aware of our position from the early days of the crisis. We do not believe, therefore, that an earlier request for a call on him would have led to a swifter resolution.

We conclude that there is no evidence made available to the Committee that any deal was reached between the Government and Iran over the release of the detainees. We believe that it was very important for the Government not to make such a deal. (Paragraph 43)

7. We welcome the Committee's conclusion that no deal was made with the Iranians over the release of the detainees. We were clear throughout that no deal would be done.

We conclude that there does not appear to be any obvious cause for concern regarding inter-departmental co-ordination during the period of the detention of the personnel. We recommend that, in its response to this Report, the Government inform the Committee whether it has carried out any review of co-ordination, and if so, that it provide the findings of this review to the Committee. (Paragraph 45)

8. The Government welcomes the FAC's findings on co-ordination during period of detention of the personnel. There has been no specific review of inter-departmental co-ordination during the incident, although we always endeavour to ensure that lessons are learned from such events.

We conclude that the Government appears to have made good use of third parties in applying pressure on Iran. In particular, we believe that representations made to the United States not to conduct their intended military plans and manoeuvres were particularly important in helping to prevent an escalation of the situation. (Paragraph 50)

9. We welcome the Committee's conclusion.

We recommend that, in its response to this Report, the FCO set out specifically what media work was carried out that focused on outlets in Afghanistan, Pakistan and Iran itself. (Paragraph 53)

10. Our assessment at the time of the incident and since was that the Iranian authorities regarded the wider Middle-East media as a key audience. This is demonstrated by the use of the Arabic language Al-Alam to broadcast footage of the personnel, rather than using domestic networks. In this regard we believed that the Iranian authorities considered Pakistan and Afghanistan as less relevant audiences. However, we ensured that our statements were distributed to our full network of media contacts across the whole region.

11. In relation to the Iranian media we worked through all avenues open to us. The FCO spokesperson briefed the Islamic Republic News Agency and did an interview with Voice of America (which broadcasts to Iran). However, due to the public holiday, the local media was not very active during the first few days of the incident – for example, newspapers were not being published. This limited the impact we could have.

12. At all times we also had to consider how effective our activities would be, including whether they would be picked up by the media. We also had to consider the resources open to us and what we could realistically achieve. We concluded that it would be most effective to target the Arabic media using our two Arabic spokespeople.

We find it wholly unsatisfactory that Tony Hall was not able to identify which single individual took the decision to authorise payment for the stories of the personnel. We recommend that, in its response to this Report, the FCO set out who specifically took the decision to authorise the naval personnel to sell their stories to the media. (Paragraph 56)

13. At the request of the Secretary of State for Defence, Tony Hall undertook a thorough investigation into the events surrounding the decision to allow the personnel to sell their stories to the media. In the conclusion of his report, Mr Hall established that he was not able clearly to identify a single person who took the decision to authorise payment. The FCO did not participate in the decision to authorise payment for the stories of Royal Navy personnel, and it is therefore not possible for the FCO to identify the individual who took that decision.

We conclude that the decision by the MoD to allow the returning detainees to sell their stories to the media displayed a disturbing failure of judgement as to how the issue would play internationally. We are particularly concerned that, after having taken the lead on media relations until 4 April, the FCO does not appear to have been closely involved after the return of the personnel, despite the clear implications of continuing press coverage for Britain’s international standing and reputation. We recommend that, in its response to this Report, the FCO indicate when, in Lord Triesman’s words, it “made known” the view that “we thought it would be a significant mistake to allow the personnel to sell their stories to the media.” (Paragraph 61)

14. The FCO was not formally consulted on the decision to allow the personnel to speak to the media individually and for personal gain. FCO officials raised concerns informally with the MOD on 6 April when we became aware of planned media activity involving the personnel. Following publication of the stories over the weekend of 6-8 April, the Permanent Under Secretary, Sir Peter Ricketts, spoke to his counterpart at the MOD on 8 April to voice his concern.

We conclude that Iran deserves strong censure for its illegal and provocative seizure of a group of lightly armed British personnel who posed no threat to its interests or security. We further conclude that it is a matter of urgency that systems are established to ensure that a repeat situation cannot occur. We recommend that, in its response to this Report, the Government set out what steps have been taken in this regard. (Paragraph 65)

15. The then Foreign Secretary made clear to the Iranian Foreign Minister on 3 May our strong concern about the detention of the 15 Royal Navy personnel. We have also discussed with the Iranian authorities steps to ensure that no further incident of this kind takes place. Our Ambassador in Tehran raised this with the Iranian Ministry of Foreign Affairs on 1 and 9 May.

We conclude from the evidence that we have received, that the Government had a thorough approach to its diplomatic strategy during the crisis. Although there may have been some tactical mistakes, it is difficult to fault the FCO’s overall approach. We conclude that this episode does show the positive way in which diplomacy can be used to resolve a crisis peacefully and we reject the argument that the FCO’s approach has made the British Government look weak. Our conclusion should not, however, be taken to mean a lack of concern as to how British service personnel came to be detained in the first place. (Paragraph 68)

16. We welcome the Committee’s assessment of the FCO’s overall approach to the crisis.



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