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PREM 19/1814

SECRET MT

PART 20

CONFIDENTIAL FILING

The Situation in Northern Ireland

Force Levels.

New Cover: April 1986.

IRELAND

Pt 1: May 1979

Pt 20: April 1985

PREM 19/1814

Referred to	Date	Referred to	Date	Referred to	Date	Referred to	Date
10.4.86							
~~23.4.86~~							
~~29.4.86~~							
~~2.5.86~~							
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~~11.6.86~~							
~~12.6.86~~							
~~16.6.86~~							
~~20.6.86~~							
~~23.6.86~~							
27.6.86							
ENDS							

PART 20 ends:-

CDP to B. Unwin 27.6.86.

PART 21 begins:-

FCO to Att. Gen's office 2.7.86

TO BE RETAINED AS TOP ENCLOSURE

Cabinet / Cabinet Committee Documents

Reference	Date
CC (85) 17th meeting, item 2	16/05/1985
CC (85) 18th meeting, item 4	23/05/1985
CC (85) 22nd meeting, item 3	27/06/1985
CC (85) 23rd meeting, item 7	04/07/1985
CC (86) 5th meeting, item 1	06/02/1986
CC (86) 1st conclusions, item 5	09/01/1986
CC (86) 13th meeting, item 3	25/03/1986
CC (86) 14th meeting, item 1	10/04/1986
CC (86) 20th meeting, item 4	15/05/1986
CC (86) 23rd meeting, item 5	12/06/1986

The documents listed above, which were enclosed on this file, have been removed and destroyed. Such documents are the responsibility of the Cabinet Office. When released they are available in the appropriate **CAB** (CABINET OFFICE) CLASSES

Signed _____ Date 10/02/2016

PREM Records Team

SECRET

file 31/8/11

cc NJW

10 DOWNING STREET
LONDON SW1A 2AA

From the Private Secretary

MR. UNWIN
CABINET OFFICE

NORTHERN IRELAND CONTINGENCY PLANNING

Thank you for your minute of 27 June about the Northern Ireland Secretary's conclusions on contingency planning reported in Mr. Ward's letter of 16 June.

While I did not receive your advice before conveying the Prime Minister's views, I did receive Cabinet Office views orally.

I note the further steps that you are taking.

C D POWELL
27 June 1986

SECRET

30

SECRET

P 02140

From: J B UNWIN
27 June 1986

MR C POWELL - No 10

cc Mr Stark
Mr Mallaby
Brig Budd

NORTHERN IRELAND CONTINGENCY PLANNING

FILE WITH COP

Your letter of 20 June to the Northern Ireland Office, sent before receiving Cabinet Office advice, reported that the Prime Minister was generally content with the Northern Ireland Secretary's conclusions reported in Mr Ward's letter of 16 June.

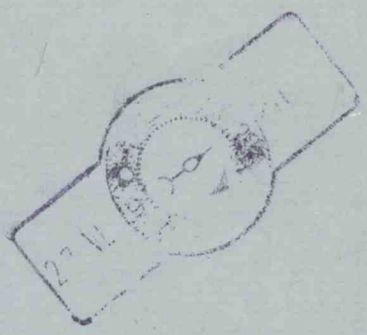
2. I should record, however, under my CCU hat, that I am far from satisfied that the Northern Ireland contingency plans are as well prepared as they should be. Following further consultation with Northern Ireland Office officials and HQ Northern Ireland yesterday, the MOD intend to respond to a number of points raised in Mr Ward's letter - particularly the "three week endurance" factor and the viability of certain plans in the absence of prior consultation with experts in the industries concerned. There is, I understand, reason for concern about the maintenance of both electricity and water supplies.

3. A number of other issues also require further attention, such as inadequacies in the arrangements for food distribution, and the manpower implications of keeping essential routes open. In order to progress matters quickly, I am arranging for Brigadier Budd to visit Belfast next week and I will provide further advice when he reports back.

J B UNWIN

Cabinet Office

IRELAND Summary PT20



DUS/L/1009 CONFIDENTIAL

cc PC

NORTHERN IRELAND OFFICE
WHITEHALL
LONDON SW1A 2AZ

Deputy Under Secretary

27 June 1986

CDP 27/6.

Dear Mr. Saunders,

ATTORNEY-GENERAL'S REPLY TO MR RODGERS

FILE WITH CDP

Thank you for your letters of 16 and 23 June, enclosing Mr Rodgers' letter to the Attorney-General and his proposed reply.

I agree that Mr Rodgers' letter has been very carefully drafted and must be taken as written for the record. It seems likely that it is part of the Irish campaign to persuade us to accept three-man courts. It would seriously inflame unionist opinion were it to get abroad; it certainly seems desirable that a rebuttal of it should be written.

You are better placed than me to comment on the handling of the Burns case. But I do think that we cannot let the Irish have it both ways. Either they want us to withdraw warrants about which we have doubts or they do not. I should have thought that in this instance the decision to withdraw would have met with their approval.

Clearly we must answer Mr Rodgers' attack on the Judiciary in Northern Ireland. But I do think we need to tread carefully since there have been some obiter dicta from the judges in recent years which Mr Rodgers could quote back at us which gave great offence in nationalist areas. You may wish to have a further look at paragraph 5 of the draft with this in mind. Additionally, the Attorney-General could usefully deploy the point that acquittal rates in single-judge courts are on a par with, and even perhaps slightly greater than, those in jury courts.

Copies of this letter go to Tom Legg, John Steele, Charles Powell, Gerald Clark and Michael Stark.

Yours sincerely,

J. Dart

for A J E BRENNAN

M L Saunders Esq

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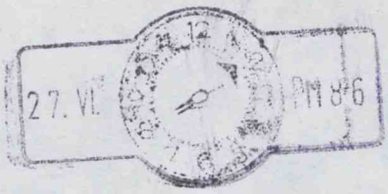
IRELAND

SITUATION

PT20



Charles

You asked for this file to be B/F'd regarding comments on the 2 letters from Saunders of 16 + 23 June. Michael Stark and the FCO will not be commenting. The Lord Chancellor's office's reply is below

Graham
27/6

No need for us to comment on

CCFG

FROM THE PRIVATE SECRETARY

HOUSE OF LORDS,
LONDON SW1A 0PW

CONFIDENTIAL

25 June 1986

M L Saunders Esq
Law Officers' Department
Royal Courts of Justice
Strand
LONDON
WC2A 2LL

Dear Michael,

Attorney General's Reply to Mr Rodgers

Tom Legg has kindly shown me a copy of your letter of 23 June 1986 to Tony Brennan attaching a draft reply which the Attorney proposes to send to Mr Rodgers.

I have discussed the proposed draft with the Lord Chancellor who thinks that the Attorney may be well advised to add that Rodgers' references to the Northern Ireland judiciary are not only uncalled for but can only add fuel to the Unionist protests against the Anglo-Irish Agreement.

I am copying this letter to John Steele, Charles Powell, Gerald Clark and Michael Stark.

Yours ever

Richard

Richard Stoate

CONFIDENTIAL

IRELAND : Situation : Pt 20

The National Archives

DEPARTMENT/SERIES PREM 19 PIECE/ITEM 18/4 (one piece/item number)	Date and sign
Extract details: RT ARMSTRONG TO CDPOWELL DATED 23 JUNE 1986	X
CLOSED UNDER FOI EXEMPTION	
RETAINED UNDER SECTION 3(4) OF THE PUBLIC RECORDS ACT 1958	~~DPC~~ 13/12/2016
TEMPORARILY RETAINED	
MISSING AT TRANSFER	
NUMBER NOT USED	
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DOCUMENT PUT IN PLACE (TNA USE ONLY)	

Instructions for completion of Dummy Card

Use black or blue pen to complete form.

Use the card for one piece or for each extract removed from a different place within a piece.

Enter the department and series,
eg. HO 405, J 82.

Enter the piece and item references, .
eg. 28, 1079, 84/1, 107/3

Enter extract details if it is an extract rather than a whole piece.
This should be an indication of what the extract is,
eg. Folio 28, Indictment 840079, E107, Letter dated 22/11/1995.
Do not enter details of why the extract is sensitive.

If closed under the FOI Act, enter the FOI exemption numbers applying to the closure, eg. 27(1), 40(2).

Sign and date next to the reason why the record is not available to the public ie. Closed under FOI exemption; Retained under section 3(4) of the Public Records Act 1958; Temporarily retained; Missing at transfer or Number not used.

The National Archives

DEPARTMENT/SERIES PREM 19 PIECE/ITEM 1814 (one piece/item number)	Date and sign
Extract details: DEPUTY DG TO ARMSTRONG DATED 18 JUNE 1986 INC ATTACHED REPORT	X
CLOSED UNDER FOI EXEMPTION	
RETAINED UNDER SECTION 3(4) OF THE PUBLIC RECORDS ACT 1958	DKC 13/12/2016
TEMPORARILY RETAINED	
MISSING AT TRANSFER	
NUMBER NOT USED	
MISSING (TNA USE ONLY)	
DOCUMENT PUT IN PLACE (TNA USE ONLY)	

Instructions for completion of Dummy Card

Use black or blue pen to complete form.

Use the card for one piece or for each extract removed from a different place within a piece.

Enter the department and series,
eg. HO 405, J 82.

Enter the piece and item references, .
eg. 28, 1079, 84/1, 107/3

Enter extract details if it is an extract rather than a whole piece.
This should be an indication of what the extract is,
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CCBF

CONFIDENTIAL

LAW OFFICERS' DEPARTMENT
ROYAL COURTS OF JUSTICE
LONDON, WC2A 2LL

M.L. SAUNDERS
LEGAL SECRETARY

BF 11

Pl. await comments from others.
CBP. 23/6

A Brennan Esq. CB
Northern Ireland Office
Whitehall
London SW1A 2AZ

23 June 1986

Dear Tony,

ATTORNEY GENERAL'S REPLY TO MR RODGERS

Further to my letter of ~~16~~ June, enclosing a letter from Mr Rodgers to the Attorney General, I attach a draft reply which the Attorney has seen and which, subject to your views and those of other recipients, he proposes to send to Mr Rodgers. at Flap.

The following considerations have caused the Attorney to conclude that a firm reply should be sent:

(i) Plainly Mr Rodgers's letter is written for the record and as to part is expressed to be.

(ii) Why it has been written is not so plain but it has been most carefully drafted.

(iii) Such a letter from one Attorney General to another is probably unprecedented. It is likely that it has been sent with the knowledge of Members of the Cabinet of the Republic (although when the Attorney saw Mr Dukes in Oslo last week, the latter claimed not to have any knowledge of it).

CONFIDENTIAL

(iv) Whilst it might occur to one to dismiss parts of the letter as so outrageous as to be intended merely to protect Mr Rodgers in his own political environment, such a course would be unwise and even dangerous because -

(a) the letter may well have been prepared with a view to official publication sometime by the Government of the Republic or it may be leaked;
(b) it is imperative that the observations made by Mr Rodgers about members of the Northern Ireland judiciary should be dealt with firmly and definitely.

The Attorney hopes that a firm reply to Mr Rodgers will not seriously affect the cooperation received from his Office on extradition cases and on the conclusion of the "check list" / on warrant procedures. He is convinced, however, that a firm reply must be sent. I should be most grateful for your comments and those of other recipients on the draft reply and in particular on those passages in square brackets.

I am copying this letter to Tom Legg, John Steele, Charles Powell, Gerald Clark and Michael Stark.

Yours sincerely,

Richard Saunders.

M L SAUNDERS

FIRST DRAFT

John Rodgers Esq SC
Attorney General
Attorney General's Office
DUBLIN 2

Thank you for your letter of 11 June.

I am sorry that the first matter to which you refer, that of Brendan Burns, is one which gives rise to difficulty for you. In view of the particular difficulty which you mention concerning Detective Chief Inspector Neilly's affidavit I will enlarge on the position.

Burns in paragraph 12 of his affidavit of 28 May 1984 deposed that he was

> "astounded at having been arrested on the said warrants as aforesaid because I believe that neither the Military, Police or Administrative Authorities in the said Six County Area or in Britain itself are in possession of any generally acceptable legally admissible evidence such as forensic scientific evidence or visual identification evidence ... I am in the most real fear that a person popularly known by the term "Supergrass" (or perhaps several such Supergrasses) has or have emerged to offer to give false evidence against me ..."

The 15 warrants for the arrest of Burns arose out of three incidents. The first of these was a van bomb placed outside Warrenpoint RUC Station on 19 April 1981. This van had been stolen in the Republic of Ireland and the number plates on it were false. Examination of the rear number plate revealed one

palm and one finger impression of Burns. The second incident was an explosion at Newry on 19 May 1981 which caused the death of five soldiers. An estimated 600 lbs of explosive was detonated by means of a command wire connected to a battery pack consisting of five batteries and a bell push switch. The batteries were taped together. On one of these a fingerprint identified as that of Burns was found. The third incident was an explosion at Crossmaglen on 2 October 1982 which injured a soldier on foot patrol. Detonation of the explosives was by means of a command wire connected to a battery pack consisting of five batteries and a bell push switch. The batteries were taped together and on the middle one two fingerprints identified as those of Burns were found.

In his affidavit sworn on 21 December 1984 Detective Chief Inspector Neilly in paragraph 4 deposed that

> "The plaintiff in his affidavit has not sought to disclaim his involvement in or responsibility for the perpetration of the said offences and contrary to the averment contained in paragraph 12 of the said affidavit I say that there is forensic scientific evidence that the plaintiff was one of the persons responsible for the commission of the said offences."

This averment was a proper one and I think you will agree it was justified. To the knowledge of the officer, Burns was linked by forensic evidence with each incident. The question which subsequently arose however was whether in the light of decisions reached by the Courts in Northern Ireland in McGLINCHEY and MARTIN the evidence was sufficient to justify continuing to

seek the return of Burns to Northern Ireland to face trial.

In McGLINCHEY, the Lord Chief Justice at a pre-trial hearing ruled that fingerprint evidence proposed to be tendered by the Crown under the "similar fact" principle should not be adduced. Subsequently the remaining fingerprint evidence, upon which the trial Judge convicted on 24 December 1984, was held by the Court of Appeal on 9 October 1985 to be insufficient. In MARTIN, where a conviction was founded on fingerprint evidence adduced under the similar fact principle the Court of Appeal on 3 October 1985 held the evidence to be inadmissible, quashed the conviction and stated that it is the duty of the Crown to assist the administration of justice by refraining from relying on the doctrine of similar fact evidence except in cases to which the principle seems clearly to apply.

It was with these matters in mind that on re-examination of the evidence available against Burns the conclusion was reached that the similar fact principle could not be said clearly to apply and thus the case was not sufficiently strong to continue to seek Burns' return from the Republic.

That there were procedural errors in connection with the warrants issued for the arrest of Burns is highly regrettable. We are both aware of the difficulties in this field which our respective officials are endeavouring to identify and reduce if they cannot be entirely eliminated. It should also not be forgotten that there were a number of unfortunate episodes in relation to the ~~appearance~~

the steps taken in the Republic to have Burns returned to Northern Ireland.

I hope that in the light of what I have written you will understand that not only was Detective Chief Inspector Neilly's affidavit a proper one but so was the decision which I took. Further, it was taken following what we both agreed would be the proper course to adopt in respect of terrorist extradition cases, namely that in the light of experience to date the evidence in all cases and potential cases should be carefully re-assessed. I had expected you to welcome my reassessment of the Burns case to ensure that we would not suffer the difficulties of another McGlinchey.

Finally, on Burns, I find it difficult to understand why the events of 4 December 1985 took you entirely by surprise. As I understand what occurred, an application for habeas corpus came on for hearing in Dublin on 22 November 1985 on grounds that the warrants were defective. The Court adjourned the application so that an application for certiorari to quash the warrants could be brought in Northern Ireland. The State Solicitor's Office informed the Crown Solicitor's Office of this development.

What you have written with regard to the second matter in your letter causes me rather more concern.

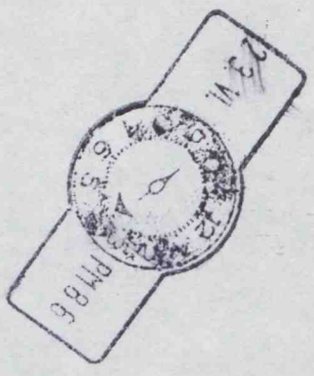
I find it impossible to reconcile your stated wish not to impugn the integrity of any members of the Northern Ireland judiciary or to

suggest any conscious bias on the part of any of its members with your observation that some members of the Northern Bench have "displayed some of the prejudices of their backgrounds" and that they have at times been "less than judicial and have faltered as Judges". I believe it to be unfortunate that you should link the argument for three man courts with criticisms of Judges such as you advance in your letter. I have had long experience of the Northern Ireland judiciary - starting back in 1972 when I was Solicitor General - and I have had throughout the whole of the time since then the greatest admiration for the judicial capacity and integrity of the Judges in Northern Ireland. I find your reference to Judges "permitting their background and perhaps their political inclination to influence their judgment" especially unacceptable. I reject these comments as wholly unfounded. [It saddens me when trust in and respect for each other's legal system and the integrity and impartiality of the judiciary are so important for a good and productive relationship between Attorneys General that you have seen fit to make these allegations.]

[You as a lawyer and Law Officer are, as you write, reluctant to undermine the position of Judges and in this connection I can only observe that it would be beneficial if others in responsible positions had a similar reluctance and refrained from doing so. Repeated public utterances by prominent persons inevitably mould and affect public perception, and repeated public criticism of the judicial system in Northern Ireland which is not justified must, as I know you are aware, undermine confidence in the administration of justice and the rule of law.]

Just as your letter gives me a full understanding of your position and difficulties I hope that this reply will clarify for you my own position and views.

IRELAND Situation PT20



With the compliments of

the Legal Secretary

Attorney General's Chambers,
Law Officers' Department,
Royal Courts of Justice,
Strand. W.C.2A 2LL

01 405 7641 Extn. 3291

CCBG

M.L. SAUNDERS
LEGAL SECRETARY

LAW OFFICERS' DEPARTMENT
ROYAL COURTS OF JUSTICE
LONDON, WC2A 2LL

A Brennan Esq. CB.,
Northern Ireland Office
Whitehall
London SW1A 2AZ

16 June 1986

Dear Tony,

I am enclosing a copy of a letter the Attorney General has received from the Irish Attorney General.

Whilst Mr Rogers's comments on the Burns case are a matter for the Attorney alone to deal with, you and the other recipients of this letter have a direct interest in his outright attack in writing on the integrity of the Northern Ireland judiciary and in assessing what has motivated this particular letter and what Mr Rogers expects to achieve by writing it.

The Attorney intends to reply robustly to Mr Rogers's letter next week on his return from Oslo. I shall be circulating a draft towards the end of this week.

I am copying this letter to Tom Legg, Charles Powell, Gerald Clark and Michael Stark.

Yours sincerely,

Richard Saunders

M L SAUNDERS

Telephone: 689[illegible]

OIFIG AN ARD AIGHNE
(ATTORNEY GENERAL'S OFFICE)
BAILE ÁTHA CLIATH
(DUBLIN 2)

11 June, 1986

Sir Michael Havers, Q.C.
Attorney General
Royal Courts of Justice
London WC2A 2LL

Dear Michael,

There are two matters about which I feel I should write to you at this time.

The first is the matter of Brendan Burns about whom Mr. Saunders wrote to Matthew Russell by letter which was received here on the 7th May, 1986. I understand the position to be that you have decided not to seek Burns's return from this jurisdiction on foot of the warrants dated the 20th November, 1985. Mr. Saunders says that in the light of a decision of the Northern Ireland Court of Appeal in R. - v - Martin it was considered that on the basis of the evidence available against Burns the case against him was not strong. A difficulty I have with this is that in an affidavit sworn by Maurice McLaughlin Neilley a Detective Chief Inspector of the R.U.C. he says "there is forensic scientific evidence that the plaintiff was one of the persons responsible for the commission of the said offences".

Burns was arrested in mid-February 1984 on foot of warrants issued by a Justice of the Peace at Newry earlier that month. The District Court at Dundalk made orders for his delivery and he was lodged in Mountjoy on foot of those orders pending the outcome of High Court proceedings wherein he sought a declaration that the offences were political offences within the meaning of the Extradition Act. On the 2nd December 1985 a preliminary order of certiorari was granted by the High Court in Belfast whereby warrants issued by the Justice of the Peace at Newry were quashed. We were first informed of these proceedings on the morning of Wednesday the 4th December, 1985 when in response to a routine enquiry concerning proceedings pending in our Court the following Friday we were told for the first time of this Order and that the Crown would show cause against it. Later that day we were told that the order quashing the warrants had been confirmed.

The events of the 4th December took us entirely by surprise and particularly in meeting habeas corpus proceedings which had been brought by Burns in this jurisdiction. I have to say that on Wednesday and Thursday the 4th and 5th December, 1985 I personally was left in an impossible position. Burns had been in custody since February, 1984 on foot of warrants which had now been quashed by a Northern Ireland Court. At the same time I was let to believe, by Mr. Neilley's affidavit that he could "connect" Burns with each of the charges set forth in the fifteen warrants that had been issued by the Justice of the Peace at Newry which were in respect of most serious offences against members of the British Security Forces in South Armagh.

In view of the decision of the Northern Ireland High Court we could not resist the habeas corpus application and Burns was freed. For constitutional and legal reasons I directed that he should not be re-arrested on foot of new warrants until a decent interval of time had passed. In the event an attempt to re-arrest him later on the 5th December, 1985 failed when he escaped from a house he was seen to enter earlier in the day. He has been at large since.

I am now in a position where almost six months after these difficult and extraordinary circumstances arising from the issuing and execution of defective warrants at Newry I am told that the case against Burns "was not at all strong". I can well understand how a later judicial decision might affect the judgment made upon particular evidence but having regard to the very positive statements made by Mr. Neilley in the affidavit referred to I have to say quite candidly that I am most surprised at this most recent turn of events.

We both know that these matters are the subject of much public controversy here and the fact that the warrants against Burns have been withdrawn may well become public knowledge and inevitably it will be left to me to field questions which will arise in Government and which will be asked in the media. Obviously, it will be asked how is it that the warrants against Burns have been withdrawn when he spent more than a year and a half in custody on foot of warrants relating to the same offences. It will be difficult to deal with these matters and I feel we may well be confronted with another controversy about the operation of extradition arrangements between our two jurisdictions. This will occur at a most sensitive time. Later this year the Government will seek to enact legislation which will allow the State to accede to the European Convention on the Suppression of Terrorism and the manner in which the Dail receives these proposals will depend in large measure on the state of public opinion here in relation to the operation of extradition procedures.

If a view is established that Burns was the subject of injustice having been detained in custody here for a protracted period on slim evidence then we will be confronted with a very difficult situation.

The detail above is somewhat turgid but I feel it is necessary so that you will understand the position fully. I should say that I would have raised this matter with you at the last meeting of the Conference but Mr. Saunders' letter had not arrived here until the 7th May and I had not had the opportunity of considering this matter fully.

May I turn now to the second matter. It refers to the last meeting of the Anglo-Irish Intergovernmental Conference on the 9th May and in particular to some observations made by me in relation to the three-man Courts. At one point I suggested that we should not assume that if there were three-man Courts there would always be two members of the majority community and one member of the minority on the Court; I said that there was no reason why a three-man Court couldn't have two members of the minority. I went on to express confidence in the way in which the Judiciary would behave.

While I do not wish to impugn the integrity of any members of the Northern Irish judiciary or to suggest any conscious bias on the part of any of its members, I would not like my remarks to have given the impression to your side in the Conference that I had no reservations about the performance of all of the Judges. Naturally, as a lawyer, and holding the office that I do I would be reluctant to undermine the position of Judges or lawyers who seek to administer justice in difficult circumstances, but as you will know from our conversations I have real reservations about some members of the Northern Bench who, I believe, on occasion have, displayed some of the prejudices of their backgrounds. There are particular cases which I could mention to you but about which I think it is unnecessary for me to go into detail because I know you are familiar with them.

I am concerned to make these remarks and to put the record straight on this matter for fear that it would be thought on your side that my utterances constituted a vindication of the Northern Irish Bench as a whole. You know that this is not the case and that I have repeatedly expressed to you my view that members of the Northern Judiciary have at times been less than judicial and have faltered as judges by permitting their background and perhaps their political inclination to influence their judgment.

The observations which I made at the Conference were intended in the context of my assertion that three-man Courts with two members from the majority Northern Irish Community

should not be considered the rule and that a three-man Court with two members from the minority community was a real possibility that could readily occur with no danger that those two Judges from the minority community would take a particular view merely because they were from the minority. My concern was to endorse the integrity of judicial office holders in a general way. However, I should say, in parenthesis, that it my conviction that three-man Courts of first instance in criminal cases would have this particular advantage: that collegiality would force judicial representatives of both communities to arrive at their decisions and judgments having regard to the views taken by their judicial colleagues of the evidence before them. I think the result would be that judgments arrived at would be the better based on law and fact and would be more reliable and less likely to be disturbed on appeal, and that there would be less chance of unwise or insensitive utterances from a Judge who was flanked by two colleagues.

Forgive me for writing at such length but I think it is important as the relationship between us depends entirely on each of us fully understanding the position and difficulties of the other. I hope this letter will help in that process.

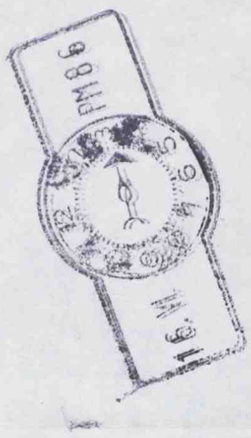
Please accept my best wishes and I hope you are keeping well and that you are getting a chance to make a full recuperation from your illness last year.

With kind regards,

Yours sincerely,

John Rogers

John Rogers S.C.
Attorney General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cc: OD(I)
Lord President
FCS
Chief Sec. to Treasury
Home Sec.
S/S Defence
LPS.
S/S N.I.
Chancellor of the Duchy
Chief Whip
Attorney General

10 DOWNING STREET
LONDON SW1A 2AA

From the Private Secretary

20 June 1986

CONTINGENCY PLANNING IN NORTHERN IRELAND

Thank you for your letter of 16 June about contingency plans in Northern Ireland. The Prime Minister has noted the Norther Ireland Secretary of State's comments on the points in my letter of 29 May and is generally content with the conclusions which he reaches.

I am copying this letter to the Private Secretaries to the other members of OD(I), to the Private Secretary to the Secretary of State for Energy and Sir Robert Armstrong.

C. D. POWELL

N. D. Ward, Esq.,
Northern Ireland Office

6

SECRET

27A

CDP
24/6.

MO 19/3E

SECRETARY OF STATE FOR NORTHERN IRELAND

CONTINGENCY PLANNING

1. Thank you for your letter of 30th May. Although I accept that you were painting a most remote "worst case" scenario when you referred to the possibility of troops undertaking tasks which would bring them into direct contact with prisoners, I am quite clear, and the Prime Minister has indicated that she agrees, that servicemen should not be placed in such a position. All our planning must therefore be based on the police filling the posts which would being them into contact with prisoners with troops being made available to compensate for any gaps in police manpower on security and public order duties as a consequence of their employment in the prisons. I welcome your assurance that the Chief Constable accepts that this should be the case and I hope you will agree that we should proceed accordingly.

2. You suggested in Paragraphs 4 and 5 of your letter that a local contingency plan should be drawn up to deal with a walk-out at short notice by prison officers inside the Maze

Compound prison perimeter if the RUC are unable to fill the gap. Short of the declaration of a State of Emergency, however, it would be necessary for a Defence Council Order to be signed approving the employment of troops in such a situation and it would be some time before the additional military personnel could legally take on the duties you are proposing. In the circumstances described in your letter such a plan would have been of little help. Given the small number of men involved, the short duration you envisage, the presence of the Prison Guard Force close at hand, the existence of reaction plans in the event of disturbances and the RUC's acceptance that this is a task which is primarily for them to do, I doubt whether the preparation of the type of plan you suggest would really be of any practical benefit. The answer it seems to me is that the RUC should, as you suggest, take on the task in the prison and the Army will assist with manpower to replace the policemen withdrawn from their other duties in order to undertake this task. I consider that firms plans should be drawn up accordingly.

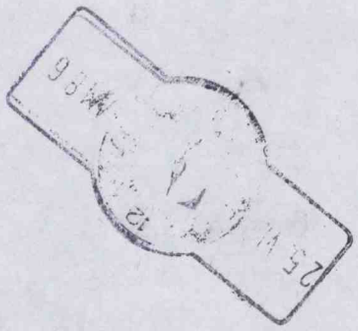
5. I am copying this minute to the Prime Minister, other members of OD(I) and Sir Robert Armstrong.

G.H.

Ministry of Defence

18th June 1986

Ireland; Sit; Pt 20



SECRET

From: THE PRIVATE SECRETARY

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CDPC

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NORTHERN IRELAND OFFICE
WHITEHALL
LONDON SW1A 2AZ

Charles Powell Esq
Private Secretary
10 Downing Street
LONDON
SW1A 2AA

16 June 1986

Prime Minister
Here seem sensible conclusions
CDP
17/6

Dear Charles,

CONTINGENCY PLANNING IN NORTHERN IRELAND

Thank you for your letter of 29 May. at Flap

The figure of three weeks which the Secretary of State mentioned in relation to MACM plans stems from the concept that these are contingency plans for short-term assistance to the civil administration; the military personnel involved would work intensively for up to 16-18 hours per day, and after three weeks operator fatigue would be the determining factor. (This assumes that all plans are in full operation simultaneously: individual plans can be maintained for appreciably longer periods). It would, of course, be possible to extend the overall period, but to this end, HQNI would have to

a) consider, in much greater detail, a central management plan;

b) discuss this in advance with the essential services most concerned; and

c) consult with MOD on the resupply of men for the longer period. The bill would of course be heavy and specialists in short supply.

The Secretary of State has asked HQNI in consultation with MOD, to take items a) and c) above as far forward as possible. But b) presents real problems. To avoid raising the temperature, or undermining public confidence, we have kept our contingency planning exclusively within Government, and my Secretary of State has felt that to breach that when the risk for which we are planning is low, would be counterproductive. He suggests that it would be preferable to use the three

[I think this must be right]

SECRET

/...

week MACM period, together with the warning period - say, a month in all - to complete our planning and organisation for any longer haul.

We have given thought as to whether the import of civilian managers and technicians would help us in the circumstances of the Northern Ireland Electricity Service. The difficulty is that their NIES counterparts, while being very much in sympathy with the declared aims of any loyalist strike, do clearly feel a great sense of responsibility. They are concerned that the power supply should not drop to a level which renders the distribution system unstable and leads to total loss of power. It would be difficult to recover from that situation, and the population would suffer real hardship. The import of staff from GB would undermine that sense of responsibility. NIES staff would feel that they could withdraw, since the Government had accepted the liability. The new staff would require a period of familiarisation, and even then could not be expected to run the generation system at anything like its capacity; and finally, and most seriously, their very presence would be likely to place the distribution system which is highly vulnerable, at risk. The Prime Minister will wish to know that the Secretary of State discussed this question privately with the Chairman and Chief Executive of the NIES immediately following the day of action on 3 March. They advised most strongly that the import of personnel would seriously add to rather than solve their problems. In these circumstances, the Secretary of State would not wish to pursue this option further.

The position is much simpler as regards oil. The existing plan requires the requisition of the major oil terminal in Northern Ireland; even if management refused to continue to work and co-operate with government, their functions could be met by specialist servicemen. The plan envisages this worst case, with distribution being in the hands of army personnel.

The Prime Minister also asked about food distribution. We had not envisaged distributing food and essentials to individuals: our concern is to move it from the docks, to ensure their continued operation, and to rely on the wholesale/retail private sector for the distribution. Experience has shown that they are effective in getting round problems, and if we were to try to take on the task, we would have to consider detailed schemes of rationing, etc. We think it most unlikely that loyalists would seek to prevent food getting to the population: and the Secretary of State suggests that any difficulties would be better blamed on a strike than on a cumbersome and imperfect form of state control. Nevertheless, the Prime Minister's question has led us to focus on some inadequacies in our arrangements, and we shall be giving this further thought with the NI Departments concerned.

Finally, I turn to the health and ambulance services. In the winter of 1978/79, consideration was given to the use of service personnel on the lines of the arrangements agreed with MOD in Great Britain. It was however concluded that the security situation ruled that out. We feel that the reasoning remains valid; servicemen in ambulances would be regarded by some as legitimate targets, and the resources required to protect them would be substantial.

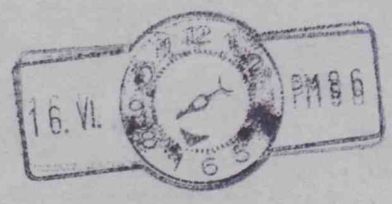
Health Service workers have taken part in action in pursuit of an industrial grievance, but not as part of a political protest. There are of course contingency plans, based on assistance from voluntary aid societies and the police, and these proved adequate during seven months of intermittent industrial action in 1982, and also as recently as October of last year. Given the security situation, the work record of the health and ambulance workers, and our ability to restrict medical treatment to emergencies only, the Secretary of State is confident that existing plans represent the most productive stance for government.

/ Copies of this letter go to the Private Secretaries of the other members of OD(I), and to the Private Secretaries to the Secretary of State for Energy and Sir Robert Armstrong.

Yours Sincerely

Neil Ward.

N D WARD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repeal Section 41 of the Wildlife and Countryside Act? Why does he need to remove the duty on him to continue to give that specific advice free? That is the question.

Lord Belstead: I am glad the noble Lord, Lord Melchett, has asked that question, because it is a perfectly fair one. The answer to it is, if I may be absolutely honest, that in drawing a line which I have made a statement about we would be having to use the words I have already used, "an honest judgment". It would be possible if the farmer believed, or indeed not only the farmer under Clause 1(1) but someone involved in the food industry or in rural diversification—maybe a whole variety of people—but if the recipient believed the line was being drawn in the wrong place, I have said in the statement I made there would be a right of appeal to the regional panel of the Ministry whose advice the Minister almost always accepts. So we believe this would be the right way of going about it.

But it would be very much more serious to say that there had been a statutory breach when you are having to draw a line using your honest judgment. It cannot be an exact science. That is an honest answer.

Lord Melchett: If I may say so, at last we have got to the nub of the question which this amendment was designed to address. We have spent a long time—the clock has not been restarted, but I think it is about 66 minutes—getting to what I had hoped the noble Lord would have said after I moved the amendment, and then we could have embarked on the debate which I hope we can now embark on, which is what this amendment was designed to address our minds to.

As I understand it, what the noble Lord is saying is that if you introduce charging for any part of the ADAS advisory service, it is impossible to have a statutory duty on ADAS to provide any advice, however narrowly drawn that advice might be because in practice there will always be a boundary, and you will always come up against a statutory obligation to give advice.

What I do not follow from what the noble Lord said is what the implications of that would be. If the noble Lord the Minister has said that it was his policy to give free advice on conservation and diversification, and that is what ADAS are under instruction to do, and the farmer then appeals, surely he would have a right to go to court to enforce the Minister's policy against ADAS, just as the farmer would have the right to go to court if the Minister is under a statutory duty to do the same thing. Or is that the effect what this is taking away—the right of farmers to go to an independent tribunal to get the Minister to carry out the Minister's policy? Are we talking about the difference between an advisory panel making a decision, or a farmer having the right to take the Minister to court? Can the noble Lord tell me that?

Lord Belstead: The noble Lord, Lord Melchett, has put his finger again on a point. We are talking about the difference between an appeal to an advisory panel, which is well understood, certainly by farmers in all localities. There are a large number of appeals going on about the extension of less favoured areas, for instance. The farming community know very well about this. We would not be talking about an appeal to a court.

Lord Melchett: It seems to me that that raises serious issues. So far as I know, the Government have not admitted that this is the case up to now, that what they are doing by making all this advice simply a discretionary power rather than a duty is preventing anybody insisting that they carry out their policy and give advice on these matters. Frankly, I find that unacceptable, and I hope the Committee will find it unacceptable. Certainly I shall want to come back on Report stage with an amendment which does not have the technical defects which the noble Lord kindly pointed out to the Government's version of the amendment of the noble Lord, Lord Sandford, and insist that the the Minister should have a statutory duty to give advice on matters which the Minister is saying he will do anyhow. If that means that the Ministry ends up in court for not carrying out their duty, I do not see that that is a great advantage to anyone, except possibly the Minister. It will be a great advantage to the farmers and the countryside as a whole. I beg leave to withdraw the amendment.

Amendment, by leave, withdrawn.

The Earl of Swinton: I beg to move that the House do now resume.

Moved accordingly, and, on Question, Motion agreed to.

House resumed.

Northern Ireland Assembly

4.40 p.m.

The Parliamentary Under-Secretary of State, Northern Ireland Office (Lord Lyell): My Lords, with the leave of the House, I now repeat the Statement being made in another place by my right honourable friend the Secretary of State for Northern Ireland. The Statement is as follows;

"Under the Northern Ireland Act 1982 the present Assembly has two functions: first, to consider and report on how a devolved Northern Ireland administration should be formed. Secondly, the Act requires the Assembly to monitor and report on the policies and activities of the Northern Ireland departments.

"The task of making proposals on devolution was undoubtedly made much more difficult by the regrettable decision of the SDLP not to take their seats. The Assembly has not been able to come forward with agreed proposals and there is no present prospect of that occurring. As for the monitoring of the Northern Ireland departments, the Assembly suspended this work on 5th December. In spite of clear warnings about the threat that this action would pose to the continuation of the Assembly, the Unionist parties have not been prepared to resume this function. As a result, the Alliance Party withdrew from the Assembly since they believed there was no longer any useful role to be played.

[LORD LYELL.]

"On 13th March the Assembly formally resolved not to carry out its monitoring functions, to wind up the Devolution Report Committee and merely to meet one afternoon a week for a debate on aspects of the Anglo-Irish agreement.

"The position therefore is that the present Assembly charged under the Northern Ireland Act 1982 with two important functions is now discharging neither. As long ago as last December in this House, I warned that if the Assembly continued the suspension of its scrutiny role for long, questions about its future would inevitably arise; and on 1st May and 19th May I repeated this warning. On 27th May I invited the leaders of the main parties in the Assembly to discuss with me the position of the present Assembly. The leaders of the two main Unionist parties refused even to talk about it. I regret that I have therefore had to reach my decision without hearing their views.

"The decision I have now taken is to lay an order today for the Assembly's dissolution under the powers in Section 5(1) of the Northern Ireland Act 1982. This order will come before the House for debate under the affirmative procedure. In taking this step I would make the following points. The present Assembly would in any case reach the end of its normal life on 20th October. There would then automatically within six weeks be fresh elections for a new Assembly. The effect of this order is not to abolish the legal basis for an Assembly but simply to dissolve the present Assembly and to leave open the date for a new election for a fresh Assembly.

"I wish to emphasise to the House that dissolution of the present Assembly in no way conflicts with our desire for devolved government nor our commitment to the Anglo-Irish agreement. Devolution remains the Government's preferred option and I hope that we may see a future Assembly playing a responsible and valuable role in the Province. The sooner that happens, the better.

"Meanwhile, the Government remain ready to discuss with all the constitutional parties in Northern Ireland the best way forward. In particular I would urge the Unionist parties to return to this House to argue their case and to take up the offer of my right honourable friend the Prime Minister to discuss with her the four matters proposed: namely, devolution and the possibility of a round table conference; the future of the Assembly; arrangements for handling Northern Ireland business at Westminster; and new means of consultation between the Government and Unionist leaders.

"Only if we are prepared to talk together and discuss these matters can we hope fully to play our separate but complementary roles in building a better future for the people of Northern Ireland".

My Lords, that concludes the Statement.

4.45 p.m.

Lord Prys-Davies: My Lords, we thank the noble Lord, Lord Lyell, for repeating the Statement made by the Secretary of State in the other place. Many of us who believe that devolution can help to satisfy the aspirations in Northern Ireland will have received the Statement with a great deal of sadness. But we are gratified that the door opened by the 1982 Act still remains open.

We agree that the present evidence indicates that a newly-elected Assembly would not, at this stage, produce the will among the constitutional parties to work together. This is not the time to apportion blame for this state of affairs. But to elect an Assembly which would not work together in support of the prescribed functions of the Assembly would appear to be a pretty pointless exercise.

The Government propose to dissolve the Assembly by an Order in Council and not to abolish its legal basis. We regard this as encouraging, because this means that an Assembly could be revived by an Order in Council if the Government were satisfied that the constitutional parties in Northern Ireland were committed to making it work. This is important because we believe that the 1982 Act still provides probably the best platform upon which Northern Ireland can build for itself a better future.

Nevertheless, it should not be overlooked that the Assembly played a valuable role for three years in the scrutiny of Northern Ireland measures, and it compensated for some of the deficiencies of legislating for Northern Ireland largely by means of Orders in Council. Those of us who speak regularly on Northern Ireland measures benefited greatly from the knowledge and experience of the Assembly Members. We trust that when the House debates the order dissolving the Assembly the Government will have something to say about how Parliament, in the absence of an Assembly for any length of time, can improve its scrutiny of the contents of direct rule measures. We consider this also to be important.

Finally, we endorse the Government's invitation to the constitutional parties to return to discussions and to a possible round table conference. We hope that that invitation will be accepted, and that before too long we shall have the pleasure of debating an order authorising fresh elections to an Assembly.

Lord Donaldson of Kingsbridge: My Lords, I should like to associate our Benches with what my noble friend has just said. We may feel sad, as he does, but we can hardly be surprised that the Government find it necessary to take some action. The Assembly was formed, as the Statement tells us, originally as an all-party group to examine how to set up a devolved Northern Ireland administration, and to monitor and report on the Northern Ireland departments. It now consists of one party only, the SDLP having led to its downfall by refusing to co-operate. It is therefore unable to consider how to make an advance towards an all-party Assembly, and recently it has refused to continue with its duties of monitoring. It had only two functions, and it is not performing either of them now, though up to date it has been fairly decently paid for its attendance.

We cannot hesitate for one moment in approving the Government's action. We are also grateful that it is not final, and that it leaves the machinery behind the Assembly available so that at some later stage something new and more constructive may be done. I end by saying that as we on these Benches are convinced—and I think that a lot of other noble Lords

share this view—that there can be no move forward in Northern Ireland without some shape or form of shared government, we must hope that the Members of the Assembly, who have a bit more time to do other things than go to the Assembly, will spend at least some of it in trying to help the Government to persuade all parties to get together again so that a new Assembly may be formed which will be properly functional as soon as possible.

Lord Lyell: My Lords, may I briefly reply to the noble Lord, Lord Prys-Davies, and the noble Lord, Lord Donaldson, and thank both noble Lords, and especially the noble Lord, Lord Prys-Davies, for his welcome of the Statement that I read out. We believe that the Statement that I have read out today, and what has happened, need not be the end of the road. We hope that it is not, for an elected Assembly acting constructively, as many of us believe they did until fairly recently, is a valuable institution. We want to have a new election when attitudes change, and that is particularly important.

The noble Lord, Lord Prys-Davies, stressed the aspect of devolution. I am sure he will agree and all students of Northern Ireland matters and those of your Lordships who speak on them will agree that integration would not solve Northern Ireland's problems, because of its divided community, its politics, and, above all, its different attitudes on many issues. All of these warrant special treatment. The Government's objective remains the establishment of a new devolved government because it could give—I stress the words "could give"—politicians from all parts of the community in Northern Ireland a real say in developing and protecting the interests of their constituents.

We have no illusions that any progress will be easy. We shall do our utmost to promote it. Your Lordships will agree that any new arrangements must be acceptable throughout the community if they are, first, to survive and, secondly, to work effectively.

We thank the noble Lord, Lord Donaldson of Kingsbridge, for his welcome and his wise words today. He is sad, as indeed all of us are. We agree on that. We agree that the two functions of the Assembly have not been carried out—and certainly not constructively. All the politicians who have hitherto taken part in the Assembly should pay attention to the wise words of the noble Lord, Lord Donaldson, because he has considerable experience of working both here and in Northern Ireland. We believe that the politicians would benefit from paying heed to his words.

Lord Houghton of Sowerby: My Lords, is this not another confession of failure regarding the problems of Northern Ireland? I am merely a distressed observer of the condition of Northern Ireland; I have been that for the last 50 years. This latest move almost confirms the belief that we have an insoluble problem on our hands. Your Lordships should be a little sensitive to suggestions that parts of the institution of parliamentary democracy should be abolished when it is believed that they have ceased to be useful. We are ourselves very sensitive to the word "abolition". We ought to be on guard against believing that institutions have failed when miraculously they have shown a new lease of life and have come to be regarded with great respect and as being useful, sober and worthwhile. Your Lordships' House has emerged from this kind of condition of uselessness in its time.

We should be a little careful about meting on any other assembly within the body politic the sort of fate that some people would have visited upon us. It is a great pity if one abolishes anything that has been set up to achieve a particular purpose unless there is something else to put in its place. I do not believe it helps to say that the Government's aim remains as something which at the present time is not within sight. It strikes me that people are looking upon the Northern Ireland situation as Britain's permanent confession of failure to solve the problem of unity within the United Kingdom; but we go round the world telling everybody else how to get rid of their internal difficulties. I think our reputation for hypocrisy and incompetence must surely shine throughout the world.

Lord Lyell: My Lords, I immediately refute the two words to which the noble Lord referred—hypocrisy and incompetence. I do not think any fair and unbiased observer would label the efforts of this Government and, indeed, successive governments in the past with those two words. The noble Lord mentioned at least three times the word "abolition". May I stress to him especially, and to your Lordships, that we are not abolishing the Assembly; we are dissolving it. There is a major difference.

As I pointed out in the opening Statement, we are dissolving the Assembly under the powers we have in Section 5 of the 1982 Act. We are dissolving it for all the reasons I explained both in the answers I gave to the noble Lords, Lord Prys-Davies and Lord Donaldson, and in the opening Statement. The Statement of my right honourable friend spelt out the reasons for taking this action. We regret it, we are sad; but I refute the two labels of hypocrisy and incompetence which the noble Lord seeks to place on our efforts. The Government will spare no effort to try to resolve the appallingly difficult problems of Northern Ireland which have been spelled out in your Lordships' House. I give that undertaking. We are not pleased that we have to take this action, but we believe that it is about the only option open to us.

Lord Monson: My Lords, will the noble Lord the Minister assure the House on behalf of Her Majesty's Government that in future the people of Northern Ireland will be accorded the same democratic rights as are enjoyed by the people of the rest of the United Kingdom? In particular, will he assure the House that future legislation affecting the Province will be subject to full parliamentary deliberation and scrutiny, including the power to amend such legislation as and when Parliament considers it right to do so?

Lord Lyell: My Lords, the opening service (if I may put it that way) of the noble Lord, Lord Monson, was getting quite away from today's Statement. However, he referred to scrutiny in dealing with Northern Ireland parliamentary and political arrangements. The opening Statement stressed that my right honourable friend the Prime Minister would be very willing to

[LORD LYELL.]
discuss with the leaders of the Unionist Party four matters, one of which was the arrangements for handling Northern Ireland business at Westminster. I hope that that places squarely on the record what my right honourable friend would wish to discuss with the leaders of the Unionist Party. We hope that they will take up this invitation.

Lord Fitt: My Lords, is it not a sad commentary that 14 years after the abolition of Stormont in 1972 by order of the House of Commons we now have the seventh Secretary of State—five of them have been Conservative and two Labour—coming to the House this afternoon to admit that yet another initiative has failed? Will the noble Lord the Minister accept from me as one who has lived through those years in Northern Ireland that the failure lay not with any single one of those Secretaries of State to try to find a solution to the problem? The failure lay with the problem of the Northern Ireland people. The nearest that we ever came to success was the initiative of 1973 known as Sunningdale, which was the most hopeful political development that we had had throughout the years, but unfortunately it was brought crashing to the ground.

Will the noble Lord accept that the failure of the Assembly is to be laid at the feet not of any one of the political parties, but of a combination of every single one of them, perhaps excluding the Alliance? Will he also accept that the Unionist Members at Westminster in 1982, when the legislation was going through the House, expressed their opposition to the Assembly, but attempted subsequently to make it work, whereas the SDLP and Sinn Fein representatives totally boycotted it and made its failure certain?

Will the noble Lord accept that sentiments now being expressed by the leaders of the various political parties in Northern Ireland that they want to talk without preconditions are just so much hot air because they all have their own conditions? Does he accept the fact that the Anglo-Irish Intergovernmental Council has made it more difficult for talks on devolution to take place? There are many members of the Unionist majority who regard the existence of the Anglo-Irish intergovernmental conference as being a precondition in itself. Will the noble Lord agree that following the failure of this latest initiative the only hope of any help towards solving the ongoing problem in Northern Ireland is to be found within the confines of Northern Ireland and the island of Ireland and that no solution can emanate from this House?

5 p.m.

Lord Lyell: My Lords, perhaps I may first deal with the noble Lord's last point. He is getting a little wide of the somewhat narrow crack that I beat this afternoon in regard to the Statement. Perhaps the noble Lord will go over this again when we debate the order, which we shall be doing at a future date. Perhaps I may then be able to approach the noble Lord's question and do a little more justice to it. I think that your Lordships would not wish me to go too far down that path this afternoon.

The noble Lord referred to the regrettable fact that the SDLP refused to attend this Assembly, and I pointed that out in my opening comments in relation to my right honourable friend's Statement earlier this afternoon. I believe that the House would wish the Government to take a constructive line, and that we should not rake over the reasons for failure. We can learn lessons, and I hope that we shall, but I hope that the tenor of everything I have said this afternoon, both in the Statement and in reply to your Lordships, has been one of seeking for a constructive solution. I think that that, too, was the tenor of the questions asked by the noble Lord, Lord Fitt, today. I would thank him for his kind comments about successive Secretaries of State for Northern Ireland, and I am sure that his good wishes cover all of your Lordships and everybody who has tried to serve in Northern Ireland. I stress that we adopt a constructive outlook, and I hope that we might be able to have more to say on that on a future occasion.

Lord Moran: My Lords, as today's announcemnt seems to mark the failure of this particular experiment in devolution, might it not be sensible, despite the special problems of Northern Ireland to which the noble Lord referred, to consider in future treating Northern Ireland more like other parts of the United Kingdom?

Lord Lyell: My Lords, that is a very interesting thought and we are very grateful to the noble Lord for raising it. May I ask him whether we might cover that a little more fully when we debate the whole of this order, which we shall be doing, I hope, in the near future? It is one part of the political argument that is under way at the moment in Northern Ireland. As I suggested to your Lordships, we believe that devolution is the best avenue; but perhaps we may leave discussion of that particular aspect to a later date.

Lord Blease: My Lords, I should like to join in thanking the noble Lord the Minister for repeating the Statement. I cannot say that I welcome it, but I certainly understand and accept the inevitability of the situation that has brought about the reasons for the Statement. I note that we are to be presented with an Order in Council next week, when we shall have an opportunity to debate the position and the Government's policy. Today, I should like, with others, to express the regret that elected members of the Assembly failed to fulfil the democratic functions of the Northern Ireland Assembly and its devolved powers, although important powers, in promoting a basis for justice, peace and prosperity in the Province.

I think that this would be an opportune time for me to pay tribute and commend highly the thoughtful efforts and work of the Speaker, Mr. Jim Kilfedder; the Clerk, Mr. Kennedy; and the officers and staff of the Assembly, all of whom worked under extreme difficulties earnestly and genuinely to uphold the principles and practices of parliamentary democracy. I should like to conclude my brief remarks on this Statement at this stage by quoting two sentences from a statement made by the Prime Minister in the House of Commons on 26th November last. The Prime Minister said:

"We, the United Kingdom Government, accountable to Parliament, remain responsible for the government of Northern

Ireland . . . we will make determined efforts to resolve differences." [*Official Report,* Commons, 26/11/85; col. 752]

Matters have been raised here today about the rights and about the dissolution, and, in my view, the disillusion leaves a vacuum. I consider that rights in Northern Ireland are on a parity with those of the rest of the United Kingdom. What is required, as others have stated here, is that those rights be exercised. I think that a dangerous void exists in the vital democratic processes in Northern Ireland. It cannot be filled by ministerial statements, nor by the verbiage of politicians; nor, indeed, by the media announcements of clergy and others. I believe that it requires concerted action on agreed principles.Therefore, I hope that the Minister, when he comes to us—if it is to be next week—to debate the order will assure us of the determined measures by which the Government now propose to bring about the brighter picture of the future, to which the Minister referred, to bring peace and prosperity with justice in Northern Ireland.

Lord Lyell: My Lords, I hope that I have guarded my words suitably about the time at which we shall come to debate this order; but it will be in the near future. That is all I will indicate to the noble Lord. We are very grateful for his forthright support for the efforts that are made by everybody, particularly by the Government and all of those who seek to assist in the political life of Northern Ireland. But the noble Lord rightly stresses that all of us are seeking after peace and prosperity in Northern Ireland.

Quite rightly the noble Lord also stresses that dissolution leaves a vacuum. I hope that in my replies this afternoon and in the Statement we have gone some way to try to set out our ideas on the decision that we have taken, why we have taken it, and, I hope, some avenues for hope in the future. I note the noble Lord's comments and indeed his tributes to the Speaker of the Assembly and to others who have served so well, so long and so loyally to try to make it work. I think that tributes are due from all of us. We share the noble Lord's sadness that the Members of the Assembly felt unable to carry out their main task of scrutinising the work of the Northern Ireland departments.

Agriculture Bill

5.8 p.m.

House again in Committee, on Clause 1.

Lord Melchett moved Amendment No. 4:

Page 1, line 11, after ("countryside;") insert—
("( ) the promotion of public enjoyment of the countryside;")

The noble Lord said: I beg to move Amendment No. 4. I think it would be convenient to take with this amendment, Amendment No. 77, which has the same effect as regards Scotland as would Amendment No. 4 for England and Wales. I hope that we can take this and the next two lots of amendments in my name rather more speedily than was the case with Amendment No. 3. As noble Lords will know, Clause 12 gives the Minister of Agriculture a new and, I must say for my part, very welcome duty to have regard to the promotion of the enjoyment of the countryside by the public and to endeavour to achieve a reasonable balance between that and a number of other considerations—the promotion of a healthy agricultural industry, conservation and so on.

As I say, that is very welcome and I have no complaints about the range of new duties which Clause 12 will introduce. But I am concerned that the same recognition of the importance of promoting public enjoyment of the countryside has not been carried into Clause 1 of the Bill. It seems to me that, however we draw the line and whether there is a duty or a power, and so on, the Ministry's advisory service will be one of the principal means through which it implements the new duties that are placed on the Minister by Clause 12. It therefore seems to me important that in Clause 1, when we look at the remit of the advisory service, it should be at least as wide as the new duties placed on the Minister by Clause 12. That is what this amendment and Amendment No. 77 would do. They would include in Clause 1 (though it is not included at the moment) the promotion of the public enjoyment of the countryside. It seems to me that unless I have misunderstood Clause 1, at the moment the way it is drafted would mean that, for example, if ADAS was visiting a farm to advise on conservation and the amenity of the farm, it would be outside its statutory remit to provide some literature about increasing access on that farm and providing facilities for people wishing to enjoy the countryside, such as picnic sites and so on.

I am sure that is not the intention and that ADAS will want to be involved in that field as it is becoming involved in the giving of conservation advice. This amendment would ensure that that was a possibility. Whether it actually did it of course would be up to the Minister, because it would be a discretionary power. I beg to move.

Lord Houghton of Sowerby: I wish to support this amendment. I believe that the enjoyment of the countryside will become a greater importance as the years go by. I think this whole question of land use and the rights of the public to have access to the countryside will become a major social and political issue. Surely before very long the present madness of growing to excess cereal crops that apparently are going to benefit nobody but the Russians will have to come to an end. The question of land use will arise when cereal growing has ceased to be the prevailing economic lunacy. Then the time will come when either we have alternative crops or we find alternative uses for our land.

When you come to think of it, it is rather disgraceful, however angry we may feel about the hippy convoy, that we have to push people from place to place because there is no land upon which they can go temporarily, even to follow the mode of life they feel they want to follow. We are horrible to the gypsies; we are beastly to the hippy convoy. We think that everyone should live in houses, but we do not make it our business to see that they are there to live in. We are really a quite ridiculous people when it comes to matters of this kind.

So far as the use of land is concerned there ought to be a wider recreational use of the land by people. Every beauty spot is overcrowded; motorcars go into open

[LORD HOUGHTON OF SOWERBY.]
gates; litter is left all over the countryside. There is nowhere to go. Notices say that trespassers will be prosecuted and you must not go on to the land. Footpaths are obscured and wheat crops are grown so that you do not know where the paths are. Urban dwellers have a respect for the land and they do not like wandering through growing crops even to re-establish their right to a footpath.

We must now recognise that the enjoyment of the countryside by the people—a growing population—including those who want more recreational opportunities and more relaxation from the pressures of life is going to be of much greater value than large parts of the National Health Service, which is not a health service but a sickness service. I believe the health of the country is going to lie in wider, fresh opportunities to regard the land as our own, and if it is not used for vital food production, it should be turned over to those of us who can enjoy it much better than we now have the opportunity to do.

Lord Craigton: I rise to support this amendment because I think that without expert advice the enjoyment of the countryside can do more harm than good. The farmer has to have some expert advice on how people should enjoy it and where they should go. Left to himself, he might do more damage conservationwise than with the advice of ADAS. For that reason I support the amendment.

The Earl of Onslow: I should like to support the amendment for two reasons. First, Clause 12 refers to the promotion of the enjoyment of the countryside by the public, and surely ADAS should be used to support that. Secondly, it is infinitely better that people should have access, and it is, after all, everybody's countryside. Even though I own some land, I am quite happy for people to enjoy my little bit. But I should like other people who live in the crowded south-east of England where I live to enjoy it responsibly and to keep to public footpaths. I want to get advice because there is room for all people to enjoy the land. As amended—I am sure the noble Lord, Lord Houghton, will appreciate this—I think the provision means that as fox hunting folk we can ask for advice on covers and how to make hunt ditches. I am sure beyond peradventure that the noble Lord, Lord Houghton, would love that.

Lord Walston: All I wish to do from these Benches is to give our support and my personal support to this amendment. The principle, as the noble Earl, Lord Onslow, has pointed out, is established in Clause 12(1)(*d*), and when we come to that it will be worthy of complete support. This amendment does no more than make it easier for farmers to fulfil one of the objectives of the occupation or ownershiup of agricultural land.

5.15 p.m.

Lord John-Mackie: We certainly support my noble friend's amendment, but I hope he does not wish ADAS to be chivvying people into the countryside and forcing them to enjoy it. It rather gives me that impression; nevertheless we support it.

When I first came to this Chamber I was not very sure of the procedure and I followed the noble Lord, Lord Houghton, on something. I criticised what he had said and that brought him to his feet again and he spoke for another 10 to 15 minutes when we were rather wanting to get away home. So I got up and was going to apologise for doing that, but I was shouted down because I was not supposed to speak a second time. I am rather tempted to say something about what the noble Lord said in regard to wheat growers when he turned to the economic side of farming. However, I think I had better refrain at the moment. There will be an opportunity at a later stage of the Bill.

Lord Belstead: This is an interesting amendment, and once again it has received much support. It is unusual in such circumstances for a Minister to turn down an invitation to extend the Government's powers, but I am going to make a case for doing so. I would remind your Lordships that Clause 1 of the Bill already provides powers for advice to be given to any person on a very wide range of issues, including those relating to the natural beauty and amenity of the countryside and any other agricultural activity or enterprise of benefit to the rural economy. As the noble Lord, Lord Walston, quite rightly said, the requirements of Clause 12 to have regard to and endeavour to balance all the considerations set out in that clause, including the promotion of the enjoyment of the countryside by the public, apply as much to ADAS as they do to other statutory activities and, I contend, would adequately meet the concerns which have been expressed.

I am saying this because I think a difficulty would arise if this amendment were to be accepted, to the extent that the powers it would give would impinge on the responsibilities of existing statutory and other bodies with interests in this area. I am glad to say that ADAS enjoys good working relations with such bodies as the Countryside Commission, the Development Commission and so on. And of course there are voluntary bodies doing an excellent job. I am simply saying that I do not think it would be a good idea if it were to appear that the statutory remit of ADAS was being constantly and specifically extended when other agencies already have a statutory responsibility.

The Committee may ask: what am I getting at? I am getting at the fact that the Countryside Commission is after all under a statutory remit under the Countryside Act 1968 to encourage the provision and improvement, for persons resorting to the countryside, of facilities for the enjoyment of the countryside and of open air recreation in the countryside. Excellent though working relations are with the Countryside Commission and ADAS, I am not entirely sure that the commission would welcome with open arms the news that quite suddenly an exactly parallel statutory responsibility had been laid on the Ministry of Agriculture. The Countryside Commission could quite reasonably pick up the telephone and say to my right honourable friend, "It is all very well. We thought we worked well with you. Are you now trying to take a statutory responsibility from us?"

Not very long ago—about six months or more ago—the Countryside Commission produced an absolutely excellent pamphlet on access to the

Northern Ireland Assembly

4.2 pm

The Secretary of State for Northern Ireland (Mr. Tom King): With permission, Mr. Speaker, I wish to make a statement about the Northern Ireland Assembly.

Under the Northern Ireland Act 1982 the present Assembly has two functions. The first is to consider and report on how a devolved Northern Ireland Administration should be formed. Secondly, the Act requires the Assembly to monitor and report on the policies and activities of the Northern Ireland Departments.

The task of making proposals on devolution was undoubtedly made much more difficult by the regrettable decision of members of the SDLP not to take their seats. The Assembly has not been able to come forward with agreed proposals and there is no present prospect of that occurring. As for the monitoring of the Northern Ireland Departments, the Assembly suspended this work on 5 December. In spite of clear warnings about the threat that this action would pose to the continuation of the Assembly, the Unionist parties have not been prepared to resume this function. As a result, the Alliance party withdrew from the Assembly since it believed that there was no longer any useful role to be played.

On 13 March the Assembly formally resolved not to carry out its monitoring functions, to wind up the Devolution Report Committee, and merely to meet one afternoon a week for a debate on aspects of the Anglo-Irish agreement.

The position, therefore, is that the present Assembly charged under the Northern Ireland Act 1982 with two important functions is now discharging neither. As long ago as last December in this House, I warned that if the Assembly continued the suspension of its scrutiny role for long questions about its future would inevitably arise; and on 1 May and 19 May I repeated this warning. On 27 May I invited the leaders of the main parties in the Assembly to discuss with me the position of the present Assembly. The leaders of the two main Unionist parties refused even to talk about it. I regret that I have therefore had to reach my decision without hearing their views.

The decision I have now taken is to lay an order today for the Assembly's dissolution under the powers in section 5(1) of the Northern Ireland Act 1982. This order will come before the House for debate under the affirmative procedure. In taking this step I would make the following points. The present Assembly would in any case reach the end of its normal life on 20 October. There would then automatically within six weeks be fresh elections for a new Assembly. The effect of this order is not to abolish the legal basis for an Assembly but simply to dissolve the present Assembly and to leave open the date for a new election for a fresh Assembly.

I wish to emphasise to the House that dissolution of the present Assembly in no way conflicts with our desire for devolved government, nor our commitment to the Anglo-Irish agreement. Devolution remains the Government's preferred option, and I hope that we may see a future Assembly playing a responsible and valuable role in the Province. The sooner that happens, the better.

Meanwhile, the Government remain ready to discuss with all the constitutional parties in Northern Ireland the best way forward. In particular, I would urge the Unionist parties to return to this House to argue their case and to take up the offer of my right hon. Friend the Prime Minister to discuss with her the four matters proposed: namely, devolution and the possibility of a round table conference; the future of the Assembly; arrangements for handling Northern Ireland business at Westminster; and new means of consultation between the Government and Unionist leaders.

Only if we are prepared to talk together and discuss these matters can we hope fully to play our separate but complementary roles in building a better future for the people of Northern Ireland.

Mr. Peter Archer (Warley, West): Does the right hon. Gentleman appreciate that his statement will hardly burst on the world as a surprise and will occasion neither joy nor regret? The Assembly was

> "A maid whom there were none to praise
> And very few to love".

As there was no one left who both attended and used it for the purpose for which it was established, it is only seemly that it should be laid to rest in peace, and on another occasion we can pay tribute to those who at least tried.

Does the right hon. Gentleman appreciate that missing from his statement is any positive proposal either for the immediate future or for the longer term? As he reminded us, the Assembly, when it functioned, played a role in scrutinising the Northern Ireland policies that came before the House. Has he now grasped that that role must be assumed more effectively by the House? Will he consider how to make greater use of the Northern Ireland Committee? Can he persuade the Government's business managers to treat Northern Ireland business less contemptuously and to arrange debates at less bleak hours?

More importantly, does the right hon. Gentleman understand that the people of Northern Ireland will see his statement as pronouncing the obsequies on yet another institution which they were once told offered hope? Where are they now to turn for that?

