TOP SECRET

10 DOWNING STREET

THIS FILE MUST NOT GO OUTSIDE 10 DOWNING ST

FILE TITLE: Meetings with the Taoiseach (CLOSED)	SERIES: IRELAND (S 3005)
	PART: 20
PART BEGINS: 20 January 1989	PART ENDS: 21 March 1990
	CAB ONE:

PART CLOSED

PREM 19/3048

TOP SECRET

Printed in the UK for HMSO Dd 4599073 7/94 C15 59064

PART

CLOSED

CAROLINE/AMANDA

Mr Haughey has now asked whether he could come on Friday 20 April to see the Prime Minister, rather than earlier. He does not think that the preparations for the Summit will be complete until then. Could you please check in the diary whether we can find an hour for him then.

CDP

CHARLES POWELL
16 March 1990

057313
MDHIAN 1018

PS TO PRIME MINISTER
NO 10 DOWNING ST

UNCLASSIFIED
FM DUBLIN
TO IMMEDIATE FCO
TELNO 224
OF 131820Z MARCH 90
INFO IMMEDIATE NIO(L), NIO(B), WASHINGTON, BIS NEW YORK
INFO ROUTINE PARIS, BONN, BRUSSELS, THE HAGUE

A. file

EXTRADITION: FINUCANE AND CLARKE

SUMMARY

1. THE SUPREME COURT HAS OVERTURNED EXTRADITION ORDERS AGAINST FINUCANE AND CLARKE, CITING RISKS OF POTENTIAL MISTREATMENT IF THEY WERE RETURNED TO NORTHERN IRELAND AND (FINUCANE ONLY) FINDING THAT HIS OFFENCE WAS POLITICAL. BOTH ARE RELEASED. IMPLICATIONS FOR FUTURE CASES.

DETAIL

2. THE SUPREME COURT THIS MORNING OVERTURNED THE EXTRADITION ORDERS OF THE DISTRICT COURT IN RESPECT OF DERMOT FINUCANE AND JAMES PIUS CLARKE, BOTH OF WHOM ESCAPED FROM HMP MAZE IN 1983. THE JUDGEMENTS IN BOTH CASES WERE BY 5 - 0.

3. THE GROUNDS FOR THE JUDGEMENT WERE

(A) THAT THERE WAS A PROBABLE RISK THAT FINUCANE AND CLARKE WOULD BE ASSAULTED IF RETURNED TO NORTHERN IRELAND, AND

(B) IN FINUCANE'S CASE, THAT THE OFFENCE WAS A POLITICAL OFFENCE OR AN OFFENCE RELATED TO A POLITICAL OFFENCE (A GROUND FOR REFUSING EXTRADITION UNDER SECTION 50(2) OF THE IRISH EXTRADITION ACT 1965).

4. THE CHIEF JUSTICE CRITICISED THE LACK OF A PUBLIC INQUIRY INTO THE BREAKDOWN OF CONTROL AT HMP MAZE IMMEDIATELY FOLLOWING THE ESCAPE. EVIDENCE HAD BEEN ADDUCED AND NOT CONTROVERTED THAT THERE HAD BEEN ILL-TREATMENT AND THAT THE PRISON OFFICERS INVOLVED HAD STILL NOT BEEN PUNISHED.

5. WE HAVE NOT YET SEEN THE PRECISE TERMS OF THE JUDGEMENTS. IT APPEARS THAT THE CHIEF JUSTICE REJECTED THE POLITICAL OFFENCE CLAIM BUT MR JUSTICE WALSH AND A MAJORITY OF THE COURT UPHELD IT.

6. FINUCANE AND CLARKE WERE IMMEDIATELY RELEASED. THE ANTI - EXTRADITION COMMITTEE HAS ISSUED A STATEMENT CALLING ON THE MINISTER FOR JUSTICE TO RELEASE SIX OTHER PRISONERS AWAITING EXTRADITION HEARINGS AND JUDGEMENTS.

COMMENT

7. IN OUR CONTACTS WITH THE IRISH ATTORNEY-GENERAL'S OFFICE WE HAVE BEEN TOLD THAT THE JUDGEMENTS RELATING TO THE THREAT OF ASSAULT APPEAR TO APPLY ONLY TO MAZE ESCAPE CASES. THEY DO NOT APPEAR TO INTRODUCE A NEW DOCTRINE INTO EXTRADITIONS TO NORTHERN IRELAND. NONETHELESS, THEY ARE CLEARLY OFFENSIVE, AND THE COURT'S ACCEPTANCE THAT FINUCANE'S WAS A POLITICAL OFFENCE MAY HAVE MORE WIDELY DAMAGING IMPLICATIONS. WE HAD THOUGHT THIS ISSUE VIRTUALLY SETTLED BY THE SHANNON AND MCCLINCHEY CASES AND BY THE REPUBLIC'S RATIFICATION OF THE ECST

8. WE SHALL WANT TO MAKE CLEAR THE DEEPLY DISAPPOINTING NATURE OF THE JUDGEMENT AND THE OFFENSIVE IMPLICATIONS FOR THE PRISON SERVICE NEED FIRM REBUTTAL. BUT ANY STATEMENTS SHOULD INCLUDE A RECOGNITION OF THE INDEPENDENCE OF THE IRISH COURTS

(A) IN THE INTERESTS OF SECURING FUTURE EXTRADITION CASES, AND

(B) BECAUSE CRITICISM OF THE JUDGEMENTS WITHOUT THIS RECOGNITION WILL MAKE MORE DIFFICULT THE ACHIEVEMENT OF OUR OTHER OBJECTIVES IN IRELAND.

FENN

YYYY

DISTRIBUTION 159

MAIN 108

.NORTHERN IRELAND
LIMITED
RID
NAD
INFO D
RMD
NEWS D
ECD(E)
ECD(I)
LEGAL ADVISERS
POD
NTD
PS
PS/LORD BRABAZON

file OTS

(C:\Foreign\
Haughey.doc)

CONFIDENTIAL

bc: PC
CDP

10 DOWNING STREET
LONDON SW1A 2AA

From the Private Secretary

16 March 1990

INFORMAL EUROPEAN COUNCIL: MR HAUGHEY'S VISITS TO CAPITALS

The Irish Ambassador has now been in touch to say that Mr Haughey would prefer to come to London rather nearer to the date of the informal European Council on 28 April. The most convenient day from his point of view would be Friday 20 April. We have accordingly put him in the diary for 1500 that day and I shall be informing the Irish Ambassador of this on Monday.

BF 11

C. D. POWELL

Richard Gozney, Esq.
Foreign and Commonwealth Office

CONFIDENTIAL

(2)

Prime Minister
The Attorney's implications of the Irish judgments
CAP
21/3

SECRETARY OF STATE FOR NORTHERN IRELAND

EXTRADITION FROM THE REPUBLIC OF IRELAND

I have now studied the judgments delivered by the Irish Supreme Court in the cases of the two Maze escapers, Finucane and Clarke, and I set out in this minute the implications which I see for future extradition cases.

Extradition of both Finucane and Clarke was, as you know, refused on the ground that there was "a probable risk" that, if returned to the Maze, they would be assaulted or injured by the prison staff, and that the Court had to prohibit the return in order to protect the escapers' rights under the Irish Constitution. (Extradition of Finucane was also refused on an additional ground, the application of the political offence exception, to which I shall return.)

There can be no doubt that where we seek to extradite anyone else involved in the mass breakout from the Maze he will raise the same prison treatment defence; and, unless we are able to adduce new evidence satisfying the Irish courts that the "probable risk" does not exist, there must be a strong likelihood that the defence will succeed.

The Crown Solicitor will of course explore with the Northern Ireland prison authorities whether any additional evidence can be made available, but I do not think we can be sanguine. Every effort was made in the Finucane and Clarke cases to satisfy the Irish courts by oral as well as affidavit evidence that, whatever the conditions in the Maze immediately after the mass breakout, there was now no realistic risk of the escapers being ill-treated if they were returned. The Supreme Court appears entirely to have discounted this evidence, and unless, which I understand is unlikely, it now becomes possible to take disciplinary action against those prison staff involved in the incidents that occurred immediately after the breakout, I believe it to be unlikely that the

Irish courts will permit themselves to be satisfied by any new evidence we may bring forward.

The implications of this for the cases of the eleven Maze escapers still outstanding are bleak. It is less clear whether the Supreme Court's judgment on this issue will prove to have wider implications, and afford a successful defence to other terrorists, each of whom can now be expected to run the defence. It is not, in my view, a necessary consequence of the Finucane and Clarke judgments that this defence should have wider application; but in the light of our experience of Irish decisions over the years, I am pessimistic.

Turning to the political offence exception on which Finucane was successful, the implications for future cases are in my opinion very worrying. Unless extradition is sought in such cases on grounds which fall within the Irish Extradition (European Convention on the Suppression of Terrorism) Act 1987 (and the relevant warrants were issued after the coming into force of that Act in December 1987), the suspect will be able to rely on a wider definition of a political offence than had previously been the case.

More specifically, the Finucane and Clarke judgments have overruled the satisfactory Supreme Court judgments in Russell v Fanning, with the result that a member of PIRA who commits an offence in Northern Ireland, or indeed the rest of the UK, is no longer deprived of this defence by reason of the fact that he is pursuing PIRA's political objectives.

The Russell decision proceeded from the view that pursuit of these objectives involved an intention to subvert the Constitution, or usurp the functions of the organs of the State, and accordingly excluded the defence. Members of the INLA, who seek the establishment of a "32 Counties workers republic by force of arms", will still be denied the political exception, as will any member of PIRA unwary enough to provide evidence that his particular intention is to subvert the Irish Constitution, but the scope of the defence has clearly been significantly widened.

The offences for which Finucane had been convicted in Northern Ireland related to the possession of firearms and ammunition. Clarke on the other hand, who abandoned the political defence, had been convicted for an attack on a house belonging to a UDR member, which involved indiscriminate shooting and injuries to civilian members of the UDR member's family. Even leaving aside the Extradition (European Convention on the Suppression of Terrorism) Act, I think there are good prospects that if such behaviour were claimed in future to constitute a political offence the Irish courts would reject the claim. We have, I think, arrived at a situation where the political offence exception is unlikely to be successful if violence has been committed against civilians, or if they have been foreseeably put at risk.

The defence is, on the other hand, likely to be applied where violence is used against members of the Security Forces in Northern Ireland, unless the offences complained of involve the use of automatic weapons or explosives, and the warrants were issued after December 1987, in which case section 3 of the Extradition (European Convention on the Suppression of Terrorism) Act will apply and the political offence exception will be precluded. I should add that mere possession of automatic firearms or explosives (falling short of an attempt to commit an offence endangering persons) is very unlikely to fall within the 1987 Act, and terrorists who are accused, or have been convicted, of such offences in Northern Ireland now seem likely to be able to plead the political offence exception to extradition successfully.

The Supreme Court judgements are therefore profoundly unhelpful in the fight against terrorism. But it will only do damage to our extradition interests if we impugn the independence of the Judges of the Supreme Court; or claim that they have been improperly influenced by partisan considerations. We must bite those sentiments back.

What options are open to us to counter the harmful effect of the judgments?

As regards the constitutional rights defence, the Crown Solicitor will explore the possibility of adducing further evidence in future cases where prison conditions in Northern Ireland may be relevant.

As to the political offence exception, we could (and I think should) press the Irish Government to introduce further legislation in the Republic narrowing the defence. The European Convention on the Suppression of Terrorism allows parties a degree of discretion as to the extent to which the political offence defence is available. The extent to which the Republic has so far chosen to implement the Convention falls well short of the maximum extent allowed: it would, as I understand it, be quite consistent with the Irish Constitution for the Convention to be implemented more fully, and for additional offences to be removed from the political offence exception to extradition.

One course of action which the Irish authorities themselves are likely to suggest as a solution is extraterritorial prosecution. I do not wish to deal with that subject in detail in this minute but it is worth noting that there are serious difficulties with extraterritorial prosecution. The principal objection is that a high proportion of prosecutions in Northern Ireland are founded on admissions obtained under section 8 of the Northern Ireland Emergency Provisions Act 1978. This legislation ousts certain safeguards available at common law and, as a result, such admissions would inevitably be challenged in the Republic as having been obtained by oppressive means, inconsistent with the common law regime applying in that jurisdiction. This is not an attractive prospect.

There are, moreover, other objections, which have led me to conclude that no purpose would be served by seeking extraterritorial prosecution in the cases of Finucane and Clarke. However, it would be wrong to rule out extraterritorial prosecution generally, and we will obviously need to look at this option carefully in individual cases.

I should perhaps conclude this minute by saying that we expect the Supreme Court judgment in the case of Owen Carron shortly. Carron is accused of possession of a non-automatic firearm. He, too, has raised both the political offence exception, and his constitutional right to be protected against ill-treatment in Northern Ireland. Although I would hope that he will fail on the second ground, I think his chances of success on the former must be very high.

I am copying this minute to the Prime Minister, the Foreign Secretary, the Home Secretary, the Secretary of State for Scotland, the Lord Advocate and Sir Robin Butler.

P. M.

21 March 1990

Cab1

file

c: (foreign Taoiseac. dos)

bc: PC

10 DOWNING STREET
LONDON SW1A 2AA

From the Private Secretary

9 March 1990

VISIT OF TAOISEACH

We have been looking in the diary for times when the Prime Minister might be able to see the Taoiseach. I have suggested to the Irish Ambassador either the afternoon of Monday 2 April or the early part of the morning of Wednesday 4 April. He is checking with Dublin.

C. D. POWELL

Stephen Wall, Esq.
Foreign and Commonwealth Office

AMBASÁID NA hÉIREANN, LONDAIN.

IRISH EMBASSY, LONDON.

17 Grosvenor Place

SW1X 7HR

8 March 1990

Mr Charles D Powell
Private Secretary to the Prime Minister
10 Downing Street
London SW1

Dear Private Secretary,

Further to my letter of 26 February regarding the special informal meeting of the Twelve Heads of State or Government in Dublin on 28 April next, the Taoiseach has now reviewed the arrangements for the meeting in the light of discussions by the Foreign Ministers in Brussels on Monday last.

Because some participants must leave at 7 p.m., and in order to provide time for a full discussion it is now proposed to begin the meeting at 10.30 a.m., to lunch at 1 p.m. and to reconvene at 3 p.m. The format now proposed is Heads of State or Government accompanied by Foreign Ministers. Lunch will also be a combined lunch for Heads of State or Government and Foreign Ministers, to enable discussion involving all participants to continue.

The Presidency proposes a preparatory meeting of Foreign Ministers in Dublin Castle on Saturday, 21 April attended by Political Directors and Permanent Representatives, on the lines of the informal ministerial meeting of 20 January. The essential purpose of this is to examine the issues for consideration by the Heads of State or Government and to produce an annotated agenda for their meeting.

I have also been instructed to indicate that the Taoiseach considers it desirable to visit his colleagues in the capitals of the Twelve before the meeting on 28 April and I would be glad to have an opportunity to discuss with you possible dates for a visit to London.

Yours sincerely,

Andrew O'Rourke

Andrew O'Rourke
Ambassador

015441
MDHIAN 9197

RESTRICTED
FM DUBLIN
TO DESKBY 011400Z FCOLN
TELNO 186
OF 011330Z ~~FEBRUARY~~ MAR 90
AND TO DESKBY 011400Z NIO(L)
AND TO DESKBY 011400Z NIO(B)
INFO IMMEDIATE WASHINGTON,BIS NEW YORK

PS TO PRIME MINISTER
NO 10 DOWNING ST

PLEASE PASS TO SIR N FENN,HOMS

DUBLIN TELNO 179:CONSTITUTIONAL CHALLENGE TO ANGLO-IRISH AGREEMENT

SUMMARY
1. MCGIMPSEY CHALLENGE FAILS:UNANIMOUS JUDGEMENT THAT AGREEMENT IS CONSTITUTIONAL.

DETAIL
2. THE SUPREME COURT FOUND THIS MORNING,WITH NO DISSENTING JUDGEMENT,THAT THE ANGLO-IRISH AGREEMENT DID NOT VIOLATE THE IRISH CONSTITUTION.

3. AS PREDICTED IN DUBLIN TELNO 86,THEY ALSO FOUND THAT ARTICLES 2 AND 3 OF THE CONSTITUTION CONSTITUTED A LEGAL CLAIM OF RIGHT TO NORTHERN IRELAND,RATHER THAN AN ASPIRATION TO UNITY.ARTICLE 2 WAS INTENDED TO SIGNIFY TO THE INTERNATIONAL COMMUNITY THAT THE REPUBLIC DID NOT RECOGNISE THE BORDER,AND TO ENSURE THAT THE UK COULD NOT APPEAL TO PRESCRIPTIVE RIGHT OR ESTOPPEL IN SUPPORT OF ITS CLAIM.BUT ARTICLE 3,RECOGNISING THE SITUATION ON THE GROUND,CONSTITUTED A SPECIFIC PROHIBITION AGAINST THE REPUBLIC PURPORTING TO LEGISLATE FOR NORTHERN IRELAND UNTIL A UNITED IRELAND WAS ACHIEVED(IN CONTRAST TO THE ARGUMENTS OF THE PARTIES TO THE ACTION,WHO HAD CLAIMED THAT THE REPUBLIC COULD SO LEGISLATE,BUT THAT ITS LAW ONLY APPLIED WITHIN THE REPUBLIC UNLESS THERE WAS SPECIFIC MENTION TO THE CONTRARY).

4. THE COURT UPHELD THE HIGH COURT'S INTERPRETATION OF ARTICLE 1 OF THE AGREEMENT,HOLDING THAT THE TWO GOVERNMENTS MERELY 'RECOGNISE THE SITUATION ON THE GROUND IN NORTHERN IRELAND,FORM A POLITICAL JUDGEMENT ABOUT THE LIKELY COURSE OF FUTURE EVENTS,AND STATE WHAT THEIR POLICY WILL BE SHOULD EVENTS EVOLVE IN A PARTICULAR WAY'.BUT THEY MITIGATED THIS SOMEWHAT BY SUGGESTING THAT IT WAS CLEARLY IMPROBABLE THAT ANY TREATY,WHICH COMMITTED THE TWO GOVERNMENTS TO SEEK PEACE IN NORTHERN IRELAND AND A RESOLUTION OF THEIR DIFFERENCES THROUGH DIALOGUE AND CONSENT,COULD BE REPUGNANT TO ARTICLE 2 OF THE

MDHIA... 197

CONSTITUTION.

5. THE QUESTION OF THE NAME OF THE STATE WAS NOT RAISED.

6. TEXT OF JUDGEMENT,NOT YET AVAILABLE,WILL BE FAXED TO NIO(L).

COMMENT

7. THESE ARE NOT THE INTERPRETATIONS OF THE AGREEMENT OR THE CONSTITUTION WHICH WE WOULD HAVE WISHED:BUT THE RESULT ITSELF IS A PLUS,AND IT IS PROBABLY USEFUL TO HAVE AN AUTHORITATIVE STATEMENT ONE WAY OR ANOTHER OF WHAT ARTICLES 2 AND 3 OF THE CONSTITUTION MEAN.THE JUDGEMENT WAS COUCHED IN MODERATE LANGUAGE WHICH IS UNLIKELY TO GIVE THE UNIONISTS MUCH SCOPE FOR FEIGNED OR REAL OUTRAGE.WE SHOULD WELCOME THE JUDGEMENT RECOGNISE THAT VIEWS DIFFER ON THE STATUS OF NORTHERN IRELAND,AND REITERATE OUR VIEW OF ARTICLE 1 OF THE AGREEMENT.

THORP

YYYY

DISTRIBUTION 158

MAIN 107

.NORTHERN IRELAND
LIMITED
RID
NAD
INFO
RMD
NEWS
PUSD
SCD
RESEARCH
PLANNERS
ECD(E)
ECD(I)
LEGAL ADVISERS
POD
NTD
PS
PS/LORD BRABAZON
PS/PUS
CHIEF CLERK
MR BROOMFIELD
MISS SPENCER

ADDITIONAL 51

NORTHERN IRELAND

CONFIDENTIAL

THE LEGAL SECRETARIAT TO THE LAW OFFICERS
ATTORNEY GENERAL'S CHAMBERS
ROYAL COURTS OF JUSTICE
LONDON, WC2A 2LL

LEGAL SECRETARY

22 February 1990

David Manning Esq
Cabinet Office
Whitehall
LONDON S W 1

Dear David,

IRELAND/REPUBLIC OF IRELAND

You suggested in your letter of 21 February to Timothy George (FCO) that Ministers should be consulted about the problem over referring to "the Republic of Ireland" in extradition documentation, and that the way forward might be for the Attorney General to minute colleagues. The Attorney had in fact already written about this to the Foreign Secretary and the Secretary of State for Northern Ireland and Timothy George and I have agreed that the sensible course is for that letter now to be copied more widely. I am therefore sending copies to you, Charles Powell (No 10) and Colin Walters (HO). The Foreign Secretary will be minuting all those Ministers with an interest shortly.

Yours sincerely,

Jane Wheldon.

MISS J L WHELDON

CONFIDENTIAL

CONFIDENTIAL

From: THE PRIVATE SECRETARY

NORTHERN IRELAND OFFICE
WHITEHALL
LONDON SW1A 2AZ

Prime Minister
CDP 6/2.

Charles Powell Esq
10 Downing Street
LONDON
SW1

6 February 1990

Dear Mr Powell

INFORMAL MEETING WITH THE IRISH FOREIGN MINISTER: 4 FEBRUARY

At his informal meeting over lunch with Mr Collins in Co Limerick on 4 February, the Secretary of State was able to deal with a number of matters left outstanding by the cancellation of the Conference meeting planned for 31 January. The most significant of those referred to in my letter of 1 February was that he was able to get a fair wind from Mr Collins for a meeting between the Minister of State and Mr Burke, the Minister of Justice, to deal with a number of border security problems, particularly in the light of the PIRA attack at Derryard. Agreement was reached on an approach to the EC Commission on a cross-border programme, and some other matters of routine business were dealt with. By coincidence, Sinn Fein were holding their Annual Conference in Dublin on the same weekend, and Mr Brooke was asked by the Press after the meeting about the possibility of talks with Sinn Fein. He replied on standard lines.

There was a substantial discussion of political movement, introduced by Mr Collins. This was the first substantial discussion between British and Irish Ministers of this subject, and Mr Brooke considers that it was helpful. Mr Collins began in interrogative tone, though he repeatedly emphasised his adherence to the Agreement. Were the Unionists ready for talks, or were they divided among themselves? Second tier Unionists like Mr Robinson, Mr Taylor and Mr Ken Maginnis

CONFIDENTIAL

seemed to be ready, but perhaps Dr Paisley and Mr Molyneaux were not? What would be the format of the proposed negotiations? Mr Collins referred to his own public remarks on 30 November about the possibility of using a gap between Conferences for talks, but emphasised that he had spoken of a natural gap. An unnatural gap could damage the Agreement. We must clarify the situation before decisions had to be taken, and ensure that we had agreed objectives. But Mr Collins said that there was political movement, and it was up to Governments to accommodate it, and later in the conversation he remarked that if we waited too long we might miss an opportunity.

Mr Brooke said that we were moving with deliberate care: we would not take risks with the Agreement. While emphasising that we had no intention of suspending the working of the Agreement or of closing the Secretariat, Mr Brooke explained that we believed that the Unionists, at least some of whom were anxious to make progress, could be brought into talks. We would have to be clear, if we used a gap between Conferences, what exactly we would do when we reached the end of the gap. If talks were going well it was hard to believe that the parties would abandon them simply because a pre-planned Conference meeting was held: if the holding of a pre-planned Conference meeting did cause the talks to halt, it would probably signify that little progress was being made anyway. There was no reason why the Agreement should be damaged.

There was some discussion of the format of the talks which might take place. Mr Brooke explained that it was now largely accepted by Unionists that talks would take place concurrently on Northern Ireland's internal structures, North/South relationships, and the relationship between London and Dublin. We did not accept the contention, of Dr Paisley for example, that talks on the internal structure should be taken first (and in private few Unionists held to this view). Mr Brooke said that he had to make it quite clear that Dublin had no role in the internal talks, other than the right to put forward ideas to the British Government as set out in Article 4 of the Agreement.

The Irish side listened carefully to Mr Brooke's points, and no unexpected problems emerged. Mr Collins commented that more time was needed for these discussions. Mr Brooke's view is that the process of discussing with the Irish those parts of political development with which they are concerned must be an iterative one. But a useful start has been made.

I am copying this letter to Stephen Wall (FCO).

Yours sincerely

Stephen Leach

p.p. S J LEACH

PRIVY COUNCIL OFFICE
WHITEHALL, LONDON SW1A 2AT

24 January 1990

Dear Margaret

BRITISH-IRISH PARLIAMENTARY BODY

John Wakeham's Private Secretary wrote to yours on 28 March last year reporting progress towards the establishment of an Inter-Parliamentary Body to improve the dialogue between British and Irish Parliaments. This letter is to bring you up to date on developments since then.

The constitution and rules for the Body are now at the final stages of discussion between the Steering Groups on each side. Both countries have selected and announced the membership of their delegations and the first plenary session is to be held in London on 26-28 February this year. In the event, the establishment of the Body was announced by the IPU and not by the Speaker; this seemed advisable given the refusal of Unionist Members to participate. In selecting the delegation two "empty chairs" have been left for the Unionists should they choose to participate at a later stage.

You will recall that our commitment to the Body arises both from the Joint Studies Report in 1980 and Article 12 of the Anglo-Irish Agreement which expressed the willingness of both Governments to cooperate in setting up such a Body should the two Parliaments choose to establish it. I have done all that I can, within the constraints imposed by the Parliamentary and backbench nature of the Body, to ensure smooth progress in its setting up. Both Peter Temple-Morris (Chairman of the British Delegation) and Michael Marshall (Chairman of the IPU) have kept me in close touch with the progress of negotiations and I have in turn consulted closely with both the Foreign Secretary and the Northern Ireland Secretary. I have, where possible, tried to influence the scope and structure of the Body and the make-up of our delegation to try and make this a constructive contribution to relations between the two Parliaments. Meanwhile the rules as currently drafted give the British and Irish Co-Chairmen strong powers, if needed, to control meetings; although we must hope that in practice the Body is able to proceed on a fairly informal basis.

As proposed in April, staffing and resources on the British side have been kept to the minimum compatible with our commitment to support this initiative. At present the staff consists of a junior IPU official, and an HEO seconded from the Foreign Office; FCO are advising on the selection of a senior adviser, probably a retired senior official, to be in place in time for the first plenary session. In addition, FCO officials will provide background briefing for the British delegation along the usual IPU lines.

Although we have taken every possible care, the risks associated with a Body of this kind cannot be entirely eliminated. Here the formal status of the Body - under the aegis of the IPU - is of great advantage since it enables Government to distance itself from the Body's deliberations and put responsibility firmly onto the IPU. The delegation itself is entirely backbench, although Government Ministers and Opposition front bench spokesmen have the right to attend on request.

Despite all the hazards, as always with Irish affairs, we will wish to leave no doubt about our commitment in good faith to this furthering of Anglo-Irish relations. With that in mind, I have agreed with Douglas Hurd and Peter Brooke that I should represent the Government at the Opening Meeting in February and host a dinner for the delegates and representatives of the Irish Government. We felt that my presence as Leader of the House, would re-emphasise the Parliamentary nature of the Body although Peter will be invited to attend the dinner as one of the guests. Inevitably, this first session will attract publicity but after that we must hope that the Body will settle down to provide a constructive forum for contacts between the two Parliaments.

I am copying this letter to Douglas Hurd and Peter Brooke.

GEOFFREY HOWE

Rt Hon Margaret Thatcher, MP

IRELAND: Relations
A20

010

cc PC.

CONFIDENTIAL

HOME OFFICE
QUEEN ANNE'S GATE
LONDON SW1H 9AT

CDP 9/1

8 January 1990

Dear Richard

HOME SECRETARY'S MEETING WITH MR GERRY COLLINS, IRISH MINISTER FOR FOREIGN AFFAIRS

Together with the Irish Ambassador in London, and Mr Gallagher and Mr Murray from Dublin, Mr Collins called on the Home Secretary this morning. Supporting the Home Secretary were Mr Patten, Bob Baxter from our Criminal Department, Brian Mower (Director of Information) and John Godfrey (Special Adviser).

Mr Collins congratulated Mr Waddington on his appointment as Home Secretary, and joked about the burdens on Interior/Justice Ministers. His experience as Justice Minister had persuaded him of the importance of some of the issues being faced in TREVI: this was not generally appreciated by EC Foreign Affairs Ministers.

The Home Secretary expressed thanks for the co-operation given to Britain by the Garda. Mr Collins developed this theme at some length. The Irish Government was totally committed to maintaining the highest level of co-operation over security, whatever differences might arise from time to time. The IRA had plenty of weapons, explosives and money but in Mr Collins' estimation it was lacking in manpower and somewhat demoralised. It was therefore looking desperately for a propaganda issue to exploit. This could arise at short notice, for example over the handling of a funeral. The NIO was very sensitive to such possibilities and Mr Collins was sure they were constantly watching for possible trouble. But it was essential to make political progress in order to remove the reason for the existence of terrorists and help restore the confidence of the minority community in Northern Ireland, which had been shaken somewhat by recent revelations about the passage of information from the security forces to terrorist groups. Mr Collins thanked God for the Anglo-Irish Conference and the forum it provided for discussions between both Governments. He looked forward to developing co-operation on a number of practical matters with the Secretary of State for Northern Ireland. On the practical front, the Garda had recently been very successful in picking up guns and explosives, but was still watchful. The Commissioner had a top class team and had developed a good relationship with the RUC. The Irish Government paid a heavy political price for the resources it devoted to border security; there was popular pressure to bring back some of the policemen to Dublin, where the crime problem was worst. It was also difficult to devote extra resources to security when there were demands for more expenditure in areas such as health and education. The Government had therefore had to take some difficult decisions.

CONFIDENTIAL

Asked by the Home Secretary whether the new British-Irish Parliamentary Conference would help ease political tensions, Mr Collins observed that it was helpful to keep people talking; it was also likely that some people would learn from the discussions which would take place. There would need to be social activity, but he hoped that the Conference would also be taken seriously. Some of the early meetings of the Anglo-Irish Inter-Governmental Conference had been very difficult, and this was likely to be true of the Parliamentary body. It would be particularly helpful if the Unionists were to decide to participate. The new body would undoubtedly create fresh pressures for both Governments, and Ministers needed to be ready for this. The Home Secretary observed that the British side covered a very wide spectrum of opinion: there was a danger that the discussions would become too diffuse.

Mr Collins then led into the Birmingham Six case. On this occasion he did not want to go into the detail of the case. But he hoped the Home Secretary would be giving it close consideration. The Irish Government had not issued a statement after hearing of the recategorisation of the six, since they did not want anyone to think that the British Government was reacting under pressure from the Irish. An unfortunate comment had been attributed to a Government spokesman, but this should not have happened. Mr Collins had himself refused to become involved, other than by saying he was pleased with the decision. He had also noticed a story in this morning's "Independent" about a dossier of new evidence presented by lawyers for the six. He had known about this dossier, but had not referred to it when talking to the press before his meeting with the Home Secretary. But he hoped that the dossier, together with the West Midlands Police enquiry, presented room for considering the possibility of reopening the case. The Home Secretary mentioned the trouble he had taken to emphasise that categorisation decisions were reviewed annually by officials, who took their decisions on the assumption that all prisoners were guilty as so found by the courts. It could lead to great problems if it was thought that politicians meddled with categorisation decisions when clearly they should not. Mr Collins said that British Ministers were very fortunate in this respect, since categorisation decisions were taken by Ministers in Ireland. The Home Secretary added that he was aware of the fresh representations which had been made by lawyers acting for the Birmingham Six. These were being considered by officials, and would be put to him in the very near future. He hoped that it would be possible to look at them quickly. Both he and Mr Hurd had made it plain that if new evidence arose it would be considered very carefully to see whether the case should be referred again to the Court of Appeal. However, this position had not yet been reached. Mr Collins could be assured, however, that the Home Secretary would carry out his duty in respect of this case and apply the right criteria when considering it. There was nothing to prevent the West Midlands Police from taking their enquiries back beyond the period covered by the Police Complaints Authority if this was where their investigations led.

However, there were no connections with the Birmingham Six case yet, and four officers due to be charged later today as a result of the West Midlands enquiry had not played a part in the Birmingham Six case. Mr Collins suggested that there was an obligation on Ministers to prevent the political wing of terrorist groups from taking up issues and exploiting them for their own purposes. The Home Secretary said he understood this view. However, it was not for Ministers to usurp the function of the courts and decide questions of guilt or innocence.

The Ambassador mentioned that some concern had arisen within the Irish community in Britain about the terms in which the police had asked for public assistance following the arrest of two suspected PIRA members in Wales before Christmas. This needed to be handled with some sensitivity in order to avoid giving the impression that the whole of the Irish community was suspect. The great majority were law-abiding, and there had been few complaints recently from them about their treatment by the police. The Home Secretary said that he understood the concern which the Ambassador had expressed and would pass it on to the police. (I am asking John Warne in our Police Department to pass this message to the appropriate quarter).

Mr Collins suggested that the two Ministers might meet again in two to three months' time. The Home Secretary mentioned that he would be visiting Dublin for a TREVI meeting in June. Mr Collins suggested that the Home Secretary might find time for a meeting, or perhaps a dinner, with him on that occasion.

Mr Collins then took his leave, mentioning the excellent progress he was making with Mr Hurd on a range of EC issues. It was important for Ireland and the United Kingdom to travel in the same boat as far as they could.

I am copying this note to Stephen Leach (NIO), Simon Webb (MOD), the Director General of the Security Service and Sonia Phippiard (Cabinet Office).

Yours ever
Colin

C J WALTERS

Richard Gozney, Esq.
Private Secretary
Foreign & Commonwealth Office
WHITEHALL, S.W.1.

The National Archives

DEPARTMENT/SERIES PREM 19 PIECE/ITEM 3048 (one piece/item number)	Date and sign
Extract details: Powell to Wall dated 22 December 1989	
CLOSED UNDER FOI EXEMPTION 40(2) & 41	20/2/2018 J. Gray
RETAINED UNDER SECTION 3(4) OF THE PUBLIC RECORDS ACT 1958	
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,
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 3048 (one piece/item number)	Date and sign
Extract details: Wall to Powell dated 21 December 1989	
CLOSED UNDER FOI EXEMPTION 40(2) & 41	20/2/2018 S. Gray
RETAINED UNDER SECTION 3(4) OF THE PUBLIC RECORDS ACT 1958	
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,
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 3048 (one piece/item number)	Date and sign
Extract details: Note to PM dated 21 December 1989	
CLOSED UNDER FOI EXEMPTION 27(1); 40(2); 41	20/2/2018 S. Gray
RETAINED UNDER SECTION 3(4) OF THE PUBLIC RECORDS ACT 1958	
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,
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.

HOME OFFICE
QUEEN ANNE'S GATE
LONDON SW1H 9AT

12 DEC 1989

Dear John,

Thank you for your letter of 7 December with the copy of the report which appeared in the Irish News on 5 December about the visit by a member of the Irish consular staff in London to Mr Albert Baker.

Officials here who deal with Category A prisoners have a close working relationship with Irish consular staff in London. The request from the embassy was made by telephone on Friday 1 December. The reason which the embassy gave for their request was that Baker had written to them seeking support for his on going desire to be transferred back to a prison in Northern Ireland. The embassy recognised that as Baker does not have Irish nationality they had no formal locus in his case but proposed that when one of their officials was next visiting Full Sutton prison for consular visits to Irish prisoners they might visit Baker to explain this.

Given their good relationship with the embassy, officials concluded that there was no reason why such a visit should not take place. It was made clear to the embassy however (and they readily accepted it) that the visit would not be a consular one but would have to take place under the conditions which apply to Baker's social visits. This means within the sight and hearing of prison staff.

The visit took place on the afternoon of Thursday 7 December and lasted about an hour. My officials understand from Full Sutton prison, and indeed from the Irish official who undertook the visit, that, as anticipated, the ground covered was Baker's desire to be transferrred back to Northern Ireland. Baker did most of the talking with the consular official doing his best to explain that there was little or nothing that the embassy could do to help towards this end. Baker also took the opportunity to compare his sentence with that of others convicted of similar offences, the length of sentence he was likely to serve if he remained in England /compared with the

John Cope Esq MP

compared with the shorter time he might serve if he was transferred and the fact that if he was in Northern Ireland he might be eligible for home leave. It seems there was no discussion about the Stevens inquiry on the lines suggested in the 'Irish News' report. Incidentally, at the time the 'Irish News' report was published, Baker had ended his blanket protest in the Full Sutton segregation unit and was on normal location in the prison.

I appreciate the sensitivity of this from your point of view, and I am sorry that at the working level here this was not fully appreciated. Arrangements have been make now for cases with any similar features, such as special requests from the Irish embassy, to be considered here first by an official who was until a year ago the law and order Under Secretary in Belfast, and I hope that this will mean that the various sensitivities are properly appreciated.

I hope that the fuss has died down, and believe that it will be best to leave it so. But if there is further controvery, I would have no objection if you were to say, if pressed, that:

a. Baker wrote to the Irish embassy asking for their assistance in securing his transfer to Northern Ireland.

b. the embassy asked if they could explain their inability to help while they were making routine visits to Irish prisoners in the same establishment, and this was granted;

c. since there was no question of a consular visit, the visit took place within the sight and hearing of prison staff, and dealt solely with the terms and conditions of Baker's imprisonment.

Copies of this letter to go to the recipients of yours.

DAVID MELLOR

hcc Ms Dent
Mr Train
Mr Innes
Mr R Smith

cc Charles Powell, Downing Street
Stephen Wall, Private Secretary to Secretary of State for Foreign and Commonwealth Affairs

IRELAND: Relation PT 20

NORTHERN IRELAND OFFICE
STORMONT CASTLE
BELFAST BT4 3ST

Tel. Belfast (0232) 63011
Telex 74272

Minister of State

Mr D Mellor MP
Minister of State
Home Office
50 Queen Anne's Gate
LONDON SW1H 9AT

CO
9th

7 December 1989

Dear David

I attach a copy of a report which appeared on the front page of the Belfast-based newspaper Irish News on 5 December. There has since been consultation between officials of our two Departments, as a result of which I am surprised to discover that agreement has apparently already been given for a member of the Irish consular staff in London to visit Mr Albert Baker.

Assuming that this is the case, I find it surprising that the Northern Ireland Office was not consulted or even notified before the consent was given. As far as we are aware, Baker does not claim Irish nationality and there can thus have been no question of an Irish official having access to him as of right. We assume, therefore, that the Irish authorities must have offered some important reason for making their request.

The reason which Baker himself gives for wanting to speak to a representative of the Irish Government is that he wishes to make serious allegations of collusion between our security forces and terrorists in Northern Ireland during the 1970s. Allegations that there has been such collusion in more recent times are, as you will know, currently the subject of a special police investigation led by the Deputy Chief Constable of Cambridgeshire. They are also highly controversial politically within this Province and they have played

a prominent part in recent meetings of the Anglo-Irish Intergovernmental Conference. Anything which has a bearing on the subject is therefore quite obviously of direct interest and great concern to this Department. They are matters not only of political importance but of security forces lives.

Please let me know as soon as possible whether the newspaper report is accurate and if it is correct how this state of affairs could have come about and what can be done to recover the situation and prevent it recurring. I suggest also that the Prime Minister will need urgent advice about how to respond if a Northern Irish member should raise with her this press report about Irish Government involvement in serious allegations within UK jurisdiction.

Yours ever

John

JOHN COPE

cc Charles Powell, Downing Street

Stephen Wall, Private Secretary to Secretary of State for Foreign and Commonwealth Affairs

PM/SSOFFICE/26161

IRISH NEWS 5/2/89

Collusion names bid by jailed UFF man

By HENRY McDONALD

A SENIOR Irish embassy official in London is negotiating to visit a self-confessed UFF killer in an English jail, to discuss his claims that he can name RUC officers who supplied intelligence to Loyalist paramilitaries in the 1970s.

