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10 DOWNING STREET

LONDON SW1A 2AA

From the Private Secretary

SIR ROBIN BUTLER

ANGLO-IRISH DINER

Thank you for your minute of 29 July which the Prime Minister has seen.

The Prime Minister shares your assessment of your talks with Mr Nally and was grateful for the way you had handled this potentially difficult meeting.

The Prime Minister was interested to see the account which you kindly copied to me of Sir Nicholas Fenn's farewell call on Mr Haughey. The Prime Minister agrees with your view that Mr Haughey almost certainly was flying a kite with Mr Mulroney - even if he may now have let go of the string.

I am copying this letter to Richard Gozney (Foreign and Commonwealth Office) and to Tony Pawson (Northern Ireland Office).

J S WALL
30 July 1991

CONFIDENTIAL

Foreign &
Commonwealth
Office

London SW1A 2AH

30 July 1991

Dear Stephen,

HMA-designate Dublin

While we are aware of the great pressures on the Prime Minister's diary we would ask you to consider the possibility of David Blatherwick, whose appointment as Ambassador to Dublin has just been announced, making a short call on the Prime Minister before taking up his appointment on 10 September.

Mr Blatherwick will be presenting his credentials on 12 September and will then call on the Taoiseach. A call by him at No 10 beforehand would help to underline to the Taoiseach the Prime Minister's interest in relations with the Republic. He could pass on a personal message from the Prime Minister, if progress in preparations for the autumn meeting between the Prime Minister and the Taoiseach made that appropriate.

An alternative, if the Prime Minister's commitments in early September rule out a meeting then, might be for Mr Blatherwick to call on the Prime Minister during a return visit to London early in the Autumn, after he had been in post a few weeks. This could be used with equal effect in handling contacts with the Taoiseach.

I enclose Mr Blatherwick's curriculum vitae.

Yours ever,

Christopher Prentice.

(C N R Prentice)
Private Secretary

J S Wall Esq
10 Downing Street

MR DAVID (ELLIOTT SPIBY) BLATHERWICK CMG OBE

Born:	13 July 1941
Educated:	Lincoln School (1952-60) Wadham College, Oxford (1960-64)
At Present:	FCO (AUSS - Principal Finance Officer and Chief Inspector) since March 1989

Entered Foreign Service through 1964 Open Competition (Method II).

Career:

1964-66	MECAS (Language Student) - Third Secretary
1966	Foreign Office (Arabian Department)
1967 (July)	Promoted to Second Secretary sur place
1968	Kuwait (Second Secretary)
1970	Dublin (Second, later First, Secretary, Political)
1973	FCO (Arms Control & Disarmament Department)
1974	FCO (Near East & North Africa Department)
1977	Cairo (First Secretary & Head of Chancery)
1981	On loan to Northern Ireland Office - on promotion to Counsellor
1983	FCO (Head of Energy, Science & Space Department)
1985/86	CDA (Stanford University)
1986	UKMIS New York (Counsellor & Head of Chancery)
Married:	1964 - (Margaret) Clare Crompton
Children:	1 daughter (1969) 1 son (1972)

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Ref.A091/1909

MR WALL

Anglo-Irish Diner

The Anglo-Irish Diner took place on Friday evening, 26 July, preceded by a bilateral between the Secretary to the Irish Government, Mr Nally, and myself.

2. I started the bilateral by explaining why we preferred to pursue the matters raised by the Taoiseach through the existing machinery of the Diner rather than setting up any new machinery. I also said that we would not want to make the Diner more formal, for example by setting up sub-groups, but I suggested that we should have a further meeting of the Diner before the meeting between the Prime Minister and the Taoiseach scheduled for the autumn.

3. Following the agreed speaking note, I said that we regarded, as the Taoiseach did, the talks process as a historic opportunity, which we did not believe it had run its course. I said that the Secretary of State would be making a speech on Monday expressing his hopes that, following consultations with the parties, it would be possible to get the process going again in the autumn. I asked Mr Nally what he could tell me about the Taoiseach's ideas for institutional, political and legal changes and how these fitted in with the current talks and the Anglo-Irish agreement.

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4. Mr Nally, who had had a preparatory meeting with the Taoiseach that morning, said that the Irish Government had supported and would continue to support the talks process. But they believed that the two Governments should in parallel consider what advances could be made if the talks were not successful. All previous advances had come from talks between the two countries. It would be wrong to give the Unionists a veto on such progress. As regards the directions which progress should take, Mr Nally said that the Taoiseach still had an open mind. He had taken careful note of the Prime Minister's reference at their Downing Street meeting to reconciliation between the communities, anti-discrimination measures, new institutions, a Council of Ireland, improved North/South relations and a replacement for the Anglo-Irish agreement, if something better could be found. Speaking personally, Mr Nally suggested that the Conference arrangements might be extended to cover matters of mutual interest to the two parts of Ireland, like European affairs and agricultural policy. He hoped that there could be more cooperation between local authorities.

5. I said that we too envisaged improved North/South cooperation, and there was provision for discussing such matters in Strand 2 of the talks process. We would want to keep in close touch with the Irish Government about the management of that part of the talks. But we did not believe that a long term and lasting settlement of the sort which the Taoiseach was seeking could be achieved by imposition on the Unionists. The weakness of both Sunningdale and the Anglo-Irish agreement was that we had not been able to carry the Unionists along with them. Our belief, fortified by what had taken place in Strand 1, was that there was a real prospect on this occasion of movement by the Unionists. But a certain way of destroying that would be to embark on a separate process between the two Governments which left the Unionists out. The prospects for success depended on political persuasion of all parties that they had something to

gain, in which the Irish Government would have a crucial part to play in seeking to gain the confidence of the Unionists. Mr Nally did not dissent from any of this.

6. On other matters, Mr Nally confirmed - as the Taoiseach had done to HM Ambassador during his farewell call - that we should discount Mr Mulroney's message; when the Taoiseach had a message for the Prime Minister, he would deliver it direct. He added that what the Taoiseach had said about Sinn Fein was not based on the premise that PIRA were near to defeat: it was based on messages which the Taoiseach had been receiving that there was a growing element which believed that their best forward lay in the political process. He was under no illusion that this was a unanimous view, and there would certainly be some who would continue violence; but the movement would be split. I commented that, if some in Sinn Fein wanted to take the route back to normal political activity, the road had already been made clear to them.

7. At the Diner, conversation concentrated mainly on the resumption of talks, and the Irish side made clear their anxiety that any flexibility introduced in order to avoid putting a strait-jacket on the timing of the talks should not undermine the Anglo-Irish agreement. This will clearly be a central issue for them in the consultations leading up to resumption of the talks process. We agreed that the most likely time for a Heads of Government meeting was in November, but that a decision should be taken about this after the holidays in the light of progress on the resumption of talks. We also agreed that there should be a broad agenda, covering not only Northern Ireland political development, but European Community and international issues, and security cooperation. On the latter, Mr Nally commented that much more progress would be made with the Taoiseach if security cooperation was not emphasised in the public presentation of the talks.

8. Overall, the atmosphere was very friendly and constructive. The Irish Government continue to be deeply suspicious that the motive of the Unionists in entering the talks process is to undermine the Anglo-Irish agreement and are anxious not to make any concessions which would help them to achieve that end. But they were talking for the first time at these Diners about what they could do to build up the confidence of the Unionists, and my impression was that at official level they understand that a separate talks process between the two Governments, which left the Unionists out, would end any prospect of carrying the Unionists with us.

9. I am copying this minute to the Private Secretaries to the Foreign and Commonwealth Secretary and the Northern Ireland Secretary.

F.E.R.B.

ROBIN BUTLER

29 July 1991

From: HM Ambassador

Date: 25 July 1991

cc (by BLIS):

PS/PUS, NIO(L)
Mr Fell
Mr Alston
Mr Thomas
Mr Archer, RID, FCO
Sir R Butler (via RID)
Mr Appleyard, Cabinet Office (via RID)
Mr Broomfield, FCO (via RID)
Mr Blatherwick, FCO (via RID)

DHM
Mr Fergusson
Mr Whitting

c- M. Wall (No10)

VALEDICTORY CALL ON THE TAOISEACH

1. I paid my farewell call on Mr Charles Haughey on 24 July. We were alone. The immediate operational point is that he told us to ignore the "message" conveyed to the Prime Minister by Mr Mulroney (paragraph 7 below).

Bilateral

2. I suggested that our bilateral relations were in rather good shape. There was a steady flow of consultation between Ministers and senior officials, both East-West and North-South. Mr Michael Jack was in Dublin today for consultation with the Minister for Social Welfare. Mr Michael Jay had discussed Community affairs with Mr Ted Barrington last week. Cultural and educational exchanges were flourishing under the impact of the British Council's new office in Dublin. Commercial relations were thriving and there were fewer hang-ups than before. We were learning to co-operate in the European Community. I had been struck by the stress which Mr Collins had laid (my minute of 29 July) that we should be constantly alert to identify areas where we could work together to defend similar positions even if we did so for divergent reasons. Mr Haughey agreed that relations were excellent. He also endorsed what Mr Collins had said about co-operation on EC matters wherever possible. He welcomed the change of tone and style in British policy in the Community: Mr Major was a fully-participating partner

in a way that his predecessor had never been. Mr Haughey valued his relationship with the Prime Minister. I said that Mr Major sent his greetings and looked forward to their summit in the autumn. He had instructed us to prepare for it through the Diner with scrupulous care.

Political Development

3. This led to an extended discussion of Northern Ireland. The Taoiseach despaired of progress through the Brooke Talks so long as Mr Molyneaux and Dr Paisley led their parties. Mr Molyneaux was content with the status quo and Dr Paisley discredited himself by his antics - eg his ranting outside Iveagh House while the InterGovernmental Conference was meeting there on 16 July. He hoped to try another way in his consultations with the Prime Minister.

4. I recalled his swift endorsement of the proposals in Mr Brooke's statement to the House of Commons on 26 March. It was much too early to despair of this approach. He and I had shared the hope then that this might be a historic beginning. All the procedural questions discussed for 7 weeks had been resolved by agreement and, although they would have to be revisited in any new talks, there would be no need to re-invent the wheel. In 10 days of substantive dialogue the party leaders had been responding to each other's concerns for the first time for 16 years and had each recognised the possibility that negotiations could lead to an improvement on the status quo. Dr Paisley's contributions had been "littered with olive twigs". There was the pressure of public opinion on the politicians as revealed in recent opinion polls. I left Dublin with a sense of hope. As Mr Brooke had told Mr Collins on 16 July, he intended to review the position in September with a view to launching fresh talks in the autumn if there were no British General Election. I urged that this process should be the first priority of both Governments. The Unionists could not be bombed or bullied into a settlement and would not be betrayed into one. But the path to conciliation and negotiation was open. This was not the same thing as a "Unionist veto" in the sense that the Unionist position would be protected by the British Government. HMG had no economic or strategic interest in Northern Ireland but had an absolute determination to protect the principle of consent enshrined in Article 1 of the Anglo-Irish Agreement to which both Governments were committed. This dialogue of free men was the only way which could deliver progress towards North-South reconciliation and new institutional structures.

5. The Taoiseach listened in gloomy silence. He said that the British Government consistently under-estimated the strength of its

position. If we would not impose a settlement on the Unionists, then Unionist intransigence would prevent any settlement at all. The settlement of 1920 had been imposed and had lasted for 70 years. I said that the settlement of 1920 had been a rough and ready response to overwhelming public opinion on both sides of the border. It had run with the grain. If we now sought to dragoon the Unionists into a settlement which they rejected, it would be a recipe for disaster. Mr Haughey said that he understood this view. There was no question of "dragooning". He agreed that we should proceed as far as possible by negotiation. Ultimately, however, the two sovereign Governments must be prepared to impose a settlement. I said that this was a point of potentially severe divergence between the two Governments which we should work to reconcile.

6. Mr Haughey endorsed this last thought. He attached importance to the meetings of the Diner in preparation for the autumn summit. We should exchange views on the elements which might be included in an eventual settlement. I said that we would look forward to doing this provided it was understood that they would have to be negotiated. I asked what political structures he had in mind. He said that he had not the slightest idea. I commented that neither had we. We were seeking to identify - and then to enlarge - common ground between the parties.

7. The Taoiseach said suddenly that the Canadian Prime Minister had paid a useful visit to Ireland. He had suddenly "tripped over his Irish roots". I said that we had been concerned and puzzled by what Mr Mulroney had presented as a message from the Taoiseach. We did not believe that the IRA was on the point of collapse... Mr Haughey interrupted. We should "forget it". If there were a message it was devised by Mr Mulroney and not by him. The Canadian Prime Minister had been so eager to play a helpful role that Mr Haughey had not had the heart to discourage him. But we should not pay the slightest attention to anything which he might have said to Mr Major. If the Taoiseach had something to say to the Prime Minister, he would say it direct.

8. Somewhat contradictorily, Mr Haughey went on to speculate about a possible role for the old Commonwealth. I said that this was ahead of the game. Any suggestion of a Commonwealth monitoring role... Mr Haughey interrupted again. Not soldiers but politicians. He did not want to press the point but he could imagine circumstances in which Mr Bob Hawke and Mr Brian Mulroney could play a useful political role, perhaps engaging the Unionist leaders in dialogue on their own behalf. He saw the white Commonwealth as "a potential resource which we should bear in mind". They should be acceptable to the Unionists without being resented by the Nationalists. I responded that it was perhaps some

such process as had led us to Sir Ninian Stephen; but I thought that any substantive dialogue should be conducted direct.

Security Co-operation

9. Mr Haughey said that cross-border security co-operation was very good. I agreed that it was much improved and thanked him for the degree of operational co-operation which had been developed. It would be naive, however, not to acknowledge that there were still political constraints, eg on military communications, on surveillance, on sharing intelligence and (recent example) allowing CATO to examine the Raphoe bomb. Mr Haughey retorted (as had Mr Burke) that some political constraint was inevitable so long as the problem persisted. I said that it was nevertheless sad that we could not look to our Irish friends for the kind of elementary co-operation which we would count on from any other Community partner. Mr Haughey said that with no other Community partner did we share such history.

10. Extradition, the Taoiseach continued, remained a very sensitive subject. I agreed. It was sensitive on both sides. I hoped he had been told that the British Attorney-General had been absolutely clear that speciality must be honoured over Ellis. Mr Haughey assented: he had followed the case closely. But there was now a long delay. I said that the law was like that in both jurisdictions. We for our part waited with close attention the outcome of the appeal of Sloan, McKee and Magee: if they went wrong we would look to him to honour his undertaking to review the Irish legislation. Mr Haughey nodded silently.

Ireland Internal

11. I said that I respected his management of the Irish economy and sympathised over his present dilemma. Would he be able to meet his debt/GNP target and at the same time preserve the programme for economic and social progress? He said, "We've got to". And was I right in assuming that the review of the Programme for Government was condemned to success? Mr Haughey said "Yes". He did not like coalition government but was determined to make it work and this one would run its course. He and Mr O'Malley understood each other well. When the time came, he would try one last time to lead his party to an overall majority. If he failed, Ireland would probably be condemned to coalition governments for the indefinite future. He shook his head sadly over the infidelity of the Irish people.

Vale

12. I commended Mr Blatherwick, who had served in Dublin in the

early 1970s and in Belfast in the early 1980s and was very keen to come back. Mr Haughey said he would look forward to seeing him.

13. He wished me well in generous terms and consulted me as I left about the design of the new marina in the harbour at Dingle in County Kerry.

Nicholas Fenn

CONFIDENTIAL

SUBJECT MASTER

Filed on:

10 DOWNING STREET
LONDON SW1A 2AA

From the Private Secretary

29 July 1991

Dear Tony,

NORTHERN IRELAND:
CALL FROM PRIME MINISTER MULRONEY

The Canadian Prime Minister telephoned the Prime Minister yesterday afternoon.

After expressing warm thanks for the conduct of the London Economic Summit, Mr. Mulroney said that he had had a telephone call from Mr. Haughey on 27 July couched in veiled terms but wondering if Mr. Mulroney had conveyed Mr. Haughey's message to the Prime Minister (see my letter of 14 July). Mr. Mulroney replied that he had indeed conveyed the message. Mr. Haughey clearly believed that there was something of great significance in what he had said to Mr. Mulroney and he wanted to be sure that he (Mulroney) had fully appreciated the significance. Mr. Mulroney had told Mr. Haughey that the Prime Minister's reaction to the message had indicated that some of it was not new but some of it was new. Mr. Mulroney thought Mr. Haughey was genuine in his approach.

The Prime Minister said this was a difficult issue to discuss over the telephone. Both he and Mr. Haughey wished to make progress and he would be in touch with Mr. Haughey.

I am copying this letter to Richard Gozney (Foreign and Commonwealth Office) and Sonia Phippard (Cabinet Office).

Yours,
Stephen

(J.S. WALL)

Tony Pawson, Esq.,
Northern Ireland Office.

CONFIDENTIAL

CONFIDENTIAL

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(c: Foreign Anglo)

10 DOWNING STREET
LONDON SW1A 2AA

bc: PC

From the Private Secretary

SIR ROBIN BUTLER

ANGLO/IRISH TALKS

Thank you for your minute of 18 July attaching the speaking note you propose to use in your talks with Mr Nally.

The Prime Minister agrees with the line you propose to take.

I am copying this minute to Tony Pawson (Northern Ireland Office) and to Richard Gozney (Foreign and Commonwealth Office).

J. S. WALL
22 July 1991

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10 DOWNING STREET
LONDON SW1A 2AA

From the Private Secretary

22 July 1991

FOLLOW-UP TO TALKS WITH MR. HAUGHEY

I have written separately to Sir Robin Butler about his proposed speaking note for his talk with Dermot Nally this week.

The Prime Minister has also seen your letter of 17 July and agrees with Mr. Brooke's advice.

I am copying this letter Richard Gozney (Foreign and Commonwealth Office) and Sonia Phippard (Cabinet Office).

(J.S. WALL)

Tony Pawson, Esq.,
Northern Ireland Office.

CONFIDENTIAL

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S. Nota
Ed.

10 DOWNING STREET

Prime Minister

You need only read Robin Butler's speaking note for his next round of talks with the Irish next week. I think the line is right. But we should give the Irish side a hearing in case there's anything in their proposals which we could use.

Stephen 17

Ref. A091/1789

MR WALL

Anglo-Irish Talks

The Prime Minister has asked to be consulted before the next meeting takes place on the follow-up to his discussions with Mr Haughey in London and at Luxembourg.

Irish Objectives

2. Mr Haughey's main aim in proposing an in-depth review of the totality of the Anglo-Irish relationship is to place the burden of achieving a long-term improvement in relations between the communities North and South of the border upon the two Governments. This would give him a leading role in the exercise, leave the most politically difficult element (bringing along the Unionists) to us to deliver, take the pressure off the Irish Government to do some fresh thinking about its own role, and divert us from the essential task of building up a process of reconciliation from the bottom up on the basis of realism and confidence. He no doubt is modelling his approach on the arrangements which led up to the Anglo-Irish Agreement, i.e. talks between very small teams of officials led by the Cabinet Secretaries on each side. In practice, the Irish Government appears to have no precise ideas on the institutional and political measures which their strategy would entail or how this would fit in with the current series of talks, but we cannot be absolutely sure that Mr Nally will not come up with some proposals.

Our Objectives

3. There are obvious dangers in this approach for us. We must get away from the idea of a Working Group or a formal review of

Anglo-Irish relations. We could not rely on any such arrangement remaining secret and any suggestion that we were working secretly with the Irish Government on ambitious long-term plans designed to bring about fundamental changes would immediately rekindle all the suspicions of the Unionists (including rank and file), would put at risk the progress being made on normalisation in Northern Ireland, and would effectively scupper any chances of launching fresh talks in the autumn - or for a long time to come. Bearing in mind the success of Mr Brooke's efforts in patiently constructing confidence through dialogue with the parties themselves, this would be seen as a catastrophic own goal. On the other hand, we have an interest in encouraging the Irish Government to play a constructive role in bringing the parties back to the conference table and thereafter, and we have a wider interest in solid relations with the Taoiseach in the context of the IGCs and the fight against terrorism. So the stakes are high and we will have to strike a sensible balance.

Handling

4. Fortunately we have the machinery of the Anglo-Irish Diner already in place. So far the existence of the Diner has not been leaked. But if word got out about the dialogue (and the Irish might see advantage at some point in leaking) we could truthfully deny that any special machinery had been set up: the Diner has been going on for some years. The Diner has a suitably informal framework which gets away from the idea of a formal set of talks. The Irish have now proposed that the Diner should be cut back to three people a side, thus effectively converting it into Mr Haughey's group. We are sticking to the existing format but, to meet Mr Haughey's wishes, I have agreed with Dermot Nally that he and I will have an hour's private discussion before the next Diner. If he insists that this discussion should be expanded, rather than create a new mechanism I would suggest we take the discussion into the Diner.

Substance

--- 5. I attach a draft of the Speaking Note which I would propose to use with Dermot Nally. As you will see, it picks up the points mentioned by Mr Haughey so that Nally can report that we are taking his ideas seriously. At the same time, it puts the onus for developing the Taoiseach's (deliberately) vague generalisations on Nally and makes the essential points for us politely but firmly.

6. The note confirms:

a. our commitment to see Mr Haughey again in the autumn but without at this stage proposing a date. It would be desirable to take account of the timetable for any renewed talks on political development when agreeing a firm date;

b. that the Prime Minister did not think we could take forward talks about involving Sinn Fein. Since the point is so sensitive for the Unionists our position is confirmed in the body of the Speaking Note.

7. Mr Brooke believes that the Taoiseach was far too sanguine on 21 June about security co-operation. The speaking note brings out that the Prime Minister will want to talk to the Taoiseach again on the subject.

8. In mentioning unity, federalism and joint sovereignty as the options for a solution to the Northern Ireland problem, Mr Haughey was alluding to the new Ireland Forum Report Recommendations of 1984. The Forum met without the Unionists. Some of its analysis was valuable. But the three recommendations cited by Mr Haughey were categorically rejected by the British Government at the time. If the point comes up again it would be desirable to remind the Irish that the starting point must be the principle of the consent of the people of

Northern Ireland embodied in Article 1 of the Anglo-Irish Agreement, to which, of course, the Irish are just as much parties as we are. (The recent account Mr Mulroney provided of Mr Haughey's thinking reinforces the need to get this point over to the Irish side.)

9. My minute and the Note have been cleared with the Northern Ireland Secretary and the Foreign Secretary. I am sending copies of it to Mr Chilcot (NIO) and Mr Broomfield (FCO).

R.B.

ROBIN BUTLER

18 July 1991

Speaking Note

The Prime Minister has asked me to discuss with you the important issues affecting the totality of the Anglo-Irish relationship raised by the Taoiseach in his discussions with the Prime Minister in London and Luxembourg. We may want to continue the discussion at the Diner itself. I think this is the right format and people. If there is any leak both sides can say with complete truth that no new mechanism has been set up.

2. The Prime Minister shares the Taoiseach's objective of a long term lasting settlement for the island of Ireland and a normal co-operative relationship between our two Governments. He believes, as does the Taoiseach, that the talks process is a historic opportunity which we have to grasp. He agrees that we should explore the long-term issues mentioned by the Taoiseach, and looks forward to taking up the discussion freely and privately with the Taoiseach in the Autumn. We can fix the dates nearer the time when we have a clearer picture of the way forward on the prospects and arrangements for fresh talks.

3. It would be helpful if you could begin by setting out in more detail the considerations underlying the Taoiseach's approach. It would be particularly useful if you could give us more insight into the precise institutional, political and legal changes which the Taoiseach is seeking and how these can be harmonised with the current round of talks and the Anglo-Irish Agreement. [Nally to respond]

4. For our own part the Prime Minister believes that the first priority of the British Government for the period between now and the Autumn should be to promote agreement

by all the participants on a basis for fresh talks. He was encouraged by his conversations with the Taoiseach to believe that the Irish Government takes a similar view and agrees with Mr Haughey that we have an opportunity which may not come again. We must be careful to do nothing to derail the process. We think there is a reasonable chance of bringing the internal parties to agree to a further round of discussions in the Autumn after further bilateral exchanges.

5. The Prime Minister believes that the two Governments have a vital role to play in influencing public opinion in a way which keeps up the momentum for fresh talks, and in helping the parties in the Autumn to agree the necessary terms. He is conscious that the close relationship between the Irish Government and the SDLP will be an important factor in helping to move the process forward.

6. But dealing with the Unionists will not be easy for us or for you. What they will be prepared to accept will depend on the sort of relationship that develops between them and Dublin in Strand II and what we go on to agree in Strand III, using the talks nomenclature. Both Governments can help the process by working for better relationships with all the parties. But the key to ultimate success will be reaching agreement with the internal parties. Attempts to impose our ideas from the top down will not work. Hence the step by step approach we adopted. But it has to be from the bottom up.

7. We cannot deliver the Unionists to any settlement. They are free agents and are no more under our control than they are under yours. But there can be no solution without the consent of the Unionists. The essential point for you

to take away is that unless the Irish Government is prepared to undertake a serious effort to build up the confidence of the Unionists we will never get anywhere. Though we have a common interest there, we cannot do that for you. Therein lies the importance of a North-South component. We agree that, as Mr Haughey has said, we need to keep in close touch about how we handle this Strand.

8. Mr Haughey has spoken about his worry that nothing would emerge from Strand I and II of the talks. The Prime Minister understands his concern, but believes that we must be patient. We think that a good start was made once discussions entered the plenary stage on 17 June. We had identified various common themes. Building on this platform is the best hope for the accommodation that Mr Haughey had spoken of.

9. It is difficult to say with any certainty now what the long term changes arising out of talks on political development would be. We are looking in Northern Ireland for new institutions, greater reconciliation and an end to discrimination. The outcome of the so-called Strands II and III will lay the basis for the future relationship between North and South. The Prime Minister has not ruled out any solution but it would be a mistake to try to impose one now. It would have to come organically with the consent of the main parties. The Prime Minister believes it important that the two Governments maintain their commitment to the principle embodied in Article 1 of the Anglo-Irish Agreement: namely that Northern Ireland's status as part of the United Kingdom should be changed only if a majority of people there consent to that.

10. The Prime Minister was grateful that the Taoiseach in Luxembourg had readily accepted that there was no scope for bringing Sinn Fein into the political dialogue at the present time. Mr Brooke has made it clear that an end to armed activity (and not just a ceasefire) would be a necessary (but not sufficient) precondition before involving Sinn Fein could be contemplated. This is a subject which arouses the most intense suspicions on the part of the Unionists. The slightest hint of any departure from the public position of the two Governments on this most sensitive question would scupper the chances of any talks.

11. When we go into the Diner we might have a word about the main points for discussion at the next bilateral between the Taoiseach and the Prime Minister. The Prime Minister will want to cover a wide range of aspects of the relationship but this is bound to include security co-operation, where there are continuing concerns. We would expect the discussion to cover the principal items on the Community agenda in the run-up to the IGCs, where we have some real interests in common. The Prime Minister will also want to have an exchange on the main international issues at the time (e.g. Iraq, Yugoslavia, Soviet Union, Southern Africa) as well as the follow-up to the Economic Summit.

12. [In conclusion] This was a useful exchange of ideas of the long term future of Anglo-Irish relations. We can report the outcome to our two Prime Ministers who will want to take up the dialogue themselves. I suggest we fix the next round of the Diner on the same basis so that we maintain the confidentiality of the exchanges. Next time we might have a word about the European dimension which will be a crucial element.

From: THE PRIVATE SECRETARY

CONFIDENTIAL

NORTHERN IRELAND OFFICE
WHITEHALL
LONDON SW1A 2AZ

Content

Prime Minister (1)

Stephen Wall Esq
10 Downing Street

I suspect this analysis is right. The response suggested in para 4 must also be right if the Irish raise the point or hint at it. If the Irish do not themselves raise the point I don't think our officials should refer to your talks with Mr Mulroney.

17 July 1991

Dear Stephen,

FOLLOW-UP TO TALKS WITH MR HAUGHEY

Thank you for your letter of 14 July about Mr Mulroney's account of Mr Haughey's views on the future in respect of Northern Ireland, which he clearly wished to signal to the Prime Minister through Mr Mulroney.

2. On the IRA, our own evidence, and indeed experience, is that, as the Prime Minister explained to Mr Mulroney, Mr Haughey's assessment that the IRA could be brought to disband if Mr Haughey were to meet them and to re-affirm the commitment of the Irish Republic to its constitutional claim to Northern Ireland is much too sanguine. My Secretary of State takes the view that while this report may represent a genuine (if, in our view, mistaken) assessment of the present state of the IRA, it could also be seen as a signal that those, within the Irish Republic as well as in the United Kingdom, who are looking to the Irish Government in any future political talks to encourage the abandonment of Articles 2 and 3 of the Constitution are likely to be disappointed. In short, Mr Haughey may have found what he calculates we will find an appealing reason for his maintaining the Irish constitutional claim to Northern Ireland. If we could

They can register the unchanged nature of our policy without doing so.

CONFIDENTIAL

Stephen, 17/7

be brought to see this issue in the same way as him it would help to alleviate what may become a difficult internal political dilemma for Mr Haughey and Fianna Fail, as the Opposition parties look for some gesture on this issue to facilitate political progress in Northern Ireland while Fianna Fail grass roots opinion remains against such a "concession".

2. My Secretary of State views with great concern Mr Haughey's flirtation with the idea that Northern Ireland can be 'internationalised' and that British troops can be replaced by a multi-national force drawn from the old Commonwealth. This appears to stem from a fundamental misunderstanding about the views of the people of Northern Ireland, and about the British government's own approach to the constitutional position. Our own starting point must be our commitment to the proposition that Northern Ireland is a part of the United Kingdom and will remain so while that is the wish of the majority of the people who live there, which it seems likely to be for the forseeable future. This position, together with out commitment to facilitate the establishment of a united Ireland if and when that became the wish of the majority of people in Northern Ireland, is of course incorporated in Article 1 of the Anglo-Irish Agreement (as well as in domestic law) which constitutes an international obligation for both countries.

3. My Secretary of State is concerned that Mr Haughey's signal, if it has not been muddled in transmission, appears to represent a dangerous misunderstanding on the part of the highest level of the Irish government both about what is politically possible and about the British government's own response. Accordingly my Secretary of State suggests that, while no direct reply appears

to be called for either to the Canadian Prime Minister or the Taoiseach, all those in contact with the Irish government on these issues should be at pains to explain the commitment of the British government to all the elements of Article 1 of the Anglo-Irish Agreement, and to our expectation that the Irish government will approach issues from the same starting point.

4. My Secretary of State believes that, following the meeting of the Anglo-Irish IGC this week, the first significant occasion when the Irish side may be looking for some direct or indirect response to this signal will be the Diner next week. He believes that it is important, accordingly, that officials attending that occasion should firmly register the British position on this.

5. I am sending a copy of this to Richard Gozney (FCO) and to Sonia Phippard (Cabinet Office).

Yours ever,
Tony

A J D PAWSON

IRELAND Meeting with Taoiseach. PT 21

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ANGLO-IRISH INTER-GOVERNMENTAL CONFERENCE: 16 JULY: IRISH MEDIA REACTIONS

SUMMARY

1. REAFFIRMATION OF THE ANGLO-IRISH AGREEMENT WELCOMED IN IRISH PAPERS. THE TWO GOVERNMENTS' COMMITMENT TO POLITICAL TALKS ON NORTHERN IRELAND WIDELY NOTED. DR PAISLEY'S DEMONSTRATION COVERED EXTENSIVELY, DRAWING CRITICAL COMMENT.