Will there not be those who seek to represent the expiry of the Assembly as a consequence of the Anglo-Irish agreement? The people of Northern Ireland will consider it worth the price if the agreement makes a measurable contribution to their livelihoods, environment, community services and civil liberties. If those benefits are seen to arise from discussions and co-operation between North and South, Catholic and Protestant, may not the people themselves denounce the bickerings of their politicians?

When the House debates the matter more fully, will the Secretary of State, if he can, give an account of the positive side of the balance sheet, or, if not, give an indication of how long we must wait? If people cry for bread and they are given a stone, can we be surprised if they turn in despair to the demagogues, the bullies and the witch doctors?

Mr. King: It is true that my statement can hardly come as a surprise, because I gave the clearest warnings that, if the Assembly did not discharge the functions for which it was set up, its continuation would obviously be brought into question. That is precisely what has happened.

It would be unfortunate if it were not recognised that I regard this very much as a lost opportunity because—certainly in respect of the scrutiny role—there is no doubt that the Assembly and its various committees were doing some useful work. I especially regret that the decision was made to discontinue those responsibilities.

[Mr. King]

The right hon. and learned Gentleman spoke about the way in which Northern Ireland business is handled in the House. The Government have made clear their readiness to sit down and talk. The Government are often accused of not having enough consultation. I hope that we can sit down with all parties in the House, and with those who ought to be here and are not present in the numbers that they should be, to discuss ways in which we might meet those concerns.

I must correct the right hon. and learned Gentleman in one important aspect. I was in no sense pronouncing obsequies on the Assembly. I was making clear that this Assembly is no longer fulfilling a useful function, but I hope that it will be possible to see a new Assembly which can move forward on a new basis.

Mr. Julian Amery (Brighton, Pavilion): I hope that I shall not embarrass my right hon. Friend by expressing my support for the decision he has just announced. Would he be gracious enough to acknowledge that a number of his right hon. and hon. Friends kept the House up late at night warning that the Assembly would not work? In saying, "We told you so," may I expresss the hope that he and his colleagues will pay rather more attention to our views on Northern Ireland policy than they have hitherto?

Mr. King: I hope that I can assure my right hon. Friend that I shall contain my embarrassment at that expression of support. I shall, of course, wish to take his views fully into account with the respect that I know he would wish to receive.

Mr. J. Enoch Powell (South Down): Is the right hon. Gentleman aware that in 1982 the two main Unionist parties, as they were then represented in the House, opposed the legislation establishing this Assembly with all the resources that parliamentary procedure admitted? Will he acknowledge that the judgment of those Conservative Members who supported us in our endeavour to prevent that mistake being made has been validated by the statement he has now found it necessary to make?

Mr. King: I do not agree with the right hon. Gentleman, precisely for the reasons I gave in part of my answer to the right hon. and learned Member for Warley, West (Mr. Archer). I think that the Assembly proved that it could discharge a useful role. It is important that people in Northern Ireland should feel that they have much more of an immediate say in the administration of the Province. I say that as somebody who, under the present structure, exercises a degree of power and authority which, in a democracy, raises difficult issues. I would much rather see a situation in which there was greater authority and responsibility for those in the Province. It is unfortunate that the actions of some members of the Unionist parties have prevented the Assembly from discharging its proper functions, but I hope that we will see a day when that can be done.

Sir John Biggs-Davison (Epping Forest): Since the abolition of the Northern Ireland Parliament we have had about as many short-lived successive assemblies as in the French revolution. May I ask whether Her Majesty's Government will now declare a moratorium on assemblies and on political initiatives, including the Intergovernmental Conference, and concentrate on the conduct of parliamentary business as befits a Province of the United Kingdom and the good government, administration and local government of Northern Ireland?

Mr. King: My hon. Friend would not necessarily expect me to agree with all that he has said. However, I welcome the fact that he is prepared to express his views and argue for them, and I welcome the opportunity, which I have from time to time, to discuss them with him. I hope that he will join me in urging everybody who is interested in the affairs of the Province to come forward and have the confidence to argue their views as well. That must be the right approach, and I hope that the House will support me on that.

Mr. Ian Gow (Eastbourne): Does my right hon. Friend accept the paradox between his announcement of the suspension, if not the death, of the Assembly, one of the principal tasks of which was to present proposals for devolution for the Province, and the passage in his statement in which he said that the preferred choice of the Government was still devolution? Would he acknowledge that, even if that is the preferred solution of the Government today, he will not exclude from his consideration the fact that we should govern Northern Ireland in the way in which we govern other parts of this kingdom?

Mr. King: That begs many questions which need considerably more discussion. Obviously we would seek to govern Northern Ireland as fairly, equally and impartially as we seek to govern every part of the United Kingdom. However, to suggest that that involves total harmonisation of every structure of government flies in the face of experience and practice of the present situation. What it does emphasise—I say this fairly to my hon. Friend and I pay tribute to him because I know that he disagrees with the policies we have recently pursued and honourably took the course that he did in the matter—is that he is prepared to stand up and argue his views. Above all, at present we need people in Northern Ireland who are prepared to have the courage to argue their case in debate and not to fly from this Chamber. They should be prepared to come here and argue for what they believe is the best way forward. That is what I hope to see, and I know that my hon. Friend will support me on that.

Mr. John Hume (Foyle): I can hardly shed any tears over the Secretary of State's announcement today, which is long overdue. I simply repeat our willingness as a party to accept his invitation to sit down and discuss with the Unionist parties devolution or any other matter pertaining to peace and stability in Northern Ireland. Since Unionists in Northern Ireland seem to fear the future more than anything else, the SDLP would welcome the opportunity to talk to them and explain and set out in detail its strategy and view of the future. We would like to hear from them what in that strategy in any way threatens the people they represent and we would also like to hear, for a change, their view of the future.

Mr. King: I am grateful to the hon. Gentleman for his comments. He will have noted in my statement my regret about the previous attitude of the SDLP. Perhaps part of the reason for the statement today goes back to the failure of his party to take part at that time. Therefore, it is certainly an advance in the sense that there might by an opportunity for all the constitutional parties in Northern Ireland to be prepared to sit down and talk constructively.

To cover a point that perhaps I did not answer in the question of my hon. Friend the Member for Eastbourne (Mr. Gow), that is perhaps part of the reason why it is worth making a further attempt to try to achieve devolved government.

Sir Adam Butler (Bosworth): Does my right hon. Friend accept, from my experience as a Minister on the receiving end, that the Assembly did some valuable work in fulfilling its scrutinising role? Does he also agree that perhaps the main lesson from the demise of the Assembly is that if there are those who refuse to participate in the constitutional processes available to them, it serves only to give heart and encouragement to the men of violence? As long as the Unionists continue their boycott on similar lines, they will not only do no good to themselves but will push the peaceful resolution of the Northern Ireland problem further away?

Mr. King: I am grateful to my right hon. Friend, especially with his experience of Northern Ireland, for the tribute he paid to the work done by the Assembly in its scrutinising role. It was a great pity that it chose to discontinue that role. I certainly agree that if a vacuum is left because of people's inability to sit down and discuss the problems frankly and openly and try to find a way forward, traditional to our parliamentary democracy, by argument and debate, it will be a dangerous vacuum into which others may walk.

Mr. Stephen Ross (Isle of Wight): Is the Secretary of State aware that, unlike many Conservative Members who have spoken so far, we share his disappointment at the demise of the Assembly but think that in the circumstances he has taken the right decision? Is he further aware that we share his hope that we will see a new devolved Assembly with all parties of good will serving in it? That is the only way in which the economy of the people of Northern Ireland can be put on better lines. Is not now the time to set up a parliamentary tier between this House and Dublin?

Mr. King: I am grateful to the hon. Gentleman for his opening comments. Some hon. Members seek no initiative, but to preserve the status quo. I find it unsatisfactory to have nothing between the Secretary of State and local authorities, the powers of which are not much in excess of a parish council. *[Interruption.]* That problem may be tackled in a number of different ways. I make no apology to the House for repeating that what is true, above all, is that we shall not begin to find the best solution unless people are prepared to sit down and talk the problem through. The present position is not a long-term solution. I regret the announcement that I have had to make today, but I hope it may provide the opportunity for discussions to start soon on a better way for the people of Northern Ireland to have more say in the administration of the Province. We are certainly willing to consider ways in which there could be a better interchange with the Republic.

Mr. Michael McNair-Wilson (Newbury): Bearing in mind that the chance of the Assembly being revived in the near future is small, is this not the ideal moment to set up the Royal Commission, which should perhaps have been set up in 1980, to consider the structure of local government in Northern Ireland? When considering that, will my right hon. Friend also bear in mind that local government in Northern Ireland has always been unequal when compared with the rest of the United Kingdom, and that that way forward would not be obstructed by the road block created by politicieans who refuse to get together?

Mr. King: At present I have no proposals for that particular approach. I would rather see direct discussions taking place. I appreciate that my hon. Friend has once again made a constructive proposal in an attempt to see a way forward in this matter. That must be the right approach. There is a range of different ways. Although I am not instinctively inclined to his suggestion, I recognise that it is a serious proposition.

Mr. Alfred Dubs (Battersea): While I understand the reasons for the Secretary of State's statement this afternoon, may I urge him to resist as forcibly as possible the blandishments of Conservative Members below the Gangway that a do nothing policy is best for Northern Ireland? What does he intend to do about the Anglo-Irish parliamentary tier? We have raised that matter on many occasions and time and again the Government have said that it is a matter for the House. The right hon. Gentleman knows, and we know, that it not possible for us to make any progress unless he backs that proposal. I urge him to do so and to give us a date when we can get on with the task of establishing the parliamentary tier, which is part of the agreement and is a desirable feture of the relationships between Britain and both parts of Ireland.

Mr. King: I have never regarded any comment from my hon. Friend the Member for Newbury (Mr. McNair-Wilson) as a blandishment. His serious interest in these matters could never be described as such.. I know that the hon. Gentleman does not want me to give this answer, but the parliamentary tier must be a matter for the House to consider. I know that my right hon. Friend the Leader of the House has made that position clear.

Viscount Cranborne (Dorset, South): Does my right hon. Friend accept that the spirit in which the Assembly was introduced to the House was the same spirit in which the Anglo-Irish agreement was introduced? Is there any guarantee that the agreement will not suffer the same fate as the Assembly? Is not a more sensible approach—this has been suggested to my right hon. Friend several times this afternoon — to pursue parliamentary forms of governmnt in Northern Ireland? In that context, will he consider setting up or advising the setting up of a Northern Ireland Grand Committee?

Mr. King: I see no similarity between those two items. These matters can be looked at seriously. We have made clear our willingness to consider the arrangements in the House, but we must also consider the administration of government in the Province. It is a great fallacy to assume that one can simply change the arrangements in this House in isolation, without also considering the arrangements for administration in the Province. At present very little lies between Ministers in the Northern Ireland Office and councils, most of which sadly are not meeting, and which have little more power than parish councils. We must consider the totality of the problem.

Mr. Robert Parry (Liverpool, Riverside): Does the Secretary of State believe that the statement today will help to reduce violence in the Province, bearing in mind that we are now fast approaching the marching season?

Mr. King: It is widely recognised in the Province, and by many responsible politicians, that, sadly, the present

[Mr. King]

Assembly is no longer discharging a useful function and that it is not helpful in present circumstances. Many of those who believe in devolution and the concept of an Assembly think that the state of the present Assembly is a positive blockage to considering the form of a new and effective Assembly and how it could work. I hope that that will be recognised. I see no reason why the absence of the Assembly should lead to an increase in tension, especially as it was about to go into recess for the summer.

Mr. Nicholas Budgen (Wolverhampton, South-West): Will my right hon. Friend undertake to issue a White Paper so that the House may be reassured that the aggressive English liberals in both the Northern Ireland Office and the Foreign Office will not attempt a similar expensive, dangerous and destabilising experiment, at any rate within the next decade?

Mr. King: I am grateful to my hon. Friend for the typically unperjorative way in which he puts his question. I do not want to issue a White Paper now precisely because I want first to hear the views of those most involved. Rather than trying to lay down the matter in tablets of stone, at this stage, I should like to talk to people and hear their views. In the absence of any contribution from those who have been elected to represent the people in the Province and in their continuing refusal to express any views whatever on behalf of their constituents, we may have to consider a step such as that suggested by my hon. Friend.

Mr. David Winnick (Walsall, North): Is not the fallacy of the argument advanced by many Conservative Members today that Northern Ireland is just like any other part of the United Kingdom? Was not the signing of the Anglo-Irish agreement a recognition by the Government that Northern Ireland is indeed different? It is about time that Conservative Members recognised that position. If the Unionists continue their present tactics of obstruction, boycotting the House, and so on, will not many people come to the same sort of conclusion as that illustrated in the question by the hon. Member for Banbury (Mr. Baldry) to the Prime Minister today — namely, that many people will get so fed up with Northern Ireland and its problems and with the refusal of politicians to accept any possible agreement that they will shrug off the problem and conclude, on balance, that there is no positive role for Britain to play?

Mr. King: That would be a tragic and defeatist approach to the genuine problems that exist in Northern Ireland and a betrayal of all those who live there, who are part of the United Kingdom and who are entitled to good government. Obviously, all parts of the United Kingdom are not identical. The many areas, while all being part of the United Kingdom, are different. The arrangements in the House for handling Scottish affairs are different and the arrangements in Northern Ireland are different. I make no apology for emphasising that point.

Sir Eldon Griffiths (Bury St. Edmunds): I agree with my right hon. Friend that a properly elected democratic Assembly is an essential part of the local government of the Province, but may I ask for his assurance that it is in the best interests of the Union that until civil peace is restored in Northern Ireland, there can be no devolution of responsibility for the enforcement of the law, the administration of justice and the upholding of internal security?

Mr. King: I should like to make it absolutely clear that we support the point made by my hon. Friend. There could clearly be no question of devolution on those matters unless there was a considerable basis of confidence, perhaps at an earlier stage with experience of devolved administration in other areas more traditionally associated with devolved government.

Mr. Merlyn Rees (Morley and Leeds, South): In the face of a divided Northern Ireland, where 2,500 people have died and more than 30,000 have been injured by the violence and where the Northern Ireland (Emergency Provisions) Act has been in force for 10 or 12 years, does the Secretary of State accept that to continue to talk about devolution is a pipe dream and, equally, to talk about integration is also a pipe dream? If both sides in Northern Ireland will not sit down and talk with the Secretary of State—I wish that they would—they should be asked to sit down together without hon. Members being present and, if nothing results from that—which is likely—we should completely reassess our policy towards Northern Ireland. Perhaps only that thought will concentrate the minds of people in the Province.

Mr. King: The House respects the right hon. Gentleman's considerable experience on these matters. I listened carefully to his comments. He has had experience along this path and knows the difficulties that exist. It might be fair to say that the concentration of minds to which he referred at the end of his question, has followed in part after the Anglo-Irish agreement. In the coming months it might be possible to see more interest in the idea of sitting down and talking.

It is true that those matters upon which agreement could be reached would be removed, and the Anglo-Irish agreement would cease to operate on those points. There is, therefore, clearly an interest among those parties opposed to the Anglo-Irish agreement to see whether certain matters can be removed from the ambit of the agreement.

Mr. James Prior (Waveney): Is my right hon. Friend aware that for those of us who have a deep and abiding commitment to all the people of Northern Ireland, this afternoon's announcement must come as a disappointment? Is he further aware that others, like myself, do not believe that integration is the answer to the problem? In the United Kingdom's interests there must be devolved government some time in Northern Ireland, if not now. The SDLP more than any other party, which has achieved significant success through the Anglo-Irish agreement, should play its part by helping to bring about an Assembly in Northern Ireland. That would be a great advantage to the unionists, because the more the Assembly could do, the less the Anglo-Irish agreement would have to operate. Does that not afford some way forward? Is it not right that the House should always seek some way forward to resolve a problem which is not new, will not go away, and which it is our duty to solve?

Mr. King: I am grateful for my right hon. Friend's comments. I share the feeling of sadness at the necessity of having to make the announcement today. I understand that the concept that he launched was well worth pursuing

and had shown merit. It was a tragedy that the SDLP did not take part, and that posed difficulties. I know that the hon. Member for Foyle (Mr. Hume) understands why my right hon. Friend the Member for Waveney (Mr. Prior) made the comments that he did. I hope that the idea launched by my right hon. Friend will be carried forward in a new form in future.

Several hon. Members *rose*——

Mr. Speaker: Order. I appreciate the interest of the House in these matters. However, there is pressing business to come. I shall allow questions to continue for another seven minutes, after which we must proceed to the next business. I hope by then that all hon. Members will have been called—if they speak briefly.

Mr. Jerry Hayes (Harlow): Does my right hon. Friend agree that it is regrettable that the House has heard some distasteful crowing about his announcement this afternoon? People should be looking to the future. Perhaps this drastic measure—which will be debated on another day — might concentrate the minds of all parties in Northern Ireland and force them to sit down and negotiate. That is the only way to keep the peace in the Province.

Mr. King: It is clear that we must make progress. The danger is that people talk about slogans—and perhaps I am guilty of this also—about devolution or integration, and they do not consider the problem as a whole—the relationship of this House with the Province and the problems of the Province's administration. We must consider the totality of these problems and find a basis on which we can go forward which will command the widest possible acceptance among people in the Province. We know the difficulties. We realise that so far that has been unachievable. The House must try to find the correct approach. I will try to do that.

Mr. Patrick Nicholls (Teignbridge): Does my right hon. Friend accept that by raising even now the spectre of devolution at some future date, he is turning his face away from the only lesson that can be learnt from the inevitable demise of the Assembly—that devolution in Northern Ireland will never work? It will never work because neither the minority community nor a United Kingdom Government will accept that the ballot box in Northern Ireland will always, for the foreseeable future, produce a Unionist majority. Faced with those inevitable facts, can he say whether there is a realistic way forward, other than the integration, on suitable terms, of the Province into the local government and parliamentary structure?

Mr. King: My hon. Friend glides easily with a wave of the wand from the problems of achieving devolution to integration, as if that was immediately achievable on some acceptable basis. He greatly underestimates the problems that that would pose. I have made it clear, and my right hon. Friend the Prime Minister has made it clear to the Unionist leaders, that, while we remain committed to the principle of devolution, we are also prepared to consider the ways in which Northern Ireland business is handled in this House. These matters require serious discussion. I hope that my hon. Friend the Member for Teignbridge (Mr. Nicholls) will lend his shoulder to the wheel and try to get people to join in these discussions.

Mr. John Mark Taylor (Solihull): Does my right hon. Friend agree that if Northern Ireland is to be governed in the same way as the rest of the United Kingdom, as many Unionists would urge, one of the first requirements must be to have county councils or a provincial council? Does he accept that he has now abolished the elected Assembly which could have adopted that role? If he were to use the introduction of county councils or provincial government as a point of departure, what guarantee is there that everyone will sit in the chamber?

Mr. King: That is the point that I was making. My hon. Friend has understood the point that the present Assembly comes to the end of its life on 20 October, at the end of its four-year term. However, it has ceased to discharge the functions for which it was set up. There is no question but that the Assembly could have moved on in the direction that my hon. Friend has mentioned. I hope that we can have discussions to discover whether it is possible to move in any way along the lines that my hon. Friend has described.

Mr. John Stokes (Halesowen and Stourbridge): Will my right hon. Friend be assured that, in spite of the natural and inevitable impatience in England about affairs in Ireland, many English people hold the Province in great esteem? They remember its wonderful contribution in both world wars. The English people wish it well. I believe that our best efforts must be directed towards improving parliamentary and local government in the Province, not to have too many new initiatives here.

Mr. King: Everyone who has had the honour to serve in Northern Ireland would share the comments made by my hon. Friend at the start of his question. Our recognition and appreciation of the quality of the overwhelming majority of the people in the Province is completely unquestioned. That is why we are so committed to trying to find the most acceptable way in which to proceed and to give the people of Northern Ireland as substantial a say as we can in their administration.

Mr. Michael Brown (Brigg and Cleethorpes): Does my right hon. Friend agree that whatever our views on the Northern Ireland Assembly previously, the most important conclusion that any hon. Member representing Northern Ireland should draw from today's announcement is that, whatever their views and however aggrieved they may feel, this is now the central forum for political debate?

Mr. King: One of the comments that may be made about my statement today is that the Government are in some way seeking to choke or close off channels of communication and expression. That charge falls flat when one sees the Benches opposite and realises that one of the most important channels open to anyone in this United Kingdom is this Chamber. Nevertheless, the House is completely neglected and unused by the overwhelming majority of Unionist Members. They are abusing district councils at the same time. They are failing to use the channels that are available to them. I very much agree with my hon. Friend.

Mr. Kenneth Carlisle (Lincoln): Does my right hon. Friend agree that the failure of the Assembly is to be regretted, because it provided a local forum in Northern Ireland where the various parties could try to resolve their differences? Does he also agree that no actions or words in this House can thrust peace on Northern Ireland? Does he accept that peace can be achieved in the Province only if all parties there genuinely wish to talk and reach some accord on future life and prosperity there?

Mr. King: I very much agree with my hon. Friend. There is no doubt that if we are to find a way forward, the people in the Province and their representatives will have to be prepared to come forward and make their contribution.

Mr. Neil Hamilton (Tatton): Is if not clear from the SDLP's attitude to the Assembly and a comparison of that attitude with its attitude to the Anglo-Irish agreement that it is prepared to support Government initiatives only when it calculates that they are likely to weaken the Union? That should be enough to make us view with suspicion any initiatives that it supports. Did not my hon. Friend the Member for Teignbridge (Mr. Nicholls) put his finger on the central point about experience in Ulster in the past 16 years? The attempt to reconcile two irreconcilable opposites merely by talking will never succeed. The time has come to allay Unionist fears by moving towards proper integration of the Province, ceasing to govern it as a colonial dependency and treating it properly as part of the United Kingdom?

Mr. King: I am not sure that an agreement which gets the British Government and the Government of the Republic of Ireland to sign an undertaking which was originally given in this House, concerning the rights of the Unionist majority in Northern Ireland, represents consent to the right to dominate. Membership of the United Kingdom is an important safeguard. I do not regard that agreement as weakening the Union in any way. As for integration, I do not have much to add to what I have already said. I am anxious to deal with affairs in the House, and especially to get hon. Members to focus on the real problem of administration in the Province.

Mr. William Cash (Stafford): Does my right hon. Friend agree that the most important thing is to take the politics of Ireland off the streets and into the debating chamber? I have consistently advocated a Select Committee. That would help. Will my right hon. Friend consider it? In such a forum, members of the SDLP, Unionists and others who represent the rest of the United Kingdom could, in a proper constitutional framework, scrutinise legislation in a calm atmosphere, which would, I hope, enable progress to be made.

Mr. King: I am interested in that suggestion. The right hon. Member for South Down (Mr. Powell) made just such a one in the debate on the appropriation order earlier this week. I confirm that that is the type of matter that my right hon. Friend the Prime Minister said we would be prepared to discuss.

Mr. Peter Bruinvels (Leicester, East): I accept that the Assembly has been used improperly. It has been used as a political platform against the Anglo-Irish agreement. I have some sympathy with that, but will my right hon. Friend consider the role of the Democratic Unionist party, which has threatened to take politics on to the streets rather than pursue genuine debate? Will he consider the £2·5 million that it costs to run the Assembly? Could it not be better used helping the economy and providing jobs to encourage the people of Northern Ireland who want to remain part of the United Kingdom?

Mr. King: The Democratic Unionists must answer for their own utterances, but I hope that everybody will show responsibility at a time when problems can easily arise in Northern Ireland. One cannot sit back and do nothing if expenditure is being incurred when none of the functions for which it is authorised are being performed. Bearing in mind the state of the Northern Ireland economy, there are several areas where the money could be much better used.

Mr. Stuart Bell (Middlesbrough): Does not the fact that the Assembly is now to be dissolved and there is no progress towards devolution mean that there is an added burden on the Anglo-Irish agreement? Does the right hon. Gentleman agree that, under article 10 of that agreement, there will be a responsibility to promote co-operation between the two parts of Ireland, so there is an additional responsibility on the agreement? Does he also agree that it ill behoves those who do not come to the House to presume that, by their actions in Northern Ireland and laying the Assembly to rest, they can somehow achieve back door integration? Will he confirm that there is nothing mutually exclusive about the Anglo-Irish agreement and round table talks on the future of Northern Ireland without preconditions?

Mr. King: I believe that talks without preconditions must be the way forward. I am grateful to the hon. Gentleman for making that clear. One component of the Anglo-Irish agreement is the opportunity for the minority to be able to advance its views. In no circumstances was the Anglo-Irish agreement intended to supplant the opportunity for the majority view to be taken into account. The present tragedy is that the majority representatives have chosen to switch themselves off.

cc Press
BG
CDP.

PARLIAMENTARY STATEMENT BY THE SECRETARY OF STATE FOR NORTHERN IRELAND ON THE NORTHERN IRELAND ASSEMBLY 12 JUNE 1986

1. With permission Mr Speaker I wish to make a statement about the Northern Ireland Assembly.

2. Under the Northern Ireland Act 1982 the present Assembly has two functions, firstly to consider and report on how a devolved Northern Ireland administration should be formed. Secondly the Act requires the Assembly to monitor and report on the policies and activities of the Northern Ireland Departments.

3. The task of making proposals on devolution was undoubtedly made much more difficult by the regrettable decision of the SDLP not to take their seats. The Assembly has not been able to come forward with agreed proposals and there is no present prospect of that occurring. As for the monitoring of the Northern Ireland Departments, the Assembly suspended this work on 5 December. In spite of clear warnings about the threat that this action would pose to the continuation of the Assembly, the Unionist parties have not been prepared to resume this function. As a result the Alliance Party withdrew from the Assembly since they believed there was no longer any useful role to be played.

4. On 13 March the Assembly formally resolved not to carry out its monitoring functions, to wind up the Devolution Report Committee and merely to meet one afternoon a week for a debate on aspects of the Anglo-Irish Agreement.

5. The position therefore is that the present Assembly charged under the Northern Ireland Act 1982 with two important functions is now discharging neither. As long ago as last December in this House, I warned that if the Assembly continued the suspension of

its scrutiny role for long, questions about its future would inevitably arise; and on 1 May and 19 May I repeated this warning. On 27 May I invited the leaders of the main parties in the Assembly to discuss with me the position of the present Assembly. The leaders of the two main Unionist parties refused even to talk about it. I regret that I have therefore had to reach my decision without hearing their views.

6. The decision I have now taken is to lay an Order today for the Assembly's dissolution under the powers in Section 5(1) of the Northern Ireland Act 1982. This Order will come before the House for debate under the affirmative procedure. In taking this step I would make the following points. The present Assembly would in any case reach the end of its normal life on 20 October. There would then automatically within six weeks be fresh elections for a new Assembly. The effect of this Order is not to abolish the legal basis for an Assembly but simply to dissolve the present Assembly and to leave open the date for a new election for a fresh Assembly.

7. I wish to emphasise to the House that dissolution of the present Assembly in no way conflicts with our desire for devolved government nor our commitment to the Anglo-Irish Agreement. Devolution remains the Government's preferred option and I hope that we may see a future Assembly playing a responsible and valuable role in the Province. The sooner that happens, the better.

8. Meanwhile the Government remains ready to discuss with all the Constitutional parties in Northern Ireland the best way forward. In particular I would urge the Unionist parties to return to this House to argue their case and to take up the offer of my Rt Hon Friend the Prime Minister to discuss with her the four matters proposed, namely devolution and the possibility of a Round Table Conference; the future of the Assembly; arrangements for handling Northern Ireland business at Westminster; and new means of consultation between the Government and unionist leaders.

9. Only if we are prepared to talk together and discuss these matters can we hope fully to play our separate but complementary roles in building a better future for the people of Northern Ireland.

Ref. A086/1655

PRIME MINISTER

Cabinet: Northern Ireland Assembly

C(86) 16

Subject to the resolution of points left outstanding by the meeting of OD on 9 June, Cabinet should be guided to conclude, in line with the view of OD, that the Northern Ireland Assembly should be dissolved as quickly as possible.

2. The Cabinet will consider a memorandum by the Secretary of State for Northern Ireland (C(86) 16), which takes account of the OD discussions. The Attorney General will be present to advise on the outstanding legal points.

3. The following aspects require discussion -

a. Whether to dissolve the Assembly. Does Cabinet agree with OD that the Assembly should be dissolved, because elections at this time would be disruptive and would stimulate the flagging unionist campaign against the Anglo-Irish Agreement, and because the Assembly's performance for many months has been shameful? The Secretary of State for Northern Ireland's memorandum reports that the Unionists are planning to depart from usual practice by not going into recess during the marching season.

b. Timing. OD agreed with the Secretary of State for Northern Ireland that the matter should, if possible, be got through Parliament in time to dissolve the Assembly before the marching season gets going in earnest on about 12 July.

BRIAAR

c. Outstanding points from OD:

i. Can the Parliamentary Process be completed on time? (Secretary of State for Northern Ireland, Lord Privy Seal, Chief Whip).

ii. Has the Secretary of State for Northern Ireland concluded that he should write in advance to the Speaker of the Assembly?

iii. Is it certain that the Northern Ireland Act 1982 provides for the Assembly's dissolution by Order in Council at any time? Does the Act specify the reasons which would justify this? Is it certain that new elections do not follow automatically from dissolution and that dissolution is not subject to judicial review? (Secretary of State for Northern Ireland, Attorney General, Lord Chancellor.)

d. Presentation. OD concluded that the following points should be stressed:

i. This is dissolution, not abolition, of the Assembly.

ii. The Government remain fully committed to the Anglo-Irish Agreement and the aim of devolution.

iii. The Government remain willing to discuss with Unionists the four matters on which you offered dialogue on 25 February - devolution and a roundtable conference, the future of the Assembly, the handling of Northern Ireland business at Westminster and new means of consultation between the Government and Unionist leaders.

BRIAAR

iv. The Assembly for many months has not carried out its proper functions (scrutiny of Northern Ireland Departments and preparation of proposals for devolution) and has exceeded its functions by attacks on the Anglo-Irish Agreement.

v. The Unionist leaders turned down the Secretary of State for Northern Ireland's offer two weeks ago of talks about the assembly.

vi. The Government's willingness to hold new Assembly elections at an appropriate time.

e. SDLP. Has the Secretary of State for Northern Ireland managed to persuade Mr Hume to undertake to participate in future elections to the Assembly?

MS

for ROBERT ARMSTRONG

11 June 1986

BRIAAR

From: THE PRIVATE SECRETARY

CONFIDENTIAL

NORTHERN IRELAND OFFICE
WHITEHALL
LONDON SW1A 2AZ

Prime Minister

CDP 11/6

C D Powell Esq
10 Downing Street
LONDON

11th June 1986

Dear Charles,

Subject to Cabinet approval of the recommendations in C(86)16 for dissolving the Northern Ireland Assembly, the Secretary of State wishes to make a statement in the House tomorrow afternoon. A draft of the statement is attached.

I am copying this letter to the Private Secretaries to other members of the Cabinet, the Chief Whip, and the Attorney-General and to Michael Stark.

Yours sincerely
Neil Wand

for J A DANIELL
Private Secretary

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NORTHERN IRELAND ASSEMBLY

DRAFT PARLIAMENTARY STATEMENT

1. With permission Mr Speaker I wish to make a statement about the Northern Ireland Assembly.

2. The present Assembly was set up under the Northern Ireland Act 1982. It has two functions, firstly to consider and report on how a devolved Northern Ireland administration should be formed. Secondly the Act requires the Assembly to monitor and report on the policies and activities of the Northern Ireland Departments.

3. The task of making proposals on devolution was undoubtedly made much more difficult by the regrettable decision of the SDLP not to take their seats. The Assembly has not been able to come forward with agreed proposals and there is no present prospect of that occurring. As for the monitoring of the Northern Ireland Departments, the Assembly suspended this work on 5 December. In spite of clear warnings about the threat that this action would pose to the continuation of the Assembly, the Unionist parties have not been prepared to resume this function. As a result the Alliance Party withdrew from the Assembly since they believed there was no longer any useful role to be played.

4. On 13 March the Assembly formally resolved not to carry out its monitoring functions, to wind up the Devolution Report Committee and merely to meet one afternoon a week for a debate on aspects of the Anglo-Irish Agreement.

5. The position therefore is that the present Assembly charged under the Northern Ireland Act 1982 with two important functions is now discharging neither. On 27 May I invited the leaders of the

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PRIME MINISTER

c Sir Robert Armstrong

Northern Ireland Assembly:
OD Meeting at 10.30 on Monday 9 June

CONCLUSION

The Committee should reach a view on whether to dissolve the Northern Ireland Assembly, and when. That conclusion should be put to Cabinet on 12 June, probably on the basis of a memorandum by the Northern Ireland Secretary for the benefit of Cabinet Ministers who are not members of OD.

BACKGROUND

2. The meeting will consider a memorandum (OD(86)9) of 6 June by the Northern Ireland Secretary. All members of the Committee will attend, except the Lord President, who has given his views in a minute of 6 June. The Home Secretary, the Solicitor General and the Chief Whip will also attend.

HANDLING

3. The following aspects require discussion -

a. Whether to dissolve the Assembly. The Northern Ireland Secretary sees two reasons for doing so: (1) elections this autumn would be disruptive and would stimulate the unionist campaign against the Anglo-Irish Agreement; (2) and the Assembly's performance for many months has been shameful. He thinks that dissolution is widely considered in Northern Ireland to be necessary, even overdue.

b. Timing. Best to get the matter through Parliament before the marching season gets going in early July. Should dissolution take effect then, or later, e.g. 19 October when the present Assembly would normally end? The Northern Ireland Secretary strongly favours early dissolution, since the Assembly would continue to make mischief until actually dissolved.

c. Presentation. These points should be stressed:

- the Government remain fully committed to the Anglo-Irish Agreement;

- the Government's continued commitment to devolution and readiness to call a round table conference;

- this is dissolution of the Assembly not abolition; the Government's willingness to call new Assembly elections, perhaps on an improved basis;

- the Government's offer to talk to unionist leaders about the future of the Assembly as well as other matters (your meeting with Messrs Molyneaux and Paisley on 25 February) still stands;

- the Northern Ireland Secretary will consult the constitutional parties about the Government business which the Assembly would normally scrutinise.

d. Preparing the ground for an announcement.

- the Northern Ireland Secretary should secure, before any announcement, the clearest possible

public commitment from the SDLP to participate in future elections to the Assembly;

- he will also be encouraging Church leaders in their support for dialogue between the political parties and the Government;

- there is a need, not mentioned in the memorandum, to explain the decision in advance to key MPs. (Sir John Biggs-Davison, Sir Humphrey Atkins and Sir William van Straubenzee, Messrs J Prior, M Rees, R Mason, D Howell and W Benyon were mentioned at your meeting on 5 June. Should Mr Gow be added?)

e. "Council of Northern Ireland". Not mentioned in the Northern Ireland Secretary's memorandum. Would a new Council of Northern Ireland with advisory powers, an idea which could be launched before the marching season and implemented in the autumn, provide a focus for politics and a safety valve for unionist opinion? The Lord President favours this.

C L G Mallaby

6 June 1986

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PRIME MINISTER

Prime Minister
I asked the Lord Privy Seal to read this, as he cannot be present at OD

NORTHERN IRELAND ASSEMBLY

As I am unable to be present at the OD meeting on Monday, I thought it might be helpful if I were to set out my views to you.

2. I believe the Secretary of State for Northern Ireland is right to propose the dissolution of the present Northern Ireland Assembly because it is behaving in a totally irresponsible manner. But I am equally sure that he should make clear that the dissolution is not intended to be permanent. In principle, the idea of having an Assembly elected in due course is sensible. I hope the Secretary of State will be able to make sure that John Hume is pressed to ensure that the SDLP will join any new Assembly. In the interim, I suggest it might be of value to consider having some form of Advisory Council, appointed by the Secretary of State, and numbering the main party leaders - if they agree - among its members. The Council could scrutinise legislation affecting Northern Ireland as the Assembly was supposed to be doing.

3. I do of course accept that this alternative proposal may not be found to be acceptable in the current circumstances. Whatever its feasibility, however, it should be made perfectly clear that the operation of the Anglo/Irish Agreement is not to be affected by dissolution of the Assembly.

4. I am sending a copy of this minute to the Secretary of State for Northern Ireland, to the other members of OD Committee and to Sir Robert Armstrong.

Privy Council Office
6 June 1986

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The National Archives

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SECRET AND PERSONAL

SUBJECT
cc MASTER

25 MJ

10 DOWNING STREET

From the Private Secretary

4 June 1986

Dear Jim,

NORTHERN IRELAND ASSEMBLY

The Prime Minister held a meeting this morning to discuss the Northern Ireland Secretary's minute of 29 May on the future of the Northern Ireland Assembly. The Lord President, the Foreign Secretary, the Home Secretary, the Northern Ireland Secretary, the Chief Whip and Sir Robert Armstrong were present.

The Northern Ireland Secretary said that the Northern Ireland Assembly was failing to carry out its statutory functions; rather it was being used exclusively as a platform to campaign against the Anglo-Irish Agreement in extravagant terms. Its behaviour was disreputable and was increasingly recognised as such in Northern Ireland itself. Its activities were also making the Government look ridiculous. A decision was required soon on whether to dissolve the Assembly prematurely. If it was allowed to run on until July, there would in practice - because of the parliamentary timetable - be no way of avoiding fresh elections to the Assembly in October. Such elections could well be disruptive, and there would be little likelihood of SDLP participation. It would be preferable for the Government to be able to control the timing of future elections. A decision to dissolve the Assembly was probably best taken and debated in Parliament before the marching season in the province; once the season started reactions to such a decision were likely to be the more inflammatory. It would be argued that the people of Northern Ireland were being deprived of their democratic institutions and left with no peaceful outlet for expressing opposition to the Anglo-Irish Agreement. It would be necessary to emphasise in the Government's statements that the Assembly was being dissolved and not abolished; that the Government remained ready to hold elections at the right moment; and that the Government's offer of talks with the Unionist leaders was still on the table. It might also be possible to say that the Government would look at alternative means for consulting opinion in Northern Ireland while the Assembly was in abeyance. He hoped that his colleagues would agree that the necessary Order in Council to dissolve the Assembly should be laid very shortly and take effect from the end of the month.

In discussion there was general agreement that it would be right to dissolve the Assembly prematurely. It had gone down in popular esteem in Northern Ireland. It was widely recognised that its members were drawing money but failing to do their proper job. Dissolution was, on balance, unlikely to be a matter of major controversy in Northern Ireland.

But the decision would need to be presented with finesse. The distinction between dissolution and abolition would need to be clearly explained. The Government should emphasise that it remained committed to the aim of devolution. It might also express the hope of being able to bring the Assembly back in an improved form. Consideration should be given to further measures, attractive to Unionist opinion, which might be announced at the same time. Possible measures which deserved to be considered were: a conference of church leaders: establishment of a Council of Northern Ireland (perhaps on the model of the Advisory Council set up in the early days of direct rule) as an outlet for Unionist views: a renewed offer of talks with Unionist leaders: and announcement of the Government's intention to convene a Roundtable Conference on devolution. It would also be important to secure the most precise possible commitment from the SDLP to participate in future elections to the Assembly (bearing in mind that the Government's leverage over the SDLP would be greatest before the announcement of an intention to disolve the Assembly). The Government's proposals would need to be explained carefully in advance to its own backbenchers, particularly those connected with Northern Ireland affairs, as well as some leading Opposition representatives.

The Prime Minister concluded that, while those present generally supported the Northern Ireland Secretary's intention to dissolve the Assembly, the implications of the decision were considerable. The matter should therefore be discussed by OD on 9 June and by Cabinet on 12 June. The Northern Ireland Secretary should circulate a paper for OD drawing on the points made in discussion.

I am copying this letter to Joan MacNaughton (Lord President's Office), Robert Culshaw (Foreign and Commonwealth Office), Stephen Boys Smith (Home Office), Murdo Maclean (Chief Whip's Office) and Michael Stark (Cabinet Office).

Yours sincerely,

Charles Powell

Charles Powell

Jim Daniell Esq
Northern Ireland Office.

Ref. A086/1605

PRIME MINISTER

Northern Ireland: Meeting of Ministers on 5 June

The purpose of your meeting after Cabinet on 5 June will be to consider the future of the Northern Ireland Assembly and also the handling of the draft Order to renew the provisions for direct rule before they expire on 16 July.

2. The intention of the Secretary of State for Northern Ireland to dissolve the Assembly has already been discussed in the media. There seems to be wide recognition that the Government cannot stand aside indefinitely while the Assembly does not carry out its statutory function of scrutinising legislation but does carry out the inappropriate function of criticising the Anglo-Irish Agreement. On public expenditure grounds alone, the case for suspension looks strong. It would be important, in announcing such a decision, to emphasise the point in paragraph 4 of the Secretary of State's undated minute that new elections to the Assembly and its resuscitation could be arranged at any time on the basis of a further Order in Council.

3. Direct rule has to be renewed annually. The requisite Order is being laid this week. The Secretary of State must be right that it would be best to have this Order and the one on the Assembly debated in Parliament before the height of the marching season in July.

4. Your meeting will also provide an opportunity for a discussion on some wider aspects of policy on Northern Ireland. Our present policy is that we are firmly maintaining our determination to implement the Anglo-Irish Agreement; we are implementing it sensitively; and we are keeping open our offer of

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talks, or initially talks about talks, with unionist leaders on devolution, on new methods of consultation between unionists and the Government and on the handling of Northern Ireland business at Westminster. When you saw Messrs Molyneaux and Paisley on 25 February, you also offered consultations about the future of the Northern Ireland Assembly; suspension of the Assembly on the basis suggested above would not rule out talks on this with unionist leaders, since we would explicitly keep open the option of resuscitating the Assembly. While the Secretary of State has continued to explain our policy in public, other Cabinet Ministers have not done so recently. There could be some danger of creating an impression that the Government are giving less priority to the success of the Anglo-Irish Agreement than formerly, or just letting things drift.

5. The attached article from The Times of 29 May suggests that the Northern Ireland Office may be attracted to ideas for "integrating" Northern Ireland into the United Kingdom and giving less priority to "devolution". It appears that the Secretary of State is toying with ideas in this direction, though I believe his officials are sceptical about them: greater integration would be unwelcome both to the Democratic Unionist Party and to the nationalists. Integration is one of the ideas which has gained currency in the Official Unionist Party as its members cast around for new policies in the wake of the Anglo-Irish Agreement; just as in the Democratic Unionist Party the opposite concept of Northern Irish independence in some form is being bandied about. Integration is an elastic concept. It might theoretically be possible to combine a continued search for devolution with changes in the handling of Northern Ireland business at Westminster which would reduce the differences between the handling of that business and of business concerning the rest of the United Kingdom, and thus could be described as increasing the integration of the Province into the United Kingdom.

6. You could take the opportunity of your meeting to ask the Secretary of State for Northern Ireland to give colleagues his views on such questions as -

a. The prospects in the marching season. Does the Secretary of State for Northern Ireland agree that the Government should not be inactive during that period but should continue energetically to explain its policy? Has the time come for a speech by yourself or the Lord President?

b. What is meant by greater integration? Presumably the Government could not support this idea in any form which went against the goal of devolution.

c. How are things going in the Intergovernmental Conference with the Irish Republic? (The Secretary of State for Northern Ireland may seek colleagues' support for his resistance to Irish pressure for three-judge - not mixed - courts in Northern Ireland. The Lord Chancellor and the Attorney General share his dislike of the idea.)

7. You might also wish to ask the Secretary of State to consider, and perhaps work up, the following new idea. Particularly if the Assembly is to be put into deep freeze, to bridge the gap until a round table conference on devolution could be called, could it help to establish a "Council of Northern Ireland"? This might be an advisory body, with membership in proportion for instance to the votes received by the constitutional parties at the last General Election. The individual member might be nominated for an initial period of one year by the political parties. The Council would discuss current issues and also future developments, such as moves towards devolution, with the Secretary of State. The launching of such an idea, even without the actual establishment of the Council, would at least provide a focus for attention during the summer.

In the autumn, the Government could consider whether to establish a Council and begin to call meetings even if the unionists refused to attend.

for ROBERT ARMSTRONG

4 June 1986

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THE TIMES THURSDAY MAY 29 1986

Now a whiff of integration

George Brock analyses the change in government thinking on Ulster

Ever since the first Unionist protests against the Hillsborough agreement six months ago, the government has appeared likely to offer a political concession to buy off the outrage. Some outline of its thinking can now be seen.

Sales talk from Mrs Thatcher and Tom King, the Northern Ireland Secretary, presented Hillsborough as a "twin-track" strategy. Greater cooperation and consultation with Dublin would be balanced by a renewed search for a devolved provincial government shared between Unionist and nationalist politicians.

The second of these two tracks soon vanished. By January, Mrs Thatcher was sounding impatient with talk of devolution. Unionist reaction apart, she was irritated by the unwillingness of John Hume, of the nationalist SDLP, to think in practical terms about devolutionary schemes until Unionist protest had been quelled. King has now confirmed that the Assembly, designed as a devolution vehicle but now operating as a Unionist anti-agreement soapbox, will not last long.

This is a major shift. British governments, Labour and Conservative, have made power-sharing a principal plank of strategy since Stormont was prorogued in 1972; it has been promoted under a bewildering variety of labels, but they all represented essentially the same idea. Now the basic aim of British policy for the province is again up for debate.

Official Unionists have been divided for years over what they want from London. Until recently the party has been divisible into devolutionist and "integrationist" wings, the latter supporting the incorporation of Northern Ireland into the United Kingdom on the same basis as Wales or Scotland. Hillsborough has increased the Unionists' sense of isolation and vulnerability, and that has been a catalyst for rethinking.

Integration is now beginning to carry the day, at least inside the Official Unionist party; the Rev Ian Paisley's Democratic Unionists have never had much time for the idea. Moderate Unionist politicians, seeing hopes of devolution receding, are looking for a straightforward campaign theme which would channel protest in a direction which could not then be written off as purely destructive.

James Molyneaux, the OUP leader, has a recurrent motif in his current speeches and statements about how British governments cannot deny Ulster "equality" of treatment, and has even taken to quoting Labour party spokesmen to this effect.

Noises from the Northern Ireland Office suggest that its ministers are waiting on events: there is the summer marching season to be survived first and the Unionist parties have to clear up what they want before talking of any value can take place. But they are already leaning towards some gentle integrationist moves.

The key elements of what the government may eventually propose are that such moves can be made compatible with the existence and operation of the Hillsbrough agreement and that they do not lock governments into either "full" integration or irrevocably close off other options, such as devolution, should the prospects improve. (This is not to say that any such moves will be popular with Dublin). Complete integration is anyway beyond the range of political possibility; apart from destroying Hillsborough and initiating a likely upsurge of terrorism, its fullest version would involve mainland political parties organizing inside Northern Ireland – hardly likely now or in the foreseeable future.

But there are steps well short of this which might satisfy the government's aim of persuading the Unionists to live alongside the agreement and those Unionist politicians who do not want the initiative inside their own community to pass to those who want to bring down the agreement by action on the streets. Legislation covering Northern Ireland is currently subject to minimal scrutiny in Parliament and there are a variety of constitutional mechanisms which the government could use to upgrade monitoring and amendment by the province's MPs and bring the practice closer to that covering Wales and Scotland.

Further down the road would lie enhanced local government powers, but considering the past history of local councils, and the chaos at the moment, this would be very much more controversial. The government has an opportunity to thus amend direct rule when Parliament renews it at the end of June, but any action may well have to wait until the autumn.

24

PRIME MINISTER

NORTHERN IRELAND

You are to have a meeting immediately after Cabinet tomorrow to consider the Northern Ireland Secretary's recent minute proposing dissolution of the Northern Ireland Assembly. You also want to discuss the related question of renewal of the Northern Ireland Act (1974). The Lord President, the Foreign Secretary, the Home Secretary, the Lord Privy Seal, the Defence Secretary and the Chief Whip will be present.

Mr King wants a private word with you first. I suggest that you slip out into my office,

General

You might start by asking Mr King to give a general assessment of the situation in Northern Ireland and of how he sees the way forward. Some of your colleagues feel that he is playing his cards unnecessarily close to his chest (I know you don't agree).

Northern Ireland Assembly

Mr King argues that:

- the Assembly is refusing to carry out its statutory functions;

- the Unionists would continue to be behave the same way if the Assembly were re-elected in October;

- that the SDLP would probably not participate in the elections in such circumstances.

He therefore proposes that an Order in Council be laid in June for dissolution. There would be hostile demonstrations by Unionists and a tendency to see the decision as marking the

end of the Government's commitment to devolved administration in Ulster. But new elections could be held at any time of the Government's choosing.

Sir G Howe worries that the decision will be seen as a negative one and a signal that the Government's Northern Ireland policies have run into a cul-de-sac. He wants to know more about Mr King's plans to give a more positive aspect to those policies, so that the decision on the Assembly can be placed in context.

Points which you will want to consider are:-

(i) what are the real consequences of allowing the Assembly to continue, and hold new elections in October? Are its antics just a pin-prick or is it doing serious damage? Are not any problems outweighed by the advantages of giving Unionist opinion an outlet? Are people in mainland Britain really aware of what the Assembly is doing?

(ii) will not a decision to dissolve actually take pressure off the SDLP to co-operate? What are we doing to get them to take part in elections?

(iii) if we decide to abolish the Assembly, what can we offer the Unionists in compensation to make them more co-operative? (see also below).

(iv) if a decision is taken to dissolve, what is the best timing? How will it be received by Government backbenchers?

(v) should a detailed line to take, presenting the decision in the most positive light possible, be drawn up?

Northern Ireland Act 1974

You will want to judge how much to reveal about your discussions on this subject. You may find a number of your colleagues concerned about the increasing talk of integration. Any decision to allow the Northern Ireland Act (1974) to lapse would require a new form of administration and new legislative arrangements for Northern Ireland which would need very careful preparation.

CDP.

Charles Powell

4 June 1986

12 of 22

23

NORTHERN IRELAND OFFICE
WHITEHALL
LONDON SW1A 2AZ

SECRETARY OF STATE
FOR
NORTHERN IRELAND

CDP
2/6

The Rt Hon George Younger MP
Secretary of State for Defence
MOD Main Building
WHITEHALL
London
SW1A 2HB

30 May 1986

Dear Secretary of State

CONTINGENCY PLANNING

Thank you for your minute of 22 May at flag.

I fully take your point about the role of troops in relation to troubles in prisons. I should say that all our plans are based upon the use of RUC personnel in contact with prisoners, and the Chief Constable accepts that, however unwelcome, the task is not one which could be avoided given the makeup of the prison population in the province. It would of course severely stretch the RUC, and the assistance which military personnel could give in non-contact posts would be essential; and in addition, the diversion of substantial RUC resources would leave gaps in our security and public order defences which HQNI would have to fill as best they could.

The reference in the memorandum to which you refer was nothing more than a signal that in the worst possible case when severe industrial disruption was coupled with a prison strike, and the RUC were for whatever reason simply unavailable, we might have to contemplate the wider use of military personnel simply because there was no other option. But this "worst case" scenario is based on three simultaneous eventualities which are each in themselves unlikely and the possibility is therefore remote.

Perhaps I may also raise a smaller point in the same field. One of the effects of the recent industrial action by the POA was that a number of static guard posts at the Maze Compound Prison, normally filled by over-time working, were left unmanned for a 5-hour period

between 1600-2100 hours. The posts concerned are inside the prison perimeter but outside the Compound, so that there was no question of any contact with prisoners. The unfilled posts would have posed a very serious security risk, and the necessary cover was obtained for the period from the RUC (approximately 30 men).

There is obviously a slight risk, if similar circumstances obtained in the future, that POA action of this kind at very short notice could leave a gap in our defences if RUC manpower was not immediately available. Since the task is a non-contact one, it would appear that it could - in an emergency - be carried out by soldiers. Officials have discussed this with the staff at HQNI who would be quite prepared to prepare a small local contingency plan. They have however rightly emphasised that they would be quite unable to commit troops without your specific authority. I hope that you will feel that the contingency planning should go ahead so that we have a fallback position prepared. The task remains one which should fall to the RUC, and I would of course consult you in the unlikely event that circumstances meant that they could not meet it in time.

I am copying this letter to the Prime Minister, other members of OD(I) and Sir robert Armstrong.

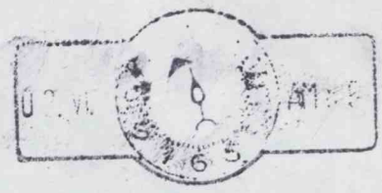
Yours sincerely

pp TK

(Approved by the Secretary of State and signed in his absence)

JLD

IRELAND Situation Pt 20



cc PC
cc BLVP

Prime Minister
I have fixed a meeting for 5 June (the first day we can get everyone together)
CDP 30/5

PM/86/033

PRIME MINISTER

MR

The Northern Ireland Assembly

alt.

1. In his recent undated minute to you, Tom King makes a very strong case for dissolving the Northern Ireland Assembly without further delay. I can see that the disadvantages of allowing the Assembly to continue functioning in its present form quite probably outweigh the undoubted disadvantages of removing the main constitutional outlet (outside Westminster) for locally elected Northern Ireland politicians to express their views; and that, if we decide to act on that conclusion, then for the reasons Tom King gives, it probably makes sense to get the decision and the parliamentary debate on it out of the way before the main Northern Ireland marching season starts.

2. At the same time, I am somewhat concerned that, however carefully we present it, the decision will be seen as an essentially negative one, and could easily be taken as signalling that our Northern Ireland policies have run into a cul de sac. I therefore think that we need to weigh it in the light of our broad strategy for Northern Ireland, including on the one hand the possibility of drawing the unionists into talks about talks and on the other hand the need to maintain and strengthen nationalist support for the Agreement. In this latter connection it will be important to continue to carry the Irish Government with us.

3. I note Tom King's judgement that the unionists will not be prepared to start talking to us until the marching season is over. But that makes it all the more important that the Government's posture during the marching season should be clearly seen to be a positive and constructive one.

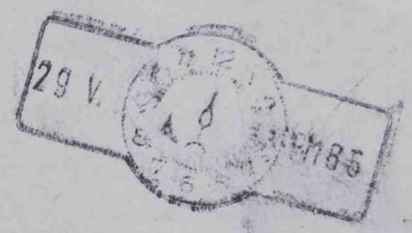
/4.

4. The way the situation in Northern Ireland develops over the coming months could be crucial to the Government's electoral standing. I am therefore glad that we shall have the opportunity on 11 June to meet you, to review the situation in the Province and to hear from Tom King how he sees the way forward between now and the end of the year, before we go ahead with a decision to dissolve the Assembly.

5. I am sending copies of this minute to the Lord President, the Lord Privy Seal, the Secretaries of State for Northern Ireland, Defence, and the Home Department, the Chief Whip and the Cabinet Secretary.

(GEOFFREY HOWE)
(Approved by the Secretary of State and signed in his absence)

Foreign and Commonwealth Office
29 May 1986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CONFIDENTIAL

JAMASZ.
cc B/SP
cc Sir P Cradock

10 DOWNING STREET

29 May 1986

From the Private Secretary

THE NORTHERN IRELAND ASSEMBLY

The Prime Minister has considered the Northern Ireland Secretary's undated minute about the future of the Northern Ireland Assembly. She found the statement that "presentation of a decision to dissolve would be most important" rather ironic given the extensive leaking of the likelihood of such a decision which seems already to have taken place.

The Prime Minister thinks that an early meeting is required to consider this point as well as the handling of the draft Northern Ireland Act 1974 (Interim Period Extension) Order 1986. We shall be in touch to propose a time.

I am copying this letter to Joan MacNaughton (Lord President's Office), Tony Galsworthy (Foreign and Commonwealth Office), Stephen Boys Smith (Home Office), David Morris (Lord Privy Seal's Office), John Howe (Ministry of Defence), Murdo Maclean (Chief Whip's Office) and to Michael Stark (Cabinet Office).

(CHARLES POWELL)

Jim A. Daniell, Esq.,
Northern Ireland Office.

CONFIDENTIAL

KPB

CONFIDENTIAL

Prime Minister

Mr. King recommends dissolving the Northern Ireland Assembly; and laying an Order to do so shortly after the Whitsun Recess. You may like to await the reactions of your colleagues. If there is dissent, we shall need to have a meeting.

Agree?
CDP
2-7/5

Prime Minister

We must choose -
to legislate with possibility that the 1974 Act is only revived for a few months
or
to legislate with certainty that the Assembly will be ended

THE NORTHERN IRELAND ASSEMBLY

1. The four year term of the Northern Ireland Assembly will expire on 20 October and will automatically be followed by new elections unless it is dissolved before then. I have been reflecting on whether it would be desirable for the Assembly to begin another term, and am writing to inform you of my conclusions and the steps which I propose to take.

2. Since last November, the Assembly has been used by the Ulster Unionist Party (UUP) and the Democratic Unionist Party (DUP) as a central platform in their campaign against the Anglo-Irish Agreement. A committee has investigated and reported on its implications; and, as might be expected, arrived at hostile conclusions. Weekly plenary debates, dominated by more extreme members of the DUP review its operation in critical terms. Despite Alliance Party objections and the refusal of Alliance Assemblymen to attend under such circumstances, the Assembly has formally suspended its scrutiny of direct rule and wound up the committee charged with considering devolution proposals. It is thus refusing to carry out any of its statutory functions.

3. If the unionist parties were to fight elections and take their seats in a new Assembly in the Autumn, there is no guarantee that they would behave differently. Present indications are that they will not be prepared to start talking to us until after the marching season, in September. It is unlikely that in a month their opposition to the Agreement will moderate

CONFIDENTIAL

enough to change their attitude to the Assembly. While there are signs that the SDLP would fight elections and take their seats in the right circumstances, they are unlikely to do so unless they see prospects for a positive way forward in a newly elected Assembly.

4. Given the circumstances described above I have come to the view that we must dissolve the Assembly now. We can hold elections and recall it at any time thereafter by Order in Council. Prorogation, as a first step, to offer a breathing space, would not in my view be advantageous. The signals that there will be no political progress before the Autumn are quite clear. And Assembly members would still be entitled to use (or misuse) the Parliament Buildings.

5. Dissolution will require an Order in Council under Section 5(1) of the Northern Ireland Act 1982 subject to affirmative resolution by Parliament. In approving it, Parliament is asked to take account of any relevant proceedings in the Assembly. I believe that it would be more appropriate to lay and debate this Order when the Assembly is in session, before the Summer Recess, than in the rump when in any case timing constraints would be very tight. I should therefore like to lay the draft Order as soon as possible after the Whitsun Recess. I propose that it be debated simultaneously with the draft Northern Ireland Act 1974 (Interim Period Extension) Order 1986 which must renew the provisions for direct rule in that Act before its expiry on 16 July. It would be desirable for the debate to take place in June, before the height of the marching season in July.

6. Presentation of a decision to dissolve would be most important. It need not be a message of finality and gloom. I believe that we should make it very clear that we still want to see a new devolved government: that we want to hold elections to a new Assembly: and that we will do so when we see that the constitutional

parties will take their seats to explore proposals for devolution and monitor direct rule, as the Northern Ireland Act 1982 envisaged. Against the charge that we are cutting off one of the few outlets for Northern Ireland elected representatives to express their views to us, we shall seek to consult the leaders of the political parties about proposed legislation and policy matters which previously would have been remitted to the Assembly. We will also make clear that your offer to discuss with the unionist leaders how their views might be taken into account, apart from in the Assembly, remained open. I believe that this message should be pressed home in a Parliamentary statement simultaneously with the laying of the draft dissolution Order. It would be reinforced in the debate on the Order.

7. We must recognise that early dissolution might well provoke unwelcome demonstrations from unionist politicians (for example, a sit-in in the Assembly building) as well possibly as encouraging further disruptive tactics in district councils and administrative boards. But these considerations are well outweighed by the indefensibility of keeping in being an Assembly behaving as it is now, or, worse, finding ourselves committed to elections for a new Assembly behaving similarly. And I believe that the Northern Ireland public as a whole expects the Assembly to come to an end. I have hinted in recent months that it could not continue indefinitely to ignore the functions contemplated by the 1982 Act, and at considerable cost to the taxpayer (£2.8m in 1985/86) to serve as a forum for extremist unionist propaganda. Moreover, I am inviting the leaders of the constitutional parties, which have taken their place in the Assembly, to separate meetings to discuss its future. The public will see quite clearly that we gave their leaders every opportunity, to the last minute, to prolong the Assembly's life.

8. I should be grateful to know if you are content that the Northern Ireland Assembly should be dissolved before the Summer Recess; and with the manner in which I intend to present this decision. I am copying this minute to the Lord President, the Foreign Secretary, the Home Secretary, the Lord Privy Seal, the Secretary of State for Defence, the Chief Whip and Sir Robert Armstrong.

Amanda Thurston

for TK
(approved by the Secretary of State and signed in his absence in Northern Ireland)

ji

SECRET

file
apc
22

10 DOWNING STREET

29 May 1986

From the Private Secretary

Dear Jim,

CONTINGENCY PLANNING FOR NORTHERN IRELAND

The Prime Minister has considered the Northern Ireland Secretary's minute of 29 April and the Defence Secretary's comment dated 22 May.

The Prime Minister considers it important that our contingency plans should be as effective as possible, in case political strikes should in due course take place in Northern Ireland. One key point is that Ministers, in deciding how to deal with any threat of strikes, should have a clear idea of how long our contingency plans would maintain essential services. The period of three weeks mentioned in the Northern Ireland Secretary's minute would represent a significant restriction on the Government's prospects in coping with a sustained political strike. The Prime Minister would be interested to know the calculations which lie behind this estimate of three weeks.

The Prime Minister agrees with the Northern Ireland Secretary and the Defence Secretary about the importance of management and senior technicians being available to work in the power stations and other utilities. Given the widespread opposition among Protestants in Northern Ireland to the Anglo-Irish Agreement, there must be a significant risk that many managers and senior technicians would not work during a strike. The Prime Minister therefore wonders whether we should consider the feasibility of importing the necessary management and technical personnel from Great Britain, to work at least in the fields of electricity generation and oil supplies. Feasibility will depend on technical questions among others - for instance whether the electricity generating plant in Northern Ireland is familiar to managers and technicians in Great Britain. This idea might be considered by the Northern Ireland Office and the Department of Energy, at least in a preliminary way, without consulting people outside government at this stage.

BF

The Prime Minister has noted the difficulty of producing contingency plans for the distribution of essential supplies any further than the distribution centres. She would be interested to know who would

administer these centres and issue supplies to people who called for them.

Even though hospitals in Northern Ireland have not been affected by industrial action in the past, there must be some risk of this happening in the future. The Prime Minister suggests that an outline contingency plan would be a wise precaution. As regards ambulance services, the Prime Minister wonders whether we can be confident that voluntary organisations could cope during a prolonged strike and whether it would be prudent to have a contingency plan in case they could not.

The Prime Minister agrees with the Defence Secretary about the unsuitability of military personnel to act as warders in prisons or to undertake other tasks which would bring them into direct contact with prisoners.

I am sending copies of this letter to the Private Secretaries to the other members of OD(I) and to Michael Stark (Cabinet Office).

Yours sincerely,

CHARLES POWELL

Jim Daniell, Esq.,
Northern Ireland Office.

21

SECRET

COSTAC

Draft letter from Charles Powell to

J A Daniell Esq
Northern Ireland Office

Contingency Planning for Northern Ireland

The Prime Minister has considered the Northern Ireland Secretary's minute of 29 April and the Defence Secretary's comment dated 22 May.

2. The Prime Minister considers it important that our contingency plans should be as effective as possible, in case political strikes should in due course take place in Northern Ireland. One key point is that Ministers, in deciding how to deal with any threat of strikes, should have a clear idea of how long our contingency plans would maintain essential services. The period of three weeks mentioned in the Northern Ireland Secretary's minute would represent a significant restriction on the Government's prospects in coping with a sustained political strike. The Prime Minister would be interested to know the calculations which lie behind this estimate of three weeks.

My Powell
We spoke
29
V

(1)

PRIME MINISTER

CONTINGENCY PLANNING FOR NORTHERN IRELAND

Mr. King sent you a note about this (attached).

You did not in the event have time to discuss it with him.

There are some points to be made which I have discussed with the Cabinet Office.

Can I please write as in the attached?

Yes - thanks on MS

CDP

C.D. POWELL
29 May 1986

3. The Prime Minister agrees with the Northern Ireland Secretary and the Defence Secretary about the importance of management and senior technicians being available to work in the power stations and other utilities. Given the widespread opposition among Protestants in Northern Ireland to the Anglo-Irish Agreement, there must be a significant risk that many managers and senior technicians would not work during a strike. The Prime Minister therefore wonders whether we should consider the feasibility of importing the necessary management and technical personnel from Great Britain, to work at least in the fields of electricity generation and oil supplies. Feasibility will depend on technical questions among others - for instance whether the electricity generating plant in Northern Ireland is familiar to managers and technicians in Great Britain. This idea might be considered by the Northern Ireland Office and the Department of Energy, at least in a preliminary way, without consulting people outside government at this stage.