A spokesman from the Department of Foreign Affairs in Dublin confirmed last night that an embassy official is to visit Albert 'ginger' Baker, in Full Sutton prison to discuss his allegations.

In a letter from the prison, Mr Baker claims that he wants a "Senior Garda officer to investigate my claims under the Anglo-Irish Agreement in 1985."

Mr Baker adds: "I am protesting until the Deputy Chief Constable of Cambridgeshire John Stevens investigates my knowledge of classified security force files being handed over by rogue RUC/UDR officers to assassination squads."

Baker also claims that "John Stevens will not be able to give the RUC Chief Constable a full report on conclusion of his investigation if he doesn't question me."

He alleges that he decided to speak up about claims of collusion between Loyalists and security forces in the early 1970s, after the murder of Loughlin Maginn in August. That murder sparked off the recent spate of security leaks stories.

Baker's allegations have been taken up in Parliament by Labour MP Ken Livingstone.

In September, the Stevens investigation confirmed that Baker had been contacted over his allegations.

The Loyalist prisoner has already written to the Irish Foreign Affairs Minister, Gerry Collins TD, requesting a meeting over his claims.

Recently Baker alleged that an RUC officer was second-in-command of a UDA battalion in 1972-73.

Baker is seeking to be moved from prison in England back to Northern Ireland to begin a rehabilitation programme. He is currently on a blanket protest in Full Sutton prison and is in a punishment cell for refusing to wear prison uniform.

Commenting on his incarceration in the punishment cell, Baker writes: "I am on a blanket protest in Full Sutton. I know that it is an offence against prison rules to refuse to wear prison issue clothing. However I believe my reasons for this form of protest are just."

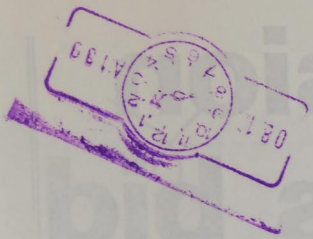
Baker claims that his protests are part of his campaign to have his allegations of collusion investigated by the Stevens inquiry and by Irish police officers.

The Loyalist prisoner also received a reply from the office of Irish Foreign Affairs Minister Gerry Collins after he wrote to Taoiseach Charles Haughey in August.

The letter from Gerry Collins' office to Baker says: "The Minister has requested the Embassy to raise with the appropriate British authorities the possibilities of having a consular officer visit you. I expect that the Embassy will be in touch with you in the near future on this matter."

A spokesman at the Irish Embassy in London last night acknowledged that diplomats are currently negotiating with the British Home Office to arrange a visit to Baker in Full Sutton prison.

1.



PM (1)

RA

PRIME MINISTER

cc Mr. Powell

IRISH EXTRADITION CASE - BERNARD ELLIS

The Attorney General's Office have alerted me to an awkwardness in a current extradition case in the Irish Republic.

The UK authorities are seeking to have Bernard Ellis extradited in relation to offences under the Explosive Substances Act. At a hearing on a preliminary point in the Supreme Court the appeal by Ellis against extradition was dismissed. But one of the Judges made great play of the point that the warrants from the UK authorities had referred to the "Republic of Ireland"; he said this was totally wrong and that they should have referred simply to "Ireland".

This is apparently the first time this point has been raised by a Judge in the Irish courts. It has apparently always been our practice in the warrant to refer to the "Republic of Ireland".

The substantive hearing on the extradition will be in the Dublin District Court next week. It is clearly possible that Ellis's lawyers could refer to the comments of the Supreme Court Judge and argue that the warrants are invalid. The Irish Attorney General's office have however assured us that they will be resisting any such argument "tooth and nail". But there is obviously a degree of uncertainty now about the case.

PRCG.

PAUL GRAY

8 November 1989

c:\economic\Ellis

MT

CONFIDENTIAL

From: THE PRIVATE SECRETARY

NORTHERN IRELAND OFFICE
WHITEHALL
LONDON SW1A 2AZ

Mr. Powell
Prime Minister
PRCC 20/10
The Irish are not being painful.
CDP 22/X.

Charles Powell Esq
10 Downing Street
LONDON SW1A 2AA

20 October 1989

Dear Charles,

ANGLO-IRISH CONFERENCE: BELFAST, 18 OCTOBER

The Conference meeting on 18 October was the third and perhaps final meeting of the current series of three which have been held in an atmosphere of semi-crisis. Among the factors setting the scene on this occasion were Mr Haughey's speech at Bodenstown on 15 October, in which he said on the one hand that the troubled state of Northern Ireland derived from its "basic political structure" and that the only way forward was through political progress, and on the other hand that a "comprehensive review of the basis as well as the role of the Ulster Defence Regiment" was the least that was required. Another factor was the announcement on 17 October foreshadowing the release of the Guildford Four, which was seen in Dublin as a most welcome lightening of the horizon.

After an opening tete-a-tete there was a substantial discussion of security co-operation. Although this was the first such discussion in this series of meetings, co-operation at the level of police chiefs and below has been going well, and there is no backlog of urgent problems for Ministerial consideration. A useful Joint Statement of aims was endorsed.

The Secretary of State opened the Plenary by recapitulating our position on the range of issues raised by the Irish under the general heading of Confidence in the Security Forces, and making some new points in connection with the control of recognition material (photomontages) in the security forces, the screening of UDR recruits, accompaniment of military patrols by the RUC, the control of plastic baton rounds and the handling of the Inquiry by Assistant Chief Constable Mr Stevens into allegations of collusion with paramilitary groups. (All these points are covered in paragraph 5 of the agreed joint statement, attached to this letter).

The Chief Constable then gave a brief account of the progress of the Stevens Inquiry. He said that he was confident that it was getting the full support of the RUC, and referred to the arrests and charges which had already resulted. An Inquiry of this kind was always unpredictable, because new directions were opened up, and he could

CONFIDENTIAL

save me

make no firm predictions. Nevertheless he mentioned that on present expectations completion might be in a period of three or four months. All the arrests of UDR soldiers so far had been from one battalion (7/10 UDR, stationed in the Belfast area).

Mr Collins began by commending the Chief Constable and Mr Stevens for their work. But he said that there were major structural problems in the security forces for which a police inquiry was not enough. A broader public inquiry with powers to call for documents and witnesses was needed, which would look at the basis and role of the UDR. He could not accept that the Regiment needed plastic baton rounds, nor that they should operate in nationalist areas. We were going backwards from the solemn assurances we had given about the accompaniment of UDR patrols by the RUC. This could only be damaging to the Anglo-Irish Agreement.

After further brief discussion of the new steps which Mr Brooke had referred to, Ministers adjourned for lunch tete-a-tete. After lunch the Plenary resumed and turned immediately to the terms of the Joint Statement. Although it had been agreed in advance through the Secretariat that on this occasion a full Joint Statement covering the main issues discussed would be appropriate, and much preparatory work had been done, it became clear once again that the Irish delegation were under new and tight instructions from Mr Haughey, and virtually everything had to be rewritten. It was this rather than any genuine atmosphere of crisis which accounted for the inordinate length of the meeting.

Two items were particularly difficult to handle in the Joint Statement. The first was RUC Accompaniment of Military Patrols (paragraph 6). Following the last Conference a group of officials and RUC officers had met to establish whether useful work could be done on setting priorities for accompaniment by the identification of the most sensitive areas. The Irish side were reluctant to authorise more work on these lines, because they insisted that our analysis showed that a real improvement in accompaniment would require additional resources. This disagreement was resolved for the present by agreeing that further official work should be done, and defining its task simply by quoting the relevant passage from the Review of the Working of the Conference Under Article 11 which was carried out in May.

The second difficult issue was of course the Irish proposal for a Commission of Inquiry. The Irish were determined that this proposal should be put on the record; Mr Brooke insisted that our objection to it should not be left in any doubt. The formula eventually adopted in paragraph 8 was spelt out by Mr Brooke as meaning that we did not agree with the Irish that there were structural problems, and therefore did not agree with them that a comprehensive inquiry was appropriate, though we agreed that the Government would look at the situation in the light of the outcome of the Stevens' Inquiry and take whatever measures were necessary.

The atmosphere of the meeting was tense at times. Strains were evident within the Irish delegation. Mr Collins at times spoke in emotional or exaggerated language, and showed a tendency to brush aside factual information and explanation, insisting on a broad brush political and presentational approach. The atmosphere became much calmer during the afternoon, partly thanks to Mr Burke who, though much less impressive than Mr Collins, seems to have a useful restraining influence on him. It was clear from the outcome of the negotiation on the Joint Communique and from Mr Collins' Press Conference immediately afterwards that Irish Ministers had moved at least some way towards accepting that there was substance in the practical steps which Mr Brooke had described, and that it was no longer in their interest to suggest that the atmosphere was one of crisis and that the Agreement might be at risk.

I am sending copies of this letter to Stephen Wall (FCO), Colin Walters (Home Office), Brian Hawtin (MOD) and Trevor Woolley (Sir Robin Butler's office).

Yours, etc.

Stephen Leach

S J LEACH

NORTHERN IRELAND
Information Service

18 October 1989

ANGLO-IRISH INTERGOVERNMENTAL CONFERENCE

JOINT STATEMENT

A meeting of the Anglo-Irish Intergovernmental Conference was held in Belfast on 18 October 1989. The British Government was represented by the Joint Chairman, Mr Peter Brooke MP, Secretary of State for Northern Ireland, accompanied by Mr John Cope MP, Minister of State, Northern Ireland Office. The Irish Government was represented by the Joint Chairman, Mr Gerard Collins TD, Minister for Foreign Affairs, and by Mr Ray Burke TD, Minister for Justice and Communications. The Chief Constable of the Royal Ulster Constabulary and the Commissioner of the Garda Siochana were also present at the meeting.

2. The Conference continued the intensive discussions which have now taken place over three meetings on a range of issues relating to confidence in the security forces and the system of justice. Both

sides considered these discussions had been constructive and worthwhile and had enabled each side to set out clearly its views and concerns.

3. In discussing specific difficulties in this field both sides start from the common ground of their joint commitment to the Agreement in all its aspects and their determination to make the fullest possible use of the process of dialogue it affords them.

4. They agree that confidence in the impartiality and integrity of the security forces is critically important for their common objectives as set out in the Agreement and Review document. Any collusion between members of the security forces and paramilitaries is an issue of the utmost gravity in this respect and requires urgent action to allay public concern and to demonstrate that no departure from the rule of law by any member of the security forces will be tolerated. It was confirmed that the disciplinary aspects of all such cases would be dealt with on the principle that there could be no place in the security forces for those who betrayed their trust.

5. Against that background, the British side set out at the Conference certain actions that had been set in train following recent events.

- The investigation which the Chief Constable of the RUC has requested the Deputy Chief Constable of Cambridgeshire to undertake is, as evidenced by the charges already brought, being conducted both rigorously and promptly, with a view to the earliest possible comprehensive report. Thereafter the British Government will address expeditiously any implications of the report which are for them and will consider whether any further measures are needed. A full public statement will be made on the issue at that stage.

- New safeguards on the handling of security material such as

photo-montages have been introduced, and it will in future be an offence to retain such documents without authority, and all serving personnel are required to surrender any such material. These rules apply to personnel of the Armed Forces, including Reservists, who are serving or have served for an appreciable period in Northern Ireland.

- Improvements have been made to the process of screening new recruits to the UDR and transferees from other Army Units, and for follow-up action such as re-vetting. Among the new measures is the establishment of a special unit for screening in the UDR, manned by the Regular Army. Any form of association between members of illegal paramilitary organisations, of whatever persuasion, or other association incompatible with membership of the security forces, is totally unacceptable to the British Government.

- Very strict controls have been introduced governing both the issue of plastic baton rounds to the UDR and their use. Specific and personal authorisation by the Battalion Commanding Officer is required for their issue to individual patrols. In addition, the British side are considering a possible role for the RUC in this process.

6. It is the Royal Ulster Constabulary which has the primary responsibility for the maintenance of law and order in Northern Ireland; the Armed Forces, including the Regular Army and UDR, operate in support of the police and only for so long as the threat from terrorism makes that support necessary. In this regard it was agreed that a working group of officials should make early recommendations, in accordance with the Review, on further effective development of the policy of ensuring as rapidly as possible that, save in the most exceptional circumstances, there should be a police presence in all operations which involve direct contact between the Armed Forces and the community.

7. The British side emphasised that in their operations the security forces would at all times take account of their relationship with the community. There will be further exchanges at future Conferences on the way in which this objective is being achieved.

8. The Irish side stressed that the events under discussion had raised general issues going beyond individual cases. The widespread concern raised by these issues could best be met by a comprehensive enquiry into all issues affecting relations between the security forces (in particular the UDR) and the community. It was their intention to return to this proposal at a later Conference, after the Stevens enquiry had been completed. The British for their part disagreed with the Irish analysis of the problem.

9. The Irish side made clear that they objected to and remained firmly opposed to the issue of plastic baton rounds to members of the UDR in any circumstances.

10. The British side expressed their disappointment that it had not proved possible to prosecute Patrick Ryan. The Irish side stated that the DPP, who is completely independent in the performance of his functions, has stated his clear conclusion that the material made available to him was not sufficient to justify the initiation of a prosecution in this case.

11. Irish Ministers raised the case of the Guildford Four, welcomed the terms of the statement by the British DPP and set out their views on the implications for other cases, in particular the Maguire family and the Birmingham Six.

12. In the course of the Conference Ministers discussed the current security situation in Northern Ireland. They affirmed their determination to continue their close co-operation under the Agreement to combat terrorism from whichever side of the community it may come.

13. The Conference welcomed the appointment of the new Board of the International Fund for Ireland and expressed its gratitude to the outgoing Chairman and members. Ministers looked forward to further efforts directed in particular at the most disadvantaged areas, and the development of cross-border projects.

14. Ministers also had a discussion on current issues of cross-border economic co-operation and of the implementation of the conclusions of the Review of the working of the Conference. They agreed to resume fuller discussion of these and a number of other issues at the next meeting of the Conference, which will be held next month.

CONFIDENTIAL

From: THE PRIVATE SECRETARY

copy faxed 17/10/89

NORTHERN IRELAND OFFICE
WHITEHALL
LONDON SW1A 2AZ

Mr. Powell
To note.
RLC
17/10

C D Powell Esq
10 Downing Street
LONDON
SW1

17 October 1989

Dear Mr Powell

The Prime Minister will wish to be aware that the Taoiseach, Mr Haughey, intends to visit Londonderry on 19 October on the inaugural flight of an Aer Lingus scheduled service between Dublin and Eglinton Airport, Londonderry. Details of his programme are as follows:-

11.20	Arrive Eglinton Airport photo calls etc followed by a reception
11.40	Depart Eglinton Airport
11.45	Arrive White Horse Inn, Campsie Private meeting with 2 local Bishops (Roman Catholic and Church of Ireland) followed by lunch hosted by Aer Lingus
15.25	Depart Eglinton Airport for Dublin

If the visit goes ahead, my Secretary of State, who is unlikely to be available, will arrange for a Northern Ireland Office Minister to greet Mr Haughey at Eglinton Airport.

Yours sincerely

Stephen Pope

STEPHEN POPE

CONFIDENTIAL

CONFIDENTIAL

IRELAND:
Rly

file
bc: PC

10 DOWNING STREET

LONDON SW1A 2AA

(cc: \wpdocs\foreign\Anglo.doc)

From the Private Secretary

15 October 1989

Dear Stephen,

ANGLO/IRISH CONFERENCE

The Prime Minister has read the account in your letter of 10 October of the recent meeting of the Anglo/Irish Conference on 5 October. She has commented that the Irish proposal to establish a Commission of Inquiry to enquire into the conduct of the Security Forces and their relations with the different sections of the community is totally unacceptable. She very much agrees with the line which the Northern Ireland Secretary took with Mr Collins.

I am copying this letter to Stephen Wall (Foreign and Commonwealth Office), Colin Walters (Home Office), Brian Hawtin (Ministry of Defence) and Trevor Woolley (Cabinet Office).

Yours sincerely,

C. D. POWELL

Stephen Leach, Esq.
Northern Ireland Office

CONFIDENTIAL

CONFIDENTIAL

PRIME MINISTER

PATRICK RYAN

The Irish will shortly announce - probably announce - that their DPP has decided there is insufficient evidence to prosecute Patrick Ryan.

This is of course absolutely scandalous, both the substance of the decision and the time taken to reach it.

But the Attorney recommends a low-key reaction, both because the decision has been reached by their independent DPP and to avoid damage or prejudice to other pending cases. I attach a copy of the statements he proposes should be made.

The Attorney is clear that the statement should come from him if the news is given by the Irish Attorney: and from the DPP if the Irish statement is made by their DPP. He hopes that you will avoid being drawn into any statement, if possible.

CDP

CHARLES POWELL

12 October 1989

XPo RYAN

PRESS STATEMENT

PATRICK RYAN

I have noted the decision of the Irish Director of Public Prosecutions that there is insufficient evidence to justify criminal proceedings in the Republic against Patrick Ryan. This is a most disappointing outcome to the request that consideration be given to his prosecution in the Republic under the Irish Criminal Law (Jurisdiction) Act. The Irish Attorney General had stated his opinion that on two of the charges for which Ryan's extradition was sought there was sufficient evidence to justify prosecution in England. Nevertheless the decision has been taken by the independent Irish Director of Public Prosecutions and the prosecuting authorities here have to accept it. [We have been encouraged by recent successes in other extradition cases brought in the Republic and we shall continue wherever possible to ensure that persons accused of serious offences are brought before a court].

AG only

CONFIDENTIAL

PRIME MINISTER

PATRICK RYAN

This has now happened. Red

The Irish will shortly announce - probably announce - that their DPP has decided there is insufficient evidence to prosecute Patrick Ryan.

This is of course absolutely scandalous, both the substance of the decision and the time taken to reach it.

But the Attorney recommends a low-key reaction, both because the decision has been reached by their independent DPP and to avoid damage or prejudice to other pending cases. I attach a copy of the statements he proposes should be made. — This has been issued.

The Attorney is clear that the statement should come from him if the news is given by the Irish Attorney: and from the DPP if the Irish statement is made by their DPP. He hopes that you will avoid being drawn into any statement, if possible.

The most you could say would be to use a sentence edited out of the speech
"Everyone should cooperate to bring terrorists to justice when presented with clear evidence."

CDP

CHARLES POWELL

12 October 1989

PRESS STATEMENT

PATRICK RYAN

I have noted the decision of the Irish Director of Public Prosecutions that there is insufficient evidence to justify criminal proceedings in the Republic against Patrick Ryan. This is a most disappointing outcome to the request that consideration be given to his prosecution in the Republic under the Irish Criminal Law (Jurisdiction) Act. The Irish Attorney General had stated his opinion that on two of the charges for which Ryan's extradition was sought there was sufficient evidence to justify prosecution in England. Nevertheless the decision has been taken by the independent Irish Director of Public Prosecutions and the prosecuting authorities here have to accept it. [We have been encouraged by recent successes in other extradition cases brought in the Republic and we shall continue wherever possible to ensure that persons accused of serious offences are brought before a court]. AG Only

CONFIDENTIAL

PRIME MINISTER

PATRICK RYAN

This has now happened. Ack

The Irish will shortly announce - probably announce - that their DPP has decided there is insufficient evidence to prosecute Patrick Ryan.

This is of course absolutely scandalous, both the substance of the decision and the time taken to reach it.

But the Attorney recommends a low-key reaction, both because the decision has been reached by their independent DPP and to avoid damage or prejudice to other pending cases. I attach a copy of the statements he proposes should be made. — This has been issued.

The Attorney is clear that the statement should come from him if the news is given by the Irish Attorney: and from the DPP if the Irish statement is made by their DPP. He hopes that you will avoid being drawn into any statement, if possible.

The most you could say would be to use a sentence edited out of the speech
"Everyone should cooperate to bring terrorists to justice when presented with clear evidence."

CDP

CHARLES POWELL

12 October 1989

PRESS STATEMENT

PATRICK RYAN

I have noted the decision of the Irish Director of Public Prosecutions that there is insufficient evidence to justify criminal proceedings in the Republic against Patrick Ryan. This is a most disappointing outcome to the request that consideration be given to his prosecution in the Republic under the Irish Criminal Law (Jurisdiction) Act. The Irish Attorney General had stated his opinion that on two of the charges for which Ryan's extradition was sought there was sufficient evidence to justify prosecution in England. Nevertheless the decision has been taken by the independent Irish Director of Public Prosecutions and the prosecuting authorities here have to accept it. [We have been encouraged by recent successes in other extradition cases brought in the Republic and we shall continue wherever possible to ensure that persons accused of serious offences are brought before a court].

AG Only

From: THE PRIVATE SECRETARY

CONFIDENTIAL

NORTHERN IRELAND OFFICE
STORMONT CASTLE
BELFAST BT4 3ST

Tel. Belfast (0232) 63011

Prime Minister
CDP 11/X.

Charles Powell Esq
10 Downing Street
LONDON
SW1A 2AA

10 October 1989

Dear Charles,

ANGLO-IRISH CONFERENCE: 5 OCTOBER

The meeting of the Anglo-Irish Conference in London on 5 October began with lunch and ended after 8 o'clock in the evening. This was a follow-up to the Conference on 15 September, and discussion in the plenary was again confined to questions of security and confidence. On 15 September most of the time had been devoted to questions raised by the Irish side, and this was the occasion for our reply. The atmosphere was a good deal better than on 15 September, though we are still some way from assuaging Irish concern about, in particular, the UDR.

Mr Brooke began by putting the discussion in the context of recent terrorist outrages, in particular the bomb attack at Deal. He re-stated the principles on which our security policy in Northern Ireland is based, and then turned to the questions raised by the Irish. After referring briefly to the problem of leaks of information about suspected terrorists and the steps that have been taken to prevent them, he repeated that the Stevens enquiry was rigorously pursuing allegations of collusion between members of the Security Forces and paramilitary organisations, with the full support of the RUC.

The Chief Constable then described the role of the UDR within the overall security effort. He mentioned some of the difficulties in the way of implementing fully the principle that army patrols should be accompanied by the RUC, against the background of the increase in the threat from PIRA since 1985. He concluded by saying that the confidence of the minority community in the Security Forces was of the greatest importance, but that accompaniment of army patrols was only one element in increasing confidence. Accompaniment was a priority objective, but a major increase could only be achieved at unacceptable cost to other parts of the security effort. The British side pointed out that confidence was important in the majority as well as the minority community.

The Minister of State then described measures which are being taken by the army to eliminate sectarianism from the ethos of the UDR and to build up its professional skill and integrity. He described in some detail new measures to improve the screening of recruits and vetting of members of the UDR, and to improve the control of information about terrorist suspects throughout the Security

Forces. The Chief Constable concluded our opening statement with a report of the progress being made by the Stevens enquiry.

Mr Collins spoke in much more conciliatory terms than he had at the last meeting. But the message was still on similar lines. He began with a very strong reaffirmation of the Irish commitment to security cooperation against terrorism, and by paying tribute to the many excellent men in the UDR. But evidence of collusion ran deep. Was the UDR really still essential to our security effort? Could its role not be reduced, or the force be merged into the RUC reserve or the regular army? There were signs that PIRA, though it retained a high capacity for terrorism, was under pressure; only PIRA gained from anything which undermined confidence. The Irish side believed they had made a breakthrough on accompaniment in 1985, and asked for a firm commitment now to implement full accompaniment of the UDR in sensitive areas to a timetable. While he welcomed the detailed information on screening of recruits and control of sensitive documents, it was not the first time that such assurances had been given.

The decision to give plastic baton rounds to the UDR was understood by neither our friends nor our enemies, and he appealed for it to be re-considered or deferred, speaking with more heat on this than on any other topic.

In thanking the Chief Constable for the information about the Stevens enquiry, he expressed particular concern about leaks of information originating from the Irish Security Forces. Mr Burke later picked up this point, emphasising that the Garda was wholly dependent on public trust, and its effectiveness could be imperilled by allegations that information it provided was being misused. Mr Collins accepted that some of the allegations of collusion had been fabricated to embarrass the RUC and harm our relations. Nevertheless public opinion was shocked, and he particularly stressed the effect on public opinion in the US and on support for NORAID. The British side's argument had been made in good faith, and he respected our professional approach; but we had to get to the political core of the IRA problem. Mr Collins concluded by expressing his horror at the Deal bombing, and his appreciation that the British reaction to it had given no satisfaction to those who wished to drive wedges between us.

After a short break there was a full discussion of these opening positions, which revealed little common ground. The British side identified three specific Irish concerns on which further work could be done, but Irish Ministers showed little sign of accepting that this might be a way of bringing the discussion to a satisfactory outcome. With time running short, Irish Ministers settled for a short joint statement which would refer to 'constructive work' having been done, but give no details, and for a further Conference meeting to be held on 18 October which would deal with these subjects and a wider agenda. Both sides agreed that they would not be drawn at their press conferences on the details of the discussion. Irish Ministers have stuck to this, and for the press the sense of crisis is beginning to dissipate.

CONFIDENTIAL

The tone of the meeting was quiet. It became clear that Irish Ministers, who were under close instructions from Mr Haughey, were in a dilemma. The planned measures on screening and the control of information, and the work of the Stevens enquiry, would only be found valuable when they had delivered results: Mr Brooke had offered a small package of further work - further examination of the rules for the issue of PBRs to the UDR; and further consideration of what areas are most sensitive for accompaniment. But this did not add up to something the Irish could accept, though Collins, who has had to listen to our arguments at length, seems to be more ready than Haughey to see that the Irish must focus on what is achievable, rather than on what their earlier high expectations led them to talk about. It is perhaps significant that only after a phone call to Dublin during one of the breaks in the Conference did Collins mention that the Irish intend at the next meeting to propose the establishment of a Commission of Enquiry to sit in public and to enquire into the conduct of the security forces and their relations with the different sections of the community. Mr Brooke considers that such a proposal would be quite unacceptable, and he indicated this to Mr Collins. It is a proposal that would itself be damaging to confidence in the security forces, and it is difficult to believe that Mr Collins thought it could be acceptable to us; even its rejection by us seems unlikely to be politically helpful to the Irish. It is significant that Mr Collins mentioned the Commission of Enquiry only in private discussion with my Secretary of State, and it is just possible that we may hear no more of it.

totally unacceptable

During the Conference as a whole, in contrast to 15 September, the Irish appeared determined to avoid any outcome which might undermine the Conference process, let alone the Agreement itself. We are not out of the atmosphere of crisis; the concerns raised by the Irish, although exaggerated by them, do reflect concerns on the ground in Northern Ireland, and the future effectiveness of the security forces will be strengthened if we can find ways of increasing the confidence which the nationalist community have in them. So far as the Conference is concerned, the last meeting saw the Irish moving away from direct confrontation (though Mr Brooke is certain that they will continue to look for some significant gesture on 'confidence'), and agreement by the Irish side to revert to a normal Conference agenda for the next meeting (18 October) is a good outcome.

I am copying this letter to Stephen Wall (FCO), Colin Walters (HO), Brian Hawtin (MOD) and Trevor Woolley (Sir Robin Butler's office).

Yours, etc.

Stephen Leach

S J LEACH

not copied

AMBASÁID NA hÉIREANN, LONDAIN.

IRISH EMBASSY, LONDON.

17 Grosvenor Place

SW1X 7HR

Ch

5/10

4th October 1989

Mr Charles D Powell
Private Secretary to the Prime Minister
10 Downing Street
London SW1

Dear Private Secretary

I am enclosing a letter to the Prime Minister, The Rt Hon Mrs Margaret Thatcher MP FRS from An Taoiseach, Mr Charles J Haughey TD.

I should be grateful if you would bring it to the attention of the Prime Minister.

Yours sincerely

Andrew O'Rourke
Ambassador

Enc

PRIME MINISTER'S
PERSONAL MESSAGE
SERIAL No. T168 A/89

Subject cc Master
ops
25

Oifig an Taoisigh
Office of the Taoiseach

September, 1989.

Prime Minister
(2)
Copy
5/x.

Rt. Hon. Mrs. Margaret Thatcher, M.P., F.R.S.,
Prime Minister.

Dear Margaret,

I greatly appreciate your kind expression of sympathy on the death of my mother.

Your words of sympathy and understanding mean a great deal at this time.

Yours sincerely,

Charles Haughey

Taoiseach.

Oifig an Taoisigh, Tithe an Rialtais, Baile Átha Cliath 2.
Office of the Taoiseach, Government Buildings, Dublin 2.

File JD

(despatched 18 Sept)

cc FCO

PRIME MINISTER'S
PERSONAL MESSAGE
SERIAL No. T164C/89

SUBJECT cc MASTER OPS

10 DOWNING STREET
LONDON SW1A 2AA

THE PRIME MINISTER

15 September 1989

Dear Charlie,

I have just learned of the death of your mother. I knew she had been unwell for some time, but her death must be a very sad blow to you, and I send you my deepest sympathy.

Yours sincerely

Margaret

Mr. Charles Haughey, T.D.

MCM

SCO:

CCPC

Foreign and Commonwealth Office

London SW1A 2AH

15 September 1989

Dear Charles,

Death of the Taoiseach's Mother: Letter from Prime Minister

We spoke yesterday about the death of the Taoiseach's mother, which followed a lengthy illness. I enclose a draft letter of condolence which the Prime Minister might send. The Ambassador in Dublin fully supports the idea of a message.

Mrs Haughey senior was quite a figure in her own right. She was very active in charitable works in northern Dublin. The Taoiseach was particularly close to her.

Yours ever,

Richard Gozney

(R H T Gozney)
Private Secretary

C D Powell Esq
10 Downing Street

DSR 1 (Revised Sept 85)

DRAFT: minute/letter/teleletter/despatch/note

TYPE: Draft/Final 1 +

FROM:
Prime Minister

DEPARTMENT: TEL. NO:

BUILDING: ROOM NO:

Reference

Your Reference

SECURITY CLASSIFICATION

Top Secret
Secret
Confidential
Restricted
Unclassified

PRIVACY MARKING

..... In Confidence

CAVEAT .....

Enclosures flag(s) .....

TO:

Mr Charles J Haughey TD

Copies to:

SUBJECT:

~~[Dear Charlie]~~

I have just learned of the death of your mother. I knew she had been unwell for some time but her death must be a very sad blow to you and I send you my deepest sympathy.

CH

127434
MDHIAN 5291

R. 5.6
CM

CONFIDENTIAL
FM DUBLIN
TO DESKBY 122000Z FCOLN
TELNO 372
OF 121900Z SEPTEMBER 89
AND TO DESKBY 122000Z NIO(BELFAST)
AND TO DESKBY 122000Z NIO(LONDON)
AND TO DESKBY 122000Z HOME OFFICE

RESIDENT CLERK PLEASE ENSURE THAT THIS TELEGRAM IS AVAILABLE TO RID AND TO NIO PRIVATE OFFICE BY 130730Z AND TO HOME OFFICE PRIVATE OFFICE BY 130900Z.

YOUR TELNO 162: CALL ON IRISH FOREIGN MINISTER

SUMMARY

1. OMINOUS GRAVITY IN THE APPROACH TO THE IGC.INSISTENCE ON A ONE ISSUE AGENDA ON THE GROUND THAT THIS ISSUE PLACES ALL ELSE AT RISK.

2. MR COLLINS LOOKS FORWARD TO HIS MEETING WITH THE HOME SECRETARY AND RECOGNISES THAT THE OBJECTIVE OF 'RELEASE BY CHRISTMAS' IS UNREALISTIC.

DETAIL

3. I CALLED ON MR COLLINS THIS EVENING AND AM GRATEFUL FOR THE EXTENSIVE BRIEFING SUMMARISED IN YOUR TUR.

4. I CONVEYED MR MAJOR'S GREETINGS,HIS HOPE TO ESTABLISH THE CLOSE RELATIONSHIP WHICH THEIR PREDECESSORS HAD ENJOYED AND HIS EXPECTATION THAT THEY WILL BE ABLE TO MEET IN THE MARGINS EITHER OF UNGA OR OF AN EARLY FAC.MR COLLINS RECIPROCATED.HE KNEW HOW MUCH LENIHAN HAD VALUED HIS RELATIONSHIP WITH SIR GEOFFREY HOWE.WE WOULD SOMETIMES HAVE DIFFERING VIEWS ON THE COMMUNITY BUT HE LOOKED FORWARD TO A CLOSE WORKING RELATIONSHIP WITH YOU,AND TO AN EARLY MEETING.

5. I CONVEYED MR BROOKE'S GREETINGS.HE LOOKED FORWARD TO CLOSE PERSONAL CONFIDENCE BETWEEN THE TWO CO-CHAIRMEN,STARTING ON FRIDAY.MR COLLINS AGREED WARMLY.IT WAS HIS INTENTION THAT THE HARD THINGS WHICH WOULD HAVE TO BE SAID ON FRIDAY SHOULD NOT IMPAIR A PERSONAL RELATIONSHIP TO WHICH HE LOOKED FORWARD.

6. HE REFERRED BRIEFLY TO THE ISSUE OF 'ALTERNATIVES TO THE

AGREEMENT' BUT READILY ACCEPTED MY ASSURANCE THAT THESE COMMENTS SHOULD BE SEEN IN THE CONTEXT OF PARAS 28,29 AND 2 OF THE REVIEW DOCUMENT.

CONFIDENCE ISSUES AND THE IGC

7. MR COLLINS SPOKE WITH OMINOUS GRAVITY ABOUT THE CONFIDENCE ISSUES WHICH WILL DOMINATE THE IGC OF 15 SEPTEMBER.IT WOULD BE A CRUNCH MEETING:

A. THE UDR HAD FORFEITED ANY HOPE OF ACCEPTANCE BY THE COMMUNITY AS A WHOLE.THE SOONER IT WAS SET ON ONE SIDE THE BETTER.THE PRIME MINISTER'S REMARKS IN OMAGH HAD NOT HELPED(I RETORTED THAT THE PRIME MINISTER HAD SAID THAT THE UDR WERE BRAVE MEN.NO-ONE WAS GUILTY UNTIL PROVED GUILTY AND NO-ONE WAS ABOVE THE LAW.MR COLLINS DID NOT PURSUE THIS POINT):

B. COLLUSION UNDERMINED THE FOUNDATION OF CONFIDENCE.HE RECOGNISED THE SWIFT WORK OF THE RUC IN BRINGING THREE PEOPLE TO COURT BUT WHAT WAS NEEDED WAS NOT SIMPLY A BANDAGE BUT FUNDAMENTAL SURGERY:

C. HE SPOKE AT LENGTH ON THE PATTERN OF HARRASSMENT AND ITS DEBILATIMG EFFECT ON THE COMMUNITY.THE CONFERENCE HAD NOT YET GOT TO GRIPS WITH THIS QUESTION:

D. THE PUBLIC WOULD NOT PROVIDE INFORMATION TO THE POLICE ON EITHER SIDE OF THE BORDER IF THEY FEARED IT WOULD BE PASSED TO TERRORISTS:

E. THE ISSUE PLACED THE FOUNDATION OF THE AGREEMENT ITSELF IN QUESTION.HENCE THE IRISH INSISTENCE THAT FRIDAY'S MEETING SHOULD DISCUSS THIS ISSUE ALONE.

8. I SAID THAT AGREEMENT ON THE AGENDA WAS FOR THE SECRETARIAT.WHEN THE NORTHERN IRELAND SECRETARY CAME TO DUBLIN ON FRIDAY MR COLLINS WOULD FIND THAT HIS BRITISH COLLEAGUES SHARED IRISH CONCERN AND WOULD WELCOME THE OPPORTUNITY FOR A FULL DISCUSSION WITH HIM OF THE GRAVE SITUATION WHICH HAD ARISEN.I ASKED HIM TO REMEMBER THAT IT WOULD BE THE FIRST CONFERENCE FOR MR BROOKE,MR COPE AND MR ANNESLEY AND WOULD TO SOME EXTENT SET THE PATTERN FOR FURTHER MEETINGS,ESTABLISH PERSONAL RELATIONSHIPS AND AFFECT BILATERAL RELATIONS FOR MONTHS TO COME.WE DID NOT LAG BEHIND THE IRISH IN RECOGNISING THE PROBLEM BUT IT WAS DISTORTED IF TAKEN IN ISOLATION.I ASKED WHAT PUBLIC IMPRESSION HE WISHED TO CONVEY AT THE CONFERENCE.A RETURN TO MEGAPHONE DIPLOMACY WOULD HELP NEITHER GOVERNMENT:THE STRENGTH OF THE AGREEMENT WAS THAT

AGREEMENT' BUT READILY ACCEPTED MY ASSURANCE THAT THESE COMMENTS SHOULD BE SEEN IN THE CONTEXT OF PARAS 28,29 AND 2 OF THE REVIEW DOCUMENT.

CONFIDENCE ISSUES AND THE IGC

7. MR COLLINS SPOKE WITH OMINOUS GRAVITY ABOUT THE CONFIDENCE ISSUES WHICH WILL DOMINATE THE IGC OF 15 SEPTEMBER.IT WOULD BE A CRUNCH MEETING:

A. THE UDR HAD FORFEITED ANY HOPE OF ACCEPTANCE BY THE COMMUNITY AS A WHOLE.THE SOONER IT WAS SET ON ONE SIDE THE BETTER.THE PRIME MINISTER'S REMARKS IN OMAGH HAD NOT HELPED(I RETORTED THAT THE PRIME MINISTER HAD SAID THAT THE UDR WERE BRAVE MEN.NO-ONE WAS GUILTY UNTIL PROVED GUILTY AND NO-ONE WAS ABOVE THE LAW.MR COLLINS DID NOT PURSUE THIS POINT):

B. COLLUSION UNDERMINED THE FOUNDATION OF CONFIDENCE.HE RECOGNISED THE SWIFT WORK OF THE RUC IN BRINGING THREE PEOPLE TO COURT BUT WHAT WAS NEEDED WAS NOT SIMPLY A BANDAGE BUT FUNDAMENTAL SURGERY:

C. HE SPOKE AT LENGTH ON THE PATTERN OF HARRASSMENT AND ITS DEBILATIMG EFFECT ON THE COMMUNITY.THE CONFERENCE HAD NOT YET GOT TO GRIPS WITH THIS QUESTION:

D. THE PUBLIC WOULD NOT PROVIDE INFORMATION TO THE POLICE ON EITHER SIDE OF THE BORDER IF THEY FEARED IT WOULD BE PASSED TO TERRORISTS:

E. THE ISSUE PLACED THE FOUNDATION OF THE AGREEMENT ITSELF IN QUESTION.HENCE THE IRISH INSISTENCE THAT FRIDAY'S MEETING SHOULD DISCUSS THIS ISSUE ALONE.

8. I SAID THAT AGREEMENT ON THE AGENDA WAS FOR THE SECRETARIAT.WHEN THE NORTHERN IRELAND SECRETARY CAME TO DUBLIN ON FRIDAY MR COLLINS WOULD FIND THAT HIS BRITISH COLLEAGUES SHARED IRISH CONCERN AND WOULD WELCOME THE OPPORTUNITY FOR A FULL DISCUSSION WITH HIM OF THE GRAVE SITUATION WHICH HAD ARISEN.I ASKED HIM TO REMEMBER THAT IT WOULD BE THE FIRST CONFERENCE FOR MR BROOKE,MR COPE AND MR ANNESLEY AND WOULD TO SOME EXTENT SET THE PATTERN FOR FURTHER MEETINGS,ESTABLISH PERSONAL RELATIONSHIPS AND AFFECT BILATERAL RELATIONS FOR MONTHS TO COME.WE DID NOT LAG BEHIND THE IRISH IN RECOGNISING THE PROBLEM BUT IT WAS DISTORTED IF TAKEN IN ISOLATION.I ASKED WHAT PUBLIC IMPRESSION HE WISHED TO CONVEY AT THE CONFERENCE.A RETURN TO MEGAPHONE DIPLOMACY WOULD HELP NEITHER GOVERNMENT:THE STRENGTH OF THE AGREEMENT WAS THAT

IT ENABLED US TO SPEAK FRANKLY TO EACH OTHER IN PRIVATE.