DETAIL

2. YESTERDAY'S MEETING OF THE IGC IS SEEN IN IRISH NEWSPAPERS AS A REAFFIRMATION OF THE ANGLO-IRISH AGREEMENT FOLLOWING THE ''GAP'' IN CONFERENCES TO ALLOW FOR POLITICAL TALKS. THE IRISH TIMES NOTES IN AN EDITORIAL: ''THE IRISH AND BRITISH GOVERNMENTS HAVE MADE THEIR POINT. THE INTER-GOVERNMENTAL CONFERENCE HAS MET AS PLANNED. FOR THE PARTNERSHIP WHICH CAME INTO BEING AT HILLSBOROUGH IN NOVEMBER 1985 IT WAS BUSINESS AS USUAL YESTERDAY IN THE FAMILIAR FRAMEWORK OF THE ANGLO-IRISH AGREEMENT.'' ACCORDING TO THE IRISH INDEPENDENT: ''BY HOLDING THE CONFERENCE YESTERDAY BOTH SIDES HAVE MADE IT ABUNDANTLY CLEAR TO THE UNIONISTS THAT THEY WILL HAVE TO RECOGNISE THE REALITY OF THE ANGLO-IRISH AGREEMENT AND ITS PLACE IN SHAPING RELATIONS, UNTIL A NEW AGREEMENT COMES ALONG''.

3. THE IRISH TIMES EDITORIAL SAYS THAT MR COLLINS AND MR BROOKE ''WERE TENTATIVELY OPTIMISTIC ABOUT THE PROSPECT OF FRESH INTERPARTY DISCUSSIONS. EVEN DR PAISLEY WAS PREPARED TO TALK ABOUT THE CONDITIONS UNDER WHICH THE NORTHERN PARTIES MIGHT BEGIN AGAIN TO DISCUSS HOW NEGOTIATIONS SHOULD PROCEED''. ACCORDING TO THE IRISH PRESS, ''YESTERDAY'S ANGLO-IRISH MEETING ONLY CONFIRMED THE COMMITMENT OF BOTH SIDES TO TRY AND GET POLITICAL TALKS ON THE NORTH GOING AGAIN. AS A RECENT OPINION POLL REVEALED, THERE IS MASSIVE PUBLIC SUPPORT FOR SUCH TALKS AND THE GROUNDWORK FOR THE NEXT ATTEMPT SHOULD BEGIN NOW''.

4. DR PAISLEY'S PROTEST IN DUBLIN ATTRACTED EXTENSIVE PICTURE COVERAGE IN THE PRESS AND ON TELEVISION. REPORTS OF HIS PHYSICAL PRESENCE IN DUBLIN, THE HIGH PROFILE POLICE OPERATION FOR HIS CONTROL AND PROTECTION, AND THE UNDIGNIFIED PRESS CRUSH AROUND HIM GOT MORE ATTENTION THAN THE POLITICAL MESSAGE WHICH WAS THE PURPOSE OF HIS DEMONSTRATION. NONETHELESS, HE IS ROUNDLY CRITICISED IN EDITORIALS IN ALL THREE DUBLIN PAPERS.

(I) ''DR PAISLEY'S UNINVITED PRESENCE IN DUBLIN WILL DO NOTHING TO SERVE ANYONE'S AGENDA BUT HIS OWN... SOONER OR LATER UNIONISTS WILL HAVE TO RECOGNISE THAT THEIR RESISTANCE TO CHANGE IS COUNTER-PRODUCTIVE'' (IRISH INDEPENDENT).

(II) THE IRISH PRESS SAYS THAT HIS PROTEST ONLY PROVES THAT HE CAN COME TO DUBLIN WHEN IT SUITS HIM. ''HE CLAIMED THAT HE HAD COME TO EXPRESS THE WISH OF ''THE NORTHERN IRISH PEOPLE'' THAT DUBLIN STAY OUT OF ITS AFFAIRS. MORE THAN ANYTHING ELSE, DR PAISLEY'S EQUATION OF UNIONIST ASPIRATIONS WITH THOSE OF THE ''NORTHERN IRISH PEOPLE'' AND HIS DELIBERATE EXCLUSION OF THE VIEWS OF THE NATIONALIST POPULATION EPITOMISES THE PROBLEM''.

5. THE CHAIRMAN OF FIANNA FAIL'S PARLIAMENTARY PARTY, JIM TUNNEY, IS REPORTED THIS MORNING AS SAYING THAT HE REJECTED DR PAISLEY'S DEMAND THAT THE OPERATION OF THE AGREEMENT WOULD HAVE TO BE SUSPENDED FOR THE WHOLE OF THE PERIOD OF FUTURE TALKS. THE AGREEMENT WAS AN INTERNATIONAL TREATY WHICH BOTH GOVERNMENTS HAD DECLARED COULD NOT BE ENDED EXCEPT BY AN AGREED REPLACEMENT.

COMMENT

6. IRISH GOVERNMENT BRIEFING IS REFLECTED IN THE UNIVERSAL LINE THAT THE AGREEMENT IS BACK IN BUSINESS, AND THAT THE UNIONISTS SHOULD FACE UP TO THE FACT THAT IT WILL NOT BE DISLODGED UNTIL SOMETHING BETTER IS PUT IN ITS PLACE. MEDIA REPORTS ALSO REFER TO THE ''COLLAPSE'' OR ''FAILURE'' OF THE BROOKE INITIATIVE, AND THERE IS SPECULATION THAT FRESH TALKS WILL NOT BEGIN IN ADVANCE OF A BRITISH GENERAL ELECTION. THE CONSTRUCTIVE LINE TAKEN BY MR BROOKE AND MR COLLINS WILL DO SOMETHING TO RESTORE THE BALANCE.

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ADDITIONAL 54

NORTHERN IRELAND

NNNN

SUBJECT
MASTER
MEETING RECORD
Filed on:

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10 DOWNING STREET
LONDON SW1A 2AA

From the Private Secretary

14 July 1991

Dear Tony,

FOLLOW-UP TO TALKS WITH MR HAUGHEY

Thank you for your letter of 11 July. I did not show it to the Prime Minister, who has been occupied with G7 issues. I was about to write back to you saying that the course of action you outlined looked fine to me, but the visit of the Canadian Prime Minister this morning has shone some new light on Irish intentions.

At the start of their meeting this morning, Mr Mulroney asked to see the Prime Minister alone. What follows is the account which the Prime Minister gave me after the call.

Mr Mulroney had just been in Ireland and Mr Haughey had travelled all round with him. Mr Mulroney felt that he had got to know Mr Haughey well. Mr Haughey had talked about Northern Ireland in a very confidential way, and had asked Mr Mulroney rather pressingly to pass a message to the Prime Minister as follows.

Mr Haughey said the IRA was basically finished as a force and completely marginalised. This was a fact known to the security forces on both sides of the border. If there were a meeting between Mr Haughey and the IRA (which there would not be) the IRA would ask Mr Haughey whether the Republic of Ireland maintained its constitutional position in respect of the North. If Mr Haughey said 'yes', that would be sufficient for the IRA to disband.

Mr Haughey thought that talks in Northern Ireland would be resumed. He also said that a security presence must be maintained in the North. We were on the threshold of a unique opportunity for peace, the key to which was John Major. Mr Mulroney said he had commented that it would not be possible to ask the United Kingdom to pull out of Northern Ireland: British troops had gone in to protect Catholics in the first place. Mr Haughey had said that Britain and British troops must remain until he and the Prime Minister had found a solution for Northern Ireland. Even then, security forces would remain. Mr Haughey envisaged a peace-keeping force, perhaps drawn from Australia, New Zealand and Canada - all members of the Commonwealth, all loyal to the Crown, and all

composed of a mixture of Catholics and Protestants in equal numbers. There would be no integration, but Mr Haughey believed that real progress could be made on this basis. Mr Mulroney had asked what 'no integration' meant, and Mr Haughey had replied that it meant Northern Ireland would not be absorbed into the Republic.

Mr Mulroney commented that he thought Mr Haughey was committed to a solution and believed that circumstances in the island of Ireland and relations between the two Governments offered a better prospect than ever before.

Mr Mulroney had also seen Mr Lenihan and had talked to him about the IRA without any reference to his separate conversation with Mr Haughey. Mr Lenihan had said that the IRA were now reduced to thugs and rabble-rousers. He had also said that there would be a blood-bath if UK forces were removed from Northern Ireland.

Comment

The Prime Minister thinks we may need to aim off for possible errors in transmission, ie that Mr Mulroney may not have reflected precisely what Mr Haughey said. The Prime Minister thought it better not to comment in substance to Mr Mulroney because he did not want his remarks played back to Mr Haughey. He did, however, tell Mr Mulroney that he thought Mr Haughey's assessment of the state of the IRA was too sanguine.

The Prime Minister would welcome Mr Brooke's comments, but he does not think we could internationalise the issue in the way proposed. It would be very controversial in Great Britain, let alone Northern Ireland. The countries nominated by Mr Haughey to provide security forces for Northern Ireland might not be too keen either.

I am copying this letter to Richard Gozney (Foreign and Commonwealth Office) and to Sonia Phippard (Cabinet Office).

Yours,

Stephen

J S WALL

Tony Pawson Esq
Northern Ireland Office

CONFIDENTIAL

From: THE PRIVATE SECRETARY

NORTHERN IRELAND OFFICE
WHITEHALL
LONDON SW1A 2AZ

Stephen Wall Esq
10 Downing Street

11 July 1991

Dear Stephen,

FOLLOW-UP TO TALKS WITH MR HAUGHEY ON 21 AND 29 JUNE 1991

Thank you for your letter of 5 July. - copy attached As you know, my Secretary of State is due to meet the Irish Foreign Minister, Mr Gerry Collins, on 16 July in Dublin for the next meeting of the Anglo-Irish Intergovernmental Conference. This letter reports, in advance of that, on our plans for handling with the Irish the preparation for the bi-lateral between the Prime Minister and the Taoiseach in the Autumn, and on the line which my Secretary of State proposes to take with Mr Collins at the Conference.

In your letter of 21 June to Christopher Prentice you asked for advice on Mr Haughey's ideas about asking officials to do preparatory work for an in-depth review of the whole of the Anglo-Irish relationship at a further bi-lateral in the Autumn. Sir Robin Butler has discussed the issues with NIO and FCO officials, and is proposing to recommend to the Prime Minister that he (Sir Robin) should be authorised to pursue this question with Dermot Nally immediately before the next meeting of the

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Anglo-Irish Diner on 26 July by drawing on a prepared speaking note, which would have been cleared by the Prime Minister, on the advice of the Foreign Secretary and my Secretary of State.

The aim would be for Sir Robin to respond in a suitably positive way, while dealing firmly, along the lines indicated by the Prime Minister to Mr Haughey in London on 21 June and in Luxembourg on 29 June, with those aspects of the Taoiseach's thinking which might cause difficulties for further Northern Ireland talks. The speaking note would confirm the Prime Minister's preference, as agreed with Mr Haughey on 29 June, not to establish a new formal working group to take this forward, but rather that the Anglo-Irish Diner should provide the forum for preparing the ground for the Autumn bi-lateral.

We envisage that the speaking note might indicate that the timing of the Autumn bi-lateral would be reviewed after the summer break in the light of progress made in discussing with the political parties terms for fresh talks. (A meeting as early as September might come at the wrong time from this point of view.)

On substance, the speaking note might confirm that our first priority between now and the Autumn should be to secure a basis for the successful launch of further talks. It might also suggest that the Prime Minister's priorities for the Autumn bi-lateral will be

- to review the progress made with setting up fresh talks;

- to review privately what possible outcomes acceptable to all the participants the two governments might seek to facilitate (picking up the point at the end of the second paragraph of your letter of 5 July);

- to examine the scope for improved security co-operation;

- to look forward to EC and international topics.

The speaking note might also bring out the importance of keeping the Unionists on side if a comprehensive settlement is to be secured and confirm that (as Mr Haughey accepted on 29 June) it would be undesirable to discuss any possibility of involving Sinn Fein in the talks.

The response of the Irish Government to my Secretary of State's announcement of the conclusion of the 26 March talks on 3 July has for the most part been circumspect and helpful. At the IGC on 16 July my Secretary of State's objective will be to review with Mr Collins the ground rules set out in our statement of 26 March in the light of our subsequent experience of the talks themselves, and to put down some markers about the points which will need to be considered in developing a basis for fresh talks. My Secretary of State will explain to Mr Collins that he will need to make a judgement in the light of reactions to the IGC on 16 July and subsequent developments as to the timing of bi-lateral discussion with the Northern Ireland parties about this. Mr Brooke envisages that in the 16 July communique there would be no more than a brief reference to political development: anything more would be unhelpful with the Unionists.

We are not expecting substantive discussion on 16 July of preparation for the Autumn bi-lateral. But if Mr Collins raises the matter my Secretary of State proposes to confirm that we envisage that this would be taken forward by the Diner in the light of a discussion between Sir Robin Butler and Mr Nally immediately before it.

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I am copying this letter to Richard Gozney (Foreign and Commonwealth Office) and to Sonia Phippard (Cabinet Office).

Yours ever,

Tony

A J D PAWSON

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bcc PC

10 DOWNING STREET
LONDON SW1A 2AA

From the Private Secretary

5 July 1991

NORTHERN IRELAND

It may be helpful if I spell out the kind of issues which the Prime Minister will want to consider before the next meeting with the Irish in Nick's Diner, when the ideas which Mr. Haughey raised with the Prime Minister will be discussed.

The Prime Minister has already told Mr. Haughey that he does not think bringing Sinn Fein into the dialogue is a starter. He also said to Mr. Haughey in Luxembourg last Saturday that he did not want to do anything which cut across the inter-party talks. The fact that these have now stopped makes it more difficult to sustain the arguments that new thinking is not in order. Mr. Haughey's own approach was not in any case unhelpful, to the extent that he thought that airing all the options in private might enable him to take a more positive line in Strand II of the talks, as then envisaged.

I am sure the Prime Minister's thinking will be governed by the wish:

i. to do nothing which impedes the chances of bringing the Northern Ireland parties back to the conference table;

ii. to encourage the Irish Government to play a helpful part to that end; and

iii. to maintain the good relations with Mr. Haughey that will obviously be helpful to us in the EC context. I imagine that a good relationship will also be helpful in terms of Irish willingness to co-operate in the fight against terrorism.

Against that background, I think the Prime Minister will want to know, in good time before the next talks:

a. what we think the Irish are likely to ask for;

b. what our response should be, given the considerations outlined above.

I understand that these issues are unlikely to be raised substantively at the Inter-Governmental Conference, but it would be useful to know how Mr Brooke intends to handle it if Mr Collins raises it in the margins. Perhaps we should aim for a paper to come to the Prime Minister by Monday, 15 July, so that

MRP

he can consider it and, if necessary, respond in good time before the next Anglo-Irish meeting on 26 July.

I am copying this letter to Richard Gozney (Foreign and Commonwealth Office) and Sonia Phippard (Cabinet Office).

Yours,

Stephen

J.S. WALL

Tony Pawson, Esq.,
Northern Ireland Office

The National Archives

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CCPC

HOME SECRETARY

ELLIS

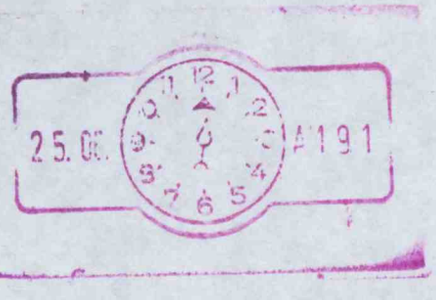
1. In my minute to you dated 13 June I explained how I intended to handle the aftermath of a possible decision by the Judge at the Central Criminal Court that the indictment should be quashed.

2. I am glad to say that the confidence which I also expressed in our case was not misplaced. The Judge heard extensive legal arguments and delivered his judgment on Thursday 20 June. He rejected the defence submissions, and took the same view of the legislation that the Irish Supreme Court had taken of the mirror legislation in the Republic. The trial will start on 1 October. It will not therefore be necessary for the Irish authorities to decide whether an extra-territorial prosecution is appropriate, and I have written to Mr Murray accordingly.

3. As I indicated to you in paragraph 9 of my earlier minute, we need to consider the implications of the Irish refusal of consent. I shall want to discuss Mr Murray's reasons with him in a month or two. I think they were spurious. I hope that officials will have looked at the question of legislation concerning speciality by the time I meet Mr Murray.

4. I have copied this minute to the Prime Minister, the Secretary of State for Foreign and Commonwealth Affairs, the Secretary of State for Northern Ireland and to Sir Robin Butler.

24 June 1991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MEETING BETWEEN THE TAOISEACH AND THE PRIME MINISTER

DOWNING STREET, 21 JUNE 1991

The Prime Minister and the Taoiseach exchanged views on current issues in the European Community including the progress to date in the Inter-Governmental Conferences on Economic and Monetary Union and Political Union and the issues likely to arise at the European Council in Luxembourg next week which they will both be attending.

They also discussed a range of other international issues and the Prime Minister spoke of his expectations for the G7 Summit of the main industrial nations which he will host in London next month.

The Taoiseach and the Prime Minister expressed their satisfaction that the round-table talks process, launched on 26 March, is now under way. They fully support this ambitious endeavour to achieve a new beginning for relationships within Northern Ireland, within the island of Ireland and between the peoples of these islands.

The Taoiseach and the Prime Minister are convinced that there is now an historic opportunity to achieve real progress. They believe that the talks have an inherent capacity to achieve a far-reaching outcome agreed by all the participants. They emphasised the commitment of the two Governments to ensure that the full potential of this process is realised.

They condemned the abhorrent and futile violence which has destroyed so many lives in Northern Ireland; they share an absolute conviction that violence can never provide a solution and that the only way forward is through political dialogue.

The Taoiseach and the Prime Minister agreed that they would meet again in the Autumn for a more indepth discussion.

Meeting Record

Subject a Master

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KW

10 DOWNING STREET

LONDON SW1A 2AA

From the Private Secretary

21 June 1991

Dear Christopher,

PRIME MINISTER'S TALKS WITH MR HAUGHEY
FRIDAY 21 JUNE 1991: NORTHERN IRELAND

I was grateful to you and Tony Pawson for the briefing provided for this evening's meeting between the Prime Minister and Mr Haughey. This letter covers the discussion on Northern Ireland. I am sending a separate letter covering discussions on the European Community. The list of those present is attached.

The Taoiseach and the Prime Minister had three quarters of an hour of private talks with Dermot Nally and myself present as note takers. The discussion started off on Community issues (see separate letter) but most of it was on Northern Ireland.

Mr Haughey said that we had an opportunity which would not come again if not grasped. We now had the first opportunity for many years to make progress and we must try and make it something substantial, positive and long term. If we simply left things to the tinkering of the political parties that would be a tragic loss. The two Governments must take control of the process firmly and try to steer it and guide it in a particular direction. Otherwise the effort could dissipate itself to the detriment of the constitutional process and the benefit of the men of violence. We should not do things publicly but should privately agree on long term objectives.

Mr Haughey said it would be a tremendous political achievement if we could make a long term, lasting settlement which would get the Northern Ireland issue off the agenda. There would be tremendous security benefits - especially in Britain. Security cost the Republic of Ireland 10 per cent of its GNP (the Prime Minister expressed surprise and Nally subsequently told me the statistic was not quite as simple as the Taoiseach made it sound). The international prestige of the two countries was at stake. Wherever Mr Haughey went people wanted to know when a settlement was going to be reached. If there was a settlement our two countries could have a normal cooperative relationship. It was extraordinary that in this day and age there could be two major terrorist attacks on the British Cabinet. He wanted to see an end to that disruption of political life.

KW

We had, Mr Haughey went on, to take matters by the scruff of the neck, gently but subversively. Maybe in the autumn we should set ourselves the objective of an in-depth review of the whole Anglo-Irish relationship - the totality of relationships - and see if we could formulate some long-term solution. Between now and then Dermot Nally and Sir Robin Butler could start work behind the scenes preparing an analysis of where we might go.

The Prime Minister said he was very anxious to make progress. The more he learned about the inter-weaving of suspicions and hostilities, the more he felt it was inevitable that progress would be step by step, cautious and slow. We had to carry both communities with us. Both needed to feel secure. We could not guarantee that the Unionists would go in our direction. Before very long we would know how the talks were progressing and what the end product might be. He was very happy to talk privately and freely with the Taoiseach. If, however, there was a group working in the background in parallel to Strand II he feared that would look as if we were stitching up a deal.

Mr Haughey agreed that that would be a danger if news of the group emerged but there was a good track record in this respect and we could ensure that that would not happen. It would not be a working group as such, just three or four people. One issue that they should examine was whether Sinn Fein should be brought into the process. There was a mood, even among the Provisionals, that they had to find an alternative to the armed struggle. If they began to feel that they could achieve political goals through political means we would get a cessation of violence. There was a definite mood in that camp of looking for a way out. Experts could consider whether there was feasible way of involving them, with a view to ending the violence. Maybe that would not be possible. The Prime Minister commented that the violence seemed to be accelerating on both sides, Green and Orange. There were a number of active service units operating at present. Mr Haughey said maybe they were trying to force our hand - to indicate that they could keep going forever. His worry was that <u>nothing</u> would emerge from Strand I or II. The parties were poles apart. Progress would not well up from nowhere. There were three options on Northern Ireland. One, a unitary state. This was Ireland's cherished dream but was not for the moment. The second was joint or shared security and the third was a federal solution. He would like to examine these and the European dimension. The Prime Minister acknowledged that the European dimension could be helpful over a period. Mr Haughey said Ireland could be quite accommodating with the northern communities in the EC context.

The Prime Minister again expressed doubts about whether we could carry the Unionists with us. Mr Haughey said that the Prime Minister did not know the strength of his position. The Unionists had nowhere else to go. The British Government was their only anchor. If they pushed too far and the present process broke up they would be in the cold for another twenty years. We should not attribute too much sophistication to them. He was not suggesting we be brutal but that was the reality. It

was notable that when Britain had put forward a final formula for the talks the parties had in practice accepted it.

The Prime Minister said that that was right up to a point but you could push matters into civil disorder - not to mention the Parliamentary problems we would anyway face here. He had given some thought as to what we might expect to see emerge from the talks - new institutions in Northern Ireland; greater reconciliation; an end to discrimination. It was not impossible to contemplate the emergence of a Council of Ireland. He wanted to improve people to people contacts between North and South. We could envisage an enhanced Anglo-Irish agreement. But if we went public on all these things, entrenched attitudes could prevent them happening. Was he right in thinking Mr Haughey believed we could go further? Not necessarily, said Mr Haughey. The real difference between the two of them was that he believed that nothing would emerge from the step by step approach unless the two governments pushed. For his own part, what position was he going to take in Strand II? Was he simply going to sit there and say there must be a unitary state? If the two Government's could agree on a general concept then he could manoeuvre in Strand II.

The Prime Minister wondered whether it would help create an agreement of the kind Mr Haughey envisaged if there was more cross border cooperation and more exchange of intelligence. These were things we might or might nor talk about publicly but they were the sort of thing that would build up confidence among the majorities north and south.

Mr Haughey found it very difficult to conceive what more could be done on the security front. Cooperation was superb. The Prime Minister was starting to sound like Mrs Thatcher (this was accompanied by a clear wink). Ireland had bitten on the bullet of extradition even though this had been politically damaging. His own party used to be iridescent green. We should not underestimate the political problems he had faced. When he had recently condemned the murder of three UDR men as an outrage he had received a flood of protest letters asking him how he could have described the death of UDR men, the agents of the imperial power, as an outrage. He could handle all that. The important thing was to cooperate at the operational level.

The Prime Minister said that he and the Taoiseach certainly could meet more regularly. If they did, that would get over the problem of meetings being seen as something special and therefore as objects of suspicion. He would reflect on Mr Haughey's ideas.

Immediately after the meeting Mr Nally gave me a draft communique. This included the final paragraph "The Taoiseach and the Prime Minister agreed that they would meet again in the autumn to conduct a comprehensive review of all aspects of Anglo-Irish relations". This was amended in subsequent discussion over dinner and the final version attached was agreed and issued to the press after the meeting.

Over dinner there was some further discussion of Northern Ireland issues and, in particular, the handling of the meeting of

the Inter-Governmental Conference on 16 July. Mr Haughey made it clear that he was not wedded to a meeting in Strand II before mid July and was quite flexible about what happened after 16 July. Mr Brooke asked what the Irish reaction would be if instead of saying that we had created a gap in the Anglo-Irish conference in which the present talks could take place we said, apropos the 16 July meeting, that we had created a gap in the talks for a meeting to take place. There was some discussion on this point and some uncertainty on the Irish side as to whether it was acceptable. Mr Haughey and Mr Collins said that the important thing was that at the meeting on 16 July the date for the next meeting of the Inter-Governmental Conference should be set. That should be the pattern. Each time a meeting was held, the date for the next one should be set. It was left that there would be further discussion between Mr Brooke and Mr Collins about the modalities and in particular the timing of the launch of Strand II. Mr Brooke thought it possible to have one meeting of Strand II after the 16 July meeting of the Inter-Governmental Conference and before the summer break.

When they spoke to the press in Downing Street after the meeting the Prime Minister confirmed that the Inter-Governmental Conference would go ahead on 16 July. Mr Haughey said that he was not wedded to the dates of 8/9 July for the first meeting of Strand II.

The Prime Minister also said publicly that he and the Taoiseach would meet in Dublin in the Autumn.

Follow-up

I should be grateful for advice on Mr Haughey's idea of a private meeting of officials to prepare the ground for the September meeting in Dublin. Mr Brooke's view, in private discussion with the Prime Minister after the meeting, was that we could not go down this route. But there may be a way, through the regular contacts which already take place at Sir Robin Butler's level, for Irish ideas to be considered. I do not think the Prime Minister will want to respond in a way which looks like a rebuff.

I am copying this letter and enclosures to Tony Pawson (Northern Ireland Office), Simon Webb (Ministry of Defence), Colin Walters (Home Office) and Sonia Phippard (Cabinet Office).

Yours,

J S WALL

Christopher Prentice Esq
Foreign and Commonwealth Office

MEETING BETWEEN THE TAOISEACH AND THE PRIME MINISTER
DOWNING STREET, 21 JUNE 1991

The Prime Minister and the Taoiseach exchanged views on current issues in the European Community including the progress to date in the Inter-Governmental Conferences on Economic and Monetary Union and Political Union and the issues likely to arise at the European Council in Luxembourg next week which they will both be attending.

They also discussed a range of other international issues and the Prime Minister spoke of his expectations for the G7 Summit of the main industrial nations which he will host in London next month.

The Taoiseach and the Prime Minister expressed their satisfaction that the round-table talks process, launched on 26 March, is now under way. They fully support this ambitious endeavour to achieve a new beginning for relationships within Northern Ireland, within the island of Ireland and between the peoples of these islands.

The Taoiseach and the Prime Minister are convinced that there is now an historic opportunity to achieve real progress. They believe that the talks have an inherent capacity to achieve a far-reaching outcome agreed by all the participants. They emphasised the commitment of the two Governments to ensure that the full potential of this process is realised.

They condemned the abhorrent and futile violence which has destroyed so many lives in Northern Ireland; they share an absolute conviction that violence can never provide a solution and that the only way forward is through political dialogue.

The Taoiseach and the Prime Minister agreed that they would meet again in the Autumn for a more indepth discussion.

REVISED

LIST OF GUESTS ATTENDING THE DINNER TO BE GIVEN BY THE PRIME MINISTER IN HONOUR OF AN TAOISEACH MR CHARLES J. HAUGHEY, TD ON FRIDAY 21 JUNE 1991 AT 7.30 PM INFORMAL

DINNER TO BE SERVED AT 2015/2030

The Prime Minister	
Mr Charles J. Haughey, TD	
Mr Gerald Collins, TD	Foreign Minister
Mr Dermot Nally	Secretary to the Government
Mr Noel Dorr	Secretary to the Department of Foreign Affairs
Mr Dermot Gallagher	Head of Anglo/Irish Division Department of Foreign Affairs
Rt Hon Peter Brooke, MP	
Mr Tristan Garel-Jones, MP	
Sir Robin Butler	
Mr Stephen Wall	

Meeting Record
Subject a Master

CONFIDENTIAL

DS
cc DEmp
HMT

10 DOWNING STREET
LONDON SW1A 2AA

From the Private Secretary

21 June 1991

Dear Christopher,

PRIME MINISTER'S TALKS WITH MR HAUGHEY: 21 JUNE: EC ISSUES

I have written separately about the discussion on Northern Ireland issues with Mr Haughey this evening. This letter covers EC issues.

EC issues were discussed briefly at the private meeting between Mr Haughey and the Prime Minister and, more extensively, in the wider dinner which followed.

In the private meeting, the Prime Minister and Mr Haughey focused primarily on CFSP. The Prime Minister thought that foreign and security policy and defence would be discussed in Luxembourg, though not in terms of detailed drafting. There would be something in the European Treaty on common and foreign security policy. Defence was in a different category and he recognised that this could cause problems for the Irish since we would have to have something which indicated the primacy of NATO. Over dinner, the Prime Minister made clear that we were not particularly enamoured of a role for the WEU for its own sake but rather as a means of channelling in a sensible way the desire of others for a stronger European identity. What we could not accept was defence becoming a matter of Community competence.

On the question of co-operation versus common action, Mr Haughey said that this was just phraseology. What would happen in the UN? Would the Permanent Members take instructions from the rest of the Community about the line they should take in the Council? Would they give up their seats? Of course not.

European Parliament

The Prime Minister asked whether Mr Haughey thought we should give the European Parliament legislative authority. "Give them nothing" said Mr Haughey. The Prime Minister said that we would not give the Parliament legislative authority. Mr Haughey said that, in his presidency of the Community, he had found the European Parliament the greatest obstacle to progress. We should give them the right to approve the Commission and other relatively minor concessions. We should not give the Parliament the right of initiative.

QMV/Competence

Mr Haughey was clearly not much worried by the prospect of an extension of qualified majority voting. Where unanimity applied, there was not in practice a veto. One country could not hold out against the rest. On competence, he was particularly worried about the possible extension of competence into judiciary/police co-operation. In general, Mr Haughey was very unflattering about the Commission. They made it their business to go behind the back of central government and to deal, unhelpfully, with local authorities and unrepresentative groups.

Social Issues

The Irish remained firm in their opposition to Commission proposals in this area, though rumour had reached them that we were going soft. The Prime Minister and Mr Garel-Jones denied this. The Irish Employment Minister should keep in close touch with Mr Howard. If rumours reached the Irish on changes in our position, they should not hesitate to get in touch.

Federal References in the Political Union Text

Mr Haughey said he would support the Prime Minister in trying to get these references changed and he would not even ask for a quid pro quo on cohesion. He added that the Spanish would press their case for cohesion - and would end up by getting something.

EMU

The Prime Minister explained our policy on the hard écu and on EMU in general. In the last analysis we could live with dates on the stages of EMU but only so long as there were convergence signposts as well so that we would actually pause if the economic conditions did not make it possible to go ahead. The Prime Minister described vividly how moving to a single currency without convergence could wreck the economies of the poorer Member States. It was all very well for the Germans to talk about binding rules on budget disciplines but how could you enforce them. Of course the Italians were going hell for leather for a single currency. Instead of rolling over their debt at 17 per cent, they could reduce their interest rates to 5 per cent and have their debt financed by the Community.

Mr Haughey said that he thought there was something to be said for the old Roman battle principle. If you hurled your spear forward then you were compelled to run to catch up with it. The Prime Minister and Sir Robin Butler pointed out that, while this had certainly been true of the single market, in that case there was not the "cliff edge" that we faced on EMU.

The Prime Minister also spoke of the danger of creating, in the single currency, a barrier to EC membership which the countries of Eastern Europe would find it impossible to cross.

I think Mr Haughey found these arguments rather persuasive. He said that the Prime Minister had made a considerable impact in

the European Council but there was a hangover from the old days and people still tended to discount British views, eg on the hard écu, because they presumed that they were designed to obstruct.

After the meeting, when the Prime Minister and Mr Haughey went out into the street, Mr Haughey spoke rather flatteringly about Britain's role in Europe. In response to a question about the references to the Community's federal destiny in the draft Treaty, Mr Haughey said that the language meant different things to different people. He personally could live with it but if it was difficult for any Member State then he was sure that colleagues would try to meet those difficulties.

I am copying this letter to Tony Pawson (Northern Ireland Office), Simon Webb (Ministry of Defence), Colin Walters (Home Office) and to Sonia Phippard (Cabinet Office).