4. The Prime Minister has noted the difficulty of producing contingency plans for the distribution of essential supplies any further than the distribution centres. She would be interested to know who would administer these centres and issue supplies to people who called for them.

5. Even though hospitals in Northern Ireland have not been affected by industrial action in the past, there must be some risk of this heppening in the future. The Prime Minister suggests that an outline contingency plan would be a wise precaution. As regards ambulance services, the Prime Minister wonders whether we can be confident that voluntary organisations could cope during a prolonged strike and whether it would be prudent to have a contingency plan in case they could not.

6. The Prime Minister agrees with the Defence Secretary about the unsuitability of military personnel to act as warders in prisons or to undertake other tasks which would bring them into direct contact with prisoners.

7. I am sending copies of this letter to the Private Secretaries to the other members of OD(I) and to Michael Stark in the Cabinet Office.

Refers to Malloby to COP 22/5/86

(5)

10 DOWNING STREET

(1) CF | BF

Please keep this until my return from Israel, & until we receive the promised minute from the defence Secretary here

← S/S MOD 23/5/86 on file

COP

(2) Await Mr Malloby's draft 23/5/86

20

MO 19/3E

SECRETARY OF STATE FOR NORTHERN IRELAND

CONTINGENCY PLANNING

You sent me a copy of your minute of 29th April to the Prime Minister summarising the latest position on contingency planning against the possibility of industrial disruption in the Province for political purposes.

2. It is of course vital to demonstrate the Government's determination that a political strike will not be allowed to succeed. Effective contingency plans to keep essential services running are crucial to this end. The Armed Forces have a key role in these plans and their contribution would make a considerable call on already stretched manpower, particularly in the specialist fields. Even so, the availability of senior and technical management will be essential to the success of the contingency arrangements, particularly in such fields as the power stations, water and sewage and liquid fuel.

3. There is one aspect of your contingency plans which causes me concern. In Paragraph 20 of the Memorandum attached to your

minute you suggest that troops should take on the role of Prison Officers in the event of widespread strikes involving the Prison Service. Although I would naturally have no objection to soldiers providing ancillary staff in prisons and the perimeter guards in accordance with long-standing arrangements, it has always been envisaged hitherto that the RUC would fill the role of warders and any other tasks which brought them into direct contact with prisoners. This role requires special training and experience and the Army have only a few such men, who would not be sufficient to man all the prisons in Northern Ireland. In my view it would be quite wrong to expect an ordinary infantry soldier to be able to cope effectively as a prison officer facing some of the most dangerous criminals in Europe. There is a real risk that serious incidents could arise if untrained soldiers were to perform this role and there could also be significant presentational and other difficulties. I believe that it would therefore be more appropriate to plan on duties involving direct contact with prisoners being carried out by RUC officers. I understand that our officials are still considering the issue and I hope ways can be found of resolving it satisfactorily.

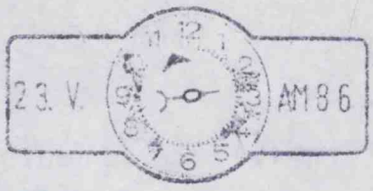
I am sending a copy of this minute to the Prime Minister and other members of OD(I), and to Sir Robert Armstrong.

Ministry of Defence

22 May 1986

(Approved by the Secretary of State and signed in his absence)

N. Ireland; Situation



19

SECRET

B.07434

MR POWELL

cc Mr Unwin
Mr Stark

Contingency Planning for Northern Ireland

I offered to provide advice on the Northern Ireland Secretary's minute of 29 April to the Prime Minister. I understand that the Defence Secretary will shortly send a minute to the Prime Minister on points of concern to him. When that has arrived, I will submit a draft minute for the Prime Minister.

2. I have discussed the subject with Mr Unwin as Deputy Chairman of the Civil Contingencies Unit. We agree that there is no early prospect of serious strikes in Northern Ireland. But the very fact that the Government has had so long to make contingency plans would intensify the criticism if those plans turned out to be defective. We have several points of concern -

a. It is most important that Ministers, in deciding how to deal with any threatened strikes in Northern Ireland, should have a clear idea of how long the contingency plans would maintain essential services. This could be a key factor in overall policy on such strikes. The Northern Ireland Secretary states (paragraph 4 of his minute) that it is unlikely that the contingency arrangements could be maintained for more than 3 weeks. I understand that there is no purely military justification for this statement. If true, it would represent a significant restriction on the Government's prospects of success in coping with a political strike. I believe that the Northern Ireland Secretary should be asked to explain his grounds for this conclusion.

b. The Northern Ireland Secretary acknowledges the importance of management and senior technicians being available if MACM plans are to be implemented successfully. Indeed I understand the Ministry of Defence believe that there is little chance of the vitally important MACM plans for the maintenance of electricity and oil supplies succeeding in the absence of senior and middle management personnel. But in the circumstances being considered the prospects of political pressures, combining with the personal inclinations of a large number of middle and senior management, could create a significant risk of management not being available. Would it not therefore be prudent to consider importing the necessary management and technical personnel from Great Britain at least for these two industries? The answer will depend on technical questions among others; for instance whether the electricity generating plant in Northern Ireland, or a reasonable proportion of it, is familiar to such people in Great Britain. The NIO could consider this idea with the help of the Department of Energy, at least in a preliminary way, without having to consult people outside government.

c. The absence of MACM contingency plans for the distribution of essential supplies any further than the distribution centres (referred to by Mr King in his third paragraph) is probably inevitable, given the high numbers of service personnel that would be needed. But Mr King does not say who will administer the depots and issue the supplies to those calling for them; it seems that the MACM plan caters only for movement from docks to distribution centres. It would, in the circumstances being visualised, probably be unrealistic to expect private industry to undertake such work. It would be useful to know what contingency plans have been made to cover this task.

d. Even though hospitals have not been affected by industrial action in the past there can be no guarantee that this will always be the case. At least an outline contingency plan would be a wise precaution.

e. No mention is made of an emergency ambulance service. In the past I understand the voluntary organisations (Red Cross, St Johns, etc.) have coped, with further assistance when needed from the RUC. In the circumstances envisaged ambulance work could be heavy and the RUC would be heavily committed on other tasks mentioned by Mr King - such as keeping essential routes open. It would therefore seem sensible to have a contingency plan to cover the risk of voluntary ambulance services not being able to cope.

C L G Mallaby

22 May 1986

IRELAND

SITUATION

PT20

PRIME MINISTER

DECLARATIONS BY CANDIDATES IN NORTHERN IRELAND ELECTIONS

In view of its unusually wide implications, I am minuting to keep you in touch with H Committee's consideration of the Northern Ireland Secretary's proposal to issue a consultation paper canvassing the idea that candidates in Northern Ireland district and assembly elections should be required to take an oath that they would neither support nor assist the activities of a proscribed organisation. As you will appreciate, the proposal is directed at Sinn Fein councillors whose open support for the IRA has outraged a broad spectrum of unionist opinion, and the Committee had very considerable sympathy with the Northern Ireland Secretary's objective of doing something about this problem. At our meeting on 1 May, however, the Committee expressed some caution about the device of declarations on candidature to elected office.

2. In the first place, it was thought that the problems of enforcing a declaration could be considerable, and that Sinn Fein might exploit it in ingenious ways. Second, there was some doubt about the political consequences within Northern Ireland - both as regards the detaching of nationalist support from Sinn Fein and in securing a genuine and lasting improvement in our relations with the unionist community. Finally, there was a degree of anxiety that the implications for electoral law in the rest of the United Kingdom might run deeper than had been appreciated.

3. We therefore invited the Northern Ireland Secretary to take the matter forward by producing a revised draft consultation paper taking account of the points made at our meeting. We also asked him for a further analysis of the reasons why the Government

had decided not to proscribe Sinn Fein, and for an assessment of the implications of the proposal for elections in Great Britain. I shall keep you in touch with developments.

4. I am sending a copy of this minute to the members of H Committee, to the Foreign and Commonwealth Secretary, the Attorney General and Sir Robert Armstrong.

Privy Council Office
8 May 1986

18

MO 19/3/15V

PRIME MINISTER

NORTHERN IRELAND: AGENT RESETTLEMENT

In my minute of 5th February 1986, I reported the start of another resettlement case of a former Army agent in Northern Ireland. The agent was moved to the mainland and has been under Army protection ever since.

2. Unfortunately the man has disappeared from the protected accommodation and we suspect he may be intending to be reunited with his common law wife and family. We assess that he is an extremely high priority target for the Provisional IRA and that he will probably be killed if he were to return to the Province and is discovered. The relevant agencies at the ports and airports have been alerted that he may try to enter Northern Ireland; the Security Service and the RUC have also been informed.

3. The threat to our resettlement operations from this disappearance is not significant. But the effect on future operations if the agent were killed could be considerable in terms of discouraging other informers.

4. I shall keep you informed of any further significant developments.

5. I am sending copies of this minute to the Secretaries of State for the Home Department and Northern Ireland and to Sir Robert Armstrong, for their information.

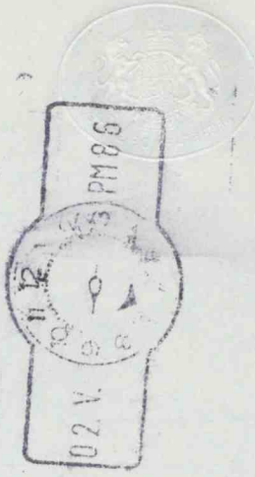
J. B. Wright

(Approved by the Defence Secretary and signed in his absence)

Ministry of Defence

2 May 1986

IRELAND Situation Pt 20



SECRET

17

Prime Minister
You could discuss
with the Northern
Ireland Secretary
tomorrow.
CDP
29/4.

PRIME MINISTER

CONTINGENCY PLANNING

Minutes attached. Following our discussion in OD(I) on 4 March, I was invited to review our contingency planning against the possibility of further industrial disruption for political purposes in Northern Ireland. I thought that you and colleagues would find it helpful to be aware of our plans, particularly the ... MACM element, and I attach a memorandum which briefly summarises the position. Although the current Unionist plans do not involve such action, it is always possible that the Co-Ordinating Committee may revert to this tactic.

2. Covert planning has been taken as far as possible, but it would be unwise to go outside the Government machine until we have some real prospect of trouble of this kind. Any approach to outside bodies is likely to leak, and its purpose would be distorted in the province. Despite the present security situation, and the recent vicious campaign by Protestants against the RUC, there are no definite signs at this stage of any further day of action on the lines of 3 March, and still less of any longer stoppage which the plans are designed to confront.

3. In the last resort, the MACM plans could be vital to demonstrate the Government's determination, and I am grateful to MOD and HQNI for the time and effort they have devoted to them. Colleagues may note that our arrangements differ slightly from those in GB. We do not have MACM plans for the Health Service, or for the distribution throughout the province of essential supplies. In the first case, the largest health facilities have standby generators, and maintain reserve of fuel and other supplies; non-essential service can be readily reduced; and past experience indicates that a good staff turnout can be expected. In the second, the movement of supplies province-wide would represent

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an enormous additional MACM bill, and bring an equally difficult security and escort problem with it. We have concluded therefore that while troops would move supplies from the docks to distribution centres, it would then be for private industry to undertake local distribution or for the population to come to the centres to collect essential items.

4. At the same time colleagues should be aware both of the limitations of MACM and of the heavy reinforcements they would entail. The availability of senior and technical management is critical, since even technically qualified troops could do little in a sophisticated plant such as power stations without their direction: there will always be a fine line to be drawn between using troops to maintain a basic service, and provoking the closure of the service we are seeking to protect. A careful judgement has to be made that we neither antagonise management, particularly its technical arm, so that they withdraw from supervision, nor provoke the workforce to sabotage installations as they leave. Within these constraints, MACM can provide sufficient to keep life going on, albeit at a spartan level, although it is unlikely that the effort could be maintained from more than 3 weeks. The cost in terms of military manpower would be heavy: some 7000 extra men if all the contingency plans had to be implemented together. This total is additional to any further reinforcement which might be required for the RUC in performing public order duties. I am very conscious of the difficulties which demands of this order would create for the Ministry of Defence.

5. MACM alone can never be enough in the face of widespread opposition, disorder, and intimidation. The key issues therefore remain those which Douglas Hurd identified last year, of public order and information. In both fields we have to seize and hold the initiative. I have of course discussed the lessons of 3 March in general terms with the Chief Constable and GOC. I think that they accept that their approach to a longer-term stoppage would need to be different from the containment policy which might be appropriate for a 24-hour strike, and I shall reinforce that message if at any time it appears that longer term disruption is possible. Key routes, for example, will have to be held open, but we must be under no illusion of the difficulties. The events of 3 March showed that while many people wished to go about their normal business, there were many others prepared to take extreme measures to stop them. The outcome then, and the further disturbances on Easter Monday and subsequently have certainly given some of the population cause to stop and think, but we should be unwise to rely on this factor alone in the face of widespread harassment and intimidation which the security forces will never be able to curtail everywhere simultaneously.

6. This adds point to the need for a planned and sustained information effort before and during any prolonged disruption. I would only add that the day of action on 3 March revealed some gaps in our arrangements to collect, evaluate, distribute and use information quickly and accurately. We have overhauled our machine and made improvements where necessary.

7. Copies of this minute go to the other members of OD(I) and to Sir Robert Armstrong.

N D Wand
(Private Secretary)
for TK

(Approved by the Secretary of State and signed in his absence in Northern Ireland)

29 April 1986

Encl

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CONTINGENCY PLANNING

1. This note summarises the contingency plans which exist to combat the impact of withdrawal of labour from various industrial services in Northern Ireland arising from opposition to the Anglo-Irish Agreement.

Electricity Service

2. The Department of Economic Development's plan covers four phases. Phase 1 includes setting up control and information centres, maintaining close liaison with the Northern Ireland Electricity Service, alerting HQNI and the police to the situation, reviewing draft Emergency Regulations, up-dating information on industries which are particularly vulnerable to supply disruptions and keeping them informed of the supply situation. Phase 2 comprises a continuous evaluation of the supply and demand position and a PR exercise on supply conservation. Phase 3 includes deciding whether and how far to implement progressive restrictions, which would involve adoption of Emergency Powers. Phase 4 means requesting Ministers via the Northern Ireland Emergency Committee (NIEC) to introduce Emergency Powers covering:-

a. prohibition of use of electricity for advertising;
b. restrictions on use for water and space heating by domestic and commercial users;
c. restrictions on use for industrial purposes.

3. The Department would keep HQNI informed continuously of the situation via the NIEC network so that a review of the need for the introduction of MACM support could be begun at the earliest opportunity. Full scale introduction of the MACM requirements would involve 455 specialist servicemen and

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550 ordinary servicemen and a lead in time of 14 days. In essence the MACM plan will only operate if sufficient technical and managerial staff remain to operate the control and switching equipment.

Fuel and Oil Supplies

4. The Department of Economic Development's objective would be to maintain supplies of petrol and oil to previously identified essential bulk users, individual users under a permit scheme and other individual users with genuine needs. This objective would be attained in the first instance by retaining in use for as long as possible the commercial system. The Department would however expect to have to move swiftly to requisition the oil storage depots, the road tanker fleet and 24 petrol filling stations around the province, and to set up permit centres for essential users.

5. The requisitioning would take place under the Emergency Regulations and it would be under this legislation that the MACM plan would be introduced should it prove necessary. The introduction of the MACM plan would involve 473 specialist servicemen and 1144 ordinary servicemen and a lead in time of 14 days. Their main tasks would be to man a storage depot(s) and to deliver to distribution centres. Servicemen would operate the gantry pumping equipment, the distribution tankers and the petrol stations.

Water and Sewage Services

6. The Department of Environment (Northern Ireland) has a direct responsibility for these service, which may be threatened by lack of electricity, and/or oil supplies, and by withdrawal of labour. The objective of the Department would be to maintain supplies as long as possible depending upon the circumstances pertaining at the time.

7. The Department would set up a control room for monitoring the situation. Services would not be seriously affected for a few days unless electricity supplies were cut completely and also staff were totally unavailable. Electricity is essential to the pumping of many water supplies, but the majority of major water abstraction plants have standby generation equipment. Nevertheless, the loss of electrical power, coupled with bad weather, could lead to sewage flooding, the severity of which would vary according to the conditions. Remedial action would be taken where possible.

8. Previous experience shows that the water and sewage services could be maintained for an extended period provided some technically qualified staff and some electricity and fuel supplies were available. At the same time the Department would keep HQNI informed via the NIEC machinery and thus would be in a position to recommend a call for MACM assistance should it prove necessary. Widescale use of the MACM arrangements would involve 171 specialist servicemen and 240 ordinary servicemen and would involve a lead in time of 14 days. They would man the essential water pumping stations and sewage treatment plant. The servicemen would operate alongside management in the water treatment plants and sewage pumping stations.

Docks

9. The Department of Economic Development is responsible for implementation of plans for the Docks. Phase 1 of their plan includes setting up control and information centres, checking the validity of existing lists and stock position of priority supplies in conjunction with MAFF, the fuel industry, and the Area Health Boards, and reviewing the draft Emergency Regulations. Phase 2 includes monitoring the supply and demand situation and mounting a publicity campaign on conservation of food stocks. Phase 3 includes considering with the appropriate authorities and the NIEC

whether supplies need to be controlled. Phase 4 covers the possible introduction of the Emergency Regulations and subsequently the possible use of the MACM arrangements. Full scale MACM arrangements would involve 194 specialist servicemen and 70 ordinary servicemen and a lead in time of 14 days. Their function would be to unload cargo and deliver it to a distribution point or points.

The Fire Service

10. Fire Service operations depend on the availability of manpower, fuel and water supplies. Minor outbreaks of fire can be extinguished from tender storage; larger conflagrations require mains water or river/sewer access. Should staff fail to report locally a degree of cover can be provided by adjacent stations; however, if this occurred on a significant scale it would be necessary to introduce the MACM arrangements. This would involve the use of the "yellow goddesses" rather than existing equipment. The MACM arrangements would involve 810 specialist servicemen and 550 ordinary servicemen and would require a lead in time of 14 days.

Roads Service

11. The Roads Service in Northern Ireland is directly under the control of the Department of Environment (NI). The Department through its Roads Services has plans for clearing roads under normal emergency situations - storms, snow, flooding, oil spillage, etc. In civil contingency situations these plans are dependent upon the willingness or otherwise of staff to act in particular circumstances.

12. In the light of certain difficulties which emerged on 3 March, local contingency plans have been made for the Army to assist in road clearance.

Other Important Services

13. The essential arrangements in the Health Service rest in the hands of the Area Health Boards. There are no MACM plans in this area, since -

a) all facilities with a significant residential population are equipped with standby generators, and reserves of fuel, supplies and consumables are maintained;

b) non-essential services can be readily reduced; and

c) past experience, including that on 3 March, indicates that a good turn-out of staff, particularly on the ambulance side, can be expected.

The Department of Health and Social Services (NI) has arrangements to monitor the situation, and formal arrangements exist for voluntary ambulance organisations and the police to offer assistance.

14. Transport is in the hands of private operators and is dependent upon manpower and on the longer term fuel supplies. The Department of Environment (NI) monitors the situation via its control room and provides information to the public as to the availability of services.

15. Air transport is dependent upon air traffic controllers and fire cover. (Neither were withdrawn on 3 March). The RAF have contingency plans to bring in service control and fire staff to maintain military fixed wing aircraft operations, and even if necessary to operate from RAF Bishopscourt.

16. The difficulties on 3 March arose from the action of the airlines in suspending their services because of a combination of shortage of tarmac staff and low passenger demand. DOE(NI) has already held a meeting with the airlines and NIO to ensure better

communication and consultation, and a more co-ordinated response. The RUC are now fully conscious of the need to keep open the single access road to Aldergrove airport.

MACM Arrangements

17. There are as identified earlier six MACM plans appropriate to the Province and in total these would involve 2103 specialist servicemen and 3116 ordinary servicemen. In present circumstances, the overall requirement would be of the order of 7000 men, since the present security situation is such that HQNI would not themselves be able to make the contribution implicit in the plans. The overall lead in time would be dependent upon which plans were invoked first and the extent of the plans adopted.

18. The availability of senior civilian manpower is critical. Senior and technical management can do a surprising amount towards maintaining a degree of normality - though not a normal service - but defections from their ranks would leave us critically exposed. There will always be a political balance to be struck between using troops to maintain a basic service and provoking full closure of the service we are trying to protect. The introduction of troops might even lead to sabotage by the outgoing workforce.

19. Within these constraints, MACM can provide sufficient to keep life going on, albeit at a spartan level. But it is expensive in numbers, and the cumulative effect of more than one plan at the same time is serious. It is unlikely that the MACM effort could be maintained for more than 3 weeks.

Prisons

20. One further point should be borne in mind. Should the POA withdraw their labour in circumstances of political disruption, when

the RUC would be unable to offer assistance, military manpower would be the only answer. This would represent the biggest single call on military resources, and would be in addition to the MACM demands. At present, however, there are no signs that Prison Officers would associate themselves with a political stoppage, and indeed their turnout on 3 March was virtually complete.

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Ref. A086/1276

MR POWELL

You may like to see the attached copy of the statement made by Mr Barry, the Irish Minister for Foreign Affairs, after the murder of Inspector James Hazlitt of the RUC on 23 April.

RA

ROBERT ARMSTRONG

28 April 1986

ISSUED BY THE GOVERNMENT INFORMATION SERVICES Ó SHEIRBHÍS EOLAIS AN RIALTAIS Tel (01) 607555 Telex 25800

ON BEHALF OF	THAR CEANN
Department of Foreign Affairs, 80 St. Stephen's Green, Dublin 2. Tel. (01) 780822.	An Roinn Gnóthaí Eachtracha, 80 Faiche Stiabhna, Baile Átha Cliath 2. Tel. (01) 780822.

Statement by the Minister for Foreign Affairs, Mr. Peter Barry, T.D.

I have learned with horror of the murder of a member of the RUC, Inspector James Hazlitt, in Newcastle, Co. Down, last night.

I utterly condemn this brutal and wanton act. The men who have perpetrated this atrocity are evil men. I cannot say this often enough. Time and time again, the Provisional IRA and other subversive organisations have demonstrated their cynical disregard for human life and their rejection of the basic values upon which democratic society is founded.

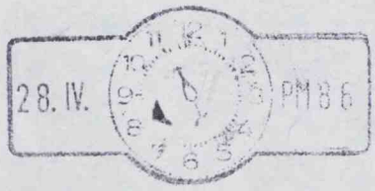
The slaying of a member of the RUC is particularly reprehensible at the present time. The authors of this crime have the audacity to assert that they acted in self-defence. This reveals the depravity of these gunmen. Far from defending either themselves or anyone else, their act was a pervense attempt to provoke violence and repression against innocent Nationalists at a time of exceptional tension in the community.

Nobody can be unaware of the pressures under which the RUC is operating at present. The bravery and dedication demonstrated by these men in protecting Nationalists as well as Unionists deserve our recognition.

The Provisional IRA is preventing the reconciliation of Nationalists and Unionists for their own political profit. Their evil campaign will not succeed. On behalf of the Irish Government, I wish to state that we will do everything in our power to apprehend those responsible for the murder of Inspector Hazlitt. I am sure that the cooperation of all decent people in both parts of the island will be forthcoming in the search for the culprits.

I wish also to convey my deep personal sympathy, and the sympathy of the Irish Government, to the family of the dead man, to the Chief Constable and to all the members of the RUC.

23 April 1986


28. IV.
PM 8 6

Charles Powell

To see.

MTBT 10/4

PRIME MINISTER

You should be aware that a Mrs. Jennifer Guinness, wife of one of the banking Guinnesses, was kidnapped yesterday afternoon from her home in Dublin. The Home Office told me that her daughter and husband (who appeared on the scene as Mrs. Guinness was being abducted) were manhandled but did not apparently suffer any significant injury. The Garda have so far had no ransom request, but they believe that the PIRA is responsible.

Lord Croham, Chairman of Guinness Peat, is in touch with the Home Office.

The press are aware but are so far adhering to the rule of silence.

The Home Office have not informed Mr. Channon of the kidnapping. But they expect he will hear through family circles about it.

Margaret Hamilton
Duty Clerk.

Mark Addison

9 April 1986

DG2AZU

The National Archives

DEPARTMENT/SERIES PREM 19 PIECE/ITEM 1814 (one piece/item number)	Date and sign
Extract details: Note dated 28 March 1986 with attachment	X
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Use the card for one piece or for each extract removed from a different place within a piece.

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The National Archives

DEPARTMENT/SERIES PREM 19 PIECE/ITEM 1814 (one piece/item number)	Date and sign
Extract details: Minute dated 25 March 1986 with attachment	X
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cc B/yP

Ref. A086/974

PRIME MINISTER

Cabinet: Northern Ireland

The Secretary of State for Northern Ireland will report to Cabinet on the general situation in the Province, especially unionist attitudes to the Anglo-Irish Agreement and likely reactions to your letters delivered today to Messrs Molyneaux and Paisley; and on the prospects for the march by the Apprentice Boys at Portadown on Easter Monday, 31 March.

2. There is continued uncertainty among unionists about how to pursue opposition to the Anglo-Irish Agreement. There is no clear evidence that further strikes or "days of action" are so far planned, but it is also far from clear that the politicians will be able to keep the leadership of the opposition to the Agreement.

3. The Apprentice Boys of Londonderry no doubt intend (although they have not informed the police of this yet) that their march on Easter Monday should go through "the tunnel", the strongly Roman Catholic area of Portadown from which the Royal Ulster Constabulary (RUC) debarred one of their marches last year. The key questions are whether the RUC will debar "the tunnel" again and take the steps necessary to enforce this (in contrast to their avoidance of clashes with loyalists during the "Day of Action" on 3 March); and whether serious violence is likely on Easter Monday.

4. You will wish to ask about the likely effect of the Glenholmes incident in Dublin on 22 March on the prospects for the Anglo-Irish Agreement. The Home Secretary and the Attorney General, who will attend for this item, will wish to speak on the

BRIAAC

Glenholmes affair. This is not the first problem we have had with the form of warrants in extradition cases in the Irish Republic. Can we be sure of avoiding further embarrassment by getting the warrants exactly right in future? Are we making full use of the Intergovernmental Conference to sort out this matter?

5. Other questions which you might wish to raise are:

a. Are the Northern Ireland Office doing everything possible to correct misrepresentations of the Anglo-Irish Agreement? What has been the reaction to the advertisement they published for this purpose on 20 March (copy attached)?

b. The Government would be strongly criticised if, in the face of more prolonged strikes and other trouble in Northern Ireland, its contingency plans failed to keep life going in a reasonable way. Is the Secretary of State for Northern Ireland reviewing the plans in line with the conclusions of OD(I) on 4 March? Will he inform colleagues of the contingency plans and their likely effectiveness?

c. With the unionists continuing to misuse the Northern Ireland Assembly to criticise the Agreement, ignoring its proper functions, will the Government need to take any action soon?

MS

for ROBERT ARMSTRONG

24 March 1986

BRIAAC

The Anglo-Irish Agreement

November 1985

Time for Truth

Ever since the Anglo-Irish Agreement was signed on 15 November it has been the target of a sustained campaign of half-truths and worse. It is now time – for all our futures – to put the record straight.

It's an Agreement which guarantees Northern Ireland's position within the United Kingdom, as long as a majority here wants it.

It's an Agreement which gives support for a devolved Government in Northern Ireland.

It's an Agreement which is bringing increasing cross-border security co-operation.

Developments which most people and politicians in Northern Ireland want. Yet the Agreement has been made the target of a deliberate campaign of lies, deceit, distortion and half-truths. A campaign exploiting emotions and leading to unrest and disorder, putting in danger jobs now and in the future.

It's time to sort out the facts from the daily diet of fictions. The fictions of those who before and since 15 November have said that the Agreement meant:

- the RUC would drop Royal from its name
- the UDR would be disbanded
- the style and colour of the RUC uniform would change
- Royal visits to Northern Ireland would have to have Southern approval.

None of those claims was true, as everybody can now see. Nor are charges that:

Fiction: The Agreement represents "Dublin Rule".

FACT: The Irish Republic does <u>not</u> have "joint authority" over any aspect of the affairs of Northern Ireland. The Agreement says "there is no derogation from the sovereignty of either the United Kingdom Government or the Irish Government, and each retains responsibility for the decisions and administration of Government within its own jurisdiction." The Irish Government can express <u>views</u> and put forward <u>proposals.</u> But responsibility for the government of Northern Ireland remains firmly with British Ministers responsible to Parliament in London.

Fiction: Elected representatives in Northern Ireland are excluded and ignored.

FACT: The Prime Minister invited the Unionists to enter into discussions with her. The Secretary of State has repeatedly invited them to enter into discussions with him. The Unionists have refused all these offers; most of their MPs are also boycotting Parliament at Westminster. Unionist councillors are boycotting their councils in an attempt to wreck local government, and Unionist members of the Assembly are refusing to carry out the normal job of examining and influencing legislation and other matters affecting Northern Ireland.

Fiction: The Prime Minister has rejected or ignored the results of the 23 January by-elections.

FACT: The Prime Minister made clear that she respected the strength of unionist feeling. In response to it, she put forward proposals for talks on:

- **new arrangements for Unionists to make their views known to the Government on the affairs of Northern Ireland;**
- **the future of the Northern Ireland Assembly;**
- **the arrangements for handling Northern Ireland's business in Parliament at Westminster.**

She also agreed to consider positively the Unionist leaders' suggestion for a Round Table Conference, to discuss devolution in Northern Ireland.

Fiction: The Agreement will not help stop the violence.

FACT: Many of the Agreement's opponents said that the Irish Republic would never sign the European Convention on the Suppression of Terrorism, but it has. A prime aim of the Agreement is to increase co-operation between the UK and the Republic in the fight against terrorism and violence. This is something that both Governments are determined to achieve.

The Anglo-Irish Agreement –

Let's stick to the facts!

ISSUED BY THE NORTHERN IRELAND OFFICE.

Evelyn Glenholmes

3.32 pm

The Secretary of State for the Home Department (Mr. Douglas Hurd): With permission, Mr. Speaker, I should like to make a statement about the recent regrettable failure to secure the extradition of Evelyn Glenholmes from the Republic of Ireland.

Nine endorsed warrants for the return of Miss Glenholmes were first issued on 31 October 1984 and submitted to the Irish authorities for endorsement in accordance with the United Kingdom-Irish extradition legislation. The offences covered by the warrants related to various terrorist offences committed between 1981 and 1982, including murder, attempted murder, firearms and explosives offences. The original warrants were returned by the Irish authorities, who asked for some technical changes to be made to their wording. Fresh warrants were accordingly submitted on 6 November 1984, but by that time details of the extradition request had been disclosed in the press and Miss Glenholmes disappeared from view.

She was later arrested in Dublin on 12 March 1986, and the hearing of the extradition request opened in the district court of Dublin last Wednesday on the basis of the warrants issued in November 1984.

Throughout last week's court hearing there was close co-operation between the Irish prosecuting authorities and officers from the Metropolitan police and the office of the Director of Public Prosecutions.

On Saturday morning, having heard submissions from defence counsel that the extradition warrants were defective, the court discharged Miss Glenholmes. I understand that the principal consideration which underlay the court's decision was that, whereas the standard wording printed on the warrants referred to information on oath as having been laid on the day the warrants were issued — which was 6 November 1984 — the court considered that the relevant information was that laid when the original warrants had been issued on 31 October 1984. I understand that the magistrate in London treated the further application on 6 November as having been made under oath adopting the information already laid but not resworn. The information required for both sets of warrants was identical, but was not sworn again on 6 November, which could have avoided the difficulty which later arose.

Even before Miss Glenholmes was released, the United Kingdom authorities had made arrangements for the issue of a fresh warrant covering one of the charges of murder. On the basis of this fresh warrant, the Garda obtained a new provisional warrant, for Miss Glenholmes' arrest. Once she had been rearrested, she was brought back to the district court. I understand the Miss Glenholmes was then released, this time on the grounds that the court was not satisfied, in spite of a telephone call from New Scotland Yard to the Garda, that there was evidence that a fresh warrant had been issued in London that morning or that Miss Glenholmes had in effect been at liberty between her earlier release and her rearrest.

Following Miss Glenholmes' second release, the fresh warrant was sent to Dublin this morning. Earlier today additional warrants were sent covering the eight remaining charges and will be sent to the authorities in Dublin later today.

My right hon. and learned Friend the Attorney-General and I have looked carefully at the information so far available to us. On the basis of that information, it is clear that the extradition application failed because of a technical objection taken by the Dublin court. My right hon. and learned Friend and I regret that this technical objection was not foreseen in time and fresh warrants obtained. We are considering urgently the need for a review of procedures and the handling of this sort of case. My right hon. and learned Friend the Attorney-General has instructed the Directors of Public Prosecutions for England and Wales, and for Northern Ireland, to ensure personally that all outstanding warrants in respect of terrorist offences are checked at once for accuracy and sufficiency. Under the auspices of the Intergovernmental Conference work has already begun on a range of legal matters relating to extradition; and lessons of the past few days will be studied in that context.

For the sake of completeness, I should also inform the House that our inquiries have shown that in giving evidence to the court in Dublin an officer from the Metropolitan police made an error in referring to the dates on which the warrants were issued. I understand that he sought to correct this error, but that an opportunity for him to do so was not forthcoming. This does not, however, appear to have influenced the court in its decision to release Miss Glenholmes.

It is deeply disappointing that it has not so far proved possible to obtain the extradition of Miss Glenholmes to face justice in a British court. It is essential that we all learn the right lessons for the future from this failure.

Mr. Gerald Kaufman (Manchester, Gorton): That statement still leaves a number of extremely important questions to be answered. Will the Home Secretary confirm that throughout this lamentable episode the Irish authorities have behaved with complete propriety and that the Irish Government have fulfilled all their obligations?

We are told that Evelyn Glenholmes is Scotland Yard's most wanted suspect for alleged terrorist offences. In the light of the fact that the extradition of Brendan Burns failed through errors relating to warrants, and the further fact that two prior sets of warrants were prepared for Evelyn Glenholmes, one of which was found in the Irish courts to be faulty, not just technically — and the Home Secretary does himself no credit by harping on technicalities when matters of substance are involved— but in at least one serious material respect, and the second one withdrawn by the office of the Director of Public Prosecutions when found to be faulty, why was this third and crucial error permitted? Why were these warrants permitted to go forward without being meticulously checked? Why, during the nearly 18 months that were available, were the warrants not rechecked for accuracy? The Home Secretary says that they were originally checked with the Irish authorities, were found wanting and were corrected, but the right hon. Gentleman does not point out that the new ones—the allegedly corrected ones—also turned out to be faulty. Why were they not cleared in advance for accuracy and technical probity with the Irish legal authorities?

Who was in charge of this process in the office of the Director of Public Prosecutions? Is it true, as alleged, that this matter was dealt with at a junior level? Is it true, as further alleged, that other warrants that were sent to Ireland on other matters have also been found to be

[Mr. Gerald Kaufman]

defective? The Home Secretary says that new warrants in the Evelyn Glenholmes' case have now been issued. Is he sure that they are in order this time?

Mr. Dukes, the Irish Minister of Justice, said yesterday that after the court adjourned on Friday in Dublin further information and clarification were sought from the British authorities at that stage but, Mr. Dukes said:

"We were not able to get it."

What is the explanation for that serious lapse?

Why did an official from the office of the Director of Public Prosecutions then go to Dublin? What was his purpose? What did he achieve? What was the purpose of the telephone call referred to by the Home Secretary that was made to Dublin from a chief inspector of the Metropolitan police? What was that meant to achieve? Could the Home Secretary say how a British court would have responded to such a telephone call on a serious extradition case? Above all, taking into account the important and sensitive issues at stake, why did not the Director of Public Prosecutions ensure that he himself, or a high official, supervised meticulously all stages of the procedures? Why did not the Attorney-General, who is answerable to this House, take care to satisfy himself that the necessary procedures had been precisely observed?

The Home Secretary calmly tells us this afternoon that now, when the horse has bolted, there is to be a careful inspection of the stable. That is not good enough. A full inquiry is essential. It is also essential that those at the very top accept responsibility, are disciplined and, if necessary, are removed from the offices that they hold.

This disquieting episode has created serious difficulties for the Irish authorities in their determination to co-operate with this country over the delicate issue of extradition. What is more, the scenes on television have given the IRA a gratuitous propaganda triumph. Slackness, incompetence and complacency have brought about this discreditable botch up. May we have an absolute assurance that steps will now be taken to ensure that nothing like this can ever happen again?

Mr. Hurd: I confirm that we have no criticism of the co-operation that we have received in this matter from the Irish authorities. I am glad of the opportunity to make that clear.

In response to the right hon. Gentleman's second point, the difficulty on which this case foundered on Saturday was a technical difficulty. I think that my statement made that clear. It was concerned with the question whether, when a second and revised warrant was sought from the same magistrate, the identical information which was laid when obtaining the first warrant needed to be laid under oath all over again. Whatever view one takes of it, that is a technical point. As I said in my statement, I believe that a great deal of trouble could have been avoided if that had been foreseen and acted upon in the autumn of 1984.

The second set of warrants which were held to be defective on Saturday were given to the Irish authorities and no objection or criticism was raised on them. However, I think that it is fair to add that it would not have been reasonable to expect the Irish authorities to have spotted the particular point on which the court in Dublin found the warrant to be defective on Saturday. But the warrants were available to the Irish authorities for their comments.

I am advised that it is perfectly normal in these circumstances for news of the issue of a fresh warrant to be conveyed, either way, by a telephone conversation between the police forces concerned. That has happened before, and I understand that it is normal. It happened on this occasion, although it was not accepted by the court for the reasons I have given. I agree with the right hon. Gentleman that it is essential that we find ways, through the Anglo-Irish conference and in other ways, to ensure that such difficulties do not recur.

Mr. Ian Gow (Eastbourne): Is there not a high duty resting on the Director of Public Prosecutions in all cases of extradition warrants to ensure that those warrants are validly and properly prepared? Is not that duty even greater when we are dealing with a matter of the gravest importance such as terrorism on a massive scale of which the person concerned is suspect? Is my right hon. Friend able to assure the House that the warrants taken to Dublin this morning have been seen and approved by the appropriate legal authorities in Dublin and that he has received an assurance that the new warrants sent over today are in order?

Mr. Hurd: I agree with the first part of my hon. Friend's comments. It is our responsibility to ensure that warrants of this kind are in a form which arms them against all possible difficulties and criticisms, whether of a substantial or technical kind. The new warrant and the other warrants which I mentioned being sent to Dublin today are identical to those previously sent, with the crucial exception that the information concerned has been relaid before the magistrate concerned.

Mr. J. Enoch Powell (South Down): Has it occurred to the Government that the incompetence of those acting on their behalf in the matter of extradition may have been exceeded by the incompetence of those who negotiated the Anglo-Irish agreement and who advised the Government to enter into it?

Mr. Hurd: I anticipated that the right hon. Gentleman would raise that point. However, I do not think that he has proved its relevance to the matter we are discussing.

Sir John Biggs-Davison (Epping Forest): Since my right hon. Friend has reasonably pointed out that there is no relevance to the Anglo-Irish agreement in this unhappy matter, it is not the case that the commendable and exceptional exertions of the Garda Siochana, to which I pay tribute, have no connection with that agreement either?

Mr. Hurd: As I said in my response to the right hon. Member for Manchester, Gorton (Mr. Kaufman), we have no criticism of the behaviour of the Irish Government or of their agencies, including the Garda, in that respect. Therefore, I associate myself with what my hon. Friend has said. The relevance of the Anglo-Irish agreement is that discussions are taking place under article 8 of the agreement to review procedures. Obviously the lessons of this event will be relevant to those discussions.

Mr. Merlyn Rees (Morley and Leeds, South): Surely the purpose of a statement in this House is to enable us to question the responsible Minister. The Home Secretary is not responsible for extradition warrants and he is not responsible for the Director of Public Prosecutions. We should be questioning the Attorney-General. The Opposition will have to take the matter further.

In any event, is the right hon. Gentleman aware that this is not the only example of a defective extradition warrant recently? It was brought to my notice by the chief constable of Yorkshire on Friday that a defective warrant was served on a man called Anthony Kelly, who is wanted for questioning for 18 armed robberies and the murder of a Leeds policeman. Will the right hon. Gentleman use his powers as Home Secretary to tell the Attorney-General that when the warrant is served again we in Yorkshire will want better results?

Mr. Hurd: The matter concerns the police and the prosecuting authorities in this country, so it seems sensible that I should make the statement today. No doubt the right hon. Gentleman will have ample opportunities for asking questions of my right hon. and learned Friend the Attorney-General if he wishes to do so. [HON. MEMBERS: "When?"] I do not doubt that there will be opportunities.

I refer to the case that the right hon. Gentleman mentioned. The gentleman concerned, Mr. Kelly, is serving a sentence of imprisonment in the Republic for offences committed in the Republic. Perhaps, therefore, we are not at the end of that story.

Mr. Ivan Lawrence (Burton): Would it not have been unthinkable for a British court not to have granted a reasonable adjournment when such a technicality arose —particulary one which emerged only in the course of cross-examination—and which must have been known to the Irish authorities and thought by them to be utterly unimportant?

Mr. Hurd: I do not want to get drawn into that. It is true that those concerned on our behalf asked for an adjournment and the court did not grant it. My hon. and learned Friend and his colleagues will be able to judge whether a British court would have taken a different decision.

Mr. Alex Carlile (Montgomery): In dealing with this extraordinary example of sloppy, incompetent professional negligence, will the Home Secretary tell us whether in future we are to regard the failure by a court to administer an oath as a mere technicality? Why in a case as serious as this did not the Director of Public Prosecutions personally examine the warrants before they were sent to Ireland?

Will the right hon. Gentleman tell us why the mistake was not corrected properly before Saturday morning, and whether anybody will take responsibility for this shambles in the way that he should?

Mr. Hurd: The hon. and learned Gentleman misunderstood the point that was at issue. It was a question not simply whether the information was on oath, but whether the information needed to be relaid, although it was identical to the information that had been provided on oath a week before. That is the point. I maintain that it is a technical point.

The Director of Public Prosecutions is responsible for the conduct of that office, and for the extent to which he delegates to senior advisers and officials the handling of particular cases. The organisation of that office is, of course, a matter for my right hon. and learned Friend the Attorney-General.

Mr. Michael Mates (Hampshire, East): Far from this sorry affair being used as a criticism of the Anglo-Irish agreement, does not my right hon. Friend agree that it is a reason for those involved to try harder to make absolutely certain that the co-operation that was begun three months ago becomes more effective so that this sort of incident will not be repeated? Will he specifically ensure that those responsible get together in a working party specifically to make sure that this sort of misunderstanding will never happen again?

Mr. Hurd: I entirely agree with my hon. Friend. That is exactly what is happening. Of course, as right hon. and hon. Members on both sides of the House know, this process has always been a subject of extraordinary difficulty and complication, and the failure in this case is simply a further illustation of that fact. I do not complain about the criticisms that have been made this afternoon, but that is an argument not for despairing of that process but for continuing strenuously with it.

Mr. A. E. P. Duffy: (Sheffield, Attercliffe): The Home Secretary persists in trying to minimise the incompetence of those responsible by putting forward legal objections when he is really dealing with due process. Is he not aware that this is the fourth major embarrassment in extradition cases with the Irish Government in the past two years because of blunders and inadequate presentation of cases by the British and Northern Ireland authorities? Why has it suddenly become so difficult in London to prepare an adequate legal presentation?

Mr. Hurd: As I said in my last answer, this is an area which has proved to be difficult over the years. This is the latest example of it. I maintain — I think that my statement bears it out—that the difficulty on which this case fell was essentially a technical one and not one of principle.

Sir Eldon Griffiths (Bury St. Edmunds): Is there not a very painful contrast between the detailed, careful, and often dangerous work by the police service of the Irish Republic, of the Metropolitan police and of the RUC in obtaining the necessary information, sometimes at the risk of their lives, and the comparatively slipshod and careless way in which the matter was dealt with in the Director of Public Prosecution's office? Who precisely was responsible in the DPP's office for establishing the sufficiency and accuracy of the warrants? What hope does my right hon. Friend hold out of bringing this most wanted person to justice in the near future?

Mr. Hurd: It would be neither customary nor in order to give the names of officials. The structure of responsibility is clear. It is through the Director of Public Prosecutions to my right hon. and learned Friend the Attorney-General.

Mr. George Foulkes (Carrick, Cumnock and Doon Valley): Since this statement is principally about the DPP's office, since on a number of occasions the Home Secretary has said that this is a matter for his right hon. and learned Friend and since he has sometimes said "I am advised" after the Attorney-General as whispered the answer in his ear, why is the Home Secretary making the statement and not the Attorney-General?

Mr. Hurd: If the hon. Gentleman had been listening to my reply to the right hon. Member for Morley and Leeds, South (Mr. Rees) he would have realised—[HON MEMBERS: "Answer."] I did answer the question. I explained that the matter which is the subject of the

[Mr. Hurd]

statement covers part of the area of my responsibility—that is, the police and the general conduct of policy against terrorism—and partly a matter which falls within my right hon. and learned Friend's responsibility, that is, the DPP's office. Since we could not both make the statement, one of us had to, and the lot fell to me.

Mr. John Wheeler (Westminster, North): Although my right hon. Friend and his Department are not directly responsible, does my right hon. Friend agree that the degree of incompetence involved is such that there must be the most searching inquiry into the way that these issues are handled to ensure that a proper administrative machine is put into place so that this does not happen again?

Mr. Hurd: I agree.

Mr. Robert Maclennan (Caithness and Sutherland): Is not the essence of the matter that the Home Secretary has attempted to suggest to the House that this is a matter of extraordinary complexity and that he has tried to weave a web to protect those responsible? Is not the reality that which is set out in the Government's Green Paper on extradition last February which described extradition by warrant as a "comparatively simple and expeditious procedure"? In the light of the evidence of the Director of Public Prosecutions' inability to manage such a comparatively simple and expeditious procedure, should he not resign, or if not he, the Attorney-General?

Mr. Hurd: I do not think that that is fair of the hon. Gentleman. The advantage of the procedure which we follow with the Republic is that it avoids some of the difficulties involved in our other extradition legislation, in particular the prima facie case which the House might be asked to consider next Session. It should be a comparatively straightforward procedure, but that assumes that everybody on both sides is armed effectively against the procedural difficulties, whether of substance or technical. That did not happen in this case.

Mr. Ivor Stanbrook (Orpington): May I ask my right hon. Friend not to accept too readily that there has been any incompetence on the part of the DPP or his staff? If true reciprocity existed, as it should, the document would not necessarily have bee ruled defective. Given the nature of the technical objection, would it not have been sufficient in this country for the court to adjourn the case for consideration before making an announcement on the application and thus releasing into the community a notorious wanted criminal? In these circumstances, should we not address our criticism to the spirit with which the Dublin court operated this business?

Mr. Hurd: I hope that the House has noted carefully the point which my hon. Friend has made with his experience of these matters. Choosing my words with care, and as I have already said in answer to an earlier question, I think that it would have been possible for the court to take a different decision on the request for an adjournment.

Mr. Michael Foot (Blaenau Gwent): As the House is clearly quite dissatisfied with the answers given by the Home Secretary, will the right hon. Gentleman make representations to the Leader of the House that a statement should be made to the House tomorrow by the Attorney-General?

Mr. Hurd: My right hon. Friend the Leader of the House will have noted that request. As I have said, there are ample opportunities to put questions to my right hon. and learned Friend the Attorney-General on aspects of the matter which concern him especially. There are wider aspects, however, and several of the questions which have been addressed to me have covered them. I repeat that I think that it was entirely right that I should make the statement.

Mr. William Cash (Stafford): Does my right hon. Friend deplore the irresponsible attempts of a vociferous minority to use this regrettable incident as a means of denigrating the Anglo-Irish agreement?

Mr. Hurd: Yes, Sir.

Mr. John Ryman (Blyth Valley): Normally the standard of professional work of the Director of Public Prosecutions is extremely high, so why was it that the revised warrant of 6 November 1984 was not sworn? What was the reason for not taking the step of swearing that warrant? It contained revised facts and was amended to an extent that made it obvious that it had to be sworn again to conform with the law.

Mr. Hurd: The magistrate did not so require.

Sir Anthony Grant (Cambridgeshire, South-West): Instead of merely showing the second lot of warrants to the Dublin legal authorities, would it not have been more sensible specifically to have asked the authorities whether the documents were in order? After all, the Dublin authorities should know more about Irish law than we do. Does my right hon. Friend agree that they should have been just as keen as the British authorities to bring criminals to justice? Also, has my right hon. Friend noted the apparent glee with which some Opposition Members have greeted the escape of a notorious criminal? Whose side are they on?

Mr. Hurd: The revised warrants were available to and shown to the Irish authorities, and they raised no comment or objection to them on the ground of Irish law. As I have already said to the right hon. Member for Manchester, Gorton, (Mr. Kaufman), it would not have been fair or reasonable to expect the Irish authorities to spot the technical defect——

Mr. Stanbrook: Why not?

Mr. Hurd: This involved the relaying of information between one week and another in this country. It would not be fair to expect the Irish authorities to spot the alleged defect, which was thought to be decisive, by the court.

Mr. Andrew Faulds (Warley, East): Since Scotland Yard is blameless in this matter, and although the Home Secretary made an adverse comment on a Metropolitan officer, why has he been put up to protect the Attorney-General, whose responsibility the Director of Public Prosecutions comes under, and who should be making the statement and who should now proceed in any case, after this series of errors, to dismiss Sir Thomas Hetherington?

Mr. Hurd: I have answered that question twice. The hon. Gentleman will excuse me for not attempting to do so a third time.

Mr. Richard Ottaway (Nottingham, North): Will my right hon. Friend explain why the Irish courts were not satisfied that a new warrant was issued for the second hearing on Saturday afternoon?

Mr. Hurd: I sought to explain that. There were two reasons, and I do not wish to comment on them particularly. One reason, as has been mentioned already, was whether it is sufficient evidence of a new warrant having been provided that the news of that warrant is communicated by telephone between police forces. I gather that that is normal practice, but it was not accepted by the court.

The second question was directed to Irish law, on which I am not competent. The issue raised was whether the release of Miss Glenholmes on that morning was, in effect, a release to liberty under Irish law.

Mr. A. J. Beith (Berwick-upon-Tweed): Are there to be any resignations or any disciplinary action at any level in the department concerned, or does nobody take any responsibility for anything any more?

Mr. Hurd: I do not think that the hon. Gentleman could have listened to what I said in my statement on that issue. Both my right hon. and learned Friend the Attorney-General and I regretted the failure in this case, and that was stated specifically in my original statement. The internal arrangements of the office of the Director are a matter for my right hon. and learned Friend.

Viscount Cranborne (Dorset, South): Can my right hon. Friend tell the House what sanctions are available to Ministers when they are convinced of the incompetence of public servants?

Mr. Hurd: They vary but they exist.

Mr. Kaufman: The House is clearly highly dissatisfied with the Home Secretary's faltering attempts to answer the basic points that have been raised. The right hon. Gentleman harps on the alleged technicality of the failure on Saturday, but the magistrate who signed the warrant signed it "Sworn this day" when it was not sworn that day. Was that statement, which was palpably untrue, merely a technicality? Above all, the right hon. Gentleman has not told the House who was responsible. Who was he seeking to shield by himself making this statement? Was it the Director of Public Prosecutions? Was it the silent Attorney-General? Or, in accordance with the Government's style, will no one accept responsibility for this almighty mess?

Mr. Hurd: The right hon. Gentleman is repetitive. As I said in my statement, my right hon. and learned Friend and I have expressed our regret that this occurred. Therefore, we accept our share of the responsibility; and that, I think, is what the right hon. Gentleman would expect.

The point at issue was whether identical information which had been laid under oath on one day was required to be laid under oath on a second day before the same magistrate. The magistrate did not so require and it was not done. It is clear that if it had been done this particular difficulty would have been avoided, although everyone who has studied the case knows that even then there were further difficulties further down the road.

Mr. Anthony Nelson (Chichester): Is my right hon. Friend aware that, despite the opportunist and derogatory response of the Opposition, he and my right hon. and learned Friend the Attorney-General continue to enjoy the confidence of the House and the country for the way in which they discharge their responsibilities to hound terrorists and to bring them to book?

Mr. Hurd: I do not think that my right hon. and learned Friend and I expected that a statement on this subject would be received with enthusiasm, and I do not wish to understate the importance of this failure. I have tried to be open with the House about exactly what happened. I am grateful to my hon. Friend for what he has said.

Mr. John Morris (Aberavon): On a point of order, Mr. Speaker. In view of the disquiet on both sides of the House about the role of the Director of Public Prosecutions and his office, may we expect a statement tomorrow from the Attorney-General, the Minister responsible, on the reorganisation that he has effected of the director's office for the avoidance of further difficulties, technical or otherwise?

Mr. Speaker: That patently is not a matter for me.

Auxiliary Oil Replenishment Vessel (Order)

4.9 pm

Mr. Nicholas Brown (Newcastle upon Tyne, East): I beg to ask leave to move the Adjournment of the House, under Standing Order No. 10, for the purpose of discussing a specific and important matter that should have urgent consideration, namely,

"the Royal Navy's order for the Auxiliary oil replenishment lead vessel."

The matter is urgent because an announcement is about to be made placing the order at Harland and Wolff in spite of the representations made at the weekend by Swan Hunter to the Ministry of Defence and in spite of the representations made by myself and by my hon. Friend the Member for Wallsend (Mr. Garrett) when we met the Prime Minister last Thursday.

The decision should be delayed before such a disastrous course is embarked upon to allow Parliament the opportunity to consider the strategic issues involved. Is it Parliament's wish that privately owned warship yards—such as Swan Hunter — should compete against the massive public subsidies—£37 million last year—which have been given to Harland and Wolff? As there is enough work for both yards, why will the Government not place the order for the lead vessel at Swan Hunter and the order for the follow-on vessel at Harland and Wolff? Harland's has work until 1987 but Swan Hunter's has a shortfall. Why should the people of Tyneside have to accept a further 2,000 redundancies, which would give that area the highest level of unemployment in the country, including Northern Ireland, as the price for the Anglo-Irish agreement?

Mr. Speaker: The hon. Member for Newcastle upon Tyne, East (Mr. Brown) asks leave to move the Adjornment of the House, under Standing Order No. 10, for the purpose of discussing a specific and important matter that he believes should have urgent consideration, namely,

"the Royal Navy's order for the AOR lead vessel."

I have listened with great concern to what the hon. Member has said, but I must say that I do not consider the matter that he has raised is appropriate for discussion under Standing Order No. 10. I cannot therefore submit his application to the House but I hope that he will find other ways of raising the matter.

Evelyn Glenholmes

4.12 pm

Mr. Ian Gow (Eastbourne): I beg to ask leave to move the Adjournment of the House, under Standing Order No 10, for the purpose of discussing a specific and important matter which should have urgent consideration, namely,

"the failure of the Director of Public Prosecutions to secure the extradition from the Republic of Ireland of Evelyn Glenholmes, suspected of the gravest terrorist offences, despite the Anglo-Irish agreement of 15 November 1985."

This matter is clearly specific and relates to events which are within the knowledge of the House, which took place as recently as last Saturday. It is undoubtedly important. You have heard, Mr. Speaker, the deep concern expressed by hon. Members on both sides of the House about the statement made by right hon. Friend the Secretary of State for the Home Department.

The matter is also urgent. You will have noticed, Mr. Speaker, that my right hon. Friend the Home Secretary did not answer the third question that I put to him this afternoon, and say whether he had satisfied himself that, in the view of the Irish legal authorities, the third warrant sent over this morning to Dublin did conform, and conform in every respect, with the legal requirements of Irish law so that there could be, if Miss Glenholmes should be apprehended, a proper extradition of the kind that was attempted twice on Saturday.

There is a third aspect which I would like to draw to your attention, Mr. Speaker. Our proceedings this afternoon take place four months after the signing of the Anglo-Irish agreement. On 11 March, less than a fortnight ago, there was a meeting of the Intergovernmental Conference at ministerial level. I wish to remind you, Mr. Speaker, of what took place as recorded in the official communiqué:

"The Conference welcomed the development of contacts between officials concerned with security questions, and the plans for these contacts to continue."

Later in that communiqué it states:

"The conference heard a report of the meeting held on 13 February to discuss legal matters including the administration of justice."

The communiqué also stressed that:

"The Conference agreed that at its next meeting it would consider . . . progress reports from the groups of officials set up under Article 8 of the Agreement to discuss extradition."

It is clear that the matters which were the subject of the terrible events in Dublin on Saturday and which were the subject of my right hon. Friend's statement this afternoon, were also considered at the last meeting of the Intergovernmental Conference.

The House is about to rise for the Easter recess. There is no other opportunity, save through an emergency debate, for us to discuss these matters which are so clearly of importance to the House. I ask you, Mr. Speaker, to agree to an emergency debate.

Mr. Speaker: The hon. Member for Eastbourne (Mr. Gow) asks leave to move the Adjournment of the House, under Standing Order No. 10, for the purpose of discussing a specific and important matter that he believes should have urgent consideration, namely,

"The extradition from the Republic of Ireland of Evelyn Glenholmes, suspected of the gravest terrorist offences, despite the Anglo-Irish agreement of 15 November 1985."

I have listened, as has the whole House, to what the hon. Gentleman has said and I listened, of course, to the

earlier exchanges on the statement. I regret that I do not consider that the matter he has raised is appropriate for discussion under Standing Order No. 10. I cannot, therefore, submit his application to the House.

Courtaulds Clothing Ltd., Seaforth

4.16 pm

Mr. Allan Roberts (Bootle): I beg to ask leave to move the Adjournment of the House, under Standing Order No. 10, for the purpose of discussing a specific and important matter that should have urgent consideration, namely,

"The threatened closure of the factory, Courtaulds Clothing Ltd. at Seaforth in my constituency."

This is a specific matter because on Friday the whole work force of 220 people was called into the canteen and given 90 days' notice of the closure of the factory. Of that work force, 58 per cent. are women and the sole breadwinners in their homes and 57 per cent. are under 21 years of age and in their first real job.

It is urgent because the House, by debating the issue, can prevent the closure of this viable factory which makes clothes for such companies as Mothercare and Marks and Spencer. It is urgent because the factory has a full order book and is being closed only for reasons of internal politics at Courtaulds. An urgent debate is needed because the work force has issued a statement saying that it will consider any method of non-violent, direct action to secure the future of their jobs and prosperity.

The House must ensure that the company opens the books to the work force and that if Courtaulds does not want to continue to operate that factory, a workers' co-operative is able to do so in co-operation with the companies for which the factory now produces goods. The issue is especially urgent because it is happening on Merseyside, where unemployment is at its highest ever and already running at 30 per cent. in Bootle and Seaforth. If the redundancy notices stand, the highly flexible, skilled work force is likely to be on the dole for some considerable time.

Mr. Speaker: The hon. Member for Bootle (Mr. Roberts) asks leave to move the Adjournment of the House, under Standing Order No. 10, for the purpose of discussing a specific and important matter that he thinks should have urgent consideration, namely,

"The proposed closure of the Courtaulds factory at Seaforth in the constituency of Bootle."

I regret that I must give the hon. Member the same answer that I gave to the other hon. Members making Standing Order No. 10 applications. I do not consider that the matter that he has raised is appropriate for discussion under Standing Order No. 10 and I cannot therefore submit his application to the House, but I hope that he will find other methods of raising the matter, which is of concern to his constituents.

Prime Minister (Share Dealings)

4.19 pm

Mr. Dennis Skinner (Bolsover): I beg to ask leave to move the Adjournment of the House, under Standing Order No. 10, for the purpose of discussing a specific and important matter that should have urgent consideration, namely:

"Prime ministerial conflicts of interest in relation to share dealings."

The matter is specific, Mr. Speaker, because it refers to the head of the Government in the United Kingdom dealing in shares from 10 Downing street and using that building as an arm of the stock exchange.

It is also specific because it has always been generally understood in the House that like councillors and others who represent the public in matters of accountability, Government Ministers, including the Prime Minister, do not become involved in dealing in shares because they are privy to inside information that the ordinary public does not have. In these days of privatisation, there have been countless instances when Government and the Prime Minister have been and were privy to such information and could have made millions.

The matter is important because there is a conflict of interests. It is not right and proper that in these days of massive speculation on the stock exchange, when the *Financial Times* index has gone through the 1,400 barrier, that we should dismiss lightly the fact that a Prime Minister has been dealing in shares.

The matter is important because No. 10 Downing street does not belong to the Prime Minister but to the nation, and it is used for Cabinet meetings every week. It is also used for budgets, and announcements are made by the Prime Minister and many other Ministers with advance information that could lead to a lot of money being made by a lot of people. That is why it has been generally agreed over the years that Ministers and Prime Ministers do not become involved in speculation. The matter is also important because it is set against a backcloth of City fraud that has been unsurpassed in these many years. I do not have to go much further down that road.

The matter is also important because of the public disquiet about this matter and because many people—I am among them—believe that there should be a full and independent public inquiry into the whole matter so that the people can judge for themselves.

The matter is urgent because it has occurred since the House last met on Friday and because the Prime Minister has refused to come to the House today, as she should have done, to make a Prime ministerial statement to explain the matter. It is also urgent because the Committee considering the Financial Services Bill is meeting upstairs and one of its jobs is to clear up the whole matter of conflict of interests as it applies to people in the City of London and Ministers.

The matter is important, urgent and specific. We might have gone to the Director of Public Prosecutions but we have no faith in him.

Mr. Speaker: The hon. Member for Bolsover (Mr. Skinner) asks leave to move the Adjournment of the House for the purpose of discussing an important and specific matter that he thinks should have urgent consideration, namely,

"Prime ministerial conflict of interests relating to share dealings."

I have listened with care to what the hon. Gentleman has said, but I regret that I do not consider that the matter he has raised is appropriate for discussion under Standing Order No. 10 and, therefore, I cannot submit his application to the House.

Mr. Skinner: It will not go away.

E.R.

CCBE

Prime Minister

This is an officials' draft of the statement, which the Home Secretary & A-G are studying overnight. I think we need to be treated courteously CDP 2/3.

HOME SECRETARY'S DRAFT STATEMENT

EVELYN GLENHOLMES

With permission, Mr Speaker, I should like to make a statement about the recent failure to secure the extradition of Evelyn Glenholmes from the Republic of Ireland.

2. Nine endorsed warrants for the return of Miss Glenholmes were first submitted to the Irish authorities on 31 October 1984. The offences covered by the warrants related to an explosion outside the Chelsea Barracks in Ebury Bridge Road in October 1981, in which two people were killed and a number of others injured; the attempted murder of Sir Steuart Pringle in October 1981; an explosion at the home of my Rt Hon and learned friend the Attorney General in November 1981; an explosion in Oxford Street in 1982 in which a bomb disposal expert was killed; the planting of a bomb, which was defused, in a London store in 1982; and the discovery of an arms cache in Oxfordshire. The original warrants were returned by the Irish authorities, who asked for some technical changes to be made to the wording of the warrants. Fresh warrants were accordingly submitted on 6 November 1984, but by that time details of the extradition request had been disclosed in the press and Miss Glenholmes disappeared from view.

3. She was subsequently arrested in Dublin on 12 March 1986, and the hearing of the extradition request opened in the District Court of Dublin last Wednesday on the basis of the warrants issued in November 1984.

E.B.

4. On Saturday morning, having heard submissions from defence counsel that the extradition warrants were defective, the court discharged Miss Glenholmes. I understand that the principal consideration which underlay the court's decision was that, in accordance with standard practice, the wording of the warrants referred to information on oath as having been laid on the day the warrants were issued (i.e. 6 November 1984), whereas it appeared that the relevant information was that laid when the original warrants were issued on 30 October 1984. Nevertheless there was no question but that the information required for both sets of warrants was identical. I also understand that both applications were made under oath by the same person to the same magistrate.

5. Even before Miss Glenholmes was released, the United Kingdom authorities had made arrangements for the issue of a fresh warrant covering one of the charges of murder. On the basis of this fresh warrant, the Garda obtained a new provisional warrant for Miss Glenholmes' arrest. Once Miss Glenholmes had been re-arrested, she was brought back to the District Court. I understand that Miss Glenholmes was then released, this time on the grounds that the court was not satisfied that there was evidence that a fresh warrant had been issued in London that morning and that Miss Glenholmes had in fact enjoyed a period of liberty between her earlier release and her re-arrest.

6. Following Miss Glenholmes' release, a fresh warrant on a charge of murder has been obtained; this was sent to Dublin yesterday. Earlier today applications were made for additional warrants on five of the further charges; in addition applications are this afternoon being made for the issue of three further warrants in Oxfordshire and these will be forwarded to the authorities in Dublin as soon as they have been granted.

E.B.

7. I can tell the House that, on the basis of the information available to me, I am satisfied that the unfortunate outcome of this case is in no way due to any shortcoming on the part of either the Metropolitan Police or the office of the Director of Public Prosecutions, who at all times co-operated fully in meeting the requirements of the authorities in Dublin.