9. I WONDERED ALOUD WHETHER MR BROOKE MOGHT NOT RESPOND THAT HE WOULD BE HAPPY TO TALK ABOUT SECURITY ISSUES AS LONG AS IT TOOK,BUT WOULD THEN WANT TO MOVE ON TO THE REST OF THE AGENDA.MR COLLINS DID NOT REJECT THIS OUT OF HAND BUT SAID THAT HE WOULD HAVE TO HAVE REGARD TO LAST NIGHT'S GOVERNMENT STATEMENT (IE TO THE TAOISEACH).

10. I RECOMMEND THAT OUR RESPONSE SHOULD

A. STRESS OUR AGREEMENT THAT THESE GRAVE QUESTIONS DESERVE PRIORITY AND THAT WE SHOULD BE PREPARED TO DISCUSS THEM AS LONG AS IT TAKES:

B. INSIST THAT THE CONFERENCE SHOULD ALSO LOOK AT THE REST OF ITS AGENDA INCLUDING IN PARTICULAR THE PROGRAMME FOLLOWING THE REVIEW.

THE BIRMINGHAM SIX

11. I SAID THAT MR HURD WAS LOOKING FORWARD TO RECEIVING MR COLLINS TOMORROW.THE MINISTER KNEW THAT THE HOME SECRETARY WOULD WANT TO LISTEN CAREFULLY TO WHAT HE HAD TO SAY BUT KNEW ALSO HOW SEVERE WERE THE CONSTRAINTS WITHIN MR HURD WORKED.I SUGGESTED THAT THE PUBLIC OBJECTIVE OF 'RELEASE BY CHRISTMAS' WAS WILDLY UNREALISTIC AND RISKED COMMITTING THE TWO GOVERNMENTS TO A COLLISON COURSE.MR COLLINS TOOK CREDIT FOR THE RESTRAINT WITH WHICH HE HAD SO FAR HANDLED THIS QUESTION AND APPEARED TO ACKNOWLEDGE THAT 'OUT BY CHRISTMAS' WAS UNREALISTIC.

FENN

YYYY

DISTRIBUTION 158

MAIN 108

.NORTHERN IRELAND
LIMITED
RID
NAD
INFO D
RMD
NEWS D
ECD(I)
LEGAL ADVISERS
POD
NTD
PS
PS/LORD BRABAZON
PS/PUS

PUSD
SCD
RESEARCH D
PLANNERS
ECD(E)

PS/SIR J FRETWELL
CHIEF CLERK
MR P J WESTON
MISS SPENCER

ADDITIONAL 50

NORTHERN IRELAND

NNNN

CONFIDENTIAL

10 DOWNING STREET
LONDON SW1A 2AA

From the Private Secretary

10 September 1989

POSSIBLE VISIT BY MR. HAUGHEY

Thank you for your letter of 7 September about the possible visit by Mr. Haughey. The Prime Minister would be happy to see him and could manage 1045 on 29 November for an hour. However, it is most unlikely that the Prime Minister will be able to attend the formal opening of the "Work of Angels" exhibition at the British Museum.

C. D. Powell

J.S. Wall, Esq.,
Foreign and Commonwealth Office.

CONFIDENTIAL

E.R.

CDP

I have given you 1045 to 1145 (but I probably won't put anything in until 1200.

AP 11/9

AMANDA

VISIT OF IRISH PRIME MINISTER

The Prime Minister has agreed she will see Mr. Haughey. She thinks she will need a full hour. Could you please allow for it in the diary.

CDP

CHARLES POWELL

10 September 1989

1045-1100 on 24 Nov

CONFIDENTIAL

Foreign and Commonwealth Office

London SW1A 2AH

Prime Minister

You could manage a 45 minute meeting on the morning of 29 November. Agree? CDP 7/9

Yes - I think it will probably require an hour not

7 September 1989

Dear Charles,

Possible visit by Mr Haughey

The Embassy in Dublin have been told informally that the Taoiseach is considering a visit to London for the formal opening of the "Work of Angels" exhibition at the British Museum. We have now heard from the Museum that they propose to invite him on 28 November. (You will recall that the Prime Minister contributed to the preface of the exhibition catalogue.)

Should Mr Haughey come to London for the exhibition in late November, his visit would provide a good opportunity for a bilateral with the Prime Minister on Community issues, immediately before the Strasbourg Council and the start of the Irish Presidency. Bilateral issues could also be covered, obviating any need for a separate bilateral with Mr Haughey in the margins at Strasbourg.

Our understanding is that the British Museum plan an evening opening followed by dinner. Such an arrangement would probably involve an overnight stay for Mr Haughey. Talks with the Prime Minister might therefore be possible on either 28 November or, if more convenient, 29 November. If the Prime Minister agrees in principle to a meeting, details can be worked out later.

If Mr Haughey does attend the formal opening of the exhibition, it is likely that the British Museum will also invite the Prime Minister. Her attendance would help to mark the British Museum's expertise in restoration of the Derrynaflan Chalice (the main exhibit) but Mr Luce could, of course, represent her if she preferred.

[I doubt this is necessary]

Yours,

Stephen Wall

(J S Wall)
Private Secretary

C D Powell Esq
10 Downing Street

CONFIDENTIAL

FILE
DA.

10 DOWNING STREET
LONDON SW1A 2AA

From the Private Secretary

6 July 1989

I enclose a copy of a letter to the Prime Minister from Jim Molyneaux MP. I fear it will not be possible for the Prime Minister to meet this group and I propose so to inform Mr. Paisley tomorrow unless you urge very strongly to the contrary.

(C.D. POWELL)

Stephen Leach, Esq.,
Northern Ireland Office.

Original with CDP

The Rt. Hon. James Molyneaux, JP., MP.
LEADER — THE ULSTER UNIONIST PARTY

House of Commons,
London, SW1A OAA.

6 July, 1989.

Dear Prime Minister

Ian Paisley has just telephoned me from Northern Ireland to report that last evening he attended a gathering in County Fermanagh where great concern was expressed over the recent removal of an army checkpoint on the frontier at Leckey Bridge.

The group of widows of security personnel who came to see you nine years ago plan to come to London on Tuesday, 11 July, and would very much like to meet you to discuss the security vacuum. If you should find it possible to meet them it is not intended that they should be accompanied by any Northern Ireland politician.

As I shall be out of contact with London for a few days, I wonder if your private office would contact Ian Paisley direct. Office telephone number: 0232.458900, or home:0232.650150.

Yours ever
Jim

The Rt. Hon. Mrs Margaret Thatcher, MP.,
10 Downing Street,
London, SW1

024300
MDHIAN 9860

CONFIDENTIAL
FM DUBLIN
TO DESKBY 191245Z FCO
TELNO 250
OF 191135Z JUNE 89
AND TO DESKBY 191245Z NIO(B), NIO(L)
INFO IMMEDIATE WASHINGTON, BIS NEW YORK
INFO PRIORITY EC POSTS, HOLY SEE

MIPT: IRISH GENERAL ELECTION: THE PROSPECT

SUMMARY

1. INSTEAD OF WINNING AN OVERALL MAJORITY, MR HAUGHEY HAS LOST SEATS AND CANNOT NOW GOVERN WITHOUT A FORMAL ARRANGEMENT WITH ANOTHER POLITICAL PARTY. HE WILL PROBABLY SURVIVE, BUT THE OUTLOOK IS UNCERTAIN.

DETAIL

2. THE GENERAL ELECTION REPORTED IN MIPT HAS PRODUCED A SITUATION OF GREAT UNCERTAINTY WHICH MAY PERSIST BEYOND THE FIRST MEETING OF THE NEW DAIL ON 29 JUNE. HAVING BROKEN THE CONSENSUS IN SEARCH OF AN OVERALL MAJORITY, MR HAUGHEY LOST FOUR SEATS AND IS NOW SIX VOTES SHORT. THE SHORTFALL IS TOO GREAT AND THE INDEPENDENTS ARE TOO DISPARATE FOR HIM TO BUILD A MAJORITY WITH THEM ALONE. TO BE RE-ELECTED TAOISEACH HE NEEDS THE SUPPORT - OR AT LEAST THE ACQUIESCENCE - OF ANOTHER POLITICAL PARTY.

3. THE INITIAL REACTIONS OF THE PARTIES TO THIS SITUATION WERE AS FOLLOWS:

A. FIANNA FAIL (FF) STILL CLAIMED THAT ONLY THEY COULD FORM A GOVERNMENT. MR HAUGHEY WOULD BE NOMINATED AS TAOISEACH ON 29 JUNE. IT WAS UP TO THE OTHER PARTIES IN THE NATIONAL INTEREST TO RALLY TO HIS RESPONSIBLE LEADERSHIP. OPPOSITION SPOKESMEN REPUDIATED THIS NOTION: AFTER FAILING FIVE TIMES TO SECURE AN OVERALL MAJORITY, IT WAS TIME FF ABANDONED ITS PRETENSION TO RULE BY DIVINE RIGHT.

B. THE LEFT WASHED THEIR HANDS OF THE PROBLEM ON THE GROUND THAT RIGHT OF CENTRE PARTIES COMMAND 138 VOTES OUT OF 166: IT WAS FOR THEM TO ORGANISE A MAJORITY.

C. THE PROGRESSIVE DEMOCRATS (PDS) POINTED OUT THAT, EVEN AFTER THEIR

DEWBACLE, THEY AND FF HAD A BARE MAJORITY BETWEEN THEM (83 - 82, NOT COUNTING THE SPEAKER).

D. FINE GAEL (FG) SAID VERY LITTLE.

4. OVER THE WEEKEND, THERE HAS BEEN SPECULATION ABOUT AN ACCOMMODATION BETWEEN FF AND FG OR THE PDS WHICH MR DUKES AND MR O'MALLEY HAVE BEEN CAREFUL NOT TO RULE OUT. FF HAVE BECOME MORE REALISTIC. MINISTERS HAVE CALLED FOR TALKS BETWEEN THE PARTIES ''TO NEGOTIATE SOME REASONABLY SECURE ARRANGEMENT'' FOR A NEW FF MINORITY GOVERNMENT. ONE FF DEPUTY HAS SPOKEN PUBLICLY OF '' AN ARMS-LENGTH COMMITTEE SYSTEM'' LINKING THE MAIN PARTIES. SEAMUS BRENNAN, FF ELECTION MANAGER HAS SAID THAT THE PARTY MUST LOOK FOR SUPPORT WHERE THEY CAN FIND IT.

5. THE TAOISEACH HIMSELF HAS PUBLICLY REJECTED THREE POSSIBLE SOLUTIONS TO THE IMPASSE:

A. A GRAND COALITION WITH FINE GAEL: ''IT WOULD BE HUGE...A MONOLITH...OPPOSITION WOULD BE STIFLED AND THE WHOLE THING WOULD BE VERY UNSATISFACTORY''.

B. ANOTHER IMMEDIATE GENERAL ELECTION.

C. RESIGNATION: ''I AM THE ELECTED LEADER OF FIANNA FAIL AND INTEND TO REMAIN...IT IS MY DUTY TO ACCEPT THE VERDICT OF THE PEOPLE AND TO MAKE IT WORK''. THE THOUGHT OF RESIGNATION HAD ''NEVER CROSSED MY MIND''.

BUT WHAT MR HAUGHEY SAYS CAN NO LONGER BE REGARDED AS DEFINITIVE ON ANY OF THESE POINTS.

6. IN LOGIC THE OUTCOME SHOULD BE A GRAN COALITION. THERE ARE NO SIGNIFICANT POLICY DIFFERENCES BETWEEN THE TWO MAJOR PARTIES. IT WOULD GIVE IRELAND STABLE AND RESPONSIBLE GOVERNMENT FOR UP TO FOUR YEARS. IT MIGHT LEAD TO THE LONG-HERALDED RE-ALIGNMENT OF IRISH POLITICS ON LEFT-RIGHT LINES, AND ULTIMATELY END THE PERPETUAL DOMINANCE OF NON-SOCIALIST PARTIES. FOR THIS REASON IT IS ADVOCATED BY THE LEFT AND RESISTED BY THE RIGHT. THE POLITICIANS WOULD HAVE TO OVERCOME DEEP PERSONAL AND HISTORICAL ANTAGONISMS.

7. AN ALTERNATIVE MAKESHIFT ARRANGEMENT WOULD BE A COALITION WITH THE PDS: AS IT HAPPENS, ALL THE PD DEPUTIES IN THE 26TH DAIL ARE FORMER MEMBERS OF FF. THEY WILL NOT WORK WITH MR HAUGHEY BUT WOULD JUMP AT

COALITION WITH FF UNDER OTHER LEADERSHIP. MARY HARNEY HAS SAID ON A PERSONAL BASIS THAT THE PDS SHOULD VOTE FOR STABILITY EVEN IF THAT MEANS VOTING FOR MR HAUGHEY.

8. MORE LIKELY THAN A FORMAL COALITION IS SOME FORM OF NEGOTIATED ARRANGMENT TO ENABLE FF TO STAY IN POWER. SUCH AN ARRANGEMENT WOULD HOLD LITTLE ATTRACTION FOR LABOUR: IN PRACTICE MR HAUGHEY WILL HAVE TO DEAL WITH MR DUKES, MR O'MALLEY OR BOTH. THE OPPOSITION PARTIES HAVE A STRONGER HAND AND WILL EXPECT A HIGHER PRICE THAN ALAN DUKES'S TALLAGHT STRATEGY IN THE LAST DAIL. SINCE THE POLICY DIFFERENCES ARE INSIGNIFICANT, IT WOULD BE RELATIVELY EASY TO AGREE ON A POLITICAL PROGRAMME. BUT THAT WOULD LEAVE THE OPPOSITION WHERE THEY WERE BEFORE: SHARING THE BLAME WITHOUT CLAIMING THE CREDIT - RESPONSIBILITY WITHOUT POWER. SOMETHING MORE WILL BE NEEDED. A MINIMUM WOULD BE SOME FORM OF INTEWR-PARTY CONSULTATIVE SYSTEM THAT WOULD ENABLE THE OPPOSITION TO INFLUENCE GOVERNMENT DECISIONS. AT MOST, THE OPPOSITION MAY DEMAND THE REPLACEMENT OF MR HAUGHEY AS THE CANDIDATE FOR TAOISEACH.

9. THE NEARER THE ARRANGEMENT COMES TO FORMAL COALITION, THE MORE WILL MR HAUGHEY'S LEADERSHIP OF FIANNA FAIL BE CALLED INTO QUESTION. THE PARTY WILL TEND TO RALLY ROUND THE LEADER. HIS POTENTIAL SUCCESSORS HAVE MADE LOYAL PUBLIC STATEMENTS OVER THE WEEKEND. BUT IF IT BECOMES CLEAR THAT THE NEW DAIL WILL NOT ELECT HIM TAOISECH, HIS SURVIVAL AS PARTY LEADER CANNOT BE ASSUMED.

10. HIS TACTICAL OPTIONS WOULD SEEM TO BE:

A. TO AVOID OVERT ALLIANCES AND PRESENT HIMSELF FOR RE-ELECTION IN THE HOPE THAT ONE OR MORE OF THE OPPOSITION PARTIES WILL LET HIM BE ELECTED RATHER THAN FACE PROLONGED DEADLOCK. IN EFFECT HE WOULD DARE THE OTHER PARTIES TO PRECIPITATE ANOTHER EXPENSIVE ELECTION BY VOTING HIM DOWN. THIS WILL BE HIS INSTINCT, BUT IT WOULD PROVIDE ONLY A PRECARIOUS SOLUTION (PARA 3 ABOVE).

B. COALITION (PARAS 6 AND 7)

C. NEGOTIATED ARRANGEMENT (PARA 8)

D. RESIGNATION (PARA 9)

E. FRESH ELECTIONS.

11. THE PARTY LEADERS WILL NOW SOUND EACH OTHER OUT - AT FIRST

INDIRECTLY, THEN PERHAPS IN FORMAL TALKS. WHEN THE DAIL RESUMES ON 29 JUNE THERE MAY BE A STATELY MINUET WHILE EACH LEADER IN TURN IS REJECTED AS TAOISEACH. THE EVENTUAL OUTCOME WILL PROBABLY INVOLVE SOME FORM OF NEGOTIATED ARRANGEMENT (PARA 8 ABOVE) TO ENABLE MR HAUGEY TO REMAIN TAOISEACH WITH REDUCED AUTHORITY. BUT ALTERNATIVES ARE POSSIBLE AND THE IMMEDIATE OUTLOOK IS UNCERTAIN.

12. THE IMPLICATIONS OF THIS FOR ANGLO-IRISH RELATIONS ARE ASSESSED IN MIFT.

FENN

YYYY

DISTRIBUTION 439

MAIN 439

FCO WHITEHALL RID

NNNN

Ref. A089/1567

MR POWELL

Mr Nally has told Sir Robin Butler, on the Taoiseach's instructions, that he is hoping very much to have a bilateral with the Prime Minister at the Madrid European Council. If the Prime Minister is sending a message to the Taoiseach following the result of the Irish elections, you may want to refer to this.

2. I am copying this minute to Stephen Wall, Private Secretary to the Foreign and Commonwealth Secretary and Stephen Leach, Private Secretary to the Secretary of State for Northern Ireland.

T A WOOLLEY

15 June 1989

Anglo-Irish Conference (Review)

4.11 pm

The Secretary of State for Northern Ireland (Mr. Tom King): With permission, Mr. Speaker, I should like to make a statement on the review of the working of the Intergovernmental conference set up under the Anglo-Irish Agreement. The review was completed at the meeting of the conference in Belfast yesterday and copies of the report have been placed in the Library. Also in the Library are copies of a paper setting out developments since the signing of the agreement. The review has been a very worthwhile opportunity to take stock of the working of the conference and I am grateful to all those who submitted views on this subject.

Both Governments reaffirmed in the report their full commitment to all the provisions of the agreement and to its shared understandings and purposes. The report deals with the work and achievements of the conference under each article of the agreement. In the conclusions of the report, the two Governments agree that the conference supported by the secretariat, has proved its value in the past three years and that, while requiring no fundamental change at present, its role could, nevertheless, be developed and enhanced in a number of ways.

If in future it were to appear that the objectives of the agreement could be more effectively served by changes in the scope and nature of the working of the conference, consistent with the basic provisions and spirit of the agreement, the two Governments would be ready in principle to consider such changes.

What the report and the record of developments since the agreement was signed show is that neither the agreement nor the operation of the conference is a threat to either tradition in Northern Ireland. On the contrary, they have provided a framework that respects the essential interests of both sides of the community and their right to pursue their aspirations by peaceful means. They facilitate co-operation in the fight against terrorism and set out to create the conditions in which the whole community can live together in peace.

Mr. Kevin McNamara (Kingston upon Hull, North): I thank the Secretary of State for his statement this afternoon. My party gives a warm welcome to the declaration made yesterday. We had only one regret about the declaration and that was the absence of the Tánaiste, the Foreign Secretary of the Republic. I am sure that the whole House hopes that he has a speedy and successful recovery from his recent operation.

In many ways, the declaration has mirrored the opinions of the Labour party and the submission we made to the Government on it. However, the greatest achievement of the agreement has been its survival, despite all the pressures and controversy to which it has been subjected. As the review document clearly points out, the agreement has assisted the development of cross-border security, which is very important, and has resulted in a far more mature and constructive relationship between the British and Irish Governments. It has provided the forum for the institutionalisation of disagreements and has furnished a mechanism for the handling of disputes.

When we look at the detail of the review, we are pleased that the two Governments have accepted so many of our suggestions. I welcome the recognition of the need for greater openness about the working of the agreement, as well as the decision to hold regular meetings of the conference. The crisis management atmosphere has been detrimental to the agreement.

In terms of the legal aspects of the review, we welcome the fact that the review recognises the need to bring the Law Officers into the agreement process. We can do without the disputes between the Law Officers which have in the past marred Anglo-Irish relations. Furthermore, we note that efforts are to be made to make use of the extra-territorial legislation and, in addition, that the proposals for the harmonisation of the criminal law between the two countries are to be furthered.

There are two other areas of policy that we described in our submission as relevant and important. We are glad that the two Governments have accepted our recommendation that more effort should be made to use the agreement to deal with cross-border co-operation in social and economic matters. We are especially impressed that the implications of 1992 for the relationship between the two parts of Ireland appear to have been recognised by the two Governments. We are certain that there can be future progress in that area.

I also welcome the publication of the document "Developments since the signing of the Anglo-Irish Agreement", although some sections of that document tend to over-egg the pudding and others are somewhat contentious. However, it is good that the Government have attempted to provide information that will assist in drawing up a realistic assessment of the agreement.

The Labour party supports the conclusions of the review and, in particular, paragraphs 27 to 30. Paragraph 29 states:

> "If in the future it were to appear that the objectives of the Agreement could be more effectively served by changes in the scope and nature of the working of the Conference, consistent with the basic provisions and spirit of the Agreement, the two Governments would be ready in principle to consider such changes."

That shows a degree of flexibility which we wholeheartedly endorse.

Will the Secretary of State agree with us that the prime objective in the next phase of the agreement is to bring all the constitutional parties in from the cold, not betraying their principles, their traditions or their communities, but working for the good of the Province as a whole?

Mr. King: I am grateful to the hon. Member for Kingston upon Hull, North (Mr. McNamara) for the welcome he gave the statement and especially for the welcome he gave to the paper we produced on developments since the signing of the agreement. It is helpful to remind the House and the wider public of a number of events that have taken place since the agreement was signed and which show, not spectacular developments in particular directions, but the steady and valuable progress made in developing a closer understanding and relationship between the United Kingdom and the Republic of Ireland on the issues in Northern Ireland. Anybody who considers these matters sensibly—and this is one matter on which I am sure that I command the support of the whole House—knows that there has to be a relationship between Dublin, Belfast and London. There are issues of manifest benefit that can be better resolved by discussion together. The lesson of the review is that the work of the conference started perhaps with a bit of crisis management, but is now steadying down to worthwhile,

Minister define classically the best of England, and it would be a disaster and a catastrophe of the first order if any of these were damaged or destroyed in any way?

Mr. Wakeham: I do not have a Test score later than lunchtime, but I believe that it was 132 for three at lunchtime today. I am interested to know what has happened since then. If it is not irresponsible of me, I share the sentiments of my hon. Friend, but it is for the BBC to decide what sporting events to cover and the extent of that coverage. I understand that the BBC aims to continue providing as much uninterrupted ball-by-ball coverage as possible. For the majority of the time, the BBC sees no reason why Test Match Special should differ from its persent form.

Mr. Tony Banks (Newham, North-West): May I remind the Leader of the House that, although we have had Adjournment debates on the Roman baths at Huggin hill and the Rose theatre, there remains in the House considerable concern that a great deal of damage is being done to Britain's archaeological heritage by the activities of property developers and that we will not safeguard our heritage by one-off campaigns that occur on site within easy reach of Fleet street and Westminster? May we have an urgent and early debate on the preservation of our archaeological heritage and the clear loopholes in present legislation?

Mr. Wakeham: I thought that the Government and the developers moved speedily and effectively to deal with recent cases. By their very nature, one cannot always anticipate when such matters will arise, but I agree that the subject is suitable for debate. It is difficult for me to make time for a debate in the immediate future, but I shall certainly bear his suggestion in mind.

Mr. Gary Waller (Keighley): It would obviously be improper for my right hon. Friend to comment on any one case of libel, even one as significant as the Sutcliffe case about which so many members of the public are concerned, but is he aware that it is now 14 years since the Faulks committee on defamation reported, yet none of its recommendations has been implemented by any Government, although several of them are relevant to recent cases? Does he agree that it might be appropriate for the House to have a debate on that matter so that the views of right hon. and hon. Members could be taken into account by the committee reviewing the press, privacy and similar matters that my right hon. Friend the Home Secretary has announced?

Mr. Wakeham: It is clear from the way in which he phrased his question that my hon. Friend is aware that he has raised a difficult subject on which it is not easy to find a solution. The right approach is for my right hon. and learned Friend the Lord Chancellor to consider these matters in the way that he has suggested, but if any right hon. or hon. Member has any suggestions I am sure that my right hon. and learned Friend will be only too pleased to receive them.

Mr. Rhodri Morgan (Cardiff, West): Does the Leader of the House agree that the time is now right for the House to debate the appointment of regulators? The matter has been highlighted this week by the appointment of Professor Littlechild as regulator-designate of the electricity industry, the appointment last month of Ian Byatt as regulator-designate of the water industry, and just before Christmas the appointment of Adam Peat as the new director, with regulatory functions, of the Housing Corporation for Wales?

It is notable that those three appointments are of civil servants, temporary or permanent, who were deeply involved in writing the legislation. That raises two important constitutional issues which need to be thought about seriously by the Leader of the House and by the House as a whole. Those appointments mean one of two things: either only those who are engaged in writing the legislation understand its functions——

Mr. Speaker: Order. Business questions should be about future debates.

Mr. Morgan: The other point that we should debate is whether the Government approve of the idea of civil servants writing £40,000 or £50,000 a year jobs for themselves.

Mr. Wakeham: The hon. Gentleman seems to misunderstand the whole process. Parliament is considering the legislation that requires the regulators to be appointed. The gentlemen that the hon. Gentleman mentioned seem eminently suitable for the jobs. I see no cause for a debate.

Mr. Greg Knight (Derby, North): May we have an early debate on the subjects of disarmament and defence so that hon. Members of the soft Left wing, the hard Left wing and the provisional wing of the Labour party can place their views on record and the House can discover what Labour's defence policy really is?

Mr. Wakeham: The debate on Thursday 8 June might be an opportunity to start on that litany of subjects.

sensible progress in a number of important areas and that can only be of benefit to relations within Northern Ireland and to people within the whole island of Ireland.

At the end of his speech, the hon. Member for Kingston upon Hull, North invited me to bring people in from the cold. My door is open so that people can come in from the cold. If people are determined to stay out in the cold, I will not arrest them and compel them to come through the door. In the end, they have to decide whether they want to do that. I say as genuinely as I can from the Dispatch Box that if people wish to come, the welcome is there.

Rev. Ian Paisley (Antrim, North): The majority population of Northern Ireland were not consulted when the Anglo-Irish Agreement came forth and when it was signed. They had no opportunity at that time to say anything about its conditions because they were kept secret. However, the minority population, led by the hon. Member for Foyle (Mr. Hume), had full access to all that was going on, which was acknowledged by the Secretary of State at that time, who is now the Home Secretary. The Unionists were left out in the cold.

Then we had the agreement. When it was signed the hon. Member for Foyle told the Government to face down the Unionist population. At the time, the Unionists were told that they would not be consulted and to carry on as they had been doing. There was then an inquiry into the agreement. The hon. Member for Middlesbrough (Mr. Bell) who was then Labour's deputy spokesman on Northern Ireland and who is in the House now, attended that session and admitted that in his opinion the status of Northern Ireland had been changed through the Anglo-Irish Agreement. When we look at the review——

Mr. Speaker: Order. Although I appreciate the importance of this statement to the hon. Gentleman, will he please bear in mind that he should ask the Secretary of State a question?

Rev. Ian Paisley: When we are having a statement in the House, Mr. Speaker, I must put the background to my question—*[Interruption.]* If I do not have the freedom to do that—*[Interruption.]* In your hearing, Mr. Speaker, I have already pressed that this House—*[Interruption.]*

Mr. Peter Robinson (Belfast, East): The hon. Member for Harrow, East (Mr. Dykes) would do better to listen.

Rev. Ian Paisley: I should like a full-scale debate in the House on this matter. However, that has not been forthcoming from the Leader of the House or from the Secretary of State who could have said in his statement today, "We will give a full debate" because the only place that the view of the majority of Northern Ireland's representatives can be heard is in this House.

It is completely wrong of the Secretary of State to try to say that the views of the right hon. Member for Lagan Valley (Mr. Molyneaux) and myself were not put to him forthrightly because he knows the Unionist view over a period of nine months. He knows exactly where we stand on this issue. Surely this House should have an opportunity of having a full debate on this issue.

The Secretary of State is saying that the agreement hurts nobody, that it is even-handed and that it will bring about peace, stability and reconciliation. The hon. Member for Kingston upon Hull, North (Mr NcNamara), speaking for the Labour party said that cross-border security has been improved. I wonder whether they would like to visit the homes of two senior police officers and ask their widows whether they think that it has been improved.

The House needs to face the fact that the Ulster question will not go away and that the way in which we should debate it is in an open debate in the House, not with a mere statement. There are things in the statement that radically change some of those democratic rights that are left. Matters such as appointments to boards will be tinkered with. If the Secretary of State is going to be forthcoming to the majority, let him say today, "yes, we will have a debate on this issue in the House."

Mr. King: The hon. Gentleman began his intervention, or question, with a travesty of the truth. He knows perfectly well that the first thing that I did when I went in to my office at Stormont as the new Secretary of State was to sit down and, in my own hand, write him a letter before the Anglo-Irish Agreement was even signed inviting him to talk to me on behalf of his party and the people that he represents. I issued the same invitation to the right hon. Member for Lagan Valley (Mr. Molyneaux)—but the hon. Gentleman never came. He is now saying that people were not consulted but he bears a heavy responsibility for the fact that the people whom he represents did not have a chance for their voices to be heard. We also know that the hon. Gentleman did exactly the same thing when we reached the review period. It is not good enough for him to stand up in the House asking why people were not consulted when he represents one of the two parties that refused to give any views on this review of the agreement.

Having put that on the record, I genuinely want to see the ways in which progress can be made. If I may say so, it is more likely to be made by the sort of approach that the hon. Gentleman has now adopted than by him sending me the sort of letter that he sent yesterday, which is published in the *Newsletter* today. If he is interested, and if it was with his agreement, I would ask for permission to publish it in the *Official Report* so that the House could see what is not the right approach, what is the negative approach, of abuse and vituperation in Northern Ireland politics when what I looked for from him—I take eccouragement from his remarks—is a constructive and sensible discussion on important matters.

The matters concerning the administration and government of the Province can be debated in the House, although that is a matter for my right hon. Friend the Leader of the House. I made it clear in my answer to the hon. Member for Kingston upon Hull, North (Mr. McNamara) that my door is open. If the hon. Member for Antrim, North (Rev. Ian Paisley) is genuine in what he has just said, I am happy to sit down with him to talk about arrangements for administration and government within Northern Ireland which, as he knows, he can do outside the agreement. However, if he sits in his trench and bellows "not an inch" and "no surrender", what happened to him in the local government elections will continue to happen, because more sensible voices will prevail.

Rev. Ian Paisley: On a point of order, Mr. Speaker. The Secretary of State has referred to a document which I should like to be printed in full. I should like the House to read it and to see that it is not the document that the Secretary of State has painted to the House. By all means, print the document.

Mr. Speaker: Order. It would not be appropriate to have the document printed in the *Official Report*. Perhaps the best course would be to have it placed in the Library.

Mr. Eddie McGrady (South Down): I congratulate the Secretary of State on reaching agreement with the Government of the Republic of Ireland which, in his own words, shows the full commitment of both Governments to the genuine implementation and use of the Anglo-Irish Agreement and Secretariat for the benefit of all the people of Ireland, North and South, and for the benefit of all the people of Northern Ireland, be they Protestant, Catholic, Unionist or Nationalist. I am sure that the Secretary of State will agree—indeed, he has stated this—that nothing in the agreement is detrimental to the rights and the duties of any citizen in Northern Ireland or in the Republic of Ireland.

I welcome the Secretary of State's statement on behalf of both Governments that there is an attempt to expand the scope and the timetabling of the deliberations. While it is important that security is always the number one issue on the agenda, because of the unfortunate and damaging terrorist activity in Northern Ireland, nonetheless, the Anglo-Irish Agreement deliberations have been reactive rather than proactive. I hope that in the ensuing meetings of the Secretariat there will be a structured agenda and a structured timetable when dealing with, say, the economic issues that would be beneficial to both communities, in both Northern and southern Ireland. I welcome the intent that appeared to exist in the Secretary of State's statement that that would be the norm in the future.

As we head towards 1992, it is only appropriate that two neighbouring Governments evolve a harmonisation and compatibility such as is envisaged for all Europe. Why can it not be envisaged for the small nation of the island of Ireland?

In response to the Secretary of State's remarks to the hon. Member for Antrim, North (Rev. Ian Paisley), I reaffirm and agree with the Secretary of State when he says that opportunities were available to every party and to people of no party in Northern Ireland to make representations on this matter. The hon. Member for Antrim, North stated that my party leader and, presumably, myself had had some privileged access prior to the signing of the agreement. We consulted with the British Government and with the Irish Government. we put our views on both tables. We would have been fools not to, prior to any international agreement being signed. That opportunity was available to everybody on the island of Ireland, and in the British Isles.

When the hon. Member for Antrim, North speaks of the majority in Northern Ireland, he is really speaking for a very small minority of the people of the United Kingdom and a very small minority of the people of Ireland, in relation to his campaign of opposition to the Anglo-Irish Agreement.

While there have been hiccups in the relationship between the two Governments over the past three years, the 27 meetings of the Secretariat must be recognised as having done away with the previous negative diplomacy and shouting across the Irish sea. The meetings have had a positive result. The opposition of the Unionist fraternity to the agreement got its answer in the local government poll last week. To say that the Anglo-Irish agreement is an obstacle to political and economic movement in Northern Ireland is nonsense. The very parties that created the obstacle cannot get over the hurdle, so it is a self-imposed obstacle. I encourage the Secretary of State to expand the work of the agreement in such a way that not only the security but the economic and social welfare of all the people of Ireland may be enhanced and improved.

Mr. King: I am grateful to the hon. Gentleman, who speaks for his constituents and obviously is keenly concerned about the interests of the Nationalist community. Some people believe that addressing the concerns, and perhaps the grievances and disaffections, of the minority community is somehow to the disadvantage of the majority community. It is abundantly to the advantage of the majority community within the Province that there should be good relations between both communities. It is tragic that some political leaders in the Province fail to recognise that.

We have sought through discussion to establish a constructive relationship with the Irish Government. From the position in which I sit, I can see the benefits which can flow from that. There are manifold economic benefits, not least with the approach of 1992. I appreciate the constructive relationship that we have with the Irish Government, which owes much to the outstanding leadership of the Tánaiste, Mr. Brian Lenihan. I know that the whole House will share the hope, expressed in the communiqué, that his recent operation in the United States will be a success and that he will be restored to good health.

Several Hon. Members *rose*——

Mr. Speaker: I have allowed discretion to the two hon. Members from Northern Ireland constituencies for reasons that I hope the House fully understands. We should now get back to asking questions of the Secretary of State on the statement that he has just made.

Mr. Ian Gow (Eastbourne): How carefully did my right hon. Friend consider the alternative to the present agreement that was sent to him on 28 September last year on behalf of some of my hon. Friends and myself? Is my right hon. Friend aware that the greatest single factor in prolonging the tragedy of Northern Ireland is uncertainty about the constitutional future of the Province and that that uncertainty has been increased, rather than diminished, by the Anglo-Irish Agreement in its present form? How is it that my right hon. Friend is in favour of legislative devolution for Northern Ireland but is opposed to legislative devolution for Scotland on the grounds that in Scotland it would injure the Union?

Mr. King: I think that my hon. Friend knows well that this was not a review of the agreement but a review of the workings of the conference. The agreement has been signed and is in place. That is not in dispute. I regret profoundly my hon. Friend's comment about spreading doubt and uncertainty about the Union. He knows my position on that. He knows of my support for article 1, which has been signed and is supported by the Irish Government. It states that there should be no change in the status of Northern Ireland without the agreement of the majority. That is an absolutely clear and firm understanding, expressed and signed by two sovereign Governments, the United Kingdom Government and the Irish Government. It has been lodged with the United

Nations as an international treaty. There is no uncertainty about that. I hope that we all stand firmly in support of that.

On the latter point that my hon. Friend made, I do not want to rehearse the history of Northern Ireland, but my hon. Friend knows that there is a difference between the background of Northern Ireland and Scotland in that Northern Ireland had the Stormont Parliament while Scotland did not have a parliament. We need to think seriously about the most appropriate way to ensure that the people of Northern Ireland have a greater say in and greater responsibility for the administration of their own affairs. I have made it clear that I am open to discussions on the most appropriate forum for that. If we are to make progress, we need to get discussions going with the people who might have responsibility for the affairs of Northern Ireland.

Mr. Paddy Ashdown (Yeovil): May I associate myself with the expressions of goodwill towards the early recovery of Mr. Lenihan. I also take the opportunity to say to the right hon. Gentleman how much we on these Benches have admired the courage, determination and painstaking care with which he has assured the survival of the agreement. Those who seek peace in Northern Ireland are greatly in his debt and the debt of those in the South who have worked with him. His statement and the common statement that he made with representatives of the Government of the Republic have identified, rightly, that nothing in the agreement presents a threat to either tradition in Northern Ireland. That is seen by the Government as important, not in terms of the last dot and comma of the agreement but of its basic principles and spirit. The Government clearly see the agreement as not the last but the first step in the process.

In the light of those facts, does the Secretary of State agree that those who seek peace and the best interests of Ireland on both sides of the border would be better advised to develop and build on the agreement rather than seek to destroy it?

Mr. King: I appreciate very much the right hon. Gentleman's opening words and his general comments. I agree profoundly with his last remark about the agreement not being a threat to either tradition. The only threat to those traditions in recent years has come from some of the methods of opposition and some of the behaviour that has appalled many people in Great Britain and many hon. Members whose belief in the Union is that people should play their part in the Parliament of the union. Those hon. Members were concerned about the unwillingness of some people to continue on constitutional routes. I hope that people will recognise that the agreement is not a threat and that it can bring benefits. They should look at the positive side. We owe that to the people of Northern Ireland. I believe that real benefits can flow from that recognition.

Mr. Peter Temple-Morris (Leominster): My right hon. Friend is only too well aware of the grave difficulties in British-Irish relationships; potentially horrendous difficulties must reach his desk every day, involving cross-border security, Libyan arms, extradition, Gibraltar and all the rest of it; I do not need to list them all. Does my right hon. Friend agree that in his difficult job, which, if I may say so, he does so well, the existence of the Anglo-Irish Agreement has been of great assistance to him?

Mr. King: I am grateful to my hon. Friend. One of the least valid comments that is made about the agreement is that security has got worse as a result of the agreement. People who perpetuate that falsehood fail to recognise that some time ago, probably about 1983, plans were laid and preparations were made for the shipment of substantial quantities of Libyan arms, equipment and explosives, which were starting to arrive in Ireland before the agreement was signed. We are facing a determined and vicious campaign which, to put it bluntly, was intended to be the campaign to end all campaigns and to force victory for the IRA. That campaign is being resisted by the courage and determination of the security forces and by the resolution of all the people of Northern Ireland who are standing bravely against it. We are aided by the close support and co-operation of the Irish Government, the Garda Siochana and the Irish army. I should not like to face that serious campaign without the co-operation that has resulted in a series of arms finds and in the close working relationship that now exists. That is the reality of the security matter, and that is the reality of one of the benefits that have flowed from the Anglo-Irish Agreement.

Mr. Harry Barnes (Derbyshire, North-East): Is there a danger that the Anglo-Irish Agreement is becoming an aim in itself? Its initial worthwhile provisions to end terrorism and extend democracy, especially in the Province, are not being pursued with sufficient vigour. Although there are great problems in controlling terrorism, democracy could be acted upon more quickly. A democratic devolved Government with a Bill of Rights to protect civil liberties should be the result of the agreement or of alternative discussions if the Anglo-Irish Agreement cannot deliver.

Mr. King: I hope to see a more constructive approach in political matters. There are some signs that, after the local government elections that have just taken place, that is increasingly the view of more and more people in Northern Ireland. Although they certainly wish to protect and defend their own respectable traditions and values, they look for dialogue and a constructive way forward, and not the hostility, hatred and distrust that some people still try to engender.