Yours, Stephen

J. S. WALL

Christopher Prentice, Esq.
Foreign and Commonwealth Office

CONFIDENTIAL

From: THE PRIVATE SECRETARY

SEPC
B'ground

NORTHERN IRELAND OFFICE
WHITEHALL
LONDON SW1A 2AZ

21.vi.91

J S Wall Esq
10 Downing Street

Dear Stephen,

PRIME MINISTER'S TALKS WITH MR HAUGHEY ON 21 JUNE: NORTHERN IRELAND DEVELOPMENTS

1. The Prime Minister may find it helpful to have a brief resume of developments over the past day or so.

2. In the political talks in Northern Ireland the parties are still at the stage of clarifying their opening position papers in response to questions from the other parties. There is a serious and purposeful atmosphere. The talks are due to resume on Monday with questioning of Dr Paisley.

3. During the week the Unionists, especially the DUP, have begun to voice their concern that the Anglo-Irish Conference planned for 16 July should be postponed, saying that if it is not their electorate would not be able to countenance the continuation of the talks process. They argue that the original proposition envisaged a "gap" between Conference meetings of about 10 weeks to provide an opportunity for political dialogue; that the factors which led to a 7-week delay before the start of plenary sessions was not their fault (though this could of course be disputed); that they are prepared to intensify the schedule and work through the summer to make progress within a 10-week timescale; and that the Anglo-Irish Conference should be postponed for at least 2 or 3 weeks to enable an opportunity for real political progress to be made. This all came to a head during yesterday evening's debate in the House on the Order renewing 'direct rule', which saw impassioned speeches on the subject from the 3 DUP MPs, but also underlined the fact that the UUP are taking a more restrained line and may indeed be considering possible ways round this apparent obstacle.

4. Mr Brooke's position is that it had been agreed between the two Governments and announced before the start of the "gap" that a Conference would be held on 16 July, but he is willing "to initiate discussions with all the participants, including the Irish Government" to bring about agreement on "a basis for a resumption of the talks".

5. Irish and British officials met in Dublin yesterday. The Irish tended to interpret the Unionists' position on the 16 July Conference as an attempt to put the workings of the Anglo-Irish Agreement into extended suspension. This is an unhelpful line as the current talks arrangements had been carefully constructed to satisfy both Unionists (who wanted a suspension of the Anglo-Irish Agreement) and the Nationalists (who are against suspension).

6. Despite repeated statements to the contrary, the Irish still appeared to suspect that we may be tempted to argue for postponement of the Conference. They also reaffirmed their desire for a meeting of Strand Two before 16 July, but less strenuously. They were however reluctant to acknowledge that this becomes more difficult if the Governments stand firm on the 16 July Conference.

7. Irish officials restated their willingness to show flexibility about further meetings after 16 July. Their approach reflects a judgement that the process is likely to be stretched out over a period of a year or more, a view far removed from that of the Unionists. Their approach failed to recognise the strength of Unionist feeling about a conference on 16 July, or Unionists' reluctance to envisage a continuing process punctuated by regular Conference meetings. A more detailed note on the 16 July IGC is attached; Mr Brooke's view is that we should not take the lead in raising this issue and that if it is raised with the Prime Minister in tete-a-tete, it should be referred to Mr Brooke and Mr Collins to consider in detail.

8. Irish officials also raised, on instructions, our reluctance to hand over copies of the opening presentations made by the political parties in the absence of a decision to publish these. Irish officials argued that this was against both the spirit and the letter of agreements between the two Governments over the past 15 months. Mr Brooke's position has been based on Irish agreement (at Unionist insistence) that they should have no part in anything to do with Strand One of the talks. The plenary meeting on 19 June decided that individual parties could decide about publication and the presentations are now gradually emerging. The immediate issue may therefore fall away. The Taoiseach may nonetheless raise this point with the Prime Minister, who will no doubt refer the matter, without commitment, to Mr Brooke.

9. I am sending copies of this letter to Christopher Prentice (FCO), and Sonia Phippard (Cabinet Office).

Yours ever,

Tony

A J D PAWSON

Annex

TALKS WITH MR HAUGHEY 21 JUNE: 16 JULY INTER-GOVERNMENTAL CONFERENCE (IGC)

The Taoiseach will be well aware of recent statements by Unionist Leaders (mainly DUP, although with some UUP support) that the talks process will be at an end if the IGC on 16 July goes ahead as planned.

He may suggest that this could be met by "flexibility" by the two Governments, to the effect that the IGC would go ahead on 16 July; a new "gap" would be launched immediately after 16 July, lasting until an IGC in early September; this would allow a resumption of the talks in the second half of July (assuming that most if not all the participants will not want to meet in August); and there would be a further significant "gap" after the early September IGC. He might argue that such an approach, while not succumbing to Unionist blackmail on the 16 July IGC, nevertheless met the underlying rationale of their case by providing extra time in the second half of July in recognition of the time consumed between 30 April and 17 June on purely procedural matters.

It would be difficult to reject this approach out of hand but the Prime Minister might invite Mr Haughey to consider whether it would take the trick with the Unionists. He might say

- what the Unionists want is clearly a lengthening of the present "gap" to compensate for at least some of the time used up on purely procedural matters between 30 April and 17 June (for some of which the Unionists would - with some validity - blame the SDLP);

- does the Taoiseach really believe that a new "gap" would take the trick with them, bearing in mind that it would last only from 16 July to early September, a shorter period than some of the recent intervals between IGC meetings

- the Unionist reading of the 26 March statement that the 10 week gap was intended for intensive discussion of substantive issues has some plausibility.

If the Taoiseach himself suggests deferring the meeting on 16 July until a fixed date 2-3 weeks later the Prime Minister might agree that this seems highly desirable in principle and that Mr Brooke and Mr Collins should discuss the detail.

If he does not, there is a difficult question of judgement as to whether the British side should take the initiative in leading the Irish side into a discussion of the point. If we decided to do so we might say:

- Mr Haughey will have had a report of the Unionist interventions in the Direct Renewal Debate last night, and especially of the key speech by Peter Robinson. How does he rate their mood? Does he agree that there is now a danger that their position has a momentum which could mean that they will not be able to climb down from their threat to withdraw if the IGC goes ahead on 16 July?

- the two Governments must give real weight to the extent to which Dr Paisley in particular is fearful of the reaction of his own more extremist supporters

- HMG remains clear that it would be wrong for it to propose that the 16 July IGC should be deferred

- if, however, the Irish Government were to propose a new date for the IGC around the end of July, it may be that that would suffice to keep the show on the road, with all the potential benefits associated with that. Mr Robinson's speech hinted as much

- HMG would entirely agree that any new, later date should be fixed in advance. Clearly wrong to allow the Unionists to think that they can push the end of the "gap" back indefinitely, thereby effectively achieving suspension of the Conference

- extension of the gap in this limited way would also provide a more realistic prospect of achieving a launch of Strand II before the summer break. Mr Brooke told Mr Collins he would use his best endeavours (subject to the 26 March groundrules or transition) to launch Strand II on 8/9 July. But the pace of substantive discussion in Strand I so far now makes that look unachievable.

Mr Brooke thought the Prime Minister would want to have the above line of argument sketched out in case discussion in tete a tete went in such a way that the Prime Minister felt he needed to deploy it. Mr Brooke's present view, however, is that it would be premature to take the initiative in putting these points to the Taoiseach. It is a message which may not be well received. The Unionist position is not monolithic and may either harden or fracture. It is not yet clear whether this is a make or break issue. The arguments may have greater force after a further week of Strand I plenary discussion than now. Mr Brooke accordingly suggests that for the purpose of tonight's meeting our line should be that:

- we are not ourselves proposing deferring the 16 July IGC

- if the Irish suggest this we should agree and he and Mr Collins should negotiate the detail

- if Mr Haughey proposes a new gap immediately after a 16 July IGC we should point out that this may not do the trick but agree that Mr Brooke and Mr Collins should be left to pursue further the question of resumption.

Press
cc PK
cc back-up

Foreign &
Commonwealth
Office

London SW1A 2AH

RESTRICTED

21 June 1991

Dear Stephen,

Prime Minister's Meeting with the Taoiseach, 21 June: Press Line

I enclose a draft press line for this evening's meeting.

This has been agreed with the Northern Ireland Office. Mr Brooke may wish to suggest an amplified line on Northern Ireland this afternoon in the light of the talks on political development.

I am copying this letter to Tony Pawson (Northern Ireland Office) and Sonia Phippard (Cabinet Office).

The Irish have said they do not want us to agree the text in advance.

Yours ever,

Richard Gozney

(R H T Gozney)
Private Secretary

J S Wall Esq
10 Downing Street

RESTRICTED

DRAFT PRESS LINE

The Prime Minister gave a dinner at 10 Downing Street tonight for the Taoiseach, Mr Charles Haughey. The Irish Foreign Minister, Mr Gerald Collins, the Secretary of State for Northern Ireland, Mr Peter Brooke, and the Minister of State for Foreign and Commonwealth Affairs, Mr Tristan Garel-Jones, were also present.

The Prime Minister and Mr Haughey had a useful exchange of views about European issues in preparation for the forthcoming European Council. The wide-ranging discussions covered major international issues, including East/West relations, developments in Eastern Europe and the Soviet Union, the Middle East, the Gulf and South Africa.

The meeting was also an opportunity for discussions about Anglo/Irish relations, with particular reference to the current talks.

PRIME MINISTER

TALKS WITH MR. HAUGHEY: 21 JUNE

Mr. Haughey and his team (see letter attached) are arriving at No. 10 at 1930 tomorrow. Our team will be Mr. Brooke, Mr. Garel-Jones and Sir Robin Butler. Mr. Haughey wants to see you alone to start with (perhaps with me and Dermot Nally as note-takers). Dinner will be at about 2015. The other members of the two sides will talk in the small drawing room, while you are in the study.

Although you and Mr. Haughey will want to talk about EC issues, the main thing on his mind will be the Northern Ireland political talks. He told you in Luxembourg in April that you and he should give the talks strategic direction. He seems to have in mind a plan for North-South relations based on his underlying objective of a united Ireland. The main elements in his thinking are controversial for us:

- using the goal of European union as a framework for Irish unity, i.e. European union will make the North-South divide irrelevant;

- joint problem-solving which might lead to joint sovereignty;

- a politically, socially and economically progressive Republic of Ireland more and more attractive to the Unionists;

- the gradual re-absorption of the terrorists into the political fold, rendering a UK military presence unnecessary.

Specific ideas may include:

- a joint directorate of the two Prime Ministers to monitor progress in the present talks;

- new North-South institutions (designed to lead to a united Ireland);

- a new Anglo/Irish Agreement, possibly involving joint authority for justice and security;

- the right of the Government of Ireland to be consulted about the internal affairs of any new devolved administration for Northern Ireland;

- a referendum in the Republic on Articles 2 and 3 of the Irish Constitution (the Articles constitute the Irish claim to Northern Ireland), but only in the context of some British declaration in favour of a united Ireland by consent.

As regards progress in the talks themselves, the basis of the talks reflected in Mr. Brooke's 26 March statement was:

(i) that the two Governments would not hold meetings of the Anglo/Irish Conference before 16 July;

(ii) it was agreed that all involved in the Conference would try to launch all three sets of discussions within weeks of each other, and in the period when the Anglo/Irish Conference was not meeting, i.e. before 16 July;

(iii) that the transition from Strand 1 to Strands 2 and 3 of the talks would be a matter for Mr. Brooke to judge after consultation.

Strand 1 of the talks is purely between the Northern Ireland parties. Strand 2 is about relations within the island of Ireland, and Strand 3 is about relations between the peoples of Ireland and those of Great Britain. The Irish are particularly keen on Strand 2 because it would involve direct talks between Dublin and the Unionists, and have pressed for the first meeting of Strand 2 (in London) on 8 or 9 July. Mr. Brooke has

said he would use his best endeavours to this end. But the delayed start of the talks and slow progress makes this a virtually impossible target. Some Unionists on the other hand are threatening to leave the talks altogether if the next scheduled meeting of the Anglo/Irish Conference is not postponed from 16 July.

Mr. Haughey is a pretty tricky customer, and you will not be able to trust him in the way that you trust, e.g. Helmut Kohl. But relations between him and Mrs. Thatcher got unnecessarily bad, partly because of her understandable indignation about the Irish handling of terrorism, including extradition cases. Experience has shown that there is no point in hyping up the differences in public, and there is no reason not to have a friendly relationship with Haughey, albeit supping with a fairly long spoon.

You will want to let him have his say about how he sees the development of North-South relations. In reply, you might want to set out your own approach, e.g.

- we want a good relationship with the Republic of Ireland. We are committed to the Anglo/Irish Agreement - or to the development of a new and more broadly based one;

- we should maximise the benefits of our joint membership of the Community and the approach of 1992 for the sake of the island of Ireland as a whole;

- we recognise the interests of the Republic of Ireland as set out in the Anglo/Irish Agreement. We shall try to be sensitive to them;

- We do not expect to operate the lowest common denominator of agreement among the Unionists, but we cannot ignore or override the two traditions in Northern Ireland. We want to build up the confidence of the nationalist community of Northern Ireland. We

shall treat any suggestions in that regard on their merits. Anything said to us in private by the Irish will be taken seriously;

- all experience shows that patient persuasion has to be the way forward;

- we also have to use all the means at our disposal to combat terrorism. We appreciate our co-operation with the Irish Government and the Irish security forces. The threat is a common one. We can do our best to change the conditions in which terrorism breeds, but terrorism is directed against the Government of the Republic as well. It almost exists for its own sake. That is why co-operation between us is so vital to defeat it.

On the political talks, you might start by welcoming the agreement on the appointment of Sir Ninian Stephen as the Chairman for Strand 2. You could say:

- The talks offer the best prospect for political development for twenty years. We shall push for progress but we have to carry all parties with us;

- We are grateful for Irish signals of readiness to contemplate changes to Articles 2 and 3 of the Irish Constitution and a new Anglo-Irish Agreement. That has helped keep the Unionists on side;

- Mr. Brooke and Mr. Collins should keep in close touch about the transition to Strand 2. Peter Brooke told Mr. Collins he would use his best endeavours to secure a meeting of strand 2 on 8 or 9 July. Important to keep this understanding confidential. Pace of events this week will probably make that date unachievable;

- We do not propose deferring the 16 July Inter-Governmental Conference but we must also find a way of ensuring that if that Conference is held, it does not terminate the talks, ie we have to keep the Unionists on side. We will need Irish help.

- There will be many stresses and strains in this process. The clear message we get is that ordinary people in Northern Ireland, and no doubt the Republic, want the talks to succeed. Even when some of the parties have not behaved sensibly, those people have been able to see the two Governments working together to keep the show on the road. Hope we can continue to do so.

Security Co-operation

You will wish to thank Mr. Haughey for improving co-operation and ask him to look for ways of co-operating still further, especially as security co-operation is now high on the EC agenda generally. So co-operation between our two countries can be seen in a broader European context. You will wish to welcome closer co-operation between the Garda and the RUC and, if you judge the market will bear it, suggest that you and the Taoiseach might tell the press after the meeting that we are looking at ways of enhancing cross-border co-operation. You will anyway want to ask Mr. Haughey to agree on beefing up our intelligence exchanges: intelligence being the key to preventing terrorist attacks.

European Community Issues

Mr. Haughey will want to raise Common Foreign and Security policy in his private talk with you. Irish neutrality makes this a difficult issue for them, and they therefore like the distinction between security and defence which we seek to draw. However, you will need to leave Mr. Haughey in no doubt that a general formulation in the Luxembourg Treaty covering a common defence policy would not be acceptable to us unless it is made

clear that NATO will in practice remain the basis for European defence. We have to be sure that we do not enter into Treaty commitments that could actually undermine our defence by undermining NATO's role. Within that framework we will obviously look for language to which all can agree.

Stephen

J. S. Wall
20 June 1991

a:\haughey.dsg

DRAFT SEATING PLAN FOR DINNER ON 21 JUNE

Mr Stephen Wall	Mr Noel Dorr
Mr Tristan Garel-Jones	Mr Gerald Collins
PRIME MINISTER	MR CHARLES J. HAUGHEY
Rt Hon Peter Brooke	Mr Dermot Nally
Sir Robin Butler	Mr Dermot Gallagher

ENTRANCE

Foreign &
Commonwealth
Office

London SW1A 2AH

20 June 1991

Dear Stephen,

Prime Minister's Talks with Mr Haughey on 21 June

In my letter of 20 June I mentioned the Ellis case under the heading Extradition.

On 20 June the judge decided that Ellis should stand trial in October on the charges on which he was extradited from the Republic, thus overturning the magistrate's decision at Ellis's commital hearing.

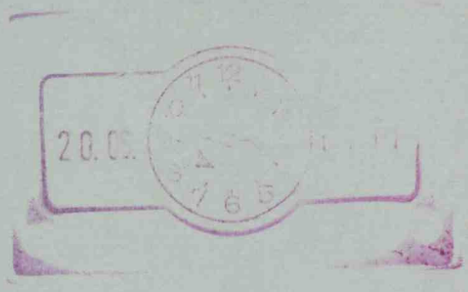
The Prime Minister will not wish to raise the case but, if Mr Haughey does, he could say that the judge's decision was excellent news which he much welcomed.

Yours ever,

Christopher Prentice,

(C N R Prentice)
Private Secretary

J S Wall Esq
10 Downing Street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Foreign &
Commonwealth
Office

London SW1A 2AH

20 June 1991

Dear Stephen,

PRIME MINISTER'S TALKS WITH MR HAUGHEY ON 21 JUNE

This letter contains briefing for Mr Haughey's meeting with the Prime Minister. It may need updating to take account of any further developments in the talks between the Northern Ireland political parties and decisions on the Ellis extradition case.

Mr Haughey will arrive at No 10 at 1930 accompanied by Mr Collins, the Irish Secretary to Government Mr Dermot Nally, the Secretary for Foreign Affairs, Mr Noel Dorr and the Head of Anglo/Irish Division, DFA, Mr Dermot Gallagher. Mr Haughey will have a private meeting with the Prime Minister followed by a working dinner. I enclose CVs.

AGENDA

The Irish have agreed that there need be no formal agenda, but that talks should cover the following subjects:

1. EC issues in the approach to the European Council and the GATT.

2. Anglo/Irish relations and Northern Ireland including political development, security and extradition.

3. International issues, including East/West relations, the Soviet Union and Eastern Europe, the Middle East, Arab/Israel, the Gulf and South Africa.

In the tete-a-tete the Taoiseach intends to raise the Common Foreign and Security Policy (CFSP) and Anglo/Irish relations with particular reference to the current talks . He is content that international issues should be dealt with simultaneously by other Ministers in separate discussion. (Briefing on these issues is in Annex A.)

IRISH OBJECTIVES

These are likely to be:

1. To consolidate his personal relationship with the Prime Minister.

2. Possibly to urge a meeting in Strand II of the talks on political development before 16 July.

ID2556

3. To talk about bilateral relations, the future of Northern Ireland and the talks process. He will want these to be the main issues discussed and to engage the Prime Minister's personal interest in setting bilateral relations on a new plane. He may argue for a new strategy or "grand design" (although he does not use the term) for north/south relations and for new north/south links.

4. To discuss major EC issues likely to arise at the European Council. He may want to explain the delicacy of the CFSP for him because of the traditional Irish stance on neutrality. He is visiting President Mitterrand on 20 June.

Mr Haughey will be hoping to derive domestic political advantage from the meeting which is a week before Irish local elections on 27 June, and is likely to brief the Irish press extensively on anything not specifically agreed to be held back from public comment.

UK OBJECTIVES

There are tactical advantages in listening carefully to Mr Haughey's problems, not being unduly negative about any "grand design" and trying to keep him in play. But there are dangers when it comes to Northern Ireland in endorsing some of Mr Haughey's ideas which at first seem innocuous.

Our overall objectives for the meeting are:

1. To point out that the best way of reaching agreement to an early move to Strand II of political development talks before the summer break will be for the parties to press ahead with intensive discussion of the substantive Strand I issues..

2. To persuade Mr Haughey of the need for circumspection in relation to the Northern Ireland parties ("not frightening the horses").

3. To get over that we cannot "deliver" internal parties. The Unionists have their own agenda. The Irish have a role in wooing them as well as protecting Nationalist interests if there is to be a successful resolution to the present initiative.

ID2556

4. To confirm Irish readiness to envisage a resumption of talks in September. (But the Unionists will have to be persuaded to shift from their present position that the talks process will finish if the next Anglo/Irish Inter-Governmental Conference goes ahead on 16 July as planned by the two governments.)

5. To point out the dangers to the talks of hinting in public at any "grand design" or that the Taoiseach has enlisted the Prime Minister's support for a new strategy.

6. To seek the Taoiseach's commitment to greater security cooperation.

7. To explain our concerns about the two European IGCs and EC policy in a GATT context. There is scope for alliances of convenience with the Irish, although our detailed objectives on many EC issues diverge.

EUROPEAN COMMUNITY

Mr Haughey has already seen Mr Santer and President Mitterrand in his round of pre Council talks. The Prime Minister will wish to ask about these meetings. The Irish view both IGCs through the prism of 'cohesion' and will make significant concessions in almost all areas provided the price is right.

COMMON FOREIGN AND SECURITY POLICY

Mr Haughey intends to raise this in the tete-a-tete discussion. It is a sensitive subject for the Irish given their neutrality. Our distinction between security and defence suits the Irish well, but for different reasons. They are willing to participate in security arrangements, but have hitherto not been willing to join a common defence arrangement. They do not wish to be marginalised. Mr Haughey stated in the Dail in April that "if in the fullness of time the European Community brought forward its own defence arrangement it would naturally be our position that we would favourably consider taking part in such an arrangement". Scope for making common cause with the Irish is therefore likely to be restricted to detailed tactical issues.

On the Presidency model for a two-tier structure for CFSP decision-making, which marks out areas for "cooperation" or "common action", the Irish appear (unlike us) to have no strong doubts. It would be useful to know how they think such a model would work. They do however oppose the introduction of majority voting into the CFSP process. We should try to stiffen this opposition.

Points to Make

Security/Defence

- Must maintain Rome II distinction between security and defence. We favour the Twelve expanding discussion on security. But defence is different. Cannot accept general formulation, eg common defence policy, unless it is clear how this would be compatible with the Alliance.

- Hence our requirement for the Treaty to make clear that in practice NATO will remain basis for European defence. Recognise this will be sensitive issue for you.

- NATO reform a part of changes needed for Europe of the 90s. (Creation of Rapid Reaction Corps not a sign of a more aggressive or expansionist NATO).

- Our people should keep in touch. Clear delineation of Union and WEU roles on security and defence issues should meet both our interests.

Two-Tier Model for CFSP/Majority Voting

- Do not understand how aspects of foreign and security policy can be corralled into neat areas subject either to "common action" or "cooperation". Foreign policy not static nor susceptible to compartmentalisation. Understand Ireland not opposed to this model. How do you see it working?

- Agree on need to work by consensus in framing and implementing CFSP. Majority voting divisive and sure to reduce flexibility. How best can we argue our case in IGC?

POLITICAL UNION

The Irish tend to share our caution on a number of individual issues (eg powers of the European Parliament, extending Community competence, EC citizenship). Like other small member states, however, they are reluctant to stand out alone.

Points to Make

- See Luxembourg European Council as a neutral stock-taking. Can only agree on package as a whole, not piecemeal. Confident that agreement can be reached at Maastricht which will allow the Community to move forward together.

- CFSP and interior and justice matters must remain outside the Community. Three-pillar structure is therefore the only practical way forward. Important to preserve clear distinction between Union and community activity. Must avoid loose evolutive clauses which could lead to uncertainty and dispute.

- See increased role for EP in some areas, but believe it unwise to increase EP involvement in legislative process. Important to maintain present, successful institutional balance. Council should keep the last word. Know that Ireland shares this view. Hope for continued support in opposing substantive form of co-decision.

- Hope Ireland will continue to support our proposals on involving national parliaments more closely in EC affairs. Details obviously a matter for individual member states, but principle is an important one and should be recognised in a declaration.

EMU

The Irish have been firm supporters of a single currency, and could be ready to move with the North to Stage III (they are long-standing members of the narrow ERM band and their inflation rate of 3% in 1991 is bettered only by Denmark and the Netherlands). But like the southern states, Ireland is concerned at the economic impact of EMU, especially given chronic unemployment (currently 16%). This has led Ireland to support Spanish requests for greater cohesion and for a long Stage II (although the Irish have also endorsed the current Presidency proposals under which an ESCB would begin operation from 1996).

Points to Make

- Important that EMU arrangements allow us all to move forward together. This underlines need for a substantive and lengthy Stage II in order to secure convergence.

Also underlines importance of not rushing fences in the IGC. Much still to negotiate. Hope therefore that Luxembourgers will not be too ambitious at European Council. We want a neutral stocktaking, commending work done so far and looking forward to agreement at the Maastricht Council.

- Beregovoy/Delors proposal is constructive, but there are much thornier issues which need to be addressed first. Do not want this singled out at European Council.

- Principle of cohesion already recognised in Treaty. Structural funds, the main instrument of cohesion, already a major element in EC budget: we are prepared to see some further growth after 1993. But see no prospect of IGCs agreeing specific funding totals. This is for future financing discussions next year.

FRONTIERS

Immigration Ministers discussed the External Frontiers Convention (EFC) on 13/14 June. The key outstanding issue is the type of frontier regime to be applied at airports. The EFC will be discussed further by officials on 20 June. Interior Ministers will meet again on 26 June if necessary. We, with the Irish and others, fear a Commission intervention. This is now unlikely this month, in view of the continuing work on the EFC. The Foreign Secretary wrote to Delors and Bangemann on 6 June, urging restraint, and suggesting that the European Council should have a wide-ranging political discussion of the immigration threat to member states.

The Irish, long our allies on frontiers issues, have begun to swim with the Schengen tide (and they disagree with us on airports in the EFC).

Points to Make

- Given the repercussions for our common Travel Area, we should be concerned if the Irish stopped controls on arrivals from other member states. We would not wish to have to impose frontier checks at the border with the Republic.

- We hope for a good debate at the European Council on wider immigration, drugs and cross-border crime issues and not a fruitless confrontation on internal frontier abolition. (Although the Irish have no current immigration problems, they should support this approach.)

GATT

Together with the French, the Irish have been consistently obstructive over agriculture in the Uruguay Round. Most recently, both tried to block the inclusion of language in the OECD ministerial communique which had already been agreed by the Community in Geneva. We are working to try to split this alliance, emphasising to both the overall gains which they are jeopardising by blocking progress on agriculture. The Irish are worried that the French may be less stalwart allies now that Beregevoy has responsibility for trade policy.

Points to Make

- All Member States want a successful outcome to the GATT Uruguay Round by the end of the year.

- Recognise sensitivity of agriculture for Irish. But Ireland has a major interest in other sectors (75% of exports are non-agricultural) and, like the UK, as a country dependent on trade, has much to gain from an overall successful settlement.

- Hope therefore that you will be ready to help Community take a constructive approach to the negotiations. Must make progress before the summer break.

- (If raised). Unwise to rely on CAP reform as EC's contribution to the negotiation. Need early progress on key GATT issues of imports and exports which are not directly addressed by CAP reform proposals put forward to date.

EC ENLARGEMENT

Once the IGCs are over enlargement will be the next big issue on the Community's agenda. Four countries (Turkey, Austria, Cyprus and Malta) have already applied. Sweden will do so on 1 July. The Finns and Norwegians (and even the Swiss and Icelanders) may follow. Three of the East European (Czechoslovakia, Hungary and Poland) see membership as the next step after their Association Agreements, currently under negotiation.

The Community is agreed that there should be no decisions on enlargement until 1993. The Irish should be broadly sympathetic to our approach. They will see cohesion benefits for themselves in admission of the EFTAns (all of whom would be net contributors) and will welcome accession of more neutrals. At present they are the only neutral member of the Community: a position they have sometimes found difficult.

Points to Make

- we support enlargement after 1993 to include those who wish to join and can meet all the obligations of membership

- we see the EFTA countries as being the natural candidates for the first wave of enlargement, but will want to be assured that the four neutrals (Austria, Sweden, Switzerland and Finland) will be able to participate fully in CFSP

- we see suitable Eastern Europeans as constituting the next wave when they are ready, which will not be for some time

- we see problems with Turkish, Cypriot and Maltese accession, but believe the Community should continue to develop its relations with them.

NORTHERN IRELAND POLITICAL DEVELOPMENT (SHORT TERM)

The Irish Government has been ambivalent in its attitude towards the talks. It recognises that there has been widespread public and political support in the Republic for the talks and for Mr Brooke personally. Mr Haughey also has a strong desire to secure the prize of direct talks between Dublin and the Unionists, which would within the talks framework, take place as part of Strand II. The Irish do not want to be the people to be seen to have caused the talks to fail. Against this the Irish want no weakening of the 1985 Anglo/Irish Agreement and no worsening of the position of the nationalists.

The transition from Strand I to Strand II, bringing in the Irish Government as direct participants, was the most controversial question of all during the "talks about talks". Any departure from what was ultimately agreed and embodied in the 26 March announcement (Annex A) - that it would be for Mr Brooke formally to propose, after consultation, that the latter strands of the Talks should begin - could be fatal. Mr Brooke did, however, agree privately, when he met Mr Collins on 14 June, that he would use his "best endeavours" to secure a meeting of Strand II on 8 or 9 July in London. This is most unlikely to be achievable.

The Unionists insisted that talks should take place in a gap between meetings of the Anglo/Irish Inter-Governmental Conference (IGC). The contraction of the time now left in the ten week gap provided for these raises a second, more strategic procedural question of whether there can be a resumption of the talks in the Autumn. Mr Collins indicated to Mr Brooke on 14 June that the Irish would not favour any intensification of the present daily timetable (eg by evening sittings); that they remained committed to holding the next IGC meeting on 16 July; that they were prepared to keep up their sleeves the possibility of a further week's worth of Talks in the second half of July; and that they were ready to contemplate a further substantial "gap" for talks after a meeting of the IGC at the beginning of September.

What the Irish may not be fully allowing for at this stage is a continuing strong school of Unionist thought that, if the 16 July meeting goes ahead, the Unionists will no longer participate in the talks. Mr Brooke does not think we should press the Irish to postpone the 16 July meeting, which is a clear public commitment. The solution is rather to persuade the Unionists that their position is counter- productive, given that they have much to gain from the Talks, and that a comprehensive accommodation before 16 July is now clearly not practical politics. The Irish have a vital role to play in getting the Unionists off this hook by ensuring that the SDLP take Strand I seriously and address the issues in a genuinely intensive way. Any pressure from the Irish for a premature start to Strand II would clearly run counter to this longer term and more important objective. If, however, the Irish themselves propose deferring the meeting on 16 July the Prime Minister might agree that this seems desirable in principle and that Mr Brooke and Mr Collins should discuss the detail.

Points to Make

Mr Brooke's advice is that the Prime Minister should make the following points

- Welcome the agreement on an Independent Chairman for Strand II. (Sir Ninian Stephen, former Governor General of Australia.) Grateful for Irish help over this (the Taoiseach himself spoke to Mr Hawke).

- HMG continue to regard the three-stranded framework of the Talks as offering the best prospects for nearly twenty years for political development. Determined to make as much progress as quickly as possible, but must carry all parties with us.

- In our judgement the Unionists remain committed to talks in three strands and full participation in Strand II. Unfriendly posturing does not mean they do not mean business.

- Welcome Irish signals of readiness to contemplate changes to Articles 2 and 3 of the Irish Constitution (Annex B) and a new Anglo-Irish Agreement. Such signals have encouraged Unionists to remain committed to the talks process, particularly to Strands II and III.

- The talks process still has potential to develop naturally and logically in a way which inter alia gives the Irish Government full scope to deploy its position on new arrangements 'among the people of Ireland'.

- (If pressed on a meeting before 6 July in Strand II) clearly too early, only a week into the Strand I plenaries, to propose transition to Strand II. Potentially fatal to depart in any way from transitions mechanism agreed in Mr Brooke's 26 March statement. I know that Mr Brooke told Mr Collins privately on 14 June that he will use his best endeavours to secure a meeting of Strand II on 8/9 July. That understanding must be kept confidential between the two governments. The pace of events this week indicates that this is most unlikely to be achievable.