I am sure that the whole House will join with me in expressing our disappointment that it has not so far proved possible to secure the return to this country of a person accused of very serious crimes of violence. It is our earnest hope that it will be possible to obtain the arrest of Miss Glenholmes on the basis of the fresh warrants and her subsequent extradition to face justice in a British court.

E.B.

NOTES FOR SUPPLEMENTARIES

FOR WHAT OFFENCES IS SHE WANTED?

Miss Glenholmes' arrest is sought in connection with nine offences. The incidents to which the charges relate are:-

The Ebury Bridge Road explosion in October 1981 in which two civilians were killed and a number of civilians and soldiers injured;

The Wimpey Bar explosion in 1982 in which a civilian bomb disposal expert was killed;

The attempted murder of Sir Steuart Pringle in October 1981;

The bomb explosion at the house of my Rt Hon and learned friend the Attorney General in November 1981;

The discovery of an arms cache in Oxfordshire.

THE GRAND HOTEL BOMBING?

I understand from the Commissioner that Miss Glenholme's is not sought for offences in connection with this incident.

E.B.

ISN'T THE ANGLO-IRISH AGREEMENT SHOWN TO BE WORTHLESS?

No. Article 8 of the Agreement provides that extradition policy matters will be considered by the Inter-Governmental Conference. Procedural questions, including those relating to the formal details of arrest warrants, are being considered by a working group set up under the auspices of the Inter-Governmental Conference.

THIS SHOWS THE ANTIPATHY OF THE IRISH COURTS TO UNITED KINGDOM EXTRADITION REQUESTS

It would be entirely wrong for me to comment on the decisions of the Irish courts.

GARDA TACTICS ON SATURDAY MORNING

I cannot comment on the Garda.

WHAT ABOUT THE EUROPEAN CONVENTION ON THE SUPPRESSION OF TERRORISM?

The Republic has signed, but not yet ratified, the Convention. The Convention provides that fugitives should not be able to avoid extradition by claiming that their offences are political. But the problem faced on Saturday was a technical defect on the warrants. It had nothing to do with the political offence exception.

E B.

WHY NOT HOLD AN ENQUIRY?

Because we know the facts and the lessons for the future have been learned. The discussions taking place in the context of the Inter-Governmental Conference will take in deficiencies in the warrants procedure.

IS NEW LEGISLATION CALLED FOR?

That would not at this stage seem necessary. But there is nothing to stop proposals for changes to the machinery of warrants procedure emerging from the Inter-Governmental Conference.

WOULD AN ENGLISH COURT HAVE TAKEN THE SAME VIEW OF A DEFECTIVE IRISH WARRANT?

I cannot answer such a hypothetical question.

WILL ANYONE BE DISCIPLINED?

This is not a matter for me. But I know of no reason for any UK police officer or official of the office of the Director of Public Prosecutions to be subjected to disciplinary procedures. I am satisfied that those involved made very effort to meet the requirements of the Irish authorities.

E.B.

WHAT ABOUT CRITICISMS BY MEMBERS OF THE IRISH GOVERNMENT?

I have read reports in the newspapers. I can only say that I do not think that it would be justified to direct towards the police in this country any odium for the regrettable outcome of this case. The police officers involved made every effort to meet the requirements of the Irish authorities. We have to accept that the court in Dublin is entirely independent in interpreting the law and in making its judgment in any particular case.

SHOULDN'T THE MAGISTRATE HAVE GONE TO DUBLIN?

It is not certain that this would have affected the outcome. [ONLY IF PRESSED: It was also considered that for a magistrate from the United Kingdom to have given evidence in an Irish court could have set a bad precedent. The backing of warrants procedure is intended to provide a simple extradition procedure based solely on documents. If it were accepted that the judicial authority responsible for issuing a warrant could be questioned on that warrant in this case, then such oral evidence could presumably be required in any subsequent case.]

CAN MISS GLENHOMES NOW BE ARRESTED?

The warrant that was obtained in London on Saturday morning was yesterday taken to Dublin. Following endorsement by the Garda of that warrant - which relates to the murder of Nora Field in Ebury Bridge Road in October 1981 - it would be possible for Miss Glenholmes to be arrested and brought before the court.
[A further five fresh warrants relating to alleged offences in London were issued at Bow Street magistrates' court this morning. Warrants in relation to the cache of arms discovered in Oxfordshire are this afternoon being sought at the Henley-on-Thames magistrates' court. All the warrants obtained today will be sent immediately to the Republic.]

E.B.

HOW ARE THE NEW WARRANTS DIFFERENT?

They incorporate the amendments previously recommended in 1984. And a separate information has been freshly sworn in respect of each warrant.

COULD MISS GLENHOLMES NOW BE EXTRADITED IF THE DUBLIN COURT ACCEPTS THE WARRANTS?

I cannot comment on what decision the Irish courts might reach. But it has to be borne in mind that a fugitive has the right to apply to the High Court for habeas corpus.

IS THE POLITICAL OFFENCE EXCEPTION A FACTOR

I am informed that this could not be a factor in District Court proceedings. But the issue can be considered by the High Court.

COULD SHE BE CHARGED WITH OTHER OFFENCES ON HER RETURN

I understand from the Commissioner that it is not intended to prosecute Miss Glenholmes in respect of any offence alleged to have been committed prior to her return other than those shown on the extradition warrants.

[IF PRESSED ON THE QUESTION OF ASSURANCES ON THIS POINT:
This present question of prosecution for offences committed prior to extradition is being discussed under the Inter-Governmental Conference. It would not be right for me to comment on our discussions at this stage.]

E B.

WHERE WERE THE WARRANTS ISSUED?

At Lambeth magistrates' court (by a Metropolitan Stipendiary Magistrate).

WHO APPLIED FOR THE WARRANTS?

An official in the Department of the Director of Public Prosecutions.

BOXTEN DUPLICATOR

E8.

BACKGROUND NOTES

There is a simplified procedure for the return of offenders between the United Kingdom and the Republic of Ireland based on endorsed warrants of arrest. Return from the United Kingdom is governed by the Backing of Warrants (Republic of Ireland) Act 1965, and from the Republic by the largely reciprocal provisions of its own Extradition Act 1965. These Acts provide for the return of persons accused or convicted of indictable offences, or of offences punishable on summary conviction with six months' imprisonment, for which there is a corresponding offence under the law of the requested country. There are safeguards (e.g. the political offence exception) but certain important features of our present extradition law are omitted - for example there is no need to establish a prima facie case.

E.R.

as at 24/3

TO BE CHECKED AGAINST DELIVERY

HOME SECRETARY'S STATEMENT

EVELYN GLENHOLMES

With permission, Mr Speaker, I should like to make a statement about the recent regrettable failure to secure the extradition of Evelyn Glenholmes from the Republic of Ireland.

2. Nine endorsed warrants for the return of Miss Glenholmes were first issued on 31 October 1984 and submitted to the Irish authorities for endorsement in accordance with the UK-Irish extradition legislation. The offences covered by the warrants related to various terrorist offences committed between 1981 and 1982, including murder, attempted murder, firearms and explosives offences. The original warrants were returned by the Irish authorities, who asked for some technical changes to be made to their wording. Fresh warrants were accordingly submitted on 6 November 1984, but by that time details of the extradition request had been disclosed in the press and Miss Glenholmes disappeared from view.

3. She was subsequently arrested in Dublin on 12 March 1986, and the hearing of the extradition request opened in the District Court of Dublin last Wednesday on the basis of the warrants issued in November 1984.

/I understand that the..

4. Throughout last week's court hearing there was close co-operation between the Irish prosecuting authorities and officers from the Metropolitan Police and the Office of the Director of Public Prosecution.

5. On Saturday morning, having heard submissions from defence counsel that the extradition warrants were defective, the court discharged Miss Glenholmes. I understand that the principal consideration which underlay the court's decision was that, whereas the standard wording printed on the warrants referred to information on oath as having been laid on the day the warrants were issued (i.e. 6 November 1984), the court considered that the relevant information was that laid when the original warrants had been issued on 31 October 1984. I understand that the magistrate in London treated the further application on November 6 as having been made under oath adopting the information already laid but not resworn. The information required for both sets of warrants was identical, but was not sworn again on November 6, which would have avoided the difficulty which later arose.

6. Even before Miss Glenholmes was released, the United Kingdom authorities had made arrangements for the issue of a fresh warrant covering one of the charges of murder. On the basis of this fresh warrant, the Garda obtained a new provisional warrant for Miss Glenholmes' arrest. Once Miss Glenholmes had been re-arrested, she was brought back to the District Court. I understand that Miss Glenholmes was then released, this time on

/the grounds..

the grounds that the court was not satisfied in spute of a telephone call from New Scotland Yard to the Garda that there was evidence that a fresh warrant had been issued in London that morning or that Miss Glenholmes had in effect been at liberty between her earlier release and her re-arrest.

7. Following Miss Glenholmes' second release, the fresh warrant was sent to Dublin this morning. Earlier today additional warrants were obtained covering five of the further charges; in addition, applications are this afternoon being made for the issue of three further warrants in Oxfordshire and these will be forwarded to the authorities in Dublin as soon as they have been granted.

7. My Rt Hon and learned friend the Attorney General and I have looked carefully at the information so far available to us. On the basis of that information it is clear that the extradition application failed because of a technical objection taken by the Dublin court. My Rt Hon and learned friend and I regret that this technical objection was not foreseen in time and fresh warrants obtained. We are considering urgently the need for a review of procedures and the handling of this sort of case. My Rt Hon and learned friend the Attorney General has instructed the Directors of Public Prosecutions for England and Wales, and for Northern Ireland, to ensure personally that all outstanding warrants in respect of terrorist offences are checked at once for accuracy and sufficiency. Under the auspices of the Inter-Governmental Conference work has already begun on a range of legal matters relating to extradition; the lessons of the past few days will be studied in that context.

E.R.

8. I should also inform the House, for the sake of completeness, that our enquiries have shown that in giving evidence to the court in Dublin an officer from the Metropolitan Police made an error in referring to the dates on which the warrants were issued. I understand that he sought to correct this error, but that an opportunity for him to do so was not forthcoming. This does not, however, appear to have influenced the court in its decision to release Miss Glenholmes.

It is deeply disappointing that it has not so far proved possible to obtain the extradition of Miss Glenholmes to face justice in a British court. It is essential that we all learn the right lessons for the future from this failure.

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CC PS

Treasury Chambers, Parliament Street, SW1P 3AG

The Rt Hon Tom King MP
Secretary of State for Northen Ireland
Whitehall
London
SW1

19 March 1986

CDP
1913

Dear Tom,

NORTHERN IRELAND: AN INTERNATIONAL FUND

Thank you for your letter of 11 March. I do not think there is much I can add to the earlier correspondence.

We are agreed that when the Fund is first set up the resources will clearly be additional to your existing block resources. You can tell the Americans that.

Nothing you or I can do can guarantee the position will remain unchanged for five years. The basis on which block resources are determined and the outcome of future Surveys are not matters we can decide now or commit our successors to. I conclude that we cannot, and do not, need to go beyond the clear statement of the position outlined in the paragraph above.

I am copying this letter to the Prime Minister, members of OD(I) and Sir Robert Armstrong.

Yours ever,

JOHN MacGREGOR

IRELAND : Internal Situation : Pt 20

The National Archives

DEPARTMENT/SERIES PREM 19 PIECE/ITEM 1814 (one piece/item number)	Date and sign
Extract details: Powell to Boys Smith dated 17 March 1986	X
CLOSED UNDER FOI EXEMPTION	
RETAINED UNDER SECTION 3(4) OF THE PUBLIC RECORDS ACT 1958	
TEMPORARILY RETAINED	2/2/2017 J. Gray
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Instructions for completion of Dummy Card

Use black or blue pen to complete form.

Use the card for one piece or for each extract removed from a different place within a piece.

Enter the department and series,
eg. HO 405, J 82.

Enter the piece and item references, .
eg. 28, 1079, 84/1, 107/3

Enter extract details if it is an extract rather than a whole piece.
This should be an indication of what the extract is,
eg. Folio 28, Indictment 840079, E107, Letter dated 22/11/1995.
Do not enter details of why the extract is sensitive.

If closed under the FOI Act, enter the FOI exemption numbers applying to the closure, eg. 27(1), 40(2).

Sign and date next to the reason why the record is not available to the public ie. Closed under FOI exemption; Retained under section 3(4) of the Public Records Act 1958; Temporarily retained; Missing at transfer or Number not used.

The National Archives

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Extract details: Hand to PM dated 14 March 1986 (1)	X
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The National Archives

DEPARTMENT/SERIES PREM 19 PIECE/ITEM 1814 (one piece/item number)	Date and sign
Extract details: DOUGLAS HURD TO PRIME MINISTER DATED 14 MARCH 1986. (2) with attachments	X
CLOSED UNDER FOI EXEMPTION	
RETAINED UNDER SECTION 3(4) OF THE PUBLIC RECORDS ACT 1958	
TEMPORARILY RETAINED	~~XXX~~ 13/12/2016.
MISSING AT TRANSFER	
NUMBER NOT USED	
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DOCUMENT PUT IN PLACE (TNA USE ONLY)	

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Use the card for one piece or for each extract removed from a different place within a piece.

Enter the department and series,
eg. HO 405, J 82.

Enter the piece and item references, .
eg. 28, 1079, 84/1, 107/3

Enter extract details if it is an extract rather than a whole piece.
This should be an indication of what the extract is,
eg. Folio 28, Indictment 840079, E107, Letter dated 22/11/1995.
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Sign and date next to the reason why the record is not available to the public ie. Closed under FOI exemption; Retained under section 3(4) of the Public Records Act 1958; Temporarily retained; Missing at transfer or Number not used.

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CC PC

NORTHERN IRELAND OFFICE
WHITEHALL
LONDON SW1A 2AZ

SECRETARY OF STATE
FOR
NORTHERN IRELAND

CDP
143

The Rt Hon John MacGregor OBE MP
Chief Secretary to the Treasury
Treasury Chambers
Parliament Street
LONDON
SW1P 3AG

11th March 1986

Dear Chief Secretary,

NORTHERN IRELAND: AN INTERNATIONAL FUND

Thank you for your letter of 25 February in reply to mine of 11 February.

I fear that there has been some misunderstanding. I was certainly not suggesting that we should presume to bind our successors, which we clearly could not do. That should not, however, prevent our establishing the arrangements on a proper basis.

Nor was I suggesting that the formula-based Block arrangements should be kept intact for all time or that Government resources should take the place of Fund monies when these were exhausted. On the former point, I was dealing with the period during which resources are available from the Fund. On the latter, I was stating my firm view that the consequences of the withdrawal in due course of Fund monies should not be compounded by a reduction in ordinary Block resources as well, but I was content to leave it to our successors to settle that issue.

I hope that the removal of these misunderstandings brings us closer together. It will not be sufficient to say to the Americans that the projects which we propose to undertake with Fund money would not have been undertaken without it, if at the same time there is a worsening in the basis on which ordinary Block resources are determined. The Americans would simply not put their money into Northern Ireland if the Government were reducing its own support. They would not be convinced that Northern Ireland funds were not substituting for national resources. Both the Administration and powerful Congressional interests have already indicated that this is

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/....

unacceptable. Indeed one of the points my officials have to address in Washington this week (and will of course resist) is the question of a contribution to the Fund from the United Kingdom and Irish Governments.

I am afraid therefore that, if we want to accept this money for the wider political advantages which it brings, we must also realistically accept that the Donors intend it to be superimposed in Northern Ireland's existing budgetary arrangements. If we are not prepared to see that happen, we would need to make that clear now in order to avoid future charges of duplicity.

I doubt, however, if there is in fact very much now between us and I hope that we can resolve this issue now on the basis I have suggested.

I am copying this letter to the Prime Minister, Members of OD(I) and Sir Robert Armstrong.

Yours Sincerely

A Ward

(Private Secretary)

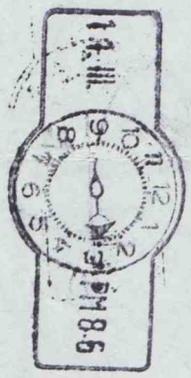
for T K
(Approved by the Secretary of State and signed in his absence in Belfast)

ssd

IRELAND

SITUATION

PT20



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copy 2 of 5 cc/c

NORTHERN IRELAND OFFICE
WHITEHALL
LONDON SW1A 2AZ

43

SECRETARY OF STATE
FOR
NORTHERN IRELAND

OD 113.

The Rt Hon George Younger MP
Secretary of State for Defence
Ministry of Defence
Main Building
Whitehall
LONDON
SW1A 2HB

11th March 1986

Dear Secretary of State,

FORCE LEVELS IN NORTHERN IRELAND

I am very grateful for your minute of 24 February in which you agreed to the deployment of a further battalion from early March.

I share your concern that this should not become an open-ended commitment. Like you, I do not wish to see a permanent increase in Army force levels in Northern Ireland. Should the Chief Constable call for additional resources, we would of course look at this most closely, particularly in the light of your views; but he has not seen a need for additional policemen, because the task at present required - the protection, although not static protection, of fixed points - is not suitable for policemen.

I am sorry if my earlier letter implied in any way that the Army protection of RUC stations was generally a very close or static commitment. Once the RUC and HQNI agreed on the threat to individual police stations, it is the Army who decide how best to discharge the task, and, as I understand it, mesh this in with their normal framework operations. We saw an excellent example of this the other day, when a shooting attack was made on the Fort George security base in Londonderry. Having heard the shots, a military foot patrol operating some distance away was able to intercept the terrorists as they tried to make their escape, with very satisfactory results. This is the sort of operation which only the Army can do well.

You raise two other specific points: the manning of border PVCPs and the Prison Guard Force. We have to recognise that police operations in the border areas are just those which present

/particular....

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particular difficulties for them unsupported: but I have recently commissioned a strategic look at the whole question of border crossings, in which both HQNI and HQ RUC will be closely involved. Obviously we will very much bear in mind what you say. As far as the Prison Guard Force is concerned, there is as you say an official working party in existence, and we await their findings.

I hope therefore that you will agree that we already have the machinery in place to give us the necessary information to review force levels in the summer. Like you I very much hope that we will be able to withdraw at least one, if not both, of the additional battalions by the end of September.

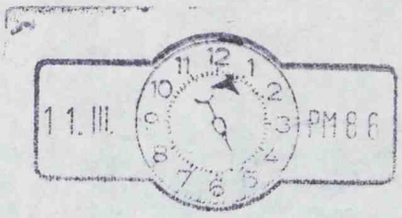
I am sending copies of this letter to the Prime Minister, Geoffrey Howe, Douglas Hurd and Sir Robert Armstrong.

Yours Sincerely
N Bevan
(Private Secretary)
for T K

(Approved by the Secretary of State and signed in his absence in Belfast)

s sd

Ireland; Force Levels #20



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Prime Minister
CDP
3/3.

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MR POWELL

OD(I): TUESDAY 4 MARCH: POSSIBLE EUROPEAN COMMUNITY AID TO NORTHERN IRELAND

As background to the OD(I) meeting tomorrow, Mr Mallaby and I thought that the Prime Minister might wish to be aware of recent developments regarding the United States contribution to the International Fund.

2. The United States Administration have told us and the Government of the Republic of Ireland that they intend shortly to put a draft bill to Congress which will authorise the expenditure of $250 million over five years in Northern Ireland and affected areas of the Republic of Ireland. Only $100 million - $20 million a year - would be a cash contribution. The balance would be in the form of loans and guarantees from existing United States programmes for a variety of purposes including help with housing, and with small and medium scale enterprises.

3. The size of the total package is much as we expected but its composition is complex and the proposed cash element smaller than we and the Irish would have wished. We and the Government of the Republic of Ireland are considering how far the package meets the needs on the ground, and we shall be discussing the details shortly with the United States Administration.

4. We understand that the proposals have leaked in Washington and are now public.

5. I am copying this minute to Mr Stark and Mr Mallaby.

D F Williamson

D F WILLIAMSON

3 March 1986

CONFIDENTIAL

GRS 1080 SECRET-ECLIPSE

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ECLIPSE
FM WASHINGTON
TO IMMEDIATE FCO
TELNO 460
OF 252330Z FEBRUARY 86
AND TO IMMEDIATE NIO(L) AND NIO(B)
INFO PRIORITY DUBLIN, UKREP BRUSSELS
INFO SAVING OTTAWA, CANBERRA, WELLINGTON

cc Mr Williams
(M. Jay)

YOUR TELNO 238: ANGLO-IRISH AGREEMENT: PROPOSED US FINANCIAL ASSISTANCE

SUMMARY

1. AUTHORITATIVE BUT STRICTLY PERSONAL BRIEFING ON THE US PROPOSAL, WHICH WILL GO PUBLIC WITHIN A WEEK. ASSISTANCE OF DOLLARS 250 MILLION OVER FIVE YEARS ENVISAGED: UP TO DOLLARS 100M IN CASH

DETAIL

2. AT OUR REQUEST WE WERE BRIEFED ON 25 FEBRUARY ON A PERSONAL BASIS AND IN STRICT CONFIDENCE, ON THE PROPOSAL WHICH IS NOW LIKELY TO BE PUT TO CONGRESS NEXT WEEK. SINCE THE IRISH ARE RECEIVING NO SIMILAR BRIEFING (BECAUSE THE IRISH LOBBY ON THE HILL ARE IN THE ADMINISTRATION'S EYES IRRITATINGLY HYPERACTIVE), SINCE OUR SOURCE WAS UNAUTHORISED, AND SINCE THE PROPOSAL IS IN FACT STILL SUBJECT TO CHANGE (SEE PARAS 8 AND 9 BELOW) PLEASE PROTECT CAREFULLY.

3. SHULTZ ON 22 FEBRUARY FORWARDED TO THE WHITE HOUSE A DRAFT BILL QUOTE THE NORTHERN IRELAND AND IRELAND ASSISTANCE ACT 1986 UNQUOTE, WHICH, IF PASSED, WOULD AUTHORISE THE EXPENDITURE OF DOLLARS 250 MILLION OVER FIVE YEARS IN NORTHERN IRELAND AND AFFECTED AREAS OF THE REPUBLIC. THE ACCOMPANYING DRAFT PRESIDENTIAL STATEMENT, WHICH IS LOW KEY, RECALLS THE ADMINISTRATION'S WELCOME FOR THE HILLSBOROUGH AGREEMENT, THE CONGRESS' SUBSEQUENT CALLS FOR SUPPORT FOR ECONOMIC AND SOCIAL DEVELOPMENT IN NORTHERN IRELAND AND ADJACENT AREAS OF THE REPUBLIC, AND REPORTS THE PRESIDENT'S CONCLUSION THAT THE MOST EFFECTIVE AND COMPLETE U S RESPONSE WOULD BE DOLLARS 250M OF ECONOMIC ASSISTANCE.

5 March.

4. TIMING. THE HOUSE FOREIGN AFFAIRS COMMITTEE PLAN A HEARING ON 5 MARCH, AND THE ADMINISTRATION'S INTENTION IS THAT THE STATEMENT SHOULD HAVE BEEN MADE, AND THE DRAFT LEGISLATION SENT TO THE HILL, BEFORE THEN.

$250m.
up to $100m in cash

5. BREAKDOWN. THE DRAFT BILL ITEMISES FUNDING IN DETAIL ONLY FOR FY86 (THE CURRENT YEAR, WHICH STARTED IN OCTOBER 85) AND FY87 (THE YEAR ON WHICH THE CONGRESSIONAL BUDGETARY COMMITTEES ARE NOW FOCUSSED). IN EACH YEAR A CASH CONTRIBUTION OF DOLLARS 20M TO THE QUOTE INTERNATIONAL FUND TO BE ESTABLISHED BY THE GOVERNMENTS OF THE UNITED KINGDOM AND THE REPUBLIC UNQUOTE IS ENVISAGED. OF THE BALANCE OF DOLLARS 30M IN FY86, DOLLARS 20 IS TO COME FROM THE HOUSING GUARANTEE PROGRAMME (PARA 9(A) OF OUR TELNO 97): THE RESIDUAL DOLLARS 10M FROM ALL OR ANY OF (A) THE USAID PRIVATE SECTOR REVOLVING CREDIT FUND (WHICH SUPPORTS SMALL

AND MEDIUM SIZE BUSINESSES, VIA SUBSIDISED LOANS FROM INTERMEDIATE FINANCIAL INSTITUTIONS), (B) THE USAID TRADE AND DEVELOPMENT PROVISION (PARA 9(B) OF OUR TELNO 97), (C) THE OVERSEAS PRIVATE INVESTMENT CORPORATION (PARA 9(C) OF OUR TELNO 97), AND (D)THE EXIM BANK.

FOR FY 87, THE DOLLARS 30M BALANCE WOULD BE MADE UP FROM CONTRIBUTIONS FROM THE SAME ORGANISATIONS, THOUGH NOT NECESSARILY ON PRECISELY THE FY86 PATTERN.

6. OUR SOURCE CONFIRMED THAT, FOR THE THREE YEARS AFTER FY87, ON WHICH THE BILL CONTAINS NO DETAILS, THE ADMINISTRATION ENVISAGE THAT THE REMAINING BALANCE OF DOLLARS 150 M WOULD BE FOUND IN THREE EQUAL INSTALLMENTS OF DOLLARS 50M, AND THAT THERE WOULD IN EACH YEAR BE A CASH ELEMENT, PROBABLY OF DOLLARS 20M. (COMMENT. THERE IS OF COURSE NO BUDGETARY NEED FOR THE ADMINISTRATION NOW TO SEEK FUNDING FOR THE THREE OUTYEARS: THE ABSENCE OF SPECIFICITY BEYOND FY87 IS THEREFORE PROBABLY GENUINELY NON-SINISTER).

7. THE FACT THAT THE CASH ELEMENT IS OUTWEIGHED BY THE PROGRAMME CONTRIBUTIONS REFLECTS CURRENT BUDGETARY CUTBACKS, GRAMM-RUDMAN ETC. THE ADMINISTRATION HAVE IN FACT DEVISED WAYS OF AVOIDING SEEKING NEW MONEY OTHER THAN THE DOLLARS 20M FOR FY87. (THE FY86 DOLLARS 20M HAS BEEN FOUND FROM WITHIN EXISTING PROGRAMMES.) APART FROM THE EXIM BANK PROGAMME CONTRIBUTION, ALL ELEMENTS ARE USAID-RUN: NONE WOULD REQUIRE ADDITIONAL VOTED MONEY THIS YEAR SEMI-COLON AND ALL ARE THOUGHT BY THE ADMINISTRATION TO BE GRAMM-RUDMAN PROOF.

8. OBJECTIONS. THE SHULTZ PROPOSAL IS, WE UNDERSTAND, POLITICALLY WELCOME IN THE WHITE HOUSE. OFFICIALS THERE HAVE BEEN PRESSING STATE FOR SOME TIME, FOR SPEAKER O'NEILL HAS SHOWN SIGNS OF WANTING TO KEEP ALL FY87 BUDGETARY ISSUES ON ICE UNTIL HE SEES THE COLOUR OF THIS SHULTZ MONEY. BUT OMB ARE THIS WEEK OBJECTING THAT ITIS NOT ESSENTIAL TO SPECIFY NOW THE DOLLARS 20M FY87 CASH ELEMENT. DEBATE ON THIS CONTINUES BETWEEN STATE AND OMB

9. A SECOND OBJECTION MAY COME FROM O'NEILL. RUMOURS OF LOWER SHULTZ FUNDS ARE CIRCULATING AMONG THE IRISH LOBBY ON THE HILL, AND OUR SOURCES THOUGHT IT POSSIBLE THAT O'NEILE, WHILE LIKELY TO SETTLE FOR DOLLARS 250M, MIGHT WANT SOME FRONT-END LOADING, AND/OR A LARGER CASH ELEMENT, AND/OR SPECIFICITY FOR THE OUTYEARS. IF STATE LOSE TO OMB IN RESPECT OF FY87 CASH, THE PROBLEM WITH O'NEILL WILL OF COURSE BE GREATER: STATE ARE POINTING THIS OUT TO THE WHITE HOUSE, AND THEREFORE DO NOT EXPECT TO LOSE TC OMB. BUT SOME LAST MINUTE AMENDMENT TO THE BILL CANNOT YET BE EXCLUDED.

COMMENT

10. THE SCALE AND SHAPE OF THE PROPOSALS IS ALONG THE LINES ENVISAGED DURING THE BRENNAN/BLOOMFIELD/DONLON TALKS HERE IN MID-JANUARY. THE CASH ELEMENT IS CLEARLY SMALLER THAN WE HAD HOPED, BUT THIS IS HARDLY SURPRISING GIVEN THE DEFICIT-REDUCTION DRIVE. THE IRISH EMBASSY ARE CONCERNED, AND MCKERNAN SPOKE TO ME TODAY, ABOUT THE RUMOURS (OF LOWER FIGURES) WHICH THEY HAVE PICKED UP ON THE HILL. GIVEN THE PERSONAL BASIS OF OUR BRIEFING IN STATE,

WE CANNOT PUT THEM STRAIGHT: BUT WE HOPE THAT YOU WILL AGREE THAT OUR REACTION TO THE PROPOSAL, WHEN WE HEAR OF IT OFFICIALLY, SHOULD BE WELCOMING, RATHER THAN CARPING.

11. WE ARE UNLIKELY TO HEAR OFFICIALLY MUCH BEFORE THE PRESIDENTIAL STATEMENT IS ISSUED BY THE WHITE HOUSE, AND THE LEGISLATION GOES TO THE HILL. STATE HAVE GOT THEMSELVES IN A MESS ON TIMING, AND WARN NOW THAT 24 HOURS ADVANCE NOTICE IS AS MUCH AS, AND PERHAPS MORE THAN, WE AND THE IRISH ARE LIKELY TO GET. IF THERE ARE ANY REACTIONS WHICH YOU WOULD LIKE US TO FEED IN, EITHER UNOFFICIALLY AND INFORMALLY NOW, OR OFFICIALLY AND FORMALLY WHEN MCKERNAN AND I ARE SUMMONED TO HEAR THE NEWS, IT WOULD THEREFORE BE USEFUL TO HAVE THEM VERY SOON.

12. STATE HAD EARLIER PLANNED A MORE LENGTHY PERIOD OF CONSULTATION WITH US AND THE IRISH ON THE BASIS OF A DETAILED MEMORANDUM SETTING OUT THEIR PROPOSALS (PARA 13 OF OUR TELNO 97). THIS HAS FALLEN VICTIM TO O'NEILL'S TACTICS (PARTLY ENCOURAGED, I FEAR, BY THE IRISH EMBASSY). BUT OUR CONTACTS AGREE THAT THERE WILL STILL HAVE TO BE A DETAILED DISCUSSION OF MECHANICS, BOTH OVER THE FUND AND OVER THE PARTICULAR PROGRAMME VEHICLES CHOSEN. THIS WILL NOW CLEARLY FOLLOW, RATHER THAN PRECEDE, THE TABLING OF THE BILL.

13. WE ARE REMINDING STATE OF THE SENSITIVITY IN UK TERMS OF ANY LINKAGE BETWEEN THEIR FUNDING PROPOSALS AND DR FITZGERALD'S MID-MARCH VISIT HERE. THEY HAVE REPEATED THEIR UNDERTAKING (OUR TELNO 358) TO KEEP US IN TOUCH WITH THE PREPARATION OF TEXTS FOR THE ST PATRICK'S DAY DINNER HONOURING SPEAKER O'NEILL, WHICH FITZGERALD WILL ATTEND. NEITHER WE NOR OUR CONTACTS IN STATE THINK MRS HECKLER CORRECT IN SUGGESTING (DUBLIN TELNO 113) THAT UNLESS THE FUND PROPOSAL IS LINKED TO THE ST PATRICK'S DAY FESTIVITIES, IT WILL FAIL ON THE HILL. THERE IS A LINK, BUT NOT THIS ONE. IF FOR SOME REASON THE ADMINISTRATION FAILED TO TABLE THEIR BILL WELL BEFORE THE FITZGERALD VISIT, THE ISSUE MIGHT INDEED GET CAUGHT UP IN IT. BUT PROVIDED THEY HAVE DONE THE JOB NEXT WEEK, AS THEY INTEND, THERE SEEMS NO REASON TO EXPECT THE LEGISLATION TO FAIL IF NOT PACKAGED ALL IN GREEN. THE PRESSURES FROM THE IRISH LOBBY WILL BE TO AUGMENT IT, NOT SQUASH IT SEMI-COLON AND THE SOONER THE ADMINISTRATION TABLE IT, IE WELL BEFORE ST PATRICK'S DAY, THE BETTER FOR THEM, AND, IN TERMS OF PRESENTATION, FOR US. WE PROPOSE TO GO ON SAYING SO.

FCO PLEASE PASS SAVING POSTS (REPEATED AS REQUESTED)

JENKINS

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MR. GOODALL
MR. RENWICK
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PS/PUS
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COPIES TO:
SIR. R. ARMSTRONG - CAB. OFFICE
MR. MAKABY - CAB. OFFICE
MR. BRENNAN } N.I.O. LONDON
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3.
SECRET - ECLIPSE.

GRS 770 **CONFIDENTIAL**

1. Copy Mr Whitehead Mr Fay Mr Christopher file 2. Back Room

CONFIDENTIAL
FM WASHINGTON
TO DESKBY 270930Z FCO
TELNO 472
OF 262250Z FEBRUARY 86
AND TO IMMEDIATE NIO(L),NIO(B)
INFO PRIORITY DUBLIN, UKREP BRUSSELS, CG NEW YORK, BIS NEW YORK
INFO SAVING OTTAWA, CANBERRA, WELLINGTON, ATLANTA, CHICAGO
INFO SAVING LOS ANGELES, SAN FRANCISCO, BOSTON, CLEVELAND, HOUSTON

MY TELNO 460 AND TELECON CLARK (RID)/SHEINWALD: ANGLO/IRISH AGREEMENT: PROPOSED US FINANCIAL ASSISTANCE

1.. WENICK (EUROPEAN BUREAU, STATE) ASKED THE IRISH AMBASSADOR AND MYSELF TO CALL THIS AFTERNOON. HE GAVE US DETAILS OF THE ADMINISTRATION'S PROPOSAL WHICH CORRESPONDED TO THE INFORMATION PRIVATELY MADE AVAILABLE TO US YESTERDAY (SEE MY TUR).

2. WENICK ADDED THE FOLLOWING GLOSSES. THE DRAFT BILL WAS LIKELY TO BE PASSED BY THE WHITE HOUSE TO CONGRESS AT ANY TIME, POSSIBLY AS EARLY AS TOMORROW. WE WOULD THEN BE GIVEN A TEXT OF THE FINAL DRAFT WHICH WAS SUBJECT TO CHANGE UNTIL IT HAD ACTUALLY LEFT THE WHITE HOUSE. APOLOGISING THAT HE WAS LETTING US HAVE THE INFORMATION ON THE CONTENTS OF THE BILL SO LATE, WENICK SAID THAT THERE HAD BEEN DIFFICULTY IN FINDING THE RIGHT LEGISLATIVE BASIS FOR WHAT WAS PROPOSED AND THIS HAD LED TO UNFORESEEN DELAYS.

3. WENICK SAID THAT THE VARIOUS ELEMENTS OF THE PACKAGE WERE DESIGNED TO PROVIDE SEED MONEY TO GET THE FUND GOING AS WELL AS INCENTIVE PROGRAMMES TO STIMULATE PRIVATE SECTOR GROWTH. THE NON-CASH COMPONENTS OF THE PACKAGE WERE MOREOVER IN LINE WITH THE POLICIES OF THE ADMINISTRATION IN RESPECT OF ITS ENCOURAGEMENT OF THE PRIVATE SECTOR.

4. I SAID THAT WE APPRECIATED THE EFFORTS WHICH THE ADMINISTRATION WERE MAKING OVER THE US CONTRIBUTION TO THE FUND. WE UNDERSTOOD THE DIFFICULTIES BUT IT WAS NONETHELESS UNFORTUNATE THAT THE STATE DEPARTMENT HAD NOT BEEN ABLE TO CONSULT THE IRISH AND OURSELVES ABOUT THE DRAFT BILL BEFOREE SENDING IT TO CONGRESS. IT WOULD BE IMPORTANT TO ESTABLISH WHETHER IT WOULD BE POLITICALLY SENSIBLE AND TECHNICALLY POSSIBLE TO APPLY ALL THE ELEMENTS OF THE PACKAGE TO THE SITUATION ON THE GROUND, FOR EXAMPLE, THE HOUSING GUARANTEE SCHEME. I KNEW THAT OFFICIALS WERE AVAILABLE IN LONDON AND BELFAST TO COME TO WASHINGTON AT SHORT NOTICE TO DISCUSS THESE MATTERS NOW THAT A DRAFT EXISTED. WENICK WELCOMED THIS. HE SAID THAT IT MIGHT BE BEST TO ARRANGE A MEETING IN WASHINGTON ON MONDAY OR TUESDAY OF NEXT WEEK (3 OR 4 MARCH), AND UNDERTOOK TO BE IN TOUCH WITH ME ABOUT THIS TOMORROW (27 FEBRUARY). HE SAID HE WOULD ALSO SHORTLY LET US HAVE A LIST OF POINTS ON WHICH FROM THEIR SIDE THE ADMINISTRATION WOULD WELCOME CLARIFICATION FROM US. PICKING UP MY REMARK ON THE HOUSING PROGRAMME, HE POINTED TO THE FAVOURABLE REACTION BY UK REPRESENTATIVES WHEN ASSISTANCE FOR HOUSING WAS MENTIONED AS AN ILLUSTRATION DURING THE DISCUSSIONS HERE ON 13 JANUARY. MACKERNAN SAID THAT HE WAS SURE THAT OFFICIALS FROM DUBLIN WOULD ALSO BE AVAILABLE TO TRAVEL FOR A MEETING AT EQUALLY SHORT NOTICE ONCE A DATE WAS PROPOSED.

5. MACKERNAN SAID THAT THERE MIGHT BE SOME CONCERN IN DUBLIN ABOUT THE PROPORTIONS OF THE DIFFERENT ELEMENTS MAKING UP THE PACKAGE, AND IN PARTICULAR THE RELATIVELY MINOR CASH ELEMENT. WENICK NOTED THIS COMMENT WITH THE OBSERVATION THAT CASH ITSELF DID NOT NECESSARILY SOLVE PROBLEMS AND THAT THE ESSENTIAL PURPOSE OF THE FUND WOULD BE TO HELP THE PRIVATE SECTOR HELP ITSELF. MACKERNAN ENQUIRED WHETHER THERE WAS ANY LANGUAGE IN THE DRAFT BILL ABOUT NON-DISCRIMINATION WHICH MIGHT USEFULLY HEAD OFF POSSIBLE PRESSURE FROM CONGRESS FOR THE INCLUSION OF REFERENCES TO THE MACBRIDE PRINCIPLES. WENICK SAID THAT THERE WAS NO LANGUAGE WHICH REFERRED TO NON-DISCRIMINATION DIRECTLY.

6. WENICK CONFIRMED THAT THE STATE DEPARTMENT WERE LIKELY TO BE CALLED TO TESTIFY TO A SUB-COMMITTEE OF THE HOUSE FOREIGN AFFAIRS COMMITTEE ON 5 MARCH (THE PRINCIPAL REPRESENTATIVE OF STATE WOULD PROBABLY BE MRS RIDGWAY). IN TESTIFYING OFFICIALS WOULD MAKE CLEAR THAT TECHNICAL DISCUSSIONS WERE TAKING PLACE WITH OURSELVES AND THE IRISH AND THAT JUXTAPOSITION OF THE ELEMENTS IN THE PACKAGE MIGHT NEED TO BE ADJUSTED DEPENDING ON THE RESULTS OF THESE DISCUSSIONS. WENICK ADDED THAT THE BILL WOULD IN ANY CASE BE DESIGNED TO ENABLE THE ADMINISTRATION TO JUGGLE BETWEEN THE VARIOUS ELIGIBLE CATEGORIES YEAR ON YEAR IN ORDER TO TAKE ACCOUNT OF DEMAND WITHIN NORTHERN IRELAND AND THE IRISH REPUBLIC.

JENKINS

YYYY
FCO PASS SAVING OTTAWA, CANBERRA, WELLINGTON

LIMITED

RID
NAD
ECD(I)
SPD
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PS/LADY YOUNG
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MR GOODALL
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COPIES TO:

SIR. R. ARMSTRONG
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MR BRENNAN
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} NIO (L)

(REPEATED AS REQUESTED)

GRS 550 CONFIDENTIAL

CONFIDENTIAL
FM WASHINGTON
TO IMMEDIATE FCO
TELNO 487
OF 271800Z FEBRUARY 86
AND TO IMMEDIATE NIO(L) AND (B)
INFO PRIORITY DUBLIN, UKREP BRUSSELS, CG NEW YORK, BIS NEW YORK
INFO SAVING CANBERRA, OTTAWA, ATLANTA, BOSTON, CHICAGO
CLEVELAND, DALLAS, HOUSTON, LOS ANGELES

MY TWO IPT'S: ANGLO-IRISH AGREEMENT: PROPOSED US ASSISTANCE
1. FOLLOWING IS TEXT OF DRAFT BILL: QUOTE
TO PROVIDE ECONOMIC SUPPORT FOR THE AGREEMENT BETWEEN THE GOVERNMENT OF IRELAND AND THE GOVERNMENT OF THE UNITED KINGDOM, AND FOR OTHER PURPOSES.
BE IT ENACTED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES OF AMERICA IN CONGRESS ASSEMBLED
SHORT TITLE
SECTION 1. THIS ACT MAY BE CITED AS THE ''NORTHERN IRELAND AND IRELAND ASSISTANCE ACT OF 1986''.
STATEMENT OF PURPOSE
SECTION 2. THE CONGRESS FINDS THAT THE AGREEMENT BETWEEN THE GOVERNMENT OF IRELAND AND THE GOVERNMENT OF THE UNITED KINGDOM DATED NOVEMBER 15, 1985, IS A CLEAR DEMONSTRATION OF BRITISH AND IRISH DETERMINATION TO MAKE PROGRESS CONCERNING THE COMPLEX SITUATION IN NORTHERN IRELAND. THE CONGRESS STRONGLY SUPPORTS THE AGREEMENT REACHED BY THESE TWO GOVERNMENTS AND IS PARTICULARLY ENCOURAGED THAT THESE TWO NEIGHBORS, FAITHFUL FRIENDS OF AMERICA, HAVE JOINED TOGETHER TO REBUILD A LAND THAT HAS TOO OFTEN BEEN THE SCENE OF ECONOMIC AND HUMAN MISERY. IN RECOGNITION OF OUR TIES OF KINSHIP, HISTORY, AND COMMITMENT TO DEMOCRATIC VALUES, THE CONGRESS BELIEVES THAT THE UNITED STATES SHOULD PARTICIPATE IN THIS RENEWED COMMITMENT TO SOCIAL AND ECONOMIC PROGRESS IN NORTHERN IRELAND AND AFFECTED AREAS OF THE REPUBLIC OF IRELAND. TO THAT END, THE CONGRESS FINDS THAT THROUGH THE END OF FISCAL YEAR 1990, DOLLARS 250,000,000 OF DEVELOPMENT AND ECONOMIC RESOURCES AND AUTHORITY AVAILABLE UNDER THE FOREIGN ASSISTANCE ACT OF 1961 SHOULD BE USED TO PROVIDE SUPPORT TO CARRY OUT THE PURPOSES OF THE AGREEMENT WHICH WILL BE IMPLEMENTED THROUGH THE INTERGOVERNMENTAL CONFERENCE OF THE ANGLO-IRISH INTERGOVERNMENTAL COUNCIL AND OTHER APPROPRIATE AGENCIES.
PROVISION OF ASSISTANCE
SECTION 3. (A) IN ADDITION TO OTHER AUTHORITIES CONTAINED IN THE FOREIGN ASSISTANCE ACT OF 1961 OR ANY OTHER ACT, THE FOLLOWING AUTHORITIES MAY BE USED TO PROVIDE SUPPORT AND ASSISTANCE TO CARRY OUT THE PURPOSES OF SECTION 2 OF THIS ACT:
(1) SECTION 103 OF THE FOREIGN ASSISTANCE ACT OF 1961 (REGARDING THE PRIVATE SECTOR REVOLVING RUND) SEMI-COLON

(2) SECTION 221 THROUGH 223 OF THE FOREIGN ASSISTANCE ACT OF 1961 (REGARDING THE HOUSING GUARANTY PROGRAM) SEMI-COLON

(3) TITLE IV OF CHAPTER 2 OF PART I OF THE FOREIGN ASSISTANCE ACT OF 1961 (REGARDING THE TRADE AND DEVELOPMENT PROGRAM).

(B) ASSISTANCE MADE AVAILABLE TO CARRY OUT THE PURPOSES OF THIS ACT MAY BE PROVIDED, FOR THE PURPOSE OF IMPLEMENTING THIS ACT, NOTWITHSTANDING ANY OTHER PROVISION OF LAW. SECTION 4. (AUTHORISATION OF ECONOMIC SUPPORT FUND (DOLLARS 20 MILLION) FOR FY 1987).

JENKINS

FCO PSE PASS SAVING TO CANBERRA, OTTAWA
ORWBAN 1409

(REPEATED AS REQUESTED)

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RID
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PS LADY YOUNG
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COPIES TO:
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MR BELL }
MR BLOOMFIELD, NIO(B)

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MILNAN 8920 OCMIAN 8920
CONFIDENTIAL
DD 271800Z WASHI
FM FCOLN TO WASHI
271645Z FEB
GRS 607

CONFIDENTIAL
FM FCO
TO DESKBY WASHINGTON 271800Z
TELNO 362
OF 271645Z FEBRUARY 86
AND TO IMMEDIATE NIO (BELFAST)
INFO PRIORITY DUBLIN, UKREP BRUSSELS, CG NEW YORK, BIS NEW YORK
INFO SAVING OTTAWA, CANBERRA, WELLINGTON, ATLANTA, CHICAGO
INFO SAVING LOS ANGELES, SAN FRANCISCO, BOSTON, CLEVELAND
INFO SAVING HOUSTON

YOUR TELNOS 460 AND 472: ANGLO-IRISH AGREEMENT:
PROPOSED US FINANCIAL ASSISTANCE

1. WE ARE SOMEWHAT DISTURBED BY THESE DEVELOPMENTS. THE STATE DEPARTMENT HAVE HAD SIX WEEKS TO CONSIDER THE POINTS BRENNAN AND BLOOMFIELD MADE, AND TO EXAMINE THE DOCUMENTS THEY LEFT WITH WENICK ON 13 JANUARY. WHILE WE RECOGNISE THEIR DIFFICULTIES IN FINDING SUITABLE VEHICLES THROUGH WHICH TO ORGANISE THE FUND, THE SOLUTION THEY HAVE SPRUNG UPON US IS COMPLICATED, AND IT IS NOT IMMEDIATELY OBVIOUS HOW THE DEVICES WHICH THEY SUGGEST WILL RESULT IN ADDITIONAL EXPENDITURE ON APPROPRIATE OBJECTIVES IN NORTHERN IRELAND AND THE REPUBLIC. WE SHALL NEED TO EXAMINE CAREFULLY THE PROPOSAL SET OUT IN YOUR TELNO 460 AND THE MATERIALS ENCLOSED WITH SHEINWALD'S LETTER OF 28 JANUARY, BUT UNTIL WE CAN ASK THE STATE DEPARTMENT IN SOME DEPTH HOW THEY SEE THESE APPLYING IT IS DIFFICULT TO JUDGE WHETHER THE PACKAGE MAKES SENSE IN OUR TERMS. WHILE WE APPRECIATE THE STATE

DEPARTMENT'S

DEPARTMENT'S NEED FOR A RAPID RESPONSE NOW, WE NEED TO GUARD AGAINST THE REAL POSSIBILITY THAT IT MAY BECOME APPARENT IN SIX MONTHS TIME (EG THROUGH LACK OF TAKE-UP) THAT THE MEASURES WERE ILL-CONCEIVED AND DID NOT FIT NORTHERN IRELAND'S CIRCUMSTANCES PROPERLY.

2. OWING TO UNAVOIDABLE PREVIOUS ENGAGEMENTS AND THE POLITICAL SITUATION IN NORTHERN IRELAND, WHERE 3 MARCH SEEMS CERTAIN TO BE A DAY OF UNIONIST PROTEST, ALTHOUGH AT THIS STAGE WE ARE UNCERTAIN HOW SUCCESSFUL THEIR PLAN FOR A PROVINCE-WIDE GENERAL STRIKE WILL BE, THE DATES SUGGESTED BY WENICK FOR A MEETING IN WASHINGTON ARE IMPOSSIBLE FOR BLOOMFIELD, BRENNAN, GOODALL AND CLARK. IF THE STATE DEPARTMENT ARE SET ON PRESENTING A PACKAGE OF THIS KIND WE WOULD PREFER TO SEND A DELEGATION A LITTLE LATER, PERHAPS TOWARDS THE END OF THE WEEK OR AS SOON AS POSSIBLE THEREAFTER. WE MIGHT WANT TO INCLUDE ONE OR MORE EXPERTS FROM NORTHERN IRELAND DEPARTMENTS, EG HOUSING, FINANCE. INCIDENTALLY, THERE APPEARS TO BE A MISUNDERSTANDING ON WENICK'S PART ABOUT BLOOMFIELD'S REACTION TO THE PROPOSAL FOR ASSISTANCE FOR HOUSING. THE NIO CERTAINLY WELCOME AID FOR THE HOUSING SECTOR IN NORTHERN IRELAND. HOWEVER IT WAS NOT CLEAR THAT THE DISCUSSION ON 13 JANUARY WAS ANYTHING OTHER THAN SPECULATIVE, THE APPLICABILITY OF THE MEASURES DESCRIBED IN SHEINWALD'S DOCUMENTATION TO NORTHERN IRELAND IS NOT SELF EVIDENT, AND THE VALUE IN NORTHERN IRELAND OF GUARANTEES FOR BANK LOANS WHICH WOULD PRESUMABLY BE USED IN THE PRIVATE SECTOR IS PROBLEMATICAL. WE NEED TO DISCUSS ALL THIS AND OTHER ASPECTS OF THEIR PROPOSALS IN DEPTH WITH THE STATE DEPARTMENT BEFORE THEY ARE IRREVOCABLY COMMITTED TO THEM.

3. BLOOMFIELD AND DONLON HAVE DISCUSSED THE SUBSTANCE OF YOUR TURS BRIEFLY ON THE TELEPHONE. BY MUTUAL AGREEMENT THE IRISH, WHO SHARE OUR HESITATIONS, WILL BE INSTRUCTING MCKEARNAN LATER TODAY TO PUT A LINE INTO THE SPEAKER'S DEPARTMENT SAYING THAT WE HAVE BEEN GIVEN AN ADVANCE INDICATION OF THE STATE DEPARTMENT'S LIKELY PROPOSALS TO CONGRESS, AND HAVE DOUBTS ABOUT THEM FOR THE REASONS GIVEN ABOVE. IF, AS SHEINWALD SAID TO CLARK ON THE 'PHONE, YOU SEE DISADVANTAGE IN SUCH AN IRISH APPROACH, WE SUGGEST YOU TALK IT OVER DIRECT WITH MCKEARNAN BEFORE HE APPROACHES O'NEILL'S OFFICE.

HOWE
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RID
NAD
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PS/LADY YOUNG
PS/PUS
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MR BRENNAN, NIO (LONDON)
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MR BELL, NIO (LONDON)

GRS 1800

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FM WASHINGTON
TO IMMEDIATE FCO
TELNO 485
OF 27 2315Z FEBRUARY 86
AND TO IMMEDIATE NIO(B), NIO(L)
INFO PRIORITY DUBLIN, UKREP BRUSSELS, CG NEW YORK, BIS NEW YORK
INFO SAVING CANBERRA, OTTAWA, ATLANTA, BOSTON, CHICAGO
INFO SAVING CLEVELAND, HOUSTON, LOS ANGELES, SAN FRANCISCO

PROPOSED US FINANCIAL ASSISTANCE
SUMMARY

1 BRITISH AND IRISH VIEWS ON DRAFT US PROPOSAL CONVEYED JOINTLY TO THE STATE DEPARTMENT AND BY IRISH AMBASSADOR TO THE SPEAKER. TRIPARTITE TALKS PROPOSED FOR THURSDAY 6 MARCH. DRAFT BILL NOT YET TRANSMITTED TO CONGRESS, BUT THE NEWS IS OUT.

DETAIL

2 HAVING COMPARED NOTES ON OUR INSTRUCTIONS, THE IRISH AMBASSADOR AND I CALLED ON WENICK ON THE AFTERNOON OF 27 FEBRUARY. BOTH WE AND THE IRISH EMBASSY ALSO HAD A NUMBER OF CONTACTS DURING THE DAY WITH THE HILL.

3 MACKERNAN TOLD WENICK THAT HE HAD RECEIVED INSTRUCTIONS TO CONVEY TO THE STATE DEPARTMENT PRELIMINARY IRISH VIEWS ON THE US PROPOSALS PASSED TO US YESTERDAY (MY TELNO 472). THE IRISH GOVERNMENT APPRECIATED THE US OFFER, DOLLARS 250 MILLION WOULD BE A SIGNIFICANT BOOST TO THE ANGLO-IRISH AGREEMENT. THE ADMINISTRATION'S RESOURCE ALLOCATION DIFFICULTIES WERE WELL UNDERSTOOD, BUT THE IRISH HOPED THAT THE CASH ELEMENT IN THE PACKAGE MIGHT BE INCREASED, IN PARTICULAR IN FISCAL YEARS 1986 AND 1987. AS FOR THE HOUSING GUARANTY ELEMENT, NEITHER THE BRITISH NOR THE IRISH GOVERNMENTS REGARDED HOUSING NEEDS AS A HIGH PRIORITY AT THIS STAGE, AND IN ANY CASE LONDON AND DUBLIN DOUBTED WHETHER THE PROGRAMME SUGGESTED WOULD BE PARTICULARLY SUITABLE. THERE WOULD BE DIFFICULTIES IN ABSORBING DOLLARS 20 MILLION IN THE CURRENT AND NEXT FISCAL YEARS. THE PRIVATE SECTOR REVOLVING CREDIT FUND LOOKED AN ATTRACTIVE ELEMENT, ASSUMING IT WAS ON THE LINES OF THE VENTURE CAPITAL FUND PROPOSED BY THE TWO GOVERNMENTS. MACKERNAN SAID, HOWEVER, THAT PROGRAMMES INVOLVING OPIC AND FEASIBILITY STUDIES DID NOT SEEM RELEVANT AS THE AVAILABILITY OF LOANS WAS NOT ITSELF A PROBLEM IN IRELAND. MORE INFORMATION WAS NEEDED ON EX-IM BANK LOANS BEFORE COMMENTS COULD BE GIVEN.

4. MACKERNAN WENT ON TO SAY THAT THE IRISH GOVERNMENT WERE PREPARED TO SEND REPRESENTATIVES FOR TALKS IN WASHINGTON AS SOON AS POSSIBLE BUT UNDERSTOOD THERE WERE TIMING PROBLEMS FOR THE BRITISH SIDE. HE CONCLUDED BY SAYING THAT THE PACKAGE WAS WELCOME, BUT THE BALANCE WAS QUOTE RATHER AWKWARD UNQUOTE SEMI-COLON AND THAT THE IRISH LOOKED FORWARD TO EARLY TECHNICAL DISCUSSIONS.

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5. I EXPLAINED THAT MY INSTRUCTIONS WERE LESS DETAILED THAN THE IRISH AMBASSADOR'S. WHILE WE TOO APPRECIATED THE US OFFER, WE WOULD NEED TO LOOK CAREFULLY AT THE DIFFERENT ELEMENTS IN THE PURCHASE SEE WHETHER THEY WERE RELEVANT TO THE SITUATION ON THE GROUND IN NORTHERN IRELAND
AND WHETHER THE PROPOSED FUNDING COULD BE ABSORBED IN THE TIME-SCALE ENVISAGED. THIS APPLIED PARTICULARLY TO HOUSING.
AS FOR CONSULTATIONS, UK REPRESENTATIVES
WANTED TO COME TO WASHINGTON AS SOON AS POSSIBLE IN ORDER TO DISCUSS THE PACKAGE BEFORE IT WAS SET IN CONCRETE. BUT IN VIEW OF THE PLANNED INDUSTRIAL ACTION IN NORTHERN IRELAND, THE END OF NEXT WEEK WOULD BE THE EARLIEST A UK TEAM COULD BE HERE.

6. WENICK NOTED THE DISAPPOINTMENT EXPRESSED BY THE IRISH AMBASSADOR. HE SAID THAT SHULTZ HAD PERSONALLY TAKEN A MAJOR ROLE IN HAMMERING OUT THE FINAL PROPORTIONS OF THE US PACKAGE AND THAT, FROM THE ADMINISTRATION'S STAND-POINT, THERE WAS SIMPLY NO MORE CASH AVAILABLE. ON THE OTHER HAND, THIS COULD OF COURSE BY ADJUSTED ON THE HILL, ALTHOUGH HIS OWN SOUNDINGS INDICATED THAT EVEN THOSE CONGRESSMEN AND SENATORS WITH AN INTEREST IN IRISH AFFAIRS WERE EXTREMELY CONSCIOUS OF GRAMM-RUDMAN PRESSURES. WENICK WENT ON TO SAY THAT THE PROPORTIONS WERE NOT INTENDED TO BE ABSOLUTELY FIXED, THAT DISBURSEMENT OF FUNDS FOR HOUSING COULD BE HANDLED FLEXIBLY, AND THAT THE DRAFT BILL MENTIONED THE GLOBAL TOTAL OF DOLLARS 250 MILLION, BUT CONTAINED NO OTHER SPECIFIC FIGURES.

7. WENICK SAID THAT HE WOULD HAVE PREFERRED 4 MARCH FOR TRIPARTITE TALKS IN WASHINGTON BUT, IN VIEW OF BRITISH DIFFICULTIES, INSTEAD SUGGESTED THURSDAY 6 MARCH. HE ATTACHED IMPORTANCE TO THE DISCUSSIONS TAKING PLACE NEXT WEEK. HE THOUGHT THAT WILKINSON (DEPUTY ASSISTANT SECRETARY FOR EUROPEAN AFFAIRS) WOULD LEAD ON THE US SIDE. HE HANDED OVER A LIST OF QUESTIONS TO BE TACKLED (SEE MIFT).

8. IN DISCUSSION, THE FOLLOWING POINTS EMERGED:

(A) THE SPEAKER HAD TELEPHONED MACKERNAN EARLIER IN THE DAY, EXPRESSED HIS CONCERN AT THE SHAPE OF THE EXPECTED ADMINISTRATION PROPOSAL, AND ASKED FOR AN IRISH GOVERNMENT VIEW. MACKERNAN, ALTHOUGH WELCOMING THE GLOBAL FIGURE INVOLVED, HAD EXPRESSED DISAPPOINTMENT ABOUT THE PROPORTIONS AND IN PARTICULAR HAD MENTIONED OUR DOUBTS ABOUT THE HOUSING ELEMENT. (MACKERNAN HAD BRIEFED US IN ADVANCE ON THIS CONVERSATION AND HAD ALSO MENTIONED THAT, AS WE KNEW FROM OUR OWN SOURCES, THE SPEAKER FELT PERSONALLY LET DOWN BY THE LEVEL OF CASH FUNDING IN THE PROPOSAL AND HAD MADE CLEAR HIS DISAPOINTMENT TO SHULTZ. MACKERNAN HAD SUGGESTED DOLLARS 40M A YEAR IN CASH AS A REASONABLE TARGET).

(B) THE DRAFT BILL WAS STILL WITH THE WHITE HOUSE. SOMMER (DIRECTOR FOR WESTERN EUROPE, NSC) SEPARATELY TOLD US THIS AFTERNOON THAT THE OMB HAD NOW AGREED TO DOLLARS 20 MILLION IN FT87 (PARAGRAPH 8 OF MY TELNO 460), BUT A CORRESPONDING REDUCTION WILL HAVE TO BE FOUND FROM ELSEWHERE IN THE STATE DEPARTMENT BUDGET.

$20m '87

(C)

(C) MACKERNAN HAD DISCUSSED WITH CONGRESSMAN GILMAN (RANKING REPUBLICAN MEMBER, EUROPE SUB-COMMITTEE, HOUSE FOREIGN AFFAIRS COMMITTEE) EARLIER IN THE DAY THE CONDITIONS WHICH THE BIAGGI GROUP WERE TRYING TO IMPOSE ON THE AID PACKAGE. MACKERNAN HAD EXPLAINED THE UNDESIRABILITY OF THE MACBRIDE PRINCIPLES AND HAD SAID THAT IT MIGHT BE POSSIBLE TO INCLUDE A PREAMBULAR REFERENCE IN THE AUTHORISING BILL TO THE TWO GOVERNMENTS' ADHERENCE TO THE PRINCIPLES OF EQUAL OPPORTUNITY AND NON-DISCRIMINATION IN EMPLOYMENT. IT MIGHT ALSO BE POSSIBLE TO INCLUDE A GENERAL REFERENCE TO RESPECT FOR QUOTE HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS UNQUOTE.

9 ALTHOUGH THE BILL HAS NOT BEEN FORMALLY TRANSMITTED TO CONGRESS, LEAKS ARE BEGINNING TO APPEAR. MY SECOND IFT CONTAINS THE TEXT OF THE PRESENT VERSION OF THE DRAFT BILL OBTAINED FROM A CONGRESSIONAL SOURCE. IT IS SUBJECT TO CHANGE IN THE WHITE HOUSE. THE CASH ELEMENT WOULD BE PROVIDED UNDER THE ECONOMIC SUPPORT FUND.

10 WE HAVE ALSO CONTINUED TO PROBE IRISH, STATE DEPARTMENT AND CONGRESSIONAL THINKING ON TIMING. THE TIMETABLE IS STILL FAR FROM CLEAR, BUT THE HEARING ON 5 MARCH LOOKS FIXED. DESPITE STATE DEPARTMENT RESERVATIONS AND AMBASSADOR HECKLER'S COMMENTS AT DITCHLEY (DUBLIN TELNO 131, NOT TO ALL), WE CONTINUE TO DETECT SIGNS THAT THE SPEAKER AND OTHERS MAY BE WORKING TO CONNECT PASSAGE OF THE LEGISLATION TO THE FITZGERALD VISIT AND ST PATRICK'S DAY. THE IRISH EMBASSY ARE CERTAINLY NOT DIRECTLY EXPRESSING RESERVATIONS ABOUT THIS POSSIBILITY.

11 THE IRISH AMBASSADOR AND WENICK HAD NO DIFFICULTY WITH THE PROPOSED PRESS LINE IN YOUR TELNO 367. WE ARE ALREADY DRAWING ON IT, MAKING CLEAR THAT THE ADMINISTRATION PROPOSAL HAS NOT YET BEEN FORMALLY TRANSMITTED TO CONGRESS.

COMMENT

12 THERE WAS A CLEAR DIFFERENCE OF EMPHASIS IN THE INSTRUCTIONS SENT TO THE IRISH AMBASSADOR AND THOSE SENT TO ME. IN PARTICULAR, MACKERNAN WAS SPECIFICALLY INSTRUCTED TO MAKE CLEAR TO THE SPEAKER SHARED BRITISH AND IRISH DISAPPOINTMENT AT THE CASH ELEMENT IN THE ADMINISTRATION'S DRAFT PROPOSAL. ALTHOUGH IT WAS FORTUNATE THAT THE SPEAKER TOOK THE INITIATIVE IN CONTACTING HIM, REPORTS OF BRITISH AND IRISH CONCERN MAY LEAK FROM THE HILL AS A RESULT. THE NEED TO AVOID SEEMING TO PLAY THE ADMINISTRATION AND CONGRESS OFF AGAINST EACH OTHER IN THE COMING WEEKS IS, IN MY VIEW, OF GREAT IMPORTANCE AND I HOPE THAT ADEQUATE ACCOUNT WILL BE TAKEN OF IT IN FUTURE DISCUSSIONS BETWEEN LONDON AND DUBLIN.

13 THE MAIN OPERATIONAL REQUIREMENT NOW IS TO RESPOND URGENTLY TO THE STATE DEPARTMENT'S PROPOSAL FOR TALKS ON 6 MARCH. MY STRONG RECOMMENDATION IS THAT WE SHOULD ACCEPT. I NATURALLY HOPE THAT BRENNAN AND/OR BLOOMFIELD WILL BE AVAILABLE, BUT IF FOR SOME REASON THEY ARE NOT, I HOPE THAT A UK TEAM OF HOUSING, FINANCE AND OTHER TECHNICAL EXPERTS WILL NEVERTHELESS BE ABLE TO COME OUT. IN ADDITION TO INSTRUCTIONS ON TIMING, WE SHALL NEED TO HAVE COMMENTS ON THE LIST OF SUBJECTS SUGGESTED BY THE STATE DEPARTMENT AND ANY ADDITIONAL ITEMS OF OUR OWN. FINALLY, I THINK THAT IT MIGHT BE SENSIBLE TO TAKE FURTHER ACTION IN DUBLIN OVER THE ST PATRICK'S

PAY

DAY/FITZGERALD VISIT TIMING. THE ADMINISTRATION ARE UNLIKELY BY THEMSELVES TO SEE THE SPEAKER OFF SEMI-COLON A DIRECT IRISH INTERVENTION HERE MAY BE NECESSARY.
14 PLEASE ADVANCE TO BRENNAN AND BELL (NIO (L)), BLOOMFIELD (NIO(B)), GOODALL AND CLARK (FCO).