Mr. Peter Robinson (Belfast, East): Will the Secretary of State inform the House whether, during the review of the workings of the conference on the Anglo-Irish Agreement, he considered the heady days of late 1985, when claims were made in the House that the Anglo-Irish Agreement would produce peace, stability and reconciliation? In his analysis of the Anglo-Irish Agreement over the three-year period, did he conclude that the increase in violence, political and economic instability, and the divisions within Northern Ireland demonstrate that the policy has not been a success? Will he admit that all the talk of the IRA's plans being set in 1983 was known to him when he claimed that things would get better under the Anglo-Irish Agreement?

Will the Secretary of State please acknowledge that all hon. Members want Northern Ireland to move towards peace, stability and conciliation? Some of us at least believe that this is not the means to do it and that there is a better way. Will the Secretary of State please inform the House that he is not closing his mind to alternative means of bringing peace and stability to Northern Ireland and that there can be other proposals to get peace, stability and reconciliation? Does he recognise that the vast majority of

[Mr. Peter Robinson]

people in Northern Ireland still reject the Anglo-Irish Agreement and still refuse to accept it as the basis of good government for the Province?

Mr. King: The hon. Gentleman's last sentence yet again confirms his total misunderstanding of the basis of the agreement. It is not a basis of government in Northern Ireland. The responsibility of government in Northern Ireland is the responsibility of the United Kingdom Government and the Secretary of State for Northern Ireland, the office that I have the honour to hold. In discharging that responsibility, I am aided by several contributions. I would have hoped to have more contributions from some of the elected politicians and representatives from the Province. I am aided also by the Anglo-Irish Agreement Conference, in which the Irish Government put forward to me views and proposals on certain matters. We co-operate on some economic and social activities and security matters as well. The hon. Gentleman's last sentence is precisely the misunderstanding that some have sought to perpetuate—it totally misleads the people that listen to it—as the true nature of the Anglo-Irish Agreement.

The hon. Gentleman talked about economic instability. I am proud of the improvements in the Northern Ireland economy that we have seen over the past three years. They have been largely as a result of the improvement in the United Kingdom economy. There has been a substantial fall in unemployment and a significant increase in industrial investment. I welcome that, and I am sure that the hon. Gentleman does, too. Our approach is to seek a better future for the people of Northern Ireland. The hon. Gentleman will have listened to my statement and heard me say that if, in future, it appears that the objectives of the agreement can be more effectively served by changes in scope and nature, the two Governments will be ready in principle to consider such things. I hope and believe that the hon. Gentleman understands the significance of that statement. In the light of my opening comment and my last comment, putting the nature of the agreement into its true context and making it quite clear that the actual government of Northern Ireland is a separate matter, I hope that he will feel able constructively to discuss any ideas that he might wish to put forward.

Mr. David Winnick (Walsall, North): Is it not the case that, whatever they may have said when in opposition, successive Governments in the Irish Republic have supported the agreement? Does the Secretary of State appreciate that his task has been made much easier by the support that he has received from both sides of the House since the agreement was signed? Our hopes that, if a Labour Government were responsible for the agreement, we would have got the same support from what would have been the Tory Opposition.

Does the Secretary of State agree that far more substantial improvements in housing and employment would do much to undermine terrorism? That is probably why the Provisional IRA is so opposed to the economic progress that we would like to see in Northern Ireland.

Mr. King: It is certainly true that the Provisionals are opposed to much of the economic improvement. It is true also that they are the bitterest opponents of the Anglo-Irish Agreement and the developing co-operation between our two countries. There is no question about that. We know why they are so frightened. I have had support from both sides of the House of Commons for the Anglo-Irish Agreement, which has been in place for about three and a half years. Anybody who knows what has happened in housing and the economy in trying to encourage more jobs in Northern Ireland knows that sensible co-operation in tackling other social problems will also help to improve the situation in the Province.

Several Hon. Members *rose*——

Mr. Speaker: I will call those hon. Members who have been standing, but, in view of the business before the House today, I ask them to keep their questions brief.

Mr. Jeremy Hanley (Richmond and Barnes): Does my right hon. Friend agree that there have been many positive achievements by the conference? I refer to article 10 of the agreement and the success of the international fund for Ireland, thanks to the generosity and understanding of the United States, New Zealand, Canada and the European Community. Does he agree that economic co-operation leads to economic confidence, which leads to economic prosperity, which benefits all people north and south of the border, and brings peace with it?

Mr. King: I am grateful to my hon. Friend for mentioning the international fund. Although we very much appreciate the contributions of Canada, New Zealand and the European Community, obviously, the major contribution has come from the United States. It is a remarkably fine gesture as a result of the close relationship that exists between the United States and the island of Ireland. That gesture of goodwill and support is being used in increasingly constructive ways to help in many matters within Northern Ireland, the border counties and the Republic.

Mr. William Cash (Stafford): Does my right hon. Friend agree that one of the most notable achievements of the Anglo-Irish Agreement has been the greater emphasis on fair employment and education? Both matters deal with people. The reduction of tension between people of different traditions has played a notable part in ensuring not only that the Anglo-Irish Agreement will be successful but that there will be a much greater chance of peace in the community of Northern Ireland?

Mr. King: I am grateful to my hon. Friend for mentioning that matter. In particular, successive Governments have been determined to tackle discrimination, whether in housing or in jobs—topical as the subject is, as the House is about to complete the last stages of their Fair Employment (Northern Ireland) Bill. That development, allied with what I hope will be a continuing improvement in the number of jobs available, gives us the best chance now not only of more jobs but of equality of opportunity in the availability of those jobs.

Mr. Michael Brown (Brigg and Cleethorpes): Does my right hon. Friend recall that I was one of those who voted against the Anglo-Irish Agreement? I now feel, having studied the document "Developments since the signing of the Anglo-Irish Agreement" regarding the working of the conference, that it must be acknowledged that there have been considerable beneficial developments from the Intergovernmental Conference.

Does my right hon. Friend agree that the continuation of the Anglo-Irish Agreement need not be any reason why politicians should not accept the invitation which he has proferred, today and on previous occasions, to come before him with constructive alternative proposals?

Mr. King: I am grateful to my hon. Friend for those comments and for the time he has taken to study the report on developments, which I have made available to the House. I can certainly confirm what he says. If people wish to talk, that does not imply acceptance or approval of the agreement and it does not need to be within the agreement. Nothing could be fairer than that. I have invited people to come and talk without preconditions. It is no good for people to jump up and down and shout about people not being consulted when that offer is available.

I am not here to belabour the point, but I would rather see genuine, sensible discussions taking place. The opportunity is there if they want to take it. If they do not, they can go on sticking in their trenches. We shall go on with our responsibilities of Government. An opportunity will have been lost and the people of Northern Ireland will be the poorer for it.

Rev. William McCrea (Mid-Ulster): Does the Secretary of State really believe that the vast majority of the people of Northern Ireland are now in favour of the Anglo-Irish Agreement? Is he not aware of the alienation that is felt by the Unionist population in Northern Ireland? Has he any idea of the objection that the Unionist population has to the Anglo-Irish Agreement?

If the right hon. Gentleman believes, and is confident, that the people have changed their minds and that the vast majority of the people of Northern Ireland are now in favour of it—and that the voice of Unionism in this House is not the voice of the people of Northern Ireland—he could prove it in a simple way.

If he feels so confident, why not ask the people of Northern Ireland this simple question in a referendum: do they believe that the Anglo-Irish Agreement is in the interests of the United Kingdom? I and, I hope the Secretary of State and hon. Members in all parts of the House, would be happy to abide by the answer.

Mr. King: I have never pretended—I have made this absolutely clear—that a substantial number of Unionist people are or have been, happy about the Anglo-Irish agreement. Some of them felt extremely strongly at the time of the signing. I am well aware of that. Indeed, I recognise one or two faces here who have sought to come in quite close contact with me on various occasions to try to make sure that I was aware of that fact. I do not resent that. There were strong emotions at the time.

I recognise also that, increasingly, people—while they may have reservations—are honest enough to admit that it has not proved to be the threat or disadvantage that they feared, and there are a few who are honest enough to admit that maybe perhaps it could just have some benefit.

If there is one hon. Member in the House who should recognise that, it is the hon. Member for Mid-Ulster (Rev. William McCrea), who must have recognised the benefits that could flow to Northern Ireland from a fall in the Sinn Fein vote and from an increase in support for constitutional nationalism—*[Interruption.]*—and that a reduction in seats and numbers of councillors, which has happened—*[Interruption.]*

If the hon. Member for Mid-Ulster cares to add up the numbers of Sinn Fein councillors elected, he will find that in 1985 there were 59 and that on the last occasion there were 43. He may agree that that was a reduction. I would describe it as a fall of about 25 per cent. I should have thought that he would be the first to recognise that.

Mr. James Couchman (Gillingham): Paragraph 15 of the document "Developments since the signing of the Anglo-Irish Agreement" mentions extradition and related matters. Extradition is perhaps the factor that has given most trouble in the three and a half years since the signing of the agreement. Is my right hon. Friend now happy that extradition arrangements have reached a satisfactory position? If not, what further aspirations has he to ensure that fugitives to the south from the north are returned for trial in the north if they are apprehended in the south?

Mr. King: My hon. Friend is right to say that that is an area which has given some of the most difficult problems and where some of the greatest emotions have been aroused. The report of the review shows that the two Governments are committed to continuing their examination of these matters with a view to ensuring that appropriate arrangements are in place, both for extradition and for extra-territorial jurisdiction. In other words, we have concerns in this area and the work is continuing, and my hon. Friend will be aware that extraditions have recently been completed and that extra-territorial prosecutions have been conducted—*[Interruption.]* It is a matter about which some will laugh. They are not in the business of trying to establish effective arrangements. They are more interested in shouting abuse at the Irish Government than in seeing whether, between us, we can find an effective way to get arrangements in place so that fugitives cannot escape from justice merely by transferring themselves to another jurisdiction.

Mr. Nicholas Baker (Dorset, North): Will my right hon. Friend accept that there will be a wide welcome for the review because it represents a limited but significant record of co-operation between two countries, and not least because there is no record in the review, which I have studied, of interference in Northern Ireland, which was feared by many? Nor has the other difficulty of the internationalisation of the problems of Northern Ireland occurred?

Does my right hon. Friend agree that benefits are flowing to both sides from cross-border co-operation and from the international fund for Ireland? May I add my voice to that of my hon. Friend the Member for Gillingham (Mr. Couchman) in hoping that my right hon. Friend will press hard with the Law Officers to make further progress under paragraph 18 of the review so as to achieve fair and effective procedures for extradition?

Mr. King: I am grateful to my hon. Friend and I confirm that the work is continuing. We are determined to ensure that it is effectively in place and we have made that point clear. Under the Criminal Law Jurisdiction Act one successful extra-territorial prosecution has been conducted and a conviction achieved in Dublin. The Attorney-General has made it clear, depending on the suitability of individual cases, that we are ready to consider extra-territorial prosecution as well as extradition. The important point is that those who may be chargeable for crimes are brought before the court.

Mr. Hugh Dykes (Harrow, East): Will my right hon. Friend agree that the Anglo-Irish Agreement has been a spectacular success, reflecting the skill of himself and his fellow Ministers and Ministers from the Republic of Ireland in the work that has been done, contrary to the prognostications at the time when it was originally launched? All the press in many countries said that the agreement would not last.

Will he also agree that much more needs to be done, both within the formal and informal framework of the agreement, on economic policy co-operation? Are there also prospects for greater co-operation within the EEC in achieving some of those goals?

Mr. King: Part of my message has been to try to discourage the claim that anything is a spectacular success. Irish issues—Northern Ireland and Republic of Ireland relationships—long-standing and difficult as they are, do not lend themselves to immediate or overnight reconciliation or resolution. However, what I believe—and what I believe the House has honestly recognised in looking at the developments that have taken place—is that we are making steady and worthwhile progress in a constructive way that can only be of benefit to both communities and to all the people in the island of Ireland.

Mr. Edward Leigh (Gainsborough and Horncastle): Notwithstanding that there have been improvements in cross-border security co-operation since, and as a result of, the signing of the agreement, may I ask my right hon. Friend what further progress he thinks can be made?

Mr. King: We can continue to reinforce that co-operation. The difficulty about security issues is that, obviously, I cannot talk about them in any detail. A lot of work is taking place and there is now ever closer co-operation in a number of important and relevant spheres. We are undertaking a considerable amount of work to try to ensure that wherever the terrorist may be and from wherever his resources may come—and I am talking not merely of armaments, weapons and explosives but particularly about an area that has not been sufficiently addressed in the past, which is money, cash, racketeering, smuggling and other aspects which undoubtedly have underpinned much of the terrorist effort—we can together steadily improve and concert our actions in all the necessary spheres.

Mr. Tony Baldry (Banbury): Can my right hon. Friend confirm that, fundamental to any progress in Northern Ireland and at the heart of the Anglo-Irish Agreement, is a recognition of the rights and identities of the two traditions in Northern Ireland? The Anglo-Irish Agreement has given practical expression to that recognition by the improvements in appointments to public bodies, a code of conduct for the police, and improvements in the law relating to public order, employment and terrorism.

Mr. King: I agree with that. I feel that part of the quality of Northern Ireland comes from the diversity of the two traditions, which should be a source of enjoyment and appreciation and not a source of division. I have been struck by the Nationalists, who appreciate the marching tradition that exists in Northern Ireland. Marching, for instance, need not be seen as an aggressive and triumphalist act, but, conducted in a responsible and non-provocative way, it can be seen as a decent remembrance of an ancient tradition. so many aspcts of the culture and tradition could be enjoyed. One would certainly like to see mutual respect enhanced and encouraged in that way.

Mr. Geoffrey Dickens (Littleborough and Saddleworth): On a point of order, Mr. Speaker.

Mr. Speaker: Order. No, I shall take the application under Standing Order No. 20 first.

5 pm

Rev. Ian Paisley (Antrim, North): I beg to ask leave to move the Adjournment of the House, under Standing Order No. 20, for the purpose of discussing a specific and important matter that should have urgent consideration, namely,

"the Anglo-Irish Agreement review of the working of the conference".

The matter is specific, it is important and it is urgent. We have heard in the House today the benefits of the Anglo-Irish Agreement. Good wishes were given to the Foreign Secretary of the Irish Republic, and I am sure that everyone would wish him well. I hope that he gets better quickly.

However, today I am thinking of the widows and the orphans in Northern Ireland. Not a line in the document concerns them. I would go further and say that today I speak for them. What has been said in the House about the Anglo-Irish Agreement does not reflect what is happening in Northern Ireland. The hon. Member for South Down (Mr. McGrady) who spoke, knows Downpatrick. It is the centre of his constituency. The hon. Gentleman knows that there is a grammar school, a Roman Catholic grammar school and a Roman Catholic secondary school. The proposal is to close down the one state Protestant grammar school in Downpatrick, so that the only children who will have an education in a grammar school will have to travel to Belfast. Therefore, the children of working-class people will not have the opportunity of a grammar school education.

Those are the issues that lie at the heart of the matter —discrimination against the Protestant sector of the community. That is why I am saying that the House should have a thorough discussion of the matter. Hon. Members should not talk about Northern Ireland Members not making any approach to discuss the matter. This is the place where the matter should be discussed.

I would welcome a referendum in the whole of the United Kingdom. That is not the first time that I have said that. I said it 10 years ago. Let us hear from the people of the United Kingdom what they want to do with Northern Ireland and Northern Ireland will abide by their decision. However, I can assure the House that it will not go into a United Ireland.

Mr. Speaker: The hon. Member asks leave to move the Adjournment of the House, under Standing Order No. 20, for the purpose of discussing a specific and important matter that he believes should have urgent consideration, namely,

"the review of the working of the Anglo-Irish Agreement that has been announced."

I have listened with care and concern to what the hon. Member has said, but, as he knows, my sole duty in considering an application under Standing Order No. 20 is to decide whether it should be given priority over the

orders set down for today. I regret that the matter that he has raised does not meet the criteria of the Standing Order. I therefore cannot submit his application to the House.

Community Charge

5.2 pm

Mr. John McAllion (Dundee, East): I beg to ask leave to move the Adjournment of the House, under Standing Order No. 20, for the purpose of discussing a specific and important matter that should have urgent consideration, namely,

"the extension of the date for poll tax rebate applications in Scotland beyond tomorrow's deadline."

The House is bitterly divided over the poll tax, but it should be united on the specific matter of trying to ensure that those who are entitled receive in full such rebates as are available to them. Yet, unless rebate applications are received by tomorrow's deadline, there is a danger that many thousands of Scots may begin to lose their rebate entitlements.

That is so for a number of reasons. First, in many areas of Scotland, the implementation of the poll tax is causing the kind of administrative chaos that the Opposition has long predicted. There is a huge backlog of current rebate applications. There has been a much higher than expected volume of changes to the register, as people move around and across regional council boundaries—for example, Strathclyde officials are processing more than 120,000 changes to their register every week. There has been a flood of calls from angry and perplexed poll tax payers who are demanding explanations and more information on the tax. All those factors are placing enormous strains on the administrative systems and on local authority staff, and, as a result, the system is failing to deliver and to meet the administrative requirements for implementing the tax.

Today's *Glasgow Herald,* for example, reports that regional council financial departments are admitting that many Scots are only now receiving their payment books —just a few days before the deadline. It is little wonder that in the midst of such administrative chaos, many who will be entitled to rebates will not yet have fully realised that they have to apply for a rebate or that the deadline for applications is tomorrow. If they apply beyond tomorrow's deadline, their entitlements to rebate will not be backdated to 1 April, and they will therefore suffer heavy financial loss.

That is a deplorable situation, but what is worse is that a party represented in the House is deliberately aggravating the situation by encouraging those who are not entitled to rebates to flood councils with rebate applications in the hope of bringing the entire rebate process to a grinding halt. That party is the Scottish National Party. I do not know what kind of political capital it hopes to gain from such gross irresponsibility, but one thing that is certain is that the losers will be the poor, who will be denied rebates which to them could be a matter of make or break.

The poor must not be made to pay the price either of bureaucratic breakdown or of malevolent politicking. I urge you, Mr. Speaker, to consider my application for a debate on this important matter.

Mr. Speaker: The hon. Member asks leave to move the Adjournment of the House, under Standing Order No. 20, for the purpose of discussing a specific and important matter that he believes should have urgent consideration, namely,

[Mr. Speaker]

"the need for an extension of the deadline for applications for community charge rebates in Scotland beyond tomorrow's deadline."

I regret that I have to give the hon. Gentleman the same answer as I gave the hon. Member for Antrim, North (Rev. Ian Paisley). I have listened with concern to what the hon. Member has said, but I regret that I do not consider that the matter that he has raised meets the requirements of the Standing Order. I cannot, therefore, submit his application to the House.

Mr. Geoffrey Dickens (Littleborough and Saddleworth): On a point of order, Mr. Speaker.

ROYAL ASSENT

Mr. Speaker: Order. I have to notify the House, in accordance with the Royal Assent Act 1967, that the Queen has signified Her Royal Assent to the following Acts:

1. Atomic Energy Act 1989.
2. National Maritime Museum Act 1989.
3. Civil Aviation (Air Navigation Charges) Act 1989.
4. Disabled Persons (Northern Ireland) Act 1989.
5. Scrabster Harbour Order Confirmation Act 1989.

Lonrho (Letter)

5.9 pm

Mr. Geoffrey Dickens (Littleborough and Saddleworth): On a point of Order, Mr. Speaker. You will recall that earlier this afternoon, the hon. Member for Workington (Mr. Campbell-Savours) called for a debate based on a whole series of early-day motions that he has tabled. I apologise for raising the matter when the hon. Gentleman is not in the Chamber. I did look for him in the building so that I could notify him of the fact that I was going to mention him, but I could not find him. Most of those early-day motions concern my constituent, Mr. David Coghlan, and his allegations of telephone tapping for Lonrho. Mr. Coghlan sent a letter to the hon. Member for Workington on 11 May, of which I have a copy, and a copy also went to Mr. Rowland of Lonrho.

The main thrust of that letter is illustrated by the following quote:

"You may recall I came to see you in the House and you showed me a photocopy of what you alleged was an affidavit sworn by myself. The contents of this so-called affidavit were extensively used by you in your early-day motions. You refused to give me a copy of this so-called affidavit. I believed it to be a forgery and told *The Guardian* just that . . . In order to put the record straight I am enclosing with this letter a copy of the statement in which I set out the events of 1985 to date to the best of my ability."

He went on to say that he was sending a copy of the letter to me, his Member of Parliament, and to Mr. Rowland.

I seek your ruling, Mr. Speaker, on whether the Table Office should, in future, accept early-day motions from the hon. Member for Workington on this subject, as I have given public notice to the House that there are grave questions about the authenticity of the material on which the hon. Gentleman bases his early-day motions and on which the hon. Gentleman is relying for his vendetta against Mr. Rowland of Lonrho?

Mr. Speaker: I can give a ruling on this. First, the hon. Gentleman should have notified the hon. Member for Workington (Mr. Campbell-Savours) that he was going to raise this matter. Secondly, every hon. Member must take responsibility for what he says in an early-day motion and, provided it is in order, it can then go on the Order Paper. I cannot be held responsible for the accuracy of statements that may be made.

Mr. Dickens: Further to that point of order, Mr. Speaker. I apologise to you for not informing the hon. Member for Workington, but, unfortunately, I did not know that he intended to raise this item during business questions this afternoon. I discussed this matter with your Office, Mr. Speaker, and with the hon. Gentleman and I intended to raise it in the House after the recess. Unfortunately, the hon. Gentleman asked for a debate on the subject today, so I had to raise the matter today.

STATUTORY INSTRUMENTS, &c.

Ordered,

That the draft Civil Jurisdiction and Judgments Act 1982 (Amendment) Order 1989 be referred to a Standing Committee on Statutory Instruments, &c.—*[Mr. Chapman.]*

CONFIDENTIAL

From: THE PRIVATE SECRETARY

CC PC (Letter only)

NORTHERN IRELAND OFFICE
WHITEHALL
LONDON SW1A 2AZ

CDP 24/5

Charles Powell Esq
10 Downing Street
LONDON
SW1A 2AA

24 May 1989

Dear Mr Powell

ARTICLE 11 REVIEW FINAL REVIEW COMMUNIQUE

Thank you for your letter ~~of~~ 16 May (not to all) recording that the Prime Minister was content (subject to the views of colleagues) with the text of the communiqué to be issued at the completion of the Article 11 Review process process.

Colleagues were content with the text and the communiqué will accordingly be laid in the Library of the House and made publicly available following the meeting of the Anglo-Irish Intergovernmental Conference which is being held today. I attach a copy of the printed version of the communiqué for your information. I also enclose a copy of a British paper on developments since the signing of the Agreement which will also be issued today. The Secretary of State will be making a Parliamentary Statement about the outcome of the Review tomorrow afternoon; I shall send you a draft of this statement shortly.

I am copying this letter and attachments to the Private Secretaries to other members of the Cabinet and to Trevor Woolley.

Yours sincerely

pp S J LEACH

CONFIDENTIAL SP/PROL/19930

IRELAND Celtic Pro

DEVELOPMENTS SINCE THE SIGNING OF THE ANGLO-IRISH AGREEMENT

DEVELOPMENTS SINCE THE SIGNING OF THE ANGLO-IRISH AGREEMENT

Introduction – The Agreement

1. The Prime Minister, the Rt Hon. Margaret Thatcher, FRS MP, and the then Taoiseach, Dr Garret FitzGerald TD, signed a formal and binding Agreement between their two Governments on 15 November 1985 with the aims of promoting peace and stability in Northern Ireland; creating a new climate of friendship and cooperation between the people of the two countries; and improving cooperation in combatting terrorism. The Agreement deals in particular with the status of Northern Ireland, (Article 1), in which both Governments:

(a) affirm that any change in the status of Northern Ireland would only come about with the consent of a majority of the people of Northern Ireland.

(b) recognise that the present wish of a majority of the people of Northern Ireland is for no change in the status of Northern Ireland.

(c) declare that, if in the future a majority of the people of Northern Ireland clearly wish for and formally consent to the establishment of a united Ireland, they will introduce and support in the respective Parliaments legislation to give effect to that wish.

The Agreement also provides for the establishment of an Intergovernmental Conference in which the Irish Government puts forward views and proposals concerning stated aspects of Northern Ireland affairs and in which the promotion of cross-border cooperation is discussed and in which determined efforts are made to resolve any differences between the two governments.

2. Since the signature of the Agreement a number of measures and new arrangements have been introduced affecting the lives of both sections of the community in Northern Ireland. While it is true that some of these were already in hand before the Agreement was signed, it is clear that there has been great benefit from the new and substantive cooperation and dialogue between the British and Irish Governments established under the Agreement.

The work of the Intergovernmental Conference and its Secretariat

3. The Intergovernmental Conference was set up, under Article 2 of the Agreement, to deal, on a regular basis, with political matters; security and related matters; legal matters (including the administration of justice); and the promotion of cross-border cooperation. It has provided a valuable framework for the conduct of Anglo-Irish relations with particular regard to Northern Ireland. The Conference, supported by the Secretariat, has provided a forum which has enabled Ministers and senior officials of both sides to maintain close and frequent contact, which has given them a greater awareness of the political and other realities against which the other side has to operate. It has thus reduced the risk of misunderstandings arising over particular incidents and increased the likelihood of problems being resolved in a spirit of cooperation and without acrimony. It has enabled each side to take decisions within its jurisdiction with greater knowledge and awareness of

the likely impact and reactions on the other side. It has also been welcomed internationally, where it has been recognised as establishing a better relationship between the British and Irish Governments and as making a very positive contribution to addressing the fundamental problems of Northern Ireland.

4. The Conference has met frequently since its first meeting on 11 December 1985. The issues discussed by the Conference have been summarised in the Joint Statements published after each Conference meeting. The continuing effort to improve cross-border security cooperation is an important and regular item on the agenda of Conference meetings. A wide range of other matters has also been considered; and the discussions in the Conference are helpful, among other things, in ensuring that minority concerns are taken into account in subsequent policy decisions by the Government. Thus, for example, the Government's proposals which have led to the introduction of further Fair Employment legislation for Northern Ireland have been discussed at many Conference meetings. Other subjects which have benefited from regular discussion include the enhancement of confidence in the system of justice and relations between the community and the security forces. The outcome of many of these discussions is reflected in the body of this paper.

5. Another area in which discussions have proved valuable is the "Making Belfast Work" project launched by the Government in July 1988. The project is aimed at increasing progress in tackling the problems in the disadvantaged areas of Belfast; additional resources have been provided and the "Strategy for Action" was published in January 1989. A detailed programme of further action planned in these areas in the financial year 1989-90, amounting to £15 million in government expenditure, was announced in March 1989. An initiative to stimulate the regeneration of Londonderry was launched in December 1988.

6. Article 3 of the Agreement states that: "A Secretariat shall be established by the two Governments to service the Conference on a continuing basis in the discharge of its functions as set out in this Agreement." The Secretariat is responsible for making the arrangements for Conference meetings. This includes the holding of preparatory discussions between officials, agreeing the agenda between the two sides, recording the discussions at the Conference itself, and, as appropriate, ensuring that work agreed on at the Conference is taken forward.

7. The Secretariat was established at Maryfield outside Belfast. It is headed by British and Irish joint secretaries, with a small supporting staff. As agreed by the two Governments at the first meeting of the Conference, the Secretariat has functioned as a continuing channel of communication between the two sides on all matters covered by the Articles of the Agreement. It enables messages to be passed promptly and potential problems to be swiftly addressed. It has also served as a forum for each side to explain the broad aspects of its security policy and as a channel to convey to the British authorities at high levels the views of the Irish Government in respect of the interests of the nationalist community.

8. The Secretariat is not a 'complaints bureau' nor does it have executive or operational responsibilities.

9. Set out below is a summary of the progress made under each main area of activity of the Agreement.

Rights and identities of the two traditions; human rights and the prevention of discrimination.

10. Progress has been achieved in the following areas:

(i) Legislation has been enacted ending the anomaly whereby 'I' voters have been unable to vote in District Council elections. (The Elected Authorities (NI) Act 1989).

(ii) The Flags and Emblems Act (NI) 1954 has been repealed.

(iii) The Fair Employment (NI) Bill which has been introduced in the current Parliamentary session provides for further measures to eliminate religious discrimination and promote equality of opportunity in employment, including:

(a) compulsory monitoring of religious composition of workforce and periodic review of employment practices;

(b) establishing a new, and strengthened Fair Employment Commission (and a new Fair Employment Tribunal with wide enforcement powers);

(c) economic sanctions – those in breach of statutory obligations ineligible to tender for public sector business or for Government grants;

(d) a new Code of Practice to be drawn up by the new Commission;

(e) The Commission may issue enforceable directions obliging employers to take affirmative action measures and may issue notices relating to goals and timetables.

(iv) The Police have been given greater powers to control parades and marches which are likely to give rise to provocation.
(Public Order (NI) Order, 1987).

(v) The law on prevention of incitement to hatred has been strengthened.
(Public Order (NI) Order, 1987).

(vi) Irish Language

- Irish views on the place in the curriculum of the Irish language were taken into account during the formal consultation on education reform in Northern Ireland;
- guidance has been issued to Government Departments on the use in official business of Irish personal names and on the handling of correspondence in Irish.
- Ordnance Survey of Northern Ireland (OSNI) has produced and published a dual-language map and gazetteer of Northern Ireland;
- a question on the Irish language will be included in the 1991 Census.

Role and composition of Public Bodies

11. The British side has provided the Irish side with briefing on the arrangements for public appointments in Northern Ireland and provides information about forthcoming vacancies, and has considered any suggestions made by the Irish side.

Security Policy, Relations between the Security Forces and the Community, and Prisons Policy.

12. The Government believes that creating wider and stronger public support for the police and the armed forces in Northern Ireland is as essential as progress in political, security and economic policies. Security force commanders seek to ensure through training and briefing that the security forces treat members of the public with the highest standards of courtesy at all times. The Conference has devoted considerable attention to ways of improving relations between the security forces and the community. The Irish side have put forward a number of proposals in this area. Measures taken include:

- explicit confirmation of the policy pursued since 1984 that, wherever possible, patrols by the Armed Forces that are likely to come into contact with the public should be accompanied by a member of the RUC;

- improvements in the procedure for handling complaints against the police, including the establishment of an Independent Commission for Police Complaints (Police (NI) Order 1987);

- the RUC has made considerable efforts to increase the level of recruitment from the minority community;

- The RUC Chief Constable has introduced a new Code of Conduct for all RUC officers (Placed in House of Commons Library on 15 March 1988);

- The Police Authority for Northern Ireland and the Chief Constable of the RUC have jointly written to District Councils proposing a widely representative scheme of police/community liaison committees based on police sub-divisions;

- The forthcoming Police and Criminal Evidence (NI) Order will introduce a statutory requirement for the police to liaise with the local community;

- The Army has introduced new procedures to ensure that, wherever possible, allegations of misbehaviour against members of the armed forces will be resolved with a response to the complainant within 3-4 weeks;

- A committee of British officials has been established to keep under review the number and nature of allegations of misbehaviour by members of the security forces and the speed and effectiveness with which they are handled.

13. In June 1988 the Secretary of State announced a special review of all the remaining special category life sentence prisoners, and shortly afterwards a special review of the remaining Secretary of State's pleasure prisoners who had served more than 8 years. Details of the initial results of the SOSP review were made public shortly before Christmas, and the initial results of the Special Category review were announced in March.

Legal matters, including the Administration of Justice

14. A number of improvements have been made in the system of justice in Northern Ireland, which help improve the confidence of the minority community in that system. These include:

- making all arrest powers exercisable only on the basis of reasonable suspicion – Northern Ireland Emergency Provisions Act (EPA) 1987

- reducing the maximum period that a suspect can be held without further Ministerial authority from 72 to 48 hours (EPA 1987)

- establishing a statutory right of access to a solicitor within 48 hours of arrest (EPA 1987)

- providing that suspects are entitled at the time of their arrest to inform a friend or relative of their arrest and whereabouts (EPA 1987)

- instituting annual independent reviews of the Emergency Provisions Acts, and establishing a fixed term of 5 years on those Acts. (EPA 1987)

- statutory changes to the admissibility of confession evidence, to make clear that confessions obtained by the use or threat of violence are not admissible and that confessions can be excluded in the interests of justice (EPA 1987)

- new powers for scheduled offences to be heard outside Belfast. (EPA 1987)

- regular publication of statistics on the operation of the EPA.

- a number of measures have been taken in recent years to reduce the delay between first remand and trial, which for most cases has been significantly reduced since 1985.

- under the Northern Ireland (Emergency Provisions) Act 1978 (Amendment) Order 1986, a number of offences were added to those which the Attorney General is capable of certifying out of the scheduled mode of trial.

And in the near future

- The Police and Criminal Evidence (NI) Order will, subject to the approval of Parliament, provide the same safeguards for persons detained for police questioning under the ordinary criminal law as are provided in England and Wales in the Police and Criminal Evidence Act 1984.

- a Guide to the Exercise of Emergency Powers will be published and made widely available.

15. There has been continuous discussion of extradition and related matters to ensure that fugitive offenders are brought to justice. The Conference is concerned with policy aspects of extradition and extraterritorial jurisdiction as between North and South and its discussions have improved the understanding of the relevant authorities on these matters. This has helped to ensure that agreement on the need for fair and effective procedures for extradition and for the exercise of extraterritorial jurisdiction is matched by understanding of the procedural and other requirements. Significant developments have been the ratification by the Irish Government of the European Convention on the Suppression of Terrorism, and the narrowing down of the political offence exception, initially by the Irish courts. The two Governments have also reaffirmed the importance of making use of the Criminal Law (Jurisdiction) Act 1976 and the Criminal Jurisdiction Act 1975 in appropriate cases. To try to ensure effective procedures for dealing with the problem of fugitive offenders, a wide range of issues concerning extradition law and procedure have been kept under review. These have included the provision for arrest and detention, the arrangements for the transfer of prisoners where extradition is ordered, and the procedural and other requirements which must be satisfied before extradition can be ordered.

Security Co-operation

16. The Conference has provided the framework through which security cooperation has been developed and extended. Much of the detail must obviously remain confidential but progress has been made in each of the areas identified in the Agreement including joint threat assessments, the exchange of information, liaison structures, technical cooperation, training and operational planning. As well as the provision for regular Ministerial discussion of security matters at the Conference, there is now a series of regular meetings between the two police forces at headquarters and operational levels under the direction of the Chief Constable of the RUC and the Commissioner of the Garda Siochana with whom the operational responsibility lies. These meetings are concerned with a wide range of operational, technical and communications matters to improve the day to day cooperation between the two forces. Among the procedures agreed is one for close cooperation in dealing with suspect terrorist devices located near the border. This procedure has been used on a number of occasions and has proved of great benefit to the bomb disposal experts on both sides. It is the firm intention of both police forces to achieve further improvements in cooperation using the new structures which have been established under the auspices of the Conference.

Cross Border Co-operation on Economic, Social and Cultural Matters

17. The most significant achievement in the field of economic and social cooperation under Article 10 has been the establishment of the International Fund for Ireland. This has already received contributions of more than $120 million from the United States, Canada and New Zealand. The Fund has also received the bulk of the first instalment of the European Community contribution of 15 million ECU a year (about £10 million). By the end of February 1989 the Fund had approved support of over UK £52 million to over 1,000 projects, which hold out the prospect of some 4,500 new permanent jobs, the preservation of 1,500 more, and the provision of 4,000 jobs in specific construction projects. The work of the Fund has involved close, practical cross border cooperation at many levels. As it moves into its second phase the Fund is devoting a greater proportion of its resources to the areas of greatest need, both in Northern Ireland (which receives 75% of the resources disbursed by the Fund), and in the six border counties of the Republic: of the grants approved by end-February 1989, some two-thirds are located in areas of greatest need. The Fund has also established investment companies in both Northern Ireland and the Republic to provide venture capital, either through equity or loan, on the basis of strictly commercial criteria.

18. There has also been discussion, under the auspices of the Agreement, of further cross-border cooperation on tourism, roads, transport, water quality, fisheries, education and social welfare, as well as consideration of social and economic problems in the North-West. In the field of health, Ministers have introduced arrangements for referrals for certain specialised treatments between Belfast and Dublin; undertaken coordinated health promotion and immunisation campaigns; and ensured exchange of contracts and plans to deal with major accidents. The possibilities of joint investment in specialised equipment and of cooperation in procurement of supplies are being pursued.

19. This paper concerns the main areas of activity of the Conference. It shows that, under the Agreement, there have been constructive and useful exchanges on a wide range of matters. The Review of the working of the Conference, now being completed, looks to the further development of cooperation within the framework of the Agreement.

NORTHERN IRELAND OFFICE
MAY 1989

THE ANGLO-IRISH AGREEMENT:

Review of the Working of the Conference

May 1989

THE ANGLO-IRISH AGREEMENT:

Review of the Working of the Conference

1. In accordance with Article 11 of the Anglo-Irish Agreement, the two Governments have completed a review of the working of the Intergovernmental Conference and have considered whether any changes in the scope and nature of its activities are desirable. In conducting this review the two sides engaged in an assessment of the work of the Conference to date under each of the Articles of the Agreement and examined the overall achievements of the Conference in terms of the stated objectives of the Agreement and the relationship between the two countries. Their discussions took account of a range of views put to them by interested groups and individuals and they wish to place on record their appreciation of all submissions made to them on the review. The conclusions which the two Governments have reached are set out below in the order in which the various subjects are covered by the Agreement.

2. Having conducted the review, the two Governments reaffirm their full commitment to all of the provisions of the Agreement and to the shared understandings and purposes set out both in the preamble and in the Agreement itself as well as in the Hillsborough Communiqué of 15 November 1985. They reaffirm their belief in the need for political dialogue at all levels, as an essential element in achieving progress and an end to violence. They reiterate their unyielding opposition to any attempt to promote political objectives by violence or the threat of violence; and they commit themselves to continuing close cooperation in the security field to ensure that those who resort to such methods do not succeed.

The Conference

3. The Intergovernmental Conference has met on twenty-seven occasions since the signature of the Agreement. It has provided a valuable forum to address in a regular and organised way the full range of matters covered in the Agreement, mainly affecting Northern Ireland, and to promote cooperative action in both parts of Ireland. Through the Conference, the Irish Government have put forward views and proposals on these issues for consideration by the British side. Thus, in the development of measures relating to Northern Ireland the Conference has played an important role, and both Governments look forward to working closely together in this way in the future along the lines laid down in the Agreement. They acknowledge the valuable contribution of the Secretariat in servicing the Conference and in providing a readily available and continuing channel of communication between the two Governments on matters covered by the Agreement, a role which they will seek to develop as appropriate.

4. With a view to improving the working of the Conference as a means of resolving differences between them, both Governments agree that Conference meetings in the future should be organised so far as possible on a regular schedule, following the pattern in 1988 when ten meetings were held. In addition to meeting the needs of the regular work of the Conference, this pattern should give both sides an opportunity to consider forthcoming developments on a systematic basis, thereby making it more likely that problems can be anticipated and resolved in the spirit of harmony called for by the Agreement and reducing the risk of misunderstanding or confrontation arising from particular events. In the interest of ensuring the fullest possible consideration of longer-term issues relevant to the agenda of the Conference, it was also agreed that at least once each year there will be an informal Ministerial meeting.

5. Consistent with their objective of developing the potential of the Conference as envisaged in Article 3 of the Agreement, both Governments agree in principle that future Conference meetings should provide for widened Ministerial participation, at the invitation of the Joint Chairmen, to encourage more structured discussion of a greater range of issues of common interest to both parts of Ireland.

6. The two Governments note that a number of the submissions which they have received emphasise the importance of fuller information about discussions at Conference meetings being made public. Both Governments agree that the public should be made fully aware of the contribution which the work of the Conference is making and will seek to respond to this point in future communiqués and press conferences.

Devolution

7. It continues to be the British Government's policy, supported by the Irish Government, to encourage progress towards the devolution of responsibility for certain powers to elected representatives in Northern Ireland as set out in Article 4 of the Agreement. Both sides recognise that the achievement of devolution depends on the cooperation of constitutional representatives of both traditions within Northern Ireland.