- We do not ourselves propose deferring the 16 July IGC. Suggest that Mr Brooke and Mr Collins are left to pursue the question of resumption of the Talks in the light of their discussion on 14 June. NB Must carry the parties with us. The Unionists will not rejoin talks outside a "gap" between Conferences, and have to be got off the hook of regarding 16 July IGC as finally terminating the talks.

ANGLO/IRISH RELATIONS AND THE LONG TERM FUTURE OF NORTHERN IRELAND

Mr Haughey will probably wish to devote much of the tete-a-tete to this. He may outline his vision of the future of the island of Ireland within Europe. The ingredients of the "grand design" shift according to context and are seldom tightly defined. It often involves presentation of highly controversial ideas.

The main components are

1. an underlying but often unstated commitment to a united Ireland achieved by agreement and consent following a mixture of incentives and persuasion. Often involves reference to the New Ireland Forum Report of 1984 in which all the constitutional parties in the Republic and the SDLP participated, but Unionist parties did not. But he is realistic enough to know that unity will not occur in his lifetime.

2. a recent emphasis on progress towards European Union as a context for bringing about his ultimate goal of unity without the need for emphasis on the latter. "The overwhelming impact of European political, economic and monetary union will make the partition between North and South, always unnatural, now irrelevant as well" (Ard Fheis speech, March 1991).

3. a shorter term framework for Northern Ireland which does not preclude unity, emphasises joint problem-solving in relation to NI by the UK and ROI Government, aspires to joint sovereignty, is unenthusiastic about devolution, but under any devolved scheme envisages strong North/South institutions.

4. a vision of a progressive, prosperous and enlightened Ireland (adept at getting economic benefit out of EC membership) which protects the Protestant identity and which will ultimately be irresistible to the Unionists.

5. eventual "political movement" involving renunciation of violence by the terrorists, their eventual participation in constitutional politics, and the ending of the need for a British military presence.

It is unclear how far Mr Haughey will want to press the implications of the "Grand Design" for the current political talks. Some would be dangerous or at least controversial. They might include

1. a Joint Directorate of the two Prime Ministers for the Talks (ignoring the fact that solutions cannot be imposed on the Unionists, who can walk out);

2. new North-South institutions - perhaps modelled on EC lines - with a one-way valve designed to lead slowly but surely to a United Ireland;

3. a new, transcending Anglo-Irish Agreement, perhaps incorporating elements of joint authority in relation to the administration of justice and security;

4. a right for the ROI at least to be consulted about the internal affairs of any new devolved administration for NI;

5. a referendum on Articles 2 and 3 of the Irish Constitution, but "in the context of some new all-Ireland arrangement." or new assurances about British declaration that we favoured in principle a united Ireland by consent.

6. a need to leave open option for PIRA eventually to join others in participating in political process as alternative to violence.

Points to Make

- We remain fully committed to the Anglo-Irish relationship and the Anglo/Irish Agreement unless we reach agreement on a new and more broadly based Agreement. If the present talks were to break down there would be a strong case for operating the Agreement more intensively on areas such as cross border social and economic issues.

- We should take every opportunity to maximise the potential benefits of 1992 to the island of Ireland. But the single market does not alter the existence of the two traditions (unionist and nationalist) within Northern Ireland or dissolve the political border. Any suggestion by us to the contrary would be counterproductive with the Unionists. (On this, HMG rests on Article 1 of the Anglo/Irish Agreement. (Annex C)).

- Such matters as any new and more broadly based Anglo/Irish Agreement, new North/South institutions and the range of Northern Ireland issues over which prior consultation with the Irish Government would be expected will be discussed in the talks. The more the people of Northern Ireland know and understand those from the Republic, and vice-versa, the better. We cannot impose solutions on the Unionists, but they can be scared off. Grateful for the restraint which the Irish Government has shown in not expressing views away from the Conference table on substantive issues which may arise in Strands II and III of the talks.

- The two governments must remain firm that, so long as Sinn Fein continues to support terrorist violence and the subversion of the democratic process they, and others who act as political mouthpieces for the terrorists, exclude themselves from a place at the Conference table. Any implication to the contrary would jeopardise the talks.

The Taoiseach may seek a private indication from the Prime Minister as to what substantive outcome HMG seeks from the Talks. In responding, the Prime Minister could draw on the following points:

- since not possible to impose solutions on the parties, HMG genuinely sees its role as partly a facilitating one

- we want to find and enlarge areas of agreement between the parties. A possible interim objective would be agreement of a statement of principles or accord

Beyond that we would welcome:

- new institutions of government in NI which command widespread support and are fair and effective

- continuing arrangements to promote reconciliation between the two traditions in NI and to end discrimination

- strengthening of Article 1(a) of the Anglo-Irish Agreement to recognise the present status of NI as part of the UK. (Recognise that this would entail amending Articles 2 and 3 of the Irish Constitution - eg to replace the territorial claim with an aspiration

- better links between the ROI and NI, and closer contacts and understanding between the peoples North and South

- the possibility of a new Agreement which both Sovereign States would regard as better.

SECURITY COOPERATION

The Prime Minister needs to be aware that a heavy emphasis by him on security issues in isolation could be taken by Mr Haughey as bias towards Unionist pre-occupations. Nevertheless, the Prime Minister may judge that there is scope for an overt appeal to the Taoiseach for the genuine partnership against terrorism which he refused to Mrs Thatcher in 1988. Certainly there are real issues of substance to

address. One approach might be to draw the parallel with evolving anti-terrorist cooperation between other Community partner states. Key elements here include more intimate police relations, more effective cross-border communications and better exchanges of intelligence. A possible objective for this summit would be to get Mr Haughey to agree to look again at our cross-border security cooperation in this light and to review progress in the Autumn.

Mr Haughey is likely to argue that bilateral cooperation is already good and that both governments have a common interest in defeating terrorism whether Republican or Loyalist.

There has been improved cooperation and working level between the police forces in Northern Ireland and the Republic in recent years. But the Irish have been slow to respond to specific demands. At a political level the Irish still see difficulty in any direct contact between security forces in the Republic and the British Army in Northern Ireland. But the need for this is clear, bearing in mind that in the border areas PIRA operate at a military level.

The Prime Minister may wish to press the Taoiseach to agree to a new joint public commitment by both Governments to renewed bilateral security cooperation.

Specific requests will continue to be handled between security forces and at Inter Governmental Conferences, but the Prime Minister may wish to put down a marker about his own concerns.

Points to Make

- Terrorist attacks by both PIRA and Loyalists remain worryingly high. The attacks becoming more sophisticated with rocketry and larger explosive charges.

- Welcome recent improvements in working relations between the Garda and RUC. Security Co-operation is advancing throughout Europe (eg Schengen). Mr Brooke, Mr Collins and Mr Burke (the Irish Justice Minister) are looking at possibilities for improvements in cross border cooperation). I welcome this. Hope I can put any particular future problems to you with requests for help should this be necessary.

- What we need now is a demonstration of our commitment to effective bilateral security co-operation. This, together with progress at a political level would be the right response to terrorists, Orange or Green. This would be in the interests of all the people of these islands, and could pay political dividends in the North. Hope we can review ways of enhancing cross border cooperation. Will the Taoiseach join me in announcing that the two governments will jointly look at this and review progress in the Autumn?

- For the present, one specific request: better intelligence is the key to preventing terrorist attacks. Hope we can step up efforts on both sides of the border and our intelligence exchanges.

CONFIDENCE OF NATIONALIST COMMUNITY

Points to Make

- We are determined to set our house in order (for instance through the Royal Commission established in the aftermath of the Birmingham Six).

- (If Mr Haughey raises this). We also recognise a common interest in building and retaining Nationalist confidence in the security forces (Irish progress on security co-operation is linked with ours on the 'confidence front'). We are giving substantial thought to this. But confidence of the Unionist community that the fight against terrorism is effective is equally important.

- (If Mr Haughey raises this). HMG continues to honour the 1985 objective of police accompaniment of army patrols wherever possible. Levels are high, as the Chief Constable has explained in Conference meetings. But the RUC have to have regard to operational needs: they cannot abort an anti-terrorist operation simply to accompany a patrol.

EXTRADITION

The Prime Minister may wish to touch briefly on our continuing concerns. Since the failure of three extradition cases (Clarke, Finucane, Carron) in 1990, we have consistently stressed our concerns in the Intergovernmental Conference about what we perceive to be loopholes in the Irish Extradition Act. This potentially allows a number of terrorist offences to be treated as political offences. The Irish High Court in the case of three Crumlin Road escapers recently decided that two (Sloan and McKee) should not be extradited for the offence of "possession with intent" of an M60 machine gun as this was a political offence. The Irish State has appealed the decisions to the Supreme Court. Mr Haughey has taken the line that legislation must be fully tested in the courts before it can be tightened up.

The Ellis Case. A decision is expected on 20 June in a pre trial hearing in London in this case. Ellis was returned from the Republic last year for trial on explosives offences. A UK magistrate took the view that the return charges were not proper to the indictment and substituted alternative charges. The Irish Attorney General made it clear that the use of the substituted charges would be a breach of the UK "gentlemen's agreement" with the Republic which provides that extraditees shall not be imprisoned or prosecuted for offences other than those for which they were extradited without the consent of the returning state. The Irish declined to give such consent. The Attorney General finds this disappointing as there are some precedents for such agreement where, as in this case, the evidence is the same. The Irish are considering whether they will prosecute themselves if he is returned to Ireland.

Points to Make

- We note that Irish legislation is still being tested in the courts.

- Any gaps in the Irish Extradition Act 1987 are unwelcome. We hope they will be removed by early Irish legislation.

- Ellis case - (only if raised). We respect the Republic's right not to agree to the prosecution of Ellis on charges other than those on which he was extradited.
  - (If the court refuses on 20 June to commit Ellis to trial on the return charges.) But he will now go free unless the Irish are willing to proceed against him in extraterritorial proceedings in Ireland.

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CROSS-BORDER COOPERATION AND THE INTERNATIONAL FUND

Points to Make (if raised)

- Sensible to cooperate where our social and economic interests coincide. Important part of Anglo-Irish business.

- 1992 will strengthen the need for cooperation in certain areas, but areas of competition will still remain (inward investment, transport, agri-food industry). Should aim to build on existing cooperation and identify most productive areas for further cooperation.

- We will continue to work closely with the Irish Government to ensure continued support for the International Fund for Ireland from existing donors, particularly the US and the EC.

RIGHTS OF MINORITY COMMUNITY

Points to Make (if raised)

- Determined to pursue policies providing equality of opportunity and equity of treatment. Already shown this in Fair Employment legislation, and initiatives to address areas of need in Belfast and Londonderry.

I am copying this letter to Tony Pawson (Northern Ireland Office), Simon Webb (MOD), Colin Walter (Home Office), Juliet Wheldon (Law Officer's Secretariat) and Sonia Phippard (Cabinet Office).

Yours ever,
Christopher Prentice.

(C N R PRENTICE)
Private Secretary

J S Wall Esq
10 Downing Street

Annex A International Issues

Annex B Mr Brooke's 26 March Statement

Annex C Articles 2 and 3 of the Irish Constitution

Annex D Article I of the Anglo/Irish Agreement 1985

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ANNEX A

OTHER INTERNATIONAL ISSUES

SOVIET UNION

Points to Make (if raised)

- Some hopeful signs (Gorbachev/Yeltsin relations; 9+1 agreement; Yavlinsky's economic reform proposals). West should use its limited influence to push Gorbachev towards further reform.

- Yeltsin's election as RSFSR President a significant boost for reformers. Hope he will use his position responsibly and avoid hard confrontation with Gorbachev.

- Economic assistance not a question of some "grand bargain" between the West and the Soviet Union; but of help for self-help. If serious reform measures are introduced in the Soviet Union, should be ready to consider Western/IFI assistance. Important that West should do what we can to encourage growth of market sector.

Gorbachev and G7 Summit

- Gorbachev invited for session with Heads of Government immediately after Summit proper. Attendance is:

  (a) Recognition of Soviet Union's desire to be integrated into world economy, which can only happen on basis of cnfidence in continuation of process of political and economic reform.

  (b) Opportunity for Gorbachev to brief G7 leaders on efforts directed at reform; for G7 to confirm their support for reform process; to spell out what is required in terms of implementing credible policies leading to market-based economy. No question of financial aid.

  (c) Chance for Gorbachev to demonstrate support for Summit's approach/conclusions eg on conventional arms transfers.

- Believe Summit's message to Gorbachev should spell out clearly criteria for worthwhile future cooperation (including factors such as human rights, treatment of Balts etc), and should help bind him more closely to reformist policies.

CENTRAL AND EASTERN EUROPE

Points to Make (if raised)

- We believe the democratic structures in Poland, Hungary and Czechoslovakia are holding up reasonably well. Bulgaria and Romania are still shaky, though clearly better than under the old regimes.

- Yugoslavia is currently the most difficult case. The Yugoslav crisis is still very grave. Slovenia and probably Croatia now seem bound to declare independence by end of June (although actual process of secession may drag on for months thereafter). There is a real risk of widespread violence between Serbs and other ethnic groups. The CSCE should play a role. Signs that Yugoslavs themselves moving towards this. Berlin Ministerial meeting on 19-20 June provides an opportunity - perhaps the last - to influence pace of events.

- The difficult task now is to help overcome countries' short and medium term economic difficulties without endangering the success of long term structural reform. A key step will be improved access to EC and other Western markets. Association Agreements should incorporate generous concessions.

IRAQI REFUGEES

Points to Make (if raised)

- The majority of refugees from Northern Iraq have returned home. The humanitarian operation there has been handed over to the UN, and it is our intention that our forces which were directly involved with those operations should withdraw.

- No decision has been reached on the complete withdrawal of coalition forces. We are consulting closely with our partners on this point, and any decision will take full account of the circumstances in Iraq.

- We are closely monitoring the situation in Southern Iraq. We have, as yet, no evidence of a major Iraqi offensive against refugees there, though there has been minor skirmishing. We have made it clear to the Iraqis that any further action against the Shia would have the most serious consequences.

- We are encouraging the UN to extend the scope of their operations in the South.

ARAB/ISRAEL

The US Secretary of State, James Baker, has returned to Washington after four visits to the region. He has established some areas of common ground between the parties, but differences between Israel and Syria on the precise nature of the conference remain unresolved. The Israelis want a short one-off event without UN involvement though they have now agreed to EC Presidency participation alongside the US and USSR. The Syrians want a continuing conference, greater powers for the co-sponsors and a prominent role for the UN.

The Foreign Secretary saw Mr Baker on 20 May and has since sent messages to the Foreign Ministers of Syria, Jordan and Israel, urging them to grasp the opportunity. President Bush has sent messages to Israeli Prime Minister Shamir, President Asad of Syria, King Hussein of Jordan, President Mubarak of Egypt and King Fahd of Saudi Arabia, setting out areas of agreement and disagreement and urging them to show flexibility. We do not yet know what responses the Americans have received.

Points to Make (if raised)

- emphasise our full support for the Baker initiative. The EC should continue to support it. We have a vital interest in the shape of any settlement.

- welcome Israeli Foreign Minister Levy's agreement on 5 June to a role for the EC Presidency, alongside the US and USSR.

HOSTAGES IN LEBANON

Points to Make

- Grateful to your Government for raising hostages with the Iranians. Hope you will continue to press them on this subject as opportunity arises.

SOUTH AFRICA

The issue of South Africa is in Ireland dominated by their Anti-Apartheid Movement: the Irish have few commercial interests - and no Embassy - in South Africa. President de Klerk visited Dublin (at his own request) on 25 April. Mr Haughey received him politely and was impressed by de Klerk's account of his reform programme. The visit may prompt a review of Ireland's 1985 bilateral measures on fruit and vegetable imports and tourist links. But the Irish may still be reluctant to lift any of the EC's 1985 measures. They have expressed doubts about our idea of an EC declaration on sport to be adopted at Luxembourg.

Points to Make (if raised)

- Reforms in South Africa continue apace. The bulk of statutory apartheid will have gone by the time of the European Council (28/29 June). Now is the time to encourage all sides to get together: the violence makes this even more necessary.

- Have proposed that European Council's statement on South Africa should this time endorse the ANC's and the IOC's view that sports achieving racial integration in South Africa should be able to re-enter international competition.

Mr Brooke's 26 March Statement ANNEX B

Northern Ireland (Political Talks)

Mr. Speaker: Before the Secretary of State starts, may I ask hon. Members who are not remaining for this important statement to leave quietly and without conversation?

3.30 pm

The Secretary of State for Northern Ireland (Mr. Peter Brooke): With permission, Mr. Speaker, I will make a statement about political development in Northern Ireland.

I am pleased to be able to inform the House that, following extensive discussions with the main constitutional parties in Northern Ireland—the Alliance party of Northern Ireland, the Social Democratic and Labour party, the Ulster Democratic Unionist party and the Ulster Unionist party—and with the Irish Government, a basis for formal political talks now exists. I frankly acknowledge to the House that this would not have been possible without the good will and determination of the Northern Ireland parties and the helpful and constructive approach taken by the Irish Government. The stated positions of all these parties are well known. Her Majesty's Government reaffirms their position that Northern Ireland's present status as a part of the United Kingdom will not change without the consent of a majority of its people.

The endeavour on which we have all agreed to embark is an ambitious one. We are setting out to achieve a new beginning for relationships within Northern Ireland, within the island of Ireland and betweeen the peoples of these islands. While a successful outcome cannot be guaranteed in advance, I am confident that all the potential participants are committed to a forward-looking and constructive approach. For their part, the two signatories of the Anglo-Irish Agreement—the British and Irish Governments—have made it clear that they would be prepared to consider a new and more broadly based agreement or structure if such an agreement can be arrived at through direct discussion and negotiation between all the parties concerned.

To allow an opportunity for such a wider political dialogue, the two Governments have agreed not to hold a meeting of the Anglo-Irish Conference between two pre-specified dates. All the parties concerned will make use of this interval for intensive discussions to seek the new and more broadly based agreement which I have just described.

As the conference will not be meeting between the specified dates the Secretariat at Maryfield will accordingly not be required for that period to discharge its normal role of servicing conference meetings provided for in article 3 of the Agreement.

It is accepted that discussions must focus on three main relationships: those within Northern Ireland, including the relationship between any new institutions there and the Westminster Parliament; among the people of the island of Ireland; and between the two Governments. It is common ground between all the parties that hope of achieving a new and more broadly based agreement rests on finding a way to give adequate expression to the totality of the relationships I have mentioned.

Talks will accordingly take place in three strands corresponding respectively to the three relationships. Some arrangements will be needed for liaison between the different strands of these complex discussions. All the Northern Ireland parties will participate actively and directly in the north-south discussions. The Unionist parties have made it clear that they wish their participation in those talks to be formally associated with my presence and that they will regard themselves as members of the United Kingdom team. It is accepted by all those involved that, to make full use of the interval between meetings of the conference to achieve an overall agreement satisfactory to all, it will be necessary to have launched all three sets of discussions within weeks of each other.

A first step towards getting related discussions under way in all three strands will be the opening, as soon as possible, of substantive talks between the parties in Northern Ireland under my chairmanship. These will commence with a round of bilateral meetings before moving on, as soon as possible, into plenary sessions. It has been agreed by all the participants that before long, when, after consultation, I judge that an appropriate point has been reached, I will propose formally that the other two strands should be launched. My judgment as to timing will be governed by the fact that all involved have agreed that the three sets of discussions will be under way within weeks of each other.

The internal talks, like the talks in the other strands, will follow a demanding and intensive schedule. In order to ensure a full airing of the issues, it will be open to each of the parties to raise any aspect of these relationships, including constitutional issues, or any other matter which it considers relevant. All concerned have assured me that they will participate in good faith and will make every effort to achieve progress.

It is accepted by all the parties that nothing will be finally agreed in any strand until everything is agreed in the talks as a whole and that confidentiality will be maintained thereunto. However, in the final analysis, the outcome will need to be acceptable to the people.

ARTICLES 2 AND 3 OF THE IRISH CONSTITUTION

Article 2.*

The national territory consists of the whole island of Ireland, its islands and the territorial seas.

Article 3.*

/Irish law applies to the Republic only "pending reintegration"/

Pending the re-integration of the national territory, and without prejudice to the right of the Parliament and Government established by this Constitution to exercise jurisdiction over the whole of that territory, the laws enacted by that Parliament shall have the like area and extent of application as the laws of Saorstát Éireann and the like extra-territorial effect.

*The wording of both articles was the subject of legal challenge in the Irish Courts in 1990 (McGimpsey v the Irish State). The Court found that the wording constitutes a legal imperative. Subsequently the Taoiseach has pointed out on a number of occasions that Article 29 of the Irish Constitution affirms Ireland's adherence to the pacific settlement of international disputes, and that there is no question of Ireland seeking to impose unity by force. Unionists concerns remain: they have questioned what the Irish would define as an international dispute. They are only likely to be reassured by the deletion of both Article 2 and 3.

AGREEMENT 1985

ANNEX D

ARTICLE 1 OF THE ANGLO/IRISH AGREEMENT 1985

A

STATUS OF NORTHERN IRELAND

ARTICLE 1

The two 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.

GALLAGHER, DERMOT

Assistant Secretary, Head of Anglo-Irish Division, Department of Foreign Affairs.

Born County Leitrim 1945 (on the Northern Ireland border). Educated University College Dublin.

A career diplomat with involvement in Irish policy in Northern Ireland going back to 1969. He will take up appointment as Irish Ambassador in Washington in the autumn. Reported to be close to and trusted by the Taoiseach.

Gallagher is a country boy made good. He seems in his element in Anglo-Irish Division. His political views were shaped during the onset of the Troubles in Northern Ireland, and he dislikes and distrusts the British. Tries to exploit the Anglo-Irish Agreement to the full and finds our attitude exasperating. He takes a tougher line than his superiors. He makes little effort to hide his contempt for Unionists.

A workaholic, Gallagher is able, incisive and a quick draftsman. He can be charming when things go his way, but is prone to lose his temper when crossed in debate. Difficult to establish a relationship of personal confidence with.

Married with three children. His wife, Maeve, is a teacher.

AGREEMENT 1985

ANNEX D

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Married with three children. His wife, Maeve, is a teacher.

DORR, NOEL

Secretary, Department of Foreign Affairs

Born Limerick 1933.

Education: University College Galway and Georgetown University, Washington DC.

Entered civil service as Assistant Inspector of Taxes 1958 and the DFA in 1960; Deputy Secretary DFA 1974-80. Ambassador to the UN 1980-83. Ambassador in London 1983-87.

Dorr is respected by his colleagues in the DFA and by politicians of all parties. Widely read and very intelligent, he is a skilful draftsman and considerate chairman. He worked very hard and successfully in London. Serious, teetotal, workaholic with considerable charm and a legendary memory. A major contributor to the Anglo-Irish Agreement.

Married to charming woman (Catriona), a former air hostess whose first language is Irish. She had a cancer operation 1984, reported to be completely successful.

NALLY, DERMOT

Secretary to the Government.

Born 1927. Dermot Nally was educated at Synge Street Schools, Dublin. He was awarded a scholarship in science by the National University of Ireland and a post-graduate studentship in modern languages at London University, from which he gained his MA.

Joined the civil service in 1947 and transferred to the Department of the Taoiseach in 1973. Up to 1980 he reported directly to the Taoiseach on matters affecting the European Economic Community and Northern Ireland. He also kept an eye on foreign affairs in general and was involved in economic policy, both domestic and external. Appointed Secretary to the Government on 2 July 1980, he was involved in the AIIC and the successful negotiations leading to the signing of the Anglo-Irish Agreement 1985. His close personal relationship with Lord Armstrong played a key part in the negotiations. Trusted by successive premiers of both parties.

Nally is a first class civil servant, discreet, loyal and sensible. He is pleasant socially, but is capable of taking a very robust line on instructions. He has a remarkable capacity for alcohol.

Nally is married with several children. Mr Nally's interests are golf, reading and gardening.

COLLINS, (JAMES) GERARD ('GERRY') TD

Minister for Foreign Affairs.

Born 1938 in Abbeyfeale, Co Limerick. Educated University College Dublin. Assistant General Secretary, Fianna Fail, 1965-67; Deputy for Limerick West since 1967; Parliamentary Secretary to the Minister for Industry and Commerce and the Gaeltacht, 1969-70; Minister for Posts and Telegraphs 1970-73; member, Consultative Assembly of the Council of Europe 1973-77; Opposition spokesman for Agriculture until February 1975, when he moved to Justice; Minister of Justice July 1977-81, and 1987-89; Minister for Foreign Affairs March-November 1982; and since July 1989.

An archetypal Fianna Fail backwoodsman, shrewd, devious, adroit, ruthless and ambitious. Generally a competent performer. Capable of great charm and also easily provoked to anger. He presides with Mr Brooke at meetings of the Inter Governmental Conference as well as travelling widely as Foreign Minister.

He was appointed Minister for Foreign Affairs in March 1982 and presided over the deterioration in Anglo-Irish relations caused by the Falklands War. Front bench spokesman on foreign affairs after Fianna Fail's defeat in the November 1982 election.

Wants to succeed Mr Haughey as Taoiseach (although not a front runner).

Has had stomach problems intermittently. They recurred recently.

Married 1969 a graduate teacher (Hilary Tattan) from Killarney. No children.

THE ANGLO-IRISH AGREEMENT

The Anglo-Irish Agreement was signed by Mrs Thatcher and Dr FitzGerald in November 1985 at Hillsborough Castle Co. Down. It attempted to accommodate the rights, identities and aspirations of the two traditions in Northern Ireland and to provide a framework for improved cooperation between the two governments.

Key provisions were:

- Article I (Annexed) which affirms the status of Northern Ireland to be determined by a majority of those living there, recognises that the present wish of a majority is for no change, but provides that if in the future a majority wish for a united Ireland both governments will support this. Unionists have not found this a sufficient reassurance while Articles 2 and 3 of the Irish Constitution lay claim to the whole of Ireland. The Article provided for the establishment of a Joint Secretariat staffed by Irish and British officials. Unionists have insisted that the Ministerial meetings halt during the present talks, and that the secretariat ceases to service the Ministerial Conference during the "gap".

- Article 2 providing for regular bilateral Ministerial meetings to consider political, security and legal matters, and to promote cross border cooperation. The Unionists see this as interference. The Nationalists see it as restoring the political imbalance for them.

- Article 4 declares that it is the policy of HMG to devolve powers within Northern Ireland on a basis that would win widespread acceptance. The Unionists have been unwilling to consider devolution under the framework of the agreement. If a devolved administration were set up devolved matters would not be considered in the Inter-Governmental Conference

- Articles 7 and 9 provide for Conference to consider the security situation, cooperation on security and relations between the security forces and the community. For many Unionists more demonstrable improvement in bilateral security cooperation might be a bench-mark to the success of the Agreement.

- Article 10 provides for cooperation on economic and social developments

- There is no derogation of the Sovereignty of either government under the Agreement.

- Mr Brooke's statement of 26 March commits the two governments to consider a new and more broadly based agreement on structure if such an agreement can be arrived at through direct discussion and negotiation between all the parties concerned.

- If there is no such new agreement both governments are agreed that the Anglo-Irish Agreement should remain in place.

UK POSITION ON FUTURE OF NORTHERN IRELAND

The government's commitments on the future constitutional position of Northern Ireland are as set out in Article I of the Anglo-Irish Agreement:

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

(c) 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 legislation to give effect to that wish.

HAUGHEY, CHARLES J TD

An Taoiseach; Leader of Fianna Fail.

Born 1925 in Castlebar, Co Mayo. Educated University College Dublin. Barrister 1949; Lieutenant in the Irish Territorial Army 1947-57; Deputy since 1957; Parliamentary Secretary to Minister for Justice 1960-61; Minister for Justice 1961-64; for Agriculture 1964-66; and for Finance 1966-70; Vice-President, Fianna Fail since early 1972; Minister for Health and Social Welfare 1977-79; Taoiseach December 1979-June 1981; from March-December 1982; and since March 1987.

Always intensely ambitious, Mr Haughey became very rich from his accountancy business (and from speculation in building land during his spell as Minister for Finance). He married Maureen Lemass, daughter of the former Taoiseach in 1951, which accelerated his political career.

Between October 1969 and April 1970 Mr Haughey was accused together with others in the Cabinet of conspiring to smuggle arms for the North through Dublin. In May 1970 he and Mr Neil Blaney, Minister for Agriculture, were dismissed by the Taoiseach. He was subsequently tried and discharged (though not entirely exonerated) in October 1970.

Despite these events, Mr Haughey retained considered influence over the Dublin Fianna Fail. He worked diligently at the grass roots of the party to inch his way back into political popularity. In December 1979 Mr Lynch was forced to resign. Mr Haughey became both leader of Fianna Fail and Taoiseach. The leadership contest split the party and has rumbled on ever since.

The constant thread of Mr Haughey's career is his political ambition, which has made him a controversial figure since before his 1970 dismissal. In preserving his leadership of Fianna Fail he has shown qualities of obstinate courage and political skill which his opponents cannot match.

His relations with the British Government and his attitude to Northern Ireland have been determined by the political dividends he hoped to reap at home.

SECRET UK EYES A

MINISTRY OF DEFENCE
WHITEHALL LONDON SW1A 2HB
Telephone 071-21 82111/3

SECRETARY OF STATE
MO 19/3D

20 June 1991

Dear Stephen,

Original filed on DEFENCE: UK defence Policy Pt 5.

ULSTER REGIMENT

The Prime Minister might like to be aware, in advance of his meeting with Mr Haughey, that the future of the UDR is affected by the review of Army Regimental Structure. The Ulster Defence Regiment (UDR) is one element of the British Army's presence which the Irish Government regard with particular suspicion.

The scheme under consideration, as part of the restructuring of the Army, would involve combining the UDR (which has nine battalions of full and part-time soldiers) with the regular Royal Irish Rangers (which has two battalions). The Defence Secretary and Northern Ireland Secretary have considered the proposal in general terms and believe that it has much merit. However, there is no way of telling at present how it would be received by, amongst others, the Irish Government. It may be seen as the ending of the UDRs separate existence; alternatively it could be seen as perpetuating it. More detailed work remains to be done on the proposal, which you will understand is very sensitive. Should we decide to proceed we will need to give the Irish and Northern Ireland parties advance notice.

I will advise you in more detail shortly on the proposals and the way forward. For the present we do not suggest the Prime Minister mention this to Mr Haughey; but, if the opportunity arises, he may wish to comment to the effect that the future structure of the Army is under review, and the UDR is included in the review.

Yours sincerely

Jane Kirstead

for (S WEBB)
Private Secretary

Stephen Wall LVO CMG
No 10 Downing Street

SECRET UK EYES A

100% Recycled Paper

SECRET

C 5

Prime Minister

Highlights worth reading before Jo sees M Haughey

Jp 01463

MR WALL

c Sir Robin Butler

Anglo-Irish Security Co-operation

19/6

As the Prime Minister will be seeing Mr Haughey on Friday evening, you may find it helpful to have an advance copy of the paper which will be discussed at the JIC tomorrow. Departments and agencies have been consulted extensively in its preparation and I do not expect significant changes as a result of JIC discussion.

2. It is an important paper and I suggest the Prime Minister glance through it. It shows the nature of the security problem, the extent to which co-operation with the Irish has improved and the considerable difficulties that remain.

PERCY CRADOCK

THIS IS A COPY. THE ORIGINAL IS RETAINED UNDER SECTION 3 (4) OF THE PUBLIC RECORDS ACT

19 June 1991

SECRET

Stephens

May can to see 'X'.

P.

FROM: G R ARCHER
REPUBLIC OF IRELAND DEPARTMENT
DATE: 19 JUNE 1991
cc PS
PS/Mr Garel-Jones
Mr Broomfield
Mr Greenstock
Head PUSD
Mr Pilling NIO B
Mr Alston NIO B
Mr Thomas NIO B
Mr D H R Hill NIO B
Mr D Cooke NIO B
Mr A Wood NIO B
Mr Gowan, Cabinet Office

Head of FCO News Room

PRIME MINISTER'S MEETING WITH THE TAOISEACH ON 21 JUNE

1. You will wish to inform No 10 that Mr Nally (Secretary to the Government, Dublin), has told our Ambassador that the Irish envisage the following:

(a) A photo opportunity at No 10.