JENKINS

FCO PASS SAVING CANBERRA AND OTTAWA (REPEATED AS REQUESTED)

ORWBAN 1407

LIMITED
RID
NAD
ECD(I)
SPD
PS
PS LADY YOUNG
PS/PUS
MR GOODALL
MR RENWICK

COPIES TO:
SIR R. ARMSTRONG } CAB OFF.
MR MALLABY
MR BRENNAN } NIO(L)
MR BELL
MR CHESTERTON
MR BLOOMFIELD NIO(B)

GRS 280

CONFIDENTIAL

CONFIDENTIAL
FM WASHINGTON
TO IMMEDIATE FCO
TELNO 486
OF 272330Z FEBRUARY 86
AND TO IMMEDIATE NIO(B), NIO(L)
INFO PRIORITY DUBLIN, UKREP BRUSSELS, CG NEW YORK, BIS NEW YORK
INFO SAVING CANBERRA, OTTAWA, ATLANTA, BOSTON, CHICAGO
CLEVELAND, HOUSTON, LOS ANGELES, SAN FRANCISCO

MIPT:.ANGLO-IRISH AGREEMENT : PROPOSED US ASSISTANCE
1 POSSIBLE SUBJECTS TO BE REVIEWED IN BRITISH-IRISH-US DISCUSSIONS ON ASSISTANCE TO NORTHERN IRELAND/IRELAND
(I) PURPOSES OF PROPOSED INTERNATIONAL FUND - US INTERESTED IN LIMITING FUND TO DEVELOPMENT PURPOSES, WITH EMPHASIS ON PRIVATE SECTOR CREATION OF JOBS, PRODUCTS, AND INCOME.
(II) OPERATING AND APPROVAL PROCEDURES FOR THE FUND - POLICY FORMULATION, CRITERIA FOR PROJECTS, DONORS' ROLE.
(III) DONORS OTHER THAN THE US - NUMBERS AND POSSIBLE AMOUNTS OF OTHER CONTRIBUTIONS.
(IV) BRITISH AND IRISH CONTRIBUTIONS TO FUND.
(V) NATURE OF FUND ESTABLISHMENT/LEGAL STATUS/ORGANIZATION.
(VI) USE OF USG FINANCIAL (INVESTMENT, TRADE PROMOTION, AND GUARANTEE) MECHANISMS TO SUPPORT ECONOMIC REVITALIZATION EFFORTS PARALLEL TO THOSE OF THE FUND.
(VII) FUND AUDIT CAPABILITIES AND INTENTIONS.
(VIII) REPORTING ON FUND OPERATIONS.

JENKINS

FCO PASS SAVING CANBERRA AND OTTAWA (REPEATED AS REQUESTED)
LIMITED

RID
NAD
ECD(I)
SPD
PS
PS/LADY YOUNG
PS/PUS
MR. GOODALL
MR. RENWICK

COPIES TO:

SIR R ARMSTRONG } CABINET OFFICE
MR MALLABY }

MR BELL }
MR BRENNAN } NIO(L)
MR CHESTERTON }

MR BLOOMFIELD NIO (B)

CONFIDENTIAL

GRS 350

CONFIDENTIAL

CONFIDENTIAL
FM UKREP BRUSSELS
TO PRIORITY FCO
TELNO 686
OF 011050Z MARCH 86
INFO PRIORITY DUBLIN, WASHINGTON

FRAME STRUCTURAL

EC SUPPORT FOR NORTHERN IRELAND

SUMMARY

1. FOLLOWING US ANNOUNCEMENT THIS SUBJECT DOMINATED CALLS BY MR FELL (PERMANENT SECRETARY, DEPARTMENT OF ECONOMIC DEVELOPMENT) IN DGXVI (MATHIJSEN) AND COORDINATION UNIT (REICHENBACH, LARKIN AND LOWE). READINESS AT TECHNICAL LEVEL TO PROCESS PROPOSALS QUICKLY ON BASIS OF A SPECIAL REGULATION.

DETAIL

2. CALL ON COORDINATION UNIT WENT OVER THE GROUND IN SOME DETAIL. ON TIMING, REICHENBACH NOTED THAT US ANNOUNCEMENT MADE TARGET DATE OF 17 MARCH LESS IMPORTANT BUT LOWE SUGGESTED THERE WAS NOW MORE PRESSURE TO RESPOND QUICKLY AT EC LEVEL. DISAPPOINTMENT EXPRESSED THAT DUBLIN AND BELFAST NOT YET READY TO PRESENT DETAILED PROPOSALS, ESPECIALLY IF OPPORTUNITY OF FOREIGN AFFAIRS COUNCIL TO BE TAKEN. FELL EXPLAINED THAT POLITICAL PAPER SETTING OUT BROAD APPROACH WAS FIRST PRIORITY AND SHOULD BE AGREED BY TWO GOVERNMENTS WITHIN NEXT WEEK FOR PRESENTATION TO DELORS. REICHENBACH NOTED THAT DELORS MIGHT NOT ATTEND FAC. HE ASKED THAT COMMISSIONER VARFIS BE INCLUDED IN ARRANGEMENTS TO PRESENT POLITICAL PAPER. HE HOPED TECHNICAL PAPER COULD BE MADE AVAILABLE NEXT WEEK EVEN IN DRAFT TO ENABLE HIM TO PROCESS INTERNALLY IN TIME FOR MEETING OF FINANCE COMMISSIONERS ON 18 MARCH. HE AGREED THAT IRISH AND UK COMMISSIONERS WOULD HAVE TO BE CLOSELY INVOLVED IN DISCUSSIONS POSSIBLY THROUGH NORTHERN IRELAND GROUP OF COMMISSIONERS.

3. ON SUBSTANCE OF PROPOSALS, REICHENBACH SAID THEY SHOULD TAKE CLEAR ACCOUNT OF PROPOSED ACTIVITIES OF INTERNATIONAL FUND. INVOLVEMENT OF EC IN VENTURE CAPITAL ACTIVITIES WAS CONCEIVABLE THROUGH EIB AND ERDF. HE NOTED THAT SOCIAL RECONSTRUCTIONS ASPECTS WOULD BE A MAJOR ELEMENT OF PROPOSALS BUT STRESSED NEED FOR ECONOMIC STRATEGY TO BE CLEAR AND FOR BALANCING ECONOMIC ELEMENTS IN PROGRAMME. SOLID JUSTIFICATION WOULD BE REQUIRED FOR PROPOSALS FOR SUPPORT OUTSIDE ELIGIBLE AREAS OF THE STRUCTURAL FUNDS.

4. ON BUDGETARY ASPECTS REICHENBACH SAID THERE APPEARED TO BE NO SCOPE FOR EXTRA PAYMENTS IN 1986, BUT MIGHT BE SOME SCOPE FOR INITIATIVES IN 1987 PDB. OVERLAP IN EC AND UK FINANCIAL YEARS MIGHT BE HELPFUL IN BUILDING IN ACTION IN 1986/87. FELL OFFERED A BROAD INDICATION OF THE ROI/NI SPLIT IN FUNDING AND SIZE OF PROGRAMME FOR WHICH SUPPORT MIGHT BE SOUGHT AT 70 PERCENT RATE OF GRANT. REICHENBACH SIMPLY NOTED.

5. IN DISCUSSIONS WITH DGXVI MATHIJSEN SIMPLY NOTED THE INTENTION OF UK AND IRELAND TO BRING FORWARD PROPOSALS AND UNDERLINED THE BUDGETARY DIFFICULTIES.

HANNAY

YYYY
FRAME STRUCTURAL
COPY
RENWICK FCO
WALL FCO
SAWERS FCO ECD(I)
CLARK FCO (RID)
WILLIAMSON CAB
JAY CAB
EDWARDS TSY
CRABBIE TSY
NORTON TSY
COWLING NIO
SPENCE CULTURAL SECRETARIAT (STORMONT)
FELL DED (NI)
HINGSTON DED (NI)
SMALL DFP (NI)

FRAME STRUCTURAL
ECD (I)
RID

COPIES TO:-
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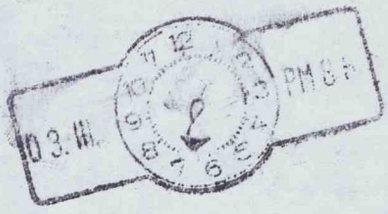
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SECRET

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SECRETARY OF STATE FOR FOREIGN AND COMMONWEALTH AFFAIRS

CDP
20/2

FORCE LEVELS IN NORTHERN IRELAND

Thank you for your minute of 24 February. I entirely agree that presentational handling will be extremely important. However, I think on reflection that that is something best dealt with between George Younger and myself and our respective officials in the light of the circumstances on the ground in Northern Ireland. I will ensure that you and colleagues to whom you have copied your minute are kept informed.

2. Copies of this minute go to the Prime Minister, George Younger, Douglas Hurd and Sir Robert Armstrong.

26 February 1986

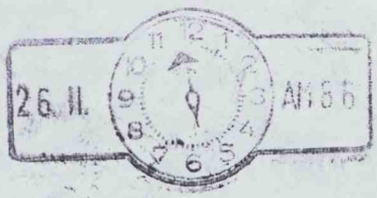
T K

SECRET

KL

IRLAND

Situation PT20



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CONFIDENTIAL

(2)

Prime Minister
CDP
25/2

CHIEF SECRETARY TO THE TREASURY

Treasury Chambers, Parliament Street, SW1P 3AG

The Rt Hon Tom King MP
Secretary of State for Northern Ireland
Northern Ireland Office
Whitehall
London
SW1P 3AJ

25 February 1996

Dear Tom,

NORTHERN IRELAND: AN INTERNATIONAL FUND

Thank you for your further letter of 11 February.

I fear I must say once again that I find your request quite impossible to concede. If the Americans and Irish are really demanding an assurance, as a precondition of an International Fund, that your automatic, formula-based block arrangements should be kept intact for all time, they must be tactfully but firmly told that no government could ever give an assurance which bound its successors in this way. I have said that I see no difficulty in your assuring them that the Fund is to be spent on projects additional to any currently, or prospectively, funded from your block; that, on any reasonable view, is surely the proper limit of their concern.

You go on to suggest that for the future extra resources created by the Fund will need to be projected indefinitely and at the same level by higher public expenditure, after US funding runs out. As with additionality, we simply cannot bind our successors in this way. Future decisions will have to be taken on their merits at the time.

I am copying this letter, and yours, to the Prime Minister, member of OD(I), and Sir Robert Armstrong.

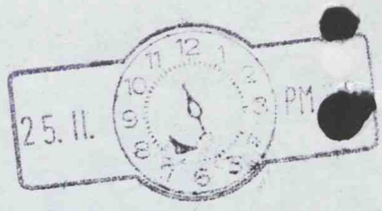
Yours ever,

JOHN MacGREGOR

CONFIDENTIAL

IRELAND

Situation PT20



SECRET

bc for P.E

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61

41

10 DOWNING STREET

From the Private Secretary

24 February, 1986.

FORCE LEVELS IN NORTHERN IRELAND

The Prime Minister has seen your Secretary of State's letter of 13 February to the Defence Secretary and the Defence Secretary's reply dated 24 February, about force levels in Northern Ireland.

The Prime Minister agrees to the dispatch of an additional battalion to help meet the demands at present placed on the security forces in Northern Ireland. She also agrees with the Defence Secretary that force levels should be reviewed in the summer.

I am copying this letter to Richard Mottram (Ministry of Defence), Colin Budd (Foreign and Commonwealth Office), Stephen Boys Smith (Home Office) and to Michael Stark (Cabinet Office).

(C.D. Powell)

SMH

J.A. Daniell, Esq.,
Northern Ireland Office.

SECRET

CCPC 61

40

SECRET

B.07339

MR POWELL

c Mr Stark

Force Levels in Northern Ireland

The Defence Secretary has agreed, with certain provisos, to the proposal by the Secretary of State for Northern Ireland that an additional infantry battalion should shortly be deployed to the Province. I understand that the Foreign and Commonwealth Secretary's reaction will also be to acquiesce and to stress the importance of getting the public presentation right. This has become all the more important in view of the leaks before the weekend that reinforcements might be on the way, which the Northern Ireland Secretary has sought to damp down.

2. It is clear that the army in Northern Ireland is working at full stretch. There is a risk of Protestant violence beginning in the coming weeks. It is clearly best to deploy the additional battalion to Northern Ireland before its arrival can convincingly be misrepresented as an anti-unionist move.

3. I suggest that the Prime Minister should agree to the despatch of the additional battalion; endorse the suggestion in paragraph 4 of the Defence Secretary's minute; and suggest that the move be presented publicly as a response to the demands placed on the security forces in Northern Ireland at present. To suggest, in line with the last sentence of paragraph 5 of the Defence Secretary's minute, that the move was being made in case there was "any increase in the threat" would tend, I suggest, to exacerbate our problems with the unionists over the Agreement.

C L G Mallaby

24 February 1986

SECRET

(2)

Prime Minister 39

Re Defence Secretary agrees to an extra battalion for Northern Ireland, but wants it to be only until September, with the RUC taking over more duties.

CDP 24/2

MO 19/3

SECRETARY OF STATE FOR NORTHERN IRELAND

FORCE LEVELS IN NORTHERN IRELAND

Thank you for your letter of 13th February about the possible deployment of an additional infantry battalion to Northern Ireland from the beginning of March. This would obviously be an unwelcome development both because of its political implications and because of the penalties for other Army commitments. Nevertheless, I fully understand that the Army cannot maintain its present level of assistance to the RUC beyond the end of this month and, in view of the reasons given in your letter that it is not possible to reduce the level of support required by the police at present, I believe there is no alternative to the deployment of another battalion. In particular, I believe that it is important to restore a small element of reserve before the "marching season" gets underway.

2. Nevertheless, we must clearly avoid this becoming an open-ended commitment. The penalties to the Army will become increasingly severe beyond September. We do not want it of be seen in public as a permanent step backwards in the fight

against terrorism and our objective of reducing the level of military support in the Province. It is therefore important that between now and September we should do everything we can to reduce the commitments which the Army is required to undertake. In particular, we must look at the scope for reducing significantly the Army's resources devoted to the close protection of RUC police stations. It is this major new commitment, involving over 100 RUC stations throughout the Province, that is largely responsible for the present 'overstretch'. I fully understand the importance of the commitment in maintaining RUC morale, but I do not agree with your suggestion that this is really a military task. On the contrary, it is a wasteful and restrictive use of military manpower which is most effective when it is not employed on static tasks.

3. Of course, I appreciate that the prospect of expanding the RUC is not an attractive solution, but if additional manpower is necessary in the longer term - and I do not fully share your view that we are faced with a short term problem - this may still be preferable to a permanent increase in Army force levels in the Province. Equally, as noted in the 1984 Security Policy Review, there may be other areas where the police could relieve the Army of static duties. Two possibilities stand out. The first would be the substitution of police for soldiers at some of the Permanent Vehicle Check Points (PVCPs) on the border. The second would be the Provision of the Prison Guard Force at

the Maze and Crumlin Road Prisons. The efficacy of a military Prison Guard Force must in any case be called in question by the Solicitor General's recent advice (his letter to you of 31st January) that the circumstances in which a soldier might open fire at an escaping prisoner and be confident that he was acting within the law are very limited indeed. I also gather that a joint official working party is already examining this as one of the remits from the 1984 Security Policy Review and I hope that this will lead to a significant reduction in the level of Army presence at the prisons, although we would probably need to continue to provide a quick reaction force.

4. I hope you will agree, therefore, that the Northern Ireland Office, RUC and HQNI should study urgently ways in which the Army's static commitments in the Province can be reduced and that they should report in time for a full review of force levels in the Summer. The object should be to allow us to withdraw at least one - and ideally both - of the additional battalions by the end of September.

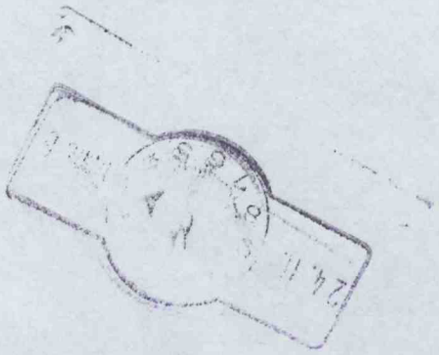
5. Finally, I agree that our Departments will need to coordinate the presentational aspects of the deployment of a further battalion. The low key approach adopted for the first battalion worked well over the New Year as it was generally seen as a prompt and positive response to the pressures caused by the increased effectiveness of the PIRA campaign just before Christmas (and we may also have been helped by the timing of the

first move over the New Year period); it is unlikely that this approach would be so successful a second time. Nevertheless, I think that we should try to avoid linking this increase to any specific aspect of the security situation, but rather to present it as a prudent precaution in the light of the continuing high level of Army activity in the Province in order to maintain our ability to respond rapidly to any increase in the threat.

6. I am sending copies of this minute to the Prime Minister, the Secretary of State for Foreign and Commonwealth Affairs, the Home Secretary and to Sir Robert Armstrong.

G.Y.

Ministry of Defence
24th February 1986



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CDP
24/2.

FCS/86/046

SECRETARY OF STATE FOR NORTHERN IRELAND

Force Levels in Northern Ireland

WITH CDP

1. Thank you for sending me a copy of your letter of 13 February to the Secretary of State for Defence seeking the commitment to Northern Ireland of an additional infantry battalion from the beginning of March.

2. I quite understand that this reinforcement is necessary and agree that its presentation in Northern Ireland and elsewhere will need the most careful handling. I suggest that this question of presentation might, with benefit, be discussed when we meet in OD(I) on 27 February.

3. Copies of this letter go to the Prime Minister, George Younger, Douglas Hurd and Sir Robert Armstrong.

(GEOFFREY HOWE)

Foreign and Commonwealth Office
24 February 1986

IRELAND
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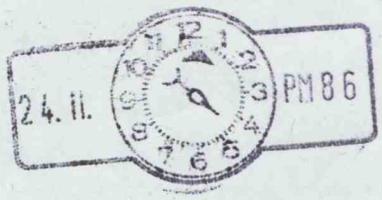

CONFIDENTIAL

From: THE PRIVATE SECRETARY

cc PS
PS/UP

NORTHERN IRELAND OFFICE
WHITEHALL
LONDON SW1A 2AZ

Charles D Powell Esq
10 Downing Street
LONDON
SW1

19 February 1986

Seen by PM
CDP
19/2

Dear Charles

NORTHERN IRELAND : SHOOTING INCIDENT

The Prime Minister may wish to have to hand when she meets the Taoiseach later today details of last night's shooting incident in Northern Ireland, in which a man was killed.

A regular Army patrol on a covert operation in Toome, on the northern shore of Lough Neagh, encountered three men, at least one of whom was armed. When one of them failed to answer a challenge, the soldiers opened fire, and one of the men was fatally wounded. The other two were arrested. The dead man had in his possession a loaded rifle with a bullet in the breech. Two other rifles were also covered.

The dead man was an active member of the Provisional IRA in the area and is thought to have been responsible for shooting attack on an RUC station in December 1985. He was held for two days on that occasion under the Prevention of Terrorism Act.

The police are currently investigating the incident and their preliminary assessment is that the soldiers were justified in taking the action that they did. In due course, as in every case of this nature, a file will be sent to the DPP for a direction. The police think that the terrorists were about to carry out an attack when they were encountered and that the soldiers' intervention almost certainly prevented a murder.

I am copying this letter to the Private Secretaries to the Foreign Secretary and Sir Robert Armstrong.

Yours ever

J A DANIELL

ssd

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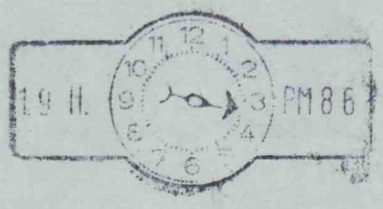
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(2)

NORTHERN IRELAND OFFICE
WHITEHALL
LONDON SW1A 2AZ

SECRETARY OF STATE
FOR
NORTHERN IRELAND

Prime Minister
You will want to note Mr. King's request for an additional battalion for Northern Ireland, but await Mr. Younger's reply before intervening.
CDP
13/2.

The Rt Hon George Younger MP
Secretary of State for Defence
Ministry of Defence
Main Building
Whitehall
London
SW1A 2HB

13 February 1986

Dear Secretary of State,

FORCE LEVELS IN NORTHERN IRELAND

During a detailed review of the security situation here on 4 February, the GOC made it clear that he must now seek the reinforcement of his forces by an additional infantry battalion from the beginning of March. This would remain in the Province, together with the additional battalion which arrived at the beginning of January, until the end of September this year, although both deployments would be subject to periodic review. I am writing to lend my full support to that request.

I have not reached such a view lightly. The political downside of any additional reinforcement is immediately apparent. It would probably be interpreted as a sign of our nervousness about the security situation. Two additional battalions this year would be a significant reverse of the trends of recent years; and the unionists seem likely to try to use this development to fuel local anxieties about the situation, and to illustrate their view that the Anglo-Irish Agreement can only exacerbate the security situation. The timing of reinforcements, too, could bring to an end any signs of unionist disunity, and stiffen their resolve to form a common front.

I have therefore discussed the position very fully with the Chief Constable and the GOC. The latter has made exceptional efforts to support the RUC in its pursuit of its objectives, but the demands made on him are now such that he cannot sustain his present level of support beyond the end of February.

From the statistical point of view, 1984 and 1985 have successively shown the lowest level of violence since 1970. But this, taken in

isolation, is misleading. The terrorist threat remains high; their skills have increased: and so, accordingly, has their success rate. In particular, the PIRA campaign of destructive attacks on police stations, coupled with the continuing intimidation of building contractors, has done considerable damage. Part of PIRA's aim is to drive the RUC out of certain parts of the Province, and this cannot under any circumstances be conceded. The threat of further mortar attacks on security force bases, and particularly on the RUC, is serious and of course the use of the portable single mortar, as well as such other methods as radio controlled devices and improved productions of Home Made Explosives illustrates the increasing range of options available to the terrorists.

The RUC and Army are fully deployed to keep the pressure on the terrorists, and they continue to have their successes. But at the same time, their bases have to be as secure as possible, so that the army in the course of their operations in support of the police are having to give protection to over 100 RUC stations. The Army and RUC have agreed on the degree of protection required in each case, but it is an exclusively military decision how that protection should be given. We have considered whether protection should be afforded only to the smaller number of stations known to be exposed to the highest risk; the terrorists, however, are carrying out surveillance on an unprecedented scale, and will be quick to probe at any weakness. A successful attack in a unionist heartland (and we know that RUC Headquarters itself is far from secure) would be a propaganda coup for PIRA, a blow to the security forces, and a powerful weapon for provoking a violent unionist backlash.

In addition, the RUC has recently gone through a traumatic period. The force has taken heavy casualties recently; the mortar attacks have had a profound effect: and members are understandably concerned about loyalist reactions, and about the very safety of their homes and families in the community. It says much for their leadership and spirit that they have maintained their cohesion, and as the marching season approaches, that is more necessary than ever before. The next six months or so seem likely to be the most difficult ever for the RUC. As well as facing up to the terrorist threat, they will have to cope with marches and probable considerable public disorder in an even-handed way, under extreme pressure from both sides, and amid allegations of direction from Dublin or Protestant bias against nationalism. That task will demand an efficient, disciplined, and united force, and the present terrorist campaign must not be allowed to put that at risk.

Without reinforcements, the GOC has made it clear that he will be unable to continue the military protection of police stations at the present level, and that he will have little ability to step up operations to meet an increased threat or a further upsurge of violence, or to fill the gaps which the RUC will be bound to leave in our security operations during the marching season. At the same time, the prospects are such that there is the strongest possibility that he would have in any case to ask for the Spearhead battalion in

the coming months, possibly on more than one occasion or for an indefinite period.

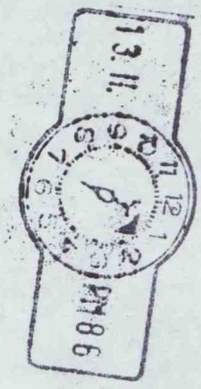
I have given thought to the proposition that it is the RUC strength which should be raised, but I am clear that this is not the answer. First, we believe that our problems are essentially short-term ones which we shall master. Second, policemen cannot be provided at short notice: four hundred men would take at least a year to get through the training machine, and I am not persuaded that this would be in the long-term interests of the force. Finally, and I think most important, the military protection of threatened RUC stations is really a military task, and one which the Army really do much better that any policeman, let alone hastily trained and inexperienced ones.

I have written at length to set out my views both because I realise the difficulties this request will make for you in the context of army deployments world-wide, and because I would not accept the political difficulties and drawbacks if I were not convinced of the need. There is never a right time to commit further troops to Northern Ireland, but I believe we must grasp the nettle now if we are to maintain a coherent and practical security policy. I would only add that the PR aspects of any reinforcement would require very careful handling, and both our officials and HQNI would have to co-ordinate our lines very carefully.

I do ask that you meet this request for an additional battalion.

Copies of this letter go to the Prime Minister, Geoffrey Howe, Douglas Hurd, and Sir Robert Armstrong.

Yours Sincerely
N Ward
(Private Secretary)
for T K
(Approved by Mr King but signed in his absence).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From: The Private Secretary

APC

NORTHERN IRELAND OFFICE
WHITEHALL
LONDON SW1A 2AZ

(2)

Prime Minister
You will want to
note the Northern
Ireland Secretary's
position on additionality.
In relation to a
Special Fund. CDP 12/2

Charles Powell Esq
10 Downing Street
London
SW1

12 February 1986

Dear Charles,

AN INTERNATIONAL FUND

I attach a copy of the Secretary of State's letter of 11 February to the Chief Secretary. I am sorry not to have done so earlier.

I am copying this to the Private Secretary's to the Prime Minister, members of OD(I) and to Sir Robert Armstrong.

Yours Sincerely

Neil Ward.

N D WARD

Enc

CONFIDENTIAL

NORTHERN IRELAND OFFICE
WHITEHALL
LONDON SW1A 2AZ

SECRETARY OF STATE
FOR
NORTHERN IRELAND

The Rt Hon John MacGregor OBE MP
Treasury Chambers
Parliament Street
LONDON
SWIP 3AG

11th February 1986

Dear Chief Secretary.

AN INTERNATIONAL FUND

I have been considering your letters of 17 October and 14 November in the light of the preliminary discussions on the Fund which my officials have had with representatives of the US Administration and Congress.

It is quite clear that they are fully alert to the additionality issue and that they will need to be satisfied that, notwithstanding the availability of resources from the Fund, NI's budget will continue to be determined in the normal way. Only thus can they be satisfied that Fund money is not being substituted, directly or indirectly, for UK Government money.

What is required, therefore, is genuine additionality of the common-sense kind sought by the Americans rather than skilful locutions which seek to conceal the absence of such additionality. I am satisfied that we cannot evade this issue. It is certain to be raised at the Inter-Governmental Conference by the Irish, either on their own volition or prompted by the SDLP, and our actions will be closely monitored.

Fortunately our arrangements for fixing the Block through the operation of the comparability formula should enable us to give the necessary assurances and I should now be grateful for your agreement to this. If you see difficulty, I fear that we have a problem on our hands in relation to the implementation of the Hillsborough Agreement which colleagues would need to discuss. Any less complete definition of additionality than that which I propose would be flawed and would not convey adequate signals of our sincerity.

../

CONFIDENTIAL

Your letter of 14 November also refers to future years, after Fund resources are exhausted. I am sure that the Americans do not envisage making a subvention which in effect does no more than enable an acceleration of expenditure to take place over a defined period, with the level thereafter, when the Fund has been exhausted, reverting to a level lower than it would have been if the Fund had never existed. Such a stance might be credible if, on such indicators as GDP, income per head, and unemployment, the gap between NI and the rest of the UK had by then been closed but I doubt whether we will be so fortunate.

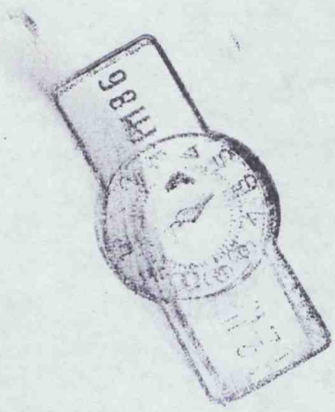
We have, however, stated our respective positions and I suggest that any arguments on the years beyond the Fund's expiry can be left to our successors.

Yours Sincerely

Neil Wand
(Private Secretary)

for T.K.

(Approved by Mr King and signed in his absence in Northern Ireland.)



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SLW

File

10 DOWNING STREET

From the Principal Private Secretary

7 February 1986

Dear Jim,

ORDER IN COUNCIL FOR LOCAL GOVERNMENT IN NORTHERN IRELAND

I spoke on the telephone yesterday evening with Joan MacNaughton in the Lord President's Office and with yourself about the follow-up of that morning's discussion in Cabinet concerning the Order, due to be considered by the Privy Council next week. This would, among other things, permit your Secretary of State to put Commissioners into the local authorities in Northern Ireland with powers to set rates. Your Secretary of State had discussed the Order with the Lord President.

Joan MacNaughton told me that while the Lord President did not relish the Order, he believed it to be an essential precaution in the present situation, and that the situation in the Province was too dangerous to do without it. The Lord President nevertheless hoped that the powers conferred by the Order need not be used. You told me that your Department believed that the situation in Northern Ireland could be distinguished from that of the mainland so that making the Order would not provide an unhelpful precedent. Your Department would try to avoid use of the powers. You also said that Northern Ireland Ministers had given a broad, but unspecific, indication of what you have in mind in a Parliamentary Written Answer of 4 February (Col. 99).

In the light of this further information, the Prime Minister agrees that the Order should be considered next week by the Privy Council. But she would like your Department to inform the Department of the Environment, who clearly have an interest in this area of business, of your intentions.

I am sending a copy of this letter to Joan MacNaughton (Lord President's Office), Robin Young (Department of the Environment) and Michael Stark (Cabinet Office).

Yours ever,
Nigel Wicks

(N. L. WICKS)

Jim Daniell, Esq.,
Northern Ireland Office.

RESTRICTED

PRIME MINISTER

ORDERS IN COUNCIL FOR LOCAL GOVERNMENT IN NORTHERN IRELAND

Following this morning's discussion in Cabinet, Mr. King has discussed with the Lord President whether the Privy Council should consider at its meeting next week the Orders in Council which would, among other things, permit the Secretary of State for Northern Ireland to put Commissioners into the local authorities in Northern Ireland with powers to set rates.

The Lord President's office tell me that while the Lord President does not relish these Orders, he believes them to be an essential precaution in the present situation. The situation is too dangerous in the Province to do without them. He hopes, nevertheless, that the powers conferred by the Orders need not be used.

The Northern Ireland Office make the following points to me:

1. The situation in Northern Ireland can be distinguished from that on the mainland. In Northern Ireland 18 out of the 26 Councils are potentially affected. There are other means of achieving the objective, but such means are, they say, very cumbersome and might not, in the long run be effective.

2. The Northern Ireland Office would try to avoid use of the powers. Indeed, taking the powers would, so they argue, display firmness which could encourage some of the more moderate authorities to set a rate.

3. The NIO has given a broad, but unspecific, indication of what he has in mind in the Parliamentary Answer attached.

NIO tell me that they have not had any discussion with DoE about this matter. They clearly should have done.

Mr. King is very anxious for the Orders to be considered by Privy Council Office at their meeting next week. If you are unconvinced of the need for the Orders described above he would be ready to talk to you about this on the telephone tomorrow.

Do you wish to do that?

Or

Shall I tell his office that subject to the agreement of DoE Ministers (which he must seek urgently) you are prepared for the Orders to be made by the Privy Council at its meeting next week?

How would you like to proceed?

Go ahead - but inform DoE Ministers

N.L.W.

(N. L. WICKS)
6 February 1986

SRWAOG

preliminary investigations will be carefully examined with a view to considering whether these guiding principles can be further improved. The exhaustive investigation undertaken by the inquiry did not bring to light any evidence of an official cover-up of homosexual affairs involving children and young people in residential care. However, the report draws attention to errors and weaknesses which the committee discovered in the operation of the child care system and while acknowledging the progress which has been made goes on to make a series of recommendations for further improvement.

I am confident that close study of the report will reassure the public that the various complaints and allegations which circulated regarding abuse in the child care system have been meticulously investigated and that a door has been closed on the past. I am also pleased to endorse the comments made in the report about the valuable work done by social workers in Northern Ireland and I concur with the inquiry in hoping that its outcome will help restore their personal and professional confidence in the way they do their demanding work.

Firearms Certificates

Mr. Stephen Ross asked the Secretary of State for Northern Ireland if he will give details of the number of private firearms certificates currently issued in Northern Ireland together with such informatiom as he has regarding the distribution of such certificates between nationalist and loyalist communities; and if he will state the number of certificates held by members of the Ulster Defence Regiment, and its Reserve, and the Royal Ulster Constabulary, and its Reserve.

Mr. Scott: On 31 December 1985, 88,340 firearms certificates were on issue to persons in Northern Ireland. Information on the political affiliation of holders of firearms certificates is not kept. Information about the total number of private firearms certificates held by members of the Ulster Defence Regiment and the Royal Ulster Constabulary reserve is not readily available and could be obtained only at disproportionate cost.

District Rates

Mr. Bell asked the Secretary of State for Northern Ireland what provisions have been made for setting a district rate in the 18 local councils currently adjourned in protest over the Anglo-Irish agreement.

Mr. Needham: Northern Ireland district councils have a statutory duty to make a district rate for 1986-87 not later than 15 February 1986. It is a matter for each individual council to make arrangements to meet this requirement. If any council fails to make a rate by this date, the Government will take whatever action is necessary to secure the exercise of this function, either by the use of default powers in existing legislation or, if necessary, by taking additional powers.

Victoria Barracks Flats

Mr. Bell asked the Secretary of State for Northern Ireland why security staff have been withdrawn from the Victoria barracks flats complex.

Mr. Needham: This is a matter for the Northern Ireland Housing Executive but I understand from the chairman that the executive's employment of specialist security staff at Victoria barracks was discontinued in January 1986 when it became clear that the service, which had been provided for some 18 months, was ineffective in preventing both vandalism to the communal areas and the illegal occupation of some flats.

Prison Population

Mr. McNamara asked the Secretary of State for Northern Ireland (1) what is the size of the present prison population in Northern Ireland categorised by age and by sex in the following groups: under 18 years, 18 to 25 years, 25 to 30 years, 30 to 40 years, 40 to 50 years, 50 to 60 years and over 60 years old; and if he will give a breakdown of the length of sentence being served by percentage of the total prison population;

(2) if he will give details of the number of prisoners currently in Northern Ireland prisons, of the age structure of convicted prisoners in the prisons of Northern Ireland and of the number of convicted prisoners serving sentences for terrorist-type offences.

Mr. Scott [*pursuant to his reply*, 3 February 1986]: At 24 November 1985 (the latest date for which figures in this detail are available) there was a total of 1,713 sentenced prisoners in Northern Ireland prison establishments. This figure includes inmates at the young offenders centre. The age distribution of the sentenced prison population is as follows:

	Male	*Female*
Under 18 years	35	—
18 years up to 25 years	521	5
25 years up to 30 years	508	8
30 years up to 40 years	506	6
40 years up to 50 years	101	2
50 years up to 60 years	16	—
60 years and over	5	—

The percentage distribution of sentenced population by length of sentence is as follows:

Length of sentences	*Per cent.*
Under 6 months	11·15
6 months to 1 year	3·04
1 year to 18 months	10·16
18 months to 2 years	0·29
2 years to 4 years	11·03
4 years to 10 years	17·16
10 years and over	21·37
Life	22·42

Young persons detained during the pleasure of the Secretary of State—3·39.

Of the 1,713 sentenced prisoners in custody on 24 November 1985, 1,211 were serving sentences for scheduled offences.

Terrorism

Mr. McNamara asked the Secretary of State for Northern Ireland if he will give the number of cases in which persons were convicted of scheduled offences in Northern Ireland in 1985 on the basis of evidence given by accomplices on behalf of the Crown and in which evidence other than that of the accomplice, either forensic, from witnesses other than convicted terrorists or by an admission of guilt from the accused, was also used to obtain the conviction.

Prime Minister
CDP 7/2.
36

MO 19/3V

PRIME MINISTER

NORTHERN IRELAND: COMPROMISE OF AN ARMY AGENT

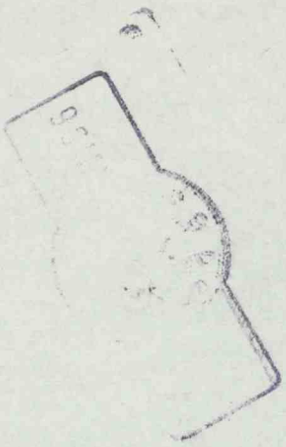
In my minute of 27th January I reported on the outcome of a resettlement case that arose last year.

2. Since then a new case has arisen. It has become apparent that PIRA investigations into certain intelligence successes against them will be almost certain to lead them to a very well placed agent who has been supplying us with highly valuable information for some time. The effective exploitation of this intelligence has inevitably carried the risk that the agent would eventually be compromised, but there is no doubt that the use that we have been able to make of the information has inflicted serious damage on the PIRA. This means that the agent is likely to remain a high priority target for the PIRA, and we shall therefore be aiming at permanent settlement abroad. I will let you know the outcome in due course.

3. I am sending copies of this minute to Douglas Hurd, Tom King and Sir Robert Armstrong.

G.H.

Ministry of Defence
5th February 1986



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Subject cc Ops Master

Held for TC

(Dr Long ic TC entered)

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PRIME MINISTER'S PERSONAL MESSAGE SERIAL No. T.11B/86

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FM FCO
TO IMMEDIATE THE HAGUE
TELNO 19
OF 211045Z JANUARY 86
INFO ROUTINE DUBLIN

YOUR TELNOS 020 AND 027: ARREST OF IRA TERRORISTS IN AMSTERDAM

1. PLEASE PASS THE FOLLOWING MESSAGE FROM THE PRIME MINISTER TO MR LUBBERS

QUOTE

I HAVE BEEN KEPT FULLY INFORMED OF THE EVENTS WHICH LED UP TO THE ARREST IN AMSTERDAM RECENTLY OF TWO PERSONS WHOSE EXTRADITION IN CONNECTION WITH TERRORIST OFFENCES IS BEING SOUGHT BY THE UK. I WAS ALSO VERY PLEASED TO HEAR OF THE SEIZURE OF A SUBSTANTIAL QUANITITY OF ARMS AND AMMUNITION.

MAY I EXPRESS MY HEARTFELT THANKS AND APPRECIATION TO YOU FOR ALL THE COOPERATION SHOWN BY THE NETHERLANDS AUTHORITIES IN THIS MATTER.

UNQUOTE.

2. YOU SHOULD ASK THAT THIS MESSAGE BE KEPT CONFIDENTIAL UNTIL THE RESULTS OF THE COURT PROCEEDINGS IN THE NETHERLANDS ARE KNOWN.

HOWE

NORTHERN IRELAND
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RESEARCH DEPT.
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PS/LADY YOUNG
PS/MR EGGAR
PS/PUS
MR DEREK THOMAS
SIR W HARDING
MR GOODALL
MR BARRINGTON
MR O'NEILL
MR RATFORD
MR D C THOMAS
MR LONG
MR HOUSTON
BUCKINGHAM PALACE.

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cc: PC

10 DOWNING STREET

From the Private Secretary

19 January 1986

Dear Colin,

ARREST OF IRA TERRORISTS IN AMSTERDAM

Thank you for your letter of 17 January about the arrest of suspected IRA terrorists in Amsterdam.

BFI

The Prime Minister agrees to send a message to Mr. Lubbers and is content with the text enclosed with your letter, with one amendment marked on the attached copy.

I am copying this letter and enclosure to Neil Ward (Northern Ireland Office).

yours sincerely,

Charles Powell

Colin Budd, Esq.,
Foreign and Commonwealth Office.

DSG

Covering CONFIDENTIAL

Foreign and Commonwealth Office

London SW1A 2AH

17 January 1986

Dear Charles,

Arrest of IRA Terrorists in Amsterdam

I enclose a draft message of thanks which the Prime Minister might like to send to Mr Lubbers following the arrest on 16 January of three suspected IRA terrorists in Amsterdam.

I enclose, for ease of reference, an article from today's Irish Times and two telegrams from our Embassy in The Hague.

Sir Geoffrey Howe is sending a message to Mr van den Broek.

I am copying this letter to Neil Ward in the Northern Ireland Office.

Yours ever,

Colin Budd

(C R Budd)
Private Secretary

C D Powell Esq
10 Downing Street

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OUT TELEGRAM

	CONFIDENTIAL		IMMEDIATE

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FM 4 FM FCO
TO 5 TO IMMEDIATE THE HAGUE
TELNO 6 TELNO
OF 7 OF
AND TO 8 INFO DUBLIN
9
10 YOUR TELNOS 020 AND 027: ARREST OF IRA TERRORISTS IN AMSTERDAM
11 1. Please pass the following message from the Prime Minister to
12 Mr Lubbers
13 Quote
14 "I have been kept fully informed of the events which lead up to
15 the arrest in Amsterdam yesterday of three persons whose
16 extradition in connection with terrorist offences is being sought
17 by the UK.
18
19
20 May I express my heartfelt thanks and appreciation to you for all
21 the cooperation shown by the Netherlands authorities in this
22 matter.
23 Unquote.
24 2. You should ask that this message be kept confidential until
25 the results of the court proceedings in the Netherlands are
/// 26 known.
// 27
/ 28 HOWE
29

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XY 48 (REV)

OUT TELEGRAM (CONT)

Classification	Caveat	Precedence
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For distribution order see Page	Catchword:

XY 48A (REV)

THE IRISH TIMES, FRIDAY, JANUARY 17, 1986

Maze escapers and gun shipment seized by Dutch

From Jim Cusack in Belfast and Basil Miller in Amsterdam

DUTCH police, believed to be acting on British Intelligence information, yesterday arrested three suspected Provisional IRA members and recovered a major arms and explosives shipment in an Amsterdam suburb.

Brendan McFarlane

The three were last night named as the Maze escapers Brendan McFarlane (34), Gerard Kelly, (33) and Anthony Kelly (25), all of whom were serving life terms and who escaped in September 1983 during a mass break-out by 38 prisoners.

They were captured by a special squad of about 50 police while they were asleep in a rented flat at Buiten Veldert on the outskirts of Amsterdam. they were said to have offered no resistance.

It is believed they were taken to Amsterdam police headquarters for questioning about the arms find and are due to appear in court today. It is understood the Dutch have received warrants for their extradition to Britain in connection with the Maze escape and the murder of a prison warder stabbed to death during the break-out.

Dutch police said they discovered a number of false passports and arms manuals in the flat. Close to the apartment building they searched a transport container in which they found the weapons.

The haul included 17 FAL semi-automatic weapons, one Kalshnikov rifle, three Belgian 9mm FN handguns, two handgrenades and four oil drums containing nitrobenzene and 70,000 rounds of NATO-issue ammunition of various calibres. The 17 semi-automatic rifles and the handguns are also NATO-issue and it would appear that the arms came from a European arms source. Nitrobenzene is an explosive chemical used in bomb-making.

The arms haul is the most significant discovery of Provisional IRA weapons since the Irish security forces and Gardai seized the Marita Ann fishing vessel off the southern coast in September, 1984. The Amsterdam discovery would also suggest that following the penetration of their American operation, the Provisionals have switched to European sources.

According to one source in Amsterdam yesterday the three men had been staying at the flat for some time. It was said to have been rented last August by a man calling himself Mr Thompson. Local people said the three men exercised in the area each day, taking long walks. The man who called himself Mr Thompson was said by neighbours to have been smartly dressed and courteous.

It appeared that Dutch Intelligence, the Binnenlands Veiligheids Dienft, were alerted by British Intelligence about the three men at 3.00 p.m. on Wednesday by telex. The apartment block was placed under surveillance and the arrests were made at 5.00 a.m. yesterday. The arrest operation took 30 seconds.

The RUC and British police were last night holding back any comment about the arrests but the RUC said it had warrants for the three. An RUC spokesman said it was a matter for Dutch police how they would deal with the extradition applications.

Of the three, Brendan McFarlane, from the Ardoyne, Belfast, is probably the best known. He was serving five life sentences with a minimum recommended sentence of 25 years for the murder of five Protestants killed during an IRA bomb attack on the Bayardo bar on the Shankill Road in 1976.

He was said to have assumed the role of "commanding officer" of the Provisional prisoners in the Maze following the death of Bobby Sands. It is understood he is also sought for questioning by the gardai in connection with the killing of a Garda and a soldier during the operation to free Mr Don Tidey at Ballinamore, Co Leitrim, in December, 1983.

Gerard Kelly, from Ballymurphy. Belfast, was serving a life sentence for his part in the Old Bailey bombing in London in 1973.

Anthony Kelly, Garvan Place, Derry, was sentenced to indefinite detention in 1980 for killing an RUC man.

GRS 225

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FM THE HAGUE
TO DESKBY 161800Z FCO
TELNO 27
OF 161715Z JANUARY 86
INFO IMMEDIATE DUBLIN

OUR TELNO 020 AND TELECON HALL/HAND (NEWS DEPARTMENT):
ARREST OF SUSPECTED IRA TERRORISTS IN AMSTERDAM

1. STORY BROKE IN PRESS HERE AT 1445Z FOLLOWING STATEMENT BY POLICE SPOKESMAN IN AMSTERDAM, WHO GAVE DETAILS OF OPERATION LEADING TO THE ARREST OF THE THREE MEN AT 5:00AM THIS MORNING. HE ALSO GAVE DETAILS OF ARMS SEIZED. WE ARE STILL TRYING TO GET AN AUTHORITATIVE ACCOUNT OF STATEMENT BY THE DUTCH POLICE: BUT APPARENTLY SPOKESMAN ALSO STATED THAT POLICE HAD ACTED ON A TIP-OFF FROM THE BVD (DUTCH SECURITY SERVICE) AND THAT AN EXTRADITION REQUEST HAD BEEN RECEIVED YESTERDAY (15 JANUARY) FROM ''NORTHERN IRELAND'' IN RESPECT OF TWO OF THE MEN WHO HAD, ACCORDING TO THE SPOKESMAN, ESCAPED FROM THE MAZE IN THE MASS BREAKOUT IN 1983. SPOKESMAN ALSO GAVE THE INITIALS OF THE TWO CONCERNED. ALL ABOVE IS BASED ON A VERBAL ACCOUNT OF POLICE STATEMENT GIVEN TO US BY LOCAL WRITERS CORRESPONDENT.

2. PRESS (REUTERS, BBC, DAILY TELEGRAPH AND AFP) HAVE NATURALLY BEEN TRYING TO ESTABLISH THE NAMES AND IDENTITIES OF THE THREE MEN, ESPECIALLY THE TWO FOR WHOM EXTRADITION HAS BEEN REQUESTED. INFORMATION OFFICER HAS STUCK TO THE LINE THAT WE CAN MAKE NO COMMENT ON IDENTITIES UNTIL THESE HAVE BEEN RELEASED BY THE DUTCH, WHICH IS UNLIKELY TO HAPPEN UNTIL THE MEN ARE CHARGED. WE UNDERSTAND THE MEN WILL APPEAR BEFORE THE AMSTERDAM PUBLIC PROSECUTOR TOMORROW MORNING (FRIDAY 17 JANUARY). IO ALSO STATED THAT HE HAD NO KNOWLEDGE OF AN ''EXTRADITION REQUEST FROM NORTHERN IRELAND''.

MARGETSON

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PS/LADY YOUNG
PS/MR EGGAR
PS/PUS
MR DEREK THOMAS
SIR W HARDING
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OF 160930Z JANUARY 86
INFO IMMEDIATE DUBLIN

ARREST OF SUSPECTED IRA TERRORISTS IN AMSTERDAM

1. IN CONNECTION WITH THE ARREST OF 3 SUSPECTED IRA TERRORISTS IN AMSTERDAM IN THE EARLY HOURS OF THIS MORNING (DETAILS KNOWN TO REPUBLIC OF IRELAND DEPARTMENT AND PUSD) WE SHALL BE TAKING THE FOLLOWING DEFENSIVE LINE WITH PRESS ENQUIRIES:

(A) WE HAVE HEARD OF THE ARRESTS FROM THE DUTCH POLICE. AS THE CASES ARE BEING DEALT WITH BY DUTCH AUTHORITIES AND WILL PRESUMABLY COME BEFORE DUTCH COURTS, IT WOULD BE IMPROPER FOR ME TO COMMENT AT THIS STAGE. THE BRITISH CONSUL-GENERAL IN AMSTERDAM HAS BEEN INFORMED BECAUSE THE ARRESTED MEN MAY HAVE BRITISH PASSPORTS.

IF ASKED HOW THE DUTCH POLICE CAME TO KNOW ABOUT THE ARRESTED MEN:

(B) THERE ARE, OF COURSE, CLOSE LINKS BETWEEN POLICE FORCES IN THE EUROPEAN COMMUNITY COUNTRIES, PARTICULARLY IN THE FIELD OF ANTI-TERRORISM.

MARGETSON

NORTHERN IRELAND
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CC PS

NORTHERN IRELAND OFFICE
WHITEHALL
LONDON SW1A 2AZ

SECRETARY OF STATE
FOR
NORTHERN IRELAND

The Rt Hon George Younger MP
Secretary of State for Defence
Ministry of Defence
Whitehall
LONDON
SW1A 2HB

16th January 1986

CDP 14/1

Dear Secretary of State,

THE POLICE BUILDING PROGRAMME IN NORTHERN IRELAND

Thank you very much for your letter of 24 December.

As you say, our officials have been in touch, and have identified a list of projects which are of high priority to the Royal Ulster Constabulary and within the compass of the Royal Engineers, and whose completion will be a most visible demonstration of the Government's determination to overcome this latest PIRA campaign. Officials will continue to keep in touch, particularly on what we should say and when. HQNI handled the recent arrival of reinforcement troops with considerable skill, and my instinct at this stage is to continue to proceed quietly. Our best PR card will be when work is seen to begin on the ground on damaged and destroyed RUC stations.

Since I wrote to you on 17 December still further attacks have been mounted on RUC buildings. Your assistance has therefore been most timely and I greatly appreciate it.

Copies of this letter go to the Prime Minister, Geoffrey Howe, Douglas Hurd, Kenneth Baker and Sir Robert Armstrong.

Yours Sincerely

Neil Ward
Private Secretary

for T K
(Approved by the Secretary of State and signed in his absence in Northern Ireland)

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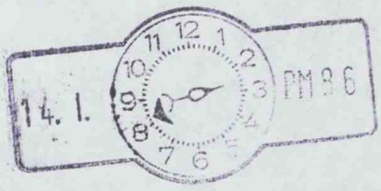

IRELAND
SITUATION
PT 20

SECRET

35 cc PC

Prime Minister

The agent in question was a senior official in Sinn Fein who was compromised by Bettaney.

CJD 27/1

MO 19/3E

PRIME MINISTER

NORTHERN IRELAND: RESETTLEMENT OF ARMY AGENT

FLAP PT 19

1. My predecessor minuted you on 7th March 1985 about the case of one of our best placed agents in Northern Ireland who had been compromised.

2. Because his importance as a source increased the risk to the agent and his family our preference was for them to be resettled overseas. In the event, he and his family decided that, despite the extra risk, they wished to stay in this country. We have therefore had to make as secure arrangements as we can to resettle them permanently in Great Britain. I am glad to say that these arrangements are now almost complete, and the family are expected to move to a house in a new area of the country within the next two months.

3. I am sending a copy of this minute to Douglas Hurd, Tom King and Sir Robert Armstrong.

G.Y.

Ministry of Defence

27th January 1986

SECRET

IRELAND

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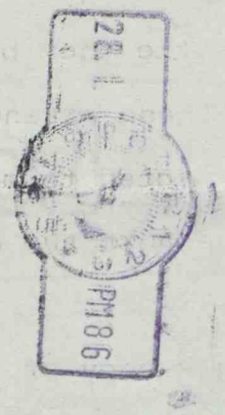
PT 20



SECRET

34 cc PC

MINISTRY OF DEFENCE
MAIN BUILDING WHITEHALL LONDON SW1A 2HB
Telephone 01-930 7022

MO 19/3

January 1986

Dear Andrew.

INFANTRY REINFORCEMENTS OF NORTHERN IRELAND

Thank you for your letter of 23rd December 1985.

Due to the fact that this deployment of additional troops is likely to last for a period of at least several weeks it would not have been possible to disguise the reinforcement in the way you suggest. Normal handover periods cover a matter of days and to the experienced eye of a Northern Ireland watcher a protracted handover would be noted and no doubt seized upon by those who wished to make an issue out of it.

The reinforcement has, of course, now been widely reported by the press and appears to have been accepted for what it is. That is, in order to give the Royal Ulster Constabulary the support they require without an unacceptable level of strain on those members of the Armed Forces already serving in Northern Ireland.

I am sending copies of this letter to Charles Powell, (No 10), Private Secretaries to other members of OD(I) and to Michael Stark (Cabinet Office).

Yours ever,
Denis

(D BRENNAN)

Andrew Lansley Esq
Private Secretary
Chancellor of the Duchy of Lancaster

SECRET

IRELAND

S, STATION

PF20

33

TOP SECRET

PRIME MINISTER for information

The MOD rang me this afternoon to let us know of the possibility that a ship would be leaving the Netherlands shortly, en route to Ireland with a cargo of rifles and SAM 7 surface to air missiles. You will remember the Marega Ann case. MOD are doing their utmost to keep tabs on the ship, and RAF aircraft are standing by to keep watch on it.

The Secretary of State particularly wished us to know that the MOD understanding was that the rifles and missiles have been purchased with Libyan money. MOD will be in touch with the Irish authorities if and when the ship's movements become clearer.

Mark Addison

24 December 1985

TOP SECRET

CONFIDENTIAL

CC PE (2)

MINISTRY OF DEFENCE WHITEHALL LONDON SW1A 2HB

TELEPHONE 01-218 9000
DIRECT DIALLING 01-218 2111/3

MO 19/3V

24th December 1985

Prime Minister

Dear Tom

MF CDP 30/12

THE POLICE BUILDING PROGRAMME IN NORTHERN IRELAND

Thank you for your letter of 17th December which we discussed briefly when we met on Wednesday. As you know, I share fully your view of the importance of doing something as soon as possible to demonstrate our determination on this issue and I understand that our officials have had further discussions about the most practical way in which my Department can help.

These discussions have concentrated on ways in which we might be able to meet the RUC's most urgent needs once they have settled on their priorities. We believe that we could provide basic functional police stations to replace bombed buildings and which would give the RUC secure bases from which to operate - although I should make it clear that these would not be direct replacements of the previous buildings and that we would probably only be able to undertake one such project at a time. We would be able to make a start on this quite soon, largely from resources already available within the Province,

The Rt Hon Tom King MP

although we would expect to bring in some extra specialists. In due course it will also be necessary to bring in a further RE squadron when the additional squadron currently engaged on the OP NICCOLA mortar protection programme completes its tour at the end of February. This work would inevitably involve some detriment to existing engineer tasks and may well include some delay to OP NICCOLA - although we will certainly try to minimise this.

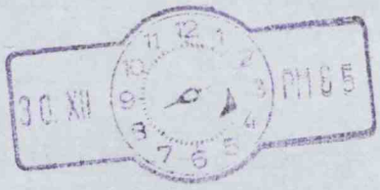
I hope that you will agree that what I have suggested is a sensible basis on which to proceed and that our officials should work out a detailed proposal as soon as the RUC have identified their priorities. I would also hope that we can announce the measures that we have taken at the appropriate time. Our officials will be in touch.

I am sending copies of this letter to the Prime Minister, Geoffrey Howe, Douglas Hurd, Kenneth Baker and Sir Robert Armstrong.

Yours ever

Michael Heseltine

IRELAND
SITUATION
PT 20



Dictated to Chequers.
24/12

32

TOP SECRET

PRIME MINISTER

(for information)

The MOD rang me this afternoon to let us know of a possibility that a ship would be leaving the Netherlands shortly, en route to Ireland, with a cargo of rifles and SAM 7 surface to air missiles. You will remember the Mareta Ann case. MOD are doing their utmost to keep tabs on the ship, and RAF aircraft are standing by to keep watch on it.

Their Secretary of State particularly wished us to know that the MOD understanding was that the rifles and missiles had been purchased with Libyan money.

MOD would be in touch with the Irish authorities if and when the ship's movements become clearer.

MCA

Mark Addison
24 December 1985

TOP SECRET

SECRET

cc PE

CABINET OFFICE,
WHITEHALL, LONDON SW1A 2AS

Chancellor of the Duchy of Lancaster

Tel No: 233 3299
7471

31.

23 December 1985

Richard Mottram Esq
Private Secretary to the
Secretary of State for Defence
Ministry of Defence
Main Building
Whitehall
LONDON
SW1

NBPM

Dear Richard,

INFANTRY REINFORCEMENTS FOR NORTHERN IRELAND

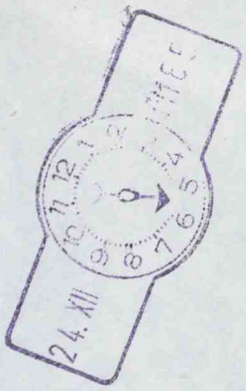
The Chancellor of the Duchy has seen your Secretary of State's minute of 20 December to the Prime Minister. He shares the Prime Minister's concern over the presentational impact of this proposal. While accepting the judgement of GOC Northern Ireland on the need for reinforcement, the Chancellor wonders whether the temporary nature of the reinforcement could allow it to be disguised, for example by overlapping the dates for the change-over of existing units.

I am copying this letter to Charles Powell (No 10), Private Secretaries to other members of OD(I) and to Michael Stark in the Cabinet Office.

Yours Sincerely,

A. Lansley

ANDREW LANSLEY
Private Secretary



IRELAND
SITUATION
PT 20

CC, CSP

1. NIGEL WICKS

2. PRIME MINISTER

I was talking to Tom King at a social function on Thursday night, and he is clearly fairly apprehensive about how things in the Province are likely to develop, and possibly deteriorate in the new year. I sense also that he is feeling a little vulnerable and isolated. The personal security tensions will probably get increasingly sharp, since already he is finding that hostile Protestant demonstrations are manifesting themselves at places where he visits, which means that advance information about his highly confidential forward movements is filtering out - possibly through the RUC.

It struck me, and Tom King confirmed this, that it might be helpful if some small, ad hoc committee was established, which brought together on a regular, fairly informal basis, Cabinet colleagues who knew and had served in Northern Ireland, e.g. Willie Whitelaw, Douglas Hurd, and perhaps one or two others who know the Province well. The idea would be for Tom to talk through, in a programmed and systematic way, some of the problems which he is confronting, or which he sees looming up. I think that something along these lines would be desirable; do you think this feasible or practicable?

MA

With committee in the New Year - we already have a N.I. committee - we could perhaps reconstitute membership of that one

MICHAEL ALISON
20th December, 1985

SECRET

SRW

30

cc B1
PC

10 DOWNING STREET

From the Private Secretary 20 December 1985

Dear Richard,

INFANTRY REINFORCEMENTS FOR NORTHERN IRELAND

The Prime Minister has considered the Defence Secretary's minute of 20 December about the proposed deployment of an additional infantry battalion to Northern Ireland from the beginning of January. She is content with this but agrees with Mr. Heseltine that presentation is extremely important and that a very careful line needs to be worked out in advance. I have asked Bernard Ingham to make contact with your Press Officer and the Northern Ireland Press Officer to discuss this further.

I am sending copies of this letter to the Private Secretaries to members of OD(I) and to Michael Stark in the Cabinet Office.

Yours sincerely,

(C. D. POWELL)

Richard Mottram, Esq.,
Ministry of Defence

29

MO 19/3L

PRIME MINISTER

INFANTRY REINFORCEMENTS FOR NORTHERN IRELAND

The General Officer Commanding Northern Ireland has requested the deployment of an additional infantry battalion to the Province from the beginning of January in order to sustain the effort to meet the additional Army support which the RUC currently requires. It is proposed that this deployment would be for a period of two months, at least in the first instance.

2. The background to the request is, of course, the intensification of the PIRA campaign of violence, in particular the recent attacks on RUC stations, and the Unionist reaction to the Anglo-Irish agreement, particularly in the context of the by-elections due at the end of January. Leaving aside the provision of military resources to rebuild police stations, which has been pursued separately, it has been necessary to provide at short notice significant additional support to the RUC to assist in guarding police stations. This was essential to maintain the credibility of the Security Forces and the equivalent of 8 additional companies have been deployed since

12th December. It has also been necessary for some months to deploy 2 extra companies from resident battalions above the level which can normally be sustained in order to meet specific RUC requests for support. In order to take on these extra commitments it has been necessary to postpone the Christmas privilege leave for 4 of the 6 resident battalions; to raise the average nights out of bed ratio from an already excessive 60% to 75%; to bring in extra part-time UDR soldiers and increase both full and part-time work rates; and, finally, to cancel all training within the Province.

3. This clearly cannot be sustained for long - in particular the backlog of postponed leave is such that from 3rd January each resident battalion is due to have the equivalent of one company on leave and the increased UDR effort cannot be maintained without a formal Call-Out which would be both impractical and have highly undesirable political implications. The Chief Constable of the RUC has, however, asked for the current level of support to be maintained at least until March 1986 although he has agreed to review the situation at the beginning of the year with a view to scaling down the Army's commitments.

4. Clearly, the deployment of an additional infantry battalion would be a high-profile political move and could, for example, be seen as an indication that the Government is seriously concerned about maintaining law and order in the Province during

the period of the by-elections. I should also make it clear that this deployment would be to allow us to maintain our present level of effort for two months and would not provide a margin to cope with any further significant new commitments. Nevertheless, I believe that it is important to sustain the present security effort in Northern Ireland and that we should therefore accede to the GOC's present request. I understand that Tom King also takes this view.

5. Preparations are in hand to arrange for the deployment of an additional battalion, subject to colleagues' agreement, from the beginning of January, although the precise details have yet to be settled. Such a move would require careful presentation and it may be best to make a low-key announcement through Headquarters Northern Ireland (HQNI). This, and the preparation of defensive press briefing, is being discussed between the Northern Ireland Office, the Ministry of Defence and HQNI.

6. I am sending copies of this minute to other members of OD(I) and to the Secretary of the Cabinet and would be grateful to know as soon as possible that colleagues are content that we should proceed with the proposed deployment.

Ministry of Defence

20th December 1985

file DA

bc PC

10 DOWNING STREET

From the Private Secretary 18 December 1985

Dear Richard,

The Police Building Programme in Northern Ireland

The Prime MInister has seen a copy of the Northern Ireland Secretary's letter of 17 December to the Defence Secretary seeking the commitment of further Royal Engineer resources to the GOC in Northern Ireland, to help with the police building programme. She shares Mr. King's assessment that this is an essential step and one which we ought to be able to announce as soon as possible. She hopes very much that the Defence Secretary will agree.

I am copying this letter to the Private Secretaries to the Northern Ireland Secretary, the Foreign Secretary, the Home Secretary, the Secretary of State for the Environment and to Sir Robert Armstrong.

Yours sincerely,

Charles Powell

(CHARLES POWELL)

Richard Mottram, Esq.,
Ministry of Defence.

BM.

CIU

CONFIDENTIAL

CCR

NORTHERN IRELAND OFFICE
WHITEHALL
LONDON SW1A 2AZ

(1)

SECRETARY OF STATE
FOR
NORTHERN IRELAND

Prime Minister
Agree that I should minute in support of Mr. King?
CDP
17/12.

Yes

The Rt Hon Michael Heseltine MP
Secretary of State for Defence
Ministry of Defence
Main Building
Whitehall
LONDON
SW1A 2HB

17th December 1985

Dear Secretary of State,

THE POLICE BUILDING PROGRAMME IN NORTHERN IRELAND

The Provisional IRA have long sought to intimidate building contractors (as well as their work forces) who carry out work for the security forces. They have recently sharply stepped up their campaign, and a number of major building contractors have now withdrawn from security contracts. PIRA have coupled this tactic with a violent series of attacks on police stations, where within the last two weeks three RUC stations have been destroyed or so badly damaged as to be unusable. The knock-on effect has caused work to stop on all but two of the ongoing major projects; minor works and maintenance contracts are also badly affected, and there are indications that supplies may soon come directly under threat. As a result, the police building programme is now under intense pressure. PIRA have almost certainly stumbled on this targetting strategy, but they are now in no doubt of its effectiveness.