Accommodation of the rights and identities of the two traditions

8. The two Governments share a common view of the central importance in the implementation of the Agreement of measures to accommodate the rights and identities of the two traditions in Northern Ireland, to protect human rights and prevent discrimination. The Irish Government welcome a number of positive measures which have been implemented by the British Government in this respect since the signature of the Agreement.

These include the repeal of the Flags and Emblems Act, the enfranchisement of the 'I Voters' and the enactment of the Public Order (NI) Order 1987 enhancing the powers of the police to control potentially provocative marches.

9. The introduction of new legislation on fair employment has been the subject of detailed discussion in the Conference in the light of the commitment to eliminate discrimination in the workplace and establish fair employment practices in Northern Ireland. The two Governments agree on the importance of ensuring that such legislation shall be an effective means of meeting that commitment and the Conference will closely follow developments in this regard. The Irish Government welcome also the launching by the British Government of a programme of action to address the social and economic problems in the most disadvantaged areas of Belfast and other deprived areas.

10. Both Governments reaffirm the fundamental importance of the proper protection of human rights and will continue to discuss through the mechanism of the Conference all legislative and other means by which such rights may be better protected in Northern Ireland.

11. The two Governments attach importance to the continuing work for improved community relations through developing increased cross-community contact and cooperation, and to encouraging greater mutual understanding including respecting the cultural heritage of both traditions. They recognise the valuable role which the education system can play in promoting mutual esteem and understanding between the two traditions, and the Irish Government support the efforts made to reflect this objective in the new curriculum for Northern Ireland currently under preparation. The two Governments recognise also the importance of the Irish language in this context and undertake to support

efforts to enhance awareness and appreciation of this particular strand of the cultural heritage.

Public bodies

12. The two Governments agree on the importance of the principle that public bodies in Northern Ireland should be so constituted as to enjoy the widest possible respect and acceptance throughout the community. Exchanges will continue on ways in which this objective can be furthered. The Irish Government will continue to put forward views and proposals on the role and composition of such bodies for consideration by the British side, which will be ready to consider what means may be available to remedy imbalances arising from the use by others of their existing nominating powers without due regard to fairness or balance.

Confidence in the security forces and the system of justice

13. The two Governments attach great importance to policies aimed at improving relations between the security forces and the community in Northern Ireland and at enhancing respect for the rule of law. They have considered the record of the working of the Conference in relation to fostering confidence in the system of justice in all its aspects and ensuring that the security forces are clearly perceived to discharge their duties evenhandedly, acting at all times within the law, with equal respect for the unionist and nationalist traditions and with demonstrable accountability for their actions. Special importance is attached to ensuring that representations by the public about the behaviour of members of the security forces are promptly and fully addressed and, in particular, that any allegations of harassment are quickly investigated and that, if complaints are substantiated, the necessary action is taken without delay.

14. A number of new measures affecting these confidence issues has been introduced, including those on marches and other public events, incitement to hatred, police complaints procedures, police/community liaison committees and the need for the police to respect equally the two traditions in Northern Ireland which is set out in the Code of Conduct promulgated by the Royal Ulster Constabulary. Further work remains to be done and progress achieved will be reviewed on a regular basis at the Conference.

15. Following discussion in the Conference, further confidence-building measures are envisaged or in hand by the relevant authorities, including the following: systematic monitoring of the nature, pattern and handling of complaints by the public about the behaviour of members of the security forces; further effective development of the policy of ensuring as rapidly as possible that, save in the most exceptional circumstances, there should be a police presence in all operations which involve direct contact between the armed forces and the community; additional safeguards for members of the public being questioned by the police in connection with non-terrorist offences; and the publication of a guide to the operation of the provisions of the Emergency Provisions and Prevention of Terrorism Acts.

16. The Irish Government reaffirm the importance they attach to reform of the system of trial under the Emergency Provisions Act 1978 and in particular the introduction of three-judge courts. The British Government are not at present persuaded of the merits of this proposal. While it is recognised that emergency legislation was a response to the campaign of violence and intimidation, it is agreed that both sides will continue through the Conference to consider what changes may be desirable in the emergency provisions, the general criminal law or procedure with the aim of securing maximum public confidence in the system of justice.

17. The Conference has considered prisons policy. There have been important developments affecting the Northern Ireland prison system, including the special reviews of the cases of the remaining prisoners in special category and those serving sentences at the Secretary of State's pleasure, as well as life sentence review procedures generally, the opening of the new prison at Maghaberry, and matters affecting the prison regime. The two Governments undertake to maintain exchanges on prison matters, given the importance of careful and considered treatment of this sensitive issue.

18. The two Governments are fully agreed on the need for fair and effective procedures for extradition and for the exercise of extra-territorial jurisdiction to ensure that fugitive offenders are brought to justice. There has been extensive discussion of these matters within the framework of the Conference. The two Governments will continue their examination of these matters, through their respective Law Officers and the mechanism of the Conference, with a view to ensuring that appropriate arrangements are in place in relation both to extradition and extra-territorial jurisdiction.

19. The two Governments agree that there should be further study of areas of the criminal law applying in the two jurisdictions which might with benefit be harmonised.

Security cooperation

20. The two Governments condemn in the strongest terms the actions of those who in seeking to promote political ends by violent means cause the most callous loss of life, human misery and wanton destruction. They reaffirm their determination to counter this evil through continuing close cooperation between the security forces on both sides of the border and pay tribute to the

commitment of these forces. Cross-border security cooperation has received regular and intensive consideration at meetings within the framework of the Intergovernmental Conference as well as at frequent meetings between the respective police forces. A programme of work between the Commissioner of the Garda Siochana and the Chief Constable of the Royal Ulster Constabulary as envisaged in Article 9 of the Agreement was put in hand and substantial progress has been achieved under all of the headings listed.

21. In the light of their common understanding of the scale of the terrorist threat, the two Governments reaffirm their commitment to further and sustained efforts to combat it effectively. They have endorsed a programme of future work between the two police forces to develop their cooperation and to enhance their capacity to protect human life and property from terrorist outrage. They agree that progress in cross-border security cooperation will be reviewed regularly by the Conference which the two Governments will continue to use as a framework to work together to ensure that those who adopt or support violence do not succeed.

Cross-border economic cooperation

22. The two Governments have taken stock of the pattern of cross-border economic cooperation since the signature of the Agreement. Apart from the work of the Conference itself a number of cross-border Ministerial meetings has taken place in the framework of the Agreement and a cross-border study of social and economic problems in the North West region has been commissioned with assistance from the European Community. The two Governments affirm their conviction that cross-border economic and social cooperation is of obvious benefit to all.

23. They agree that future Conference meetings will include a systematic programme of assessment of all the main sectors to determine where the process of cooperation can most fruitfully be expanded. Where appropriate, the responsible Ministers North and South will participate in the work of the Conference. In a preliminary survey during the review, both Governments have considered an illustrative list of areas which offer scope for further work, including transport, communications, tourism, industry, agriculture, energy and health.

24. The two Governments have considered also the implications of the completion of the internal market in the European Community in 1992. They recognise that these will be far-reaching and will generate common opportunities for both parts of Ireland as well as common difficulties arising from peripheral island status and other factors including the increase of competition. They agree that the Conference could provide a valuable forum for both sides to consider and assess the cross-border implications of the Single European Market and, consistent with national policies, to maximise the potential benefits. Various practical ways of advancing work in this area will be considered and the continuation of the dialogue on this issue begun at Louvain in December 1988 will also be encouraged.

International Fund for Ireland

25. In September 1986 the two Governments, in accordance with Article 10(a) of the Agreement, established the International Fund for Ireland with the financial support of the United States, Canada and New Zealand and, from 1989, the European Community. In the interval since its foundation the Fund has committed over £50m Sterling to projects in Northern Ireland and the border counties in the South and has been instrumental in creating a significant number of new jobs. The two Governments

express their appreciation of the generosity of the donors to the Fund and will continue to give every support to the work of the Fund and the emphasis it is now placing on improving the position in the most disadvantaged areas.

British-Irish Interparliamentary Body

26. The two Governments welcome the progress which has been made towards the establishment of a British-Irish Interparliamentary Body of the kind envisaged in the Anglo-Irish Studies Report of November 1981, which would provide a valuable independent forum for interparliamentary contacts.

Conclusion

27. The two Governments commit themselves to continue to work together through the institutions and procedures of the Agreement for the realisation of the fundamental objectives of promoting peace and stability in Northern Ireland; helping to diminish the divisions between the two major traditions in Ireland; creating a new climate of friendship and cooperation between them and improving cooperation in combatting terrorism. Reaffirming the right of each tradition to pursue its aspirations by peaceful and constitutional means, they reiterate the objective of the creation of a society in Northern Ireland in which all may live in peace, free from discrimination and intolerance.

28. They agree that the Conference, together with its related mechanisms, has proved its value to both Governments in the three years since the signature of the Agreement and that, while requiring no fundamental change at present, its role could nevertheless be developed and enhanced in the ways set out above.

29. If in future it were to appear that the objectives of the Agreement could be more effectively served by changes in the scope and nature of the working of the Conference, consistent with the basic provisions and spirit of the Agreement, the two Governments would be ready in principle to consider such changes.

30. The two Governments stress that the Agreement does not represent a threat to either tradition in Northern Ireland. On the contrary, it provides a framework which respects the essential interests of both sides of the community and their right to pursue their aspirations by peaceful means. It facilitates cooperation in the fight against terrorism and sets out to create the conditions in which the whole community can live together in peace.

24 May 1989

CONFIDENTIAL

cc PM.

CDP
17/5

PM 89/023

PRIME MINISTER

Article 11 Review: Final Review Communique

file with PC

1. I have seen a copy of Tom King's minute of 15 May about the Review of the working of the Conference under Article 11 of the Anglo-Irish Agreement.

2. I have followed closely the negotiation of the text. I agree that it now meets our needs and am content that it should be adopted at the next Conference.

3. Mr Haughey has until 25 May to decide whether to call a general election in the Republic of Ireland to coincide with the European Parliament elections on 15 June. It is quite unclear whether he will call such an election, but for domestic reasons he is likely to leave it until the last possible moment. This is therefore just compatible with a meeting of the Conference on 24 May, assuming also that the Irish can find a way of replacing the Tanaiste, Brian Lenihan, as Co-chairman for the occasion.

4. I am sending copies of this minute to Tom King, Douglas Hurd, George Younger, Patrick Mayhew, James Mackay, John Wakeham, David Waddington and Sir Robin Butler.

(GEOFFREY HOWE)

Foreign and Commonwealth Office

17 May 1989

CONFIDENTIAL

Home Affairs
Race Rels
May 80.

cc pc

MINISTRY OF DEFENCE
MAIN BUILDING WHITEHALL LONDON SW1A 2HB
Telephone 01-218 2111/3

MO 19/3L

17th May 1989

cc PM

Dear Stephen,

ARTICLE 11 REVIEW: FINAL REVIEW COMMUNIQUE

The Defence Secretary has seen your Secretary of State's minute of 15th May, which enclosed the redrafted joint communique on the Article 11 review. As I have already indicated by telephone to your office, he is content with the draft as it now stands. He has noted that the intention, on the question of the use of the term 'harassment', is to make an appropriate adjustment to the proposed British paper describing the progress achieved since the signing of the Agreement. Recognising the difficulties inherent in obtaining Irish agreement to changes in the joint communique itself, he is content with this approach.

2. On the question of confidence measures to which I referred in my letter of 17th April, Mr Younger notes and is content that the wording of paragraph 15 of the communique now makes it clear that those measures listed are a selection only and do not constitute an exhaustive list. He assumes that the British paper will make reference to the improvements which the GOC has introduced both to the system for the handling of complaints, and to the briefing and training of soldiers, and hopes that the wording proposed in my earlier letter can be used for this purpose.

3. I am copying this letter to Charles Powell (No 10), Stephen Wall (FCO), Colin Walters (Home Office), Paul Stockton (Lord Chancellor's Office), Steven Catling (Lord President's Office), Michael Saunders (Law Officers' Department), Murdo Maclean (Chief Whip's Office) and to Trevor Woolley (Cabinet Office).

Yours sincerely

John Colston

(J P COLSTON)
Private Secretary

Stephen Pope Esq
Northern Ireland Office

IRELAND: Relations RT 20

CONFIDENTIAL

File NI
cc: PC
L03BHS

10 DOWNING STREET

LONDON SW1A 2AA

From the Private Secretary

16 May 1989

ARTICLE 11 REVIEW: FINAL REVIEW COMMUNIQUE

The Prime Minister has considered the Northern Ireland Secretary's minute of 15 May about the further negotiations with the Irish Government on the text of the communique to be issued at the end of the Article 11 Review. Subject to the views of colleagues, the Prime Minister is content with the text which has emerged from these discussions and is agreeable to our adopting it at the next meeting of the Anglo/Irish Intergovernmental Conference.

I am copying this letter to Stephen Wall (Foreign and Commonwealth Office), Colin Walters (Home Office), Brian Hawtin (Ministry of Defence), Paul Stockton (Lord Chancellor's Office), Steven Catling (Lord President's Office), Michael Saunders (Law Officers' Department), Murdo Maclean (Chief Whip's Office) and to Trevor Woolley (Cabinet Office).

CHARLES POWELL

Stephen Leach, Esq.,
Northern Ireland Office.

CONFIDENTIAL

Prime Minister
This would mark the end of the Review of the Anglo-Irish Intergovernmental Conference. It is very similar to the text you saw earlier, with the relatively minor amendments referred to in the covering Minute. It is basically a question of carry on as before.
Agree the Review document?
CDP 15/5
Yes

PRIME MINISTER

ARTICLE 11 REVIEW: FINAL REVIEW COMMUNIQUE

1. After further negotiations with the Irish we have reached provisional agreement on the text of the communiqué to be issued at the end of the Article 11 Review. If you and colleagues are content with it, and Mr Haughey confirms his agreement, the plan is to publish it on 24 May - unless there is an Irish General Election, which would probably change our plans.

2. The revised text, which I enclose, is based on the text I circulated on 11 April and the amendments, prompted by your comments and the Attorney General's set out in my letter of 18 April.

3. The significant issues between ourselves and the Irish were:

(i) Paragraph 16, where the Irish reference to "the administration of justice" was seen by colleagues as a criticism of the Northern Ireland judiciary. Irish officials were emphatic that their Ministers did not wish to criticise the Northern Ireland judiciary. The redrafted paragraph now refers simply to the system of trial; and the previous (critical) reference to "public confidence in the administration of justice" has been struck out.

(ii) On extradition (paragraph 18), our concern was to register our need for improvements in the arrangements (though it so happens that recently

there have been a number of good decisions from the Irish courts). The revised text, which the Irish were reluctant to accept, refers to "ensuring that appropriate arrangements are in place in relation both to extradition and extraterritorial jurisdiction" and thus carries the implication (which the Irish realise that we may spell out in public) that the arrangements currently in place are not fully satisfactory.

(iii) The Irish have accepted our insistence that the security paragraphs (20 and 21) should explicitly recognise the need to further improve effectiveness. The opening sentence of paragraph 21 now says that "the two Governments reaffirm their commitment to further and sustained efforts to combat it [the terrorist threat] effectively".

4. James Mackay would prefer to omit the words "at present" from the statement (paragraph 16) that we were not persuaded of the merits of three judge courts. I have considered this very carefully, and would have been prepared to try and change it if Mr Lenihan had been available. As he is now completely out of action, I don't think we could get any change without great difficulty, and on balance I would recommend that we stay with the present reading which we have used for the last 2 years.

5. George Younger suggested an amendment to paragraph 13 on confidence matters, to avoid use of the term "harassment" but I understand that he would be content with an appropriate adjustment to the paper summarising progress achieved since the signing of the Agreement (referred to in paragraph 11 of my minute of 11 April).

6. In the light of the changes outlined above which, as I have already said, were not achieved without considerable difficulty, my judgment is that the text is now acceptable to us and meets all our essential requirements. I should therefore be grateful for confirmation that you and other colleagues are content that I should proceed to adopt it at the next Conference meeting, which is provisionally fixed for 24 May. The absence of Mr Lenihan and the possibility of an Irish general election may complicate matters, but not to the extent of preventing adoption of the Communique on 24 May.

7. I am copying this minute to Geoffrey Howe, Douglas Hurd, George Younger, Patrick Mayhew, James Mackay, John Wakeham, David Waddington and Sir Robin Butler.

Jennie Murphy

pp TK

Approved by the Secretary of State and signed in his absence

15 May 1989

JM/19679

THE ANGLO-IRISH AGREEMENT:

REVIEW OF THE WORKING OF THE INTERGOVERNMENTAL CONFERENCE

1. In accordance with Article 11 of the Anglo-Irish Agreement, the two Governments have completed a review of the working of the Conference and have considered whether any changes in the scope and nature of its activities are desirable. In conducting this review the two sides engaged in an assessment of the work of the Conference to date under each of the Articles of the Agreement and examined the overall achievements of the Conference in terms of the stated objectives of the Agreement and the relationship between the two countries. Their discussions took account of a range of views put to them by interested groups and individuals and they wish to place on record their appreciation of all submissions made to them on the Review. The conclusions the two Governments have reached are set out below in the order in which the various subjects are covered by the Agreement.

2. Having conducted the Review, the two Governments reaffirm their full commitment to all of the provisions of the Agreement and to the shared understandings and purposes set out both in the preamble and in the Agreement itself as well as in the Hillsborough Communique of 15 November 1985. They reaffirm their belief in the need for political dialogue at all levels, as an essential element in achieving progress and an end to violence. They reiterate their unyielding opposition to any attempt to promote political objectives by violence or the threat of violence; and they commit themselves to continuing close co-operation in the security field to ensure that those who resort to such methods do not succeed.

The Conference

3. The Intergovernmental Conference has met on twenty-seven occasions since the signature of the Agreement. It has provided a valuable forum to address in a regular and organised way the full range of matters covered in the Agreement, mainly affecting Northern

Ireland, and to promote co-operative action in both parts of Ireland. Through the Conference the Irish Government has put forward views and proposals on these issues for consideration by the British side. Thus, in the development of measures relating to Northern Ireland the Conference has played an important role, and both Governments look forward to working closely together in this way in the future along the lines laid down in the Agreement. They acknowledge the valuable contribution of the Secretariat in servicing the Conference and in providing a readily available and continuing channel of communication between the two Governments on matters covered by the Agreement, a role which they will seek to develop as appropriate.

4. With a view to improving the working of the Conference as a means of resolving differences between them, both Governments agree that Conference meetings in the future should be organised so far as possible on a regular schedule, following the pattern in 1988 when ten meetings were held. In addition to meeting the needs of the regular work of the Conference, this pattern should give both sides an opportunity to consider forthcoming developments on a systematic basis, thereby making it more likely that problems can be anticipated and resolved in the spirit of harmony called for by the Agreement and reducing the risk of misunderstanding or confrontation arising from particular events. In the interest of ensuring the fullest possible consideration of longer-term issues relevant to the agenda of the Conference, it was also agreed that at least once each year there will be an informal Ministerial meeting.

5. Consistent with their objective of developing the potential of the Conference as envisaged in Article 3 of the Agreement, both Governments agree in principle that future Conference meetings would provide for widened Ministerial participation, at the invitation of the Joint Chairmen, to encourage more structured discussion of a greater range of issues of common interest to both parts of Ireland.

6. The two Governments note that a number of the submissions which they have received emphasise the importance of fuller information about discussions at Conference meetings being made public. Both Governments agree that the public should be made fully aware of the

contribution which the work of the Conference is making and will seek to respond to this point in future communiques and press conferences.

Devolution

7. It continues to be the British Government's policy, supported by the Irish Government, to encourage progress towards the devolution of responsibility for certain powers to elected representatives in Northern Ireland as set out in Article 4 of the Agreement. Both sides recognise that the achievement of devolution depends on the co-operation of constitutional representatives of both traditions within Northern Ireland.

Accommodation of the Rights and Identities of the two traditions

8. The two Governments share a common view of the central importance in the implementation of the Agreement of measures to accommodate the rights and identities of the two traditions in Northern Ireland, to protect human rights and prevent discrimination. The Irish Government welcomes a number of positive measures which have been implemented by the British Government in this respect since the signature of the Agreement. These include the repeal of the Flags and Emblems Act, enfranchisement of the 'I Voters' and the enactment of the Public Order (NI) Order 1987 enhancing the powers of the police to control potentially provocative marches.

9. The introduction of new legislation on Fair Employment has been the subject of detailed discussion in the Conference in the light of the commitment to eliminate discrimination in the workplace and establish fair employment practices in Northern Ireland. The two Governments agree on the importance of ensuring that such legislation shall be an effective means of meeting that commitment and the Conference will closely follow developments in this regard. The Irish Government welcomes also the launching by the British Government of a programme of action to address the social and economic problems in the most disadvantaged areas of Belfast and other deprived areas.

10. Both Governments reaffirm the fundamental importance of the proper protection of human rights and will continue to discuss through the mechanism of the Conference all legislative and other means by which such rights may be better protected in Northern Ireland.

11. The two Governments attach importance to the continuing work for improved community relations through developing increased cross-community contact and co-operation, and to encouraging greater mutual understanding including respecting the cultural heritage of both traditions. They recognise the valuable role which the education system can play in promoting mutual esteem and understanding between the two traditions, and the Irish Government supports the efforts made to reflect this objective in the new curriculum for Northern Ireland currently under preparation. The two Governments recognise also the importance of the Irish language in this context and undertake to support efforts to enhance awareness and appreciation of this particular strand of the cultural heritage.

Public Bodies

12. The two Governments agree on the importance of the principle that public bodies in Northern Ireland should be so constituted as to enjoy the widest possible respect and acceptance throughout the community. Exchanges will continue on ways in which this objective can be furthered. The Irish Government will continue to put forward views and proposals on the role and composition of such bodies for consideration by the British side, which will be ready to consider what means may be available to remedy imbalances arising from the use by others of their existing nominating powers without due regard to fairness or balance.

Confidence in the security forces and the system of justice

13. The two Governments attach great importance to policies aimed at improving relations between the security forces and the community in Northern Ireland and at enhancing respect for the rule of law. They have considered the record of the working of the Conference in

relation to fostering confidence in the system of justice in all its aspects and ensuring that the security forces are clearly perceived to discharge their duties evenhandedly, acting at all times within the law, with equal respect for the unionist and nationalist traditions and with demonstrable accountability for their actions. Special importance is attached to ensuring that representations by the public about the behaviour of members of the security forces are promptly and fully addressed and, in particular, that any allegations of harassment are quickly investigated and that if complaints are substantiated, the necessary action is taken without delay.

14. A number of new measures affecting these confidence issues have been introduced, including those on marches and other public events, incitement to hatred, police complaints procedures, police/community liaison committees and the need for the police to respect equally the two traditions in Northern Ireland which is set out in the Code of Conduct promulgated by the RUC. Further work remains to be done, and progress achieved will be reviewed on a regular basis at the Conference.

15. Following discussion in the Conference, further confidence-building measures are envisaged or in hand by the relevant authorities, including the following: systematic monitoring of the nature, pattern and handling of complaints by the public about the behaviour of members of the security forces; further effective development of the policy of ensuring as rapidly as possible that, save in the most exceptional circumstances, there should be a police presence in all operations which involve direct contact between the armed forces and the community; additional safeguards for members of the public being questioned by the police in connection with non-terrorist offences; and the publication of a guide to the operation of the provisions of the Emergency Provisions and Prevention of Terrorism Acts.

16. The Irish Government reaffirms the importance it attaches to reform of the system of trial under the Emergency Provisions Act 1978 and in particular the introduction of three-judge courts. The British Government is not at present persuaded of the merits of this

proposal. While it is recognised that emergency legislation was a response to the campaign of violence and intimidation, it is agreed that both sides will continue through the Conference to consider what changes may be desirable in the emergency provisions, the general criminal law or procedure with the aim of securing maximum public confidence in the system of justice.

17. The Conference has considered prisons policy. There have been important developments affecting the Northern Ireland prison system, including the special reviews of the cases of the remaining prisoners in special category and those serving sentences at the Secretary of State's pleasure, as well as life sentence review procedures generally, the opening of the new prison at Maghaberry, and matters affecting the prison regime. The two Governments undertake to maintain exchanges on prison matters, given the importance of careful and considered treatment of this sensitive issue.

18. The two Governments are fully agreed on the need for fair and effective procedures for extradition and for the exercise of extra territorial jurisdiction, to ensure that fugitive offenders are brought to justice. There has been extensive discussion of these matters within the framework of the Conference. The two Governments will continue their examination of these matters through their respective law officers, and the mechanism of the Conference, with a view to ensuring that appropriate arrangements are in place in relation both to extradition and extra territorial jurisdiction.

19. The two Governments agree that there should be further study of areas of the criminal law applying in the two jurisdictions which might with benefit be harmonised.

Security Co-operation

20. The two Governments condemn in the strongest terms the actions of those who in seeking to promote political ends by violent means cause the most callous loss of life, human misery and wanton destruction. They reaffirm their determination to counter this evil through continuing close cooperation between the security forces on

both sides of the border and pay tribute to the commitment of these forces. Cross-border security cooperation has received regular and intensive consideration at meetings within the framework of the Intergovernmental Conference as well as at frequent meetings between the respective police forces. A programme of work between the Commissioner of the Garda Siochana and the Chief Constable of the RUC as envisaged in Article 9 of the Agreement was put in hand and substantial progress has been achieved under all of the headings listed.

21. In the light of their common understanding of the scale of the terrorist threat, the two Governments reaffirm their commitment to further and sustained efforts to combat it effectively. They have endorsed a programme of future work between the two police forces to develop their cooperation, and to enhance their capacity to protect human life and property from terrorist outrage. They agree that progress in cross-border security cooperation will be reviewed regularly by the Conference which the two Governments will continue to use as a framework to work together to ensure that those who adopt or support violence do not succeed.

Cross-border economic co-operation

22. The two Governments have taken stock of the pattern of cross-border economic cooperation since the signature of the Agreement. Apart from the work of the Conference itself a number of cross-border Ministerial meetings have taken place in the framework of the Agreement and a cross-border study of social and economic problems in the North West region has been commissioned with assistance from the European Community. The two Governments affirm their conviction that cross-border economic and social cooperation is of obvious benefit to all.

23. They agree that future Conference meetings will include a systematic programme of assessment of all the main sectors to determine where the process of co-operation can most fruitfully be expanded. Where appropriate, the responsible Ministers North and South will participate in the work of the Conference. In a preliminary survey during the Review, both Governments have

considered an illustrative list of areas which offer scope for further work; including transport and communications, tourism, industry and agriculture, energy and health.

24. The two Governments have considered also the implications of the completion of the internal market in the European Community in 1992. They recognise that these will be far-reaching and will generate common opportunities for both parts of Ireland as well as common difficulties arising from peripheral island status and other factors including the increase of competition. They agree that the Conference could provide a valuable forum for both sides to consider and assess the cross-border implications of the Single European Market and consistent with national policies, to maximise the potential benefits. Various practical ways of advancing work in this area will be considered and the continuation of the dialogue on this issue begun at Louvain in December 1988 will also be encouraged.

International Fund for Ireland

25. In September 1986 the two Governments, in accordance with Article 10(a) of the Agreement, established the International Fund for Ireland with the financial support of the United States, Canada and New Zealand and, from 1989, the European Community. In the interval since its foundation the Fund has committed over Stg£50m to projects in Northern Ireland and the border counties in the South and has been instrumental in creating a significant number of new jobs. The two Governments express their appreciation of the generosity of the donors to the Fund and will continue to give every support to the work of the Fund and the emphasis it is now placing on improving the position in the most disadvantaged areas.

British-Irish Inter-Parliamentary Body

26. The two Governments welcome the progress which has been made towards the establishment of a British-Irish Inter-Parliamentary Body of the kind envisaged in the Anglo-Irish Studies Report of November 1981, which would provide a valuable independent forum for inter-Parliamentary contacts.

Conclusion

27. The two Governments commit themselves to continue to work together through the institutions and procedures of the Agreement for the realisation of the fundamental objectives of promoting peace and stability in Northern Ireland; helping to diminish the divisions between the two major traditions in Ireland; creating a new climate of friendship and co-operation between them and improving co-operation in combatting terrorism. Reaffirming the right of each tradition to pursue its aspirations by peaceful and constitutional means, they reiterate the objective of the creation of a society in Northern Ireland in which all may live in peace, free from discrimination and intolerance.

28. They agree that the Conference, together with its related mechanisms, has proved its value to both Governments in the three years since the signature of the Agreement, and that, while requiring no fundamental change at present, its role could nevertheless be developed and enhanced in the ways set out above.

29. If in future it were to appear that the objectives of the Agreement could be more effectively served by changes in the scope and nature of working of the Conference, consistent with basic provisions and spirit of the Agreement, the two Governments would be ready in principle to consider such changes.

30. The two Governments stress that the Agreement does not represent a threat to either tradition in Northern Ireland. On the contrary it provides a framework which respects the essential interests of both sides of the community, and their right to pursue their aspirations by peaceful means. It facilitates cooperation in the fight against terrorism and sets out to create the conditions in which the whole community can live together in peace.

6302/DR

Conclusion

27. The two Governments commit themselves to continue to work together through the institutions and procedures of the Agreement for the realisation of the fundamental objectives of promoting peace and stability in Northern Ireland; helping to diminish the divisions between the two major traditions in Ireland; creating a new climate of friendship and co-operation between them and improving co-operation in combatting terrorism. Reaffirming the right of each tradition to pursue its aspirations by peaceful and constitutional means, they reiterate the objective of the creation of a society in Northern Ireland in which all may live in peace, free from discrimination and intolerance.

28. They agree that the Conference, together with its related mechanisms, has proved its value to both Governments in the three years since the signature of the Agreement, and that, while requiring no fundamental change at present, its role could nevertheless be developed and enhanced in the ways set out above.

29. If in future it were to appear that the objectives of the Agreement could be more effectively served by changes in the scope and nature of working of the Conference, consistent with its provisions and spirit of the Agreement, the two Governments would be ready in principle to consider such changes.

30. The two Governments stress that the Agreement does not represent a threat to either tradition in Northern Ireland. On the contrary it provides a framework which respects the essential interests of both sides of the community, and their right to pursue their aspirations by peaceful means. It facilitates cooperation in the fight against terrorism and sets out to create the conditions in which the whole community can live together in peace.

5302/DR

Prime Minister
27/4

HOME SECRETARY

DESMOND ELLIS : EXTRADITION FROM THE REPUBLIC OF IRELAND

(FLAP)

My minute of 4 April set out my intention that warrants should be sent to the Irish Republic for Ellis to be returned to the UK to face charges of conspiracy to cause explosions and possession of explosives with intent, contrary to the Explosive Substances Act 1883.

I have now heard from the Irish Attorney General that he has approved the backing of the warrants, and we have this morning been told that the Gardai will execute them today by taking Ellis from Portlaoise Prison to the Dublin District Court. This is a day sooner than expected.

I have previously stressed the importance of taking what steps we can to avoid any publicity which the Irish Attorney General - and now the Irish courts - may claim as justification for refusing to order the extradition of Ellis. My intention is that, immediately after the warrants have been executed, a Press Notice should be issued by the Legal Secretariat in the terms of the attached draft; it deals with the arrest in a short and factual manner but incorporates a reminder to Editors of the legal constraints upon them and the possible adverse consequences of intemperate reporting. It is my view that the response to all subsequent press enquiries should be coordinated at one point and past experience has shown that the Press Office at No 10 is most appropriate.

We have received no indication whatsoever from the Irish as to their intentions in respect of Patrick Ryan; my request that they exercise extraterritorial jurisdiction is still apparently under consideration by their DPP. But it is conceivable that they may decide to announce a decision at much the same time as the warrants for Ellis are executed - the latter may draw press interest from that decision and assist in appeasing their own critics over the backing of the warrants for Ellis. It would therefore be prudent for us to have agreed the line to be taken in the event of a decision being announced, and I have also annexed to this minute the line I suggest; again, it seems best that the Press Office at No 10 take the lead. The line I am suggesting in the event of a refusal by the Irish to exercise jurisdiction may be softer than some colleagues would have wished, and indeed softer than would be justified. But I am firmly of the view that any stronger criticism of the Irish would be unwise in the light of the successes we have recently achieved and, more particularly, might be damaging to our prospects of securing the return of Desmond Ellis.

I am copying this minute to the Prime Minister, the Foreign Secretary and the Northern Ireland Secretary.

27 April 1989

DRAFT PRESS NOTICE

At 10.30 this morning (Thursday 27 April 1989) Desmond Ellis, who has been serving a sentence of imprisonment in Portlaoise Prison, was brought before the Dublin District Court on foot of two warrants issued by Bow Street Magistrates' Court in relation to the following offences:

1. Between 1st day of January 1981 and 27th day of October 1983 within the jurisdiction of the Central Criminal Court for England and Wales, in the United Kingdom unlawfully and maliciously had in his possession or under his control explosive substances with intent by means thereof to endanger life or cause serious injury to property in the United Kingdom or to enable any other person to do so. (Contrary to section 3(1)(b) of the Explosive Substances Act 1883 and section 7 of the Criminal Jurisdiction Act 1975).

2. Between 1st day of January 1981 and 27th day of October 1983 within the jurisdiction of the Central Criminal Court for England and Wales, in the United Kingdom unlawfully and maliciously conspired together with Thomas Alphonsus Quigley, Paul Kavanagh, Gilbert Thomas Patrick McNamee and other persons to cause by an explosive substance an explosion of a nature likely to endanger life or cause serious injury to property in the United Kingdom. (Contrary to section 3(1)(a) of the Explosive Substances Act 1883 and section 7 of the Criminal Jurisdiction Act 1975).

An application has been made for the return of Desmond Ellis to the United Kingdom to face these charges.

Editors will be aware that by virtue of section 2 and paragraph 4 of Schedule 1 to the Contempt of Court Act 1981, proceedings are "active" in this country for the purpose of the law of contempt. The Attorney General emphasises the particular importance in this case of avoiding publication of any material which might create a substantial risk that the course of justice in the proceedings in question will be seriously impeded or prejudiced. It has previously been made clear that the Irish authorities and courts will themselves take cognisance of any actual or perceived risk of prejudice to a fair trial in the event of a fugitive being returned to this jurisdiction. They will themselves assess that risk in the light of any publicity given in this country, in the context of the request for extradition, to the antecedents of the fugitive or the nature of the case against him.

This request for extradition affects the interests of a number of Government Departments and accordingly responses to press inquiries are being co-ordinated by 10 Downing Street press officers to whom inquiries should be addressed.

CONTINGENT PRESS LINE

RE: RYAN

If decision is to prosecute

Today's announcement in Dublin of the decision of the Irish Director of Public Prosecutions to institute criminal proceedings against Patrick Ryan and of Patrick Ryan's arrest is a most satisfactory outcome to our Attorney General's request that consideration be given to his prosecution under the Irish Criminal Law (Jurisdiction) Act. The UK authorities will continue to do all that they can to provide such assistance with the prosecution as may be requested by the Irish authorities. The matter is now before the Irish courts and it would be wrong to make any further comments about the matter until they have completed their consideration of the case.

If the decision is not to prosecute

Today's announcement in Dublin that the Irish Director of Public Prosecutions has concluded that criminal proceedings should not be instituted against Patrick Ryan is a most disappointing outcome to our Attorney General's request that consideration be given to his prosecution in the Republic under the Irish Criminal Law (Jurisdiction) Act. This is particularly so when the Irish Attorney General has stated that on two of the charges for which Ryan's extradition was sought there was sufficient evidence to justify a prosecution in England. No request for further evidence has been made to our authorities.

Nevertheless, the decision has been taken by the independent Irish Director of Public Prosecutions and we have to accept it. We have been encouraged by recent successes in other extradition cases brought in the Republic, and we shall continue whenever possible to ensure that persons accused of serious offences are brought before a court.

Ireland :- Relations Pt 20

FROM THE RIGHT HONOURABLE THE LORD MACKAY OF CLASHFERN

cc PC

HOUSE OF LORDS,
LONDON SW1A 0PW

CONFIDENTIAL

18 April 1989

CDP 18/4.

Dear Tom,

ANGLO IRISH AGREEMENT : ARTICLE 11 REVIEW

file with CDP

Thank you for the copy of your minute of 11 April to the Prime Minister enclosing the copy of your draft Communique. I have also seen the letter of 12 April from the Private Secretary to the Prime Minister.

I am concerned at the text of paragraph 17 of the draft. The implication there of the Irish Government's dissatisfaction leading to the reference to the provision of three-judge courts and the statement that the British Government is not 'at present' persuaded is both harmful and misleading. I have no doubt that the publication of such a statement would occasion very great concern to the judges in Northern Ireland, who have repeatedly been assured that no departure from present policy would take place without full consultation.

I would prefer the second sentence of that paragraph to be amended as follows:

"The British Government does not accept this view."

I am copying this letter to the Prime Minister, Foreign and Commonwealth Secretary, the Home Secretary, the Defence Secretary, the Attorney-General, the Lord President, the Chief Whip and Sir Robin Butler.

Yours ever,

James.

The Secretary of State for
Northern Ireland
The Right Honourable
Tom King MP
Northern Ireland Office
Whitehall
London SW1A 2AZ

Ireland Anglo Irish Relations Pt 20

CONFIDENTIAL

cc PL

NORTHERN IRELAND OFFICE
WHITEHALL
LONDON SW1A 2AZ

SECRETARY OF STATE
FOR
NORTHERN IRELAND

CMD 18/4.

The Rt Hon Sir Patrick Mayhew QC
Royal Courts of Justice
London
WC2A 2LL

18 April 1989

Dear Attorney General,

ANGLO-IRISH AGREEMENT - ARTICLE 11 REVIEW

Thank you for your letter of ~~13~~ 17 April. I am pleased that, in general, you are content with the draft communique on the Article 11 Review.

I entirely agree with your comments on the irritation caused to the judiciary in Northern Ireland by the continued reference by the Irish to the need to enhance confidence in administration of justice. I will seek to amend the relevant paragraph to avoid misunderstanding on this score. The former Lord Chief Justice made strong representations to me on this matter and, in fact, since March last year you may have noticed that Anglo-Irish Conference communiques have not referred to confidence in the administration of justice but to the need to enhance confidence in the system of justice and in the security forces. The system of justice is defined as the whole criminal justice system - police activity, arrests, prosecutions, the courts, penalties and prisons.

There is indeed no foundation for claims that the minority community in Northern Ireland have at present any lack of confidence in the administration of justice by the judiciary there; and I think, on

CONFIDENTIAL

reflection, the passage should record our own confidence. Unfortunately, when Article 8 of the Agreement was being negotiated in 1985 there was then some concern in the minority community over the administration of justice because of the series of trials of large numbers of accused on the uncorroborated evidence of accomplices (the "supergrass trials").

I am afraid that there is also a history to the statement that the British Government is not at present persuaded of the merits of three-judge courts for the trial of scheduled offences in Northern Ireland. In 1986, when the Government decided to reject the Irish Government's arguments for three-judge courts, that form of words was adopted as the most diplomatic way of reflecting the fact that the two Governments disagreed fundamentally on this issue and could not reconcile their positions. It would, therefore, be very difficult to persuade the Irish to agree to any change in this statement of the position of the two Governments without their insisting on stating their position in terms more strongly critical of the Diplock Courts. However, I will seek to expand the passage to make it clear that we have confidence in the judiciary and the present system of trial.

Turning to the reference to the way in which the criminal law is applied. That is an oblique reference to Irish concerns at the way in the last year or so we have introduced measures into the general criminal law in Northern Ireland which they believe were measures directed at terrorism and which should - in their view - have been included only in the terrorism provisions. These are measures such as those on the so-called right of silence and the exclusion of mouth swabs from the definition of intimate body samples. Again, if we delete the phrase, the Irish may well wish to replace it with something more explicit and therefore more unwelcome to us. I should be glad, therefore, if you would agree to the phrase remaining, though I will seek to reword the sentence in the interests of clarity, and to pick up your final drafting point. I

CONFIDENTIAL

attach a revised version of the paragraph reflecting these points, which I hope you can accept.

I am copying this letter to the Prime Minister and other recipients of your letter.