(b) Separate briefing of the press after the discussions (the Taoiseach may talk to the Irish press at the Irish Embassy and we believe that he will also give a pre-meeting briefing on arrival in London).

(c) The Irish do not think that it would be sensible or productive to try to agree in advance of the meeting on a specific press line, but are inclined to think of an agreed short press statement not going much beyond identifying the main subjects and describing the cordial atmosphere. They assume this can be agreed over dinner.

2. I do not think that we can rely on the Irish not trying to put their own spin on their account of the discussions. There are Irish local elections next week. The Taoiseach will want headlines. In view of the present delicate state of the talks about political development in Northern Ireland, it would be desirable to reach a precise understanding about what each side will say about controversial questions affecting Northern Ireland.

X]

G R ARCHER

ID2564

PRIME MINISTER

ANGLO/IRISH EXTRADITION: ELLIS

You should be aware of this case because it will get some publicity over the next few days.

Desmond Ellis was believed to be involved in the IRA mainland bombing campaign in the early 1980s. He was extradited from the Republic of Ireland, charged with two serious offences. But when he appeared before a Metropolitan Magistrate in February, she refused to commit him to trial on the two conspiracy charges under which he had been extradited but committed him on two different, though similar charges, instead. There were various legal arguments for this but the substitution of different charges effectively invalidated the extradition.

The Attorney General decided that, because of the terms of our Extradition Agreement with the Irish, we could not simply go ahead with a court case based on the new charges without consulting the Irish authorities. To have gone ahead would have put at risk any future prospects of extradition. The Irish have refused their permission to go ahead on the basis of new changes. There is an argument going on in our own legal system as to whether, despite the Magistrate's decision to change the charges, Ellis can still be tried on the charges under which he was originally extradited. The legal argument is being heard today. If the Judge decides that Ellis cannot stand trial on the original charges then the indictment against him will be quashed and proceedings in the UK will be at an end. He will be rearrested under the Prevention of Terrorism Act. The Attorney General has, meanwhile, written again to the Irish inviting them to consider an extra territorial prosecution against Ellis. This would enable Ellis to stand trial in the Republic of Ireland.

If the decision by the UK trial Judge does not go the way we want, the Attorney General will probably encourage a PNQ which he would answer on the lines of paragraph 8 of his attached minute.

J. S. WALL
14 June 1991

A:\FOREIGN\ELLIS

FILE KK

a:/Foreign/Prentice

bc PC

10 DOWNING STREET
LONDON SW1A 2AA

From the Private Secretary

14 June 1991

MEETING BETWEEN THE PRIME MINISTER AND MR. HAUGHEY

Thank you for your letter of 13 June about the arrangements for Mr. Haughey's visit next week.

The arrangements look fine except that I am sorry to say that John Chilcot and Nigel Broomfield will not (not) be able to attend. We are already five aside.

I am copying this letter to Tony Pawson (Northern Ireland Office) and to Sonia Phippard (Cabinet Office).

(J. S. WALL)

Christopher Prentice, Esq.,
Foreign and Commonwealth Office.

HOME SECRETARY

ELLIS

1. In my minute to you dated 27 February 1991 I explained the difficulty that had arisen in this case in view of the Magistrate's decision to discharge Ellis on the charges on which he had been extradited, and her decision to commit him for trial on two new charges. This minute brings you up to date and indicates how I propose to handle the aftermath of a possible decision of the Judge at the Central Criminal Court, either at the end of this week or the beginning of next week, that the indictment should be quashed. I think it more likely, however, the Judge will uphold the indictment, in which event the trial will proceed.

2. I wrote to my Irish opposite number, Mr Murray, following my minute to you and discussed ways of challenging the Magistrate's decision. He and I agreed that the DPP should apply for judicial review of the decision. I told Mr Murray that I had some doubts about the jurisdiction of the court to decide the issue; unhappily, those doubts were confirmed and the Divisional Court left it for the trial Judge to determine whether Ellis could be tried on the return charges.

3. As a result of the Divisional Court decision, I wrote to Mr Murray and asked for the consent of the Irish authorities to the inclusion of the committal charges in an indictment in case the Judge ruled that Ellis could not be tried on the return charges. I expressed the view to Mr Murray that consent would be consistent with our previous practice and what I understood to be the underlying principle of the gentleman's agreement which prevents the addition of new charges without consent. I understood that principle to be that the prosecution could reformulate charges if the new charges were based upon the same,

or more limited, evidence than the original charges.

4. I regret to say that the Irish authorities refused to grant consent to the addition of the new charges. Mr Murray sent me a letter of explanation which I find unpersuasive. I shall have to discuss his reasoning with him. That, however, is for the future.

5. The prosecution lodged an indictment against Ellis containing the return charges only, and the trial Judge will hear legal argument on Thursday and Friday on whether Ellis can stand trial on those charges. If he accepts the arguments for the defence, then the indictment will be quashed and proceedings against Ellis in the UK will be at an end. I understand, however, that Ellis will not be set free but that he will be arrested under the Prevention of Terrorism Act. This will give you time to consider any comments that the Judge might make before deciding whether to make an exclusion order against Ellis.

6. In view of the possibility that the indictment might be quashed, I thought it proper to write to Mr Murray and invite him to consider an extra-territorial prosecution against Ellis. I understand that the Irish authorities are unlikely to be able to give a decision by the time the Judge gives his ruling on the indictment. I hope that the Irish authorities may wish to give a favourable response in order to minimise the potential damage to relations between the UK and the Republic, once it becomes known that Irish consent would have enabled Ellis to stand trial in the UK on the very serious offences alleged against him. The possibility of an extra-territorial prosecution, however, does have some bearing on the way in which any controversy is handled, since we would obviously not want to give the Irish authorities the opportunity to say that such a trial has been prejudiced by comments made in the UK.

7. If the decision is unfavourable I intend to encourage a PNQ

as soon as possible, and I have contingently briefed appropriate colleagues. I have also briefed John Morris, John Fraser and Alex Carlile. All without exception are supportive, and should play up well.

8. I intend to make the following points to the House:

(a) The DPP requested the return of Ellis on the return charges as a result of the advice of senior counsel and for good reasons. Counsel's advice had regard to the fact that alleged co-conspirators with Ellis had already been charged with the identical Explosive Substances Act offences.

(b) The Crown's contention that Ellis' absence from the UK at all material times affords him no defence in the circumstances of this case was trenchantly endorsed as representing Irish law by the Irish Chief Justice in the Supreme Court, who held that Ireland had identical statutory provisions to England and, in effect, that under them the Irish courts would have taken jurisdiction in a similar case.

(c) I was deeply disappointed that the Irish Minister for Justice had not consented to Ellis being indicted as I requested for the charges under section 1 of the Criminal Law Act 1977 upon which the Magistrate, of her own motion, committed him. The new charges depend on identical evidence as to the alleged conduct of Ellis, and Ellis could not have been embarrassed by their substitution.

(d) It is now greatly to be hoped that the Irish will try Ellis in Ireland on the allegations that he conspired to cause explosions in the UK.

9. Finally, the course of events in this case throws into question the future operation of the speciality understanding in extradition cases involving the Irish. As I have said, I have already told Mr Murray that I see the need to discuss the reasons for refusing consent at a later opportunity. I assume that Mr Murray will press for UK legislation as a solution. This legislation could well present considerable problems, but I believe officials have already started to look into this.

10. I have copied this minute to the Prime Minister, the Secretary of State for Foreign and Commonwealth Affairs and the Secretary of State for Northern Ireland and to Sir Robin Butler.

P.M.

13 June 1991

ccPC

Foreign & Commonwealth Office

London SW1A 2AH

RESTRICTED

13 June 1991

Dear Stephen,

Meeting Between the Prime Minister and Mr Haughey

Dermot Nally has spoken to our Ambassador in Dublin about arrangements for the talks. Nally confirmed the understanding set out in your letter of 11 June about timing. - with JSW

Participation

The Irish propose that the Taoiseach and Mr Collins will be accompanied by Dermot Nally, Noel Dorr, the Secretary for Foreign Affairs, and Dermot Gallagher, Head of Anglo/Irish Division, DFA. The Irish Government spokesman, P J Mara, and other officials will travel to London, but will not come to No 10. The Irish hope to keep the meeting small, but this suggests that this may leave room for one official each from the FCO and NIO. If you see no problems, our proposal is that Mr Brooke will be accompanied by Mr Chilcot, and Mr Garel-Jones by Mr Broomfield.

Agenda

The Irish see no need for a formal agenda, but suggest that the subjects to be covered might include

(a) EC issues in the approach to the European Council following the Taoiseach's visit to Paris.

(b) International issues, including East-West relations, the Soviet Union and Eastern Europe: the Middle East, Arab/Israel and the Gulf: and perhaps GATT.

(c) Anglo/Irish relations and Northern Ireland: political development and security.

/The Taoiseach

RESTRICTED

RESTRICTED

The Taoiseach himself will wish to handle (a) and (c) above. He would be content for other Ministers to handle (b). If there is outstanding business on the specifics of the Northern Ireland talks which are not resolved at the meeting between Mr Brooke and Mr Collins on 14 June, Nally thought it would be appropriate for them to be taken by Mr Brooke and the Minister rather than by Heads of Government.

Sir N Finn asked Nally what the Taoiseach planned to raise in the tete-a-tete meeting. The answer was emphatic and reassuring. Mr Haughey had no intention of up-staging the co-chairmen or going into detail on the management of the current talks. He would have three thoughts in mind:

(a) To consolidate his personal relationship with Mr Major.

(b) To share in general terms his approach to bilateral relations, Northern Ireland and the talks process.

(c) To address major EC issues likely to arise at the European Council.

We see no problems with this, and would not propose any additional items. I shall send a full brief on 19 June.

Press

The Irish envisage a photo opportunity at No 10. The Taoiseach proposes to brief the Irish press at the Irish Embassy. The Irish do not think that it will be necessary or producitve to try to agree in advance on specific press lines, but have in mind that the two Heads of Government should consider this question briefly at the end of dinner. They would see some advantage in a brief agreed press statement confirming the main subjects covered to be prepared in advance and reviewed at the end of the meeting. News Department will be in touch separately with the No 10 Press Office to agree specific arrangements.

Yours ever,
Christopher Prentice.

(C N R Prentice)
Private Secretary

J S Wall Esq
10 Downing Street

RESTRICTED

CONFIDENTIAL

FILE KW

10 DOWNING STREET
LONDON SW1A 2AA

From the Private Secretary

11 June 1991

Dear Richard,

VISIT OF MR HAUGHEY

I have now agreed with Dermot Nally the following arrangements for Mr Haughey's visit to London on Friday 21 June.

Mr Haughey will be accompanied by the Foreign Minister, Gerry Collins, Dermot Nally and Noel Dorr.

The Prime Minsiter would be very grateful if Mr Brooke could be present. He understands that the Foreign Secretary has a prior engagement that evening and would welcome it if Mr Garel-Jones could attend the meeting. He would also welcome the presence of Sir Robin Butler.

Mr Haughey and his team will arrive at No 10 at 1930. Mr Haughey will have a private meeting with the Prime Minister (perhaps with note takers present). The suggestion is that Mr Brooke, Mr Collins and other members of the two teams should talk over a drink in another room while the private meeting is taking place. This conversation would be followed by a working dinner at around 2015 or 2030.

We shall need to announce Mr Haughey's visit in due course. I agreed with Dermot Nally that we should probably not do this before the start of the Northern Ireland talks on 17 June. I should be grateful for early advice on the suggested terms of an announcement, agreed with the Northern Ireland Office. We will obviously want to refer to the discussions covering EC business, but I am sure we cannot get away with producing that as the only subject.

I am copying this letter to Tony Pawson (Northern Ireland Office) and Sonia Phippard (Cabinet Office).

Yours,
Stephen

J S WALL

Richard Gozney Esq
Foreign and Commonwealth Office

CONFIDENTIAL

PRIME MINISTER

Fine

VISIT OF MR. HAUGHEY

Mr. Haughey gratefully accepts your invitation to a working dinner on Friday 21 June. He will be accompanied by the Foreign Minister, Gerry Collins.

Yes. Mr. Haughey would like to have a private meeting with you beforehand.

Yes I suggest the team on our side should be Mr. Brooke and (for EC issues) Mr. Garel-Jones. The Foreign Secretary has another engagement that evening. If everyone comes to No.10 at 1930, Mr. Brooke, Mr. Collins and Mr. Garel-Jones could have drinks in the White Drawing Room while you and Mr. Haughey meet in the Study. We could then move to dinner at 2015 or 2030.

Agree?

Stephen

(J.S. WALL)
10 June 1991

c:\foreign\haughey (ecl)

122576
MDHIAN 0016

PS TO PRIME MINISTER
NO 10 DOWNING ST

RESTRICTED
FM DUBLIN
TO DESKBY 061145Z FCO
TELNO 256
OF 061045Z JUNE 91
AND TO DESKBY 061145Z NIO(L), NIO(B)

PROPOSED MEETING BETWEEN THE PRIME MINISTER AND THE TAOISEACH

SUMMARY

1. THE TAOISEACH LOOKS FORWARD TO HIS MEETING WITH MR MAJOR AND WELCOMES THE FOUR-PARTY ANNOUNCEMENT ON POLITICAL TALKS.

DETAIL

2. I HAD A PRIVATE WORD WITH THE TAOISEACH AT HIS RECEPTION IN DUBLIN CASTLE FOR THE MODERATOR OF THE GENERAL ASSEMBLY OF THE PRESBYTERIAN CHURCH IN IRELAND. IT SEEMED AN APPROPRIATE VENUE.

3. I SAID THAT MR MAJOR LOOKED FORWARD TO MEETING HIM BEFORE THE EUROPEAN COUNCIL. I UNDERSTOOD THE TWO OFFICES WERE IN TOUCH ABOUT DATES. I WAS NOT SURE HOW THE DIARIES WOULD PAN OUT. MR HAUGHEY WAS PLEASED. UNLIKE HIS STAFF, HE DID NOT SEEM AT ALL PUT OUT BY THE IMPLICATION THAT THE TIMING MIGHT BE LATER RATHER THAN SOONER IN THE APPROACH TO THE EUROPEAN COUNCIL.

4. THANKS TO ROBERT ALSTON'S TIMELY TELEPHONE CALL, I WAS ABLE TO TELL THE TAOISEACH ABOUT THE FOUR-PARTY ANNOUNCEMENT AT STORMONT THAT SUBSTANTIVE POLITICAL TALKS WOULD BEGIN IN STRAND I PLENARY ON 17 JUNE IN THE CONFIDENT EXPECTATION THAT WE SHOULD BY THEN HAVE IDENTIFIED A CHAIRMAN FOR STRAND II. MR HAUGHEY WAS DELIGHTED. THIS WAS AN ENCOURAGING DEVELOPMENT FOR WHICH BOTH GOVERNMENTS HAD WORKED HARD.

5. A FEW MINUTES LATER I WENT OVER THE SAME GROUND WITH THE MINISTER FOR JUSTICE, RAY BURKE. MR BURKE WAS SPEAKING TO THE OLD BRIEF. WE MUST SETTLE THE CHAIRMANSHIP FIRST. THE UNIONISTS HAVE NOT HELPED WITH THEIR RIDICULOUS LIST OF NAMES AND THEIR ENDLESS INVENTION OF NEW OBSTACLES. I RESPONDED THAT

THE TWO UNIONIST LISTS CONTAINED MANY EMINENT NAMES AND WERE SURELY EVIDENCE OF SERIOUS INTENT. SOME OF THEIR CANDIDATES WERE MANIFESTLY UNACCEPTABLE BUT ONE OR TWO WERE WORTH SERIOUS DISCUSSION. AS FOR THE PROBLEMS, IT WAS POSSIBLE TO PRESENT THIS, AS THE PRESS HAVE TENDED TO DO, AS ENDLESS SQUABBLING OVER TRIVIA. BUT THE MINISTER AND I KNEW THAT THESE TRIVIA HAD SYMBOLIC IMPORTANCE FOR THE PARTIES. AND ONE COULD ALSO PRESENT THE LAST FOUR WEEKS AS A SERIES OF SOLUTIONS FOUND TO DIFFICULT PROBLEMS. I ASKED MR BURKE TO REJOICE WITH ME. HE SAID HE DID, BUT HE DID NOT LOOK LIKE IT.

6. BY CONTRAST BOTH THE PRESBYTERIAN ASSEMBLY, AND IRISH BUSINESSMEN ASSEMBLED TO GREET THE MANCHESTER CHAMBER OF COMMERCE LATER IN THE EVENING WERE DELIGHTED AT THE HOPEFUL NEWS.

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YYYY

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NORTHERN IRELAND

NNNN

CONFIDENTIAL

SLH

10 DOWNING STREET

From the Private Secretary

SIR ROBIN BUTLER

MEETING WITH THE TAOISEACH

Thank you for your minute of 4 June. This is just to confirm the Prime Minister's agreement that Mr. Haughey should be invited to a working lunch at No. 10 Downing Street on Wednesday 19 June.

I have not been able to consult the Prime Minister about participants but I am sure he would hope that Mr. Brooke would be present. I think he would also welcome the participation of Mr. Garel-Jones given that he will wish to spend some time covering European Community business. I will consult him about this once we know whether Mr. Haughey is definitely coming but if you need to give an indication to Dermot Nally of participation on our side, I think it would be fine to mention the names of Mr. Brooke and Mr. Garel-Jones.

J. S. WALL

6 June 1991

CONFIDENTIAL

(1)

10 DOWNING STREET

Prime Minister

The suggestion is that you should see Mr Humphrey on 19 or 21 June. You could do the morning and lunch on 19 June (time is for set aside for political meetings - but have fixed) or dinner on Friday 21 June after the Test Match. Why not offer Humphrey a working

lunch at 1230 on Wednesday 19 June involving on our side Mr Bourke and (for the business) Mr Gavel-Jones.

You could have a private word with Mr Haughey immediately after lunch if he wanted it. That would preserve most of your morning intact.

Stephen

4/6

Ref. A091/1370

MR WALL

Prime Minister

Meeting with the Taoiseach

Mr Dermot Nally, the Irish Cabinet Secretary, telephoned me on Friday with instructions from the Taoiseach to try to settle on an early date for his pre-European Council meeting with the Prime Minister. Given that Mr Nally was not seeking a response until tomorrow (5 June), his suggestion that the meeting might take place late this week or early next week cannot have been meant seriously: our Ambassador's assessment is that the Irish attach more importance to firming up our commitment to a meeting before the Council than to an early date.

2. The Secretary of State for Northern Ireland, while continuing to support the principle of a pre-Council meeting, does not want to give the Irish any pretext for delaying the decision on the chairmanship of Strand 2 of the talks (and also the start of the Strand 1 plenaries, which is waiting on the chairmanship decision). There are some signs that the Taoiseach may be looking to the Summit to resolve the chairmanship issue: the Secretary of State doubts that this would be effective in gaining the acquiescence of the Unionists, apart from his reluctance to wait that long to start the plenary talks in Stage 1.

3. I therefore propose, if the Prime Minister is content, that I should respond to Mr Nally by saying that the Prime Minister is hoping to clear his diary for a meeting with the Taoiseach in London on 19 or 21 June (The Taoiseach is going to France for a bilateral with President Mitterrand on 20 June, so this should fit well with his diary) but I would not at this stage go firm on

either of these dates. I would at the same time stress the urgency of a decision on the chairmanship of the talks and the importance which Mr Brooke attaches to getting Stage 1 of the talks going before the meeting, thus leaving open the implication that we will want the Irish to commit themselves on the chairmanship before confirming the date of the summit.

4. If the Prime Minister is content, I would like to speak to Mr Nally on these lines tomorrow. In case Mr Nally asks me, I should also be grateful if you would let me know whether the Prime Minister has yet reached a view on attendance. Mr Brooke would like to sit in on the part of the talks dealing with Northern Ireland: Mr Hurd is away on both 19 and 21 June but Mr Garel-Jones would be able to represent the Foreign Office. On that basis the Taoiseach would no doubt be accompanied by Mr Collins.

F.E.R.B.

ROBIN BUTLER

4 June 1991

CONFIDENTIAL

A:/Haughey.mb

10 DOWNING STREET
LONDON SW1A 2AA

From the Private Secretary

3 May 1991

MEETING BETWEEN THE PRIME MINISTER AND MR. HAUGHEY

Thank you for your letter of 2 May.

I have consulted the Prime Minister about the venue of a meeting between him and Mr. Haughey. Subject to Mr. Brooke's advice, the Prime Minister thinks that it would be preferable to hold the meeting in London. He thinks that a meeting in Dublin could increase the suspicions of the Unionists and could cause difficulties in the House of Commons. He therefore thinks that if the subject comes up in talks with the Irish, officials should say that the location of the meeting will need to be worked out nearer the time; but that if Mr. Haughey were able to come to London that would suit the Prime Minister well.

I am copying this letter to Christopher Prentice (Foreign and Commonwealth Office) and Sonia Phippard (Cabinet Office).

(J. S. WALL)

A. J. D. Pawson, Esq.,
Northern Ireland Office.

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From: THE PRIVATE SECRETARY

copy

NORTHERN IRELAND OFFICE
WHITEHALL
LONDON SW1A 2AZ

Stephen Wall Esq
10 Downing Street
London
SW1A

2 May 1991

Dear Stephen,

MEETING BETWEEN THE PRIME MINISTER AND MR HAUGHEY

Thank you for your letter of 29 April.

2. My Secretary of State is grateful to the Prime Minister for agreeing that at the right time he might offer a meeting to the Unionist leaders and to Mr Hume and for the indication that the Prime Minister would also be willing to see Dr Alderdice. We will offer further advice about the exact timing of an offer of such meetings.

3. In fact, matters may be complicated if, as press reports suggest, at least some of the Northern Ireland political leaders seek an early meeting with the Prime Minister about the privatisation of Northern Ireland Electricity. If such a meeting is in fact sought, we shall of course provide advice accordingly.

4. It is helpful to have the Prime Minister's agreement to the line officials should take with their Irish counterparts at the meeting on 3 May. On the venue for the proposed summit, our understanding is that there has been no formal summit since November 1985 when the Prime Minister and the Taoiseach met at Hillsborough to sign the Anglo-Irish Agreement. The last summit in the Irish Republic was in 1980 and since then, apart from the Hillsborough meeting, there have been three summits in England:

November 1981, at No. 10; November 1983 at Chequers; and November 1984 at Chequers. Against that background there seems little doubt that it is the turn of the Taoiseach to host the summit, though we expect that the Irish side may be more concerned about timing than venue. Would the Prime Minister be content for officials at the forthcoming meeting simply to indicate that venue might be settled once the timing is known, but perhaps on the basis that the Prime Minister is not in principle unsympathetic to the idea that it might take place in Dublin if that proved to be generally convenient?

5. I am copying this letter to Christopher Prentice (FCO) and Sonia Phippard (Cabinet Office).

Yours ever,

Tony

A J D PAWSON

CONFIDENTIAL

File DSG
cc PC.

10 DOWNING STREET
LONDON SW1A 2AA

From the Private Secretary

29 April 1991

Dear Tony,

MEETING BETWEEN THE PRIME MINISTER AND MR. HAUGHEY

Thank you for your letter of 26 April.

The Prime Minister agrees that, at the meeting of officials with the Irish on 3 May, our side should speak as proposed in paragraphs 3 a-d in your letter.

The Prime Minister does not wish to give an indication that the meeting might take place in Dublin en route to the European Council until we know what the recent history is - in particular whether it is strictly speaking our turn to go to Dublin or the turn of the Irish to come to London. I believe you are looking into that.

The Prime Minister agrees to Mr. Brooke's recommendation that he should see the Unionist leaders and Mr. Hume, and that the offer of such a meeting should be made before he actually sees Mr. Haughey. That would point to a meeting in early June. If progress had been made in the talks in the meantime, there would be less risk of the Northern Ireland participants regarding the Prime Minister as an automatic court of appeal than if he were to see them at the start of the negotiations. We shall obviously need to be in touch later on the exact timing of these meetings, and I presume nothing will be said to the Unionists or Mr. Hume in the meantime.

The Prime Minister will also be willing to see Dr. Alderdice.

I am copying this letter to Christopher Prentice (Foreign and Commonwealth Office) and Sonia Phippard (Cabinet Office).

Yours,
Stephen
J. S. Wall

A.J.D. Pawson, Esq.,
Northern Ireland Office.

CONFIDENTIAL

(1)

10 DOWNING STREET

Prime Minister

Content ✓

The line for official to take in Dublin on a possible meeting with Haughey looks fine. A meeting between Jan and Ministerial leaders at end May / early June is probably tricky.

It would be better if our meeting with Haughey were in London. NIO are checking the precedents.

Stephen 16/5

From: THE PRIVATE SECRETARY

NORTHERN IRELAND OFFICE
WHITEHALL
LONDON SW1A 2AZ

Stephen Wall Esq
10 Downing Street
LONDON

26th April 1991

Dear Stephen,

MEETING BETWEEN THE PRIME MINISTER AND MR HAUGHEY

We had a brief discussion earlier today about the prospective meeting between the Prime Minister and Mr Haughey.

I can confirm that my Secretary of State considers it important for the Prime Minister to have offered the two Unionist leaders and Mr Hume the possibility of a meeting with him prior to the meeting with Mr Haughey. Mr Brooke recalls that the Prime Minister has already expressed his willingness to see the Unionist leaders, which he extended to being willing to see Mr Hume. In my letter of 12 April the proposal was extended to include Dr Alderdice (the leader of the Alliance Party in Northern Ireland), who otherwise would be the only party leader participating in the talks excluded from the invitation. It would be preferable for the Prime Minister to offer to see Dr Alderdice, and it would create a certain awkwardness if he were not to do so. However, it would be possible to seek to explain the exclusion of Dr Alderdice on the basis that the Alliance Party does not send any MPs to Westminster.

Mr Brooke understands the pressures on the Prime Minister's diary, and the need for him to avoid becoming embroiled in a continuing dialogue with the leaders of the Northern Ireland parties. Nevertheless his judgement is that the advantages of such meetings taking place are convincing, both in relation to the political talks on Northern Ireland and more generally.

NIO officials are due to meet the Irish on 3 May. The line that it is proposed that officials should take would be to:

a. confirm the Prime Minister's commitment to a meeting before the European Council;

b. explain the Prime Minister's preference for fixing a precise date only when we know how the first strand of the talks is going, and indicate that we would be prepared towards the end of May to fix a meeting for some time in June;

c. express a preference (on grounds of realism) for presenting the Bilateral as covering a range of matters of significant common interest, rather than referring to European matters only;

d. emphasise the risks to the success of the talks which would result from prior publicity about the meeting between the Heads of Government, as well as to publicity resulting from the meeting itself.

Subject to your advice, if the meeting were to take place in Dublin, we could indicate to the Irish that the meeting could well take place en route to the European Council.

I am copying this to Christopher Prentice (FCO) and Sonia Phippard (Cabinet Office).

Yours ever,

Tony

A J D PAWSON

26.04.
P131

Stephen /
A 11/4 for
a discussion
later this
week

10 DOWNING STREET

Prime Minister

See summary at the end.

Option (ii) looks possible though we should, I think, wait for the Irish to return to the charge.

I don't like the idea of your offering meetings to the N.I. party leaders at this stage. We adhere the idea that you are there to be appealed to for the very start of the talks.

Stephen 13/4

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From: THE PRIVATE SECRETARY

NORTHERN IRELAND OFFICE
WHITEHALL
LONDON SW1A 2AZ

(1)

Stephen Wall Esq
10 Downing Street

12th April 1991

Prime Minister

Dear Stephen,

MEETING BETWEEN THE PRIME MINISTER AND MR HAUGHEY

Your letter of 8 April attached recorded that the Prime Minister had sought Mr Brooke's views on the timing of a forthcoming meeting lasting about 2 hours with Mr Haughey.

My Secretary of State welcomes the prospect of such a meeting. He was glad to learn that the Prime Minister's short meeting with Mr Haughey at the Luxembourg Council had evidently built on the good relationship which the Prime Minister had already established with Mr Haughey. Mr Brooke quite understands the difficulty of putting off a longer meeting with the Taoiseach until after the impending political development talks (also involving the Northern Ireland constitutional political parties) have been concluded, particularly in the light of Mr Haughey's early and helpful personal intervention in agreeing the draft statement which Mr Brooke was able to make to the House of Commons on 26 March. My Secretary of State also considers that there are a number of issues relating to Northern Ireland other than political development - such as security and economic co-operation and extradition - which it might be valuable for the Prime Minister to raise with Mr Haughey on the right occassion. He is conscious, too, that there may be EC business reasons for having a meeting sooner rather than later.

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So far as timing is concerned, the main consideration from the viewpoint of Mr Brooke's responsibilities is political development. For reasons which this letter seeks to explain, the impact on the talks process of any meeting between the Prime Minister and Mr Haughey before mid-July would be uncertain, and there is some risk that it could lead to real and serious difficulties for the talks process as a result of adverse Unionist reaction to what could be construed as "interference" by the Irish Government. The risk for the talks of any meeting before mid July could be limited by two approaches. One would be the suggestion, recorded in your letter, of wrapping the meeting in a European flag with the implication that the discussions would be kept wholly confidential. However, this would almost certainly not prove possible, particularly following the reporting of Mr Bruton's remarks at the press conference yesterday. The second would be for the Prime Minister to seek to reassure the key Northern Ireland political leaders by offering them meetings. The likely effectiveness of these devices is considered below.

Substantive talks are likely to start around the end of April. There are three strands to the talks, all of which would, on current plans, have to be completed by early July. If the first, internal strand (which does not involve the Irish Government as participants) were to go well, the transition to the second strand ("North/South" talks) might occur around the beginning of June.

My Secretary of State welcomes the prospect that the meeting with Mr Haughey would take place under cover of a discussion of European affairs, though he doubts that the Irish would sustain that beyond the meeting itself. Mr Haughey sees the occasion as one for giving a push to, and setting a strategic direction for, the talks. He also, as the Prime Minister knows, has a wider political agenda for Anglo-Irish relations and Northern Ireland involving such elements as a terrorist ceasefire and ultimately,

of course, Irish unity. If there were to be no allusion, however indirect, on Mr Haughey's side in any publicity preceding or following a bi-lateral with the Prime Minister to Northern Ireland matters, and if the meeting could be presented as one entirely about European matters, the question of interaction with the talks process should not arise. But it would, in my Secretary of State's view, be unrealistic to expect Mr Haughey not to refer in some way after the meeting to Northern Ireland matters.

The main risk, if any meeting were perceived in relation to the talks process as an intervention by Mr Haughey, or as an attempt to outflank the painstakingly negotiated ground-rules, would be the impact on the Northern Ireland political parties, and especially the Unionist leaders. The latter are at present jittery about being outflanked by the more extreme elements in their own community, and have raised difficulties earlier this week about the launch of the gap between meetings of the Anglo-Irish Conference and about liaison arrangements. More sensitive points which they will have to face include the timing of the transition to North/South talks (bringing in the Irish Government as participants) and the location of the North/South strand. My Secretary of State believes we cannot discount the risk that a perceived push by Mr Haughey at the wrong time could have the effort of sending the Unionists overboard.

This risk might be at its greatest just before the transition to North/South talks (ie late May/early June) but would be a real possibility at any stage before that. There is, however, one point prior to the conclusion of the talks at which the risks associated with a meeting would be reduced. This would be at the start of the third ("East/West") strand, when it would be natural for the launch of the strand of the talks which centres on the relationships between the UK and the Republic to co-incide with, or even be the occasion of, a Prime Ministerial bi-lateral. The exact timing is hard to predict at present, but if all goes well

the launch of the East/West strand should be reached in the second half of June in the run up to the European Council meeting on 29 June.

That said, a general consideration relating to the talks is the inevitable difficulty of predicting the course of events and likely timings. Although on most scenarios a perceived intervention by Mr Haughey before mid-July could be difficult with the Unionists in particular, it is conceivable that this is a card which we might want to play earlier, for instance in the event of an apparent breakdown. My Secretary of State therefore hopes it will be possible to keep open some flexibility on timing in the light of how the talks develop.