This is a struggle which we simply cannot afford to lose. We are urgently looking at what can be done. Some confidence may return, sooner or later, to the construction industry; the delegation of powers to local police should enable some very minor maintenance work to be done very quietly. DOE Works Services staff should be able to carry out a certain amount of maintenance around Belfast; and the Police Authority for Northern Ireland are giving urgent thought to the possibility of recruiting a direct labour force for other areas of the Province. Finally, we are in touch with PSA on the possibility of setting up a consortium in Great Britain to undertake at least some of the major and long-term projects.

/But....

But while some or all of these possibilities may be necessary for the longer term, none of them can have any early or significant impact. We must serve clear notice of our determination, and my purpose in writing therefore is to ask you to commit further Royal Engineer resources to the GOC. The Engineers already in the Province have done sterling work, not least most recently in their "first aid" operations to allow some form of policing to continue in the bombed areas, and in their work at very short notice to protect the buildings used for the Anglo-Irish Secretariat and Conference. But their capacity is limited, and the calls on their services already heavy.

I hope therefore that you will be able to commit a further squadron of the Royal Engineers, together with additional building specialists, to the Province. I understand that a force of this kind could be devoted to rebuilding the police stations we have lost, which would give the clearest proof of the Government's will both to the terrorist, and even more importantly, to the general public in Northern Ireland. In asking for this assistance, I am very conscious that this would imply some further infantry support to protect the Engineers in the course of their work. I also appreciate that the process of drawing up building plans would take some time, but even an announcement of our intentions, together with the sight of an advance party on the ground (who could possibly help with some minor work in the interim) would be of enormous help.

Perhaps I may make two other comments. First, the level of terrorist activity has remained high over a long period, and the security forces' profile has had to be raised correspondingly. The GOC has given outstanding support to the RUC, and I know that he has had to cancel leave and training. If the terrorist campaign continues for much longer - and there is no sign of any diminution as yet - the question of some further relief for the Army forces already here is bound to arise. Second, I recognise that these measures are going to involve substantial costs. Clearly this is unwelcome but I see no alternative to the approach I have outlined if we are to retain any credibility as to our determination to wear down the PIRA.

Copies of this letter go to the Prime Minister, Geoffrey Howe, Douglas Hurd, Kenneth Baker and Sir Robert Armstrong.

Yours Sincerely

N Wood

(Private Secretary)

for T K

(Approved by the Secretary of State and signed in his absence in Northern Ireland)

ssd

GRS 533

He is alleged to have spoken disparagingly of 22/1751. the Garda.

CONFIDENTIAL
FM FCO
TO DESKBY 221715Z DUBLIN
TELNO 257
OF 221630Z OCT 85
INFO IMMEDIATE NASSAU FOR PRIME MINISTER'S PARTY AND SECRETARY OF STATE'S PARTY
INFO IMMEDIATE WASHINGTON, BIS NEW YORK

YOUR TELNOS 704-706 : CHIEF CONSTABLE'S ALLEGED STATEMENT

1. IT SEEMS THAT THERE IS SOME POSSIBILITY THAT THE CHIEF CONSTABLE WAS MISREPORTED. ONE OF THE REPORTERS RESPONSIBLE FOR THE IRISH TIMES' STORY APPARENTLY SAID IN A RADIO INTERVIEW LAST NIGHT THAT HE DID NOT ALWAYS USE THE CHIEF CONSTABLE'S OWN WORDS. WE ARE ATTEMPTING TO OBTAIN A TRANSCRIPT OF THAT INTERVIEW. THE CHIEF CONSTABLE HIMSELF IS ALSO LETTING THE NIO HAVE A NOTE OF WHAT HE CLAIMS TO HAVE SAID. IN THE MEANTIME, THE NORTHERN IRELAND SECRETARY HAS BEEN CONSULTED. YOU SHOULD REPLY TO IRISH REPRESENTATIONS ON THE FOLLOWING LINES:-

'WE HAVE NOT SEEN A FULL TEXT OF THE CHIEF CONSTABLE'S COMMENTS. NEVERTHELESS WE WOULD WISH TO MAKE CLEAR THAT THE BRITISH GOVERNMENT DOES NOT DOUBT THE IRISH GOVEGNMENT'S OPPOSITION TO TERRORISM, NND GREATLY APPRECIATES THE MEASURES WHICH HAVE SO FAR BEEN TAKEN, IN CO-OPERATION WITH THE SECURITY FORCES IN NORTHERN IRELAND, TO PREVENT ACTS OF VIOLENCE ON BOTH SIDES OF THE BORDER. WE BELIEVE THAT THERE IS ROOM FOR IMPROVEMENT IN SUCH CO-OPERATION, AND THIS HAS BEEN A CONSTANT THEME IN OUR RECENT DISCUSSIONS. WE WOULD THEREFORE WISH TO ASSURE THE IRISH GOVERNMENT OF OUR COMMITMENT TO CONTINUING AND DEVELOPING CO-OPERATION.'

2. YOU MAY TELL THE IRISH THAT THEY MAY DRAW ON THE ABOVE IF THEY SHOULD NEED TO DO SO IN RESPONSE TOFQUESTIONING IN THE DAIL.

3. YOU SHOULD ALSO DRAW ON THE FOLLOWING POINTS TO THEM IN CONFIDENCE:-

(A) WE REGRET THE UNFORTUNATE IMPACT WHICH THE REPORT OF SIR J HERMON'S REMARKS HAS HAD, BUT A PUBLIC STATEMENT BY THE BRITISH GOVERNMENT WOULD NOT IN OUR VIEW HELP MATTERS. IT WOULD EITHER DIVIDE THE NORTHERN IRELAND SECRETARY FROM THE CHIEF CONSTABLE, WITH THE ASSOCIATED RISKS OF A UNIONIST BACKLASH, OR THE BRITISH FROM THE IRISH GOVERNMENT. EITHER WAY THIS COULD ONLY SERVE THE INTERESTS OF THOSE OPPOSED TO OUR POLICIES IN BOTH COUNTRIES.

(B) WE VERY MUCH HOPE THAT THE REMARKS ATTRIBUTED TO THE CHIEF CONSTABLE WILL NOT (NOT) BE SEEN AS AN OBSTACLE TO THE CONSTRUCTIVE DISCUSSIONS WHICH ARE TAKING PLACE.

(C) WE HOPE TO REACH AN AGREEMENT WITH THE IRISH. THE CHIEF CONSTABLE WILL REMAIN IN POST, AND IS BOUND THEREFORE TO PLAY A SIGNIFICANT PART IN DEVELOPING THE UNDERSTANDINGS BETWEEN US. IT SEEMS THEREFORE IN BOTH OUR INTERESTS TO PLAY DOWN THE INCIDENT AS FAR AS POSSIBLE.

4. YOU SHOULD ALSO KNOW THAT NEWS DEPARTMENT, THE NIO PRESS DEPARTMENT AND THE RUC ARE IN GENERAL DECLINING TO COMMENT. IT MAY NOT BE POSSIBLE TO HOLD THAT LINE IF PRESS INTEREST IN THE STORY HERE GROWS. OUR FIRST LINE OF DEFENCE SHOULD BE TO DRAW ON THE STATEMENT IN PARA 1 ABOVE ABOUT HMG'S POLICY ON SECURITY CO-OPERATION WITH THE REPUBLIC.

HOWE

OCM1AN 3572

NNNN

(2)

10 DOWNING STREET

Prime Minister

You will recall that, last year, the Attorney-General warned that McGlinchey might be released on appeal. I am told that this is now likely to happen next Friday; but he will be immediately re-arrested on an order for his return to the Republic. But this too is likely to fail.

CDP 1/x.

SECRET

QUEEN ANNE'S GATE LONDON SWIH 9AT

30th September 1985

CDD 1/x

Dear Tom,

CONTINGENCY PLANS FOR A POLITICAL STRIKE IN NORTHERN IRELAND

In his minute of 5 September, Michael Heseltine suggested that prison officers from Great Britain might replace striking prison officers in Northern Ireland.

Our manpower resources are very stretched in coping with the exceptionally high prison population here. Nevertheless in a crisis we would, of course, do what we could.

The main difficulty is that prison officers in England and Wales belong to the same trade union as their Northern Ireland counterparts. They would be very unlikely to agree to undermine action taken by their Northern Ireland colleagues if that action was organised and endorsed by the union. If the action in the Province was taken outside the context of the union, the attitude here might be different, but it would still be a long shot.

I am sending a copy of this letter to the Prime Minister, Geoffrey Howe, Michael Heseltine, David Young, Peter Walker, George Younger and to Sir Robert Armstrong.

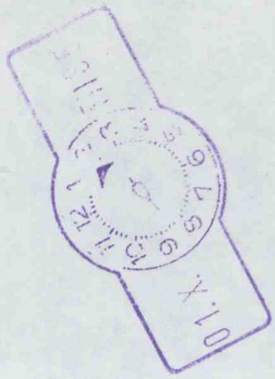
Yours,

Douglas.

The Rt Hon Tom King, M.P.

SECRET

Ireland: Situation; Pt 20



SECRET

copy 2 of 7

27

NORTHERN IRELAND OFFICE
WHITEHALL
LONDON SW1A 2AZ

SECRETARY OF STATE
FOR
NORTHERN IRELAND

Rt Hon Michael Heseltine MP
Secretary of State for Defence
House of Commons
LONDON
SW1

18 September 1985

Dear Secretary of State,

CONTINGENCY PLANS FOR A POLITICAL STRIKE IN NORTHERN IRELAND

Thank you for your minute of 5 September, and in particular for assurance that you would have sufficient servicemen available to meet the plans which have been made to cover this eventuality. I realise that this could only be at some detriment to other defence commitments, and we shall naturally be doing all in our power to avoid matters reaching that point.

I appreciate your concern at the possibility that servicemen might be asked to replace striking prison officers, to the point of coming into direct contact with prisoners. This ground has of course been well tramped in previous planning for possible trouble with our prison officers. I understand your preference for finding manpower of other kinds - perhaps police or prison officers from Great Britain - for the purpose. No option is less than highly undesirable, and it does not make practical sense to attempt to make hard plans about this extremity until we are approaching closer to it. I should say, by way of reassurance, that it does seem very unlikely even if the course of Anglo Irish events does give rise to disturbances here more generally.

I am sending copies of this letter to the Prime Minister, Foreign Secretary, Home Secretary, Secretaries of State for Employment and Energy and Sir Robert Armstrong.

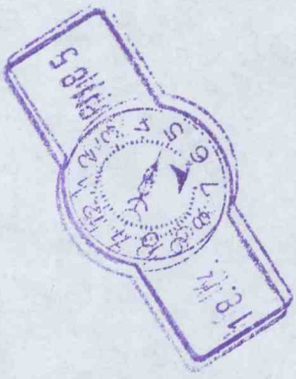
Yours sincerely,
Jonathan Duke-Evans

TK
(Approved by the Secretary of State and signed in his absence)

JLD

SECRET

Iceland: Foundation Pt 2 9



The National Archives

DEPARTMENT/SERIES PREM 19 PIECE/ITEM 1814 (one piece/item number)	Date and sign
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Instructions for completion of Dummy Card

Use black or blue pen to complete form.

Use the card for one piece or for each extract removed from a different place within a piece.

Enter the department and series,
eg. HO 405, J 82.

Enter the piece and item references, .
eg. 28, 1079, 84/1, 107/3

Enter extract details if it is an extract rather than a whole piece.
This should be an indication of what the extract is,
eg. Folio 28, Indictment 840079, E107, Letter dated 22/11/1995.
Do not enter details of why the extract is sensitive.

If closed under the FOI Act, enter the FOI exemption numbers applying to the closure, eg. 27(1), 40(2).

Sign and date next to the reason why the record is not available to the public ie. Closed under FOI exemption; Retained under section 3(4) of the Public Records Act 1958; Temporarily retained; Missing at transfer or Number not used.

From: THE PRIVATE SECRETARY

Prime Minister
A note on 'Real Lives'

HOME OFFICE
QUEEN ANNE'S GATE LONDON SW1H 9AT

MEM 6/9

6 August 1985

SEPT.

Dear Mark,

PROPOSED BBC PROGRAMME "REAL LIVES"

You will have seen from today's press that the BBC Board of Governors met yesterday and decided that the climate was now right for a showing of a revised version of the "Real Lives" programme. It is intended that the programme should be broadcast in the second half of October. I attach a copy of a statement that was issued yesterday by the BBC, signed by both the Chairman and the Director General.

In response to any media requests for a Government reaction, the Home Secretary intends to say that his predecessor had expressed his view about the showing of the programme and that he (the Home Secretary) agreed with him. It remains his and the Government's view that the media ought not to give gratuitious publicity to terrorists. The Home Secretary has noted the present decision, which it was always accepted would be entirely a matter for the BBC Board of Governors.

The Home Secretary agreed the lines of this response in discussion with the previous Home Secretary yesterday. He does not intend to make any further comment on the issue for the present.

Yours sincerely

Hugh Taylor

H H TAYLOR

Mark Addison, Esq.

CLOSED UNDER THE
FREEDOM OF INFORMATION
ACT 2000

BBC tv

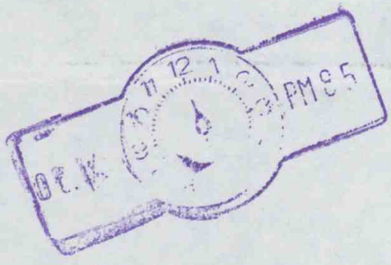
BRITISH BROADCASTING CORPORATION
TELEVISION CENTRE WOOD LANE LONDON W12 7RJ
TELEPHONE: D.D.I. No: 01-576 TELEX: 265781
TELEGRAMS AND CABLES: TELECASTS LONDON TELEX

5th September 1985

The Board of Governors met today and considered the "Real Lives" programme. The Board of Governors and Board of Management confirmed that the full system of reference up to the Director-General did not operate during its making. Both Boards considered this a serious failing and the Director-General has reinforced to all staff the vital importance of these procedures being strictly observed at all times. The Director-General informed the Board of Governors that the amendments originally required to the programme by the Board of Management had been dealt with and the programme had been revised in accordance with his instructions and that the programme was now ready for transmission. The Board of Governors now believe that the general climate is such that an early showing of the programme is acceptable. They have, therefore, agreed with the Director-General that it should be transmitted during the second half of October. The new date will be announced by the Director-General at a later time.

(Stuart Young)
Chairman

(Alasdair Milne)
Director-General


PM 5

NBPM
CDP
9/9

From: THE PRIVATE SECRETARY

CONFIDENTIAL

HOME OFFICE
QUEEN ANNE'S GATE
LONDON SWIH 9AT

6 September 1985

Dear Len,

I attach a copy of a letter from the Irish Minister for Justice, Mr Michael Noonan, about the court proceedings associated with the seizure by the Irish Government of IRA funds, which was passed to the Home Secretary today by the Irish Ambassador. The Home Secretary will be acknowledging the letter personally; and he would be grateful if the point of substance raised by the Minister could be pursued.

I am copying this letter and the enclosure to Charles Powell (No 10) and Jim Daniell (NIO).

Yours sincerely

Hugh Taylor

H H TAYLOR

Len Appleyard, Esq

CONFIDENTIAL

OIFIG AN AIRE DLÍ AGUS CIRT
(Office of the Minister for Justice)
BAILE ÁTHA CLIATH
(Dublin)

4 September 1985

Dear Douglas,

I am writing to offer you my sincere congratulations on your appointment as Home Secretary. It is a cause of some regret to those of us who have had the pleasure of meeting with you over the past twelve months that you are leaving the Northern Ireland scene at this juncture but I have no doubt that you will continue to use your good offices in the quest for a solution to the complex problems of Northern Ireland.

Might I take this opportunity of mentioning to you a matter that arises out of the enactment of the Offences against the State (Amendment) Act, 1985 which, as you may recall, enabled us to seize a substantial sum of IRA money. As you probably know those monies are now the subject of Court proceedings on two counts, one designed to retrieve them and the other seeking a declaration that the legislation is unconstitutional.

Although one can never anticipate the outcome of Court proceedings - I am of course optimistic - I would be much more confident of success if the information from the Swiss bank regarding the origin of the monies was forthcoming. The latter, as you know, has been the subject of approaches to the Swiss Foreign Ministry by our respective Ambassadors in Berne. I am somewhat disappointed at the lack of progress in the matter to date and I have been giving some consideration to a personal approach to my Swiss counterpart. I would be grateful if you would examine the matter from your end to see if there is anything further possible on your side. I need hardly add that failure to retain the monies would deal a severe blow to our efforts to defeat terrorism and open the floodgates to further extortion demands.

Once again I wish you well in your new post.

Sincerely

Michael Noonan

The Right Hon. Douglas Hurd M.P.
Home Secretary
Home Office
50 Queen Anne's Gate
London SW1 H9AT

CC 26

MO 19/3L

NSPM
CAB 6/9

SECRETARY OF STATE FOR NORTHERN IRELAND

CONTINGENCY PLANS FOR A POLITICAL STRIKE IN NORTHERN IRELAND

Douglas Hurd sent me a copy of his minute of 28th August to the Prime Minister.

2. Although the Government's response to any action of the sort he described must primarily be on the political level, it is, of course, sensible to prepare for the possible need to implement this Department's Military Aid to the Civil Ministries' plans

3. We have a number of such plans, tailored to Northern Ireland, to help cover the eventualities to which Douglas referred, such as strikes in the electricity service, water and sewage services, the fire service, the docks, the fuel supply industry and the prisons. Most of these plans imply a requirement for reinforcement from outside the Province. I am satisfied that sufficient servicemen with the required skills and trades could be made available to meet the plans although it might be necessary to bring some people back from outside the United Kingdom.

4. There would, of course, be some penalty to other defence commitments which we would need to look at in more detail at the time, although I would accept, of course, that these are unlikely to be as significant as the political imperative of maintaining order and essential services in Northern Ireland.

5. But I should like to comment on the suggestion that, as part of the plan for the prisons, we might consider putting soldiers in direct contact with prisoners. I remain very uneasy about this, not only for its obvious political sensitivity, but also because our soldiers are simply not trained in this sort of work. While it might need to be considered in extremis, I would hope that all other options, including perhaps the use of prison or police manpower from Great Britain, would be exhausted first.

6. I am sending copies of this minute to the Prime Minister, the Foreign and Commonwealth Secretary, the Home Secretary, the Secretaries of State for Employment and Energy; and to Sir Robert Armstrong.

Ministry of Defence
5th September 1985

Ireland : situation: Pt 20

SECRET

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25
copy

Prime Minister

CONTINGENCY PLANS FOR A POLITICAL STRIKE IN NORTHERN IRELAND

During the discussion in Cabinet on 25 July, a number of our colleagues spoke about the possible scale and nature of Unionist reaction to an Anglo-Irish agreement. I believe it would therefore be useful for you and other colleagues who are closely concerned to know how I see this prospect and how we would propose to meet it.

2. I attach a paper which sets this out. The exact strength of Unionist feeling, how far it is cohesive and what forms of action are being contemplated will fluctuate week by week and clearly must be, and are being, separately and continuously assessed. We can, however, draw on the experience of previous years - especially 1974 and 1977 - in order to see what types of loyalist action we might expect to encounter; their likely order of seriousness; what specific effects they might have; and how each of them could best be dealt with. This paper makes such an analysis. It shows that the Government must ultimately be in the strongest position in any trial of strength, and that we have the means to counter and overcome even the more serious forms of reaction if we act with sufficient resolution and skill. It emphasises the importance of leaving no room for doubt about our determination to persevere with our chosen policy; the need to match politically inspired action with a primarily political response but to have, nonetheless, detailed comprehensive contingency plans; the need to avoid over-reaction; and the crucial importance of seizing and retaining the initiative in the media.

3. As we all know, this is a risky business but I believe that if we were to decide that it was right to go ahead on roughly the present lines, ie without further major concessions to the Irish, then we would be able to contain the Unionist reaction, vociferous though this would certainly be.

4. It will be evident from the paper and its annex that the most critical area of potential vulnerability is the power stations. We need therefore to be able to rely on the top management of the Northern Ireland Electricity Service to keep closely though

discreetly in touch with us and, if need be, to give a strong and positive lead to their workforce, as was successfully done in 1977. It had been the intention that Mr John Gaston, who has previously combined the posts of Chairman and Chief Executive but has now been succeeded in the latter post, should also relinquish the chairmanship this autumn. I do not feel that it would be wise to go into what will clearly be a tricky few months with new occupants in both posts who lack his depth of local experience. A separate submission has therefore been made to you proposing that Mr Gaston should remain as Chairman until next March. As another precautionary step, my officials will be sounding the Departments of Employment and Energy about whether and how we might sensibly make personal contact with Mr John Lyons of the Electrical Power Engineers Association.

5. I shall, of course, keep you informed of developments. I am sending copies of this minute to the Foreign and Commonwealth Secretary, the Home Secretary, the Defence Secretary and the Secretaries of State for Employment and Energy, and to Sir Robert Armstrong.

Jonathan Duke-Evans

28 August 1985

DH
(Approved by the Secretary of State and signed in his absence)

te

E.R.

CONTINGENCY PLANNING FOR A POLITICAL "STRIKE" BY LOYALISTS IN NORTHERN IRELAND OVER AN ANGLO-IRISH AGREEMENT

1. The idea of an Anglo-Irish agreement is disturbing to the Protestant majority in Northern Ireland, and Loyalist minds are already turning to means of thwarting it. There can of course be no question of the Government resiling from an announced agreement in the face of such threats: it cannot be brought down as was the Northern Ireland Executive by the Ulster Workers' Council (UWC) strike in 1974. Nevertheless, as the prospect of an agreement looms closer, tensions will rise and we must be prepared with measures likely to reduce the likelihood or effectiveness of any action which Loyalist leaders may seek to take. We must plan in particular for the fullest public presentation of the agreement, so as to spoke the guns of the instant commentators who will otherwise help to inflame the community with their own versions of the facts.

2. This paper aims to give an overview of what may confront the Government, and how it should be dealt with. It does not attempt to assess the precise likelihood of the threat - nor the probability of diversionary activity by PIRA/Sinn Fein, who have no interest in an agreement. These are being, and will continue to be, separately assessed.

3. There is a range of possible forms which Loyalist reaction could take, singly or in combination. At one extreme is outright terrorism on a concerted scale. Next is widespread and prolonged street violence. Short of those, there are (in descending order of probable seriousness) the possibilities of:

a. industrial action of indefinite duration - backed up by intensive picketing - such as was carried out in 1974 and attempted unsuccessfully in 1977;

b. mass demonstrations which are not intentionally violent: marches on Stormont, torchlight rallies, tractor blockades etc. There have been flurries of such activity on several occasions, and threats of it more frequently;

E.R.

c. boycotts of public bodies; other withdrawal of co-operation; civil defiance such as refusal to pay rent and rates;

d. industrial stoppages limited to one or two days. One-day stoppages marked the period just before the collapse of the Stormont Government in 1972, and Mr Paisley was threatening two-day strikes after the failure of the United Ulster Action Council in 1977. He had very limited success with a similarly conceived 'Day of Action' after the assassination of Robert Bradford MP in 1981.

4. Ulster Unionists are already simmering over the advent of 39 Sinn Fein members to District Councils in the May elections, and the RUC's more restrictive policy towards Orange marches through minority areas. But it is the "Irish dimension" which most inflames the Loyalist spirit - and gave the crucial impetus to the UWC action in 1974. We ought accordingly to be prepared for a protest towards the upper end of the spectrum - though Loyalists themselves perceive 1977 as a defeat, and will avoid imitating it. Naturally the response will need to be attuned sensitively to what actually happens. Over-reaction merely provokes, and even a fairly widespread one-or two-day stoppage would scarcely begin to affect the services essential to life; it could therefore be weathered calmly, with a low-profile response on the ground. It is the protracted action, aimed not just at protest but at compelling a change of Government course, which calls on the fullest resources in response.

5. The essence of successful opposition to strike action of this kind is adequate preparation of plans beforehand; ability of Government and the forces of law and order to respond quickly and flexibly; and maintenance of the initiative at all times with the public through the media. The strike leaders' aim is to bring the Province to a standstill, so as to demonstrate that it can be made ungovernable without Loyalist acquiescence; the unconverted are to be persuaded by rumour and intimidation. Our task is to scotch the rumours, stamp on the intimidation, and convince the public that the strike is not going to succeed, and that the policy under protest is not in fact disastrous for Unionists. This

aggressive, positive approach is what characterised the 1977 episode, by contrast with 1974. On the latter occasion, besides, the power-sharing Executive was already beginning to split, and ripe to be brought down (an attainable objective); and there was virtually no prior planning or co-ordinated command and control, and thus no cohesion of response between Government, security forces and other agencies such as the electricity service. In 1977 those lessons had been learnt, and the public relations initiative was grasped some days before the strike was started, and held thenceforth. We can establish similar conditions if need be today, and many external factors favour us. Less helpful may be the time of year; 1974 and 1977 were both May stoppages, whereas as winter approaches there is less of a safety margin in the electricity supply and in the other services which depend on electricity or oil.

6. While the Government's response must, like the strike itself, be primarily political, concrete plans must also be ready to withstand penetration of the strike in various critical areas. The vital services most likely to be threatened are the electricity supply, fuel and oil supplies, water and sewage services, the docks (for food and animal foodstuffs) and perhaps the fire service. MACM (Military Aid to Civil Ministries) plans are prepared in these areas, to bring in suitably skilled members of the armed forces to take over jobs vacated by strikers. Significant lead times are built in, to permit the calling in of servicemen from many units. These plans are a necessary weapon in our armoury, but their activation, beyond the collection of the servicemen in Northern Ireland, is anything but a straightforward answer to a stoppage on the part of, say, power station workers or fuel tanker drivers. In the more sophisticated industries, servicemen simply lack the skills to take over jobs, unless at worst the supervisory and managerial grades remain at work. But the intrusion of the military may well be the last straw for these grades if they are already vacillating (as well as perhaps causing outgoing workers to sabotage plant). The recruitment of suitable workers from Great Britain, if they were willing to risk co-operation in the turbulent conditions that would prevail, might be subject to the same obstacles; certainly it could not be expected without the full approval of the local supervisory grades and of the Trade Unions concerned. More broadly, use of servicemen in any one

industry would be apt to prove an inflammatory act in other industries, where other workers would be encouraged to down tools. MACM should be regarded like the nuclear weapon; it is there, but for the purpose of not being used.

7. The power stations and fuel supplies are probably the most critical sectors - the first for obvious reasons, the second because if petrol is not freely available at service stations, workers will largely give up the effort of getting to work, which will do the strike leaders' job for them. The MACM plan in this area can only provide for priority car users and a few service stations, which will keep the country going but will not serve the wider political purpose. Prison Officers also need most careful watching, because a stoppage on their part would place the largest direct call on already overstretched security forces. The present position in these sectors is dealt with in the annex to this paper.

8. Given that mechanical responses are inadequate, and may be seen as a confession of failure, we are thrown back largely on other methods. First, the police must be deployed in force to ensure that those who want to get to work are not prevented or even discouraged from doing so. Barriers must be cleared immediately and threatening crowds prevented from gathering at exits from estates etc. The police must be ready to visit individual workers in critical jobs (power stations again) to offer convincing assurance, if they are being intimidated, that they will not suffer during or after for continuing at work. This is truly small-scale: maybe a couple of dozen in a large power station; or 200 or more overall. Action may also need to be taken with British Telecom to deal with threatening phone calls. The very heavy police deployment will probably require us to ask the Ministry of Defence to deploy the Spearhead battalion (perhaps more than one) to Northern Ireland, to take over patrolling duties normally carried out by the RUC mobile support units. A general UDR call-out may be desirable, on precautionary grounds as much as operationally. These military deployments are themselves moves in the game, to be timed with care.

9. The RUC itself has a key role, both in the maintenance of

order and in the example that it must set, as a force known to be generally sympathetic to Unionism, in showing disciplined loyalty to the rule of law. While the Police Federation has at times shown maverick leadership tendencies, we are confident that the force will stand firm and respond to whatever calls are made on it. We should ensure that the Chief Constable takes pains to explain to the force exactly what is at stake. At a different level, these remarks also apply to the UDR (which might expect to suffer a number of individual resignations).

10. Most important of all, Government must take a grip on public relations the moment the strike leaders announce their intention (which must perforce be some days before the strike can be mounted), and must then retain the initiative. The public must be brought to believe that the Government has no intention of giving in, and its policy on whatever is the pretext for the strike must be explained in the most sympathetic and unthreatening way. The Government must have the resources to let the public know, several times a day, how few people are responding to the strikers' call, and how many are continuing to go about their work. Ministers and officials must be ready at all times to talk to responsible representatives of critical industries, political leaders etc, in order to keep particular industries and services on course.

11. Some elaborate machinery is needed to maintain this effort. The NIO operations room, which has links with Northern Ireland Departments, security forces and essential services, can be kept open twenty four hours a day for the collection and dissemination of information around the official machine. The emergency committee, which includes the essential departments and the security forces at a senior level, will meet early every morning to determine tactics and necessary action at sensitive pressure points. The PR line will also be decided early each day.

12. It will of course be for the Secretary of State himself to judge how to divide his time between London and Belfast during the stoppage. The need to keep Cabinet and Parliament informed at frequent intervals may make some absences from the Province unavoidable. But it will be very important to keep them to the minimum, as there is no complete substitute for the Secretary of

State himself being available in Northern Ireland to put his weight behind the exposition of Government policy, and of the facts, throughout the stoppage. That said, he may see advantage in designating one Minister to act as spokesman whenever he is not available to be.

13. The actual course of events must depend to some extent on factors which cannot be gauged in advance (and which will themselves be influenced by the Government's posture at the time) eg whether all Unionist leaders subscribe to the strike or only Mr Paisley's party, and whether the Loyalist paramilitary leaders decide to lend physical, or perhaps only moral, backing to the endeavour. But the outcome can also be significantly influenced, regardless of any of these factors, by the Government's own posture, actual and perceived. We shall be disposing ourselves to make the most of this principle.

E.R.

ANNEX

ELECTRICITY GENERATING

The organisers of previous loyalist stoppages have clearly judged that cutting electricity supplies is the way to make the most immediate and widespread impact on the life of the Province: not only because of the direct effect on domestic and industrial consumers, but also indirectly through the dependence of the water and sewage services on electrical pumping. They have sought to take full advantage of the fact that some of the main power stations are located in staunchly loyalist areas.

2. The total demand for power obviously varies according to the time of year; in September it is around 800-900 mw. Ballylumford power station at Larne, which alone has a generating capacity of 960 mw, remains the key - even following the more recent addition of the Kilroot Station. In the past, an extremist element has been prominent in the Ballylumford workforce, but in recent years discreet steps have been taken to move known extremists away from particularly sensitive jobs. In 1977 we were able to keep Ballylumford operating despite some attempts at intimidation by the Loyalist paramilitaries. The Kilroot workforce does not so far appear to have been permeated by extremists. (But Kilroot and Coolkeeragh together could only generate some 500-600 mw in the absence of Ballylumford and West Belfast, which also has a strongly Loyalist workforce.)

3. The NIES top management, with whom we keep in close touch, are rather less confident in 1985 than they would have been in 1984 of being able to persuade their employees to resist a call to stop work. Staff at all levels are reported to be in an edgy frame of mind about the possible impact on them of privatisation policies. The former Joint Staff Council, which played a helpful role in 1977, has collapsed as the result of an external efficiency study which recommended reductions in clerical staff without explaining candidly when and where they should be made: a new Council has been set up but has not had time to take root. Similarly, recent steps to rectify indifferent management at Ballylumford have not yet had time to take full effect.

4. Despite these uncertainties, there is cautious hope that

employees would be prepared to resist a call to stop work, unless intimidation became rife; and that, even then, most supervisory staff would remain at work, short of a wholesale loss of confidence in the Government. All this is of course on the assumption that any strike would in trade union terms remain unofficial.

5. The problems associated with bringing in Servicemen to maintain supplies would be particularly acute in the case of electricity generating. The complexity of modern power stations puts them beyond the ability of even fully trained service technicians to operate on their own; they could only be effective if supervisory staffs remained to oversee them. But the introduction of troops would be likely itself to precipitate the withdrawal of those staffs. (It might also anger the industrial workers sufficiently to cause them to damage machinery - an easy enough step to take - despite their normal pride in the plant that they operate).

6. In summary, therefore, the three weapons on which we should primarily rely to keep the power stations going would be close liaison between Government and the NIES top management; maximum recourse to such trust as already existed between management and workforce; and swift and effective police action against intimidation.

7. As a precautionary step, top management are now reviewing the maintenance schedules for this autumn - without making it obvious that this is being done - in order to reduce the risk of having a lot of plant out of commission at any one time.

OIL FUEL SUPPLIES

8. There are no industrial issues to aggravate the situation to the point of strike today. But the industry has been susceptible to politically motivated action in the past. Based as it is in East Belfast (the main depot and terminal being on Belfast harbour), the workforce is heavily Loyalist orientated and thus vulnerable to pressures to join in a politically inspired stoppage. It is an attractive target, given the effect of a fuel shortage on industrial activity. There are no identified "political" leaders within the workforce, but they must be expected to emerge when the time comes.

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9. It is not to be supposed that the official Trade Unions (predominantly the ATGWU) would countenance a political stoppage, but a tussle for power could develop, and the authorities would need to find means to strengthen the position of the official Union leaders against their politically motivated opponents. It will be necessary to discuss tactics on this front, and more generally, with reliable oil company management well in advance of any likely stoppage developing.

10. Existing stocks at the pumps should last about a week and because of the short average home-to-work distance in Northern Ireland many people should be able to carry on for a further two weeks or more.

11. Should it be necessary to replace the tanker drivers with troops, under the plans provided, petrol could only be made available on a greatly reduced scale, and effectively for the essential services only. It would be limited to 21 distribution points, to be requisitioned (along with the tankers themselves), manned and supplied. The availability and suitability of these points will need to be reviewed, along with that of 18 Petrol Permit Centres. The Department of Economic Development will also review emergency legislation, arrangements for petrol vouchers and for staffing the emergency locations.

PRISON OFFICERS

12. It is just conceivable that the Prison Officers' Association might take advantage of a stoppage to further an industrial dispute of their own, calculating that with the security forces so completely deployed against the political action, the Government would have no choice but to concede their claims. If this happened, the difficulties of the RUC would indeed be vastly increased (upwards of 2,000 officers would be needed to cover a total shutdown) - to the extent that we should have to address the possibility (hitherto shunned) of putting soldiers into direct contact with prisoners.

CONFIDENTIAL

From: THE PRIVATE SECRETARY

NORTHERN IRELAND OFFICE
WHITEHALL
LONDON SW1A 2AZ

Prime Minister (4)

Ms Alison Smith
Private Secretary to
The Lord Privy Seal
Whitehall
LONDON
SW1A 2AT

28 August 1985

Dear Alison,

MINISTERIAL DEALINGS WITH SINN FEIN MEMBERS - PT IS AT FLAP

My predecessor wrote to yours on 17 January 1984 offering detailed advice on the Government's relations with Sinn Fein elected representatives.

At the district council elections in Northern Ireland on 15 May, the total of Sinn Fein councillors increased from 3 to 59. The Secretary of State carefully reconsidered the Government's policy in the light of these results and decided that there should for the time being be no change, although he recognised that the larger number of councillors would pose problems for Ministers and officials.

The guidance enclosed with Mr Hill's letter of 17 January has therefore been revised to cover expected difficulties. These relate primarily to Ministerial visits to district councils and to customary official dealings with councils, and are therefore not directly related to Whitehall Departments. Nevertheless, for consistency and to avoid confusion, it seems wise for all parts of the Government machine to have the same piece of paper to hand. I therefore enclose a copy. The important points to bear in mind are that any request for a meeting between a Minister and a Sinn Fein elected representative (even if part of a larger delegation with other parties) should be refused, and the enquirer should be asked to put his views in writing (paragraph 2): and that a letter from a Sinn Fein elected representative to a Minister should invariably receive a curt, formal and short Private Secretary reply, whilst still dealing adequately with the problem raised by the constituent (paragraph 7).

/Although

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Although the possibility of their writing to London may be remote, I enclose an up-to-date list of Sinn Fein elected representatives, including the names of their district councillors.

.... I am sending a copy of this letter, as before, to the Private Secretary to the Prime Minister and to the Private Secretaries to other Ministers in charge of Government Departments.

Yours sincerely,

Jonathan Duke-Evans

J B DUKE-EVANS
Assistant Private Secretary

To : Private Office Staff

APPROACHES TO GOVERNMENT BY MEMBERS OF SINN FEIN

1. The purpose of this note is to restate the policy on government contact with Sinn Fein and to offer guidance on handling the problems likely to be encountered as a result of the expected increase in the number of Sinn Fein Councillors following the District Council elections. The note, which supersedes my note of 18 January 1984 is NOT for general distribution. It does not affect the question of access by Sinn Fein to prisons and prisoners, where the policy is unchanged.

MEETINGS WITH MINISTERS

2. Any request for a meeting between a Northern Ireland Office Minister and a Sinn Fein MP, Assembly Member or Councillor (even if part of a larger delegation with other parties) should be refused and the enquirer asked to put his views in writing. A request for a meeting from anyone else with links with Sinn Fein should be referred to advice to the Secretary of State's Office who will consult Central Secretariat as necessary. You should expect such a request to be refused and you should therefore give no indication that the request is likely to be granted : you should aim to steer the matter towards correspondence.

3. It should be made clear to any District Council with Sinn Fein members which asks to send a deputation to see the Minister that the deputation should not include any Sinn Fein councillors, who would not be admitted to the meeting.

VISITS TO DISTRICT COUNCILS

4. Ministers do not rule out visits to District Councils on their home territory simply because Sinn Fein councillors might be present, but each visit should be carefully considered on its merits. The general aim is to avoid any impression that Ministers are associating with Sinn Fein councillors, while not allowing Sinn Fein in effect to veto Ministerial attendance by announcing their intention to be present. In each case the Minister should be consulted before any decision is reached and should be given all relevant information, including details of any Sinn Fein members likely to be present. The Secretary of

State's office should also be consulted before arrangements are finalised. Visits to a council with a Sinn Fein chairman should be kept to a minimum.

5. During visits Ministers will wish to ensure that any contact with Sinn Fein members is kept to the minimum and does not stray outside council responsibilities. Ministers will also need to be carefully briefed on, for example, advance identification of Sinn Fein councillors, the extent to which Sinn Fein is involved in the workings of the Council (for example in the committee structure), the policies adopted by Sinn Fein locally, and particular issues on which Ministers may be lobbied by Sinn Fein councillors (as distinct from issues which the Council as a whole might raise). Care will also have to be taken on the handling of photocalls and the stage-managing of visits generally. As far as individual courtesies such as handshakes are concerned this should be left to the Minister's discretion.

6. The advice at paragraphs 4 and 5 also applies to Ministerial attendance at any events where Sinn Fein councillors are also likely to be present eg opening of a new building organised by a council or events organised by an Area Board. Again each case will need to be considered on its merits and the Secretary of State's Office consulted, as necessary. Ministers should however be advised to reject any such invitation where the principal host is expected to be a Sinn Fein representative.

LETTERS TO MINISTERS

7. Letters from Sinn Fein MPs, Assemblymen and councillors (including those holding an Official Council position) addressed to Ministers should not receive Ministerial replies but should receive curt, formal and short Private Secretary replies (as should a letter from unelected spokesmen and party officers). Letters to Ministers raising constituents' problems must be dealt with adequately in the interests of the constituent but should be brief and formal, avoiding any appearance of friendliness (eg phrases such as "thank you" for your letter of ..... or "I regret" that I am unable to grant your request ..... should be avoided). You need not be reluctant to give a negative answer when a negative answer is justified. For some letters (eg a brief covering letter to a document which has been widely circulated or a particularly abusive letter) a one sentence acknowledgement by a Private Secretary would be appropriate. You should pay particular attention to the style, substance and possible

political implications of the replies (especially with letters dealing with broad policy issues). If you have any doubt about the content or tone of a letter you should consult Central Secretariat.

APPROACHES TO OFFICIALS

8. The normal response to telephone enquiries to Private Offices from Sinn Fein members (or those claiming to speak on their behalf) should be to ask them to put the point in writing. In exceptional cases when the request cannot reasonably be dealt with in correspondence, eg an urgent request for compassionate parole to see a dying relative, Private Offices should refer for advice to the Secretary of State's Private Secretary who will consult Central Secretariat as necessary.

9. Policy is unchanged on approaches from Sinn Fein representatives to local offices etc concerning purely constituency matters which do not appear to raise wider questions of policy. These will be dealt with at local level in the same way as similar approaches from other MPs and Assemblymen or members of the public. Staff have been instructed that if these approaches do go wider or if they have any doubts they should refer them to their Minister's Private Office. You should in turn consult senior officials in your Department and Central Secretariat.

10. Officials who are locally-based have been instructed that they may continue as at present to undertake any necessary liaison with District Councils and individual councillors on matters within the Council's direct responsibilities and on any constituency matters which councillors may raise - this applies irrespective of the political complexion of the Council or Councillor concerned. Separate advice has been issued to senior headquarter officials (Assistant Secretary level and above) about receiving deputations which include Sinn Fein councillors and paying site visits to Councils where it is known that a Sinn Fein councillor would be present. Such head-to-head discussions are to be avoided whenever possible. Ministerial authority will be sought for any proposed meetings of this sort, and the Secretary of State's office should also be informed.

GENERAL

11. As at present Ministers will not extend to Sinn Fein the customary courtesies

and hospitality given to other elected representatives. - Sinn Fein representatives should not be invited to receptions, presentations, seminars or similar events being held by government or public agencies, whether or not a Minister is to be present. Mr Adams should not receive departmental publications etc which are given to oher MPs as a matter of courtesy. If however Mr Adams or other Sinn Fein elected representatives makes a specific request for a document which is already generally available (and which would be supplied on request to elected representatives of other political parties) this should normally be supplied. Requests from other Sinn Fein sources should be referred to the place where the document can be purchased. Documents which are available free of charge should normally be made available on request.

WHITEHALL DEPARTMENTS

12. United Kingdom Ministers outside the Northern Ireland Office may receive correspondence from members of Sinn Fein (whether an MP, Assembly member, Councillor or in any other capacity with explicit links with Sinn Fein). Where the Sinn Fein connection is apparent, the appropriate response should be a curt, formal and short Private Secretary reply as in the case of NIO Private Offices and Ministers in charge of Whitehall Departments have been advised accordingly.

P CARVILL
Central Secretariat
20 May 1985

/JH

[redacted] OF SINN FEIN ELECTED REPRESENTATIVES

Members of Parliament (1):-

Gerry Adams MP - West Belfast

Members of the Northern Ireland Assembly (5):-

Gerry Adams	- West Belfast
Owen Carron	- Fermanagh/South Tyrone
Danny Morrison	- Mid-Ulster
Jim McAllister	- Armagh
Martin McGuiness	- Londonderry

District Council Members (59):-

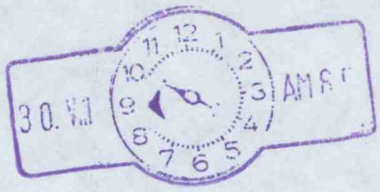
Ivan Barr	- Strabane District Council
Lughaidh MacGiolla Bhrighde	- Magherafelt District Council
Hugh Brady	- Derry City Council
Tommy Carroll	- Armagh District Council
Seamus Cassidy	- Dungannon District Council
Anita Cavlan	- Dungannon District Council
Paul Corrigan	- Fermanagh District Council
Patrick Cox	- Fermanagh District Council
Brendan Francis Christopher Curran	- Newry & Mourne District Council
Brendan Patrick Curran	- Craigavon Borough Council
Henry Cushinan	- Antrim Borough Council
John Davey	- Magherafelt District Council
Gerard Doherty	- Derry City Council
Joseph Doherty	- Magherafelt District Council
Brian Duffin	- Dungannon District Council
Elizabeth Fitzsimons	- Belfast City Council
Damien Gibney	- Lisburn Borough Council
Michael Hasson	- Limavady District Council
Margaret Hogan	- Ballymoney District Council
Teresa Mary Holland	- Belfast City Council
Sean Keenan	- Belfast City Council
Seamus Kerr-	- Omagh District Council

Eamon Larkin	- Newry & Mourne District Counci
Bobby Lavery	- Belfast City Council
Brendan Aodh Lewis	- Newry & Mourne District Counci
Cormac McAleer	- Omagh District Council
Patrick Pearse McAleer	- Cookstown District Council
Jim McAllister	- Newry & Mourne District Counci
Patsy McBrien	- Fermanagh District Council
Vincent McCaffrey	- Fermanagh District Council
Brian McCann	- Craigavon District Council
Francis McCarry	- Moyle District Council
Hugh McDowell	- Down District Council
James McIlduff (or McElduff?)	- Omagh District Council
Bernard McFadden	- Derry City Council
Michael McGonigle	- Limavady City Council
Gerard McGuigan	- Belfast City Council
Dodie McGuinness	- Derry City Council
Charles McHugh	- Strabane District Council
Sean McKnight	- Belfast City Council
Mitchell McLaughlin	- Derry City Council
Gerry McMenamin	- Omagh District Council
Francis Gerald McNally	- Cookstown District Council
Thomas McNamee	- Strabane District Council
Francis Mackey	- Omagh District Council
Stephen Maguire	- Fermanagh District Council
Thomas Maguire	- Fermanagh District Council
Alex Maskey	- Belfast City Council
Francis Molloy	- Dungannon District Council
Thomas Murray	- Fermanagh District Council
Chrisopher Neeson	- Cookstown District Council
Tony O'Driscoll	- Cookstown District Council

Hugh O'Neill	- Fermanagh District Council
Cathal Quinn	- Omagh District Council
John F Regan	- Moyle District Council
Patrick Joseph Rice	- Lisburn Borough Council
Geraldine Ritchie	- Down District Council
Patrick Anthony Toner	- Magherafelt District Council
Patrick Pearse Young	- Newry & Mourne District Council

Ireland Pt 20

Situation,



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PRIME MINISTER

BBC BOARD OF GOVERNORS

The BBC Board of Governors, as I mentioned to you, held to their previous line on the withdrawal of the "Real Lives" programme. At the same time they issued a three-page statement, a copy of which is attached. The statement is extremely critical of the programme and makes it clear that the proper procedure for programmes of this nature was not followed. A delegation from the BBC comprising Stuart Young, William Rees-Mogg, Alasdair Milne and Alan Protheroe are going to see the Home Secretary tomorrow. The tone of the statement suggests that Milne may be disowning the programme makers. If this is really so it is all to the good.

TIMOTHY FLESHER

6 August 1985

L03AJW

A STATEMENT BY THE CHAIRMAN OF THE BBC

The Board of Governors met today and further discussed the serious issues raised since last week in the case of "Real Lives: At The Edge of the Union". The Board believes that the reasons for their decision to stop the transmission of this film have been, to a great extent, misinterpreted and misunderstood. I am therefore issuing this account of what has passed. I hope it will lead to a clarifying of the Board's position as a firm defender of the BBC's independence from Government and all other interests.

The constitutional position is that the Board of Governors are the BBC and are therefore responsible for the editorial policy of the Corporation. They devolve the day-to-day management of the Corporation to a Director-General, whom they appoint, who is the editor-in-chief, and through him a Board of Management and other senior members of staff. Governors are appointed by the Queen in Privy Council on the recommendation of the Government of the day.

The Board of Governors have the right to view programmes before transmission, but, by custom, do so only in most exceptional circumstances. There is a very well tried and tested set of standing instructions for coverage of matters affecting Northern Ireland. Proposals to interview members of terrorist organisations and those who are, or may be, associated with such organisations can only be executed after complying with the regulations set out on page 52 of the News and Current Affairs Index. Such proposals must be made first to the relevant Head of Department "who will refer to Assistant Director-General and notify the Network Controller and Controller Northern Ireland. Interviews with individuals who are deemed by ADG to be closely associated with a terrorist organisation may not be sought or transmitted - two separate stages - without the prior permission of DG."

REAL LIVES : AT THE EDGE OF THE UNION

Contrary to what has been written in the press and spoken on the air, there has been a failure to observe the detailed guidelines at the highest level. The Assistant Director-General had the programme casually referred to him on one occasion; permission was not sought from him for transmission. The Director-General had no knowledge whatsoever of the programme. He first heard of it when he was on his holiday, after the subject had been raised by the press. The Board of Governors at no stage were informed of the existence of the programme.

After the programme had been shown to the press and raised in the headlines of the front page of the Sunday Times on 28th July, the Board of Management and the Board of Governors became deeply concerned about this matter.

On Monday, 29th July, the Board of Management collectively viewed the programme. In the absence of the Director-General on leave, the meeting was taken by the Deputy Director- General. He reported to the Chairman that the view of the Board of Management was that the programme required emendation, together with a suitable foreword describing its purpose. At the end of its transmission a programme should be shown discussing the issue of television and terrorism. With these three matters being dealt with, Board of Management wished the programme to be transmitted.

On the same day the Home Secretary conveyed a formal message to the Corporation, requesting the Board to stop the programme, releasing it simultaneously to the press. This was subsequently followed by his letter. He also indicated, to the Secretary, via Wilfred Hyde, Deputy Under Secretary of State at the Home Office, that if the Corporation were to show the programme he would like to see it before transmission. The Chairman telephoned the Home Secretary, requesting clarification and asking for the formal letter to be submitted as soon as possible, as such grave issues had been raised that a special meeting of the Board of Governors was being convened. The Home Secretary concurred, although the letter was not received until 7.10 p.m. that evening. The Board meeting took place the next day, Tuesday 30th July.

At the Board meeting the Deputy Director-General, Mr. Checkland, together with Mr. Protheroe (ADG) and Mr. Wenham (D.P.Tel.) explained the Management's position which was, as previously stated in this statement; subject to emendation, with a positive preface and the concluding debate, Management wished the programme to be transmitted. The Governors discussed for a considerable time the propriety of taking the exceptional stance of viewing the programme before transmission. This was ultimately agreed upon, as an extraordinary step, only because the Governors felt that it was important to see a programme when the Home Secretary was writing in unprecedented terms which questioned the security of the State, law and order, and the giving of succour to terrorists.

Speaking for myself, and for most members of the Board, the view before seeing the programme was that it would enable the Governors to support Management in its desire for transmission to take place. The Board is not competant to pronounce on matters of national security but believed that only on the basis of viewing the programme could it defend it if necessary and refer any issue of security back to the Home Secretary. The decision to view was agreed unanimously.

In the event, the Governors viewed the programme and were unanimous in expressing their concern that the programme could not be transmitted without emendation. This, of course, was also the Board of Management's view. However, there were differing views, extending from "no transmission at any price" down to one member of the Board who was prepared for transmission subject to the proposed amendments taking place. All Governors were concerned about lack of balance in the programme. The majority were equally concerned, in the present climate of high feeling, about its soft treatment of the extremist case. In the event, after many hours of discussion, the Board exercised its constitutional right in taking the editorial decision not to transmit the programme on a vote of 10 : 1.

Since that major discussion the Board's position has been misrepresented. The major issue is one of censorship. The Board objects most strongly to certain of the contents of the Home Secretary's letter of 29th July. It is most disturbed that the decision of the previous week has been seen as a yielding to Government pressure. The Chairman, together with the Director-General and responsible Management, are seeking a meeting with the Home Secretary, the intention being, when the atmosphere is calm and neutral, to debate these serious matters relating to the total unacceptability of censorship and the Board's commitment to the full independence of the Corporation.

The decision not to transmit the programme at the present time was because the Board considered the programme to be flawed in its present state and, even if amended, unsuitable for viewing in the prevailing atmosphere. The Board, therefore, had no alternative but to exercise its constitutional right and responsibility.

(Stuart Young)

6th August 1985

From: THE PRIVATE SECRETARY

Prime Minister (2)
You may be interested to see the texts of these letters.
MLAA 30/7

HOME OFFICE
QUEEN ANNE'S GATE
LONDON SW1H 9AT

30 July 1985

Dear Mark,

PROPOSED BBC PROGRAMME "REAL LIVES"

... I attach a copy of a letter which the Home Secretary has received this evening from the Chairman of the BBC. Notwithstanding the slightly ambiguous formulation of the penultimate paragraph we have been told off the record by the BBC that the "Real Lives" programme has been put on the shelf. The BBC are publishing this letter this evening together with the Home Secretary's letter of 29 July to the Chairman.

... I also attach a copy of the reply which the Home Secretary is sending to the Chairman. I am informing the media this evening that the Home Secretary is writing on these lines. The Home Secretary intends to make no further public comment, at least for the present.

I am sending a copy of this letter to Jim Daniell (Northern Ireland Office).

Yours ever
Hugh

H H TAYLOR

Mark Addison, Esq

HOME SECRETARY

QUEEN ANNE'S GATE
LONDON SWIH 9AT

July 1985

Dear Stuart,

Thank you for your letter. I am most grateful to you for letting me know of the Governors' decision, which I naturally welcome. I shall of course be happy to discuss with you the issues relating to terrorism, and the way it is handled on television, which were raised in my letter. My office will be in touch with yours to make the arrangements for the meeting.

Yours ever,

Leon

Stuart Young, Esq

British Broadcasting Corporation, Broadcasting House, London W1A 1AA

from the Chairman, Stuart Young

30th July 1985

Dear Leon,

In the light of your letter of 29th July, in which you outlined your reservations concerning the BBC programme "Real Lives: On the Edge of the Union", the Board of Governors met today in special session.

Because of the circumstances arising from your letter, the Governors - quite exceptionally - decided to view the programme before transmission.

We would now wish to discuss with you the profound issues raised in your letter to me. We are anxious that those discussions be conducted in a neutral and dispassionate climate.

Having seen the programme, the Board of Governors believe it would be unwise for this programme in the series "Real Lives" to be transmitted in its present form: the programme's intention would continue to be misread and misinterpreted.

I look forward to hearing from you.

Yours sincerely,

Stuart

The Rt. Hon. Leon Brittan, Q.C., M.P.,
Secretary of State for the Home Department,
Home Office,
50 Queen Anne's Gate,
London, SW1H 9AT.

HOME SECRETARY

QUEEN ANNE'S GATE LONDON SW1H 9AT

29 July 1985

Dear Stuart,

I was very glad to learn that you and your colleagues are considering whether or not to proceed with the broadcast of the proposed "Real Lives" programme involving Martin McGuinness and Gregory Campbell. This letter confirms the views which I asked Wilfred Hyde to convey on my behalf to the Corporation this morning.

May I first make it quite clear that I unhesitatingly accept that the decision to broadcast or refrain from broadcasting this programme must rest exclusively with the Corporation. It is no part of my task as the Minister with responsibility for broadcasting policy generally to attempt to impose an act of censorship on what should be broadcast in particular programmes. To do so would rightly be inconsistent with the constitutional independence of the BBC, which is a crucial part of our broadcasting arrangements.

I do, on the other hand, also have a Ministerial responsibility for the fight against the ever present threat of terrorism, and I would be failing in my duty if I did not let you and your colleagues have my considered views on the impact of this programme in that context.

It is clear that the "Real Lives" programme and the Radio Times article associated with it will enable McGuinness to advocate or justify the use of violence for political ends, and thus the murder and maiming of innocent people, before a huge public audience. He will, moreover, be doing so not in the course of a theoretical debate about terrorism, but as a prominent apologist of an organisation that is proud to have carried out such murders and such maimings and expresses its readiness and intention to carry out more. The BBC would be giving an immensely valuable platform to those who have evinced an ability, readiness and intention to murder indiscriminately its own viewers.

Quite apart from the deep offence that this would give to the overwhelming majority of the population and the profound distress that it would cause to families of the victims of terrorism, it would also in my considered judgment materially assist the terrorist cause. Recent events elsewhere in the world have confirmed only too clearly what has long been understood in this country: that terrorism thrives on the oxygen of publicity. That publicity derives either from the successful carrying out of terrorist acts or, as a second best, from the intimidation of the innocent public and the bolstering of faltering supporters by the well publicised espousal of violence as a justifiable means of securing political ends.

What is at issue is not the overall balance of the programme, or whether its impact on reasonable people is to make such people more hostile to terrorism than they are already. Even if the programme and any surrounding material were, as a whole, to present terrorist organisations in a wholly unfavourable light, I would still ask you not to permit it to be broadcast. For the gain that the terrorists would

/secure by the

Stuart Young, Esq

secure by the broadcast would not be the conversion of large numbers of people to their cause, but the opportunity to boost the morale of their supporters and to alarm the innocent majority who have every reason to fear their intentions.

It must be damaging to security and therefore wholly contrary to the public interest to provide a boost to the morale of the terrorists and their apologists in this way. I cannot believe that the BBC would wish to give succour to terrorist organisations; and it is for this reason that I hope that you and your colleagues will agree on reflection that the "Real Lives" programme should not be broadcast.

Yours ever,

DICTATED BY BRIAN MOWER: 29 July 1985

The Home Secretary welcomed the news that the BBC was looking again at the decision to show the film in view of press comment. He has made clear that he fully recognises the freedom of the BBC in these matters: the Government does not wish to exercise powers of censorship. However, as Minister responsible for law and order, spearheading the campaign against terrorism, he has conveyed to the BBC in the strongest terms that, if the press reports were correct, the programme appeared to be giving succour to terrorist organisations by the opportunity for public advocacy of terrorist methods by a prominent member of the IRA. This gives spurious legitimacy to the use of violence for political ends. It was contrary to the national interest that a programme of the kind apparently envisaged should be broadcast and he has asked the BBC not to do so.

From: THE PRIVATE SECRETARY

Prime Minister (2)

The BBC Governors are meeting tomorrow morning. We may therefore have a decision from them by lunchtime.

MEA 29/7

HOME OFFICE
QUEEN ANNE'S GATE
LONDON SW1H 9AT

29 July 1985

Dear Mark,

PROPOSED BBC PROGRAMME "REAL LIVES"

I attach a letter which the Home Secretary has this evening sent to the Chairman of the BBC about the proposed Real Lives programme involving Martin McGuinness and Gregory Campbell. The BBC have been told that the Home Secretary does not intend to publish this letter at present but will reconsider this in the light of the BBC's final decision about whether the programme should go out. I am sending a copy of this letter to Jim Daniell (Northern Ireland Office).

Yours ever,

Hugh Taylor

H H TAYLOR

Mark Addison, Esq

The National Archives

DEPARTMENT/SERIES PREM 19 PIECE/ITEM 1814 (one piece/item number)	Date and sign
Extract details: HOME SECRETARY TO PRIME MINISTER DATED 15 JULY 1985	X
CLOSED UNDER FOI EXEMPTION	
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Instructions for completion of Dummy Card

Use black or blue pen to complete form.

Use the card for one piece or for each extract removed from a different place within a piece.

Enter the department and series,
eg. HO 405, J 82.

Enter the piece and item references, .
eg. 28, 1079, 84/1, 107/3

Enter extract details if it is an extract rather than a whole piece.
This should be an indication of what the extract is,
eg. Folio 28, Indictment 840079, E107, Letter dated 22/11/1995.
Do not enter details of why the extract is sensitive.

If closed under the FOI Act, enter the FOI exemption numbers applying to the closure, eg. 27(1), 40(2).

Sign and date next to the reason why the record is not available to the public ie. Closed under FOI exemption; Retained under section 3(4) of the Public Records Act 1958; Temporarily retained; Missing at transfer or Number not used.

SECRET

Prime Minister 23

CDP 5/7

Prime Minister

NORTHERN IRELAND: THE MARCHING SEASON

As I have twice reported to Cabinet, the temperature in Northern Ireland has been rising in the last fortnight. I am adding this minute because of the relevance to the Anglo-Irish talks.

2. The July/August marching season is always a time of heightened tension. The vast majority of parades take place without incident; a small number - especially "triumphalist" demonstrations through predominantly Catholic areas - lead to outbreaks of violence. In such cases the Chief Constable has used his powers to re-route the parades or, where the organisers have rejected police instructions, he has asked the Secretary of State to impose a ban.

3. This year some Unionist politicians have deliberately seized on the parades issue to demonstrate the solidarity of the Loyalist community in the face of frustration at the failure to cut out Sinn Fein on the Councils and continued terrorist attacks, and more significantly their anxiety about the Anglo-Irish talks. My re-assurances about the constitutional position, and the limitations which you and I set on any Anglo-Irish arrangements have not convinced them. Some leaders in the UUP and DUP say that our marches policy is the result of representations made by the Irish Government. They have accused the Chief Constable of trying to enforce "Dublin law".

4. In the circumstances, most Unionists feel they have to rally behind their cause. The behaviour of the DUP has been a disgrace (at least two party members were arrested for breaches of the peace at Castlewellan last week and a local DUP councillor warned police officers that they would be driven from their homes by Loyalist neighbours) and even moderate Unionists find it difficult to break from the "tribal" stance. The Loyalist paramilitary organisations are taking a hand in the protest, although they are watching carefully to see what lead the Unionist and Orange Order

give. The UDA in particular are seeking to win the support of those who have not been involved in non-political protest since 1977. In turn the minority community see in the handling of marches a crucial pointer to the Government's ability and willingness to govern in an even handed way.

5. I am sure that we must back the Chief Constable's judgement in carrying out what he deems necessary for public order. Any lack of will to demonstrate even handedness would provide Sinn Fein with a ready-made opportunity to argue that constitutional nationalist views cannot prevail. Equally we must give the moderate Unionists evidence that the Government will not countenance lawbreaking under the guise of loyalty to the Crown. The reassurances we can give to Unionists cover our firmly held views on consent to changes in the constitutional status, the supremacy of Parliament, and the nature of our co-operation with Dublin. We shall have to repeat these assurances incessantly.

6. We shall probably face in this situation a number of ugly and violent incidents during the next month, the consequences of which are hard to predict. This is not an argument for halting the discussions with the Irish Government, or an argument against concluding an agreement with that Government if it becomes available. But it does mean that the risks always latent in this policy are coming to the surface. The Irish Government will need to understand that in carrying on the negotiations or later implementing an agreement we henceforth are on a knife edge so far as the acquiescence of the majority is concerned, and that this is bound to influence what we can safely do.

7. I am copying this minute to the Foreign and Commonwealth Secretary and to Sir Robert Armstrong.

5 July 1985

for DH
(Approved by the Secretary of State and signed in his absence)

te

FROM:
THE RT. HON. LORD HAILSHAM OF ST. MARYLEBONE, C.H., F.R.S., D.C.L.

22

HOUSE OF LORDS,
LONDON SW1A 0PW

Prime Minister
So there was a letter after all: in which Lord Lowry says he will not resign. CDP 1/7

SECRET

Prime Minister

Joint Irish Court

Not surprisingly the remarks recently attributed to Mr. Seamus Mallon about a "senior member of the judiciary" lobbying support against proposals for a joint court have drawn a sharp response from Lord Lowry. I attach a copy of his letter to me of 21st June 1985.

No doubt the publicity, unwelcome as it is, emanates from his expressed anxieties. But I regard his present stance as satisfactory and his denials can afford a strong ground for firm assurances as and when we are questioned. I hope that another spin off may be a clear warning to the Dubliners that the joint courts suggestion is likely to produce its own built in disadvantages.

I am copying this minute to the Foreign and Commonwealth Secretary, the Secretary of State for Northern Ireland, the Attorney General and Sir Robert Armstrong.

H: of S: M.

1st July, 1985

ROYAL COURTS OF JUSTICE
BELFAST
BT1

SECRET

21st June, 1985

Dear Lord Chancellor,

I am writing at the request and with the approval of the Northern Ireland Supreme Court Judges pursuant to a meeting last Tuesday, attended by all except Kelly L.J., who is at a conference in Oslo. I am confident that he would agree. We are deeply concerned at recent newspaper articles on the mixed courts proposal. They are accurate in parts, which could suggest the access to official sources that is claimed. There are also inaccurate statements and inferences, with little attention paid to the technical counterarguments.

The most serious point, which urgently inspired us to send this letter, is the implication in some articles that the Judges or some of them have presented the Government with an ultimatum in the shape of a threat to resign, with the further inference that the alleged threat had been made from Unionist political motives to stultify the negotiations with the Irish Government. This is all the more damaging, when one considers that James Molyneaux, the OUP leader, and the Newsletter, a Unionist paper, have taken up the running against mixed courts.

No denial has come from any source, and it is impossible for the Judges publicly to correct a wrong impression without engaging in controversy and abandoning the Bench's tradition of reticence. I feel that as far as you (to whom we look - always with confidence - for support) and the Government are concerned, I ought to put the facts unequivocally on record.

I have never tried to involve the other judges in any exercise of pressure, express or implied, on H.M. Government, or suggested that any of them would be likely to resign over mixed courts, nor have any of them made any such threat or suggestion on their own account either individually or collectively. To suggest otherwise would be entirely wrong. They have always been, and they remain (as I am), prepared to carry out the will of Parliament as laid down by statute, and I must make this clear. It should also be emphasised that this betokens no change or reform of their attitude.