Yours sincerely,

Simon Sparrow

TK

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

The Irish Government reaffirms the importance it attaches to the reform of the system of trial under the Emergency Provisions Act 1978 and maintains its view that the provision of three judge courts would enhance public confidence in the administration of justice. The British Government is not at present persuaded of the merits of this proposal; confirms its confidence in the integrity and independence of the judiciary; and believes that the present system enjoys public confidence. While it is recognised that emergency legislation was a response to the campaign of violence and intimidation, it is agreed that both sides will continue through the Conference to consider what changes may be desirable in the emergency provisions, criminal law or procedure with the aim of maximising public confidence in the system of justice.

The Irish Government reaffirms the importance it attaches to the reform of the system of trial under the Emergency Provisions Act 1973 and maintains its view that the provision of three judge courts would enhance public confidence in the administration of justice. The British Government is not at present persuaded of the merits of this proposal; confirms its confidence in the integrity and independence of the judiciary; and believes that the present system enjoys public confidence. While it is recognised that emergency legislation was a response to the campaign of violence and intimidation, it is agreed that both sides will continue through the Conference to consider what changes may be desirable in the emergency provisions, criminal law or procedure with the aim of maximising public confidence in the system of justice.

CONFIDENTIAL

file Kro
cc Pc

10 DOWNING STREET
LONDON SW1A 2AA

From the Private Secretary

14 April 1989

ANGLO-IRISH AGREEMENT: ARTICLE II REVIEW

Thank you for your letter of 13 April enclosing the revised versions of paragraphs 19, 21 and 22 of the proposed communique. The Prime Minister is content with this.

I am copying this letter to Stephen Wall (Foreign and Commonwealth Office), Philip Mawer (Home Office), Brian Hawtin (Ministry of Defence), Paul Stockton (Lord Chancellor's Office), Michael Saunders (Law Officers' Department), Steven Catling (Lord President's Office), Murdo Maclean (Chief Whip's Office) and to Trevor Woolley (Cabinet Office).

CHARLES POWELL

Stephen Pope, Esq.,
Northern Ireland Office.

2

ROYAL COURTS OF JUSTICE
LONDON, WC2A 2LL

13 April 1989

The Rt Hon Tom King MP
Secretary of State for Northern Ireland
Whitehall
LONDON S W 1

Dear Tom:

ANGLO-IRISH AGREEMENT : ARTICLE 11 REVIEW

Thank you for copying to me your minute of 11 April to the Prime Minister, attaching the draft Communique.

I am in general entirely content with the draft. I have two comments only and they relate to paragraph 17.

As regards the provision of three-judge courts, I should prefer the second sentence of the paragraph to read as follows:

> "The British Government is not persuaded that this proposal is either necessary or practicable."

In my experience, continued reference to the need to enhance confidence in the administration of justice is a source of real demoralisation and irritation in judicial circles and among prosecutors in the Province, and even more widely. There has not to my knowledge ever been identified any foundation for the repeated assertion that there is within the minority community a lack of confidence in the administration of justice.

The third sentence of paragraph 17 refers to the way in which the criminal law is applied. I am not sure what meaning is to be attached to this phrase and I suggest it should be deleted. As a final drafting point, I suggest that the words "what changes might be made to emergency provisions" should be replaced by "what changes in the emergency provisions may be desirable".

I am copying this letter to the Prime Minister and to the other recipients of your minute.

Yours ever,

Patrick

IRELAND: Relations

From: THE PRIVATE SECRETARY

CC PC (1)

CONFIDENTIAL

NORTHERN IRELAND OFFICE
WHITEHALL
LONDON SW1A 2AZ

Prime Minister
These are the improvements which we requested
Content? B
CDP 14/4.

CD Powell Esq
No 10 Downing Street
LONDON SW1

April 1989

Yes

Dear Mr Powell

ANGLO-IRISH AGREEMENT:- ARTICLE II REVIEW

My Secretary of State has seen your letter of ~~12 April~~ 7 Apr and welcomes the Prime Minister's thought that the communiqué should be strengthened to reflect more clearly our concerns about the need for further specific improvements in the field of security co-operation.

Accordingly, I now enclose revised versions of paragraphs 19 (Extradition), which has been extensively re-drafted to reflect our views that further improvements are necessary, and 21 and 22 (Security Co-operation). The last three lines in para 21 have been added specifically to indicate that, while there have been improvements, much remains to be done in this field. We are now putting these amendments to the Irish.

I am copying this letter and attachment to the Private Secretaries to the Foreign and Commonwealth Secretary, the Home Secretary, the Defence Secretary, the Lord Chancellor, the Attorney-General, the Lord President, the Chief Whip and to Sir Robin Butler.

Yours sincerely

Stephen Pope

STEPHEN POPE

SP/PROL/5493

CONFIDENTIAL

EXTRADITION

19. Against the background of the need for fair and effective legal procedures, including those relating to extradition and extraterritorial jurisdiction, to ensure that fugitive offenders are brought before the courts to stand trial, the British Government maintains its view that there need to be changes if these procedures are to be fully effective. The two sides will continue their close contacts on these matters through the respective Law Officers and the mechanisms of the Conference.

SECURITY CO-OPERATION

21. The two Governments condemn in the strongest terms the actions of those who in seeking to promote political ends by violent means cause the most callous loss of life, human misery and wanton destruction. They reaffirm their determination to counter this evil through continuing close co-operation between the security forces on both sides of the border and pay tribute to the courage and commitment of these forces. Cross-border security co-operation has received regular and intensive consideration at meetings within the framework of the Intergovernmental Conference as well as at frequent meetings between the respective police forces. A programme of work was put in hand by the Commissioner of the Garda Siochana and the Chief Constable of the RUC as envisaged in Article 9 of the Agreement and substantial progress has been made under each of the headings listed; but it is recognised that only by further and sustained effort will the necessary degree of effectiveness be achieved and maintained.

22. In the light of their common determination to combat terrorism and their common understanding of the scale of the threat the two sides, in the course of the Review, are giving full backing to a programme of future work between the two police forces to develop further their co-operation and to enhance their capacity to protect human life and property from terrorist outrage. They agree that progress in cross-border security co-operation will be reviewed regularly by the Conference which the two Governments will continue to use as a framework to work together to ensure that those who adopt or support violence do not succeed.

IRELAND : Relations Pro.

SW2ASU
cc/c

10 DOWNING STREET

LONDON SW1A 2AA

From the Private Secretary

12 April 1989

ANGLO-IRISH AGREEMENT: ARTICLE 11 REVIEW

The Prime Minister has considered the Northern Ireland Secretary's minute of 11 April about the review of the working of the Intergovernmental Conference of the Anglo-Irish Agreement. She is generally content with the progress of the Review, with one important exception. She does not like the implication in the draft communiqué that we are satisfied with the Irish government's performance on security cooperation. She notes that in other parts of the communiqué, for instance paragraph 17 dealing with three-judge courts, the Irish government unilaterally indicates an area where it is dissastisifed with Britain's response to its proposals. She considers that we should likewise indicate where we want to see security cooperation improved. Clearly the delicate nature of some of the issues will constrain how specific we can be; and there is already in paragraph 22 a commitment to a programme of future work by the two police forces which implies that further improvements are needed and will be made. But the Prime Minister does not believe that the Irish government's record hitherto justifies what would be seen as a seal of approval in the communiqué. The government's supporters will expect us to stress both that this remains the area of greatest concern under the Agreement and one in which specific improvements are needed.

The Prime Minister would like this thought reflected in the text of the communiqué, despite the obvious difficulties.

I am copying this letter to the Private Secretaries to the Foreign and Commonwealth Secretary, the Home Secretary, the Defence Secretary, the Lord Chancellor, the Attorney-General, the Lord President, the Chief Whip and to Sir Robin Butler.

(C. D. POWELL)

Stephen Leach, Esq.,
Northern Ireland Office.

SECRETARY OF STATE FOR NORTHERN IRELAND

Agreed MT

Prime Minister

The outcome of the Review of the Anglo-Irish Agreement, or rather the making of it. It seems generally satisfactory, except for the implication that we are satisfied with the Irish Government's performance on security cooperation. Ideally the report should point out where we want to see it improved. The Unionists were given a chance to play a role, but have refused.

Otherwise content?

CDP 11/4.

PRIME MINISTER

ANGLO-IRISH AGREEMENT: ARTICLE 11 REVIEW

1. As you are aware, we have been working for some time, with the Irish, on the Review of the working of the Intergovernmental Conference, to which we are committed under Article 11 of the Anglo-Irish Agreement.

Put flat P25

2. I minuted you about this on 26 September last year. As I explained then I had hoped that the Review process might play a part in bringing the Unionists in from the cold. Although it has become clear that it could not achieve that, I am nonetheless anxious that the outcome should not alienate them further, or be seen to close the door for all time. More generally my aim has been to ensure that the Conference focuses in future on real, rather than synthetic, issues, and develops the positive relationship we seek with the Irish.

3. The Review was launched at the Conference meeting on 2 November last year. I wanted to have a thorough review of each area of activity under the Agreement based on our experience of how the Conference has worked, to see what changes in the scope and nature of its activities might be desirable. I wanted to register with the Irish our perception of their shortcomings, particularly in security and extradition matters. Papers have been passed to the Irish covering every Article of the Agreement.

4. The Review was, of course, of the working of the Conference and not of the Agreement itself, which is not in issue. The Agreement

Yes MT

will remain, and be seen to remain, in place as the central feature of our relations with the Republic on matters concerning Northern Ireland. I saw the Review as an opportunity to gain from the Irish a wholehearted commitment on all aspects of the Agreement. Accordingly I considered, and the Irish accepted, that it is right to take the opportunity for both Governments to reaffirm their commitment to the Agreement and the fundamental principles embodied in it (including, of course, the principle enshrined in Article 1 that the status of Northern Ireland is to be determined by the wishes of a majority of its people).

5. At the time of launching the Review, I issued an invitation to all interested groups to let me have their views. Although this did not, in the event, produce any official response from the Unionists, a number of contributions were received. Most of these were from members of the public, mainly in Northern Ireland, but I also received generally helpful contributions from the Alliance Party, the Workers Party, the Labour Party and the SLD. I have however heard nothing from the two main Unionist parties but I expect a contribution from the SDLP very shortly. Most of the contributions have in fact concentrated on the Agreement itself rather than the working of the Conference, in some cases calling for fundamental amendment or even setting aside the whole Agreement. There were, therefore, comparatively few specific proposals which I was able to take into account in the course of the Review.

6. As far as the Review itself is concerned, the detailed analysis of the results achieved in each of the areas of operation of the Agreement has now been completed. The Irish have, on the whole, approached the Review in a constructive and cooperative spirit, particularly in the latter stages and there have been relatively few major disagreements between us. In the light of this, Brian Lenihan and I agreed at our meeting on 8 February that work on the Review

should be given greater impetus with the aim of reaching an early conclusion. There is some risk that delay raises expectations. Accordingly, we decided to move directly to the drawing up of the final Review Communique, and we made a major effort to reach agreement on a single draft of this at our meeting of the Conference on 5 April. This was a tough, but constructive, negotiation, which successfully protected our interests. In particular, the Communique includes a reaffirmation and recommitment to the Agreement as a whole and all it represents, gives an agreed account of the progress already made, makes it clear that the Agreement provides a valuable continuing framework for Anglo-Irish relations and sets a useful agenda for developing work under it, without committing us to grandiose or politically difficult matters. (For example, I succeeded in holding off the Irish wish to mention, again, as the Agreement itself does, further study of a Bill of Rights.)

7. We have also made clear to them in the course of the Review that while we welcome the progress that has recently been made on the security front, there is a long way to go and that the Communique should stress the importance of securing the further improvements in security cooperation which are essential if we are successfully to combat terrorism. We have also registered our continued dissatisfaction with the way the existing extradition arrangements are working and the importance we attach to them taking seriously the changes we have suggested.

8. The Irish have their concerns too. They take the view that in a number of respects we are not operating the Agreement as fully as they would wish or, because of an undue desire to take account of Unionist sensitivities, are seeking to play down the contribution it is making to addressing the problems of Northern Ireland. They feel that we should do more to inform them in advance of matters relating to the internal administration of

Northern Ireland and take greater account of their views. For my part I am anxious that this review should make clear throughout that, while the Irish Government has the right to put forward views and proposals on matters within the scope of the Agreement, the British Government, as the Agreement itself makes clear, retains full responsibility for all decisions and the administration of government in Northern Ireland. More specifically the Irish look to us to do more than they feel we have so far done in taking measures to improve the confidence of the minority community in the system of justice and the conduct of the security forces. This is an important issue which we are anxious to pursue on our own account in any event, but I have been anxious to ensure that the issue is properly presented in this context.

9. The results of our efforts so far are set out in the attached draft of the joint final Review Communique following on from our discussions on 5 April. This is close to being a document agreed between the two sides, subject to approval by the respective Governments. There are one or two points of drafting and emphasis to be resolved. However it represents, in my view, a good outcome from our point of view and I hope you and other colleagues will agree that I can now move, subject to any final drafting points, to reach agreement with the Irish on it.

10. I have agreed with the Irish that we should aim for completion of the Review by the end of April, not least so that it is completed well before the Northern Ireland local elections on 17 May and the European elections in June. Completion of the Review by the end of April will necessitate a tight timetable, involving a further meeting of the Conference to adopt the final Communique, probably on 26 April. (I have not considered that the outcome contains anything of sufficient novelty or significance to justify a Summit, nor do the Irish appear to have seen it in those terms.) If we are to be able to do this, I would need to have any comments you and other

colleagues wish to put forward, if possible by 17 April. (If, for any reason, we are unable to meet the end of April deadline, I think formal completion of the Review would have to be put off at least until after the 17 May local elections.) Whenever the Review is completed, it will be important to handle the presentation of the outcome in such a way that it does not hinder the prospects for political progress in Northern Ireland, and I am giving consideration to how best we can do this. Paragraph 3 of the draft Communique, on the first part of which the Irish may well have reservations, is intended to acknowledge Unionist sensitivities, without compromising our own position.

11. As far as the Parliamentary handling of the completion of the Review is concerned, I have already agreed with John Wakeham that it should not be necessary to have a debate on this matter. There is currently no pressure for one, either from our own side, or from the Opposition parties. I am in touch with John about a possible statement to the House, probably on the following day (27 April) and will, at the same time, deposit the text of the final Review Communique in library of the House. I have also prepared a British paper, summarising the progress achieved since the signing of the Agreement, and I will consider further the Parliamentary handling of that.

12. I should be grateful for early confirmation that you and other colleagues are content with the approach outlined above. I am copying this minute to Geoffrey Howe, Douglas Hurd, George Younger, James Mackay, Patrick Maynew, John Wakeham, David Waddington and Sir Robin Butler.

TK

JB/PROB/21517

11 April 1989

THE ANGLO-IRISH AGREEMENT

REVIEW: DRAFT COMMUNIQUE - FIRST REVISION INCORPORATING CONFERENCE DISCUSSION ON 5 APRIL

1. In accordance with Article 11 of the Anglo-Irish Agreement, the two Governments have completed a review of the working of the Conference and have considered whether any changes in the scope and nature of its activities are desirable. In conducting this review the two sides engaged in an assessment of the work of the Conference to date under each of the Articles of the Agreement and examined the overall achievements of the Conference in terms of the stated objectives of the Agreement and the relationship between the two countries. Their discussions in this respect had the benefit of a range of views put to them by interested groups and individuals and they wish to place on record their appreciation of all submissions made to them on the Review. The conclusions the two Governments have reached are set out below in the order in which the various subjects are covered by the Agreement.

2. Having conducted the Review, the two Governments reaffirm their full commitment to all of the provisions of the Agreement and to the shared understandings and purposes set out both in the preamble and in the Agreement itself as well as in the Hillsborough Communique of 15 November 1985. They reiterate their unyielding opposition to any attempt to promote political objectives by violence or the threat of violence; and they commit themselves to continuing close cooperation in the security field to ensure that those who resort to such methods do not succeed.

3. By this reaffirmation of principle the two Governments commit themselves to develop the unique relationship between their peoples and the close cooperation between the countries. They recognise that a condition of genuine reconciliation and dialogue between the unionists and nationalists is mutual acceptance of each others' rights. They also recognise and respect the identities of the two communities in Northern Ireland and the right of each to pursue its aspirations by peaceful and constitutional means. The two Governments agree that the conclusions of this Review, as to the

desirability of changes in the scope and nature of the activities of the Conference, can reflect only the progress to date in achieving the underlying objectives of the Agreement. If in the future it were to appear that these objectives could be more effectively served by adjustments to the operation and machinery of the Conference, consistent with the basic provisions and spirit of the Agreement, the two Governments would be ready in principle to consider the merits of such adjustment.

The Conference

4. The Intergovernmental Conference has met on twenty-seven occasions since the signature of the Agreement. It has provided a valuable forum to address in a regular and organised way political, security and legal matters mainly affecting Northern Ireland and to promote cooperative action in both parts of Ireland. Through the Conference the Irish Government has put forward views and proposals on these issues for consideration by the British side. Thus, in the development of measures relating to Northern Ireland the Conference has played an important role, and both Governments look forward to working closely together in this way in the future along the lines laid down in the Agreement. They acknowledge the valuable contribution of the Secretariat in servicing the Conference and in providing a readily available and continuing channel of communication between the two Governments on matters covered by the Agreement, a role which they will seek to develop as appropriate.

5. With a view to improving the working of the Conference as a means of resolving differences between them, both Governments agree that Conference meetings in the future should be organised so far as possible on a regular schedule, following the pattern in 1988 when ten were meetings held. In addition to meeting the needs of the ongoing work of the Conference, this regular pattern should give both sides an opportunity to consider forthcoming developments on a systematic basis, thereby enhancing the likelihood of resolving anticipated problems in the spirit of harmony called for by the Agreement and reducing the risk of misunderstanding or confrontation

arising from particular events. In the interest of ensuring the fullest possible consideration of longer-term issues relevant to the agenda of the Conference, it was also agreed that at least once each year there will be an informal Ministerial meeting.

6. Consistent with their objective of developing the potential of the Conference as envisaged in Article 3 of the Agreement, both Governments agree in principle that future Conference meetings would provide for widened Ministerial participation, at the invitation of the Joint Chairmen, to encourage more structured discussion of sectoral issues of common interest to both parts of Ireland.

7. The two Governments note that a number of the submissions which they have received emphasise the importance of fuller information about discussions at Conference meetings being made public. Both Governments acknowledge the point and will seek to respond to it in future communiques and press conferences.

Political Progress

8. It continues to be the British Government's policy, supported by the Irish Government, to seek progress towards the devolution of responsibility for certain powers to elected representatives in Northern Ireland as provided for in Article 4 of the Agreement. Both sides recognise that the achievement of devolution depends on the co-operation of constitutional representatives of both traditions within Northern Ireland.

Accommodation of the Rights and Identities of the two traditions

9. The two Governments share a common view of the central importance in the implementation of the Agreement of measures to accommodate the rights and identities of the two traditions in Northern Ireland, to protect human rights and prevent discrimination. The Irish Government welcomes a number of positive measures which have been implemented by the British Government in this respect since the signature of the Agreement. These include

the repeal of the Flags and Emblems Act, enfranchisement of the 'I Voters'and the enactment of the Public Order (NI) Order 1987 enhancing the powers of the police to control potentially provocative marches.

10. The introduction of new legislation on Fair Employment has been the subject of detailed discussion in the Conference in the light of the commitment to eliminate discrimination in the workplace and establish fair employment practices in Northern Ireland. The two Governments agree on the importance of ensuring that such legislation shall be an effective means of meeting that commitment and the Conference will closely follow developments in this regard. The Irish Government welcomes also the launching by the British Government of a programme of action to address the social and economic problems in the most disadvantaged areas of Belfast and other deprived areas.

11. Both Governments reaffirm the fundamental importance of the proper protection of human rights and will continue to discuss through the mechanism of the Conference all legislative and other means by which such rights may be better protected in Northern Ireland.

12. The two Governments attach importance to the continuing efforts to improve community relations through developing increased cross-community contact and co-operation, and to encouraging greater mutual understanding including respecting the cultural heritage of both traditions. They recognise the valuable role which the education system can play in promoting mutual esteem and understanding between the two traditions and the Irish Government supports the efforts made to reflect this objective in the new curriculum for Northern Ireland currently under preparation. The two Governments recognise also the importance of the Irish language in this context and undertake to support efforts to enhance awareness and appreciation of this particular strand of the cultural heritage.

Public Bodies

13. The two Governments agree on the importance of the principle that public bodies in Northern Ireland should be so constituted as to enjoy the widest possible respect and acceptance throughout the community. Exchanges will continue on ways in which this objective can be furthered. The Irish Government will continue to put forward views and proposals on the role and composition of such bodies for consideration by the British side, which will be ready to consider what means may be available to remedy imbalances arising from the use by others of their existing nominating powers without due regard to fairness or balance.

Confidence in the security forces and the system of justice

14. The two Governments attach great importance to policies aimed at improving relations between the security forces and the community in Northern Ireland and at enhancing respect for the rule of law. They have considered the record of the working of the Conference in relation to fostering confidence in the system of justice in all its aspects and ensuring that the security forces are clearly perceived to discharge their duties evenhandedly, acting at all times within the law, with equal respect for the unionist and nationalist traditions and with demonstrable accountability for their actions. Special importance is attached to ensuring that representations by the public about the behaviour of members of the security forces are speedily and fully dealt with and, in particular, that any complaints of alleged harassment are quickly investigated and if sustained remedied.

15. A number of new measures affecting these confidence issues have been introduced, including those on marches and other public events, incitement to hatred, police complaints procedures, police/community liaison committees and the need for the police to respect equally the two traditions in Northern Ireland which is set out in the Code of Conduct promulgated by the RUC. Further work remains to be done and progress achieved will be reviewed on a regular basis at the Conference.

16. Among further confidence-building measures that the British Government has in hand or envisages are the following: systematic monitoring of the nature, pattern and handling of complaints by the public about the behaviour of members of the security forces; further effective development of the policy, stated in the Hillsborough communique of November 1985, of ensuring as rapidly as possible that, save in the most exceptional circumstances, there should be a police presence in all operations which involve direct contact between the armed forces and the community; additional safeguards for members of the public being questioned by the police in connection with non-terrorist offences; and the publication of a guide to the operation of the terrorism provisions.

17. The Irish Government reaffirms the importance it attaches to reform of the system of trial under the Emergency Provisions Act 1978 and maintains its view that the provision of three-judge courts would enhance public confidence in the administration of justice. The British Government is not at present persuaded of the merits of this proposal. While it is recognised that such legislation was a response to the campaign of violence and intimidation, it is agreed that both sides will continue through the Conference to consider what changes might be made to emergency provisions and the way in which the criminal law is applied with the aim of securing maximum public confidence in the system of justice.

18. The Conference has considered prisons policy. There have been important developments affecting the Northern Ireland prison system, including the special reviews of the cases of the remaining prisoners in special category and those serving sentences at the Secretary of State's pleasure, as well as life sentence review procedures generally, the opening of the new prison at Maghaberry, and matters affecting the prison regime. The two Governments undertake to maintain exchanges on prison matters, given the importance of careful and considered treatment of this sensitive issue.

19. The two Governments are at one on the necessity for fair and effective legal procedures, including those relating to extradition and extra-territorial jurisdiction, to ensure that fugitive offenders are brought before the Courts to stand trial. It was agreed the two sides would continue their close contacts on these matters through the respective Law Officers and the mechanisms of the Conference with a view to ensuring that appropriate arrangements are in place in relation to the application of the extra-territorial legislation and to extradition.

20. The two Governments agree that there should be further study of areas of the criminal law applying in the two jurisdictions which might with benefit be harmonised.

Security Co-Operation

21. The two Governments condemn in the strongest terms the actions of those who in seeking to promote political ends by violent means cause the most callous loss of life, human misery and wanton destruction. They reaffirm their determination to counter this evil through continuing close cooperation between the security forces on both sides of the border and pay tribute to the sustained work and commitment of these forces. They note that cross-border security cooperation has received regular and intensive consideration at meetings within the framework of the Intergovernmental Conference as well as at frequent meetings between the respective police forces. A programme of work between the Commissioner of the Garda Siochana and the Chief Constable of the RUC as envisaged in Article 9 of the Agreement was put in hand and substantial progress has been achieved under all of the headings listed.

22. In the light of their common determination to combat terrorism and their common understanding of the scale of the threat the two sides, in the course of the Review, have decided on a programme of future work between the two police forces to develop further their cooperation in this area, and to enhance their capacity to protect human life and property from terrorist outrage. They agree that

progress in cross-border security cooperation will be reviewed regularly by the Conference which the two Governments will continue to use as a framework to work together to ensure that those who adopt or support violence do not succeed.

Cross-border economic co-operation

23. The two Governments have taken stock of the pattern of cross-border economic cooperation since the signature of the Agreement. Apart from the work of the Conference itself a number of cross-border Ministerial meetings have taken place in the framework of the Agreement and a cross-border study of social and economic problems in the North West region has been commissioned with assistance from the European Community. The two Governments affirm their conviction that cross-border economic and social cooperation is of obvious benefit to all.

24. They agree that future Conference meetings will include a systematic programme of assessment of all the main sectors to determine where the process of co-operation can most fruitfully be expanded. Where appropriate, the responsible Ministers North and South will participate in the work of the Conference. In a preliminary survey during the Review, both Governments have considered an illustrative list of areas which offer scope for further work; including transport and communications, tourism, industry and agriculture, energy and health.

25. The two Governments have considered also the implications of the completion of the internal market in the European Community in 1992. They recognise that these will be far-reaching and will generate common opportunities for both parts of Ireland as well as common difficulties arising from peripheral island status and other factors including the increase of competition. They agree that the Conference could provide a valuable forum for both sides to consider and assess the cross-border implications of the Single European Market and to maximise, consistent with national policies, the potential benefits. Various practical ways of advancing work in this area will be considered and the continuation of the dialogue on this issue begun at Louvain in December 1988 will also be encouraged.

International Fund for Ireland

26. In September 1986 the two Governments, in accordance with Article 10(a) of the Agreement, established the International Fund for Ireland with the financial support of the United States, Canada and New Zealand and, from 1989, the European Community. In the interval since its foundation the Fund has committed over Stg£50m to projects in Northern Ireland and the border counties in the South and has been instrumental in creating a significant number of new jobs. The two Governments express their appreciation of the generosity of the donors to the Fund and will continue to give every support to the work of the Fund and the emphasis it is now placing on improving the position in the most disadvantaged areas.

British-Irish Inter-Parliamentary Body

27. The two Governments welcome the progress which has been made towards the establishment of a British-Irish Inter Parliamentary Body of the kind adumbrated in the Anglo-Irish Studies Report of November 1981, which would provide a valuable independent forum for inter-Parliamentary contacts.

Conclusion

28. The two Governments commit themselves to continue to work together through the institutions and procedures of the Agreement for the realisation of the fundamental objectives of promoting peace and stability in Northern Ireland; helping to diminish the divisions between the two major traditions in Ireland; creating a new climate of friendship and co-operation between the people of the two countries; and improving co-operation in combatting terrorism. Reaffirming the right of each tradition to pursue its aspirations by peaceful and constitutional means, they reiterate the objective of the creation of a society in Northern Ireland in which all may live in peace, free from discrimination and intolerance.

29. They agree that the Conference, together with its related mechanisms, had proved its value to both Governments in the three years since the signature of the Agreement, and that, while requiring no fundamental change at present, its role could nevertheless be developed and enhanced in the ways set out above. They stress that the Agreement does not represent a threat to either community in Northern Ireland; it aims to serve both by providing a flexible and orderly framework, underwritten by both Governments, which guarantees the essential interests of both communities in the necessary search for mutual accommodation. It aims also by facilitating cooperation in the fight against terrorism, to remove a major obstacle to a better life for all the people in the island of Ireland.

5732/DR

IRELAND: Situation
P127

CONFIDENTIAL

cc P.C.

QUEEN ANNE'S GATE LONDON SW1H 9AT

10 April 1989

CDP 11/4.

Dear Patrick,

DESMOND ELLIS: EXTRADITION FROM THE REPUBLIC OF IRELAND

Thank you for your minute of ~~4~~ Mar April about Ellis.

For the reasons set out in your minute there is clearly a strong case for seeking the extradition of Ellis rather than asking the Irish authorities to mount an extraterritorial prosecution with all the attendant risks. I recognise that extradition will not be without difficulty, particularly in the light of the McVeigh and Ryan cases, but the seriousness of the offences makes it important that we should do all we can to bring Ellis to justice in this country. I therefore support your decision to seek extradition.

I hope that any publicity which might be regarded by the Irish as prejudicial can be avoided, and you will no doubt be monitoring this very closely. I appreciate the importance of protecting the decision to seek extradition, until Ellis has been taken back into custody, so that we do not have a repetition of the kind of scenes which surrounded McVeigh's arrest. I understand that your officials have already drawn this point to the attention of the Metropolitan Police. Perhaps we can suggest to the Irish authorities that, if the warrants are backed, Ellis could be arrested away from the glare of publicity. I expect you will also be in touch with them on the question of identification evidence so that there is no repetition of the circumstances by which McVeigh came to be discharged by the District Court. It is regrettable that the Irish State's appeal against that decision has still not been heard.

I need hardly say that my officials are ready to give any assistance they can to help to ensure a successful outcome to this case.

I am copying this letter to the recipients of your minute.

Yours,

Douglas

The Rt Hon Sir Patrick Mayhew, QC, MP
Attorney General

CONFIDENTIAL

IRELAND: Relations
PRO

file

SW

c/c

10 DOWNING STREET
LONDON SW1A 2AA

From the Private Secretary

10 April 1989

Dear Steve,

BRITISH-IRISH INTER-PARLIAMENTARY BODY

Thank you for your letter of 28 March about the proposed British-Irish Parliamentary body. I have to say that the Prime Minister is not particularly enamoured of this but is content to proceed as the Lord President proposes provided other colleagues agree.

I am copying this letter to Richard Gozney (Foreign and Commonwealth Office), Stephen Leach (Northern Ireland Office), Murdo Maclean (Chief Whip's Office) and Trevor Woolley (Cabinet Office).

Yours sincerely,

(C. D. POWELL)

Steven Catling, Esq.,
Lord President's Office.

R

(1)

10 DOWNING STREET

Prime Minister

I think this is probably the minimum we can get away with – and it would be a mistake to block it altogether. I have consulted Tom King, who is in contact.

Agree to let it go ahead? CDP 7/4

Yes MT

HOME SECRETARY

DESMOND ELLIS: EXTRADITION FROM THE REPUBLIC OF IRELAND

Ellis is due to be released from Portlaoise Prison in the Republic of Ireland on 28 April 1989. His fingerprints were found on items in the cache of explosives and bomb-making equipment concealed in woods near Pangbourne and discovered in October 1983. Forensic evidence links this cache to explosions in 1981 at Ebury Bridge Road, the Wimpey Bar in Oxford Street, Michael Havers' London flat, and Sir Steuart Pringle's car. It is similarly linked to a bomb which was successfully defused before it exploded in Debenhams in Oxford Street.

Three men, Quigley, Kavanagh and McNamee, have already been tried and convicted at the Central Criminal Court in connection with this cache. The extradition of Glenholmes and McVeigh has also been sought from the Irish Republic for their involvement in the bombing campaign associated with this cache.

After consulting Senior Treasury Counsel I have concluded that warrants should be sent to the Irish Republic for Ellis to be returned to face charges of conspiracy to cause explosions and possession of explosives with intent, contrary to the Explosive Substances Act 1883. The alternative to this would be to request that the Irish authorities prosecute Ellis under the Criminal Law (Jurisdiction) Act 1976, but I have decided that this would not be appropriate in this case. The convictions of Kavanagh, Quigley and McNamee would be undermined if the Irish DPP were to decide that evidence identical in nature

was insufficient to justify prosecution or, even worse, if Ellis were to be acquitted by the Irish courts. Moreover it is in principle right that an accused should stand trial in England, when his co-accused were prosecuted here. I have also borne in mind that seeking an extra-territorial prosecution would be inconsistent with the decisions taken to seek the extradition of Glenholmes and McVeigh.

This application for extradition will not go smoothly. One particular matter to which Irish officials have already drawn attention is the risk of publicity following any arrest of Ellis. They have referred to the series of articles in the London Daily News, which related to a number of suspected terrorists including Ryan and Ellis. They have expressed concern that newspapers might rerun those articles in the same way as was done in relation to Ryan. Unlike Ryan, however, the material on Ellis in those articles is of little significance. Nevertheless, we clearly need to take what steps we can to avoid any publicity which the Irish Attorney General might claim as justification for refusing to endorse the warrants.

Draft documentation has already been sent to the Irish Attorney General's office for comment and I intend that the warrants, supporting documentation and Statements of Facts and Law, in their final version, should be sent to the Irish authorities by 14 April at the latest. This should give the Irish Attorney General ample time to consider the case and authorise the backing of the warrants before Ellis is released.

It is important that the fact that we are seeking extradition should not be announced until the warrants have been executed, so as to minimise the risk of incidents similar to those which occurred when McVeigh was arrested on

his release from prison.

I am copying this minute to the Prime Minister, the Foreign Secretary and the Northern Ireland Secretary.

4 April 1989

(1)

PRIVY COUNCIL OFFICE
WHITEHALL, LONDON SW1A 2AT

28 March 1989

Am not very keen. I fear it will cause us trouble. But is N.I. See satisfied? mt

Dear Andrew

Prime Minister content with the way this is developing? CDP 2/4.

BRITISH-IRISH INTER-PARLIAMENTARY BODY

1. As you know, Anglo-Irish discussions have amongst other matters recommended the establishment of a formal inter-parliamentary body to provide a framework for improved relations and understanding between the two Parliaments. Little progress was made on this during the early part of the decade but in the Spring of last year the IPU set in train negotiations with Irish Parliamentarians with a view to the establishment of such a body.

2. These negotiations have been reported back to the Lord President who has in turn kept the Foreign Secretary and the Secretary of State for Northern Ireland in the picture. Good, steady but measured progress has been made over the last year, to the extent that the Lord President considers it right for me to bring you up-to-date now as it is likely that the next steps will turn what has hitherto been fairly desultory media and Parliamentary interest into rather more frequent and significant coverage.

3. The position is that informal agreement has been reached between the IPU and Irish representatives on the formal constitution and framework for the Body. The relevant document is attached. Certain of the sections have been amended to reflect concern on the part of this Government about the scope of the Body's activities which are now quite tightly constrained. The proposals are that the status of the body as within the aegis of the IPU should be firmly established, that the agreement of the minority parties within Westminster be sought and that the Speaker should be persuaded to give the Body his blessing by formally announcing its establishment and membership.

4. However that is not to say that the Lord President is entirely content and certain of his reservations are shared by his colleagues. In particular it is apparent that the Irish Government is putting considerable pressure on the IPU, and through them on the British Government, both to speed up the process of establishing the Body and to turn it into a forum capable of being exploited as part of their general diplomatic effort which, given the greater concentration of Irish politics on Anglo-Irish relations, could lead to unwelcome consequences for the Government.

5. The Lord President is however confident that Irish ambitions can be restrained, primarily by restricting the administrative, secretarial and financial resources to be made available to the Body via the IPU to the minimum consistent with its capacity to operate at a level acceptable to the British Government. In particular it is planned to staff the British secretariat on two levels; the formal secretary might be a senior retired official with relevant experience, possibly an ex-Ambassador, on a part-time basis who would provide political weight and knowledge of Whitehall and Westminster, together with a full-time clerk from the staff of the House to provide day-to-day basic administrative support.

Andrew Turnbull Esq

6. The next steps involve a meeting at senior official level with the Irish Government to ensure that potential misunderstandings about the speed of progress and scope of the Body's activities can be avoided together with consultation with the minority parties in the House to gain their agreement to the proposals. Once this has been accomplished the Lord President plans to approach the Speaker formally to request his co-operation in the establishment of the Body under the aegis of the IPU and the selection of British members, which will be on the usual basis for such bodies. Assuming the successful outcome of all the necessary negotiations and the agreement of the Treasury to providing the additional resources for some secretarial help it is likely that Mr Speaker will formally announce the establishment and membership of the Body in June of this year.

7. The Lord President considers that all the necessary steps have or will be taken to ensure that the long-standing commitment to improved relations between Westminster and Dublin on a Parliamentary level can be honoured without setting at risk our other diplomatic and political objectives in relation to the Republic. He feels this initiative must be supported albeit cautiously and in a measured way.

8. I am copying this note to Richard Gozney at FCO, to Stephen Leach in the NIO, to Murdo Maclean, and to Trevor Woolley.

Yours sincerely

Steve Catling

STEVE CATLING
Private Secretary

HOUSE OF COMMONS
LONDON SW1A 0AA

BRITISH-IRISH INTER-PARLIAMENTARY BODY

Origin

1. The origins of the Inter-Parliamentary Body are in the Joint Studies initiated by the Anglo-Irish Summit of 8th December 1980 between the Taoiseach, Mr Haughey and the British Prime Minister, Mrs Thatcher.

Purpose

2. The Inter-Parliamentary Body is intended to strengthen links between the two Parliaments. It will consider matters of mutual interest and concern and the development of relations between the two countries. It's considerations will be made known to the two Parliaments and Governments.

Structure

3. The Body will be established under the auspices of the Inter-Parliamentary Union. It will have its own selection process and Rules of Procedure. It will be funded separately from other IPU activities.

   It is understood that if, following experience of the operating Body, there is mutual agreement on a change in structure, the matter will be put before the respective Parliaments.

Membership

4. The total membership of the Body will be fifty, to comprise twenty five members on each side. Members may be drawn from both Houses of the Westminster Parliament and both Houses of the Oireachtas. Three of the twenty-five British seats will be allocated to Northern Ireland representatives (two Unionists, one Nationalist). Northern Ireland representatives may also be nominees of the British political Parties. In the event that any Northern Ireland seats are unfilled by Northern Ireland representatives these seats will not be allocated. In order to maximise

HOUSE OF COMMONS
LONDON SW1A 0AA

attendance and participation there will be a procedure for the appointment of Substitutes, at the same time and in the same way as the full members of the Body. These Substitutes will be eligible to attend at the request of any Full Member or of the Steering Committee.

Chairmanship

5. The Body will have two joint Chairmen, one British and one Irish, to be nominated and elected at the beginning of each of the respective Parliaments.

Joint Steering Committee

6. A Joint Steering Committee will be established. It will have a total of six members - three from each side including the two Joint Chairmen. It will operate on the principle of Consensus.

Sub-Committees

7. While the business of the Inter-Parliamentary Body will normally be conducted in plenary sessions, sub-committees may be established if this is felt by both sides to be desirable.

Meetings

8. The normal rhythm of meetings will be twice a year; the usual duration of meetings will be two or three days. The location of meetings will be decided by the Joint Steering Committee, having regard to the principle of rotation.

Secretariat

9. A small Secretariat will be established in London and Dublin. Whilst this can be relatively modest it will have to be professional because of the organisational, political and general questions that will arise. It is important that it is based within the Parliaments i.e. within the precincts of the Palace of Westminster and Leinster House.

HOUSE OF COMMONS
LONDON SW1A 0AA

Funding

10. The budget for the Body will be established annually in agreement with the two Governments and/or Parliaments. The agreed funding will be provided by both Governments and/or Parliaments in equal amounts. It is regarded as important that whatever funds are finally agreed should be administered by the Body through a Common Fund and accounted for annually to both Parliaments and Governments.

Publicity

11. The meetings of the Inter-Parliamentary Body will normally be conducted in private. It will, however, be possible for Government Ministers and/or their Officials to attend meetings of the Body.

This Further Agreement between the British and Irish sides of the Sub-Committee, following their prior agreement reached in Dublin on 11th October 1988, was reached in London on the 20th February 1989. It will be submitted together with the first draft for suggested Rules to both sides of the Inter-Parliamentary Union Talks in Dublin in May 1988. The same will then be submitted to both Governments with a formal request that appropriate procedures be instituted for the selection and formation of the Body. It has been further agreed that the Inaugural Meeting of the Body should be held in London not later than the end of June 1989.