Mr Brooke suggests that the Prime Minister may also wish to consider a further possible means of reducing the risk vis-à-vis the Northern Ireland parties of any bi-lateral with Mr Haughey during the talks process. This would be for the Prime Minister to write to Mr Molyneaux, Dr Paisley, Mr Hume and Dr Alderdice (the leader of the Alliance Party of NI, who are also participating in the talks) offering each of them the possibility of a meeting with him at which issues relating to the talks could be discussed (it would be open to Mr Molyneaux and Dr Paisley to seek such a meeting together). This approach, which would probably best be made towards the end of this month, need not specify the timing of such meetings and would not indicate that a bi-lateral with Mr Haughey was to take place. The rationale is that, at the point when the Prime Ministerial bi-lateral took place, the leaders of the three main parties would each either have open the prospect of a meeting with the Prime Minister - or else have such a meeting in their diaries - or would have had (and declined) such a prospect. This might go some way to defusing any adverse reaction on their part to perceived intervention by Mr Haughey, although it would not remove the risk altogether. We would, of course, provide drafts and further advice on the precise timing of the issue of these letters.

In summary, Mr Brooke

(i) considers that ideally a meeting with Mr Haughey should not take place before late July: despite difficulty of holding Mr Haughey off until after the end of the talks, he believes inevitably there would be some risk to the talks from any publicly-acknowledged substantive meeting before mid-July;

(ii) acknowledges that there would be difficulties in offering Mr Haughey a meeting on terms which sought to avoid producing any perception of intervention by Mr Haughey in the talks process, particularly in the early stages;

(iii) believes that a bi-lateral in the run up to the European Council meeting on 29 June, and if possible timed to co-incide with the launch of the East/West strand, would be likely to be the least risky from the point of view of the talks process;

(iv) considers that it would be desirable if possible to leave the timing sufficiently open to be able to take account of the progress of talks once they have started; and

(v) invites the Prime Minister to consider reducing the risk of an adverse reaction by the Unionists in particular by offering Mr Molyneaux, Dr Paisley, Mr Hume and Dr Alderdice a meeting with him during the talks process.

I am copying this letter to Christopher Prentice (FCO), and Sonia Phippard (Cabinet Office).

Yours ever,
Tony

A J D PAWSON

Foreign &
Commonwealth
Office

London SW1A 2AH

10 April 1991

Dear Stephen,

Call on Prime Minister by Mr John Bruton

Further to my letter of 9 April, with JSW we have just received the text of a press release about the call on the Prime Minister put out by Mr Bruton's office in Dublin yesterday. I enclose a copy.

The terms of the press release do not call for any additional briefing but you will wish to note that Mr Bruton may be accompanied by two front bench colleagues, Messrs Jim O'Keeffe TD and Sean Barrett TD.

Yours ever,

Christopher Prentice.

(C N R Prentice)
Private Secretary

Stephen Wall Esq CMG
10 Downing Street

STATEMENT

The Leader of Fine Gael, Mr. John Bruton T.D. is to meet the British Prime Minister, Mr. John Major M.P. at No. 10 Downing Street tomorrow afternoon Wednesday April 10th, 1991.

Mr. Bruton stated "I will take the opportunity of this meeting to express my strong support for the Brooke initiative and to refer to other matters of Anglo-Irish relations.

The discussions, which will mainly centre on the future development of Europe, are particularly important in the light of the new direction outlined in the Prime Minister's speech on Europe in Bonn on March 11th last and the wish of the European Democrats for a closer association with the European Peoples Party.

I will be raising the following European issues which I consider particularly important to Ireland.

At the moment Europe does not have sufficient financial autonomy and is unduly restricted in the development of new policies to help weaker regions and less well off citizens. Europe needs the financial and legal capacity to develop a comprehensive programme covering the Social Services (including particularly Education). This is especially important for Ireland because of the exceptionally large number of people under the age of twenty-five, and the generally heavy burden placed on our Social Services by our demographic structure.

Poor and peripheral regions in Europe will not catch up with better-off regions unless there is a continuing substantial investment in infrastructural and industrial development. There must therefore, be continuing financial commitment to the structural funds beyond 1992.

A very large number of jobs in cities and towns in Ireland are directly or indirectly dependent on agriculture and food production. Ireland therefore, needs Europe to have a Common Agricultural policy which maintains profitability for agricultural production.

I believe that the current Inter Governmental Conferences should be aiming to create a truly balanced federal Europe with an effective commitment to its less well off citizens and its weaker regions.

Later this week I will also be raising these matters in discussions with the Luxembourg Prime Minister (and current E.C. President) Jacques Santer, the German Chancellor Helmut Khol, the Belgian Prime Minister Wilfred Martens, the Dutch Prime Minister Ruud Lubbers, the Italian Acting Prime Minister Giulio Andreotti, and the Greek Prime Minister Konstantinos Mitsotakis."

Mr. Bruton will be accompanied by Mr. Jim O'Keeffe, T.D., Spokesperson in Foreign Affairs and Mr. Sean Barrett, T.D., Spokesperson on Justice and Chairperson of the National Executive.

IRELAND: Anglo Irish Rels

Pt 21.

RESTRICTED

MEETING RECORD
Subject cc MASTER

file to
F/Bruton
Dec PE

10 DOWNING STREET
LONDON SW1A 2AA

From the Private Secretary

10 April 1991

Dear Christopher,

CALL ON THE PRIME MINISTER BY THE LEADER OF FINE GAEL

Thank you for your letter of 9 April with briefing for Mr. Bruton's call on the Prime Minister this afternoon. As you know, the purpose of the call was to discuss the EDG's application to join the EPP grouping in the European Parliament.

Mr. Bruton raised a number of concerns:

1. The EPP wanted the federal Union that was now under construction to be adequately funded. The EC budget represented only 1% of Community GNP. The aim should be to see that enlarged.

2. The structural funds should continue to be expanded at the present, or a higher, rate after 1992.

3. There must be a commitment, not to the Common Agricultural Policy, but at least to a Common Agricultural Policy.

4. Unemployment should be the No.1 priority (within reason). The social role of the Community should go hand in hand with its economic role. All these points were of course covered in the EPP statutes.

The Prime Minister said that he would not have been keen for the EGD to join if he had thought it incapable of agreeing the statutes of the EPP. He was not in the business of having Britain throwing stones at Europe from the outside. His Bonn speech had not simply flipped off the wrist. It had been carefully thought through. A large group like the EDG should not be left outside the EPP. That did not mean that all members of the EPP would think the same on every issue.

On the issues raised by Mr. Bruton the Prime Minister said that there would of course be a continuing transfer of funds within the Community. He himself had pointed out 18 months ago that EMU without convergence would create large-scale regional unemployment. What had been considered a peculiarly British statement then was now generally accepted as being right. Of course convergence also implied certain disciplines. We had put forward our texts in the IGC, but not on a take it or leave it basis. There was scope for negotiation. Enthusiasm for ideals should not run ahead of practicalities. As regards the Social

RESTRICTED

Charter, we could not agree to everything in it, but we could make substantial progress. Agreement on EMU was also possible.

Mr. Bruton said he did not want to see a financial barrier in the way of the development of the structural funds. The Prime Minister said he was not prepared to commit himself to a specific amount, but he had made clear publicly his acceptance of a social dimension, and that would continue. Mr. Bruton said that Ireland was basically bearing the cost of preparing people for export to other countries. Portugal was similarly exporting its talent. Europe should undertake enlarged responsibilities in this area. The Prime Minister said that regional policy was largely about enabling talent to stay where it was.

Mr. Bruton asked about the timetable for the EMU IGC. The Prime Minister said he did not think agreement would be reached before the end of the year, and it could be a bit longer before an EMU treaty was agreed. A few months ago he would have been prepared to say that stage 2 would start in January 1994, but the Germans and others were now starting to express some doubt about that.

Mr. Bruton referred to the need to increase the powers of the European Parliament. The Prime Minister said we were in favour of the European Parliament increasing its authority over the Commission and over the disbursement of funds. The European Parliament could not stand still. It was already exercising some influence over the conduct of European Councils, and there would be other developments. But the European Parliament would not supersede national parliaments. The French for example would not tolerate that. In general, the Prime Minister said, he believed that Europe was the right way forward for our country. If he expressed doubts, they were on economic grounds, not sovereignty grounds.

Mr. Bruton said that some feared a triumvirate in Europe. The Prime Minister said that we were not interested in a triumvirate or a duopoly.

I am copying this letter to David Hadley (Cabinet Office).

Yours,

Stephen

J.S. WALL

Christopher Prentice, Esq.,
Foreign and Commonwealth Office.

Foreign &
Commonwealth
Office

London SW1A 2AH

9 April 1991

Dear Stephen,

Call on Prime Minister by Mr John Bruton

Your letter of 6 April asked for briefing on topics which might be touched on during the above meeting. I also ~~attach~~ enclose an LPR on Mr Bruton.

Mr Bruton will wish to indicate his full support for Mr Brooke's political development initiative in Northern Ireland. He has put the Taoiseach under heavy pressure to be as forthcoming as possible towards the initiative and this may well have played a part in pursuading the Taoiseach to accept Mr Brooke's final offer with such alacrity. Mr Bruton will be quick to discern any signs that the Irish government are not fully committed to the success of the initiative. The Prime Minister may wish to confine himself to commending Mr Brooke's patience and the successful completion of the first stage and to expressing the hope that the formal talks themselves will be equally successful.

The Prime Minister might offer Mr Bruton his assessment of the Luxembourg Informal Summit. Mr Bruton, for his part, may raise the Inter-Governmental Conferences, and in particular the question of "cohesion", which arises particularly in the EMU IGC. Like other "southern" states, Ireland sees the IGC as an opportunity to press for increased regional spending. Structural funds already account for 2% of their GDP. Although Ireland could move more quickly to a single currency regime than, for example, Greece or Portugal, the Irish Finance Minister has privately expressed caution about too rapid a move to Stage 3. Publicly the Irish have contributed little to the IGC other than to demand cohesion funds. The Prime Minister might therefore:

/- point

- point to the IGC consensus that a stronger ecu should be a key element in Stage 2. We continue to believe that the Stage 2 monetary institution should have a real job to do.

- repeat our conviction that arrangements can be found which reconcile our unwillingness to commit ourselves now to a single currency with the Stage 3 objectives of our partners.

- make clear that we are prepared to consider some further growth in cohesion expenditure once the present regime runs out in 1993, but stress the importance of employing structural funds consistently with economic policies that remove supply side constraints and create a liberal and competitive Single Market.

The IGC on political union may also come up. Ireland's position is close to our own on a number of issues - we are both reluctant to increase the powers of the European Parliament or extend competence too widely. But the Irish are likely to go along with the majority in the end, particularly if they get a commitment to more EC spending. Irish neutrality creates problems over proposals for a common foreign policy including security and defence, although Mr Bruton himself questioned neutrality and its compatibility with evolving Community membership. If raised, the Prime Minister might wish to emphasise our constructive role in the IGC, but reiterate our firm opposition to any defence role for the EC. We believe the European defence identity should be constructed in the Western European Union, with balanced links to both the Twelve and NATO.

I am copying this letter to Tony Pawson (NIO).

Yours ever,
Christopher Prentice.

(C N R Prentice)
Private Secretary

Stephen Wall Esq CMG LVO
10 Downing Street

BRUTON, JOHN GERARD TD

Leader of Fine Gael; spokesman on Northern Ireland.

Born 18 May 1947, Dunboyne, Co Meath. Education: Clongowes Wood College; University College Dublin (Economic and Political Science); King's Inns. Elected on first attempt as a Fine Gael member for Meath in 1969 and subsequently front-bench spokesman on Agriculture 1972-73; Parliamentary Secretary to Minister for Education 1973-77; Spokesman on Agriculture 1977-81; Spokesman on Finance January - June 1981; Minister for Finance June 1981 - February 1982; Minister for Industry, Trade, Commerce and Tourism and Leader of the House December 1983 - February 1986. Minister for Finance 1986 - 87. Spokesman on Industry and Commerce 1987-89, on Education and Deputy Leader of Fine Gael 1989-90.

Mr Bruton comes from a well-known farming family and is himself a wealthy (but unostentatious) farmer. He was one of Fine Gael's "Young Turks" who joined the party in the late 1960s and early 1970s and helped it acquire a more progressive image. He was an able and effective Minister for Finance who took rapid action on appointment to tackle the high budget deficit and wasteful public expenditure. But it was the defeat of his January 1982 budget which brought down the coalition. Unlucky enough to be made Finance Minister again when Labour were all but certain to leave Government over the economy, and so to precipitate the break-up of the coalition for a second time. Stood for the party leadership in 1987; took his defeat with good grace. Elected unopposed as Leader when Alan Dukes lost the confidence of the party in 1990. Has adopted a more aggresive stand. Particularly critical of the Government on neutrality and Northern Ireland. He has kept the Northern Ireland portfolio himself and has urged the deletion of the articles of the Irish Constitution laying claim to a united Ireland and support for the present political initiative.

He has a lively, confident manner with a ready sense of humour. Takes considerable interest in foreign affairs, including the EC. Well-disposed towards Britain.

Category I sponsored visitor in 1988.

Married (Finola Gill): one son.

STATEMENT

The Leader of Fine Gael, Mr. John Bruton T.D. is to meet the British Prime Minister, Mr. John Major M.P. at No. 10 Downing Street tomorrow afternoon Wednesday April 10th, 1991.

Mr. Bruton stated "I will take the opportunity of this meeting to express my strong support for the Brooke initiative and to refer to other matters of Anglo-Irish relations.

The discussions, which will mainly centre on the future development of Europe, are particularly important in the light of the new direction outlined in the Prime Minister's speech on Europe in Bonn on March 11th last and the wish of the European Democrats for a closer association with the European Peoples Party.

I will be raising the following European issues which I consider particularly important to Ireland.

At the moment Europe does not have sufficient financial autonomy and is unduly restricted in the development of new policies to help weaker regions and less well off citizens. Europe needs the financial and legal capacity to develop a comprehensive programme covering the Social Services (including particularly Education). This is especially important for Ireland because of the exceptionally large number of people under the age of twenty-five, and the generally heavy burden placed on our Social Services by our demographic structure.

Poor and peripheral regions in Europe will not catch up with better-off regions unless there is a continuing substantial investment in infrastructural and industrial development. There must therefore, be continuing financial commitment to the structural funds beyond 1992.

A very large number of jobs in cities and towns in Ireland are directly or indirectly dependent on agriculture and food production. Ireland therefore, needs Europe to have a Common Agricultural policy which maintains profitability for agricultural production.

I believe that the current Inter Governmental Conferences should be aiming to create a truly balanced federal Europe with an effective commitment to its less well off citizens and its weaker regions.

Later this week I will also be raising these matters in discussions with the Luxembourg Prime Minister (and current E.C. President) Jacques Santer, the German Chancellor Helmut Khol, the Belgian Prime Minister Wilfred Martens, the Dutch Prime Minister Ruud Lubbers, the Italian Acting Prime Minister Giulio Andreotti, and the Greek Prime Minister Konstantinos Mitsotakis."

Mr. Bruton will be accompanied by Mr. Jim O'Keeffe, T.D., Spokesperson in Foreign Affairs and Mr. Sean Barrett, T.D., Spokesperson on Justice and Chairperson of the National Executive.

Stephen - All will attend + Edward Llewellyn Judith Chaplin.

S

10 DOWNING STREET

Stephen

John Bruton plans to bring with him:

Foreign Affairs Spokesman Jim O'Keeffe

Chairman of Executive Committee, Sean BARRETT

Party General Sec Ivan DOHERTY

Is this OK? They all calling on Chris Patten at 1130 & we want to stand any of them down.

S 10/4

R 9/4

Conservative and Unionist Party, GB
Det konservative folkeparti, DK

EUROPEAN PARLIAMENT
EUROPEAN DEMOCRATIC GROUP

Chief Whip

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To : The Prime Minister

From : Amedee Turner QC MEP

Date : 8th April 1991

Meeting of the Prime Minister with John Bruton on 10th April 1991

Re: John Bruton's letter to Prime Minister Martens of 21st March.

1. John Bruton, with whom I had three meetings last year, has political views in line with the main stream of British Conservatives, unlike some of his party who are more to the left. In my talks he showed considerable interest in being able to have a closer link with London if the European Democratic Group's application succeeded. He has, for example, shown interest in the possibility of your presence at some of the Christian Democrat leaders' meetings. In the European Parliament three of the four Fine Gael MEPs are against the EDG application, largely for historical reasons, although they stress alleged social policy differences. No doubt Bruton's letter was prepared by an opponent to our application; see especially paragraph 4 below.

2. For these reasons Bruton is unlikely to speak up for our application at our meeting on 13th April - although he personally would like to do so. In his meeting with you, he may press for delay or for a cooperative relationship only. The suggestion must be firmly squashed! To be fair to him, I have not yet had the chance to discuss the possibility of a CDU/CSU relationship, which is acceptable to us, involving one group, one leader and our sitting together alphabetically, as this point had not arisen last year.

3. Bruton says in his letter that he awaits the translation of your Bonn speech into practical action, consistent with EPP federalist principles. This certainly is close to Bruton's personal concerns as he is committed to political union. He sees these issues largely through German CDU eyes, as he has few continental political contacts except with them.

Misconception in Bruton's letter

4. In contra-distinction, the remainder of the letter, in which he asks for a delay in taking the decision, is based only upon waiting for practical proof of the EDG's commitment to certain specific matters, not to the views of the Conservative Party as a whole.

All the questions raised relate to the Third Interim Marten Report on the Intergovernmental Conferences, voted through the European Parliament in November 1990 with our Group's support. Thus our stance on these matters should be well known. There is therefore no reason for delay on this account.

(i) Specifically he refers to three points (numbered (1),(2) and (3) in his letter) in Article 3, vis, paragraphs (l),(n),(q). We voted for all of these. They are all very general and (n) is not so broad as indicated in Bruton's letter, it being confined to promotion of joint programmes to advance diversity. The actual text will be found at the passage marked [A] of the enclosed passages of the Report. It should be noted that Article 3a incorporates the principles of subsidiarity by which we and the CDs set great store.

(ii) He refers to Article 8a of the Report which relates to convergence as a necessary part of completion of the internal market, though his letter omits this essential linkage. We voted for this. See passage marked [B].

(iii) The "recommendations for new articles" on the subjects listed in the second paragraph on page 2 of his letter, come in fact from a draft "Declaration of Fundamental Rights and Freedoms" included in the Report. They are all extremely general and include, for example, right of ownership, respect for privacy and family life, freedom of association etc. His letter only selects a few items somewhat arbitrarily. These are "health", "social security", "housing", in Article 15 see passage marked [C]; "legal aid" see passage marked [D] and "equality of opportunity and access to education" see passage marked [E]. We voted for these.

(iv) Naturally, also, we voted for the defence provisions, Article 130u (3), see passage marked [F]. Also we voted for Article 201 on financing, see passage marked [G]. Both these provisions require unanimity in the Council.

European Communities

EUROPEAN PARLIAMENT

SESSION DOCUMENTS

English Edition 1989-90

31 October 1990 DOCUMENT A3-0270/90

THIRD INTERIM REPORT

of the Committee on Institutional Affairs

on the Intergovernmental Conferences in the context of Parliament's strategy for European Union

Rapporteur: Mr David MARTIN

Refs A-G cited in Burton's letter.

PROPOSED AMENDMENTS TO THE EC TREATY

Article 2 - Replace by:

The Community shall have as its domestic task, by establishing a common market progressively approximating the economic policies of Member States and adopting a common economic and monetary policy and a joint approach to social affairs, employment and the environment, to promote throughout the Community a harmonious and ecologically acceptable development of economic activities, a continuous and balanced expansion, an increase in stability, an accelerated raising of the standard of living and convergence upwards of living and working conditions and closer relations between the States belonging to it.

In its international relations, the Community shall have as its task, by adopting common policies, the implementation of common actions and close coordination of national policies, the promote security, peace, cooperation among all peoples of the world, disarmament and the free movement of persons and ideas. It shall seek to promote improvements in international commercial and monetary relations, together with the harmonious and fair development of all peoples of the world to enable them to enable them to advance out of underdevelopment and hunger, and to ensure all human beings the full exercise of their political, economic and social rights.

A

Article 3 - add:

→ (l) the establishment of a common policy in the area of social affairs and employment;

(m) the establishment of a Community foreign policy;

→ (n) the promotion, by taking the necessary steps in the areas of education, mass media, information, research and culture, of exchanges, cooperation and joint programmes among the Member States which respect and enhance the pluralism and diversity characterizing European society;

(o) the establishment of a common environmental policy;

(p) the establishment of a common policy in the area of research and technological development;

→ (q) the development of a common policy aimed at achieving economic and social cohesion;

Article 3a

The Community shall act only to fulfil the tasks conferred on it by the Treaties and to achieve the objectives defined thereby. Where powers have not been exclusively or completely assigned to the Community, it shall, in carrying out its activities, undertake such tasks the realization of which requires its intervention because, by virtue of their magnitude or effects, they transcend the frontiers of the Member States or because they can be undertaken more efficiently by the Community than by the Member States acting separately.

B

Article 8a

Add at the end of the second paragraph:

Completion of the internal market and its subsequent development require measures to secure the convergence, at a higher level, of living and working conditions in the Member States and the provision of the necessary financial resources for the Community.

Part two: FOUNDATIONS OF THE COMMUNITY

Before Title I insert the following preliminary title:

PROTECTION OF FUNDAMENTAL RIGHTS AND FREEDOMS

Article 8d (new)

1. This declaration of fundamental rights and freedoms shall afford protection for all persons in the area of application of Community law.

2. Where certain rights are set aside for Community citizens, it may be decided to extend all or part of the benefit of these rights to other persons.

3. A Community citizen within the meaning of this Declaration shall be any person possessing the nationality of one of the Member States.

DECLARATION OF FUNDAMENTAL RIGHTS AND FREEDOMS

GENERAL PROVISIONS

Article 1 (Dignity)

Human dignity shall be inviolable.

Article 2 (Right to life)

Everyone shall have the right to life, liberty and security of person.

Article 3 (Equality before the law)

1. In the field of application of Community law, everyone shall be equal before the law.

2. Any discrimination on grounds such as race, colour, sex, language, religion, political or other opinions, national or social origin, association with a national minority, property, birth or other status shall be prohibited.

3. Any discrimination between Community citizens on the grounds of nationality shall be prohibited.

4. Equality must be secured between men and women before the law, particularly in the areas of work , education, the family, social welfare and training.

Article 4 (Freedom of thought)

Everyone shall have the right to freedom of thought, conscience and religion.

Article 5 (Freedom of opinion and information)

1. Everyone shall have the right to freedom of expression. This right shall include freedom of opinion and the freedom to receive and impart information and ideas, particularly philosophical, political and religious.

2. Art, science and research shall be free of constraint. Academic freedom shall be respected.

Article 6 (Privacy)

1. Everyone shall have the right to respect and protection for their identity.

2. Respect for privacy and family life, reputation, the home and private correspondence shall be guaranteed.

Article 7 (Protection of family)

The family shall enjoy legal, economic and social protection.

Article 8 (Freedom of movement)

1. Community citizens shall have the right to move freely and choose their residence within Community territory. They may pursue the occupation of their choice within that territory.

2. Community citizens shall be free to leave and return to Community territory.

3. The above rights shall not be subject to any restrictions except those that are in conformity with Treaties establishing the European Communities.

Article 9 (Right of ownership)

The right of ownership shall be guaranteed. No one shall be deprived of their possessions except where deemed necessary in the public interest and in the cases and subject to the conditions provided for by law and subject to fair compensations.

Article 10 (Freedom of assembly)

Everyone shall have the right to take part in peaceful meetings and demonstrations.

Article 11 (Freedom of association)

1. Everyone shall have the right to freedom of association including the right to form and join political parties and trade unions.

2. No one shall in their private life be required to disclose their membership of any association which is not illegal.

Article 12 (Freedom to choose an occupation)

1. Everyone shall have the right to choose freely an occupation and place of work and to pursue freely that occupation.

2. Everyone shall have the right to appropriate vocational training in accordance with their abilities and fitting them for work.

3. No one shall be arbitrarily deprived of their work and no one shall be forced to take up specific work.

Article 13 (Working conditions)

1. Everyone shall have the right to just working conditions.

2. The necessary measures shall be taken with a view to guaranteeing health and safety in the workplace and a level of remuneration which makes it possible to lead a decent life.

Article 14 (Collective social rights)

1. The right of negotiation between employers and employees shall be guaranteed.

2. The right to take collective action, including the right to strike, shall be guaranteed subject to obligations that might arise from existing laws and collective agreements.

3. Workers shall have the right to be informed regularly of the economic and financial situation of their undertaking and to be consulted on decisions likely to affect their interests.

Article 15 (Social welfare)

1. Everyone shall have the right to benefit from all measures enabling them to enjoy the best possible state of health.

2. Workers, self-employed persons and their dependants shall have the right to social security or an equivalent system.

3. Anyone lacking sufficient resources shall have the right to social and medical assistance.

4. Those who, through no fault of their own, are unable to house themselves adequately, shall have the right to assistance in this respect from the appropriate public authorities.

Article 16 (Right to education)

Everyone shall have the right to education and vocational training appropriate to their abilities.

There shall be freedom in education.

Parents shall have the right to make provision for such education in accordance with their religious and philosophical convictions.

Article 17 (Principle of democracy)

1. All public authority emanates from the people and must be exercised in accordance with the principles of the rule of law.

2. Every public authority must be directly elected or answerable to a directly elected parliament.

3. Community citizens shall have the right to take part in the election of Members of the European Parliament by free, direct and secret universal suffrage.

4. Community citizens shall have an equal right to vote and stand for elections.

5. The above rights shall not be subject to restrictions except where such restrictions are in conformity with the Treaties establishing the European Communities.

Article 18 (Right of access to information)

Everyone shall be guaranteed the right of access and the right to corrections to administrative documents and data concerning them.

Article 19 (Access to the Courts)

1. Anyone whose rights and freedoms have been infringed shall have the right to bring an action in a court of tribunal specified by law.

2. Everyone shall be entitled to have their case heard fairly, publicly and within a reasonable time limit by an independent and impartial court or tribunal established by law.

3. Access to justice shall be effective and shall involve the provision of legal aid to those who lack sufficient resources otherwise to afford legal representation.

Article 20 (Ne bis in idem)

No one shall be tried or convicted for offences for which they have already been acquitted or convicted.

Article 21 (Non-retroactivity)

No liability shall be incurred for any act or omission to which no liability applied under the law at the time when it was committed.

Article 22 (Death penalty)

The death penalty shall be abolished.

Article 130 k

Add at the end of the first paragraph:

... the means deemed necessary in the framework of the multiannual financial planning.

Article 130r

In paragraph 1 add the following subparagraph:

(iv) to contribute towards international action against the risks threatening the ecological balance of the planet.

In paragraph 4, add:

A European environment fund shall be set up to this end.

PART THREE - POLICY OF THE COMMUNITY

Add:

Title VIII - Foreign, security and defence policy

Article 130u

1. The Community's foreign policy and security policy shall be based on the principles of solidarity between the Member States and the inviolability of their borders and shall have the following objectives:

- the maintenance of peace and security, the peaceful settlement of disputes based on respect for international law and the prevention of aggression,

- mutual, balanced and verifiable reductions of armed forces and armaments;

- the promotion of social harmony and international order, based on respect for human rights and the improvement of living standards in the developing countries.

2. In all these areas, the Community should aim to have common policies on all matters in which the Member States share essential interests.

3. The Community's foreign policies in the areas of external trade and monetary policy) and in areas where the Community possesses internal responsibilities shall be conducted according to the relevant procedural regulations.

The Community's general foreign, security and defence policy shall be conducted according to the following principles and procedures:

F

(a) The Community shall gradually develop and determine common European positions regarding peace, security, disarmament, the inviolability of the external frontiers of Member States and the protection of their common international economic interests. It shall, where necessary, decide on common measures. The Commission and the Member States shall have a right of initiative in this respect.

(b) The particular foreign and security policy rights and obligations of individual Member States shall not be prejudiced by the aforesaid.

(c) The General Affairs Council or the Council of Defence Ministers shall adopt their decisions unanimously. Article 148(3) shall apply as appropriate.

(d) The Presidency in collaboration with the Commission shall be responsible for the coordination of the Community's external policies with the foreign policy of Member States, Community representation vis-à-vis third countries and the conduct of foreign affairs.

(e) Parliament shall be involved as far as appropriate in formulating and implementing the common foreign policy.

4. For the purposes set out in this article, the Community's action shall apply to the following sectors, under the terms and deadlines laid down in the Treaty:

- industrial and technical cooperation in the military field,
- the transfer of military technology to third countries,
- control of exports and non-proliferation,
- the security dimension within the framework of the CSCE,
- talks on disarmament and confidence-building measures, in particular within the framework of the CSCE,
- participation in military initiatives and the coordination thereof, in particular in the context of actions decided on by the United Nations,
- security and defence tasks provided for by the Treaty on Western European Union.

5. Where foreign, security and defence policy decisions require the use of Community measures, for which there already exists a legal basis under Community law, they shall be adopted according to the relevant Community procedures.

6. In the areas still falling under the terms of reference of the foreign policy of the Member States, the latter shall avoid taking any action or adopting any position harmful to their effectiveness as a cohesive force in international relations or within international organizations.

Article 130v (new):

Within the framework of international organizations, the Member States shall act in conformity with the policies adopted.

Article 198a

1. A committee of the regions and local authorities of the Community with consultative status shall be set up.

2. The committee shall be composed of representatives of the different regions and municipalities of the Community. The number of its members, their distribution and the arrangements for their representation shall be fixed in accordance with the procedure laid down pursuant to Article 188b of this Treaty.

3. The members of the committee shall be appointed for a four-year term by the Council acting by a qualified majority with the assent of the European Parliament and after consulting the Commission. Their mandates shall be renewable.

4. The members of the committee may not be bound by any mandate.

Article 198b

The committee shall appoint its chairman and its bureau from among its members. It shall draw up its internal rules of procedure. It shall be convened by its chairman at the request of the Council, Parliament or the Commission or following an independent initiative of the committee decided on by a majority of its members.

Article 198c

The committee shall be consulted by the Council, Parliament or the Commission on proposals for measures that have an impact on regional matters or that fall within the terms of reference of the regions. The committee shall be set a time limit for the submission of its opinion, upon expiry of the time limit, the absence of an opinion shall not prevent further action. The opinions shall be forwarded to the institutions of the Community and published. The committee may on its own initiative draw up reports and set out proposals on all matters having an interest for the regions of the Community.

Article 199

All items of revenue and expenditure of the Community, including capital transactions, shall be included in estimates to be drawn up for each financial year and shall be shown in the budget.

Article 200

Delete

Article 201 (new)

The financing of the Community's expenditure shall be assured by adequate own resources that guarantee its financial autonomy. On a proposal from the Commission, the Council, acting unanimously after securing the assent of the European Parliament, adopted by a majority of its Members, shall adopt the provisions relating to own resources.

Joint Statement by the Unionist leaders, Rt Hon James Molyneaux MP and Dr Ian Paisley MP MEP.

We were both assured by the Secretary of State that there would be one more meeting of the Anglo Irish Conference at which the dates of the breaks between the meetings would announced so that the talks could take place.

We are very perturbed that instead of one meeting of the Anglo Irish Conference being planned two such meetings are now going to take place and that the talks will not proceed until after the first week of May. Once again Dublin has sought to block the way and impede progress.

The statements made by a Fianna Fail backbencher at the weekend that Articles 2 &3 of the Irish Constitution would not be changed as a result of the talks further illustrates the attitude Dublin is adopting. Unless the constitutional claim of Dublin over Northern Ireland as expressed in Articles 2 &3 is deleted there can be no proper basis for real peace on this island.

As any talks with Dublin to undo the Anglo Irish Agreement affect all the constitutional parties in the Irish Republic we suggest that all those parties might be represented at the second part of the talks aimed at considering an alternative to and replacement of the Agreement. Some of these parties might in the future be serving in a Dublin government, and as all the main constitutional parties in Northern Ireland will be at the talks, surely for a real settlement to come about their voices should also be heard. The time has surely come when the Republic must face up to the encouragement that Articles 2 &3 have and are giving to terrorism.