When my wife and I lunched at the Taoiseach's house before the Rugby International on 2nd March this year, he suddenly and unexpectedly brought up the subject of mixed courts. I said that I was against the

/idea

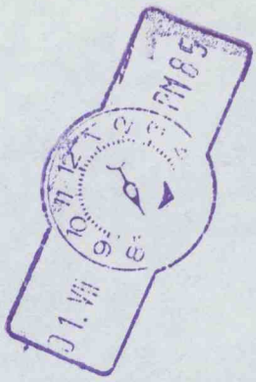
idea, explained why and concluded, "I would feel bound to resign rather than participate". I appreciate that such a statement, reported as it was in my letter of 4th March to the Secretary of State, can be construed or portrayed as an effort to apply political pressure. This was not my purpose, but I believe that I can give effect to this disclaimer only be asking you to tell the Government that, whatever I might hitherto have felt entitled to do, I do not intend to resign over the mixed courts proposal, since it would not be right for me to let anyone in or close to the Government either believe or assert that my attitude (as distinct from my opinion) is, or is meant to be, a relevant dissuading factor.

My views on the proposal are already set out at length in my letters of 4th March and 21st May, but the real object of this letter is to bring to your notice the way in which my brethren have been misrepresented and how deeply we all feel about it.

Yours sincerely

Robert Lowry.

Rt. Hon. the Lord Hailsham of St. Marylebone,
C.H., F.R.S., D.C.L.,
Lord High Chancellor of Great Britain,
House of Lords,
London S.W.1



Situation:
Ireland. Pt 20

NORTHERN IRELAND

PS
PS/LADY YOUNG
PS/PUS
MR GOODALL

HD/RID
HD/PUSD (2)
HD/INFO DEPT
HD/NEWS DEPT

RESIDENT CLERK

PS/ S of S
PS/MR R ANDREW, OAB 1/56
MR BRENNAN
MR BURNS
MR J LYON
} NIO

SIR R ARMSTRONG)
DIO
} CABINET OFFICE

PS/ NO 10 DOWNING STREET (3)

14.11.85

CONFIDENTIAL
FM DUBLIN 241550Z JUNE 85
TO IMMEDIATE FCO
TELEGRAM NUMBER 397 OF 24 JUNE
INFO IMMEDIATE NIO BELFAST

IMMEDIATE

MIPT: IRISH LOCAL ELECTIONS

ADVANCE COPY

MT.

SUMMARY

1. THE GOVERNMENT, AS IT EXPECTED, FARED BADLY IN THE LOCAL ELECTIONS, PARTICULARLY IN DUBLIN, BUT IS UNDER NO IMMEDIATE THREAT. THE POLL WAS LOW. DR FITZGERALD MAY NOW BE EVEN KEENER TO BRING THE ANGLO/IRISH TALKS TO A SUCCESSFUL CONCLUSION.

DETAIL

2. THE RESULT OF THE LOCAL ELECTION HELD IN THE REPUBLIC ON 20 JUNE WAS MUCH AS WAS GENERALLY EXPECTED (MY TELNO 386) DR FITZGERLAD EXPECTED FINE GAEL TO DO EVEN WORSE THAN THIS OVERALL. MOST SIGNIFICANT IS FIANNA FAIL'S STRONG SHOWING IN THE DUBLIN AREA, WHERE IT OBTAINED 41.6% OF THE VOTE TO FINE GAEL'S 24.5%, WINNING MORE THAN HALF THE SEATS AND CONFOUNDING PREDICTIONS THAT ITS OPPOSITION TO PROPOSALS FOR A FARM TAX AND TO LIBERAL SOCIAL REFORMS WOULD ALIENATE URBAN VOTERS. DR FITZGERALD WILL BE CONCERNED AT THE POOR PERFORMANCE OF FINE GAEL EVEN IN ITS SAFEST AREAS IN SOUTH DUBLIN. ON THIS SHOWING A NUMBER OF ITS MARGINAL DAIL SEATS WOULD BE LOST IN A FUTURE GENERAL ELECTION.

3. FINE GAEL SUPPORTERS POINT OUT HOWEVER THAT THIS IS NOT SUCH A BAD MID-TERM RESULT FOR THEM AS THE 1979 LOCAL ELECTION WAS FOR FIANNA FAIL. THEY ALSO SAY THAT THE COMPLETION OF THE 3 YEAR ECONOMIC PLAN WILL CHANGE THE PICTURE BEFORE THE NEXT ELECTION. THE ONLY IMPORTANT EXCEPTION TO THE NATIONAL TREND WAS IN LIMERICK CITY, WHERE FINE GAEL WON CONTROL FROM FIANNA FAIL. CONTINUING RESENTMENT OVER THE EXPULSION OF DES O'MALLEY FROM FIANNA FAIL WAS CLERALY THE MAJOR FACTOR HERE (LIMERICK IS MR O'MALLEY'S CONSTITUENCY). BUT NEITHR THIS NOR INDIVIDUAL GOOD PERFORMANCES BY FIANNA FAIL DISSIDENTS SUCH AS MARY HARNEY IS THOUGHT TO PROVIDE A GOOD ENOUGH SPRINGBOARD FOR THE FORMATION OF A NEW PARTY BY MR O'MALLEY.

A NEW PARTY BY MR O'MALLEY.

4. THE LABOUR PARTY HAS SURVIVED, BUT ONLY JUST. ITS VOTE WAS HIGHER THAN RECENT OPINION POLLS HAD INDICATED. BUT IT WAS OUT-POLLED IN INNER DUBLIN BY THE WORKERS' PARTY AND IS UNDER THREAT FROM THEM IN A NUMBER OF OTHER CONSTITUENCIES. THE WORKERS PARTY WILL BE PARTICULARLY PLEASED AT HAVING SECURED 6 PLACES ON DUBLIN CORPORATION TO LABOUR'S 2. IT ALSO DID WELL IN GALWAY, WHERE IT TOPPED THE POLL, AND HAS HELD OFF THE CHALLENGE FROM SINN FEIN, WHOSE SUCCESSES WERE LARGELY CONFINED TO TRADITIONALLY REPUBLICAN BORDER AREAS. SINN FEIN WON ONLY ONE SEAT IN THE DUBLIN AREA.

5. MR HAUGHEY'S TACTICS HAVE PAID OFF. HE HAS WON CONTROL OF MOST LOCAL COUNCILS THROUGHOUT THE COUNTRY AND WILL HOPE THAT THE UNIFORMITY OF THE TREND DESPITE A LOW POLL WILL PAVE THE WAY FOR NEXT GENERAL ELECTION. HE HAS SHOWN THAT THERE IS STILL A MARKET FOR ''LIVE NOW PAY LATER'' ECONOMIC POLICIES, AND THAT MIDDLE CLASS VOTERS WILL VOTE FOR HIM. MINISTERS HAVE SAID THAT THEY WILL NOT BE DEFLECTED FROM CARRYING OUT TOUGH POLICIES BUT COALITION BACKBENCHERS REACTIONS HAVE BEEN MORE ANXIOUS AND TODAYS PAPERS REPORT THAT MR HAUGHEY NOW PLANS TO CONCENTRATE HIS ATTACKS ON LABOUR IN AN ATTEMPT TO DESTABILISE THE COALITION. MR SPRING HAS INDICATED THAT HE HAS NO PLANS TO LEAVE THE GOVERNMENT SAYING THAT IF THE COALITION FELL 'IRELAND'S PROBLEMS WOULD ONLY BE BEGINING'. THERE IS THEREFORE NO IMMEDIATE THREAT TO THE COALITION BUT THE LABOUR PARTY GENERAL SECRETARY HAS ANNOUNCED HIS RESIGNATION AND LABOUR MINISTERS ARE LIKELY TO FIND IT MORE DIFFICULT TO HOLD OFF THE ANTI-COALITIONISTS WHEN THE SUBJECT NEXT COMES UP FOR DEBATE IN THE PARTY, PERHAPS IN THE LATE AUTUMN. IN THE SHORT TERM, RUMOURS OF A GOVERNMENT RESHUFFLE TO IMPROVE ITS IMAGE AND INJECT NEW ENTHUSIASM ARE LIKELY TO GAIN IMPETUS.

6. THE LAST THING ON MOST VOTERS MINDS IN THIS ELECTION WAS THE GOVERNMENT'S NORTHERN IRELAND POLICY. IT WOULD THEREFORE BE QUITE WRONG TO INTERPRET THE RESULT AS ENDORSING MR HAUGHEY'S VIEWS ON ANGLO-IRISH RELATIONS. THE MAIN EFFECT OF THE RESULT ON ANGLO-IRISH TALKS MAY WELL BE AN EVEN GREATER SENSE OF URGENCY ON THE PART OF THE IRISH GOVERNMENT TO BRING THE TALKS TO A SUCCESSFUL CONCLUSION. IF THAT SHOULD PROVE UNATTAINABLE DR FITZGERALD WILL CERTAINLY SEEK TO PIN THE BLAME UNEQUIVOCALLY ON THE BRITISH SIDE. BUT EITHER WAY, ISSUES WILL BE OF GREAT IMPORTANCE IN THE NEXT IRISH GENERAL ELECTION AND THE GOVERNMENT WILL HAVE A VERY TOUGH JOB ON ITS HANDS TO WIN ON THESE.

7. FCO PLEASE PASS IMMEDIATE TO NO 10, LYON NIO (L) AND TO BRIGHT (CABINET OFFICE).

GOODISON

NNNN

NORTHERN IRELAND

IMMEDIATE

PS
PS/LADY YOUNG
PS/PUS
MR GOODALL

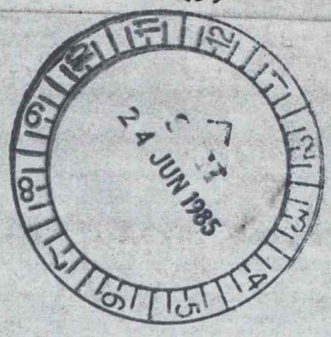
HD/RID
pp. HD/PUSD (2)
HD/INFO DEPT
HD/NEWS DEPT

PS/ S of S
PS/MR R ANDREW, OAB 1/56
MR BRENNAN
MR BURNS
MR J LYON
} NIO

SIR R ARMSTRONG
DIO
} CABINET OFFICE

PS/ NO 10 DOWNING STREET (3)

UNCLASSIFIED
FM DUBLIN 241000Z JUN 85
TO IMMEDIATE FCO
TELEGRAM NUMBER 396 OF 24 JUNE 1985
INFO IMMEDIATE NIO (BELFAST)



MY TELNO 386: IRISH LOCAL ELECTION

SUMMARY

1. THE COUNTING OF TRANSFERRED VOTES IN THE LOCAL ELECTION CONTINUES TODAY. FIANNA FAIL HAVE A COMMANDING LEAD.

DETAIL

2. WITH A FEW SEATS STILL TO BE ALLOCATED ON TRANSFERS OF VOTES, THE STATE OF THE PARTIES IS AS FOLLOWS (FIGURES IN BRACKETS ARE PERCENTAGES GAINED IN THE 1979 LOCAL AND NOVEMBER 1982 GENERAL ELECTION):

	%	FIRST PREFERENCES
FIANNA FAIL	45.8%	(38.2/45.2)
FINE GAEL	30.0%	(34.0/39.2)
LABOUR	7.9%	(12.3/9.4)
WORKERS PARTY	3.3%	(2.2/3.3)
SINN FEIN	2.8%	(NOT AVAILABLE)
OTHER	10.2%	

3. TURN-OUT WAS LOW THROUGHOUT THE COUNTRY (55%), BUT PARTICULARLY SO IN DUBLIN (44%).

4. SEE MIFT FOR COMMENT.

5. FCO PLEASE ADVANCE LYON NIO LONDON.

GOODISONOZA

48

10 DOWNING STREET

From the Private Secretary

24 June, 1985.

MEETING WITH UNIONIST LEADERS

Thank you for your letter of 21 June enclosing records of the Northern Ireland Secretary's meeting with leaders of the two main Unionist parties.

The Prime Minister has read these. She has commented that work should be put in hand straight away on our reply to the sort of statement or speech which the Reverend Ian Paisley is threatening to deliver; and that a careful watch must be kept on his statements and those of other Northern Ireland politicians for evidence of incitement.

I am copying this letter to Len Appleyard (Foreign and Commonwealth Office) and Richard Hatfield (Cabinet Office).

(C.D. Powell)

SMITH

J.A. Daniell, Esq.,
Northern Ireland Office.

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From: THE PRIVATE SECRETARY

(2)

NORTHERN IRELAND OFFICE
WHITEHALL
LONDON SW1A 2AZ

Prime Minister
I suggest that you read these records, or at least the passages which I have underlined. Dr. Paisley at his worst.
CDP 21/6

21 June 1985

Charles Powell Esq
10 Downing Street
LONDON SW1

Dear Charles

MEETINGS WITH UNIONIST LEADERS

I enclose records of three meetings which took place yesterday between the Secretary of State and the leaders of the two main Unionist parties. The Secretary of State saw Mr Molyneaux and Dr Paisley separately to discuss political development within Northern Ireland and, at their request, he met them together in a discussion about security.

We must prepare our reply to such a speech, and watch for any ministerial

I am copying this letter to Len Appleyard (FCO) and Richard Hatifeld (Cabinet Office).

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Jim

J A DANIELL

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MEETING BETWEEN THE SECRETARY OF STATE AND MR MOLYNEAUX HELD ON 20 JUNE TO DISCUSS POLITICAL DEVELOPMENT - 5.30PM

Present: Secretary of State
PUS
Mr Daniell

Mr Molyneaux

The Secretary of State said that he wished to examine ways of making political progress within Northern Ireland, irrespective of what happened on the external track. Partial devolution was one possibility but another option might be for some form of elected provincial body with administrative responsibilities. Timing was difficult, especially as the SDLP were not at this stage keen to embark upon serious discussions.

2. Mr Molyneaux said that he was attracted to giving more powers to district councils, but accepted that in present circumstances that could not be on the agenda. One option might be to improve legislative procedures at Westminster, although that need not preclude progress on other fronts. The Secretary of State said that this might be an area for discussion in the future.

3. Mr Molyneaux said that he had been making enquiries about the work of the Report Committee in the Assembly. It appeared that they were taking evidence from a variety of people not directly involved in politics and allowing themselves to be diverted from their task. If the Assembly could be transformed into something useful, Mr Molyneaux would support it in the long term. However as it seemed unlikely to develop into a worthwhile body in the foreseeable future, there were strong arguments for looking at possible improvements in the way in which Northern Ireland business was dealt with.

4. The Secretary of State said that he did not need to decide on the future of the Assembly for some months. One option for consideration might be some form of administrative devolution and if that were adopted, then clearly legislative procedures for Northern Ireland at Westminster would merit re-examination. However the time for detailed discussion of such points had not yet been reached. Mr Molyneaux suggested that the Secretary of State might have to implement measures without consulting the party leaders on the detail.

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5. On the Anglo-Irish talks, the Secretary of State said that the outcome was still uncertain. However it should become clear within a matter of weeks whether agreement would be reached. The Secretary of State took Mr Molyneaux's point that the presentation of any agreement in Dublin could fuel fears in the North that it was a step on the road to Irish unity. For that reason it was essential that Mr Molyneaux understood HMG's position on the Anglo-Irish dimension even though he might not endorse it. Two important considerations were the need to bring about improved security co-operation; and to unfreeze nationalist attitudes in Northern Ireland in that they would realise that the Dublin Government did not contemplate a united Ireland in the foreseeable future. Mr Molyneaux recognised that it was impossible to engage in public discussion of what was happening while negotiations were in progress; but this did give rise to suspicions on the part of Unionists, particularly when Dublin engaged in kite-flying. While the Prime Minister might convince Unionists of the Government's good faith, there would remain a worry about what might happen should there be a change of Government at Westminster.

6. In a brief discussion about the position on district councils, the Secretary of State said that he remained of the view that it would be a mistake to use proscription as a means of preventing people from voting for Sinn Fein. However one possibility might be legislation requiring elected representatives to make a declaration renouncing violence before they took their seats. It was always possible that Sinn Fein members might make the declaration and then ignore it; nevertheless it was an idea worth considering. Mr Molyneaux agreed to mull it over.

J A DANIELL
Private Secretary

21 June 1985

cc PS/S of S (L&B)-m
PS/Mr Patten (L&B)-m
PS/Mr Scott (L&B)-m
PS/PUS (L&B)-m
Mr Bloomfield-m
Mr Brennan
Mr A W Stephens-m
Mr Ferneyhough-m
Mr Wood
Mr Chesterton
Mr Buxton-m
Mr Merifield-m
Mr Gilliland-m
Miss Elliott
Mr Lyon
Mr Reeve-m
Mr Bickham

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MEETING BETWEEN THE SECRETARY OF STATE AND DR PAISLEY HELD ON 20 JUNE TO DISCUSS POLITICAL DEVELOPMENT - 3.15 PM

Present: Secretary of State — Dr Paisley
PUS
Mr Daniell

The Secretary of State opened the discussion by broaching the issue of political development within Northern Ireland. He noted that Mr Patten had carried out a ground clearing exercise with the main constitutional political parties in the Province; but that Dr Paisley had not felt able to see him. While the Secretary of State had no specific model to put to Dr Paisley, he said that he would welcome views on the timing of movement on this front. Consideration of a version of partial devolution was one possibility, but it would be a mistake to embark upon a political initiative without the Northern Ireland parties being genuinely interested in reaching agreement.

2. Dr Paisley said that his thinking was coloured by serious doubts about the Anglo-Irish talks. He and his people resented their future being the subject of discussions between London and Dublin in which they had no say. While the SDLP were briefed on the state and content of the talks by the Government in Dublin, Unionists were dependent upon leaks from both sides of the Irish Sea and from Irish MEPs. It was sometimes difficult to gauge whether the leaks were genuine or some kind of kite-flying exercise aimed at assessing reactions to particular proposals. This was contributing to an increasingly unstable situation in Northern Ireland - so much so that in the wake of security incidents bereaved families were no longer just complaining bitterly about the murder of loved ones but were also in the same breath discussing being sold down the river by the British Government. There could be a fearful backlash and it was necessary to bear in mind that these views were being expressed not by hot-heads but by responsible members of the community.

3. On the internal front, Dr Paisley said that he could hardly be expected to have any truck with the SDLP, given that they were now working in tandem with Provisional Sinn Fein. Also John Hume

had said that Northern Ireland was a failed entity; he could not therefore be expected to seek to make internal political structures work. Dr Paisley was not the man to help Mr Hume; he wanted to see Republicanism thrashed.

4. Replying to the points about Anglo-Irish talks, the Secretary of State said that these were confidential between Governments but that the parameters within which they were taking place had been repeatedly made clear. They were being conducted within the framework set out in the Chequers Summit and during the ensuing press conference. There would be no derogation from United Kingdom sovereignty in Northern Ireland and no executive role for the Republic in the affairs of the North; there was no question of a breach of the constitutional guarantee, of selling Northern Ireland down the river or of the talks producing a back-door route to Irish unity. The talks were about seeking a methodical way of exchanging views which might help unfreeze SDLP attitudes on institutions in Northern Ireland . Also, and very importantly, a successful agreement would have implications for security. Progress had been made in the fight against terrorism, but it was inadequate. The most promising means of securing further substantial improvement was through enhancing cross-border co-operation with the Republic; and this meant being prepared to listen to their views on other matters. It was unrealistic to suggest that the Republic should be more amenable on security matters while at the same time HMG should not be prepared to talk to Dublin about other matters relating to Northern Ireland. This was the strongest reason for reaching agreement.

5. Dr Paisley rejected this approach. If HMG wished to continue to do business with Dublin, it should do so on the basis that it was dealing with an unfriendly government which was seeking by one means or another to destroy Northern Ireland as a part of the United Kingdom. The Secretary of State's argument was that there was a price for security co-operation; in fact the real price was long-term absorbtion of Northern Ireland into the Republic. There should be no price for co-operation in the defeat of terrorism; in particular it was no business of Dublin to tinker with Northern Ireland's courts or security forces. It was outrageous for Mr Barry to suggest that he could speak for United Kingdom citizens (ie the nationalist minority

in Northern Ireland) when they had their own elected representatives. If agreement was reached there would be no chance of internal progress and, with Protestant resistance, the situation would be too fearful to contemplate. The answer to the security problem was to seal the border, which could be achieved by the security forces if they were given the right orders. Protestants would not recognise special community police forces or joint courts and if a member of the Garda were to cross the border on an operation, he would be killed. In response to a direct question from Dr Paisley about whether there had been any discussion with the Irish about judges and joint courts, the Secretary of State said that Dr FitzGerald was interested in the concept; but although the details of the talks on this point, as on others, were confidential, Dr Paisley could take it that HMG was fully seized of all the difficulties. Dr Paisley remarked that HMG should bear in mind that Dr FitzGerald did not keep confidences.

6. Dr Paisley said that a sound relationship with the Republic could be achieved only when there was a devolved administration in Belfast to deal with cross-border co-operation. But there was no prospect of agreement on that front while the SDLP were dealing with Sinn Fein. The Secretary of State noted that on several councils Unionist pacts were operating to exclude the SDLP from positions on committees and appointments to consultative boards; this played into the hands of Sinn Fein. Dr Paisley replied that election victors could not be expected to hand over the fruits of their victory to opponents. The DUP wanted to defeat the SDLP as much as Sinn Fein as both parties were out to destroy Northern Ireland. It was worth noting that in Fermanagh the Official Unionists had agreed to work with the SDLP to keep Sinn Fein at bay; however the Executive Committee of the SDLP issued an instruction that at the local level SDLP members were not to allow themselves to be voted into positions by Unionists. The result was to push the SDLP in Fermanagh into the hands of Sinn Fein. Omagh and Cookstown were similar examples showing the SDLP in their true colours. Local government in Northern Ireland had effectively broken down.

7. The Secretary of State said that a careful watch was being kept on local councillors to ensure that statements which they made did not contravene the law. There were no present plans to change

local government law in the light of the difficulties on Councils but it would be kept under review. In dealings with elected representatives HMG and Northern Ireland Departments would use the maximum discretion available to them under the law to distinguish between those who favoured constitutional methods and those who did not. In this context, the Secretary of State noted that George Graham and Ivan Foster, both DUP representatives, had the previous day made monstrous speeches in the Assembly, speaking out in favour of retaliatory killings outside the law: Mr Graham had subsequently spoken of standing beside the UVF to fight. The Secretary of State said that in the light of this he would not be prepared to receive Mr Graham or the Reverend Foster as part of a DUP deputation to discuss security on 24 June. There would be no purpose in including these two in such a meeting as there could be no basis for discussion. Dr Paisley objected strongly to the Secretary of State's remarks. He said that while Sinn Fein supported the killing of members of the security forces, Mr Graham and the Reverend Foster had spoken of dealing with terrorists; it was quite unreasonable to treat them in the same way as members of Sinn Fein and if the Secretary of State persisted with this view, Dr Paisley would refuse to attend any further meetings with him on security. He asked the Secretary of State whether he would refuse to see the Reverend Foster at his forthcoming meeting with the Assembly Security Committee (of which the Reverend Foster was a member). The Secretary of State replied that the only basis on which he would discuss security matters was one of respect for the rule of law; he could not therefore meet these two people in the aftermath of a debate in which such deplorable comments had been made. He would give separate consideration to the Assembly Security Committee.

8. As for the present mood in the loyalist community, Dr Paisley said that the Chief Constable's attempts to interfere with traditional parades could be the straw to break the camel's back. It was intolerable that at Castlewellan a parade should have been banned because a Roman Catholic Church, on the traditional route, had decided to open for Saturday mass. The argument that this was to save on police resources which could be better deployed in dealing with terrorism could not be sustained; more policemen were present to enforce the ban than would have been required to police the

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parade. It was intolerable that the Chief Constable should have issued a directive announcing the establishment of additional Divisional Mobile Support Units in order to deal with parades and provide cover in case of a loyalist backlash against the Anglo-Irish agreement. It was disgraceful that such documents should be issued to senior police officers and naive to imagine that they would not be leaked.

9. The Secretary of State made it clear that there was no intention to abolish parades. It was partly a question of seeking the co-operation of organisers to minimise the pressure on police resources; but it was also necessary to bear in mind that parades constituted provocation, especially where people wanted to be provoked. The RUC were discussing routes with the organisers and coming to decisions on a case by case basis. At this difficult time of the year it was up to responsible people to help the Chief Constable.

J A DANIELL
Private Secretary

21 June 1985

cc PS/S of S (L&B)-M
PS/Mr Patten (L&B)-M
PS/Mr Scott (L&B)-M
PS/PUS (L&B)-M
Mr Bloomfield-M
Mr Brennan
Mr A W Stephens-M
Mr Ferneyhough-M
Mr Chesterton
Mr Buxton-M
Mr Merifield-M
Mr Gilliland-M
Miss Elliott
Mr Lyon
Mr Reeve-M
Mr Bickham
Mr Wood

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MEETING BETWEEN THE SECRETARY OF STATE AND UNIONIST LEADERS HELD ON 20 JUNE TO DISCUSS SECURITY 4.15 PM

Present: Secretary of State
Mr Scott
PUS
Mr Buxton
Mr Daniell
Mr Molyneaux
Dr Paisley

This joint meeting was called at the request of the two Unionist leaders.

2. Mr Molyneaux said that he and Dr Paisley had decided to seek the meeting in view of the dangerous situation in Northern Ireland arising out of:

(i) the Government's ambiguity in dealing with Sinn Fein councillors;

(ii) the stepping up of the terrorist campaign on the part of associates of these councillors;

(iii) speculation about the Anglo-Irish talks.

On top of these factors was the new policy on banning traditional parades which was seen as the last straw by many loyalists. If this policy were pushed too far, there would be a major eruption of violence with confrontation between loyalists and the RUC and there would be no point in Unionist leaders advising people to stay calm. While Mr Molyneaux could see the reasoning behind some of what the Secretary of State's security advisers were trying to do, it was essential that they should act with more sensitivity.

3. Dr Paisley said that the policy on banning and rerouting marches would be the detonator that unleashed loyalist violence. It was incomprehensible that action should be taken against traditional loyalist marches that had followed the same route for decades or more, especially given that Hibernian marches had been allowed through loyalist and mixed areas, such as Rasharkin and Portglenone. The proposal to reroute a Craigavon/Portadown march away from the "Tunnel" was particularly serious. Dr Paisley despaired of the

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decision to operate extra Divisional Mobile Support Units to deal with a possible loyalist backlash against the Anglo-Irish talks; this was explosive. It appeared that the Government wanted to see loyalists on the wrong end of RUC batons in order to prove to the Irish that the security forces were impartial. The stage was being reached where there was no point in talking to the Secretary of State about security; Unionists would have to concentrate on using Parliament and the media to communicate. Indeed, was there any point in Loyalist politicians carrying on in public life?

3. The Secretary of State said that constitutional politicians would always be welcome to meet him to discuss security matters. He agreed with much of Mr Molyneaux' analysis of the situation but could not accept his conclusions. The Anglo-Irish talks were closely geared to the needs of the security situation, vitally important given that the Secretary of State had taken on the Unionists' point that security would not further improve substantially until something was done about the border. As for Sinn Fein's presence on District Councils, it would have been a mistake to proscribe them before the elections; if we had done so it would have been impossible to demonstrate that they constituted only a minority within the minority community. In its dealings with councillors and other elected representatives, the Government's policy was clear; it would distinguish to the maximum extent possible allowed by the law between those who believed in constitutionalism and those who connived in violence. On the level of violence, it was not the case that there had been some sudden upsurge. Since the beginning of the year 39 people had been killed, exactly the same number as in the same period last year; there had been 234 injuries compared to 284; fewer shooting incidents; and less use made of explosives. The pattern of killings had changed however in that more policemen had died, but fewer soldiers. The Secretary of State said that he would listen carefully to views on parades; the policy was to reduce the opportunity for mutual provocation and reduce the amount of RUC resources being diverted away from counter-terrorist activities to deal with marches. It was not possible to generalise on marches; each decision on rerouting would be taken on its merits by the RUC in the light of local conditions. Banning parades was a matter for the Secretary of State who took RUC advice.

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4. Mr Molyneaux said that in their dealings with Sinn Fein, Ministers and departments were acting in accordance with legal advice. Councils, however, were having to establish the position by means of test cases in the courts. For example, it was not clear in some cases whether Sinn Fein councillors could legally be excluded from nominations to certain Boards. There was a duty on Government to advise councillors, rather than expect them to risk putting themselves on the wrong side of the law. Perhaps DOE-NI could work more closely with Councils to give them support on this. Also, would the Government consider changing local government law in the light of the Sinn Fein threat? The Secretary of State said that it would be a mistake to rush into any changes in the law. rather it was his intention to keep the situation under review for a period to allow Councils the opportunity to settle down to their work. On the question of legal help for Councils, Mr Scott said that if Chief Executives spoke to DOE-NI they would no doubt receive advice where the law was clear cut; but where there was doubt the matter would have to be tested in the courts. (Mr Barry to note and to advise please on whether anything further should be said to Mr Molyneaux about this.)

5. Mr Molyneaux cast doubt on whether the Anglo-Irish talks would contribute to better security. If the Irish were acting in good faith they would have done more to stop the flow of explosives while the talks were in progress. The Taoiseach ought now to be taking effective action to show his determination to deliver on his side of the agreement. Loyalists feared that a good deal would be conceded to the Irish with nothing being given in return in terms of enhanced security in border areas. The Secretary of State replied that there were many ways in which the Irish could help on the security front, in the field of explosives for example. They were already working with the UK on examining ways of producing fertilizer that was less easily converted to Home Made Explosives. There could be enormous benefit in devising a methodical arrangement for consultation with Dublin in which such matters could be pursued.

6. Dr Paisley said that if the cost of better security was to allow the South to get a toe in the door leading to Irish unity, then

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Unionists would not pay such a price. If they needed concessions in order to behave decently, that was not good enough. Successive British Governments had betrayed Northern Ireland and, with the Dublin element thrown in as well, an explosive situation was being created. It had in the past been stated by British Governments that the affairs of Northern Ireland were for the UK Parliament and the people of Northern Ireland to decide. Now it was being said that the government in the Republic had the right to represent the nationalist community in Northern Ireland; that was the toe in the door. Moreover the constitutional guarantee would be severely undermined if Dublin was to be involved in law-making in the North and if Judges from the Republic were to be involved in applying Northern Ireland's law. The Secretary of State said that there was no question of the Government in Dublin being given joint authority over Northern Ireland. If agreement was reached, then this would become clear. Mr Molyneaux doubted whether the Irish would agree to enhanced security co-operation unless HMG conceded more than was allowed for under the terms of the Chequers summit. Dr Paisley noted that the SDLP believed Northern Ireland to be a failed entity and could not be expected to help make the Province workable.

7. Mr Molyneaux disputed the argument that the policy on parades was designed to release RUC resources to deal with terrorism. Where parades were banned or rerouted, the police commitment had been shown to be greater than when they were allowed to proceed along traditional routes. It was monstrous that traditional parades should be re-routed because the character of the neighbourhood had changed (usually the result of unionist acceptance that land should be used for better housing for Catholics). The position in Craigavon/ Portadown was a nonsense. The parade was being rerouted away from the "Tunnel" where there was a small Catholic presence to take it through much larger Catholic housing estates. This would be seen as a victory for Sinn Fein, one of whose councillors lived in the "Tunnel". Dr Paisley reported on an unsatisfactory meeting in RUC HQ where a senior police officer repeatedly lost his temper over discussion on an Apprentice Boys parade in Belfast and had to be restrained by a junior officer. Banning traditional parades would constitute an intolerable provocation of the Loyalist people and would result in serious confrontation. Mr Molyneaux said that he and

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Dr Paisley did not support new "coat trailing" parades clearly aimed at provocation; but the authorities should rethink their stance on traditional parades.

8. The Secretary of State re-iterated the point that decisions would be made on a case by case basis in the light of local circumstances; the way through all of this was for parade organisers to enter into constructive discussions with the local police. Mr Scott accepted that for the first time that a march was re-routed extra police resources might on some occasions be needed; but in subsequent years the policing requirement should be considerable reduced.

9. Dr Paisley referred to the Secretary of State's decision not to meet Mr Graham and the Reverend Foster as a part of a DUP deputation to discuss security. It was intolerable that they should be treated in the same way as members of Sinn Fein, who supported the killing of members of the security forces. The Secretary of State said that he had read very carefully the report of the Assembly debate on 19 June. Graham and Foster were clearly speaking in support of retaliatory killings outside the law; this was so alien to anything that the Secretary of State could contemplate that in the aftermath of such statements he could see no point in meeting them to discuss security. The Secretary of State accepted Dr Paisley's point that these people lived under enormous pressures, but pointed out that as leaders in the community they had a duty to behave responsibly. Mr Molyneaux said that all of this was an inevitable consequence of setting up an Assembly with no powers and no control over security. It was inevitable that in their frustration, members of such a body would give vent to their feelings in an extreme manner. As for whether he would meet the Reverend Foster later, as a member of the Assembly Security Committee, the Secretary of State said that he would consider the matter carefully.

10. As the meeting came to an end, Dr Paisley said that he had met successive Secretaries of State. The position was getting progressively worse. He would no longer talk to the Government about security; his next public statement would be stronger than anything said by Messrs Graham and Foster. It was irrelevant that

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security statistics showed an improvement; the real point was the increasing bitterness of the man in the street. Ulster's constitutional position would be protected by the people of Ulster, not by any meaningless constitutional guarantee. Ulster was close to getting out of hand and Dr Paisley would not be surprised to see prominent Sinn Fein councillors being shot.

11. The Secretary of State said that he understood the words of anxiety and emotion which swept through the majority community from time to time, producing extreme statements. However during his period in Northern Ireland, he had been greatly encouraged by the number of ordinary people who continued to speak in constructive moderate tones. We have taken careful note of all that Mr Molyneaux and Dr Paisley had said.

J A DANIELL
Private Secretary

21 June 1985

cc PS/S of S (L&B)
PS/Ministers (L&B)
PS/PUS (L&B)
Mr Bloomfield
Mr Brennan
Mr Stephens
Mr Barry (DOE-NI)
Mr Chesterton
Mr Merifield
Mr Gilliland
Mr Ferneyhough
Mr Buxton
Mr G Hewitt
Mr Coulson
Mr Lyon
Mr Reeve
Miss Elliott
Mr Bickham
Mr Wood

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SECRET

From: THE PRIVATE SECRETARY

21

NORTHERN IRELAND OFFICE
WHITEHALL
LONDON SW1A 2AZ

Charles Powell Esq
10 Downing Street
LONDON SW1

18th June 1985

Prime Minister has seen CDP 19/6.
CDP 20/6

Dear Charles,

POLITICAL DEVELOPMENT IN NORTHERN IRELAND

As you may know, the Secretary of State has begun another round of talks with the leaders of the main constitutional political parties in Northern Ireland to see what scope exists for political development in the Province. The first meeting in the current round took place yesterday with John Hume MP and the Secretary of State has suggested that the Prime Minister might be interested in seeing a copy of the record. As you will see, the discussion ranged over the twin tracks - internal and external (Anglo-Irish) developments.

I am sorry the quality of our mufaxed copy is not very good.

I am copying this letter and enclosure to Len Appleyard (FCO) and Richard Harfield (Cabinet Office).

Yours Sincerely

Neil Ward.

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MEETING BETWEEN THE SECRETARY OF STATE AND JOHN HUME HELD ON 17 JUNE TO DISCUSS POLITICAL DEVELOPMENT

1. Mr Hume opened by mentioning two American based initiatives which would be of assistance to the SDLP. First, the party had secured the assistance of the National Democratic Institute for International Affairs which was to organise a fund-raising effort for the SDLP in the United States. This had been announced in Northern Ireland in a relatively low key fashion and the Secretary of State noted that so far it had not precipitated any reaction from the Unionist parties. Second, advisors to the Democratic Party on electioneering had arrived in Northern Ireland to carry out a survey into nationalist voting patterns in the Province with a view to advising the SDLP on how to pitch their campaigns in the future; and they would assist the party to refine its campaign organisation.

2. On the district council elections, Mr Hume stressed that all along he had been predicting that PSF would win some 50 to 60 seats while the SDLP would win around 100. This was exactly what had happened. It was to be regretted that the media should have attached unwarranted significance to Sinn Fein's performance. Mr Hume agreed with the Secretary of State's comment that the SDLP had done rather better in the East of the Province than in the West. This he put down to poor organisation in some districts and the unreasonable behaviour of the unionists in some areas (eg Fermanagh) which had cut the ground from under the SDLP. He noted that in Londonderry the SDLP had a number of new young councillors who should become a dynamic force in that city.

3. On the events since the elections Mr Hume said that the unionists were playing into PSF hands by proving that democracy did not work in certain areas. Also they were confirming the widespread belief in the nationalist community that unionists were not interested in sharing power or in the principle of proportionality. This was bound to affect attitudes on the question of whether any further powers could be devolved to locally elected representatives.

4. Introducing the discussion on political development, the

Secretary of State said he appreciated that the SDLP might find it difficult to commit themselves to anything before knowing the outcome of the Anglo-Irish talks. Nevertheless the SDLP should understand the Secretary of State's concern that progress on the external track should be accompanied by movement internally. That was why he wanted to continue the process of sounding out the party leaders. The Secretary of State specifically mentioned the option of partial devolution as a possibility, stressing that under such a system he would, initially at least, keep control of the purse strings through retaining responsibility for the DFP. The nationalist community's experience of local government should not colour their attitude towards partial devolution which was in the gift of the British Government who could devise a system and procedures which would not be open to abuse. In view of Mr Hume's comments about anything that smacked of local government, the Secretary of State did not make any mention of the other two models although he said that there were other possibilities.

5. Mr Hume said that he would not set his face against partial devolution. It was a possibility that could be given positive consideration in the right circumstances. However he was bound to doubt the Unionists' commitment to any form of proportionality or power sharing; and, given the attitude of their MPs towards the Assembly, the UUP seemed unlikely to make a genuine effort to bring about devolution. Mr Hume noted that the SDLP were to have a party meeting within the next two weeks at which political options were likely to be discussed. He was confident that any move to commit the party against considering internal options would be defeated.

6. On the external track, the Secretary of State said that he assumed Mr Hume was being kept in touch with developments by Dublin. Mr Hume confirmed that this was the case in general terms although he did not know the details of the negotiations. He agreed with the Secretary of State's assessment that undue optimism about the likely outcome of the talks had been replaced by undue pessimism and that the prospects for success were slightly better than evens. He thought it no bad thing that agreement was unlikely to be reached before or during the marching season.

Mr Hume felt that the main focus of interest in future negotiations would be in Confidence Building measures (he made use of this term without any prompting), especially in the law and order field. Radical changes in the UDR and RUC were necessary and these would constitute a package of measures associated with any agreement. Mr Hume did understand the Secretary of State's point that sometimes progress could more safely be made quietly and by stages: for example there was the gradualist approach on releases in Secretary of State's pleasure cases. However he felt that the nationalist community needed a clear sign of a change of policy and attitude when security policy was concerned; this meant more than cosmetic gradualist changes. Moreover it was unreasonable to expect the Republic to accept responsibility in security matters in Northern Ireland without authority. The Secretary of State responded to this last point, arguing that if the Republic were given a consultative role they were not being asked to accept responsibility for policies; they would be at liberty to make it clear that they had made representations and that they did not agree HMG's approach on particular issues.

7. In the context of Confidence Building measures, Mr Hume mentioned joint Courts. When asked how central this concept was to his view of any agreement, he replied that he was bound to favour anything "joint". However joint courts did not go to the root of what was needed and Mr Hume by his general tone and attitude did not seem to view this as an issue on which any agreement would stand or fall. (Nor did he at any stage say that joint authority, as opposed to a consultative role for Dublin, was essential.)

8. Mr Hume said that if agreement with the Irish were reached, presentation would be important. He suggested that any agreement be represented not as some dramatic new development, but rather as a logical extension of what had gone before. This would make it difficult for Charles Haughey to oppose the agreement in the Republic and it might stir up less antagonism amongst unionists in the North. The Secretary of State expressed interest in this approach but pointed out that care would have to be taken not to feed the argument that this was but one more move down the slippery slope.

9. The Secretary of State asked Mr Hume whether there was anything he felt that HMG might do over the next couple of months to strengthen the hand of the constitutional parties. Mr Hume mentioned effective control of marches and parades as an area where action was necessary. Portadown was an example of where a very dangerous flashpoint existed which could lead to a repeat of the events of August 1969. It was intolerable that loyalists, led by Ian Paisley, should be permitted to march through a small catholic ghetto in the town; and the sight of policemen being effectively brushed aside by Dr Paisley and his followers did the RUC serious harm in the eyes of the community. Mr Hume also mentioned, without elaboration, the economic situation as an area of increasingly serious concern on the part of the minority community. The Secretary of State asked how the SDLP might react to his floating the idea that all elected persons in Northern Ireland on taking their seat, be required to swear, not on oath of allegiance, but rather a declaration of commitment to non-violence. Mr Hume responded by saying that one of his aides had suggested that the SDLP might propose resolutions in Councils requiring that office holders commit themselves to non-violence. As for the possibility that there might be a legal requirement that a declaration be made, Mr Hume said that he would mull it over but that in the meantime he would prefer other SDLP representatives not to be consulted.

10. There was a brief discussion of Mr Goldin's visit. Mr Hume said that he had seen Goldin whom he had found intelligent and understanding. Goldin had apparently been upset at PSF's assertion that he understood the logic of the bomb attack on Belfast City Centre on 14 June. Mr Hume had taken the opportunity strongly to press Goldin on the importance of securing more jobs for Northern Ireland as the best way to reduce unemployment in catholic areas; disinvestment could not help.

11. On his future availability, Mr Hume told the Secretary of State that he would be accessible in Northern Ireland for most of the rest of the summer, apart from two weeks at the beginning of August when he would take a holiday abroad.

E.R.

12. The discussion was relaxed throughout and Mr Hume, while not showing great enthusiasm, took care not to rule out any options that were raised - internal or external.

J A DANIELL
Private Secretary

18 June 1985

DISTRIBUTION

PS/S of S (B&L)
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Mr Stephens
Mr Chesterton
Mr Gilliland
Mr Merifield
Miss Elliott
Mr Lyon
Mr Reeve
Mr Bickham

FROM:
THE RT. HON. LORD HAILSHAM OF ST. MARYLEBONE, C.H., F.R.S., D.C.L.

20

HOUSE OF LORDS,
LONDON SW1A 0PW

SECRET

Prime Minister

CDP 6/6

Prime Minister

MS

Joint Irish Court

1. I have now seen Douglas Hurd's minute to you of 31st May 1985 commenting on my earlier minute to you of 24th May enclosing correspondence I had received from Lord Lowry.

2. As you know I see no future whatsoever in the proposal for Joint Courts under present conditions and I am glad to note that OD(I) has taken a firm line about this.

3. Douglas is quite right in what he says about Lord Lowry; he should not be encouraged to regard himself as a party to or monitor on our discussions with the Irish Government and I have been most careful not to do so.

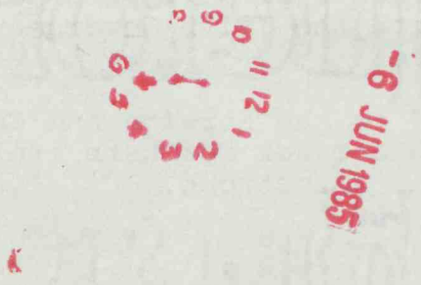
4. I am copying this minute to the Foreign and Commonwealth Secretary, the Secretary of State for Northern Ireland, the Attorney General and Sir Robert Armstrong.

H. of Sr. M.

5th June, 1985

SECRET

IRELAND: Situation: Pt 20.



SECRET

CDP 19

3/6.

Prime Minister (2)

AT 31/5

JOINT IRISH COURT

I was interested to see Lord Lowry's letter which the Lord Chancellor has sent you with his minute of 24 May. attached

2. Lord Lowry seems still to be under some misapprehension about the position of the Northern Ireland Office in relation to the idea of mixed courts. Ever since the idea was first mooted in the Anglo-Irish talks my representatives mave made plain their scepticism about both its practicability and desirability; and, as you know, I fully support the firm line which OD(I) has taken about this. Lord Lowry's comments on the suggestion in the Irish Times that we are considering the possibility of a Southern observer in the Northern Ireland courts are misplaced. Whatever the Irish Times may have said, this is not a suggestion which has been put forward by the Irish side or entertained by us. In parts of his letter the Lord Chief Justice strays beyond his judicial role. He is a shrewd observer of the political scene, which interests him deeply, and I will always be glad to hear his private opinions on the Irish elections or anything else; but we should not in my view encourage him to regard himself as a party to or monitor of our discussions with the Irish Government.

3. I am copying this minute to the Lord Chancellor and the Attorney General and also, with a copy of the Lord Chancellor's minute and its enclosure, to the Foreign and Commonwealth Secretary and Sir Robert Armstrong.

NDWard
(Private Secretary)
for DH
(Dictated by the Secretary of State and signed in his absence from London)

31 May 1985

te

SECRET

31 MAY 1985

CF (4)

Telephone
BELFAST 650222

SIR JOHN HERMON, O.B.E.
CHIEF CONSTABLE

BROOKLYN
KNOCK ROAD
BELFAST
NORTHERN IRELAND BT5 6LE

29 May 1985

R5
Prime Minister
CDP
5/6

Dear Prime Minister,

Your expression of sympathy regarding the murder of four of my officers by explosion on the Border with the Republic on the 20th of this month has been conveyed to the families of the victims. I have been asked by them to express to you their very deep appreciation.

You will know how much your expressed concern means to us all just now, and on this I speak on my own behalf and that of all members of the Royal Ulster Constabulary and the Reserve.

Yours sincerely,

J. Hermon

The Right Honourable Mrs Margaret H Thatcher MP
The Prime Minister
10 Downing Street
LONDON

IRELAND : Situation : Pt 20

CONFIDENTIAL

From: THE PRIVATE SECRETARY

Prime Minister
Per information

(2)

NORTHERN IRELAND OFFICE
WHITEHALL
LONDON SW1A 2AZ

Charles Powell Esq
10 Downing Street
LONDON
SW1

28th May 1985

MT

Dear Charles,

THE RUC AND THE GARDA SIOCHANA

Mr Hurd (who is on leave in Scotland) has asked me to keep you up to date on the dispute between the RUC and the Irish over the terrorist attack near Newry on 20 May.

As he reported to Cabinet on 23 May the Irish were irritated because the Chief Constable had at once published his belief that the terrorists and the explosives had come from the Republic before communicating with them privately. Both the Garda and the Irish Government interpreted this as a direct attack. In a telephone call to Mr Barry on 22 May, Mr Hurd gave specific reasons for our belief that the vehicle in question had probably travelled via the Republic, and that the terrorists had probably escaped to the Republic. The Irish Government however chose to brief the press about this to the effect that the British Government had assured them that there was no evidence of Irish involvement (Dublin telegram number 312 of 24 May refers).

The resulting press stories have inevitably put the Chief Constable in a difficult position. Mr Hurd has kept in touch with him and found him reasonably relaxed. The Garda privately invited a senior Assistant Chief Constable to visit his opposite number in Dublin on Saturday 25 May. Though by no means a complete substitute for resumed contact at the top level this invitation indicated some wish towards an accommodation and in the event modest progress was made.

It is not in our interests to make a public row with the Irish Government over their misleading presentation of this affair. Nevertheless Mr Hurd thinks it is important that they should understand the depth of the sense of frustration which many

feel in the North as a result of terrorist activities South of the Border, particularly those who come North to operate in the Newry area. He proposes to use the occasion of his meeting in London with the Irish Foreign Minister on 30 May to make this point and to explore how best to achieve a proper exchange of information and co-ordination of plans at senior police level.

I am copying this letter to Len Appleyard (FCO) and Richard Hatfield (Cabinet Office)

Yours Sincerely

Neil Ward.

N D WARD

ssd

28 MA

CONFIDENTIAL

file

10 DOWNING STREET

From the Private Secretary

28 May 1985

This is just to record that the Prime Minister has seen and noted your Secretary of State's minute of 17 May about the conversion of Kilroot Power Station.

Timothy Flesher

Jim Daniell, Esq.,
Northern Ireland Office.

CONFIDENTIAL

FROM:

THE RT. HON. LORD HAILSHAM OF ST. MARYLEBONE, C.H., F.R.S., D.C.L.

18

LORD CHANCELLOR

HOUSE OF LORDS,
LONDON SW1A 0PW

SECRET

Prime Minister

Prime Minister
Lord Lowry's disquiet is not really justified. But it will be useful vis-a-vis the Taoiseach.
CDP 29/5.

Joint Irish Court

I thought that you would wish to see the enclosed letter from the Lord Chief Justice of Northern Ireland about the proposal to create a joint Irish court. It indicates the strength of the disquiet felt by the Northern Irish judiciary about this issue and emphasises, rightly I believe, that the reaction of the Protestant majority in the province might be formidable were such a court to be created.

I am copying this minute to the Secretary of State for Northern Ireland and the Attorney General.

H: of S: M.

If this is the thought of Judges on the Bench, it seems to me very unwise even to include the study in the memorandum.

MS

24th May, 1985

SECRET

078143.

LORD CHIEF JUSTICE NORTHERN IRELAND

ROYAL COURTS OF JUSTICE
BELFAST
BT1 3JF

SECRET

21st May, 1985

Dear Lord Chancellor,

So far, regarding the Irish Government's proposals about our courts, I have dealt with the Northern Ireland Office, as the Department responsible for this part of the United kingdom, and have kept you in touch with the situation. This time I write to you as the Minister responsible for our courts and judges and, even more, as someone who is deeply concerned for their standing and well-being and who understands what is at stake. Several Departments, and not merely NIO, appear to be concerned with the "Irish negotiations".

The immediate cause of my troubling you is an article on page 1 of last Thursday's "Irish Times", which I mentioned to the Permanent Secretary and which you may have read. While it is foolish to give excessive significance to newspaper articles, there are some special aspects of this one. I held a short judges' meeting before court on Friday, which endorsed my intention to write and considered that my letter should go to you.

Before and since our lunch on 2nd March the Taoiseach has persistently promoted the idea of mixed courts, which has greatly worried the Northern Ireland judges. When I saw the Secretary of State and his PUS on 30th April, the latter stated that the Southern judges had not yet been consulted, which again shows, if any illustration is required, that the idea - like the NIO consideration of it - is purely political. I surmise that, if NIO felt obliged to accept the proposal, they would find consolation in a three-judge court, (which has been advocated at times from both ends of the political spectrum) despite its most recent rejection by Baker and my advice from 1972 up to now. The proposal would involve using two of our judges for every one needed at present and, presumably, one judge in Dublin. Apart from all the other drawbacks, we cannot do this without destroying the senior Bar.

This, however, is only by the way. The Secretary of State confirmed on 30th April that U.K. policy was still based on the "three points" clearly enunciated by the Prime Minister after her meeting with the Taoiseach. I said that to adopt the mixed courts proposal would be a clear and grave infringement of sovereignty and therefore in

/conflict

conflict with the Prime Minister's three points and declared Government policy. (The Irish Government would no doubt view differently our judges sitting in Dublin, owing to the legal fiction contained in Articles 2 and 3 of their Constitution.)

May I just refer to the article, which continues on page 7 under the cross-heading "N.I. role for judges urged". It probably is Irish Government inspired and reflects their thinking. After describing the three-judge mixed court, it goes on:

> "The British negotiators in the Anglo-Irish talks are, however, resisting the idea, according to highly placed sources in London, though the possibility of the 'outside' judge sitting in as an observer has not been ruled out."

The next paragraph but one states:

> "The Irish Government case is believed to be based on the proposition that terrorism is an all-Ireland problem and that a Southern judge sitting in a Northern Court, operating legislation agreed between the British and Irish Parliaments, would give a nationalist dimension to the Northern Ireland legal system, from which the nationalist minority has traditionally been alienated."

The observer proposal is referred to again on page 7:

> "As before, the key element will be Mrs. Thatcher. It is predicted that she would be prepared to accept a dual court system but only with outside judges acting as observers, and that she is more sympathetic to getting agreement rather than calling off the talks."

It is reassuring to know that mixed courts are resisted, as plainly they must be if the Prime Minister's policy is followed; but it is alarming to hear that the observer alternative is being considered, especially when the writer attributes to the Prime Minister a possibly favourable attitude.

I wrote at length about mixed courts on 4th March and have little to add beyond emphasising my point on sovereignty, which you were good enough to endorse when I visited you on 2nd May and which I would be most anxious to have noted by the Prime Minister - at your behest, if you think that would be the proper course. The idea is nakedly political, since it could not improve the standard or acceptability of the judging, North and South. The arguments for it are specious and, while stressing alienation of the minority, deliberately ignore the dramatic and inevitable effect which its introduction would have on the majority. After all, the Taoiseach repeatedly stresses the need for a solution "acceptable to both communities in Northern Ireland". It is not difficult, either, to foresee the effect on the standing of the Bench and on the credibility of all convictions already reached under the present system.

/I have

I have always valued the wisdom and sound advice of your Permanent Secretary, who - very logically - considers the mixed courts proposal so impracticable as not to be a runner. That, of course, ought to be correct but, in any event, the idea ought to have been clearly ruled out before now, and it was still alive on 30th April. Furthermore, we are now afflicted with the new observer idea. I first heard of it as a "serious proposition" on 26th April, but the Secretary of State had not heard of it on 30th April. I did not think to ask the PUS whether he knew about it; at all events he said nothing. As you see, it is prominent in the "Irish Times" and is, perhaps, my main motive for this letter.

The dangerous attraction of the observer proposal, and therefore the cause of my alarm (which is wholeheartedly shared by all the other judges), is that it would not require legislation and could be represented to the Prime Minister as a palliative idea which would not breach sovereignty. For our part, we find the idea completely unacceptable and we consider that to have judges from the Republic sitting on the Bench would be an intolerable intrusion on our efforts to do justice in terrorist cases and an implied condemnation of all we have done so far. As well as that, if we were to permit this innovation, I consider that the social and political effect would be disastrous and quite the opposite of what is hoped.

I do not need to explain to you, although others may be unwilling to understand, that the observer idea is something quite different from the judicial comity which often causes a judge in the civil courts to ask a distinguished visitor to join him on the Bench for a while. Nor have I forgotten that paragraph 3(1) of Schedule 4 to the Criminal Justice Act 1975 (which deals with the examination of witnesses in Northern Ireland to assist a court in the Republic of Ireland) allows a judge of the court in the Republic, which is conducting a relevant trial and has issued letters of request, to attend the examination of a witness in Northern Ireland and to suggest to the Commissioner questions to be put to the witness. In fact Hutton J., as the trial judge, attended such an examination in Dublin under the reciprocal legislation. But that is quite different. The sitting is in connection with the trial being conducted by that judge in the other jurisdiction and no question of "observing" or monitoring someone else's trial arises.

The presence of observers on the Bench would be an affront to our judges, particularly in view of the Taoiseach's critical and frequent remarks about us, and could not achieve what he and Fine Gael say they are looking for.

A less important point mentioned is the "ending of informer trials by agreement". We have simply tried the cases put before us, with varying results, according to our assessment of the evidence, and many of the cases already heard are under appeal. The speculation which I have read seems to politicise the judicial process, just as the court proposals do.

Looking again at page 7:

> "There is a recognition in the British Government that Dr. FitzGerald must be given time to allow any arrangements to be seen to work before the next Irish General Election in two years."

/That

That statement resembles my own observation in paragraph 3 of my letter of 28th March to the Secretary of State. I should be happy to feel that my diagnosis was completely mistaken. It is a little worrying that the Secretary of State has been forthright in rejecting suggestions about the UDR but publicly silent about the Courts.

If the ideas being canvassed could do the slightest good, then it would be my duty to consider the wider picture. But I am convinced that they would do great harm to the community and would, in the process, reduce the courts to the status of a political football, as never before.

I know that you understand these things and therefore, respectfully and with complete trust, rely on you to do whatever you think is best.

Yours sincerely,

Robert Lowry.

Rt. Hon. the Lord Hailsham of St. Marylebone,
C.H., F.R.S., D.C.L.,
Lord High Chancellor of Great Britain,
House of Lords,
Westminster,
London S.W.1.

CONFIDENTIAL

Prime Minister

CJP 20/5.

PRIME MINISTER

NORTHERN IRELAND DISTRICT COUNCIL ELECTIONS : 15 MAY 1985

You may like to have a first analysis of the results (and their implications) of the local elections on 15 May.

The Results

2. There were no major surprises, despite initial media concentration on Sinn Fein results. The turnout was low, between 60 and 61%, (compared with 65.0% in 1981 and 55.4% in 1977; and 61.7% in the Assembly, 72.8% in the General, and 64.3% in the European elections). Voting trends were very similar to those of recent elections, especially the 1982 Assembly election. The main casualties were the smaller parties and various independents on both sides of the political divide. The Alliance Party also declined and is supported now almost exclusively in Belfast and its surrounds. The final results were as follows:-

Party	Vote	Seats	Gain/Loss*
UUP	29.8	190	+33
DUP	24.3	142	+ 2
SDLP	17.8	102	- 1
Sinn Fein	11.8	59	+55
Alliance	7.1	34	- 4
IIP	1.2	4	-17
Others	8.0	36	-28
TOTAL	100.0	566	+40

(* The gains and losses apply not to the 1981 results but to the seats held by each party immediately before the elections).

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3. The UUP have reasserted their dominance over the DUP throughout Northern Ireland, benefitting from the increased number of seats and the continued decline of small Unionist parties. But the difference between them is one of style rather than substance. They had virtually the same electoral programme and similar slogans: they also encouraged their supporters to transfer their votes between Unionist candidates. Devolution was not an election issue. Mr Molyneaux and Dr Paisley have declared that the two parties will ostracise and work together to frustrate Sinn Fein council activities. They are portraying the results as a vote in favour of the Union and firmly against Anglo-Irish agreements.

4. The SDLP held its ground, retaining its share of the total vote, but with 40 more seats to win, did not increase its share. It was unaffected by the Sinn Fein vote, outpolling Sinn Fein in the ratio of 3:2. The turnout figures, particularly in areas where Sinn Fein did best, suggest a lack of enthusiasm on the part of SDLP supporters. Sinn Fein, as expected, polled less well than in either of the last two elections. On a lower turnout they won only 77,000 first preferences, compared with 102,000 votes in 1983 and 91,000 last year. They contested only 17 of the 26 district council areas and their vote was probably hit by the new anti-personation legislation. Their haul of seats is higher than might have been expected because of the complete collapse of support for the Irish Independent Party; they won 17 of the latter's 21 seats.

The New Electoral Legislation

5. It seems that, despite the medical card difficulties, the new requirement for voters to produce a specified document for identification did not cause serious problems. Although the Unionist parties, in particular Dr Paisley, have suggested that about 7% of the electorate might have been disfranchised, the SDLP and Alliance Party said that the system worked relatively smoothly. The turnout, though low, was not unusal. The fact that more than 80% of the electorate voted in several areas in the rural West suggests that the new rules had only a marginal effect. Most importantly they seemed to have had the desired effect of reducing personation, which the turnout also reflects. I shall be reviewing the effectiveness of the legislation and, in particular, the usefulness of

the specified documents.

Presentation

6. At first the media concentrated in sensational terms on Sinn Fein results. But by Friday they were beginning to be placed in their proper context. Broadcasts and interviews by Nick Scott - which repeated the Government's rejection of Sinn Fein - and official press briefing ensured that this continued. Coverage in the Sunday press was minimal and balanced. Interest has died down for the moment but will probably reawaken when the councils begin to meet, with attendant discord.

Conclusion

7. Sinn Fein's success has been exaggerated but the party's impact on district councils has probably not. There will be friction with the SDLP and loud disagreement with the Unionists. All concerned are using the results for their own purposes. Dr FitzGerald and Mr Hume will claim that votes won by Sinn Fein are clear proof of nationalist alienation and the best possible argument in favour of radical new solutions. Dr Paisley and Mr Molyneaux will use the results to emphasise that impracticality of power sharing and the need for firm measures to protect the Union. They have already adopted a united front against "the common enemy", a move which is designed to show that, as far as the Anglo-Irish process is concerned, the two parties stand together. The terrorist attack today in which four RUC oficers were killed will sharpen the controversy, and has already led Mr Molyneaux and three of his colleagues to come and press me to prosecute Sinn Fein.

N Sharp
Private Secretary
for D H

ssd

20 May 1985

20 MAY 1985

10 DOWNING STREET

THE PRIME MINISTER

20 May 1985

Dear Sir John.

I was very distressed to hear of the murder of four members of the Royal Ulster Constabulary in the course of their duties earlier today. I should be grateful if you could convey my profound sympathy to the families of the victims.

Yours sincerely

Margaret Thatcher

Sir John Hermon, OBE.

Republic) would be joint chairmen. They would be accompanied by their Permanent Secretaries and by other officials and professional advisers.

4. The Committee (and its sub-committee of officials) could meet in separate modes for each of its three main areas of interest, and additional members, appropriate to the subject matter, would attend; thus when the Committee met in its legal mode the Attorneys General might attend.

Legal Matters

5. In this mode, the Committee would deal with issues of concern to both countries relating to the enforcement of the criminal law. A sub-committee might be established to examine whether there are areas of the criminal law applying in Northern Ireland and the Republic respectively which might be harmonised with advantage to both countries. Another sub-committee might consider whether there would be advantage in setting up any system of joint or mixed courts for terrorist crimes; and, if so, what form such a system might take. The Committee would also be concerned with the oversight and review of arrangements between the Republic and Northern Ireland for extradition and extra-territorial jurisdiction.

Policing and Security

6. In this mode, the Committee would consider relations between the police and the community, with particular reference to the minority community in Northern Ireland. A programme of action might be put in hand which would include:

i. the establishment of local consultative machinery;

ii. training in community relations;

iii. crime prevention schemes involving the community;

iv. improvements in arrangements for handling complaints;

v. action to increase the proportion of Catholics joining the RUC.

It would be accepted by both sides that these measures would be directed primarily towards Northern Ireland, with the object of making the police more readily accepted by the nationalist community there, but that some of them might be developed in ways which would also have an application in the Republic.

NOIAAR

7. The Committee would consider at its regular meetings the security situation, with the Chief Constable and the Commissioner in attendance. This would provide an opportunity to discuss serious incidents, and forthcoming events (eg parades and processions), to identify policy issues, and to enhance co-operation between the security forces of the two Governments in the common fight against terrorism. The Committee would have no operational responsibilities; responsibility for police operations would remain with the heads of the respective police forces, and the Chief Constable of the RUC would maintain his existing links with the Secretary of State and the Commissioner of the Garda Siochana his accountability to the Minister of Justice.

8. The Committee might set in hand a programme of work to be undertaken by the Chief Constable and Commissioner and groups of officials in such areas as;

i. the exchange of intelligence and the preparation of agreed threat assessments;

ii. the establishment of effective liaison structures between the security forces of the two countries;

iii. technical co-operations, eg in communications, forensic matters and control of explosives;

iv. training and the exchange of personnel;

v. cross border co-operation and co-ordination of operational resources.

9. The Committee would also be able to discuss policy issues in the prisons. Individual cases could be raised as appropriate, so that explanations could be given or enquiries instituted.

"Identity" matters

10. In this area the Committee, or a sub-committee, could concern itself with measures to recognise national identity, to protect human rights and to prevent discrimination. Here again, it would be accepted that the focus should be on Northern Ireland, but the possible application of any such measures to the Republic would not be excluded.

11. Measures already being considered by the British Government in this area in respect of Northern Ireland include the use of the Irish language (eg in street names), changes in electoral arrangements, and the possibility of removing restrictions on the flying of flags. Consideration might be given to the benefits which could be expected from

NOIAAR

some form of Bill of Rights for Northern Ireland and the difficulties which this would present. If a Bill of of Rights were judged to be desirable in Northern Ireland the Committee might also consider whether similar action should be taken in the Republic.

12. There might be informal consultation with the Irish side of the Committee, so that their views could be taken into account by the Secretary of State in making the appointments to:

Police Authority for Northern Ireland

Police Complaints Board

(Board of Visitors to HM Prisons in Northern Ireland)

Fair Employment Agency

Equal Opportunities Commission

Standing Advisory Commission on Human Rights

Devolved Government

13. The arrangements described in this model would be largely unaffected by the creation of a devolved government in Northern Ireland. The exceptions are:

i. in paragraph 12, appointments to the Fair Employment Agency and the Equal Opportunities Commission (but not any of the other appointments) would now fall to the devolved Government, and the Secretary of State would be unable to offer to discuss them;

ii. some, but not most, of the issues arising under paragraph 10 would also be for the devolved Government rather than the Secretary of State; but major issues such as electoral law, the law on discrimination and any Bill of Rights would remain within the Secretary of Stae's responsibilities, and available for discussion in the Standing Committee.