File

CC

10 DOWNING STREET
LONDON SW1A 2AA

From the Private Secretary

22 March 1989

I enclose a signed message from the Prime Minister to the Taoiseach. I should be grateful if the text could be telegraphed to Dublin for delivery today.

(CHARLES POWELL)

Richard Gozney, Esq.,
Foreign and Commonwealth Office.

file

ecl

PRIME MINISTER'S
PERSONAL MESSAGE
SERIAL No. TS8/89

SUBJECT cc MASTER OPS

cc FCO
NIO

10 DOWNING STREET
LONDON SW1A 2AA

THE PRIME MINISTER

22 March 1989

Dear Charlie

I was grateful for your helpful message following the appalling murder of Chief Superintendent Breen and Superintendent Buchanan in Northern Ireland, as well as for your offer of cooperation in bringing those responsible to justice.

May I also say how very sorry I was to learn of the tragic deaths of three of your soldiers in the Lebanon. Please convey my sympathy to their families. The Irish contingent is performing an important task under extraordinarily difficult conditions. They continue to have our fullest support.

Yours sincerely

Margaret

Mr. Charles Haughey, T.D.

010

CC PC

Foreign and Commonwealth Office

London SW1A 2AH

21 March 1989

Dear Charles,

The Taoiseach put out a strong and welcome message on the shooting of Chief Superintendent Breen and Superintendent Buchanan in Northern Ireland.

We have learned today that three Irish soldiers were killed in the Lebanon when their vehicle ran over a landmine. They were part of UNIFIL, and brought to 30 the number of Irish soldiers killed in the Lebanon since 1978.

The Prime Minister might wish to send a brief private message to the Taoiseach. I enclose a draft.

I am sending a copy of this letter to Stephen Leach in the Northern Ireland Office.

Yours ever,

Richard Gozney

(R H T Gozney)
Private Secretary

C D Powell Esq
PS/10 Downing Street

DSR 11 (Revised Sept 85)

DRAFT: minute/letter/teleletter/despatch/note

TYPE: Draft/Final 1 +

FROM:
PRIME MINSITER

DEPARTMENT: **TEL. NO:**

BUILDING: **ROOM NO:**

Reference

Your Reference

SECURITY CLASSIFICATION

Top Secret
Secret
Confidential
Restricted
Unclassified

PRIVACY MARKING

..... In Confidence

CAVEAT .....

Enclosures flag(s) .....

TO:

THE TAOISEACH

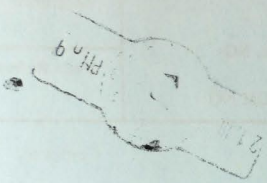
Copies to:

SUBJECT: GU3DKD

I ~~am most~~ was grateful for your ~~strong and~~ helpful message following the ~~tragic deaths~~ appalling murder of Chief Superintendent Breen and Superintendent Buchanan in Northern Ireland, ~~I welcome~~ as well as for your offer of cooperation in bringing those responsible to justice.

May I also say how very sorry I was ~~apalled~~ to learn of the tragic deaths of three of your soldiers in the Lebanon. The Irish contingent is performing an important task ~~there~~ under ~~atrocious~~ extraordinarily difficult conditions. They continue to have our fullest support, ~~as well as our sympathy~~.

Please convey my sympathy to their families
GFH



SECRET AND PERSONAL

KL3DTQ

ec

12

bcPC

10 DOWNING STREET

LONDON SW1A 2AA

From the Private Secretary

11 March 1989

Thank you for your letter of 10 March covering a draft reply from the Prime Minister to the Taoiseach's latest message.

The Prime Minister has agreed to write back to the Taoiseach but wished her reply to be much briefer than the draft enclosed with your letter. She has signed the enclosed version, of which I am sending the top copy to the Foreign and Commonwealth Office. Unless your Secretary of State has any serious reservations, I shall be grateful if they could arrange for its delivery as soon as possible.

I am copying this letter and the original of the Prime Minister's reply to Mr. Haughey to Richard Gozney in the Foreign and Commonwealth Office.

(CHARLES POWELL)

Stephen Leach, Esq.,
Northern Ireland Office.

SECRET AND PERSONAL

SECRET file 11a-b PM

cc FCO
NIO
PC

PRIME MINISTER'S
PERSONAL MESSAGE
SERIAL No. TS1/89

10 DOWNING STREET
LONDON SW1A 2AA

THE PRIME MINISTER

SUBJECT cc MASTER OPS

11 March 1989

Dear Charlie,

Thank you for your response of 6 February to my letters about security and extradition issues, and for giving your personal attention to these matters.

Your account of developments on specialist training for the Garda is encouraging and I am glad that better intelligence was behind the recent most welcome finds of terrorist material on your side of the border. Good intelligence shared rapidly between the police on both sides of the border is the key to forestalling terrorist activity.

We are in agreement on the further development of secure communication systems between the RUC and the Garda. But I am disappointed by what you say about communications between the British Army and the Garda. I would not be pressing the matter unless I was satisfied that there was a real practical problem here. I wonder whether there is not some misunderstanding between us. It is our policy that Army patrols which are likely to have direct contact with the public should have a police presence with them. But some Army operations such as surveillance, especially when conducted in the border areas, do not involve significant contact with the public and it would be wasteful of police manpower to insist on a RUC presence in every such case. If an Army unit engaged in an operation of this kind needs to alert the Garda to suspicious activity or to a direct terrorist threat (on either side of the border) the time it

5

would take to send a signal to the Garda via the RUC could easily give the terrorist enough time to commit a crime and/or leave the area without being caught. It would certainly take longer than "seconds". I urge you to look again at this problem.

It is important that the arrangements for extradition between our two countries should work effectively, and be seen to do so. I therefore welcome your commitment to consider carefully our proposals for changes in your legislation on extradition. Our Attorney General has made it clear that he will look at each case on its merits, to consider whether extradition or use of extraterritorial procedures is the better approach.

I repudiate very strongly the assertion that Patrick Ryan would not receive a fair trial before a jury in England. I can only say that it was a major setback when his extradition was blocked on grounds not identified in your Extradition Acts, and of which we had not previously been aware.

I read your Party Conference speech and welcome what you had to say about the appalling nature of violence in Northern Ireland. There are other points which you will realise I cannot agree with at all (and cannot easily be reconciled with the Anglo-Irish Agreement).

Yours ever

Margaret

Mr. Charles Haughey, T.D.

10

PRIME MINISTER

NORTHERN IRELAND

You owe the Taoiseach a reply to his message of last month. Tom King's letter attached explains the background. But the draft reply he provided was rather long-winded and I have tried to make it crisper. Anyway, the Taoiseach is familiar with most of our arguments. You may like to glance at the passages I have underlined in the Taoiseach's Party Conference speech. The third of them goes well beyond the Anglo-Irish Agreement: he is incorrigible.

Agree to sign?

CDP

Yes - thank you very much

C. D. POWELL
10 March 1989
KK1ALW

9a-b

From: THE PRIVATE SECRETARY

NORTHERN IRELAND OFFICE
WHITEHALL
LONDON SW1A 2AZ

Charles Powell Esq
10 Downing Street
LONDON SW1

10 March 1989

Dear Charles,

Thank you for your letter of 7 February with which you enclosed the Taoiseach's reply to the Prime Minister's letters of 2 November and 8 and 19 December about security and extradition issues. You asked whether a further response from the Prime Minister would be appropriate. The Secretary of State's view is that a reply should be sent. The Taoiseach's letter contains a number of positive and welcome statements, but not all that he says is satisfactory.

On cross-border security co-operation issues, Mr Haughey says generally encouraging things about Irish proposals on Garda training, intelligence, RUC/Garda communications and home made explosives. More importantly, the Irish have now appointed a Garda Commissioner who comes from the Special Branch and believes in that approach. The Taoiseach's response on direct contact between the British Army and the Garda is however far from satisfactory and is, moreover, based on a misunderstanding about Army operations in the border area. It is indeed our firm policy that there should be a police presence in all security force operations which involve direct contact with the community whenever this is feasible. But many of the Army's activities, especially in the border areas (eg surveillance) are not intended to bring them into any contact with the public and therefore a police presence is not, and indeed should not, be required. The draft makes that clear and asks Mr Haughey to reconsider the request for direct British Army/Garda contact.

The Taoiseach's letter makes a number of points about extradition. On the Ryan case, which is the responsibility of the Attorney General and the Home Secretary, he supports the line his Attorney General took in declining to allow the extradition to proceed to the courts on the basis of his constitutional duty. Officials have discussed this at some length with their Irish counterparts and the Irish are seeking to present this action by their Attorney as a response to an exceptional case which is not likely to be repeated. The Secretary of State does not have any real confidence in that view, and believes that our concern needs spelling out.

b

The Taoiseach also repeats the willingness of the Irish to consider prosecuting extra-territorially for offences committed in our jurisdiction. He expresses concern about suggestions that witnesses in the Republic may not be properly protected. We have, with the Attorney General's agreement, made it clear that we shall use the extra-territorial route where appropriate, seeking in each case the best means of bringing fugitive offenders to justice. While there are no disputed general issues on extra-territoriality between us, the proof of the pudding will be in the eating in particular cases and the Patrick Ryan affair gives little cause for satisfaction.

The question of Ryan's whereabouts periodically surfaces in the press, but the Prime Minister should not be drawn into comment at this stage, especially while the facts are so unclear and the case is under consideration by the Irish DPP.

The main issue - namely the proposals we have put to the Irish for reforms in their extradition legislation - is dealt with most briefly in the Taoiseach's letter. Mr King again reminded the Irish of the importance we attach to these proposals at the last Intergovernmental Conference, and continues to register this point: we believe that our concerns are in fact understood in the Republic. However, we are not optimistic that the review will lead to changes, since these would require legislation in the Republic on what is clearly for them an issue of great political sensitivity. It is therefore right that the Prime Minister's reply should leave the Irish in no doubt about the importance we attach to achieving arrangements which work in practice.

The last paragraph of the draft refers to the Taoiseach's recent speech to the Fianna Fail Party Conference. A copy of the section on Northern Ireland is attached. The Secretary of State's view is that the priority which the Taoiseach gives to persuading the Unionists (and HMG) of the need for an all-Ireland settlement - "the future of Ireland could and should be left to all the Irish people to decide for themselves" - goes well beyond Article 1 of the Anglo-Irish Agreement. However, the Secretary of State also believes that this is such a fundamental point that it could not be properly addressed in this letter, and he therefore recommends that the Prime Minister should merely record her clear reservations about parts of the speech while encouraging the Taoiseach in those areas of security cooperation which really matter to us and welcoming his firm condemnation of violence.

Finally, may I apologise for the delay in sending you this draft reply. (It was held up because of suggestions - which proved to be erroneous - that a decision on the Ryan case was imminent.) Copies of this letter and attachment go to Richard Gozney (FCO), Brian Hawtin (MOD), Philip Mawer (Home Office), Michael Saunders (LOD) and Trevor Woolley (Cabinet Office).

Yours sincerely,

Stephen Leach.

S J LEACH

Extract from Mr. Haughey's speech to Fianna Fáil Ard Fheis, 25 February 1989

Údaráis a d'fhéadfadh bheith in a bonn do sheirbhís teleíse lán-Ghaelach. Táim ag súil le tuarascáil uathu go luath air seo.

Northern Ireland

Today there is a new spirit abroad in favour of peaceful co-existence among nations. An international atmosphere now prevails in which fundamental differences between States are being resolved and long-standing disputes peacefully settled and conflicts brought to an end. In an increasingly united Europe the old divisions are becoming more and more meaningless and out of place.

We Irish, North and South have done much to bring civilisation and humane values to many parts of the world. We are respected internationally for our support for the peace-keeping activities of the UN. The Irish army shared in the honour of the award of the Nobel Peace Prize to the UN peace-keeping forces. Yet peace continues to elude us at home. The agony of all the people of Northern Ireland has gone on for a long time and the killing and suffering continues. Can any of us North and South committed to constitutional politics be satisfied that we are doing enough? Are we to confine ourselves to coming up with new words of condemnation with which to condemn the latest atrocity? We must find a way forward.

The key to overcoming the problems of history often lies in the development of new relationships. In 1980 a framework for closer Anglo-Irish relations was established, and I am glad that following on from that a Joint Irish-British Parliamentary body will now be set up. The Anglo-Irish Agreement of 1985 concentrated on the problems of Northern Ireland, and has contributed to a degree of progress and reform over the last eighteen months which needs to

be further consolidated. Examples of this are the new fair employment legislation, special assistance to underdeveloped areas with high unemployment, and reforms in prison policy. But changes are also required to improve confidence in the security and judicial systems, and to put an end to harassment.

Since we came to office, this Government have implemented honourably and in good faith a solemn and binding international agreement with its attendant advantages and disadvantages. This International Agreement cannot be treated as if it were simply a bargaining counter. No-one ever claimed that the Agreement represented a lasting solution. But until such time as something better or more acceptable can be negotiated and agreed to take its place, the present Agreement must stand.

A very natural development of the present situation, however, would be, in parallel with the working relationship between the British and Irish Governments, to develop the ultimately more important relationship between the two major traditions on this island. The people of the Northern Protestant tradition belong in this country, as the poet John Hewitt affirmed:

> This is our country also, nowhere else;
> and we should not be outcast on the world

That is accepted without question by the Government and people of this State.

Political progress may not of itself bring violence to an end, but it would at the very least undermine its base and make it even more

meaningless and irrelevant. If there were on all sides clear signs of a desire for change, indications that old attitudes could be adapted to new circumstances, a widespread demand for a new beginning achieved through the political process, this must have an impact in making violence and terror not just abhorrent but absurd as well.

I have made clear my earnest wish to enter into dialogue with the Unionist leadership so that I may hear from them at first hand what are their priorities and their hopes for the future. That would be the clearest possible signal to all that there was some possibility, however tenuous, of progress forward out of the present horror. If such a development could bring us even one step forward, one step away from violence, as I sincerely believe it would, then it is difficult to see how the Unionist leadership can be morally justified in refusing the invitation which I now again extend to them. I believe that political circumstances are opportune at present for such a meeting, and that it would be welcomed by a great majority of men and women of goodwill all over Ireland. The dialogue that I have in mind need not involve any commitments. Nothing need be prejudged, nothing ruled out.

In this part of Ireland at present we are actively engaged in making our preparations for the arrival of the single market throughout the European Community by 1992. The completion of the internal market will have far-reaching implications for Ireland as a whole. Both parts of Ireland, North and South, have a vital common interest in these new developments.

In a few years' time the island of Ireland will be the only substantial region left without direct land links to the rest of the Community. In

1992 the economic border will disappear, and Ireland itself will be a single market within the wider European one. No political differences can obscure this economic reality. The economic needs of both parts of Ireland are steadily converging. Both parts of Ireland today need industrial investment from abroad, tourism, external markets for agricultural produce and infrastructural spending. I would very much welcome an early dialogue with political leaders in Northern Ireland about these momentous and far-reaching prospects, because I know that if we could agree on a common approach the economic future of the whole island can be transformed.

The momentum of history and its ability to bring about change and reconciliation between opposing forces should never be underestimated. The Fianna Fáil Party was founded on the basis that committed Republicans had to find political means to uphold the rights of the Irish people, and has experienced considerable success in that endeavour. The recourse to violence to achieve political objectives has no place in the affairs of the family of Western parliamentary democracies.

The Government understand the legitimate grievances and deep sense of alienation among the Nationalist people of the North, where it is only now recognized that a far greater effort must be made by the responsible authorities to create conditions of equality and respect of the ethos and identities of both traditions.

I believe that no political border will ever extinguish the strong sense of identity that exists among the majority of Irish people throughout this island. Our commitment is to unifying the Irish people in peace

and harmony and in that unity to achieve the highest possible level of prosperity for all the people on this island. If violence were to cease, the possibility would open up, as it did in the New Ireland Forum, for a broad consensus among nationalists on how to achieve political stability based on justice. Our efforts, supported by a large majority of Irish people everywhere, could then be constructively directed to persuading our Unionist countrymen that their future lay with us in a partnership of equals and in convincing the British Government that the future of Ireland could and should be left to all the Irish people to decide for themselves.

We must always keep these broad objectives in focus. It is for that reason all the more important that we keep to the high ground, and remain steadfast in our adherence to the impartial enforcement of the law and to upholding accepted international standards in the administration of justice and guaranteeing human rights.

It is in the highest interests of the Irish people, North and South, that our laws be impartially upheld and enforced. We value our place in the Community of law-abiding peace-loving nations too highly to neglect in any way to play our part in defeating international terrorism and crime and to take all reasonable steps to prevent violence and bloodshed.

We are at the same time determined to ensure that the rights of Irish citizens, wanted for any offence outside this jurisdiction, will be fully safeguarded under our legislation. The rule of law must always be fully and clearly upheld, as the basis of international cooperation and extradition must be based on mutual confidence in the administration of justice. It is essential that the rights of the

individual are not prejudiced in advance but left to be decided in the calm atmosphere of the judicial process.

I see it very clearly as the task of this Government and the present generation of Fianna Fáil, by patient discussion and honourable behaviour at all times, to persuade all the people of Ireland that the present state of affairs need not continue and that together we can create a far better future in harmony and understanding.

The Way Ahead

Seventy years ago when the Dáil first met, Ireland had a determination to become a nation once again. Many of the shining hopes of those stirring times were not realised, but in the intervening years there has, I believe, been steady progress in building a self-confident modern nation. A great sea-change came with our entry into Europe. For many European nations this involved giving away a part of their sovereignty. For us it was and is different. We acquired, through participating in this new entity, an extra dimension to our sovereignty. We gained the opportunity to exercise that sovereignty in a more meaningful way for our greater economic and social benefit.

We are now closer to a realisation of the great promise that has always inspired those of us who believed in the European ideal. Parnell taught us that no-one had the right to set the boundaries to the march of the Irish nation. What could be more in keeping with his view than that modern Ireland should take its place freely and confidently in a great partnership of European nations all committed to their combined progress to prosperity? We are at present fully

Foreign and Commonwealth Office

London SW1A 2AH

28 February 1989

Dear Philip,

Visit of the Irish Minister of Justice: 1 March

Thank you for your letter of 24 February. I understand that you will be receiving from the Home Office briefs on TREVI matters and on extradition (including Ryan) and I will not duplicate this.

I should perhaps mention however the possibility that Mr Collins will raise the Guildford Four and Birmingham Six cases. The Irish have welcomed the reference of the former to the Court of Appeal and are unlikely to make representations at this stage. However, both bilaterally and in the Coordinating Committee of the Anglo-Irish Intergovernmental Council, we have had approaches recently on the Birmingham Six. At least at official level the Irish tend to argue that, notwithstanding the decision by the Court of Appeal, the Six do not represent a security threat and that an improvement in their conditions, by lowering their category or even assigning them to an open prison, would be welcome, with a beneficial spin-off for Anglo-Irish relations. We have made quite clear tht the matter is one for the Home Office, but have warned against the thought that the treatment of the Birmingham Six might be a matter for political bargaining.

I am sending copies of this letter to Charles Powell (NO 10), Stephen Leach (NIO), Michael Saunders (Law Officers' Department) and Trevor Woolley (Cabinet Office).

Yours ever,

Richard Gozney

(R H T Gozney)
Private Secretary

P J C Mawer Esq
PS/Home Secretary

IRELAND: Relations
Pt 2

From: THE PRIVATE SECRETARY

A.G. 24/2

HOME OFFICE
QUEEN ANNE'S GATE
LONDON SW1H 9AT

24 February 1989

Dear Richard,

CDP
24/2.

VISIT OF IRISH MINISTER OF JUSTICE, 1 MARCH

The Irish Ambassador in London, Mr O'Rourke, telephoned me this morning to ask if the Irish Minister of Justice, Mr Collins, could pick up a longstanding invitation from the Home Secretary to visit London for discussion of issues of mutual concern. Mr Collins wished to visit next week, and I have arranged for him to see the Home Secretary for two hours over lunch on Wednesday, 1 March.

Mr Collins will be accompanied by Mr Des Matthews, Secretary General of the Irish Department of Justice, and Mr O'Rourke. I expect discussion to centre on two sets of issues: TREVI matters, in the run up to the informal meeting of TREVI Ministers in Seville on 9-10 March, and bilateral matters. In the latter context, extradition and the Ryan case are, I judge, likely to come up, though the Ambassador has been unable to give me any clear account of items which Mr Collins would wish to table. I should, nevertheless, be grateful for any briefing which you could provide, by close of play on Tuesday, 28 February.

I understand that Mr Collins is likely to arrive in London on Tuesday and return to Dublin following his meeting with the Home Secretary. The Ambassador tells me that he is hoping to see Mr Ian Stewart during his visit: no doubt he will be in touch direct with the Northern Ireland Office about that. I will let you have an account following the meeting of the main points which arise. Meanwhile I am copying this letter to Charles Powell (No 10), Stephen Leach (NIO), Michael Saunders (Attorney General's Office) and Trevor Woolley (Cabinet Office). I should be grateful for contributions to the Home Secretary's briefing from Stephen and Michael as they judge appropriate.

Yours sincerely,

P J C MAWER

Richard Gozney, Esq
Private Secretary, FCO

From: THE PRIVATE SECRETARY

NORTHERN IRELAND OFFICE
WHITEHALL
LONDON SW1A 2AZ

CBN
27/2

Michael Saunders Esq
The Legal Secretariat to the Law Officers
Attorney General's Chambers
Royal Courts of Justice
London WC2

24 February 1989

Dear Michael

IRISH TIMES INTER-VARSITY DEBATE: 6 MARCH

The Secretary of State has seen your letter of 10 February to Paul Stockton about the invitation to the Attorney General to participate in the above debate. I understand that Sir Patrick has now decided not to accept the invitation.

The Secretary of State has given further thought as to who might most appropriately give the keynote speech opposing the motion "That the treatment of the Irish in British courts makes a mockery of justice", and believes that Professor Paul Wilkinson of Aberdeen University could be suitable. The Secretary of State suggests that the Attorney General, if he agrees, might wish to approach Mr Wilkinson to see if he would take up the invitation.

I am copying this letter to the other recipients of yours.

Yours sincerely

Stephen Pope

STEPHEN POPE

SHG/PROL/5150

IRELAND: Relations
PIZO

SECRET AND PERSONAL

7a-b

From: THE PRIVATE SECRETARY

NORTHERN IRELAND OFFICE
WHITEHALL
LONDON SW1A 2AZ

Prime Minister
CBP 24/2

Charles Powell Esq
10 Downing Street
London SW1A 2AA

24 February 1989

Dear Charles,

Thank you for your letter of 6 February enclosing a note from Enoch Powell on which the Prime Minister asked if the Secretary of State had any comments. The Secretary of State has now seen Mr Powell's note (although it has not been seen by any officials) and this letter gives his reaction.

2. The Secretary of State has little to add to the view of Mr Powell's proposal set out in paragraph 1 of your letter. This is in effect, as you note, a proposal for the full integration of Northern Ireland with the rest of the UK, and as such it would be unacceptable to the SDLP and the Irish Government. It would also be opposed by many in the Unionist community: ie the DUP and a significant element in the UUP who believe in a strong devolved administration rather than the local government option in which legislative and executive powers would be permanently centred at Westminster.

SECRET AND PERSONAL

b

3. It may be that Mr Powell believes that the use of the Anglo-Irish Intergovernmental Council (which the Prime Minister and Mr Haughey established in 1981) might make the proposal more acceptable to the Irish Government. But a far stronger consideration with the Taoiseach, and with the SDLP, would be the fact that arrangements on the lines proposed by Mr Powell would be perceived as copper-fastening the British link and blocking the aspiration towards a united Ireland (which Article 1 of the Anglo-Irish Agreement indicates could be achievable if a majority of the people of Northern Ireland clearly wished for and formally consented to it). The perception that progress by constitutional means towards a united Ireland had been made much more difficult might well (as you suggest in your letter) lead to some increased support for PIRA.

4. The Irish and the SDLP would also fear that British-style local government in Northern Ireland might be run on majority rule lines, with consequent disadvantage to the minority population. (Local councils before 1973 were responsible for a good deal of discrimination; and the manner in which some local councils in the North currently discharge their very limited responsibilities does not give grounds for confidence that they would even-handedly exercise enhanced powers.)

5. I hope that this response is helpful (and am sorry for the delay in sending it).

Yours sincerely,

Stephen Leach

S J LEACH

10 DOWNING STREET
LONDON SW1A 2AA

From the Private Secretary

14 February 1989

Dear Michael.

IRISH TIMES: INTER-VARSITY DEBATE

The Prime Minister has seen your letter of 10 February to Paul Stockton. She has no objection to the Attorney accepting the invitation to give an address at the Irish Times Inter-Varsity Debate in early March. But she has asked what the chances are of the Ryan affair having been decided by then.

I am copying this letter to Paul Stockton (Lord Chancellor's Department), Stephen Wall (Foreign and Commonwealth Office), Philip Mawer (Home Office) and Stephen Leach (Northern Ireland Office).

Yours sincerely,

C. D. Powell

Michael Saunders, Esq.,
Law Officers' Department.

(1)

THE LEGAL SECRETARIAT TO THE LAW OFFICERS
ATTORNEY GENERAL'S CHAMBERS
ROYAL COURTS OF JUSTICE
LONDON
WC2

LEGAL SECRETARY

Mr Evans

This is an interesting opportunity. It offers the Attorney an important platform provided the legal advice is positive. But it could create difficulties if the Ryan case remains unresolved by then.

Prime Minister

Agree that the Attorney-General should do this?

CDP 13/2

10 February 1989

Dear Paul,

I have no objection but to what are the chances of the 'Ryan' matter being decided by then? not

IRISH TIMES INTER-VARISTY DEBATE:MARCH 6

The Attorney General has been invited to give one of the two keynote addresses at the Irish Times Inter-varsity Debate to be held on 6 March at Harvard University. The motion is to be "That the treatment of the Irish in British courts makes a mockery of justice". I am enclosing a memorandum which sets out the background to the occasion.

The Attorney is minded to accept this invitation. He considers that it is a good opportunity to state our case to a wide audience. Before accepting the invitation, however, he would be grateful for confirmation that the Lord Chancellor and the other Ministers, to whose Private Secretaries I am copying this letter, are content for him to do so.

I am copying this letter to the Private Secretaries of the Foreign Secretary, the Home Secretary and the Northern Ireland Secretary and also to Bernard Ingham for any views he may have.

Yours ever,

Chris Newell

(for Michael Saunders).

P. Stockton Esq.
Private Secretary
Lord Chancellor`s Department
House of Lords
London SW1

MEMORANDUM

TO: Ella Shanahan,
London Editor

FROM: Sean Hogan February 6 1989

The Irish Times inter-varsity debate is now in its 30th year. The debate final takes place on Friday night next in Dublin, following which the winning team of two speakers, along with the best individual speaker travel to Boston to engage in a challenge debate with their counterparts from the Harvard Law School.

This is somewhat of a gala, but serious occasion. Previous personality speakers at recent debates have included Mr Viktor Karpov, USSR Chief Arms Negotiator at the Reykjavik summit; Ambassador Richard Butler, Australian Ambassador for Disarmament to the UN; Congressman Brian Donnelly; Ms Geraldine Ferraro and the economist and US ambassador, John Kenneth Galbraith.

The Harvard debate takes place this year on Monday, March 6th in the Harvard Law School, under the chairmanship of the Massachusetts State Attorney General, Mr James M. Shannon. It will be preceded by two keynote addresses on the motion: "That the treatment of the Irish in British courts makes a mockery of justice."

It is an emotive subject, and one in which it is vital to have an equitable and fair representation of the views of the opposing sides. Normally, we would have but one keynote speaker. On this occasion, we consider it necessary to have two. The solicitor, Ms Gareth Pierce has agreed to speak. Given the importance and relevance of the subject, I should be grateful if you would make representations on behalf of The Irish Times to the British Attorney General, Sir Patrick Mayhew, and ascertain if he would give the keynote address.

The debate will be recorded for television by RTE for the 'flagship' current affairs programme, 'Today Tonight' - it is reasonable to assume that it will also be recorded by US and British television networks. Obviously The Irish Times will treat the matter in depth - you will recall that we devoted nearly two pages to coverage of the Disarmament Debate which we organised in 1987.

I regret that I am giving you rather short notice. However, the organisational details relating to this debate with the Harvard authorities have evolved rather more slowly than has been the case in former years.

Sean Hogan

Sean Hogan

010

CONFIDENTIAL

cc P.C (1)

NORTHERN IRELAND OFFICE
WHITEHALL
LONDON SW1A 2AZ

SECRETARY OF STATE
FOR
NORTHERN IRELAND

Prime Minister
To note the intention to hold a debate
CDDO 16/2.

The Rt Hon John Wakeham MP
Lord President of the Council
Privy Council Office
Whitehall
London SW1A 2AT

9 February 1989

Dear John

PARLIAMENTARY DEBATE ON ARTICLE 11 REVIEW OF THE WORKING OF THE ANGLO-IRISH INTERGOVERNMENTAL CONFERENCE

You will be aware that we are committed under Article 11 of the Anglo-Irish Agreement to a review after three years of the working of the Intergovernmental Conference and its associated Secretariat. Preliminary work by officials under the direction of myself and Brian Lenihan has been in hand for some time now and is well advanced.

I have also invited constitutional politicians in Northern Ireland as well as interested parties in Great Britain to let me have their contributions to the Review. Some weeks after the nominal deadline, none of the main constitutional parties in Northern Ireland - including the SDLP, from whom contributions are still expected - has in fact commented, apart from the Alliance Party. On the other hand I have received comments from Kevin McNamara and Paddy Ashdown.

What I should now like to do, with your agreement, would be to hold a debate before too long in both Houses so that we have demonstrably given every possible chance for those who wish to to comment on the Review. Both you and I have of course already said that the House would have the opportunity to debate this subject.

I possible, I should prefer to have this debate before the end of February, so that we can carry on and conclude the Review around Easter time. I would like to discuss with you also the structure of the debate, to see if we can minimise the risk of a vote, which clearly might produce a split in the Party. Might it be best to have it on the adjournment, with the subject for the debate "the review of the working of the Intergovernmental Conference"?

I am copying this letter to the Prime Minister, Geoffrey Howe and to the Chief Whip.

TK

10 DOWNING STREET

Prime Minister

The Taoiseach's reply to your various messages on security cooperation and on extradition. It is notably unhelpful on the latter.

CDP
7/2.

original letter with CDP

Mr Brown

20

10 DOWNING STREET

LONDON SW1A 2AA

From the Private Secretary

7 February 1989

I enclose a copy of the Taoiseach's reply to the Prime Minister's letters of 2 November, 8 December and 19 December about security and extradition issues. I should be grateful for advice in due course as to whether a further response from the Prime Minister is appropriate.

BF

I am copying this letter and enclosure to Richard Gozney (Foreign and Commonwealth Office), Brian Hawtin (Ministry of Defence), Philip Mawer (Home Office), Michael Saunders (Law Officers' Department) and Trevor Woolley (Cabinet Office). It should be seen by only very few people indeed.

C. D. Powell

Stephen Leach, Esq.,
Northern Ireland Office.

SECRET AND PERSONAL

AMBASÁID NA hÉIREANN, LONDAIN.

IRISH EMBASSY, LONDON.

17 Grosvenor Place

SW1X 7HR

CDP
7/3

7 February 1989

Dear Private Secretary

I am enclosing herewith a letter addressed to the Prime Minister The Rt Hon Mrs Margaret Thatcher MP, FRS, from the Taoiseach, Mr Charles J Haughey TD.

I should be grateful if you would bring it to the attention of the Prime Minister.

Yours sincerely

Andrew O'Rourke

Andrew O'Rourke
Ambassador

Mr Charles D Powell
Private Secretary to the Prime Minister
10 Downing Street
London SW1

Enc

a

ALREADY T'D

Oifig an Taoisigh
Office of the Taoiseach

SECRET 6 a-e.

6 February, 1989.

Rt. Hon. Mrs. Margaret Thatcher, M.P. FRS,
Prime Minister.

Dear Margaret,

I delayed in replying to your letters of 2nd November, 8th December and 19th December about certain security and extradition issues partly because I wanted to consider further what you said in Rhodes and partly because I was waiting for certain developments.

On the general issue of security, my approach is based on a deep personal revulsion to violence and a conviction that real progress can be made only under the law and by peaceful means. It is for this reason that we have been urging practical measures in the political arena to balance the perception of policy as being concerned with security only and to show that grievances can be remedied and progress can be made by discussion and persuasion. I regard balance, in this sense, as being a vital aspect of any solution to the problem of Northern Ireland and as an essential element of any policy to bring the peace and stability we all want.

Taking the points you raise in your letters, in turn, I should tell you that the Garda training programmes which I mentioned in my last letter have all been carried through. In addition, a small number of Gardai have attended special courses in Denmark, the Netherlands and London, as well as courses run by the FBI in Dublin. I will continue to keep a close interest in the effects of this training on Garda performance. We are still making enquiries about other courses that the Gardai might usefully attend and you can be assured that no opportunity of enhancing the acquired skills will be lost.

b

Oifig an Taoisigh
Office of the Taoiseach

You are also deeply interested in pre-emptive intelligence. A number of valuable finds of arms, ammunition, and explosives, as well as arrests, which have been achieved in recent weeks can be attributed to an improved flow of information obtained by accurate pre-emptive intelligence. I am hopeful that we shall have many more similar successes - certainly the pressure to achieve them will be maintained.

On cross-border communications, I understand that, as you say, this facility exists at certain levels but there may be a need to develop the system so that it is more generally available. The technical aspects of this matter are being examined by a special sub-group drawn from both police forces, which has been holding meetings in Dublin and Belfast. A number of recommendations of the group for improving both the number and security of inter-force communications have already been implemented or will be in the very near future. There is already in use, of course, a system of secure communications between Gardai and RUC mobile patrols. The adequacy of Garda-RUC communications along the border is reviewed regularly at meetings of the Anglo-Irish Conference and I have asked the Minister for Justice to bring to my notice any intractable problems that may surface there.

As regards communications by the British Army with the Gardai, there are matters of principle involved in this which are set out fully in a paper which was submitted for consideration at the Anglo-Irish Conference meeting held on 27th July, 1988. In an emergency, where there is a real need for the British Army to make immediate contact with the Gardai for help, I do not see that any difficulty or delay of consequence is likely to arise from a contact via the RUC - who, in our understanding, accompany the Army patrols. I am told that only a matter of seconds would be involved in

/.....

Oifig an Taoisigh, Tithe an Rialtais, Baile Átha Cliath 2.
Office of the Taoiseach, Government Buildings, Dublin 2.

such a link-up in comparison with a direct British Army-Garda link. I am inclined to the view that the problem envisaged in this matter is more apparent than real, whereas, in my judgement, the problem that would be created by the violation of the principle would be very real - serious enough to outweigh completely any conceivable advantage that a direct link might bring.

I have learned with concern that the project aimed at controlling the manufacture of home-made explosive, which you also mention, is facing considerable difficulties. I know that a great amount of effort has been put into the project by the working group of experts from both our countries and I appreciate how important the project is. It appears, however, that the stage has been reached where some other approach may have to be considered. I agree that the search for a practical solution must continue and we shall give this our full co-operation.

I do not intend getting into the Patrick Ryan extradition controversy in any detail but I want to make two points:

In your letter of 19th December, 1988 you "repudiate utterly" the assertion that Patrick Ryan would not receive a fair trial before a jury in England and you say that the Attorney General here "went far beyond the grounds" indicated at the time of the passing of the Extradition (Amendment) Act. There were, however, quite unique features in this case which had to be taken into account. None of the particularly difficult issues which had to be confronted arose through the words or actions of anybody here. In view of the uniqueness of the case and having regard to the questions that would be raised, the Attorney General took the most unusual step of making a statement spelling out in very clear terms his exact reasons for his decision. I have studied this statement with great care and quite frankly I agree completely with the decision which was in full accord

/.....

with the obligation of the Attorney, as interpreted by the Supreme Court, regarding the matters which he must take into consideration in discharging his duties.

The other point I want to make is in relation to the possible use of the Criminal Law Jurisdiction Act, 1976, to try any charges that may be preferred against Patrick Ryan for alleged offences in Britain or on the continent. Suggestions have surfaced on your side that witnesses may be unwilling to come here because of security worries and allegations have in fact been made that on a previous occasion witnesses who came here were exposed to a degree of intimidation and were "put in fear". There has been correspondence on this matter between Scotland Yard and the Garda Siochana and I understand that the Gardai were in a position totally to repudiate the allegations. This sort of public expression of concern does not do full justice to the thirteen or so cases which have been tried here, without incident: nor does it take into account the many instances where, in extradition and related proceedings, witnesses from the United Kingdom have been regularly coming here without difficulty to give evidence.

We are quite prepared to operate the Criminal Law Jurisdiction Act in all suitable cases. We see it as a very useful alternative to extradition in certain circumstances. It can ensure, without the problems, delays and controversy which seem to attend every extradition case, that alleged offenders are brought before the courts in an effective way. It would, indeed, be regrettable if its operation were to be hindered by unjustified allegations of intimidation of visiting witnesses.

A report on the operation, during 1988, of our extradition arrangements as a whole with Northern Ireland and Britain must be presented to the Dail and Seanad in the coming weeks. Apart from this, we will consider all issues arising from the operation of the arrangements and in the course of this take carefully into account the proposals your people have made for changes in the legislation.

/.....

e

Oifig an Taoisigh
Office of the Taoiseach

I hope I have dealt fully with the issues of concern to you. If there are points of difference between us, you can take it that this is not because of any lack of desire on my part to solve this most harrowing and intractable of problems but quite simply because the perception here of what is productive and practicable is, at times, different from perceptions on your side.

With every good wish,

Yours sincerely,

Charles Haughey

Oifig an Taoisigh, Tithe an Rialtais, Baile Átha Cliath 2.
Office of the Taoiseach, Government Buildings, Dublin 2.

a

PRIME MINISTER'S
PERSONAL MESSAGE
SERIAL No. TD7/89

SUBJECT cc MASTER OPS.

Oifig an Taoisigh
Office of the Taoiseach

SECRET

5a-e

6 February, 1989.

Rt. Hon. Mrs. Margaret Thatcher, M.P. FRS,
Prime Minister.

Dear Margaret,

I delayed in replying to your letters of 2nd November, 8th December and 19th December about certain security and extradition issues partly because I wanted to consider further what you said in Rhodes and partly because I was waiting for certain developments.

On the general issue of security, my approach is based on a deep personal revulsion to violence and a conviction that real progress can be made only under the law and by peaceful means. It is for this reason that we have been urging practical measures in the political arena to balance the perception of policy as being concerned with security only and to show that grievances can be remedied and progress can be made by discussion and persuasion. I regard balance, in this sense, as being a vital aspect of any solution to the problem of Northern Ireland and as an essential element of any policy to bring the peace and stability we all want.

Taking the points you raise in your letters, in turn, I should tell you that the Garda training programmes which I mentioned in my last letter have all been carried through. In addition, a small number of Gardai have attended special courses in Denmark, the Netherlands and London, as well as courses run by the FBI in Dublin. I will continue to keep a close interest in the effects of this training on Garda performance. We are still making enquiries about other courses that the Gardai might usefully attend and you can be assured that no opportunity of enhancing the acquired skills will be lost.

Oifig an Taoisigh
Office of the Taoiseach

You are also deeply interested in pre-emptive intelligence. A number of valuable finds of arms, ammunition, and explosives, as well as arrests, which have been achieved in recent weeks can be attributed to an improved flow of information obtained by accurate pre-emptive intelligence. I am hopeful that we shall have many more similar successes - certainly the pressure to achieve them will be maintained.

On cross-border communications, I understand that, as you say, this facility exists at certain levels but there may be a need to develop the system so that it is more generally available. The technical aspects of this matter are being examined by a special sub-group drawn from both police forces, which has been holding meetings in Dublin and Belfast. A number of recommendations of the group for improving both the number and security of inter-force communications have already been implemented or will be in the very near future. There is already in use, of course, a system of secure communications between Gardai and RUC mobile patrols. The adequacy of Garda-RUC communications along the border is reviewed regularly at meetings of the Anglo-Irish Conference and I have asked the Minister for Justice to bring to my notice any intractable problems that may surface there.