We have made it clear today to the Northern Ireland Office that we resent the visit of Mr Collins to Stormont tomorrow to launch another vile attack on the UDR. This is simply adding insult to injury. He accepts the protection of the Regiment to get him safely to Stormont and then kicks them in the teeth when he gets there. Such lying attacks bode no good for the success of serious negotiations. Tomorrow we hope that the Sec Of State will be able to announce at long last the dates of the break in conference meetings so that the talks can proceed within the terms agreed with us.

10 DOWNING STREET
LONDON SW1A 2AA

From the Private Secretary

6 April 1991

CALL ON THE PRIME MINISTER BY MR. JOHN BRUTON

It has now been arranged that John Bruton, the Leader of Fine Gael, will call on the Prime Minister on 10 April. The purpose of the call is to discuss the EDG's membership of the EPP Group in the European Parliament. In case other issues come up, it would be helpful to have a short brief to reach me please by lunch time on Tuesday, 9 April.

I am copying this letter to Tony Pawson (Northern Ireland Office).

STEPHEN WALL

Christopher Prentice, Esq.,
Foreign and Commonwealth Office.

Mr Rakepeace. 5/4
to see + return pl.

EUROPEAN DEMOCRATIC GROUP
EUROPEAN PARLIAMENT

Sir.
5/iv.

FACSIMILE DOCUMENT LEADER

DATE: 5/4/91

THIS TRANSMISSION CONSISTS OF 3 PAGES PLUS LEADER

TO: Sir John Kerr FAX NO: _____

FROM: Christopher Prout TEL NO: _____

SENT BY: Patricia Halligan TEL NO: 284 3023

* For Sir John's eyes only *

Sir Christopher thought you might like to see a copy of the attached letter

P

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05 APR. '91 10:12 32 2 2849737 CHRISTOPHER PROUT P.1

Conservative and Unionist Party, GB
Det konservative folkeparti, DK

EUROPEAN PARLIAMENT
EUROPEAN DEMOCRATIC GROUP

Chairman

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4th April 1991

TO: The Prime Minister

FROM: Christopher Prout

SUBJECT: BILATERAL MEETINGS WITH ANDREOTTI, LUBBERS, AND MARTENS AT THE EUROPEAN COUNCIL IN LUXEMBOURG ON MONDAY, 8TH APRIL 1991 AND WITH JOHN BRUTON IN LONDON ON WEDNESDAY, 10TH APRIL

1. By way of background, I refer to my letter to you of 4th December and to the various memoranda prepared for your meetings with Mr Forlani and Messrs Klepsch and Chanterie.

2. As you know, the European People's Party (EPP) Prime Ministers and Party Leaders meet on 13th April in Brussels to decide on the mandate for their Parliamentary Group to follow in response to the application for membership by the 32 British Conservative MEPs.

3. Prime Minister Martens, who will preside, and Chancellor Kohl, the two most powerful players at the meeting, are both one hundred per cent committed to a successful outcome. By successful outcome they mean, as an absolute minimum, a Single Parliamentary Group, under a Single Group Leader, sitting alphabetically, and being administered by a Single Secretariat. Within that framework, a number of alternative permutations are possible to define the relationship between the Conservative members and members of other national parties - given that the Conservative Party is not applying, at this stage, to be a member of the EPP Party Organization. The permutation preferred by Chancellor Kohl and Prime Minister Martens is the CDU/CSU arrangement in the German Bundestag. This implies, in our case, that the existing members of the EPP would propose the candidate for the Group Leader and the 32 British Conservatives would propose the candidate for Deputy Leader. If the mandate given on 13th April by the Party Leaders to the EPP Parliamentary Group is ambiguous or vague or opens the way to something less than the CDU/CSU model, the subsequent negotiations in the European Parliament would be complex and confused and almost certainly lead to the failure of our objective.

08 APR '91 10:13 32 2 2849797 CHRISTOPHER PROUT P.2

4. Of the remaining Prime Ministers and Party Leaders, Prime Minister Mitsotakis (Greece), Aznar (Spain), do Amaral (Portugal), and Prime Minister Santer (Luxembourg) are as fully committed as Martens and Kohl. I had a meeting in Athens last week with Mitsotakis and a meeting in Luxembourg yesterday with Santer and I am sufficiently confident of their commitment to suggest that I do not think it necessary to seek bilateral meetings with them on 8th April. However, it is extremely important, in my view, to take an opportunity on the 8th just to say to them how much you appreciate their commitment and how important it will be at the meeting on the 13th for them to come out strongly behind the recommendation of Prime Minister Martens and Chancellor Kohl - and, perhaps, to stress that anything less than the CDU/CSU arrangement or any postponement of the matter, given the political expectations raised by this matter in Britain, would be unacceptable.

5. Bruton (Fine Gael), who you are seeing in London, I understand, on 10th April and Mehaignerie (France) appear to accept the proposal but are unlikely to speak up for it at the meeting for domestic political reasons. Bruton's difficulties are easily understood and you will have an opportunity to talk with him about them. Mehaignerie's difficulties lie in the complicated relationship of his branch of the UDF with Giscard's branch and his fear that Giscard may seek to follow us into the EPP Parliamentary Group with domestic political objectives in mind.

6. There remains the complicated situations in Holland, Italy, and Belgium. At this point I should emphasise that where a Prime Minister is not also the Party Leader he will be accompanied at the meeting by his Party Leader who will have, in principle at any rate, a distinct and not necessarily identical voice. Thus Prime Minister Lubbers will be accompanied by van Velzen, Prime Minister Andreotti by Forlani, and Prime Minister Martens by both van Rompuy (Flemish Party Leader) and Deprez (Walloon Party Leader). Generally speaking, it is probably true to say that in each case the Prime Ministers are more favourably disposed towards us than the Party Leaders. This, I suspect, is mainly because the Party Leaders have to manage rank and file opinion - and the biggest difficulty we have on the Continent at present is an "image difficulty" about our European commitment. I have had several meetings with van Velzen, van Rompuy and Deprez and Chris Patten has also had a meeting with each of them. Some progress has been made here but more has been made by meetings between Chancellor Kohl and Prime Minister Martens, on the one hand, and Prime Minister Lubbers and Prime Minister Andreotti on the other. It is because this progress needs consolidating that I have recommended that you hold bilateral meetings with both Prime Minister Andreotti and Prime Minister Lubbers on 8th April. It will give you a further opportunity to emphasise the points you made so well in your speech in Bonn.

05 APR '91 10:13 32 2 2849737 CHRISTOPHER PROUT P.3

7. I also hope that you will have a brief bilateral meeting with Prime Minister Martens to thank him for what he is doing and, if you feel inclined, to suggest that he comes to London, for a mixture of Government/Party discussions, perhaps on a Friday/Saturday. I cannot over emphasise the lengths to which he is going to bring us into the EPP family. He has been a real star! Above all, throughout he has emphasised to everyone what an immense setback it would be to fail on 13th April, not only for relations between the British Conservative Party and the main Centre-Right parties on the continent of Europe, but also for the cause of Europe in British domestic politics.

8. As far as your meeting with John Bruton is concerned, Amedee Turner has had three meetings with him in Dublin over the past nine months and discussed party principles and policies and the European Parliament position fully. The last meeting was in November and therefore we have not been able to tell Bruton that anything less than the CDU/CSU model is unacceptable. John Bruton is friendly, bluff and intelligent and his personal politics are in line with mainstream Conservative views. Some of his party members are to the left of him and many are chary of a Conservative or British connection for historical reasons. He is attracted by the possibility of having a better entrée to the Conservative government on Irish matters to match that of Haughey.

9. Our Danish colleagues in the Group have not formally applied for allied membership of the EPP. They have, however, indicated their intention to do so once the CD Party Leaders give a green light to the British application. This position has been confirmed in a recent meeting with Prime Minister Schlüter.

05 APR '91 10:14 32 2 2849737 CHRISTOPHER PROUT P.4

5/4

Mr Nakkerpeace.
to see + return PM.

EUROPEAN DEMOCRATIC GROUP
EUROPEAN PARLIAMENT

5/iv.

FACSIMILE DOCUMENT LEADER

5/4/91

TRANSMISSION CONFIRMATION 3 FOLLOW UP LIST LEADER

S. John Kaw

Manchester Post

(33) 88 36 35 25

Conservative and Unionist Party, GB
[redacted]et konservative folkeparti, DK

EUROPEAN PARLIAMENT
EUROPEAN DEMOCRATIC GROUP

Chairman

4. Of the remaining Prime Ministers and Party Leaders, Prime Minister Mitsotakis (Greece), Aznar (Spain), do Amaral (Portugal), and Prime Minister Santer (Luxembourg) are as fully committed as Martens and Kohl. I had a meeting in Athens last week with Mitsotakis and a meeting in Luxembourg yesterday with Santer and I am sufficiently confident of their commitment to August 1st I do not think it necessary to seek bilateral meetings with them on 8th April. However, it is extremely important in my view, to take an opportunity on the 8th just to convey to them how much you appreciate their commitment and how important it will be at the meeting on the 13th for them to come out strongly behind the recommendation of Prime Minister Martens and Chancellor Kohl - and perhaps to stress that anything less than the EDU/CSU arrangement or a postponement of the matter, given the political expectations raised by this matter in Britain, would be unacceptable.

Bruton (Fine Gael), who you [illegible] in London, I understand, on 10th April and Mol[illegible] appear to [illegible] but are bu[illegible] up for it at the meeting for domestic pu[illegible] Bruton's difficulties are really [illegible] and I will have an opportunity to talk with [illegible] them. Mahtigueria's [illegible] is the [illegible] relationship of his party to the UK Government and his fear that [illegible] may want to [illegible] the Irish EDP Parliamentary [illegible]

[illegible] At the [illegible] but the [illegible] Minister [illegible] also the [illegible] leader he will [illegible] a meeting by his party in [illegible] with [illegible] Prime Minister [illegible] Andreotti [illegible] Prime Minister Martens [illegible] von Brompt, [illegible] Party leader [illegible] Willem Kok Party leader [illegible] probably [illegible] to say but in each [illegible] the Prime Ministers [illegible] Deposit [illegible] with the Party leaders [illegible] like I suspect, I [illegible] help the [illegible] Party [illegible] Prime Minister [illegible] rank and [illegible] and the biggest difficulty we have in [illegible] presents [illegible] [illegible] that our [illegible] with you [illegible] you will [illegible] [illegible] also [illegible] [illegible] born under [illegible] Chancellor [illegible] and Prime [illegible] on the other. [illegible] that I have [illegible] both Prime [illegible] on 8 April [illegible] [illegible] [illegible]

7. I also hope that you will have a brief bilateral meeting with Prime Minister Netanyahu to thank him for what he is doing and, if you feel inclined, to suggest that he comes to London, for a minimum of Government/Party discussions, perhaps on a Friday/Saturday. I cannot over emphasise the lengths to which he is going to bring us into the EPP family. He has been a real star! Above all, throughout he has emphasised to everyone what an immense setback it would be to fail on 13th April, not only for relations between the British Conservative Party and the main centre right parties on the continent of Europe, but also for the cause of Europe in British domestic politics.

8. So far as your meeting with John Bruton is concerned, Andrew Turner has had three meetings with him in Dublin over the past nine months and discussed party principles and policies with the Fine Gael leadership fully. The last occasion was in November and therefore we have got them all on the table. John Bruton is totally blunt and [illegible] post and he's proud of it. He is like us in [illegible] Conservatives [illegible] Party mould. [illegible] [illegible] [illegible]

As requested.

G R Archer

Foreign &
Commonwealth
Office

London SW1A 2AL

Telephone: 071-270-

Republic of Ireland Department
With Compliments

BRUTON, JOHN GERARD TD

Leader of Fine Gale; spokesman on Northern Ireland.

Born 18 May 1947, Dunboyne, Co Meath. Education: Clongowes Wood College; University College Dublin (Economic and Political Science); King's Inns. Elected on first attempt as a Fine Gael member for Meath in 1969 and subsequently front-bench spokesman on Agriculture 1972-73; Parliamentary Secretary to Minister for Education 1973-77; Spokesman on Agriculture 1977-81; Spokesman on Finance January - June 1981; Minister for Finance June 1981 - February 1982; Minister for Industry, Trade, Commerce and Tourism and Leader of the House December 1983 - February 1986. Minister for Finance 1986 - 87. Spokesman on Industry and Commerce 1987-89, on Education and Deputy Leader of Fine Gael 1989-90.

Mr Bruton comes from a well-known farming family and is himself a wealthy (but unostentatious) farmer. He was one of Fine Gael's "Young Turks" who joined the party in the late 1960s and early 1970s and helped it acquire a more progressive image. He was an able and effective Minister for Finance who took rapid action on appointment to tackle the high budget deficit and wasteful public expenditure. But it was the defeat of his January 1982 budget which brought down the coalition. Unlucky enough to be made Finance Minister again when Labour were all but certain to leave Government over the economy, and so to precipitate the break-up of the coalition for a second time. Stood for the party leadership in 1987; took his defeat with good grace. Elected unopposed as Leader when Alan Dukes lost the confidence of the party in 1990. Has adopted a more aggressive stand. Particularly critical of the Government on neutrality and Northern Ireland. He has kept the Northern Ireland portfolio himself and has urged the deletion of the articles of the Irish Constitution laying claim to a united Ireland and support for the present political initiative.

He has a lively, confident manner with a ready sense of humour. Takes considerable interest in foreign affairs, including the EC. Well-disposed towards Britain.

Category I sponsored visitor in 1988.

Married (Finola Gill): one son.

Sir Charles Powell.
No 10.

Told FCO to reply: "Noted: grateful for being informed"
CP

With the compliments of

THE PRIVATE SECRETARY

Carol Prentice. 8/3

I attach the Dublin tel. we discussed this morning — and a copy of the manuscript submission which SofS saw last night. He has no particular views but wants us to check with you. CP
No 129

FOREIGN AND COMMONWEALTH OFFICE
SW1A 2AH

CONFIDENTIAL

Secretary of State
Cab. 7/iii

c.c Mr Broomfield

PS/Sof S

Taoiseach's Speech

1. I can see no grounds for objecting to what the Irish propose to say in the weekend speech (para 2 of Dublin tel no 129).

A.

2. I recommend that the Ambassador be instructed to reply that we have no objection to the text as drafted. It would be entirely appropriate for him to say also to Mr Nally that the Prime Minister stands by the whole of Mr Burke's speech.

3. Given the need to respond by early tomorrow you may wish to discuss with Mr Powell how far No 10 would wish us to go in comment. If they have any problems with the second sentence proposed in paragraph 2, I would see no problem with a simple

/no

no objection.

4. I shall discuss this with Mr Brooke tomorrow at 0830 at his briefing meeting to ensure that he is content.

(G.R. ARCHER)

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CONFIDENTIAL
PRISEC
FM DUBLIN
TO DESKBY 071900Z
TELNO 129
OF 071800Z MARCH 91
AND TO DESKBY 071900Z NIO(L), NIO(B)

FOLLOWING FOR PRIVATE SECRETARY TO PRIME MINISTER. FOREIGN SECRETARY AND SECRETARY OF STATE FOR NORTHERN IRELAND. AND FOR BROOMFIELD AND ARCHER (FCO) AND CHILCOT AND PILLING (NIO).

TAOISEACH'S SPEECH AT HIS PARTY CONFERENCE

1. NALLY, SECRETARY TO GOVERNMENT, HAS CONSULTED ME PRIVATELY ABOUT A SINGLE PARAGRAPH IN MR HAUGHEY'S SPEECH TO THE FIANNA FAIL ARD FHEIS ON 9 MARCH. I AM NOT INVITED TO COMMENT. BUT NALLY WOULD LIKE TO BE TOLD IF THE LANGUAGE IS LIKELY TO CAUSE PARTICULAR DIFFICULTY.

2. THE DRAFT IS AS FOLLOWS:

> ''I HOPE IT WILL NOT BE TOO LONG BEFORE I MEET THE NEW BRITISH PRIME MINISTER, MR JOHN MAJOR, FOR A FULL REVIEW OF THE PRESENT STATE OF ANGLO-IRISH RELATIONS. THE YEARS SINCE 1980 - WHEN MRS THATCHER AND I FIRST DEVELOPED THE CONCEPT OF THE ''TOTALITY OF RELATIONSHIPS WITHIN THESE ISLANDS'' - HAVE BEEN PRODUCTIVE ONES IN THE RELATIONS BETWEEN THE TWO COUNTRIES. THE RECENT STATEMENT MADE ON BEHALF OF THE BRITISH GOVERNMENT THAT THE BRITISH GOVERNMENT HAS NO SELFISH STRATEGIC OR ECONOMIC INTEREST IN NORTHERN IRELAND CAN I BELIEVE OPEN THE WAY TO NEW AND IMAGINATIVE THINKING. IN THAT CASE WE WOULD NOT BE FOUND WANTING IN EITHER IDEAS OR GOODWILL.''

3. THE ''RECENT STATEMENT'' IS A REFERENCE TO MR BROOKE'S SPEECH OF 9 NOVEMBER. I HAVE ALREADY COMMENTED ON A PERSONAL BASIS THAT THIS WAS A DELIBERATE REAFFIRMATION OF ESTABLISHED BRITISH POLICY: MR KING SAID SOMETHING SIMILAR THREE YEARS AGO. NALLY REPLIED THAT NEVERTHELESS THE SPEECH OF 9 NOVEMBER WAS TAKEN AS A SIGNAL. [B.]

4. THE FORMULA AT THE END IS ANOTHER EXAMPLE OF MR HAUGHEY PLAYING GAELIC GAMES WHILE MR BROOKE PLAYS CRICKET. HE MEANS THAT HE WILL HAVE PLENTY OF GOODWILL TOWARDS A BRITISH GOVERNMENT WHICH INTENDS TO FACILITATE A UNITED IRELAND. BUT HE CAREFULLY DOES NOT SAY SO.

5. I RECOMMEND THAT I SHOULD BE INSTRUCTED TO REPLY THAT WE HAVE NO OBJECTION TO THE TEXT AS DRAFTED: WE ARE SURE THAT MR HAUGHEY UNDERSTANDS THAT THE PRIME MINISTER STANDS BY THE WHOLE OF MR BROOKE'S SPEECH INCLUDING ITS DENUNCIATION OF VIOLENCE AND ITS DETERMINATION TO UPHOLD THE RIGHT OF UNIONISTS TO REMAIN OUR FELLOW-CITIZENS AS LONG AS THEY WISH.

6. IT WOULD BE A MISTAKE TO QUESTION MR HAUGHEY'S RENEWED HOPE FOR A MEETING WITH THE PRIME MINISTER. IT COMMITS US TO NOTHING. OBJECTION TO THIS HOPE WOULD BE AN UNFORTUNATE LEAD-IN TO MR MAJOR'S INVOLVEMENT IN THE BROOKE INITIATIVE. MOREOVER THE IMMENSE REPUTATIONS IN IRELAND OF THE PRIME MINISTER AND THE SECRETARIES OF STATE FOR FOREIGN AFFAIRS AND FOR NORTHERN IRELAND GIVE US AN UNUSUAL DEGREE OF LEVERAGE ON THE IRISH GOVERNMENT ON OUR OWN AGENDA, EVEN THOUGH IT DOES NOT COINCIDE WITH HIS.

7. GRATEFUL FOR INSTRUCTIONS DESKBY 081000Z.

FENN

YYYY

DLLNAN 6983

FILE KK

bc PC

CONFIDENTIAL

10 DOWNING STREET
LONDON SW1A 2AA 1 March 1991

From the Private Secretary

ELLIS

I am afraid the Prime Minister is not going to have time to consider the papers on the Ellis case stemming from the Attorney's minute of 27 February to the Home Secretary. But I am confident that he would in fact support the Attorney's view of this which is also backed up by the Foreign and the Northern Ireland Secretary.

I am copying this letter to the Private Secretaries to the Home Secretary, the Foreign Secretary and the Northern Ireland Secretary.

(C. D. POWELL)

Miss Juliet Wheldon,
Law Officers' Department.

CONFIDENTIAL

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FCS/91/048

ATTORNEY-GENERAL

Ellis

1. Your minute of 27 February to Kenneth Baker invited comments.

2. I agree with you about the issues of public interest which this case raises. Public reaction in the United Kingdom to Ellis going free for technical reasons would be critical not only of HMG, but also of the Irish Government. But the Irish will also have to contend with strong public feeling about the case. The misunderstandings to which you refer were largely among the Opposition in the Dáil and in the media. The action you took to ensure that Irish Ministers were correctly informed was appreciated in Dublin. We have since, by briefing key members of the Opposition and the press, ensured that the facts are now more widely understood.

3. However, Irish public concern remains that persons extradited from the Republic of Ireland should not be prosecuted on charges for which extradition would have been refused. The dispute about Ellis is not one in which we can expect sympathy from either Government or Opposition sides in the Republic. The Irish Government would prefer that you rely on a judicial review and that there should be no recourse to indictment on the charges substituted by the Metropolitan Magistrate. They would expect to be consulted about any intention to vary the charges and that this should not be done without Irish ministerial consent. Were

/you

you to proceed without this in a case with the political sensitivity of Ellis, the Irish would regard this as a betrayal of the spirit of the gentlemen's agreement to which you refer. The Irish almost certainly wish to end the present basis for bilateral extradition arrangements. British interests would be prejudiced.

4. What they would do if asked for consent to vary the charges in the event that the judicial review failed to uphold the return charges, is less certain. Despite the strong political pressure on them, they would have to take account of past practice and one case in which they have sought and obtained our consent for variation. But their action will take account of legal as well as political considerations. In my judgment, consideration of both together will make it unlikely that the Irish will grant consent if the appeal fails.

5. We have taken advice from independent lawyers in Dublin sympathetic to the extradition processes. Their view is that there may be sound legal reasons why an Irish Minister might hesitate to grant consent to variation in this case. These arise from the absence of a statutory basis for the "gentlemen's agreement" on which he could defend his action, and doubts about what is contained in an agreement which never appears to have been recorded. There is also a possibility that the court might find grounds in their judgment in the Ellis extradition appeal, and in case law such as the Shannon v Fanning 1984 judgment, which would support an argument that any amendment to charges would be improper without validation by the court.

6. I accept that there may be grounds for disputing this view and see no reason of public interest why you should not ask for Irish consent to variation. I agree, however,

/with

with your provisional view that there is a case for telling Mr Murray now that if our challenge fails and Irish consent to variation is refused, we shall have no course but to return Ellis to Ireland. This would, in my judgment, substantially lessen the likelihood of a major disagreement with the Irish which would threaten the continuance of extradition arrangements. It would also have the merit of putting the maximum pressure on the Irish to consent to variation as it would considerably weaken any case for refusal on political grounds. It seems likely that whatever the outcome, there will be increased pressures from the Republic of Ireland for a re-examination of the case for establishing a satisfactory statutory basis to underpin the present "gentlemen's agreement".

7. A copy of this minute goes to the Prime Minister, the Home Secretary and the Secretary of State for Northern Ireland.

(DOUGLAS HURD)

Foreign and Commonwealth Office

1 March 1991

CCPE

NORTHERN IRELAND OFFICE
WHITEHALL
LONDON SW1A 2AZ

SECRETARY OF STATE
FOR
NORTHERN IRELAND

CDS
28/2.

The Rt Hon Sir Patrick Mayhew QC MP
Attorney General
Attorney General's Chambers
9 Buckingham Gate
London
SW1E 2JP

28 February 1991

Dear Patrick,

ELLIS

Thank you for sending me a copy of your minute of 27 February to the Home Secretary about the Ellis case. Though this case is primarily for you and the Home Secretary I am happy to accept your invitation to comment because of the wider issues involved. As you point out the dilemma is particularly acute given the nature of the current IRA campaign in Great Britain.

The precise terms of the gentlemen's agreement on specialty are clearly uncertain. In slower times I hope we can consider the possibility of reaching a clearer understanding with the Irish authorities about its scope; and legislation which may, as you point out, in any event become inevitable may now be desirable.

It is, as I understand it, arguable that in this case consent to the new charges is unnecessary since they depend on precisely the evidence which supported the original charges, which was exposed to the Irish Courts. It is also arguable that, in the circumstances of this case, no gentleman should refuse consent.

My own view, however, is that the public interest is to proceed only on a basis where our good faith cannot be impugned by the

Irish Authorities. Accordingly I believe you are right to contemplate making it clear from the outset that, if you are unable to reinstate the return charges, you will look for consent to the new charges and that, without it, you will feel unable to proceed with the case.

One merit of this approach is that the Irish Authorities should be clear from the outset both about British good faith, and, equally important, that they must take responsibility for the outcome should consent be refused. That may concentrate minds in Dublin, and ensure that in the contretemps with the Irish Government which would inevitably follow Ellis's release without trial the Irish would be on the defensive. Though that release would no doubt occasion consternation in the United Kingdom the position of the British Authorities could be clearly explained and defended.

While it is a decision for you I can see that to proceed in this case without the consent which the Irish authorities apparently believe is necessary would damage, perhaps fatally, our future prospects of securing extradition from the Irish Republic, as well as creating considerable tension in Anglo-Irish relations generally, and the background of the Birmingham six case is not a happy one. This could blow back on our continuing efforts to engage the Irish Government on security co-operation, political development and other matters. I am conscious that at present the Irish Government, unlike many European countries, will extradite its own nationals and that that arrangement could be called in question, alongside the possible triggering of the

provision in Irish extradition legislation to which you refer which would prevent any further extradition until we legislated to incorporate specialty in UK Law.

Like you, I am sending a copy of this minute to the Prime Minister, as well as to Kenneth Baker and Douglas Hurd.

Yours ever

Pmr

All of this is against a background where the Irish Government are currently on the defensive on Extradition, a state from which charges of bad faith on our part would release them.

PB

P.

IRELAND: Rels Pt 21

HOME SECRETARY

ELLIS

1. We have yet again a serious problem in the field of Anglo-Irish extradition. This time it originates over here, where the court has construed an English statute adversely to the Crown's contentions.

2. On 14 February a Metropolitan Magistrate refused to commit Desmond Ellis for trial on the two conspiracy charges under the Explosive Substances Act 1883 on which the Irish had, at our request, extradited him. The Magistrate of her own motion (not at the instance of the Crown) committed him on two other conspiracy charges, which she herself substituted (as in law she was entitled to do).

3. Ellis is accused of involvement in the IRA mainland bombing campaign in the early 1980s. The case has always been a sensitive one. He is the first person accused of terrorist offences to have been extradited to England since the Irish enacted their Extradition (Amendment) Act 1987 and his extradition was ordered while he was on hunger strike.

4. A feature of the prosecution case against Ellis is that the Crown can lead no evidence that he was within the territorial jurisdiction of the English courts at any material time.

5. The charges on which Ellis was extradited, the return charges, were as follows:-

Possession of explosive substances with intent to endanger life or cause serious injury to property in the UK, contrary to section 3(1)(a) of the Explosive Substances Act 1883 and section 7 of the Criminal Jurisdiction Act 1975; and

Conspiracy to cause an explosion likely to endanger life or cause serious injury to property in the UK, contrary to section 3(1)(a) of the Explosive Substances Act 1883 and section 7 of the Criminal Jurisdiction Act 1975.

6. The substituted charges were as follows:

Conspiracy to cause grievous bodily harm by the use of explosive substances, contrary to section 1(1) of the Criminal Law Act 1977; and

Conspiracy to destroy property with the intention of endangering life, contrary to section 1(1) of the Criminal Law Act 1977.

7. The substituted, or committal, charges are supported by precisely the same evidence available to the Crown as that which supports the original, or return charges: it was all disclosed to the Irish Attorney General and to the Irish courts in the course of the extradition proceedings.

8. The Magistrate held that principles developed in English case law (and accepted by the Irish Supreme Court in the extradition proceedings as representing Irish law also) would permit a conviction of Ellis on either of the committal charges, notwithstanding that he had not been present in the UK at any material time, but that this was not true of the return charges. This, the Magistrate held, was because those charges were brought under a statute

which contained a specific provision on extra-territorial scope, and one whose effect was more limited than the scope of the common law rule which applied to the substituted charges.

9. On the advice of Counsel I intend to challenge the Magistrate's ruling in the Divisional Court. The DPP has been advised by Mr. Roy Amlott QC and Mr. Clive Nicholls QC., as to the appropriate charges on which to seek the extradition of Ellis. Each is extremely experienced in the field of extradition. The return charges were selected as being the most appropriate to the circumstances, and were identical to those brought against McVeigh, a co-conspirator (whose extradition was refused in Ireland by a District Court on grounds of identification). The Crown's submissions on extra-territorial jurisdiction, supported by affidavit evidence from Mr. Nicholls, were accepted in the Irish Supreme Court. They will be argued strongly in the Divisional Court, and if necessary in the House of Lords, but there is some risk that they will not succeed. It is to our course of action in that event that the rest of this minute is addressed.

10. The Irish reaction to what has occurred has been hostile, although my personal relations with my opposite number, Mr Murray, remain at the moment good. In some quarters at least there is a misunderstanding about what has occurred, and a belief that it was the prosecuting authority, as opposed to the court, which suddenly changed the basis on which Ellis is to be prosecuted.

11. The Irish have a proper concern. For many years they have made it clear to us that extradition can only continue if we comply with what is called the specialty rule. This, as a minimum, requires that someone who has been extradited should not be prosecuted on charges for which extradition

would have been refused.

12. The Irish have always urged us to legislate to make the specialty rule part of English law. So far we have refused to do this, and have operated what is referred to as a gentleman's agreement. The terms of this agreement, which was I believe concluded by my predecessor, have never been reduced to writing. The Irish could, I think, plausibly assert that they prevent an extradited person from being prosecuted on any charge other than those for which extradition was ordered without the prior consent of their Minister of Justice. We for our part would add that such consent should not be unreasonably refused, and moreover that there are cases, of which Ellis may be one, in which the new charges are so similar to the old that consent is in any event unnecessary.

13. Mr. Murray, as a first reaction, has told me that the Irish authorities would object to an indictment being preferred with the committal charges in it, in advance of an appeal. The Foreign Office believe, I know, that it is unlikely that the Irish authorities would grant consent if the appeal failed.

14. I need to write to Mr. Murray this week explaining the ways in which the Magistrate's decision can be challenged, and asking him whether, in the circumstances I have described, the Irish would consent to, or acquiesce in, the new charges. If the answer is negative, I shall of course need to decide whether the prosecution should nonetheless continue. If we decide not to continue, then there is an argument for stating this clearly in my letter to Mr. Murray, both as evidence of good faith and in the hope that this will increase the pressure on the Irish authorities to react reasonably and consent to the prosecution on the committal charges.

15. I should explain that the gentleman's agreement, whatever its terms, is not legally binding. Indeed it would have been unlawful for the Attorney to enter into an agreement which fettered his discretion in a case such as this. It is my duty to consider the public interest in the light of the particular facts of each case. I think it right to consult you and other interested colleagues urgently as to your view of the public interest if the Irish authorities refuse their consent on grounds which I judge unreasonable.

16. The factors which seem to me to have to be taken into account include the following. On the one hand, if I were to drop the prosecution of Ellis then a man accused of very serious crimes, closely akin to the current bombing campaign on the mainland, would walk free. The public reaction in this country would be extremely adverse, irrespective of whether the release of Ellis was blamed on the incompetence of the English prosecuting authorities or the malignancy of the Irish authorities. Since the Irish authorities would have refused to operate the specialty agreement in the way in which we would ourselves have operated it, and which we believe is required by the European Convention on Extradition, our confidence in the way in which they would operate all aspects of the extradition arrangements between us would be very gravely undermined.