NOIAAR

CONFIDENTIAL

Prime Minister (2)

To note, and X in para 5 in particular.

AT 1715

Prime Minister

NORTHERN IRELAND ELECTRICITY GENERATION:
CONVERSION OF KILROOT POWER STATION

I am writing to let you know of my intention to authorise the Northern Ireland Electricity Service (NIES) (a) to proceed with the conversion of Phase I of Kilroot Power Station (600MW) initially to coal-firing (and possibly later to lignite firing); and (b) to enter the preliminary planning stage of a new power station to be commissioned in the early/mid 1990s.

2. You will already be familiar with Northern Ireland's heavy over-dependence on oil for electricity generating purposes; 90% of existing power plant is oil-fired. This is the reason for the high cost of generating electricity in the Province, and for the commitment to subsidise electricity prices in Northern Ireland at the level of the highest in England and Wales. The need to reduce its oil-dependence is therefore critical to NIES.

3. The options for reducing oil-dependence have been extensively examined by Government officials, NIES and independent energy experts, and their conclusion was that the cheapest and quickest way of achieving this would be to convert the first phase of the oil-fired Kilroot power station initially to burn coal. They also concluded that the conversion should be designed in a way which did not preclude the burning of processed lignite from near Lough Neagh at a later stage, (should this prove to be economic). New plant will also be needed to replace other existing plant which will have to be retired progressively throughout the 1990s; because of the relative cheapness of lignite compared with coal and oil it has been recommended that the new generation of plant should be lignite-fired.

4. An investment appraisal of the Kilroot conversion project was carried out in 1984. This showed that the project was economically sound; it had a high and positive net present value

and a rate of return in excess of 15%, well above the Treasury discount rate for public sector projects.

5. In considering the Kilroot conversion proposal during the coal strike I obviously had some natural reservations about increasing Northern Ireland's dependence on the NCB for coal. As safeguards against a repetition of an NUM strike, the converted station will retain the option of burning oil, if and when needed (this can be achieved at relatively little expense). I propose that while the station will operate initially on coal supplied from pits in Scotland, the NIES should be able to turn to other sources of coal supplies, should the NCB be unable to supply coal in the required amounts and at the right price. After prolonged discussion Peter Walker, George Younger and Peter Rees are content with these proposals.

6. The capital cost of the project is estimated at £94M (October 1984 prices) and I have found the necessary funds to finance the conversion from within my own resources. NIES estimate that the conversion will result in savings of some £25 - £30M per annum in fuel costs when the station is recommissioned in 1989.

7. To reap the maximum benefit from the project NIES want to start work straight away. A decision to proceed with the conversion will enjoy widespread political support within Northern Ireland. I therefore intend to announce my decision to the House as soon as possible by means of an arranged Parliamentary Question. A copy of the proposed parliamentary question and answer is attached.

8. The Statement also notes that NIES have been given authorisation to proceed with preliminary studies related to the planning of a new lignite-fired station at the mine-mouth, to be commissioned in the mid-1990s, while making it clear that Ministers are not committing themselves at this stage to building a station, which is for separate

/and

and later decision. I am also exploring the possibilities for involving private sector finance in the development of such a station.

9. I am copying this to E(A) colleagues and to Sir Robert Armstrong.

D.H.

17th May 1985

D.H.

E.R.

FUTURE GENERATION STRATEGY IN NORTHERN IRELAND

ARRANGED WRITTEN PARLIAMENTARY QUESTION AND ANSWER

Q. To ask the Secretary of State for Northern Ireland if he will make a statement on his plans for future capital investment in the electricity industry in Northern Ireland?

A. Some 90% of the usable generating capacity in Northern Ireland is oil-fired. This heavy oil-dependence is the main reason for Northern Ireland's high electricity generating costs, and for the decision to provide a substantial Government subsidy to keep Northern Ireland electricity tariffs in close association with the highest Area Board in England and Wales. The cost of that subsidy - estimated to be more than £95 million in 1985/86 - is becoming an increasing burden on the Northern Ireland public expenditure block. The Government and the Northern Ireland Electricity Service have therefore been anxious to explore how best the oil-dependence of the Northern Ireland electricity system might be significantly reduced.

I have decided that the first step in reducing Northern Ireland's oil dependence should be the immediate conversion of the first phase of Kilroot Power Station to solid fuel-firing. In the first instance the station will be converted to coal-firing, although provision will be made in the design to retain the existing oil-fired capability, and to allow the future burning of a processed form of lignite at the station, should this prove to be technically feasible and economic. For this purpose I have made funds available within the Northern Ireland Public Expenditure block which will support the investment and enable the Northern Ireland Electricity Service to carry out the necessary works. The initial cost of the project is estimated at £94 million (at October 1984 prices), and the station is expected to be taken out of service in the years 1986 to 1988, and to be

E.R.

re-commissioned in 1989. After Kilroot is re-commissioned as a coal-fired station, it is estimated that Northern Ireland Electricity Service fuel costs could be reduced by some £25 - £30 million per annum, which will represent a significant saving in public expenditure.

At the same time I am very conscious of the contribution which cheap local lignite might make to reducing Northern Ireland Electricity Service generating costs, and the fact that a substantial proportion of total existing NIES capacity - as much as 35% - will be progressively retired throughout the 1990s. We have therefore given considerable thought to how Northern Ireland's future generating capacity needs should be met, and the extent to which lignite might feature in these plans. Our current assessment is that the most economically effective use of lignite would be in a purpose-built mine-mouth power station, and that lignite-fired plant would offer the cheapest option when new generating capacity is required in the 1990s. As an initial step therefore I have authorised the Northern Ireland Electricity Service to enter into the preliminary planning stages of a new lignite-fired power station to be constructed at the mouth of the lignite mine, and work on such studies has now begun.

It should be realised, however, that the capital expenditure involved in the construction of a new power station will be substantial. Detailed assessments of the phasing of such capital expenditure and of its economic implications have to be carefully examined before a final decision on construction would be taken. In that context I am examining in depth the scope for private sector involvement in the development of lignite-fired electricity generation.

Ref. A085/1321

MR POWELL

Anglo-Irish Relations: Northern Ireland

Thank you for your minute of 13 May.

2. On the first point, I understand the difficulty about the phrase "every effort". I suggest that we might use "determined efforts": for some reason that seems slightly more appropriate to a text of this kind than "strenuous efforts".

3. I wonder, however, whether the Prime Minister would give me discretion to fall back on "every possible effort". This would have the advantage of being slightly nearer to the text in our paper of 21 January (which included the phrase "every effort"), while preserving the thought that we should not be prevailed upon against our own better judgment.

4. On the second point, I will of course try to persuade Irish officials to accept the text now proposed. But it was the phrase "the British Government would retain full responsibility for decisions" which most stuck in their throat last time: they felt that it "rubbed their noses" in it. I take it from the penultimate paragraph of your minute that I have discretion in the last resort to drop the phrase.

5. But I should like to suggest one other possible alternative to the Prime Minister. That is to move the whole of the sentence in question to the end of the paragraph, so that it follows the references to action in both parts of Ireland, and to make it even-handed between the two Governments, so that the sentence would read: "There would be no derogation of sovereignty on the part of either the United Kingdom Government or the Irish Government, and each would retain responsibility for the administration of government within its own jurisdiction.". I believe that I have a reasonable chance of persuading the Irish to accept such a phrase so placed.

6. I attach a revised version of paragraph 2, so that the Prime Minister can see what it would look like as a whole, if amended in accordance with the last suggestion.

7. I am sending copies of this minute to the Private Secretaries to the Foreign and Commonwealth Secretary and the Secretary of State for Northern Ireland.

RCA

ROBERT ARMSTRONG

13 May 1985

CONFIDENTIAL

(13 May)

Revision of Paragraph 2 of the British Text of 29 April

2. Unlike the existing AIIC machinery this Committee would be primarily concerned with North/South rather than East/West relationships and would meet on a regular rather than ad hoc basis. The British Government would accept that the Irish Government would put forward views and proposals on matters relating to Northern Ireland within the body's remit. Attention would thus be given to these matters at the highest level. In the interest of promoting peace and stability, determined efforts [every possible effort] would be made through the Standing Committee to resolve any differences. The focus of the Committee 's work would be mainly in Northern Ireland; but some of the matters under consideration would involve co-operative action in both parts of the island of Ireland and possibly also in Great Britain. Some of the proposals considered in respect of Northern Ireland might also be found to have application by the Irish authorities in the Republic. There would be no derogation of sovereignty on the part of either the United Kingdom Government or the Irish Government, and each would retain responsibility for the administration of government within its own jurisdiction.

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10 DOWNING STREET

From the Private Secretary

SIR ROBERT ARMSTRONG

ANGLO-IRISH RELATIONS: NORTHERN IRELAND

Thank you for your further minute of 13 May.

The Prime Minister does not think that "every possible effort" is sufficiently different from "every effort" to be worth the trouble. She much prefers "determined efforts".

But provided you could obtain the Irish side's acceptance of the new last sentence proposed in paragraph 5 of your minute, I think you could in the last resort fall back to "every effort" if all your attempts to persuade the Irish to accept "determined efforts" fail.

Taken with my minute of 13 May, I think that this gives you a range of negotiating options within which you should be able to reach a satisfactory agreement with the Irish.

I am copying this minute to the Private Secretaries to the Northern Ireland Secretary and the Foreign Secretary.

C.D. POWELL

13 May 1985

SECRET AND PERSONAL

SECRET AND PERSONAL

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10 DOWNING STREET

From the Private Secretary

13 May 1985

Sir Robert Armstrong

ANGLO-IRISH RELATIONS: NORTHERN IRELAND

The Prime Minister has considered your minute of 7 May reporting on the latest round of discussions with Irish officials on Northern Ireland. She agrees that a number of the points raised there will need to be considered further in OD(I).

On the immediate point about the revision of paragraph 2 of the British text about a new Standing Committee, the Prime Minister is not satisfied with the revised version proposed in your minute. While recognising that presentation is important vis a vis the Republic, she thinks that the Unionists' reaction is no less important. With this in mind, she would wish to see two changes to your text:

(a) She does not like the phrase "every effort would be made ..." to resolve differences because this could mean acceding to the Republic's wishes against our own better judgment. She would be prepared to accept "strenuous" or "vigorous" efforts or any similar word.

(b) She considers it more important to retain in the text "the British Government would retain full responsibility for decisions" than "there would be no derogation of sovereignty". The whole agreement is based on the presumption that sovereignty cannot be affected. She would wish you to propose to the Irish Government, therefore, a text which reads:

> "strenuous/vigorous efforts would be made through the standing committee to resolve any differences. But the British Government would retain full responsibility for decisions. The focus of ..."

Although the Prime Minister hopes that you can negotiate point (b) above successfully, I think that in the last resort she would be ready to drop it. Her position on (a) above is very firm.

I am copying this minute to the Private Secretaries to the Northern Ireland Secretary and the Foreign and Commonwealth Secretary.

TMS

13 May 1985 SECRET AND PERSONAL C D POWELL

12

PM/85/44

PRIME MINISTER

Anglo/Irish Relations: Northern Ireland

1. I have seen Sir Robert Armstrong's minute of 7 May reporting the meeting which he had with Mr Nally at the end of April. I think the arguments which he puts forward for proposing a revision of paragraph 2 of the text which he handed over on 29 April are cogent. I can accept the revised text which he proposes without further ado. In substance there is no real difference between this new text, the text of 29 April or the text originally put to the Irish in January. It is a matter of presentation: but for the Irish Government the presentation is of critical importance. There are still important differences of substance between the Irish position and ours and it remains to be seen whether these will prove negotiable. But I am sure that it would be wrong to allow the process to founder over the wording of paragraph 2, when the Irish are in effect seeking to adhere to wording which we ourselves put on the table at an earlier stage. I therefore consider that Sir Robert should be authorised to put his revised text to the Irish, with discretion to fall back if necessary on the full 21 January text (which we know that Irish Ministers have already accepted).

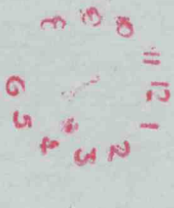
2. I suggest that the important thing is to ensure that we are still in business by dealing with paragraph 2 now. We can address the other questions raised by Sir Robert Armstrong in slightly slower time, when he has explored them further with the Irish. At that stage it would, I think, be appropriate to review the position again in OD(I), as Sir Robert Armstrong suggests.

3. I am sending a copy of this minute to the Secretary of State for Northern Ireland and Sir Robert Armstrong.

GEOFFREY HOWE

Foreign and Commonwealth Office
9 May, 1985

IRELAND
Situation
PG. 20



9 MAY 1985

FROM:
THE RT. HON. LORD HAILSHAM OF ST. MARYLEBONE, C.H., F.R.S., D.C.L.

11

HOUSE OF LORDS.
LONDON SW1A 0PW

Copy No. 1 of 11

SECRET AND PERSONAL

9 May 85

Prime Minister

ANGLO/IRISH AGREEMENT: JOINT COURTS

I have seen Douglas Hurd's minute to you of 2nd May 1985 and your Private Secretary's letter to Douglas Hurd's of 7th May 1985.

I think in this context I should report to you that Lord Lowry came to see me the other day in order to oppose vigorously the very notion that we should even discuss the matter. He repeated many of the views recorded by Douglas but added that he thought that Northern Ireland judges would actually refuse to participate and probably could not be made to do so at least South of the Border.

I might add that what struck me more than anything was the real anger felt by Lord Lowry about possible initiatives toward joint courts.

I am copying this to other members of OD(I) and to Sir Robert Armstrong.

H: of S: M.

9th May, 1985

SECRET AND PERSONAL

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Prime Minister

ANGLO-IRISH RELATIONS: NORTHERN IRELAND

I have seen Sir Robert Armstrong's minute to you of 7 May in which he proposes a revision of paragraph 2 of the British proposal to meet the strong objections of the Irish delegation to the wording OD(I) had approved.

2. The substantial point, namely that HMG retain the sole executive power in Northern Ireland, (subject to any agreed devolution) is of course absolutely essential. We must be able to say and show that this is so. I believe that the point is adequately safeguarded in the revised text in paragraph 4 of Sir Robert Armstrong's minute. The Irish are making heavy weather of changes of wording which import no change of substance. But there is no doubt of the importance which they attach to the presentation of this particular passage, and it would not be sensible to allow its wording to become the rock on which the Anglo-Irish talks founder. We must avoid "fudge" now or later; but we should not be on good ground in resisting a return to wording closer to the text we ourselves offered on 21 January.

3. It will be time enough, after the next round of official talks, and when we have Irish Ministers' reaction to the amended British proposal, to take stock again of the other issues mentioned by Sir Robert Armstrong.

4. I am copying this minute to Geoffrey Howe and Robert Armstrong.

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D.H.
9 May 1985

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PRIME MINISTER

ANGLO-IRISH RELATIONS: NORTHERN IRELAND

A Sir Robert Armtrong's note (attached) describes his latest round of Armstrong/Nally talks, at which he handed over the UK proposal agreed in OD(I).

The talks went rather badly. The Irish professed dismay at:

- the absence of provision for consultation on economic and social matters;

- our inability to agree to the establishment of joint courts.

Both points were predictable and probably manageable. On the other hand they were reasonably forthcoming on binding assurances on the constitutional status of Northern Ireland and on SDLP participation in a devolved administration.

More surprising and potentially more serious they took strong exception to the revised paragraph 2 about the role of the Standing Committee, in particular the deletion of the phrase which had appeared in earlier versions: "Every effort would be made to resolve any differences rather than simply reporting them to the two governments."

The considered view of RTA and others present is that if we stick to our latest version of paragraph 2, Irish Ministers will conclude that we are not negotiating in good faith, break off the negotiations and blame us for the breakdown.

RTA therefore proposes revised language for paragraph 2 as a means of keeping the negotiations alive. His proposal is
B supported by the Foreign Secretary and the Northern Ireland
C Secretary. The Foreign Secretary would be prepared to go further and retreat to the language shown to the Irish on 21 January.

Not every effort - that could mean concede to the Republic against our better judgment.

Other questions will need to be considered by OD(I) in slower time. The immediate questions are: do you accept that a revised version of paragraph 2 is needed to save the talks? If so, can you accept RTA's version?

To enable you to compare texts I attach immediately behind:

(a) text of paragraph 2 handed over to the Irish on 29 April and rejected by them;

(b) the text which RTA proposes that you now agree to substitute;

(c) the 21 January text shown to the Irish but subsequently withdrawn.

It is a difficult decision. Your colleagues tend to dismiss it as simply a presentational point vis-à-vis the Irish Government. They seem to forget that it is also an important presentational point vis-à-vis the Unionists. A text which fails to spell out that the British Government would retain full responsibility for decisions would cause some problems in that quarter: it is probably more important to spell this out than say that there is no derogation from sovereignty, since the whole agreement is anyway based on the presumption that sovereignty cannot be affected. It would therefore be better and more explicit to say:

"... every effort would be made through the Standing Committee to resolve any differences. But the British Government would retain full responsibility for decisions. The focus of ..."

Agree to press hard for this, with Sir Robert Armstrong's formulation (b) as a final fall-back?

C.D. POWELL

9 May 1985

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TEXT REJECTED BY THE IRISH (a)

2. Unlike the existing AIIC machinery this Committee would be primarily concerned with North/South rather than East/West relationships and would meet on a regular rather than an ad hoc basis. The British Government would accept that the Irish Government would put forward views and proposals on matters relating to Northern Ireland within the body's remit, which would thus receive attention at the highest level. There would be no derogation of sovereignty on the part of either the United Kingdom or the Republic, and the British Government would retain full responsibility for decisions; but, in the interest of promoting peace and stability, every effort would be made through the Standing Committee to take account of and so far as possible accommodate views and proposals put forward by the Irish Government before decisions were taken. The focus of the Committee's work would be mainly in Northern Ireland; but some of the matters under consideration would involve co-operative action in both parts of the island of Ireland, and possibly also in Great Britain. Some of the proposals considered in respect of Northern Ireland might also be found to have an application by the Irish authorities in the Republic.

(b)

COMPROMISE TEXT PROPOSED BY RTA & SUPPORTED BY FCS AND NIS

4. We discussed this matter at some length. After the discussion the British side thought that the Irish Government would probably be prepared to accept a revision of paragraph 2 which restored the structure and some of the elements of the corresponding paragraph in the British proposal of 21 January; a possible text (with the amended passage underlined) would be on these lines:

"2. Unlike the existing AIIC machinery this Committee would be primarily concerned with North/South rather than East/West relationships and would meet on a regular rather than ad hoc basis. The British Government would accept that the Irish Government would put forward views and proposals on matters relating to Northern Ireland within the body's remit. Attention would thus be given to these matters at the highest level. In the interest of promoting peace and stability, every effort would be made through the Standing Committee to resolve any differences. But there would be no derogation of sovereignty on the part of either the United Kingdom or the Republic. The focus of the Committee's work would be mainly in Northern Ireland; but some of the matters under consideration would involve co-operative action in both parts of the island of Ireland and possibly also in Great Britain. Some of the proposals considered in respect of Northern Ireland might also be found to have application by the Irish authorities in the Republic."

5. The Taoiseach is at present visiting North America and Irish officials are deferring submission of our text to their Ministers until they hear whether we can offer revised language for paragraph 2.

6. You will wish to consider whether the above version of paragraph 2 is acceptable as a basis for keeping the Anglo-Irish negotiations going, so that we can see whether the other

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21 JANUARY TEXT

ANNEX A

(C)

MODEL A

AIIC STANDING COMMITTEE

Constitution of the Committee

1. There would be established within the framework of the Anglo-Irish Inter-governmental Council (AIIC) a body to consider on a regular basis;

a. legal matters;

b. policing and security questions;

c. issues arising from Northern Ireland's nationalist population's perception of its identity.

Other topics might be added by agreement.

2. Unlike the existing AIIC machinery this body would be primarily concerned with North/South rather than East/West relationships and would meet on a regular rather than an ad hoc basis. (It might be known as the Standing Committee of the AIIC.) As in the case of other parts of the AIIC machinery, the Committee would be essentially a forum for discussion, leaving decision-taking to the two Governments. But, in accordance with the general practice of the AIIC, every effort would be made to resolve any differences rather than simply reporting them to the two Governments. Attention at the highest level would thus be given to the matters in question; but there would be no derogation of sovereignty on the part of either the United Kingdom or the Republic. The focus of the Committee's work would be mainly in Northern Ireland; but some of the matters under consideration would involve co-operative action in both parts of the island of Ireland, and possibly also in Great Britain. Some of the proposals considered in respect of Northern Ireland might also be found to have an application in the Republic.

3. The Committee would meet at Ministerial or official level, as required, either in Belfast or Dublin. There would be regular Ministerial meetings, say once every three months; and special meetings could be convened when necessary at the request of either side. Officials might meet in sub-committees more frequently. Membership would be small and flexible. There would be a small joint secretariat which could be located in Belfast. When the Committee met at Ministerial level the Secretary of State

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Ref. A085/1277

PRIME MINISTER

Anglo-Irish Relations: Northern Ireland

I had a further meeting with Mr Nally at Chevening House on 29 and 30 April 1985. I was accompanied by Mr Andrew and Mr Brennan (Northern Ireland Office), Mr Goodall (Foreign and Commonwealth Office), Mr Mallaby (Cabinet Office) and Sir Alan Goodison; Mr Nally was accompanied by Mr Donlon and Mr Lillis (Department of Foreign Affairs), Mr Andrew Ward and Mr Declan Quigley (Ministry of Justice) and Mr Noel Dorr.

2. I gave Mr Nally the revised British text about a new Standing Committee, as amended and approved by OD(I) on 24 April. The Irish team were given the opportunity to consider the text overnight. The following morning Mr Nally described the reaction of his delegation as "extreme disappointment". He said that the Irish had earlier received the impression that there was much more common ground between us; and this had also been the Taoiseach's impression from his meeting with you on 30 March. It would be impossible to gain acceptance in the Irish Republic or from the SDLP for many elements in the text. The Irish Government would be unable to defend itself convincingly against the inevitable criticism that it was associating itself with the maintenance of security in Northern Ireland without acquiring any influence over policy. The public controversy could destabilise the situation in Northern Ireland - where Sinn Fein's claim that violence paid would be reinforced - and also relations betwen Dublin and London.

3. I do not think that the Irish delegation were entirely surprised to find no equivalent to their paragraph 14, which would provide explicitly for consultation on policy aspects of

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economic and social matters of interest to the minority community, or to find that there was no commitment to set up joint courts (only a readiness to see the idea considered). But they were clearly much dismayed by, and expressed particularly strong disappointment about, the changes made to paragraph 2 of our new text, ie the one which provides that the Standing Committee's role would in effect be merely consultative. The Irish fully accepted that the British Government would retain sole responsibility (subject to devolution) for all decisions concerning Northern Ireland. But they complained that our new draft fundamentally altered the balance of earlier versions. In particular, instead of speaking first about the work of the Committee in resolving differences and then stressing that there would be no derogation of sovereignty, we had spoken first about there being no derogation of sovereignty (adding for good measure the flat statement that "the British Government would retain full responsibility for decisions") and only then had we gone on to speak about the work of the Standing Committee, deleting the statement, to which Irish Ministers attached particular importance, that in the Standing Committee "every effort would be made to resolve any differences rather than simply reporting them to the two Governments". The Irish pointed out that the British proposal of 21 January 1985 had not included the statement about the British Government "retaining full responsibility" and had included the statement about "resolving differences". The Irish delegation clearly thought that the redrafted paragraph 2 represented a significant hardening of the British position, and a distinct step back from the position at Chequers and in the British proposal of 21 January. We formed the definite impression that, if the British proposal was put to Irish Ministers unchanged from the text of 29 April, they would react as Mr Nally and his colleagues had done to this modification of our earlier text for paragraph 2, and would be likely to conclude that we were not negotiating in good faith for an agreement, and to decide that the talks should be broken off and the British Government blamed for the breakdown.

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4. We discussed this matter at some length. After the discussion the British side thought that the Irish Government would probably be prepared to accept a revision of paragraph 2 which restored the structure and some of the elements of the corresponding paragraph in the British proposal of 21 January; a possible text (with the amended passage underlined) would be on these lines:

> "2. Unlike the existing AIIC machinery this Committee would be primarily concerned with North/South rather than East/West relationships and would meet on a regular rather than ad hoc basis. The British Government would accept that the Irish Government would put forward views and proposals on matters relating to Northern Ireland within the body's remit. Attention would thus be given to these matters at the highest level. In the interest of promoting peace and stability, every effort would be made through the Standing Committee to resolve any differences. But there would be no derogation of sovereignty on the part of either the United Kingdom or the Republic. The focus of the Committee's work would be mainly in Northern Ireland; but some of the matters under consideration would involve co-operative action in both parts of the island of Ireland and possibly also in Great Britain. Some of the proposals considered in respect of Northern Ireland might also be found to have application by the Irish authorities in the Republic."

5. The Taoiseach is at present visiting North America and Irish officials are deferring submission of our text to their Ministers until they hear whether we can offer revised language for paragraph 2.

6. You will wish to consider whether the above version of paragraph 2 is acceptable as a basis for keeping the Anglo-Irish negotiations going, so that we can see whether the other

outstanding matters are capable of resolution.

7. The two major areas of more substantive difference are:

(1) The Irish pressed for a clear statement in the text that joint courts would be established. The form, but not the principle, could be left for discussion in the Standing Committee. I explained that the objections of the Lord Chief Justice of Northern Ireland, not to speak of the likely reactions of the Unionists, made it very difficult for the British Government to commit itself at this stage to the introduction of joint courts, even in principle; we could at best undertake to give the idea further consideration, and then see if the reactions to it were moderated when it was seen in the context of the agreement as a whole.

(2) The Irish side said that it was essential that the text should empower the Standing Committee to discuss economic and social matters more widely than is provided for in our new text. I argued that the latter allowed for discussion of cross-border co-operation in the economic and social fields (paragraph 18) and of economic and social discrimination (paragraph 8); and that this was already a significant remit. But the Irish delegation made it clear that this did not go far enough: the Irish Government would need a provision in the agreement which would allow policy aspects of economic and social matters in Northern Ireland, in so far as they bore on the interests of the minority community, to be included in the matters on which the Irish Government had a right to be consulted, so long as they were not devolved to a Northern Irish administration. There seemed to be two main considerations in their minds:

(1) they needed this if they were to carry the SDLP (and particularly Mr John Hume and Mr Seamus Mallon) with them;

(2) they thought that the inclusion of such a provision in the agreement would constitute a powerful inducement to the Unionists to agree to a measure of devolution which would allow these matters to be dealt with by the parties in Northern Ireland and would exclude the Irish Government from them.

8. Some progress was made on other aspects in our talks at Chevening. The Irish side confirmed that they were willing to include in a preamble or the main body of an Anglo-Irish agreement a formal, binding assurance on the constitutional status of Northern Ireland. They said that it would be politically necessary to the Irish Government to have public SDLP support in concluding an agreement; and that they would use all their influence with the SDLP to secure that support and to persuade the SDLP to participate in a devolved administration. On a specific point, the Irish said that they were willing to accede to the European Convention for the Suppression of Terrorism and were confident that this would require neither an amendment to their constitution nor a referendum.

9. I judge that there is no prospect of an agreement unless we are prepared to amend paragraph 2 of the British text as proposed in paragraph 4 above; and that, if we are not prepared to amend paragraph 2 as proposed, the Irish Government will decide that there is no further purpose in continuing the talks, will break them off, and will blame us for their breakdown, accusing us of bad faith in resiling from positions taken up at Chequers in November and in our proposal of 21 January. We therefore need to know whether Ministers are content that paragraph 2 of the British text of 29 April should be amended as proposed before it is put to Irish Ministers. If they are, we will send the Irish a text amended accordingly. This should clear the way for a further round of exploratory talks with Irish officials in mid-May, on the basis of the decisions already taken by OD(I).

In these talks we should be able to discover whether there is any possibility of bringing the Irish Government to accept the text on economic and social matters as it stands, or (if not) what adjustments to the text might bring them to accept it. I should then report in detail on the state of the talks. A further meeting of OD(I) might be appropriate in the second half of May.

10. I am sending copies of this minute to the Foreign and Commonwealth Secretary and the Secretary of State for Northern Ireland.

RA

ROBERT ARMSTRONG

7 May 1985

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SECRET AND PERSONAL

MJ

10 DOWNING STREET

CC LPO
FCO
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LPSO
DTI
CS, HMT
CDLO
LOD
PARL SEC, HMT
LCO
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7

From the Private Secretary

7 May 1985

Anglo/Irish Agreement: Joint Courts

The Prime Minister has seen the Northern Ireland Secretary's minute of 2 May about his discussion with Lord Lowry.

In the light of this, the Prime Minister agrees with Mr Hurd that we cannot do more than offer to study a proposal for Joint Courts.

I am copying this letter to the Private Secretaries to members of OD(I), to the Private Secretary to the Lord Chancellor and to Sir Robert Armstrong.

Charles Powell

Jim Daniell Esq
Northern Ireland Office.

SECRET AND PERSONAL

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Copy No 1 of 18

PRIME MINISTER

Prime Minister

3/5

ANGLO/IRISH AGREEMENT : JOINT COURTS

I understand that during the last round of official talks on 29/30 April, the Irish reacted strongly to the revised British proposal and that one of the main points at issue was the suggestion that the Standing Committee "could consider whether there is a case for establishing a system of joint courts for trying terrorist crimes". The Irish considered that this did not go nearly far enough and that there must be a firm commitment to the principle of establishing joint courts, with only the means of setting them up subject to further study. Moreover, they indicated that they saw this as a crucial point in the negotiations. Against this background, I think I should report a conversation which I had on Monday night with the Lord Chief Justice, Lord Lowry.

2. After emphasising the need for strict secrecy I explained to Lord Lowry (as authorised by OD(I)) the context in which the proposal was being made and the general shape of a possible agreement with the Irish of which it would form part. Lord Lowry reiterated the arguments against joint courts which he had put to me in writing after the Taoiseach first raised the matter with him in Dublin at the end of February. Some of these are technical and concern the disadvantages which he considers to be inherent in plural courts and which would be aggravated if the judges were drawn from different legal and constitutional backgrounds. (All this was gone into in 1974 by the Joint Law Enforcement Commission which rejected joint courts.) But Lord Lowry's main objection was of a broader, political nature. He described it as a clear invasion of sovereignty to have judges from a foreign country sitting in UK courts. He considered that it would have

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the effect of bringing the courts in Northern Ireland into political controversy, and that, far from reassuring the minority, this would be likely to make matters worse. Moreover, he predicted, as a staunch unionist himself, that any move in this direction would produce "one hell of a backlash" from the majority community. Even if the judges succeeded in working together, he believed it would prove a disastrous political step.

3. Lord Lowry went on to say that being strongly opposed to the concept he would himself feel unable to continue in office if joint courts were to be introduced. He believed that all his fellow judges in Northern Ireland, including the Catholics, would also be hostile to the proposal; at least one of them would probably resign too, though most would continue. He would be surprised if Southern judges were not also opposed to the idea. (I am told that the Irish have not yet consulted their judges on the proposal for joint courts).

4. I have no reason to doubt that Lord Lowry speaks for the judiciary in Northern Ireland. In the light of his strong reaction, which echoes the views expressed by the Attorney General in OD(I) last week, I do not see how we can agree to do more than study a proposal for joint courts, in the knowledge that the study is likely to lead to rejection of the idea, as it did in 1974. No doubt we shall have to discuss these matters again in OD(I); and I am therefore copying this minute to the other members of the Committee, to the Lord Chancellor and to Sir Robert Armstrong.

N Howard
Private Secretary

2 May 1985

for D.H.

(approved by the Secretary of State and signed in his absence)

CONFIDENTIAL

CCPR

Foreign and Commonwealth Office

London SW1A 2AH

30 April, 1985

Received 1st May.

Dear Charles,

OBL. 3874.

The Taoiseach's Visit to Londonderry

Further to my letter of 29 April with CSPR. HM Embassy in Dublin have telegraphed extracts from the advance text of a speech which Dr FitzGerald will make today at lunch-time in Londonderry (Dublin telno 237). The Embassy consulted the Department and on instructions pointed out that the first two paragraphs of the text which they telegraphed might be seen by some as provocative in the context of the current local election campaign. We believe that this point was taken on board and reported to the Taoiseach but we do not know whether he has toned down his speech in any way. As it is possible that the wire services will carry the text of the speech before the Prime Minister answers questions in the House this afternoon you may wish to draw it to her attention.

Yours ever,

Colin Budd

(C R Budd)
Private Secretary

C D Powell Esq
10 Downing Street

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NORTHERN IRELAND

PS
PS/LADY YOUNG
PS/PUS
MR GOODALL

HD/RID
HD/PUSD (2)
HD/INFO DEPT
HD/NEWS DEPT

RESIDENT CLERK

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PS/MR R ANDREW, OAB 1/56
MR BRENNAN
MR BURNS
MR J LYON
} NIO

SIR R ARMSTRONG
DIO
} CABINET OFFICE

PS/ NO 10 DOWNING STREET (3)

4.11.85

30/4

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FM DUBLIN 291745Z APR 85
TO IMMEDIATE FCO
TELEGRAM NUMBER 237 OF 29 APRIL 1985
INFO IMMEDIATE NIO (B)

THE TAOISEACH'S VISIT TO LONDONDERRY

1. FOLLOWING ARE EXTRACTS FROM A SPEECH TO BE MADE BY THE TAOISEACH, DR FITZGERALD, IN THE EVERGLADES HOTEL LONDONDERRY AT LUNCHTIME TOMORROW 30 APRIL:

THIS CITY HAS PAID A HEAVY PRICE FOR LONG YEARS OF DISCRIMINATION, MISMANAGEMENT AND NEGLECT IN THE PAST. NO OTHER CITY IN IRELAND HAS SUFFERED SO MUCH FROM THE APPALLING HARDSHIP OF UNEMPLOYMENT NOT JUST AT TIMES OF ECONOMIC DIFFICULTY BUT BORNE BY GENERATION. AFTER GENERATION. NO COMMUNITY IN NORTHERN IRELAND HAS KNOWN SO MUCH OF THE TYRANNY OF VIOLENCE AND TERRORISM WHICH ARE A PLAGUE WITHIN THIS SOCIETY. BUT THROUGH ITS DARKEST HOURS THIS CITY HAS BEEN SUSTAINED BY THE PROUD SPIRIT, BY THE COURAGE, AND BY THE CREATIVITY OF ITS PEOPLE. THE WISDOM AND THE GUIDANCE OF MANY DERRY MEN AND WOMEN, POLITICAL LEADERS SUCH AS JOHN HUME AND CHURCH LEADERS SUCH AS BISHOPS DALY AND MEHAFFEY, AND BISHOP MEHAFFEY'S PREDECESSOR, BISHOP EMPEY, HAVE HELPED SUSTAIN ALL OF US THROUGH THESE TIMES OF TROUBLE.

ON THIS, THE FIRST OFFICIAL VISIT OF A TAOISEACH TO DERRY I WANT YOU TO KNOW THAT YOUR CONCERNS ARE THE CONCERNS OF THE IRISH GOVERNMENT: YOUR HOPES ARE ALSO OURS AND THE VISION WHICH MANY OF YOU HAVE OF A NEW IRELAND, FOUNDED IN PEACE AND RECONCILIATION, WE ARE COMMITTED TO ATTAIN. I WISH TO ASSURE YOU ON ANOTHER POINT. IN OUR DISCUSSIONS WITH THE BRITISH GOVERNMENT, WE ARE

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DERRY, THE OAKGROVE OF COLUM CILLE, A CITY OF EXTRAORDINARY TALENT AND EXCEPTIONAL BEAUTY, IS AT THE INTERFACE OF THE TWO TRADITIONS IN RELAND. NOT OTHER CITY COMBINES IN EQUAL MEASURE THE HISTORY AND THE HERITAGE OF THE PLANTER AND THE GAEL. NO OTHER CITY HAS BEEN LOVED SO WELL BY NORTHERN NATIONALISTS AND UNIONISTS ALIKE.

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2. IN ANOTHER SPEECH TO BE MADE AT EGLINTON AIRFIELD DR FITZGERALD INTENDS TO SAY:

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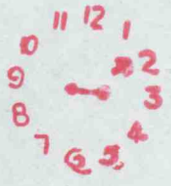
4. FCO PLEASE ADVANCE TO LYON SIL FCO

STIMSON

NNNN

30 APR 1985



GRS 340
UNCLASSIFIED
DESKBY 290930Z
FM DUBLIN 290900Z APR 85
TO IMMEDIATE FCO
TELEGRAM NUMBER 231 OF 29 APRIL 1985
INFO IMMEDIATE NIO (BELFAST)

ANGLO-IRISH TALKS

1. SUNDAY TRIBUNE OF 28 APRIL CARRIED THE FOLLOWING FRONT PAGE ARTICLE UNDER THE HEADING ''THATCHER HEADS TOP ANGLO-IRISH TALKS COMMITTEE'':

'A SPECIAL BRITISH CABINET SUB-COMMITTEE HAS BEEN ESTABLISHED TO OVERSEE THE PRESENT INTENSE ROUND OF ANGLO-IRISH TALKS, ACCORDING TO RELIABLE BRITISH GOVERNMENT SOURCES.

THE COMMITTEE IS T
ADED BY THE PRIME MINISTER MRS THATCHER. AMONG ITS MEMBERS ARE THE NORTHERN IRELAND SECRETARY, DOUGLAS HURD, THE FOREIGN SECRETARY, GEOFFREY HOWE, THE EMPLOYMENT SECRETARY, NORMAN TEBBIT AND THE ARTS MINISTER, LORD GOWRIE, WHO IS ALSO A FORMER NORTHERN IRELAND OFFICE MINISTER.

THE GROUP, WHICH HAS BEEN IN EXISTENCE SEVERAL MONTHS, IS KNOWN IN WHITEHALL TERMS AS AN AD-HOC COMMITTEE - THAT IS, ONE WHICH HAS BEEN ESTABLISHED TO DEAL WITH A PARTICULAR SET OF CIRCUMSTANCES.

THE COMMITTEE'S EXISTENCE AND MRS THATCHER'S PRESENCE ON IT INDICATE THAT THE ANGLO-IRISH TALKS ARE BEING TAKEN SERIOUSLY IN LONDON. HOWEVER, BOTH BRITISH AND IRISH GOVERNMENT SOURCES SIGNIFICANTLY USE THE SAME PHRASE TO DESCRIBE THE PROSPECTS FOR FINAL AGREEMENT - ''ABOUT 50-50''.

DUBLIN'S CONCERN IS TO FIND A FORMULA THAT WILL TACITLY ACKNOWLEDGE THAT BRITISH SOVEREIGNTY OVER THE NORTH WILL REMAIN UNCHANGED, WHILE AT THE SAME TIME ALLOWING THE REPUBLIC AN INCREASING SAY IN THE DAY-TO-DAY RUNNING OF NORTHERN IRELAND.

BUT IRISH OFFICIALS SHOW A CERTAIN SUBDUED OPTIMISM. ON THE BRITISH SIDE, BY CONTRAST, NORMALLY COMMUNICATIVE MINISTERS AND OFFICIALS ARE SILENT. THIS IS SEEN AS A SIGN THAT PARTICULARLY DELICATE NEGOTIATIONS ARE UNDER WAY.

THE AD HOC COMMITTEE WILL REPORT TO THE OVERSEAS AND DEFENSE (OD) COMMITTEE. THIS IS ONE OF THE MOST IMPORTANT COMMITTEES IN WHITEHALL, BUT ITS INFLUENCE HAS WANED SLIGHTLY IN RECENT TIMES DUE TO A CHANGE OF PERSONNEL. THE SENIOR CABINET OFFICE OFFICIAL IN CHARGE OF ITS WORK, BRIAN CARTLEDGE, WAS APPOINTED AMBASSADOR TO MOSCOW SEVERAL WEEKS AGO.

/HIS.

HIS SUCCESSOR IS CHRISTOPHER MALLABY, ANOTHER SOVIET SPECIALIST WHOSE PREVIOUS JOBS INCLUDE THAT OF HEAD OF ARMS CONTROL AND DISARMAMENT AT THE FOREIGN OFFICE. MR MALLABY, WHO HAS DEPUTY SECRETARY RANK, HAS NOT YET HAD TIME TO STAMP HIS PERSONALITY ON THE WORKINGS OF THE OD COMMITTEE AND CERTAINLY NOT ON THE DEVELOPMENT OF ANGLO-IRISH POLICY.

ONE OF THE KEY OFFICIALS IN THIS REGARD CONTINUES TO BE DAVID GOODALL, WHO ONCE HELD MR MALLABY'S POST AND IS NOW DEPUTY SECRETARY AT THE FOREIGN OFFICE.

WHEN JAMES PRIOR WAS NORTHERN IRELAND SECRETARY, HE HAD NO AD-HOC COMMITTEE OVERSEEING HIS ACTIONS: HE REPORTED DIRECTLY TO THE OD COMMITTEE. THE LAST TIME SUCH A COMMITTEE WAS SET UP IN RELATION TO NORTHERN IRELAND MATTERS WAS IN 1979, WHEN AN AD-HOC GROUPING OF MINISTERS SUPERVISED THE ULTIMATELY UNSUCCESSFUL EFFORTS OF HUMPHREY ATKINS TO FIND AGREEMENT AMONG NORTHERN IRELAND PARTIES.

THAT PREVIOUS COMMITTEE WAS HEADED BY LORD WHITELAW AND INCLUDED LORD HAILSHAM AMONG ITS MEMBERS.'

2. FCO PLEASE ADVANCE COPIES TO NUMBER 10 AND TO LYON, NIO (L).

STIMSON

NORTHERN IRELAND
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MR DEREK THOMAS
SIR W HARDING
MR GOODALL
MR BARRINGTON
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MR JENKINS
MR D C THOMAS
BUCKINGHAM PALACE

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NORTHERN IRELAND

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PS/MR R ANDREW, OAB 1/56
MR BRENNAN
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SIR R ARMSTRONG
DIO
} CABINET OFFICE

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4. FCO PLEASE ADVANCE TO LYON SIL FCO

STIMSON

NNNN

CONFIDENTIAL

Foreign and Commonwealth Office

London SW1A 2AH

29 April, 1985

Prime Minister

This might just be mentioned in the House tomorrow

CDP 29/4

Dear Charles,

Visit by the Taoiseach to Northern Ireland

May I draw your attention to telno 229 from Dublin, which records that Dr FitzGerald will be making a brief visit to Londonderry during the morning of 30 April at the request of Mr John Hume, to lend his prestige to the inauguration of a new air service between Dublin and Londonderry.

Visits by the Taoiseach to Northern Ireland in the past have been rare. Dr FitzGerald has been less inhibited than some of his predecessors. He last visited Northern Ireland in January 1983 when he attended a dinner at Queens University arranged to celebrate the 10th anniversary of the enlargement of the European Community. The only other visits in recent times that we have been able to identify are Mr Sean Lemass' historic trip in 1965 at the invitation of Captain O'Neill, Mr Jack Lynch in 1967 and Mr Haughey's visit to Armagh in 1980 for the enthronement of the Archbishop of the Church of Ireland. Irish Ministers have been known to visit the North without even informing us, but courtesy (and no doubt security considerations) make it the norm that when the Taoiseach make a foray of this kind, they inform us in advance. It would have been preferable to have more notice but it is obvious from Dublin telno 229 that the decision to make this visit was probably taken on the spur of the moment, some time last Friday.

Yours ever,

Colin Budd

(C R Budd)
Private Secretary

C D Powell Esq
10 Downing Street

CONFIDENTIAL

SECRET

Prime Minister (2)

CDP 22/4.

MINISTRY OF DEFENCE
MAIN BUILDING WHITEHALL LONDON SW1A 2HB
Telephone 01-~~930 7822~~ 218 2111/3

5

MO 19/3/12

19th April 1985

Dear Charles,

You will wish to be aware that as from 22nd April a new type of baton round will be available for use by the Prison Guard Force (PGF) in Northern Ireland.

CDE Porton have developed a lightweight round, with a polystyrene head containing a small amount of CS powder, known as the XL 19 Frangible. This round will be issued to the soldiers of the PGF at HM Prisons Maze and Belfast (Crumlin Road) who have been specially trained in its use. Specific rules of engagement are being issued.

The PGF has standard baton rounds but these are considered unlikely to stop a determined escaper. The Frangible round will incapacitate its target by releasing a small dose of CS on impact which adheres to the target causing watering of the eyes and coughing thereby making it difficult to move with any purpose or speed. As the dose is small only the target is significantly affected and Prison Officers wearing gloves and face masks will be able to move in to apprehend the escaper. For these reasons it will also be useful in prison riots. However, the new round will only be used when it is considered to be more appropriate than the alternatives. It is not intended to publicise its introduction.

As the Frangible round is lighter, and the polystyrene head collapses on impact, it does not hit so hard as a standard round. This reduces the likelihood of injury. The CS would not have any long term effects.

A battery of 3 Royal Horse Artillery have been trained in the use of the Frangible round prior to taking up duty as the PGF on 22nd April. Only those who carry out this role will be trained in the use of, and supplied with, the new round. There are at present no plans to deploy the round in any other parts of the province.

Charles Powell Esq
10 Downing Street

I am copying this letter to Hugh Taylor (Home Office), John Graham (Scottish Office), Jim Daniell (Northern Ireland Office) and to Richard Hatfield (Cabinet Office).

Yours ever,

Richard Mottram

(R C MOTTRAM)

APR 1985

SECRET

COPY No 2 of 6

4

Secretary of State

Northern Ireland Office
Stormont Castle
Belfast BT4 3ST

NBPT
CDP
2nd.

The Rt Hon Michael Heseltine MP
Secretary of State for Defence
Ministry of Defence
Whitehall
LONDON
SW1A 2HB

19 April 1985

Dear Michael,

Thank you for your letter of 21 March (see PT 19) about the Security Policy Review. I was pleased to note your general approval of the conclusions of the Review, and in particular your endorsement of the need to use our resources in the most efficient and cost effective manner in dealing with the continuing threat of terrorism in Northern Ireland.

I also noted with satisfaction your assurances that the Chief Constable will continue to receive the support and assistance which he requires in undertaking this task. Of course we are all working towards, and looking forward to, the day when normality returns to the Province and troop levels can once again return to pre-1969 levels. The NARC concept (areas in which there will be No Army Routine Commitment) is a useful step in this direction and I shall be watching progress in this area with some interest. But, like you, I fear that we are still a long way from our ultimate objective and that it would be foolish as well as dangerous to relax our efforts at this time.

For that reason, although I smypathise with the GOC's desire to rid himself of static guard tasks, such as providing the Prison Guard Forces, these are issues which require the most careful consideration. We must, of course, start by examining the threat of armed attack upon the prisons from outside and, in the light of the 1983 escape, from within. This exercise must proceed urgently and I have no wish to delay it. However, until we can decide that it is safe to withdraw the PGF, I am concerned that they should continue to fulfil a useful role. In particular I

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would not wish their Rules of Engagement to inhibit this. Our officials have been in touch with yours on this subject, and I am not yet convinced that we have struck the right balance between protecting the soldiers of the PGF from prosecution on the one hand and protecting the public by being able to prevent the escape of dangerous, convicted terrorists on the other hand. I will be writing to you separately on this point.

As regards the recruitment and training of the UDR, I have already discussed these issues fully with the GOC. I believe that we must keep a close watch on both recruitment and training if we are to ensure that the UDR retain - or in some areas regain - the respect and trust of the whole community. I was pleased to note that HQNI are looking into ways of improving, or at least making more visible and comprehensible, the procedures for investigating complaints against soldiers. Any improvements which we can make - in parallel with my own plans for improving the RUC's complaints procedures - should go a long way towards reassuring the community that the security forces are fully accountable for their actions. We will continue to take every possible opportunity to re-emphasise this message, and to underline the value of the work done by the armed forces, and particularly the UDR, throughout the Province.

As for home-made explosives, I wholeheartedly share your concern that we should continue, in co-operation with the Irish authorities, to seek ways of preventing its manufacture. As you know, I set action in hand some time ago. My officials met officials of the Republic of Ireland's Department of Justice on 17 April with a view to agreeing the terms of a joint submission to Ministers here and in the Republic covering an agreed analysis of the problem and the implications from the operational, industrial and agricultural standpoints of possible options for dealing with it. At this stage we are also engaged in further scientific research into new ways of preventing or inhibiting the abuse of ammonium nitrate in fertilisers. This was prompted in part by research work undertaken in the Republic of which we were not aware until recently; scientists in the Republic now are themselves engaged with us in this research. We shall have to see whether or not it offers a further way forward before we press Ministers in the Republic for decisions on the options already identified. If any action in this field is to succeed it must be taken simultaneously in both jurisdictions. This may face the Irish and ourselves with awkward and probably expensive choices, but it is not an issue which can be shirked.

We have been most grateful for the valuable scientific advice and access to facilities which have been afforded to us by HQNI and MOD, and we will not hesitate to make further calls on your resources when the need arises.

Finally, I repeat my sincere thanks for all the help and co-operation which we have received and continue to receive from the armed forces in Northern Ireland. We have a long way to go before we eventually defeat terrorism and restore normality. But we have made considerable progress in recent years. I am certain that we are on the right track, and the Security Review points the way ahead.

I am copying this letter to the Prime Minister, the Chancellor of the Exchequer, the Home Secretary, the Foreign and Commonwealth Secretary and to Sir Robert Armstrong.

Yours ever

Douglas.

MMcC

IRELAND
Sit

SECRET AND PERSONAL

DCAA01 (3)
bc PC

10 DOWNING STREET

From the Private Secretary

16 April 1985

Anglo-Irish Relations: Briefing for HM Ambassador Washington about the Dialogue

The Prime Minister has noted the suggestion in the Northern Ireland Secretary's minute of 3 April and the Foreign Secretary's minute of 15 April that we should provide tailor made written briefing on our negotiations with the Irish Republic to HM Ambassador in Washington.

The Prime Minister would prefer to avoid any written briefing, which she considers would carry an unnecessary risk. But she agrees that Sir Oliver Wright should be given an oral briefing on his next visit here.

I am copying this letter to Jim Daniell (Northern Ireland Office) and to Sir Robert Armstrong.

(C.D. Powell)

L.V. Appleyard, Esq.,
Foreign and Commonwealth Office.

SECRET AND PERSONAL

CST

SECRET AND PERSONAL

PM/85/29

PRIME MINISTER

Anglo-Irish Relations: Briefing HM Ambassador Washington about the Dialogue

1. I have seen a copy of Douglas Hurd's minute to you of 3 April about his visit to the United States last month. I fully take the point which he makes at the end of his paragraph 2 about the need to keep HM Ambassador, Washington, fully informed about the state of play. The views of the Americans about the Anglo-Irish relations are an important factor which we have to take into account. Douglas Hurd is quite right to say that if we do not reach agreement this could have damaging effects on our relations with the Americans. I think we are all aware of this as an additional - though not, of course, a decisive - reason for wanting to reach agreement if we can.

2. We have until very recently kept knowledge of the detail of the dialogue confined to a very small group of people. Douglas Hurd rightly points out that the time has come to include HM Ambassador in Washington in that circle. We may need to consider adding one or two other of our overseas representatives as and when the current talks approach their conclusion.

3. I would still be reluctant to circulate the papers directly related to the dialogue outside the United Kingdom, but I think that we have reached a stage where we could make available to Sir Oliver Wright a short tailor-made pice of briefing as the dialogue progresses. It would also be useful for him to be briefed personally as opportunities present

SECRET AND PERSONAL /themselves

themselves. Perhaps this is something which we could discuss at the forthcoming meeting of OD(I), when we have finalised our instructions to officials for the next round of the dialogue.

GEOFFREY HOWE

Foreign and Commonwealth Office
15 April, 1985

15 APR 1985

CONFIDENTIAL

NORTHERN IRELAND OFFICE
WHITEHALL
LONDON SW1A 2AZ

SECRETARY OF STATE
FOR
NORTHERN IRELAND

NIBIM
CDP
10/3/14

The Rt Hon Peter Rees QC MP
Chief Secretary
Treasury Chambers
Parliament Street
LONDON
SW1P 3AG

April 1985

Dear Peter,

THE 1984 REVIEW OF SECURITY POLICY IN NORTHERN IRELAND

A19

Thank you for your letter of 19 March. I was glad that it was possible to involve your officials in the preparation of the Review and I agree that they should be involved in the identification, refinement and application of security indicators which is proposed.

Like you, I welcomed the Review's accent on value-for-money and I have asked that the statistical analysis should continue to be developed and evaluated in the belief that it will help us considerably when we come to take policy and resource-planning decisions in the future.

I note what you say about overall security force strengths and I am content that our officials should discuss a timetable for further work; but I should repeat the point, which was stressed in the Review itself, that soldiers and policemen are trained for different kinds of work. The balance of security force strengths has changed over the years in response to changes in the nature of the security problem they face. Determining the right numbers of police and Army is bound to include a high element of political judgement and is unlikely to be reducible to a formula based on past statistical trends.

I am/...

CONFIDENTIAL

I am sending copies of this letter to the Prime Minister and to Nigel Lawson, Michael Heseltine, Leon Brittan, Geoffrey Howe and Sir Robert Armstrong.

Yours,

Doug'l.

ssd

Ireland Situation

Pt 20

CONFIDENTIAL

10 DOWNING STREET

From the Private Secretary

SIR ROBERT ARMSTRONG

Exchange of Letters with Dr. Paisley

Your minute of 3 April enclosed a draft reply from Mr. Patten to Mr Peter Robinson, M.P.

The Prime Minister has approved this.

Charles Powell

4 April 1985

SECRET

1

HOME SECRETARY

QUEEN ANNE'S GATE LONDON SWIH 9AT

SECRET

7 April 1985

Dear Douglas,

NRPM
CRJ 3/4

1984 REVIEW OF SECURITY POLICY IN NORTHERN IRELAND

see Pt 19

I was very interested to read your letter of 11 February to Michael Heseltine and the accompanying reports.

So far as the RUC is concerned, you know that the Home Office and HM Inspectorate of Constabulary are ready to give all the help they can in furthering your policy objectives.

The Republic holds many of the keys to success against PIRA. All PIRA activity on the mainland, and much of it in Northern Ireland, is planned and prepared in the Republic.

We have made a lot of changes and progress, following the Brighton bomb, in the arrangements and counter-measures on the mainland against Irish terrorism. But essentially it is a containment strategy, and we are crucially dependent on the provision of intelligence from the South.

I note what you say about the work in a separate context to establish a better political framework for security co-operation. In the meantime, on a day-to-day basis, it remains necessary for all concerned in Great Britain and Northern Ireland to continue to work together to get maximum help and action out of the Republic.

I am sending a copy of this letter to the Prime Minister, the Foreign Secretary, the Chancellor of the Exchequer, the Secretary for Defence and Sir Robert Armstrong.

Yours,

Leon

The Rt Hon Douglas Hurd, CBE, MP

SECRET

SECRET

IRELAND: Situation: Pt 20

13 APR 1983

CONFIDENTIAL

(1)

CC Mr Ward (NIO)
Mr Budd (FCO)

Prime Minister
Agree proposed reply from Mr. Patten?

Ref. A085/1038

MR POWELL

Exchange of Letters with Dr Paisley

You commented in your letter of 28 March to Mr Ward (Northern Ireland Office) on the draft reply to Dr Paisley.

CDP 3/4.

2. Mr Patten replied on 28 March.

3. Mr Peter Robinson MP has now returned to the charge in a second letter to Mr Patten a copy of which I attach.

4. It is proposed that Mr Patten should reply as in the draft attached.

5. We cannot give Mr Robinson the assurances he seeks in precisely the terms he requests; but the Northern Ireland Office is conscious that, unless we can go some way to meet the DUP there is a risk that they will not participate in further talks on devolution and that they may try to turn the Government's 'failure' to give the assurances into an election issue on the basis that only the DUP can be trusted to resist the betrayal of Northern Ireland.

6. The attached draft, prepared with this in mind, has been agreed in discussions between Mr Andrew and me. Mr Patten would like to reply before Easter and for the sake of speed I am, with the agreement of the Northern Ireland Office submitting this to you direct for the Prime Minister's approval of the draft.

RTA

ROBERT ARMSTRONG

3 April 1985

CONFIDENTIAL

PARLIAMENT BUILDINGS,
STORMONT,
BELFAST BT4 3SY

Chris Patten Esq., M.P.,
Parliamentary Under Secretary of State
Stormont Castle
Stormont
BELFAST.

1st April, 1985.

Dear Minister,

I am in receipt of your communication of 28th March. I know you are aware of our desire to see progress towards political stability in Northern Ireland and therefore our wish to have dialogue that may assist in achieving this. Nonetheless it is vital to the prospect for success in such talks that Ulster Parties are clear whether the talks in which we have been invited to engage are to find an internal structure wholly within the U.K. or a structure over and along side which a foreign Government might have a say.

I must frankly say that your reply fails to satisfactorily answer the questions which we asked. I will therefore repeat them again as we cannot proceed without clear and acceptable answers.

Firstly, we asked you if "the talks you wish to engage us in are solely internal to Northern Ireland and are not in any sense part of a three-way process with Dublin".

Your reply that the talks which you are undertaking are internal to Northern Ireland does not answer whether or not these talks are "in any sense part of a three-way process with Dublin". That is a key consideration in relation to these projected talks. We therefore would be obliged to receive an unambiguous and forthright answer.

Secondly, in regard to undenied speculation that H.M.G. is presently negotiating with the Dublin Government future arrangements of government within Northern Ireland, you totally avoided our request for "an unequivocal assurance in writing that no such negotiations are taking place with the Dublin Government concerning the future Government of Northern Ireland". We regard this failure on your behalf as tellingly significant. If the Government cannot plainly tell the people of Northern Ireland that their internal arrangements of Government are not being negotiated with Dublin then you need not expect us to play a part in that nefarious process by talking to you. Surely the Government at least owes Ulster's politicians and people candour and open declaration of policy. We can only draw our own conclusions from the Government's failure to face up to this challenge.

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BELFAST BT4 3SY

Contd....

We are being forced to conclude that the Government is engaged in negotiating with Dublin over the heads of the people of Northern Ireland and as this is a policy of betrayal of the British people of Northern Ireland we will have no part nor lot in the intrigue.

The choice is the Government's dialogue or collision with the Ulster people. The Government's present attitude sadly indicates a deliberate choice of collision. If you can yet satisfactorily respond on this matter then we stand ready and willing to do business with you.

Yours sincerely,

PETER D. ROBINSON, M.P.

DRAFT LETTER FROM MR PATTEN TO MR ROBINSON

Thank you for your letter of 1 April. I had hoped that my earlier letter would have made matters clear.

On your first point, the talks that Douglas Hurd has asked me to conduct with you are clearly and exclusively about the internal structures and administration of Northern Ireland and the role that the Northern Ireland parties have in them. We envisage internal structures and administations for a devolved Government which would involve only Her Majesty's Government and representatives of the Northern Ireland parties. We have no wish to seek to involve the Irish Government in the talks we have with you and the other parties. We have no intention of trying to bring you into a "three-way process with Dublin".

Secondly, as the Prime Minister and the Secretary of State have made clear, talks with the Irish Government are taking place on the basis set out in the communique issued after the Chequers meeting of November 1984. It is not possible to predict what the outcome of the talks will be.

But I can assure you that they will not call in question the constitutional position that Northern Ireland is part of the United Kingdom and will remain so for as long as that is the will of the majority of the people of Northern Ireland. Her Majesty's Government and the Parliament of the United Kingdom have sovereign responsibility for the governmental arrangements in Northern Ireland. That is the position to which Her Majesty's Government is unequivocally committed in all aspects of its dealings in relation to Northern Ireland, and (as I say) whatever the outcome of the talks with the Irish Government it will not change that position.

We continue to believe that any new arrangements for devolved government in Northern Ireland must be widely acceptable throughout the community there, and it is therefore to the constitutional political parties in the Province that we must look in our efforts to determine what any new devolved structures might be. That is why Dougls Hurd asked me to embark on careful and detailed discussions on internal structures with you and the other constitutional parties. We believe it is in the interests of everyone in

Northern Ireland to identify acceptable new arrangements. I hope you will agree that we can now get on with that task.

Once again, I have of course consulted Douglas Hurd before writing this letter.

CDP 1/4.

70 WHITEHALL, LONDON SW1A 2AS

01-233 8319

From the Secretary of the Cabinet and Head of the Home Civil Service

Sir Robert Armstrong GCB CVO

Ref. A085/993

1 April 1985

Dear Neil,

Exchange of letters with Dr Paisley

Sir Robert Armstrong has seen a copy of Charles Powell's letter of 28 March about the reply to Dr Paisley.

He wonders whether the relevant sentence could be altered to read:

> "I can readily confirm that the purpose of the talks which I shall be conducting is to discover the extent of possible agreement among the constitutional parties in Northern Ireland about the possibility of progress towards a measure of devolution of responsibility for Government in Northern Ireland from Her Majesty's Government to institutions comprising duly elected representatives of these parties, on a basis which would command a wide measure of acceptance in Northern Ireland."

I am sending copies of this letter to Charles Powell and Colin Budd.

(R P Hatfield)
Private Secretary

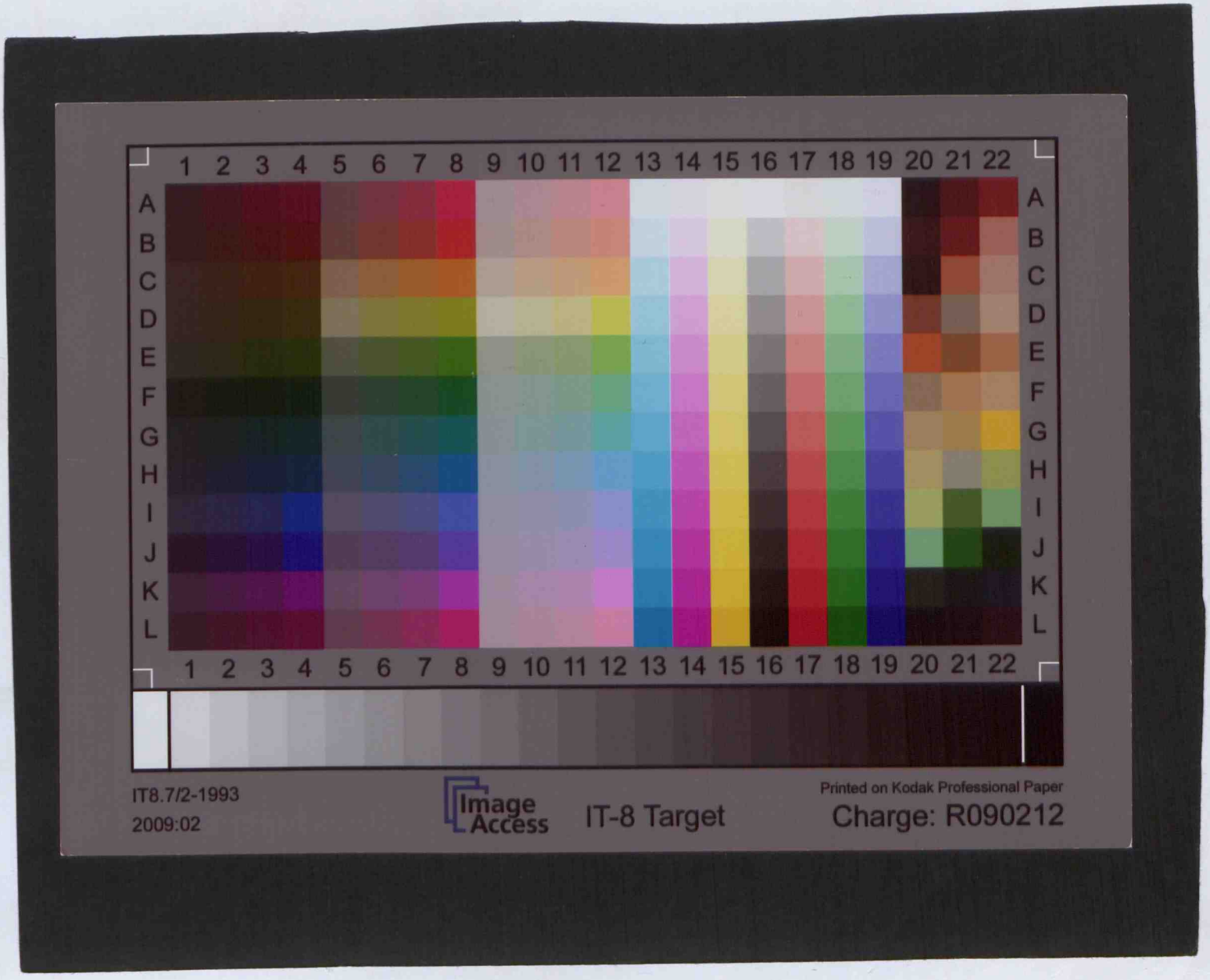
N D Ward Esq

PART 19 ends:

CDP to NIO 28/3/85

PART 20 begins:-

R Hatfield to N D Ward (A085/993) 1/4/85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