As regards communications by the British Army with the Gardai, there are matters of principle involved in this which are set out fully in a paper which was submitted for consideration at the Anglo-Irish Conference meeting held on 27th July, 1988. In an emergency, where there is a real need for the British Army to make immediate contact with the Gardai for help, I do not see that any difficulty or delay of consequence is likely to arise from a contact via the RUC - who, in our understanding, accompany the Army patrols. I am told that only a matter of seconds would be involved in

/.....

Oifig an Taoisigh, Tithe an Rialtais, Baile Átha Cliath 2.
Office of the Taoiseach, Government Buildings, Dublin 2.

such a link-up in comparison with a direct British Army-Garda link. I am inclined to the view that the problem envisaged in this matter is more apparent than real, whereas, in my judgement, the problem that would be created by the violation of the principle would be very real - serious enough to outweigh completely any conceivable advantage that a direct link might bring.

I have learned with concern that the project aimed at controlling the manufacture of home-made explosive, which you also mention, is facing considerable difficulties. I know that a great amount of effort has been put into the project by the working group of experts from both our countries and I appreciate how important the project is. It appears, however, that the stage has been reached where some other approach may have to be considered. I agree that the search for a practical solution must continue and we shall give this our full co-operation.

I do not intend getting into the Patrick Ryan extradition controversy in any detail but I want to make two points:

In your letter of 19th December, 1988 you "repudiate utterly" the assertion that Patrick Ryan would not receive a fair trial before a jury in England and you say that the Attorney General here "went far beyond the grounds" indicated at the time of the passing of the Extradition (Amendment) Act. There were, however, quite unique features in this case which had to be taken into account. None of the particularly difficult issues which had to be confronted arose through the words or actions of anybody here. In view of the uniqueness of the case and having regard to the questions that would be raised, the Attorney General took the most unusual step of making a statement spelling out in very clear terms his exact reasons for his decision. I have studied this statement with great care and quite frankly I agree completely with the decision which was in full accord

/.....

with the obligation of the Attorney, as interpreted by the Supreme Court, regarding the matters which he must take into consideration in discharging his duties.

The other point I want to make is in relation to the possible use of the Criminal Law Jurisdiction Act, 1976, to try any charges that may be preferred against Patrick Ryan for alleged offences in Britain or on the continent. Suggestions have surfaced on your side that witnesses may be unwilling to come here because of security worries and allegations have in fact been made that on a previous occasion witnesses who came here were exposed to a degree of intimidation and were "put in fear". There has been correspondence on this matter between Scotland Yard and the Garda Siochana and I understand that the Gardai were in a position totally to repudiate the allegations. This sort of public expression of concern does not do full justice to the thirteen or so cases which have been tried here, without incident: nor does it take into account the many instances where, in extradition and related proceedings, witnesses from the United Kingdom have been regularly coming here without difficulty to give evidence.

We are quite prepared to operate the Criminal Law Jurisdiction Act in all suitable cases. We see it as a very useful alternative to extradition in certain circumstances. It can ensure, without the problems, delays and controversy which seem to attend every extradition case, that alleged offenders are brought before the courts in an effective way. It would, indeed, be regrettable if its operation were to be hindered by unjustified allegations of intimidation of visiting witnesses.

A report on the operation, during 1988, of our extradition arrangements as a whole with Northern Ireland and Britain must be presented to the Dail and Seanad in the coming weeks. Apart from this, we will consider all issues arising from the operation of the arrangements and in the course of this take carefully into account the proposals your people have made for changes in the legislation.

/.....

Oifig an Taoisigh
Office of the Taoiseach

I hope I have dealt fully with the issues of concern to you. If there are points of difference between us, you can take it that this is not because of any lack of desire on my part to solve this most harrowing and intractable of problems but quite simply because the perception here of what is productive and practicable is, at times, different from perceptions on your side.

With every good wish,

Yours sincerely,

Charles Haughey

Oifig an Taoisigh, Tithe an Rialtais, Baile Átha Cliath 2.
Office of the Taoiseach, Government Buildings, Dublin 2.

The National Archives

DEPARTMENT/SERIES PREM 19 PIECE/ITEM 3408 (one piece/item number)	Date and sign
Extract details: Cradock to Powell dated 24 February 1989	
CLOSED UNDER FOI EXEMPTION	
RETAINED UNDER SECTION 3(4) OF THE PUBLIC RECORDS ACT 1958	20/2/2018 S. Gray
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,
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 3048 (one piece/item number)	Date and sign
Extract details: Cradock to Powell dated 31 January 1989	
CLOSED UNDER FOI EXEMPTION	
RETAINED UNDER SECTION 3(4) OF THE PUBLIC RECORDS ACT 1958	20/2/2018 G. Gray
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,
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.

CONFIDENTIAL

cc PC (2)

Prime Minister

CDP 31/1

MO 19/3L

PRIME MINISTER

ANGLO-IRISH RELATIONS

1. I have seen Geoffrey Howe's minute to you of 19th January attaching the annual review for 1988 from the Ambassador in Dublin.

2. I very much welcome Geoffrey's emphasis on improving security cooperation. More effective use of the Irish Defence Forces, particularly in the field of pre-emptive intelligence on PIRA operations in and from the Republic, is essential if we are to turn the tables against the terrorist.

3. You are aware of our specific concerns in the area of cross-border security cooperation. The most pressing of these is the need, with the imminent replacement of the Beaver by the Islander, to renegotiate the cross-border EOD agreement; Tom King has this in hand. On cross-border cooperation, I understand that the development of secure communications between the RUC and the Garda is progressing well. The next step must be to get the Irish to accept the practical need for communications between the Army and the Garda; you did of course cover this in your recent letter to the Taoiseach.

4. As Geoffrey says, this has indeed been another year in which events have conspired to put a great deal of strain on Anglo-Irish relations. I believe it is to the great credit of the Embassy in Dublin that we are weathering these crises.

G.Y.

Ministry of Defence
30 January 1989

CONFIDENTIAL

FOREIGN AND COMMONWEALTH SECRETARY

ANGO-IRISH RELATIONS

I have seen a copy of your minute of 19 January to the Prime Minister.

In paragraph 7 you refer to extradition and to Irish extraterritorial prosecutions.

I agree that it is very unlikely that we will persuade the Irish to remove the "safeguards" in the Irish Extradition (Amendment) Act. It will even be difficult for us to secure the less important but significant improvements in procedure set out in our papers sent to the Irish. But we must continue to press for these.

We must press the Irish, by all means open to us, not to apply again the "Ryan" doctrine whereby the Irish Attorney General may "advise" the Gardai that a warrant should not be backed, on the ground that there would be constitutional objections to the extradition of the fugitive. The flimsy legal basis for this doctrine has been attacked in Irish quarters. It is one which could have very damaging consequences in many sensitive extradition applications.

I am of course ready to use the route of extraterritorial prosecution in the Republic under the Criminal Law Jurisdiction Act 1976 in appropriate cases. But this is not an equivalent to extradition. In each case various factors must be weighed; they will include -

the prospects of successful prosecution in the Republic;

the availability of witnesses;

the charges available respectively under the law of the Republic and under the relevant UK law;

whether those involved in the same offence have already been proceeded against in the UK, and

whether the fugitive has an unexpired portion of a prison sentence to serve in the UK.

I think it is in the light of these that a judgment must be made as to where the public interest lies, rather than whether we see a chance of success in extraterritorial proceedings.

The Irish are about to prosecute one case extraterritorially (Sloan) which I asked them to consider and are presently, as you know, reflecting on Ryan. I may be able shortly to send down another case. But we must be as sure as we can be, if we are prepared to see the 1976 Act used, that the Irish Director of Public Prosecutions does decide to prosecute when we send down cases. Otherwise there is a real risk that the fugitive will escape justice altogether, for the Irish Attorney General will be most unlikely to back warrants for a fugitive's extradition when his Director of Public Prosecutions has concluded that there is insufficient evidence for an extraterritorial prosecution. I understand that officials have made our position on this quite clear to the Irish.

I am copying this minute to the Prime Minister, the Home Secretary, the Northern Ireland Secretary, the Defence Secretary, the Lord Advocate and to Sir Robin Butler.

P. M.

27 January 1989

IRELAND: Relations
Pt 2

The National Archives

DEPARTMENT/SERIES PREM 19 PIECE/ITEM 3048 (one piece/item number)	Date and sign
Extract details: Powell to Leach dated 27 January 1989	
CLOSED UNDER FOI EXEMPTION 27(1); 40(2); 41	20/2/2018 G. Gray
RETAINED UNDER SECTION 3(4) OF THE PUBLIC RECORDS ACT 1958	
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,
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.

CONFIDENTIAL & PERSONAL

Foreign and Commonwealth Office

London SW1A 2AH

20 January 1989

CDP 21/1

Dear Stephen,

Anglo/Irish Relations

The Foreign Secretary sent a minute to the Prime Minister on 19 January about Anglo-Irish relations, enclosing with it Sir Nicholas Fenn's Annual Review for 1988.

You might be interested to see a copy of an internal minute recording at greater length the Foreign Secretary's thinking about Anglo-Irish relations, prompted by an earlier draft of the minute to the Prime Minister

If you thought it useful, the Foreign Secretary would be happy for you to show this minute to your Minister.

I am copying this letter to Charles Powell (No 10), Philip Mawer (Home Office), Brian Hawtin (MOD), Paul Stockton (PS/Lord Chancellor), Michael Saunders (Law Officers Dept) and Sir Nicholas Fenn KCMG (Dublin).

Yours ever,

Richard Gozney

(R H T Gozney)
Private Secretary

S Leach Esq
PS/Northern Ireland Secretary

CONFIDENTIAL & PERSONAL

Mr George, RID

Anglo/Irish Relations

The Secretary of State was most grateful for your submission of 20 December covering a draft minute to the Prime Minister. He has mulled over this at some length during the holiday. What follows represents less a set of specific drafting suggestions than an illustration of the flavour of his approach. He has not attempted to deal with all the points in the existing draft.

The Secretary of State is quite glad that he did not in the event get around to thinking about this until the end of the holidays: it is amazing how much difference a week or two makes to one's perception of Irish politics, even though au fond nothing has of course changed. But the very helpful draft which you prepared is now badly dated, since it starts from the Ryan case and revolves around it. The caravan has moved on to the Northern Ireland Appeal Court decision, reopening all the inquests since the beginning of time. This underlines the need to focus the minute on a longer time scale, though very much in the spirit of your draft.

You will recall the Secretary of State saying that the brief post-Cabinet discussion of 22 December began with questioning - of the kind in which we all indulge on occasion - why we stayed in Ulster. The Secretary of State has a great deal of sympathy with this instinctive reaction, since "our boys", who defend the rule of law in impossible circumstances at great risk to their own lives, get scant thanks from anyone. No-one feels this more strongly than the Prime Minister (no-one, after all, has been to more funerals). In the course of the discussion the Secretary of State briefly re-examined the options, which he had first looked at as Solicitor-General in 1971-72:-

- quit: unthinkable, not least for the Unionist party;

- establish martial law, military courts, or whatever ("back to the Black and Tans"). This was an option which the Secretary of State considered very closely in the 1970s, with the then Attorney-General, Sir Peter Rawlinson. It was unthinkable then and is still the wrong option;

- "soldier on" as we are - with all the hazards of exposing soldiers, police etc to inquests, the rule of law etc (cf Gibraltar, Northern Ireland Court of Appeal etc). That is made all the worse if we are now to see five or more year old inquests reopened, when memories

have long since faded and soldiers etc are required to give evidence orally. That is why we are (understandably) appealing against the Court of Appeal ruling. If we lose, we are in a mess; if we win in the House of Lords the "reputation of British justice" is tainted by our own act. And the whole process is subject to what the ECHR might say thereafter.

Hence the Secretary of State's view that the minute needs to take a longer perspective, and paint a broader strategy. It needs to take the review of the working of the Agreement as its starting point. Why did we start the long, fraught business of working for the Agreement? How far do the objectives still stand? And where do we go from here?

The original perceptions were:-

- insufficient progress against terrorism; indefinite exposure to the risks to British soldiers; and to international criticism of the reputation and capacity of HMG;

- persistence of the intercommunal tensions within Ulster itself, within Ireland and within the British Isles - which represented one major set of handicaps in tackling terrorism;

- two respected, confident and original-minded Prime Ministers who were well placed to take the risk of looking together for a fresh way forward.

This led to the premises of the Agreement:-

- the two governments/peoples needed to recognise that we shared a shamingly long lived and tenacious problem, which really did deserve our joint attention over an extended (virtually indefinite) period;

- the basic political disagreement had to be put on (democratic) ice: the status quo in the absence of a majority to the contrary;

- cooperation against violence was to be enhanced, on the basis of that democratic deal;

- meanwhile, action was to be taken to enhance the standards and reputation of the system of government and administration of justice in the North;

- to enhance confidence in all that, the Republic was given a new right to be consulted, to warn and to advise. The sustained use of this - most of all through the difficulties that were bound to come - is fundamental to the process;

- a fresh attempt was to be made, via "devolution", to make the organs of government - including those of law and order - more acceptable to the minority.

Implementation is proceeding with reasonable good faith but has been subjected to at least four pressures:-

- continuous disenchantment of the Unionists, allegedly at the lack of earlier consultation but for many other (understandable) historical reasons;

- strains arising from the need to handle the continuous terrorist campaign, with recurrent scope for misunderstandings (from Gibraltar to Ryan and onwards);

- longer standing strains (even more difficult to cope with) arising from the earlier history - Stalker, the Guildford Four, Birmingham Six etc ;

- the arrival of Haughey in place of Fitzgerald.

All this has added to the natural pressures inherent in the history of the conflict itself:-

- tendency of the British to strain every muscle/nerve, scrape every barrel, to maximise effectiveness of anti-terrorist action; and to maximise the capacity of the legal system to produce convictions;

- the tendency of the Irish to look critically at the operation of the military/police/legal system before, during and after a conviction.

Both sides needs to manage these two understandable instincts. Both need to recognise that both sides have a mutual interest in both:-

- cooperation against terrorism;

- objectivity/fairness of the legal system.

Each side must therefore be ready to look objectively and cooperatively at both sides of this coin:-

- the Irish through the eyes of the young British soldier suddenly required to make a life or death, split second judgement - and yet to defend/explain it as though he was facing prosecution for one of those offences (eg shoplifting or speeding) for which there is in practice a strong inherent presumption of guilt;

- the British through the eyes of an Irish parent whose son's conviction by a British court has been questioned by an English Law Lord or Archbishop; all on the basis of legal rules which have been criticised by Appeal Courts etc.

The only conclusion to draw from all this is that we have to keep at the process that we started only three years ago. There are after all some bright spots:-

- cooperation against terrorism has improved, to some extent;

- the conference is working, and helping to clear some of the air;

- personal relationships which only a short time ago didn't exist at all are gradually taking shape (eg King/Lenihan, the two AGs)

But there are of course some serious black spots as well, ...

And beyond just keeping at it, we need to see what can or should be done:-

- above all, look for ways of tackling this together;

- not just between the Irish govenrment and HMG, but at other levels and in other ways too;

- there needs to be a good relationship between HMG and the Ulster Judges: we need each other and need to trust each other. We have to work at each other's problems (ECHR, seven/four days etc) and come up with possible solutions;

- Judges in the North and in the Republic have produced useful joint reports in the past: let them re-examine some of those, and some of today's problems too;

- parliamentary body (including Unionists, if possible, in due course);

- joint presentation by HMG and the Irish government of our case/concerns to other countries. The Belgians and others would be much more impressed if the two governments gave joint presentations around Europe, at Trevi etc, of how we see and are tackling the problems;

- keep up the search for new ways in which the two communities can share in government, administration and other aspects of Ulster. "Devolution" is now suspect, but "shared responsibility" is not, and can be covered by Mr King's catch phrase about "movement towards devolution". All this is natural material to discuss with the Unionists;

- practical Anglo-Irish coooperation on other things eg the seabed - a useful example of the role for Foreign Ministers (the Dublin visit etc).

In the midst of all this it is important too for the two heads of government to find an opportunity to reaffirm their two countries' basic commitment to the objectives of the Agreement; and to find time to talk about it not in the context of some blazing contemporary row. How and when to achieve this is one of the great tricky questions - but one at which we (with the two principals) will just have to work.

One of the most serious problems probably remains the one which has just emerged: the Court of Appeal decision which takes the lid off all the old cases, and sets the Ulster camera running backwards, in slow motion, for about ten years.

The Secretary of State hopes you will find this tramp over familiar ground helpful.

There are also one or two self-explanatory pieces of red ink on your submission. The main point refers to loyalty oaths. It does indeed seem anomalous that jurors in Northern Ireland should be compelled to take these. But the Secretary of State wonders if we can easily afford another row with the Northern Ireland judiciary at this stage.

The Secretary of State returns on 11 January. I should be grateful for a revised draft as soon thereafter as possible.

4 January 1989 (L Parker)

cc: Mr Boyd

The National Archives

DEPARTMENT/SERIES PREM 19 PIECE/ITEM 3048 (one piece/item number)	Date and sign
Extract details: Powell to PM dated 19 January 1989	
CLOSED UNDER FOI EXEMPTION 27(1); 40(2); 41	20/2/2018 J. Gray
RETAINED UNDER SECTION 3(4) OF THE PUBLIC RECORDS ACT 1958	
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,
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.

CONFIDENTIAL

PM/89/003

PRIME MINISTER

Anglo-Irish Relations

1. The Ambassador in Dublin has sent to me his review of Anglo-Irish relations for 1988. I enclose a copy and offer some recess reflections of my own.

2. Anglo-Irish relations came under very severe strain in the course of the year. At times, the tone of the public dialogue deteriorated sharply - and this was noted not only here but also in Europe and in the United States. There is unfinished business over the Ryan case and on extradition generally. There are other issues likely to cause tension, not least over inquests in Northern Ireland and our substantive response to the Brogan verdict in the European Court of Human Rights. Furthermore, the outcome of the Guildford Four appeal will have a major effect (for good or ill) on Irish perceptions of British justice.

3. But it was not (and will not be) all bad. In the face of the threat from the IRA there has been at least some progress in cross-border security co-operation. As

/with

CONFIDENTIAL

with extradition, security co-operation is a highly political issue for Fianna Fail and advances have to be wrung out of the Irish. Their own analysis is complacent. But the trend is on balance positive.

4. The year also provided a major test for the Anglo-Irish Agreement. Its public reputation declined. But it survived, and confirmed the validity of the reasons for which you signed it:

- The need for progress in tackling terrorism

- The chance of finessing intercommunal tension within Northern Ireland by indefinitely assigning the question of the Province's status for democratic decision by the people of the Province.

- Improvement of the lot of the nationalists in the North without damaging that of the unionists (whatever they may say to the contrary).

5. The existence of the Conference has forced us to look at the problems together. Although we do not accept that the Irish "right" to consultation is as absolute as they maintain, it is in our own interests to secure their support for what we are doing: the example of fair employment shows what can be achieved. Irish acquiescence is important, particularly when it comes to presenting our policies in the United States - and in Europe too, where we should try to do more together. We could perhaps have trusted Irish discretion over the

/security

security measures which we have recently adopted, and brought them more fully into our confidence. In the last resort, they recognise that decisions lie with us.

6. On the credit side also we made a deliberate attempt to thicken up relations, so that our problems over Northern Ireland can be seen in a wider perspective in which we have some shared interests - not least in the Community. I visited Dublin and signed an agreement to delimit the Continental Shelf which both solved a tricky bilateral problem and strengthened our hand against others with maritime claims in the area. Much work went into improved commercial, cultural and parliamentary relations. So there is progress to report. And the improved economic situation in the Republic strengthened Irish confidence and may have reduced their inferiority complex vis-a-vis an economically dominant neighbour.

7. Of course there is much more to be done.

- A major challenge for 1989 is to improve extradition. This is not going to be easy. But the Ryan case does give us grounds to seek changes, even though I am very doubtful whether we shall get the central (and unsatisfactory) "safeguards" removed until they have been seen to fail in the courts.

- We should be ready to accede to the Irish wish for extraterritorial prosecutions in cases where we see a chance of success. Jurisdiction in their courts binds the Irish closer to the struggle against

/terrorism

terrorism and diverts on to them the ill-founded criticism of British justice. We need to look imaginatively at the real problems and come up with co-operative solutions rather than hand victories to the terrorist by public quarrels.

- The Review of the working of the Conference offers the chance to reaffirm the principles of the Agreement and to give the Conference a useful agenda for the future.

- The British/Irish Parliamentary body may establish a useful forum for parliamentarians from both sides to look at issues together.

- The present stress laid by Tom King on progress to or towards devolution is welcome, allowing as it does for gradual progress if devolution in the fullest sense is unattainable. We have all watched his patient efforts with admiration. We must not cease to look for ways in which we can improve the machinery for governing Northern Ireland and in which the two communities can share responsibility on practical issues, not least because of the additional pressures which the terrorist feels from any improvement on this front. A modest, pragmatic and incremental approach, avoiding the slogans of devolution or integration, may suit the interests of the United Kingdom as a whole. It could also engage Irish interest and support if carefully presented, since devolution in the classic mould would create considerable difficulties for them.

/But

8. But above all we need to keep up the pressure for better security co-operation. It will be a gradual process, just as it has been a long haul to bring the RUC to the present level of competence. But the gap has started to close, and the latest improvements at the top of the Garda are encouraging. Underlying political attitudes as well as scarce resources are still a problem, and it will remain a matter for careful judgement which improvements are best pursued. But we shall make greater progress by working where we can with the grain of Anglo-Irish relations under the Agreement than by allowing the invocation of the very spectres which the Agreement was meant to exorcise.

9. Provided Haughey's health holds - and this is not certain - we shall be dealing with him for some time to come. (Nor do I think that an alternative would necessarily be easier to handle.) He does not naturally share our perceptions or interests. Like all too many of his countrymen (and not unlike, for example, some Israeli leaders) history has made him ambivalent about political violence. But he does understand and, I believe, accept - even from an Irish point of view - the case against terrorism. So he has been making an effort to meet us on certain security issues. We shall need to build on the relationship which you have, against heavy odds, been able to establish with him over the last two years, if we are to advance our own interests in Ireland, North and South.

/10.

10. I am copying this minute to Tom King, Douglas Hurd, George Younger, James Mackay, Patrick Mayhew and Sir Robin Butler.

(GEOFFREY HOWE)

Foreign and Commonwealth Office
19 January 1989

REPUBLIC OF IRELAND: ANNUAL REVIEW FOR 1988

Her Majesty's Ambassador at Dublin to the
Secretary of State for Foreign and Commonwealth Affairs

SUMMARY

1. A good year domestically. Economic recovery on course and political consensus intact. Mr Haughey is constrained by his lack of a parliamentary majority. The only available alternative is Haughey without that constraint - and that would be worse (paras 1-9).

2. Anglo-Irish relations improving on everything except Northern Ireland. Market share increasing. Partners as well as opponents in the European Community. Culture. Ministerial Meetings. Air Services. The Continental Shelf. We should get on well with the Irish if it were not for history (paras 11-15).

3. But history will not go away. Two "litanies of horrors". Upsurge in terrorist violence. British security measures in response. The Anglo-Irish Agreement: security, reform and political development. The Article 11 Review (paras 16-22).

4. Until 25 November, we were digging ourselves out of the pit. Extradition and the Patrick Ryan affair. Return to crisis (paras 23-24).

5. We end the year as we began it, glaring at each other across the Irish Sea. Some pointers for 1989 (paras 25-28).

British Embassy

Dublin

The Rt Hon Sir Geoffrey Howe QC MP
Secretary of State for Foreign
and Commonwealth Affairs

1 January 1989

Sir

REPUBLIC OF IRELAND: ANNUAL REVIEW FOR 1988

1. I have the honour to submit some melancholy reflections on the Republic of Ireland for 1988.

Ireland Internal - Economic

2. For the Republic and its Government, this has been a good year. The Programme for National Recovery is stabilising the National Debt and rebuilding business confidence. Interest rates are just over half the UK level - a modest milestone in Ireland's economic independence. Investment is rising. GNP is growing at 1-2% and inflation at only 2.1%. Production, productivity and exports are all at record levels. Farm incomes are up by 16%. Tax revenues are buoyant. External factors have helped, but the national economy has done better in the last two years than in the previous decade.

3. Of course, there are snags. Ireland remains dangerously indebted. Confidence is fragile. Unemployment is only slightly down at 18%. One per cent of the population emigrates each year. One third of all adults live below the poverty line. There is rural squalor in the far west and urban squalor in Dublin. No wonder the Unions are grumbling about cuts in Health, Education and Welfare.

4. This has been a disastrous year for the Irish Defence Forces, whose morale has reached rock bottom for lack of political and financial support, culminating in street demonstrations by army wives and mass resignations from the Air Corps.

5. None of this has shaken the stability of the government. Mr Reynolds, the new Minister for Finance, proclaims that there is no alternative. He has a little room for manoeuvre because of a windfall from tax amnesty. The budget at the end of January will make gestures towards job creation and tax reform. But there will be further cuts. The recovery will continue, helped by the EC Structural Funds.

Ireland Internal - Political

6. My last Annual Review recorded the strange consensus created by

Mr Haughey's U-turns. His power rests on that consensus but looks a little less secure. He is now three votes short of a majority and vulnerable to parliamentary accident. The government were defeated in November over family law reform. Memories of the "stroke politics" of 1982 have been revived by recent events: accusations of gerrymandering and slush funds, and a Saudi gift of diamonds to Mrs Haughey.

7. These difficulties were compounded by ill-health. The Taoiseach was gravely ill in October and has not fully recovered. His Deputy, Brian Lenihan, was close to death in May and is a shadow of his former self. Ray MacSharry, the popular and successful Minister for Finance, symbol of the Government's economic rectitude, has gone off to Brussels. The rest of the Fianna Fail front bench does not inspire confidence. The Taoiseach's health has become the foremost topic of political speculation.

8. Provided he is spared, however, Mr Haughey will stick to the policy of retrenchment which he frustrated in opposition, not because he believes in it but because it keeps him in power. The fragmented parties of the left attack retrenchment for its social consequences. Fine Gael and the Progressive Democrats dare not do so - because they agree with it; because it is in the national interest; and because if Fianna Fail were brought down on their economic strategy Fianna Fail would win - probably with an overall majority. So Mr Haughey governs as if he already had one.

9. The minority administration is more stable than it looks. The only available alternative is a Fianna Fail Government freed from constraint by an overall majority and this might be a nasty thing. The present administration is the best Irish Government in sight.

Bilateral Relations

10. In all fields but the crucial one, we did quite well this year.

11. Trade remains insulated from politics. Our share of the Irish market, which had been falling for many years, has now for the third year running edged slightly upwards to nearly 42%. With only three and a half million people, the Republic is our seventh largest market in the world - bigger than India, Japan or Saudi Arabia. Opportunities are growing with economic recovery and the Structural Funds. British investment continues to increase. The CBI and their Irish counterparts have formed a British-Irish Industry Circle. In Dublin we have formed a British Business Group. After a generation of diversification away from a dominant British partner, the Irish market now offers new opportunities. I shall be discussing with our Inspector in January the implications of this for the pathetic share of trade promotion resources currently devoted to the Republic.

12. We are beginning to recognise that the Irish are partners in the European Community as well as opponents. We have different interests on agriculture and the budget. But both countries depend upon

upon trade for their livelihood. In recent weeks British ministers have identified common interests with their Irish colleagues in the approach to 1992. Even on some of the most difficult issues - tax harmonisation and monetary policy - there are tactical alliances to be made.

13. Progress, too, in culture. The British contribution to Dublin's Millennium was widely acclaimed in Ireland. Our modest programme of post-graduate scholarships is valued. We look forward to working with the new British Council Representation here.

14. We are learning the value of bilateral consultation between British and Irish Ministers. Every single minister in the Northern Ireland Office has met his Irish colleague in the course of the year - some of them more than once. There have been East-West meetings with the DTI, MAFF, ODA and the Department of Transport as well as with the FCO. Lord Brabazon signed an Air Services Agreement in March. On 7 November you came to Dublin to sign an Agreement on the Delimitation of the Continental Shelf.

15. If it were not for history we should get on well with the Irish. It is worth placing our relationship in a broader and more harmonious context.

Northern Ireland

16. But history will not go away. The year began with the "litany of horrors" recorded in my Despatch of 21 March: Stalker/Sampson; the Birmingham Six; extradition; the Prevention of Terrorism Act; Aughnacloy; the release of Private Thain; exclusion orders; Gibraltar. To these grievances some Irishmen would now add the Gibraltar inquest; the decision not to prosecute Guardsman Holden; the Winchester trial; lack of consultation over anti-terrorist measures; and British "bullying" over Patrick Ryan.

17. A British litany would read differently. It would include Irish obsession with all these grievances, and the decision not to extradite Patrick Ryan in spite of the evidence. It would also include the assassination of two British corporals in Andersonstown Road on 16 March, the murders of six off-duty soldiers at the Lisburn fun-run on 15 June and of eight soldiers near Omagh on 20 August. There was an obscene campaign of terror against service and civilian families over Christmas. Forty four members of the Security Forces and 54 civilians were killed in the course of the year. Many were injured. Horror piles on horror. The killing goes on.

18. The upsurge of IRA violence is fuelled by arms from Libya. The RUC and the Garda have made some important finds, but armouries of modern weaponry lie hidden in this island. Security cooperation leaves much to be desired but there have been improvements. Relations between the two police forces are better. The new Commissioner of the Garda Siochana has experience of counter-terrorism. We have sold two fast patrol vessels for use against poachers of fish and smugglers of arms.

19. At the beginning of the year 3 Brigade was established on the

the border with greater scope to act against terrorists in support of the civil power. Further action followed in the autumn: on access to the airwaves; on the right to silence; on terrorist finances; on remission policy; on requiring candidates for public office to forswear violence. In support of Mr King and the Secretariat, the Embassy in Dublin made what we could of the time we were given to commend these measures to the Irish. We were lucky. The reaction was inhibited by the Taoiseach's illness. The Irish voiced serious disagreement only on remission and the declaration. They supported us on terrorist finances. But they complained that they had not been properly consulted.

20. In parallel there are a series of measures which have been exhaustively discussed in the Conference and which the Irish broadly support: equality of opportunity in employment; reform of the franchise for local elections; integrated education; public investment in disadvantaged areas including West Belfast; the International Fund. Even on the key issue which we call "confidence" and they call "harrassment" there has been progress as well as argument. It is absurd to pretend that the Conference machinery is not working.

21. The heart of the matter, of course, is the politics: the aspiration to a united Ireland, the determination of a million Irishmen to remain British and the self-exclusion of the constitutional parties from the governance of Northern Ireland. The Anglo-Irish Agreement commits both governments to the principle of consent and to the search for devolution. Mr Haughey reiterates his view that no solution is possible within the confines of Northern Ireland. Influenced by John Hume, he hankers after direct talks with the Unionists and is elaborately sceptical about devolution. The Northern Ireland Secretary is in touch with the Parties - and they with each other - with a view to moving "to or towards" devolution. At the year's end this policy has not yet succeeded. Neither has it failed. It is a tender plant which should be nurtured.

22. The Agreement was three years old on 15 November and the Review under its Article 11 has begun.

Extradition

23. On the sensitive matter of extradition, there have been failures and successes. The District Justice in Portlaoise released Patrick McVeigh on spurious identity grounds. But the extradition of Robert Russell and Gerard Harte proved that a Fianna Fail government was capable of extraditing terrorists. The two Attorneys General found a formula for working the objectionable Irish "Safeguards" Act and one non-terrorist was extradited under it. The two governments agreed that extraterritorial jurisdiction was not a substitute for extradition but a possible alternative in appropriate cases: Gerard Sloan is to be prosecuted in Ireland.

24. Until 25 November it seemed that we were making progress in digging ourselves out of the pit into which we had fallen at the beginning of the year. Then Patrick Ryan was hurriedly repatriated from Belgium. The Irish failed to arrest him. The resulting

British/

British anger provoked defensive resentment in Ireland. On 13 December the Irish Attorney-General announced that Ryan would not be extradited: in spite of the strong case against him Mr Murray said that he would not now have a fair trial before an English jury. British opinion was insulted, and we were back at the bottom of our pit. We have now decided to seek extraterritorial prosecution if the witnesses can be mustered; half a loaf is better than no bread.

Conclusion

25. Even in this new crisis, the InterGovernmental Conference of 14 December enabled British and Irish ministers to speak their mind forcefully in private while continuing useful work in other areas. This must be the way forward. It will not be easy. We shall continue to want Irish support for security measures disliked by the nationalist community in the north and therefore too often by the government in the south. Public opinion here will continue to believe that Irish people do not get justice in British courts. There are no shortcuts. But there are some signposts.

26. We are taking up the Taoiseach's invitation to contribute to the review of Irish legislation due in the New Year. We seek better cross-border security co-operation, particularly improved communications. We should consult the Irish about forthcoming decisions - as is their right under the Agreement - and not just notify them in advance. We should develop our measures to enhance confidence in the security forces and to make these better understood in Ireland. We should continue the Article 11 Review in such a way as to leave political doors open to Unionists. We should do more to commend our policies to the Republic: they are much more reasonable than Irish opinion believes. We should keep open the possibility of a bilateral Summit to endorse the outcome of the Review and to inaugurate the Parliamentary Body.

27. The year ends, as it began; two peoples who have much in common are glaring at each other across the Irish Sea in mutual incomprehension. We must both try again in 1989.

28. I am sending copies of this despatch to the Secretaries of State for Northern Ireland, for Home Affairs, and to the Attorney-General: to Her Majesty's Ambassadors in other posts of the European Community, at Washington and at the Holy See; and to the Governor of the Bank of England.

I am,
Sir,
Yours faithfully

N M Penn

CONFIDENTIAL

PRIME MINISTER

cc. Mr. Catford

ARCHBISHOP OF CANTERBURY'S DINNER

One of the guests at the Archbishop of Canterbury's dinner tomorrow night will be the Archbishop of Armagh (Dr. Eames).

You may like to refresh your memory on your recent correspondence with him about Northern Ireland, which I attach.

He is also particularly concerned about the fate of one of the hostages in Lebanon, Brian Keenan, who is a dual British/Irish citizen. I also attach a note on the position of the hostages.

CDP

C. D. POWELL

11 January 1989

CONFIDENTIAL

file DTS

bc: PC

10 DOWNING STREET

LONDON SW1A 2AA

From the Private Secretary

6 January 1988

RYAN: PROSECUTION IN THE REPUBLIC OF IRELAND

The Prime Minister has noted the Attorney General's minute of 5 January, recording his decision to invite the Irish authorities to consider prosecuting Ryan extra-territorially. She has commented that the decision is the Attorney General's alone.

The Prime Minister has also noted, in relation to the last paragraph of the Attorney's minute, that there has already been extensive material in the press to the effect that we are going to seek an extra-territorial prosecution. No doubt this emanates from the Irish.

I am copying this letter to the Private Secretaries to the Foreign and Commonwealth Secretary and the Northern Ireland Secretary.

C. D. POWELL

Michael Saunders, Esq.
Law Officers' Department

(3)

cc PC

There has already been material in the Press to the effect that we ~~should~~ were going to do what this minister proposes. The decision is the A-G's alone.

Prime Minister
The Attorney intends to invite the Irish to prosecute Ryan in Ireland.
CDP 5/1

HOME SECRETARY

RYAN : PROSECUTION IN THE REPUBLIC OF IRELAND

top secret

I have now given further consideration to the question of extraterritorial prosecution of Ryan in the Republic of Ireland, about which I minuted you on 21 December. I have also received a reply to my letter to the Irish Attorney General.

Mr Murray is plainly anxious that I should request that the Irish Act of 1976 should be employed. He emphasises that the whole of the evidence should be then sent to the Irish DPP, who would consider what offences in Irish law are disclosed.

I believe that public opinion would now react adversely if we were seen to be denying the Irish the opportunity they appear to be seeking to try Ryan. There is no doubt, moreover, that Ryan has been an extremely dangerous man and one whose liberty is apparently still prized by the IRA. Lastly, when someone of his kind is convicted by an Irish court, the Irish Judges sentence severely.

If he is

These factors point to my making the evidence available to the Irish authorities, notwithstanding the outrage which the Irish decision to refuse extradition has caused us. To do so, however, will not ensure that a prosecution will ensue. First, the evidence has to be sufficient to sustain charges under Irish law and the less than streamlined Irish procedure. (But it is relevant in this context that Mr Murray has found the evidence to be sufficient in respect of at least one amenable charge to support a request for extradition.) Secondly, 12 witnesses, most of them essential to any prosecution, have indicated to the Metropolitan Police that, whereas they would be willing to give evidence in England, this would not be the case if he were to be tried in Dublin.

The Irish Attorney General has also in his reply expressed some unconvincing indignation at the notion that witnesses might be exposed to greater risk in Dublin than in England, an idea which he discounts. I shall deal with this in my reply to him. Notwithstanding, however, the fact that an Irish prosecution which for whatever reason resulted in an acquittal would prevent us from ever prosecuting Ryan in our own jurisdiction on a charge arising from the same facts, I am clear that we should not now be seen to be frustrating the expressed Irish desire to bring Ryan to trial. The Irish, if they find evidence sufficient to sustain a charge or charges, will find out for themselves whether witnesses are available to give evidence in the Republic. If they are not, the Irish inability to bring Ryan to trial will be no fault of ours.

I therefore propose tomorrow to write to Mr Murray inviting him to consider prosecuting Ryan extraterritorially and making the evidence available to him. His authorities will then no doubt wish to approach the necessary witnesses and will reach their own conclusions.

It is important that the decision to seek extraterritorial prosecution is not revealed publicly until after the Irish DPP has taken a final decision. Otherwise, as Mr Murray has noted, Ryan may flee and we would be blamed. I therefore propose to answer any Parliamentary Question about an extra-territorial prosecution to the effect that the matter is still under consideration.

I am copying this minute to the Prime Minister, the Foreign Secretary and the Northern Ireland Secretary.

P.M.

5 January 1989

IRELAND: Relations Pt.

THE ARCHBISHOP OF ARMAGH
The Most Reverend Dr. R. H. A. Eames

The See House
Cathedral Close
ARMAGH BT61 7EE
Northern Ireland
Telephone: (0861) 522851
Office: (0861) 527144

Prime Minister
CDP
6/1

PERSONAL AND CONFIDENTIAL:

3 January 1989.

The Rt. Hon. The Prime Minister,
10 Downing Street
London SWIA 2AA.

Dear Prime Minister,

I am most grateful for your letter of 19 December which I have studied carefully and found most helpful.

If I may presume to say so, I completely agree with your reading of the current situation so far as the threat of terrorism is concerned. I have buried 56 murder victims in 14 years as a bishop and know only too well what such tragedies mean for ordinary decent families in Northern Ireland.

I believe that the recent developments in the security field have encouraged people here and that there is a new awareness of the need to isolate the terrorist and his or her supporters.

I will continue to do all in my power to encourage the leaders of the constitutional parties to engage in dialogue. I have the confidence of the leaders of the Official Unionists, Alliance and SDLP but for obvious reasons I have difficulties with the DUP.

So far as ordinary law-abiding people are concerned your own stature is high as they recognise your determination to face up to terrorism. Unfortunately apparent weakness on the part of the Republic for whatever reason does not lead to a similar feeling of confidence that all that could be done is in fact being accomplished in the south.

As I said in my previous letter my position allows me easy access to political leaders north and south and I am always available to do what I can to encourage contacts which in time should lead to better understanding and stability.

/2...

Once again, my sincere thanks for your letter.

May I wish you every success in the immense tasks facing you in 1989 and again assure you of my willingness to do anything I can to help towards peace in Northern Ireland.

Yours very sincerely,

+ Cahal B. Armagh.

ARCHBISHOP OF ARMAGH AND PRIMATE OF ALL-IRELAND.

MELAND

Relatives p. 20