17. On the other hand, if we continued with the prosecution in circumstances where the Irish authorities alleged a breach of the gentleman's agreement, I think the probability is that the Irish Government would trigger a latent provision in their extradition legislation which would prevent any extradition from the Republic to the UK unless and until we legislated to incorporate specialty in UK law in a manner acceptable to the Irish. That provision may be triggered in any event in the aftermath of the Ellis case: but if the

Ellis case results in serious allegations of bad faith then, irrespective of any legislation we might introduce, this could lead the Irish courts to refuse extradition in future cases on constitutional grounds. There would be other, political, consequences of an Anglo-Irish dispute of this magnitude on which Douglas Hurd and Peter Brooke, to whom I am copying this minute, will no doubt wish to comment.

18. My provisional view is that we should tell Mr. Murray now that if our challenge fails, for whatever reason, we shall ask for Irish consent to a prosecution proceeding on the committal charges, but that if this is refused we shall return Ellis to Ireland.

19. A copy of this minute also goes to the Prime Minister.

John Morris
(initialled by the Attorney General and signed in his absence)

27 February 1991

B

POLITICAL DEVELOPMENT: STATEMENT OF 26 MARCH

1. Mr Speaker, I am pleased to be able to inform the House that, following extensive discussions with the main constitutional political parties in Northern Ireland - the Alliance Party of Northern Ireland, the Social Democratic and Labour Party, the Ulster Democratic Unionist Party and the Ulster Unionist Party - and with the Irish Government, a basis for formal political talks now exists. I frankly acknowledge to the House that this would not have been possible without the goodwill and determination of the Northern Ireland parties and the helpful and constructive approach taken by the Irish Government. The stated positions of all these parties are well known. Her Majesty's Government reaffirms its position that Northern Ireland's present status as a part of the United Kingdom will not change without the consent of a majority of its people.

2. The endeavour on which we have all agreed to embark is an ambitious one. We are setting out to achieve a new beginning for relationships within Northern Ireland, within the island of Ireland and between the peoples of these islands. While a successful outcome cannot be guaranteed in advance, I am confident that all the potential participants are committed to a forward-looking and constructive approach. For their part, the two signatories of the Anglo-Irish Agreement - the British and Irish Governments - have made clear that they would be prepared to consider a new and more broadly based agreement or structure if such an arrangement can be arrived at through direct discussion and negotiation between all of the parties concerned.

3. To allow an opportunity for such a wider political dialogue the two Governments have agreed not to hold a meeting of the Anglo-Irish Conference between two pre-specified dates. All of the parties concerned will make use of this interval for intensive discussions to seek the new and more broadly based agreement which I have just described.

4. As the Conference will not be meeting between the specified dates the Secretariat at Maryfield will accordingly not be required for that period to discharge its normal role of servicing Conference meetings provided for in Article 3 of the Agreement.

5. It is accepted that discussions must focus on three main relationships: those within Northern Ireland, including the relationship between any new institutions there and the Westminster Parliament; among the people of the island of Ireland; and between the two Governments. It is common ground between all the parties that hope of achieving a new and more broadly based agreement rests on finding a way to give adequate expression to the totality of the relationships I have mentioned.

6. Talks will accordingly take place in three strands corresponding respectively to the three relationships. Some arrangement will be needed for liaison between the different strands of these complex discussions. All the Northern Ireland parties will participate actively and directly in the North/South discussions. The Unionist parties have made clear that they wish their participation in those talks to be formally associated with my presence and that they will regard themselves as members of the United Kingdom team.

7. It is accepted by all those involved that, so as to make full use of the interval between meetings of the Conference to achieve an overall agreement satisfactory to all, it will be necessary to have launched all three sets of discussions within weeks of each other.

8. A first step towards getting related discussions under way in all three strands will be the opening, as soon as possible, of substantive talks between the parties in Northern Ireland under my chairmanship. These will commence with a round of bilateral meetings before moving on, as soon as possible, into plenary

sessions. It has been agreed by all the participants that before long, when, after consultation, I judge that an appropriate point has been reached, I will propose formally that the other two strands should be launched. My judgement as to timing will be governed by the fact that all involved have agreed that the three sets of discussions will be under way within weeks of each other.

9. The internal talks, like the talks in the other strands, will follow a demanding and intensive schedule. In order to ensure a full airing of the issues, it will be open to each of the parties to raise any aspect of these relationships including constitutional issues, or any other matter which it considers relevant. All concerned have assured me that they will participate in good faith and will make every effort to achieve progress.

10. It is accepted by all the parties that nothing will be finally agreed in any strand until everything is agreed in the talks as a whole and that confidentiality will be maintained thereunto. However, in the final analysis the outcome will need to be acceptable to the people.

Statement by Irish Government

Statement by the Government on Anglo-Irish Relations

26 MAR 1991

The Government are extremely pleased that a basis now exists for the launch of political talks focussing on the totality of relationships within and between these islands.

The commitment and perseverance of all involved has kept the prospect of talks alive over these past fourteen months. The Government pay tribute to the personal qualities of the Secretary of State for Northern Ireland, Mr. Brooke, and also to the combination of realism and vision displayed by the political leaders in Northern Ireland.

Without wishing to minimise the differences in positions, the Government believe there is now a genuine sense of common purpose among all the participants. As the Secretary of State said in the House of Commons today, we are setting out to achieve a new beginning for relationships within Northern Ireland, within the island of Ireland, and between the peoples of these islands. This shared appreciation of the nature and scope of the exercise undoubtedly helps to strengthen the prospects of a positive outcome to our endeavours.

Throughout these past fourteen months, the Government's concern has been to establish the soundest possible basis for talks and one which would be conducive to a successful outcome to the process. We shared the conviction that, unless the structures were right, the risk of failure of the substantive talks would be very high. It is for this reason that the two Governments - and indeed all the potential participants - have devoted so much time and attention to seeking to put proper structures in place.

The Government are acutely conscious that there is now a historic opportunity for both traditions on this island. Following decades of mistrust, agreement has been reached on the need for wide-ranging dialogue, where the full range of issues that divide and unite our two communities can be exhaustively explored. With goodwill and a constructive approach all round, there is potential for a qualitative leap forward in our relationship. Whatever the differences in perspective, and they undoubtedly exist, all of us in Ireland share the common objectives of peace, justice and prosperity for all our people.

The Government look forward to a substantive and vibrant dialogue with Northern political leaders, when we will listen carefully to the views of all participants while contributing fully ourselves. Our sensitivity to Unionist concerns will go hand in hand with a

Statement by IRL

forthright expression of the values and aspirations we share with Northern nationalists. We will seek to build for the future while ensuring that we do not put at risk what has been achieved and sustained over recent years.

Above all, it is the Government's hope that this sense of a new beginning will help to signal the end of the strife that has bedevilled Northern Ireland for so long. With the political process now offering the opportunity of a new way forward, the futility and irrelevance of violence must increasingly be apparent. Those who continue to give their support to campaigns of violence thereby exclude themselves from this process; the permanent cessation of such support must surely now be considered by all those who wish to participate in the building of a new, agreed Ireland.

Today's developments have brought renewed hope to people throughout this island. The Government are embarking on this ambitious exercise in a spirit of partnership, fully sharing the determination of all involved that our endeavours should prove worthy of the hopes invested in them.

AM[illegible]ÁID NA hÉIREANN, LONDAIN

IRISH EMBASSY, LONDON.

17, GROSVENOR PLACE,
S.W.1.

TELEPHONE : 01-235 2171

2 January 1991

Dear Charles,

I very much regret that the attached letter from Dermot Nally has been delayed in transmission over the holidays.

May I take this opportunity to say how delighted we were to see your Knighthood announced. Warmest congratulations from all of us at the Embassy.

Sincerely

Dan

CEPE (1)

Foreign and Commonwealth Office

London SW1A 2AH

RESTRICTED

11 December 1990

Content

Dear Charles,

Prime Minister

I have warned the Irish not to expect a full bilateral on this occasion. Agree to the short meeting proposed? CDP 11/XII

Mr Haughey

In reply to a message from Mr Haughey the Prime Minister wrote on 3 December that he looked forward to an early meeting. Informal?

During the course of questions in the Dáil on 4 December, Mr Haughey was asked to seek a meeting with Mr Major. He said that he expected that they would be able to meet in Rome - but he appreciated that the Prime Minister, coming into office, would have many pressures on him. He would not particularly press for an urgent meeting with him, but would hope that a major meeting could be arranged before too long.

The question of a meeting was brought up by Dermot Nally on 7 December at a dinner given by Sir Robin Butler for the key officials dealing with Anglo-Irish relations. Nally said he hoped that a short meeting between the two Prime Ministers would be possible in Rome. About a quarter of an hour would be all that was necessary for the two to make each other's acquaintance and signpost the possibility of a substantive meeting on another occasion.

We recommend a brief meeting in the margins of the Rome European Council. It would be sufficient for the Prime Minister to underline the importance we attach to making progress on Mr Brooke's political initiative following the meeting between Mr Haughey and Mr Brooke at Ballyconnell on 26 November. I enclose some points to make. The Prime Minister might also have a brief word about some EC issues on the Council's agenda.

/If the

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If the Prime Minister agrees to a meeting the easiest way to arrange it may be for you to speak directly to Dermot Nally before 13/14 December.

I am sending a copy of this letter to Tony Pawson (NIO) and to Sonia Phippard (Cabinet Office).

Yours ever,

Christopher Prentice

(C N R Prentice)
Private Secretary

C D Powell Esq
10 Downing Street

RESTRICTED

POINTS TO MAKE TO MR HAUGHEY

- Appreciate message on taking office. Clear we should meet to talk over a range of issues when there is time to fit this in;

- Welcome that 1985 Anglo/Irish Agreement has led to intensification of contacts between the two Governments;

- Useful that you were able to talk to Mr Brooke at Ballyconnell on 26 November. This has been followed up between Mr Brooke and Mr Collins. Mr Brooke will be talking to the Unionists. Hope that there will be progress on the present initiative early in the new year.

10 DOWNING STREET
LONDON SW1A 2AA

THE PRIME MINISTER

10 December 1990

Dear Maire,

You were very kind to write such a nice letter about my appointment. I was delighted to receive it. I shall miss the informal sessions of ECOFIN, but look forward to seeing you during the European Council meetings. Norma joins me in sending our warmest regards.

Yours Ever,
John

Mrs. Maire Geoghegan-Quinn, T.D.

Roinn an Taoisigh
Department of the Taoiseach

7 December 1990

Mr Charles Powell
Private Secretary
to the Prime Minister

Dear Charles,

Many thanks for your letter about the recent RAF special flight.

While our side say that there appears to have been some misunderstanding about the application for diplomatic clearance on the part of your people, I think the best thing we can all do over the Christmas is to ponder again what Burns said about the best laid plans of mice and men -

With all best wishes.

See you in Rome.

Yours sincerely,

Dermot

Dermot Nally
Secretary to the Government

Tithe an Rialtais, Baile Átha Cliath 2.
Government Buildings, Dublin 2.

IRELAND: Relations Pt 21

R 7/12

AMBASÁID NA HÉIREANN, LONDAIN.

IRISH EMBASSY, LONDON.

17 Grosvenor Place

SW1X 7HR

7 December 1990

Dear Charles,

I am enclosing a message to the Prime Minister, The Rt Hon Mr John Major MP from the Irish Minister of State for European Affairs, Maire Geoghegan-Quinn TD.

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

Yours sincerely,

Andrew O'Rourke
Ambassador

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

Enc

OIFIG AN AIRE STÁIT UM GNÓTHAÍ EORPACHA
OFFICE OF THE MINISTER OF STATE FOR EUROPEAN AFFAIRS

ROINN AN TAOISIGH
DEPARTMENT OF THE TAOISEACH

BAILE ÁTHA CLIATH 2
DUBLIN 2

TELEPHONE: 689333

30 November, 1990.

The Right Honourable John Major, M.P.,
Prime Minister,
10 Downing Street,
London.

Dear John,

Please accept my warm congratulations on your election to the leadership of your party and, in particular, on your appointment as Prime Minister. I was delighted to see you moving next door and assuming the responsibilities of Head of Government - especially at an age which makes you the youngest Prime Minister this century.

My delight is tempered only by the realisation that you shall now be lost to the ECOFIN Council. I attend most meetings of the European Council and shall hope to see you on those occasions. Regrettably, however, the European Council does not have informal sessions, such as we had at Ashford Castle last Spring. However, I venture to express the hope that you will be able to pay further visits to Ireland, this time as Prime Minister.

You are taking office at a very important juncture in European affairs. May I wish you every success in these matters and in all your other manifold responsibilities. I express the hope that you and Norma will be very happy in your new roles.

Sincerely,

Máire.

Máire Geoghegan-Quinn, T.D.,
Minister of State for European Affairs.

File MJ

cc FCO

CF

10 DOWNING STREET
LONDON SW1A 2AA

From the Private Secretary

23 November 1990

Dear Dermot,

You spoke to me on the morning of 14 November about the arrangements for an RAF special flight to be used for the Ellis extradition.

I am sorry that there was some confusion. We have looked into the reasons for this carefully.

As the result of arrangements they had made with the Metropolitan Police late on Thursday 13 November, the Garda were expecting the RAF special flight to leave Northolt at 0900 hrs on 14 November and arrive at Dublin at 1005 hrs. It did not arrive until 1200 hrs. This was because, despite the best efforts of our Embassy in Dublin diplomatic clearance for the flight from the Irish Government was not given until after 1000 hrs on 14 November, by which time the aircraft, which had left on schedule, had been obliged to divert to RAF Brawdy. The Garda appear not to have ensured that urgent diplomatic clearance would be forthcoming when our Embassy approached the Irish Department of Foreign Affairs.

There was a second, short, delay at this end when the diplomatic clearance was finally received by the RAF at 1037 hrs. Even so, the aircraft arrived in good time to collect Ellis as soon as the formalities of his extradition had been completed. The aircraft left Dublin at 1333 hrs.

Things are not always quite what they seem: but I am sorry for our part in it muddle.

Yours ever
Charles Powell

Mr Dermot Nally

Foreign and Commonwealth Office

London SW1A 2AH

22 November 1990

Dear Charles,

Extradition of Desmond Ellis

By agreement with the Law Officers' Department we are writing about the arrangements on the morning of 14 November for an RAF special flight to be used for the Ellis extradition. They led to a telephone call to you by Dermot Nally, Secretary to the Irish Government.

You may wish to let Nally know that the problem seems to have been a difficulty on the Irish side which led to the aircraft having to divert rather than enter Irish airspace because diplomatic clearance had not been given. The Embassy had been trying to secure this since 7.30pm on the previous evening.

I enclose a draft letter from you to Nally.

Yours ever,

Richard Gozney

(R H T Gozney)
Private Secretary

C D Powell Esq
10 Downing Street

DRAFT LETTER FROM: PS/No.10

TO: Mr Dermot Nally
Secretary to the Irish Government
Department of the Taoiseach
DUBLIN

EXTRADITION OF DESMOND ELLIS

You spoke to me on the morning of 14 November about the arrangements for an RAF special flight to be used for the Ellis extradition.

I am sorry that there was some confusion. We have looked into the reasons for this carefully.

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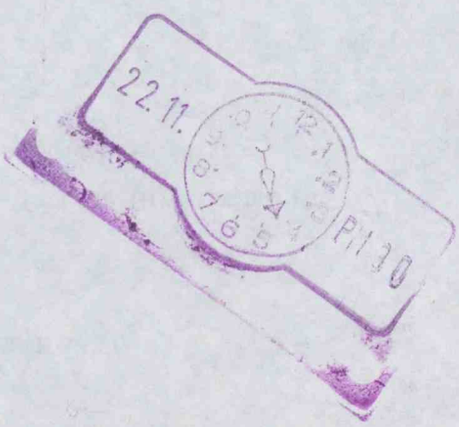
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PM 10

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10 DOWNING STREET

LONDON SW1A 2AA

From the Private Secretary

28 October 1990

Dear Tony,

NORTHERN IRELAND

It was not in the event possible for the Prime Minister to have a separate meeting with Mr Haughey in the margins of the European Council. But I should record that Mr Nally approached me on Saturday evening and suggested that we ought to be preparing for the failure of the Northern Ireland Secretary's initiative on political development. The short paper which we had handed over during the last Anglo-Irish Conference really did not offer the Irish Government a sufficient degree of certainty that North/South talks really would start. Their fear was that, if talks with the Northern Ireland parties did get underway, we would be under pressure constantly to postpone talks with the Irish Government and they would end up without any role. I said this was a very short-sighted view and I hoped very much that the Taoiseach would not reflect it if he spoke to the Prime Minister. I took him through the points prepared for the meeting with Mr Haughey. We had gone out of our way to give as much assurance as possible that talks involving the Irish Government would take place. They should reflect very carefully on our paper before rejecting it. Nally backed off a bit, saying that no final conclusions had been reached. But the Irish Government felt that they were constantly being asked to make one more concession without any corresponding flexibility on the part of the Unionists. For instance they had now heard that all sessions of the talks would take place in London. He was not optimistic about the outcome. I said that the Irish Government should ponder very carefully indeed before assuming the responsibility for bringing about the premature end of a promising initiative.

I am copying this letter to Stephen Wall (Foreign and Commonwealth Office), Simon Webb (Ministry of Defence) and to Sir Robin Butler.

Yours sincerely,

Charles Powell

Tony Pawson Esq
Northern Ireland Office

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The National Archives

DEPARTMENT/SERIES PREM 19 PIECE/ITEM 3403 (one piece/item number)	Date and sign
Extract details: Minute from Gradock to Powell dated 26 October 1990 with attachment	X
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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.

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PRIME MINISTER

NORTHERN IRELAND: SECURITY: EUROPEAN COUNCIL

In my minute of earlier today I said I would let you have a further note on security cooperation.

The precise cross-border component of Wednesday's atrocities at Buncrana Road and Cloghogue (and the unsuccessful attack at Lisanelly Barracks, Omagh) is unclear. The preceding house take-overs took place in Northern Ireland. In relation to Buncrana Road, advance warning of terrorist activity was received from the Garda and this is encouraging. Although it was, unfortunately, insufficiently specific to permit the security forces to forestall the attack, the Chief Constable has been very admiring of the professional and operational aspects of the subsequent arrests by the Gardai in Donegal.

These arrests are both valuable in themselves, and suggestive of a cross-border escape by the terrorists involved in the Buncrana Road incident. Six persons have been charged with membership of an illegal organisation before the Special Criminal Court in Dublin; one of these was also charged with possession of firearms. They are remanded until 6 November initially. Four other individuals swept up in this series of arrests have since been released. The membership charges are for the purpose of holding them in custody whilst forensic examinations, and other investigations, proceed. We are avoiding comment for sub judice reasons.

We are already discussing a number of detailed security measures with the Irish, including installation of surveillance equipment at specific points on the Irish side of the border; communications (where the next step is a test of the speed of communication between Army and Garda, through the RUC); limited night flying across the border by helicopters; and extradition. At yesterday's Anglo-Irish Conference we gained a little ground on cross-border EOD matters.

B

None of these detailed demands is however, by itself, of decisive importance and the main focus of our efforts in recent months has been to upgrade Irish understanding, at every level, of the underlying security problems of Northern Ireland, and particularly those which arise in border areas.

Our objective has been to encourage them to be more imaginative, flexible, and above all enterprising, particularly in the matter of adequate advance intelligence of terrorist activity. It would be helpful if you could reinforce this broad strategy by encouraging the Taoiseach to continue to support increased cooperation. I suggest you make the following points:

(a) The border areas present us with the most difficult security problems, as the appalling incidents on Wednesday indicate.

(b) The prompt and effective action taken by the Irish Authorities is much appreciated.

(c) Grateful if Mr Haughey could continue to lend his personal weight to enhance security efforts.

I am sending copies of this minute to Geoffrey Howe, Douglas Hurd, Tom King, David Waddington, Patrick Mayhew and to Sir Robin Butler.

pp PB

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

26 October 1990

cc PC

Rt Hon Chris Patten

It may be difficult to find time for a bilateral with Mr. Hayley. But you may be able to get him in a corner. CDP.

PRIME MINISTER

NORTHERN IRELAND: POLITICAL DEVELOPMENT; EUROPEAN COUNCIL

- with COP

In my minute of 24 October about my efforts to launch political talks this autumn in relation to Northern Ireland I promised to report further after the discussion with Irish Ministers in the Intergovernmental Conference yesterday.

2. We had a broad agenda, but our focus was of course on security cooperation and on political development. The Irish Government's appreciation of the seriousness of the security threat is now much sharper: earlier this year some on the Irish side were reassuring themselves that the IRA was on the ropes. They know that we expect more from them but we need to maintain the pressure, at least privately, on cross-border measures, on intelligence cooperation and on extradition. At the end of the Conference we issued a joint declaration condemning terrorism. I am minuting you separately on security cooperation.

3. On political development, the meeting followed my expectations in that there was no departure from the Irish Government's insistence that there should be certainty that the initial internal talks will broaden to North/South talks within a specific time frame. I gave Mr Collins the attached paper, outlining our alternative approach of a package of measures providing assurance to the Irish Government and the SDLP that North/South talks will begin quickly, and to the Unionists that the SDLP will approach the talks constructively from the outset. This stops well short of certainty which, as I again told

Mr Collins, cannot be secured from the Unionists, and he acknowledged that certainty depends on them. I neither invited nor received a substantive reaction to this paper, though Mr Collins has agreed to give it consideration. In these circumstances it would, I believe, be highly desirable if you were to take any opportunity at the European Council meeting to urge on Mr Haughey the need to respond sympathetically if this process is to be sustained. Indeed it may be significant that at his press conference Mr Collins referred to the possibility of your having such a discussion.

4. Mr Collins' objective at the meeting, I suspect, had been to leave matters on the basis that I should return to the Unionists to extract further movement. I made it clear that there is little purpose in my returning to them with a proposition they are bound to reject. But if the Irish reaction to my paper is constructive I will of course have a basis for further exchanges with the Unionists.

5. It is important that the Irish understand, as I believe they now do, that further concessions are not in the gift of the British Government, since it is not our position or our interests which are the obstacle. The Irish Government, by contrast, is in a position to make concessions since, if it were to abandon, or modify, its rigid insistence on certainty about the launch of North/South talks, it is probable, though not certain, that the SDLP could also be brought on side. The Irish position is not itself inherently unreasonable - if we are to ensure that any agreement on new internal arrangments is set within a wider framwork of settled North/South and UK/Republic relationships, with profound implications for the Anglo-Irish Agreement, they must be involved - but if they do not shift the process will be halted, as I believe they must know.

6. Against that background it would be helpful if you were able to register the attached points with Mr Haughey:

7. I am sending copies of this minute to Geoffrey Howe, Douglas Hurd, Tom King, David Waddington and Patrick Mayhew, and to Sir Robin Butler.

P.B.

PB

26 October 1990

POINTS TO MAKE WITH MR HAUGHEY

(a) the effort to promote agreement on a basis for talks in relation to Northern Ireland has revealed much common ground and a readiness to make compromises on all sides. It is highly desirable to capitalise on that convergence and to carry it forward;

(b) little now prevents agreement on talks which could serve the interests of everybody except the gunmen. The process of continued, and broadened, dialogue is likely to have its own benefits;

(c) our inability to carry the process forward risks being seen as a signal of the impotence of those who believe in constitutional and democratic methods. This would be particularly damaging following recent atrocities, and the public in neither country is likely to understand why further progress could not be made;

(d) while understanding the Irish Government's wish to secure certainty about the launch of North/South talks, this is politically impossible to achieve. Our approach, as embodied in the paper Mr Brooke gave Mr Collins on Thursday, offers the highest level of achievable assurance that North/South talks will take place and at an early stage. It is difficult to see North/South talks being achieved by any other route;

(e) trust that the Irish Government will give the most careful consideration to the Secretary of State's proposals. This could have serious implications for future relations between our two countries;

(f) if further progress is not possible by addressing matters in the way proposed, there will inevitably be inquests and recriminations. Since it is clear that the British Government is not in a position to make concessions - because it merely seeks to bring others together - much of the questioning is likely to be addressed to Dublin.

A POSSIBLE BASIS FOR TALKS: UK PAPER

1. Any public statement should

(a) announce that agreement had been reached on a basis for political talks which would address the three relationships;

(b) contain the agreed forms of words for responding to the Unionist leaders' second and third preconditions;

(c) set out in general terms the basis on which any talks should broaden from discussions involving the Northern Ireland parties and the British Government to discussions about the wider North/South and UK/Republic relationship, involving the Irish Government. In particular, it might say that this would happen once the issues for discussion in the internal talks had been "sufficiently worked through" and that the Secretary of State would make the judgement as to when this point had been reached, taking account of the basis on which all concerned had entered the talks;

(d) record an expectation that this point would be reached "within weeks";

(e) confirm that North/South (and East/West) talks would enable participants to consider the interaction of relevant constitutional provisions in each jurisdiction.

2. The other elements of the package of measures proposed as a means of getting round the impasse over the circumstances in which North/South talks should start would feature in a statement of common understandings which all the participants would be

committed to, but which need not be published. The elements include:

(a) confirmation that no agreement would be possible in any one strand of discussion in isolation;

(b) underlining the interlinked nature of the three strands of discussion in order to illustrate the reality that points discussed at earlier stages of the talks process will need to be re-examined, refined and confirmed in the light of progress in the later stages;

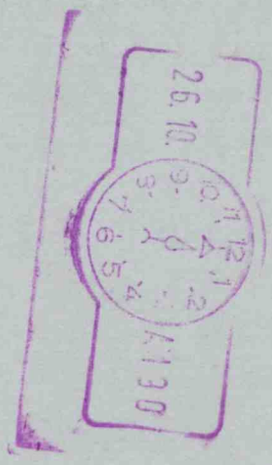
(c) an outline framework for the agenda, timing and handling of the talks process which would indicate an expectation that North/South talks would start by about halfway through the interval before the next Conference. This would provide further opportunities to set out in objectively measurable terms the ground which the interparty talks would aim to cover before the launch of North/South talks would be required.;

(d) a reaffirmation of the assurances:

(i) that all participants accept that the talks will be intensive;

(ii) that all will participate actively and directly in the various strands;

(iii) that all the Northern Ireland parties will participate directly (as members of a team led by the Secretary of State for Northern Ireland in the case of the leaders of the two main Unionist parties) in the North/South strand of discussion once it is opened.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TC
MPM

cc PC

10 DOWNING STREET

LONDON SW1A 2AA

From the Private Secretary

25 October 1990

Dear Tony.

NORTHERN IRELAND: POLITICAL DEVELOPMENTS

The Prime Minister has noted the Northern Ireland Secretary's minute of 24 October about political developments in Northern Ireland, and the points which he suggests she should make to Mr. Haughey in the margins of the European Council.

I am copying this letter to Tim Sutton (Lord President's Office), Simon Gass (Foreign and Commonwealth Office), Simon Webb (Ministry of Defence), Colin Walters (Home Office), Juliet Wheldon (Attorney General's Office) and Sonia Phippard (Cabinet Office).

Yours ever,

CHARLES POWELL

Tony Pawson, Esq.,
Northern Ireland Office

CONFIDENTIAL

CONFIDENTIAL

(2)

SECRETARY OF STATE FOR NORTHERN IRELAND

Prime Minister

CBB 24/x

PRIME MINISTER

NORTHERN IRELAND: POLITICAL DEVELOPMENT

We are close to the point of decision on whether it will be feasible to launch political talks this Autumn in relation to Northern Ireland.

The understandings I had reached with the Northern Ireland parties and with the Irish Government in the months before the recess did not, as I had feared, unravel to any substantial degree over the summer. I signalled a resumption of my political discussions by a speech in Ballymena on 7 September and have since met Mr Collins and the leaders of the four main constitutional political parties in Northern Ireland.

The main obstacle to talks remains the difference of view over the circumstances in which any talks should be broadened to address the wider North/South and UK/Republic relationships and involve the Irish Government. The Unionist leaders continue to insist that this should only happen once "substantial progress" has been made in the proposed inter-party talks: they fear that otherwise the SDLP will prevaricate until the discussions are broadened to involve the Irish Government. The Irish Government accept that they cannot participate in any inter-party talks but they and the SDLP want certainty that the talks process will broaden at an appropriate stage: they fear that otherwise the Unionists will prevaricate so that the talks never reach the point of addressing the wider relationships.

I have told Mr Collins that it is unrealistic in NI political terms to expect a guarantee that the talks will make sufficient progress to require the launch of North/South talks, but I have suggested to him a package of measures which together should provide the Irish Government and SDLP with a high level of assurance that matters will

CONFIDENTIAL

develop as planned. This includes the proposal that there should be an indicative timetable, that the test of "substantial progress" should be replaced by a slightly more objective test (perhaps "when the issues have been sufficiently talked through") and that I should be the one to decide when that point has been reached. I put proposals on these lines to the Unionist leaders on 5 October and they did not demur.

The question I shall be seeking to answer when I next meet Mr Collins, on 25 October, is whether his Government's strict adherence to its original position reflects a fundamental point of principle or is merely a negotiating tactic intended to draw out the bottom line. The latter remains a possibility and I will seek to persuade him that the time has now come for his Government to make the gesture necessary to get talks started by agreeing to the approach I have suggested.

My assessment is that Mr Collins will not be in a position to give me a firm answer on Thursday. Any encouragement you could give to Mr Haughey in the margins of the European Council may therefore have an effect on the Irish Government's reconsideration of its position. You might aim to register the following points:

(a) the effort to promote agreement on a basis for talks in relation to Northern Ireland has revealed a large amount of common ground and a readiness to make compromises on all sides. Highly desirable to capitalise on that convergence;

(b) very little now prevents agreement on talks which could serve the interests of everybody except the gunmen;

(c) politically impossible to secure certainty about the launch of North/South talks but our approach offers the highest possible level of assurance that they will take place;

(d) trust that the Irish Government will give the most careful consideration to the Secretary of State's proposals. This could have fundamental implications for future relations between our two countries.

I will contact you on Friday if the outcome of my meeting with Mr Collins suggests that a different tone may be required.

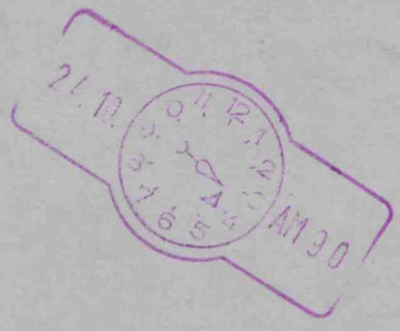
I am sending copies of this minute to Geoffrey Howe, Douglas Hurd, Tom King, David Waddington and Patrick Mayhew, and to Sir Robin Butler.

P.B.

PB

24 October 1990

IRELAND: Stamp pr 28



PRIME MINISTER

NORTHERN IRELAND: POLITICAL DEVELOPMENT

Further to my minute of 18 July I have had to conclude that it is not now realistic to secure within the immediate future agreement on a basis for formal political dialogue in relation to Northern Ireland.

2. However, the discussions I have been having with the party leaders and the Irish Government have not yet broken down because of irreconcilable differences or outright obstruction by one side or the other : we have simply run out of time before the holiday period. Dr Paisley is already on holiday, Mr Hume leaves next week, Mr Collins has been in the Middle East and is now in the Far East. In these circumstances it is simply not feasible to conduct exchanges of the sort and at the pace necessary either to secure general agreement (which I still believe to be possible) or to establish finally that the differences I have referred to are indeed irreconcilable. Because I do still believe that general agreement is achievable, I think it right to leave matters on the most constructive basis possible and one which may enable us simply to pick up the action again at the beginning of September.

3. I shall be explaining this in a Written Answer (text attached) to be given tomorrow and in briefing the press.

4. I will of course encourage the party leaders, the Irish Government and the Opposition spokesmen to maintain the restrained and constructive public line which they have all, very creditably, taken thus far and I am hopeful that this will prevent anything being said or done which could unravel the promise of inter-party talks which could in turn lead to political progress which is now so tantalisingly close. However, there are considerable pressures on all sides to reassert positions, or otherwise to deflect the blame for any failure to make progress now, by attributing faults to others. The Alliance Party, for example, are close to denouncing the Anglo-Irish

Agreement on the grounds that it appears to have given the Irish Government a veto over political development in Northern Ireland. Their analysis is wrong and I shall continue to seek to dissuade them from this very unhelpful move. However, other parties, and the Irish Government, are under equal pressure to attribute blame and it may well be that by the beginning of September the situation will look very ragged indeed and we shall have some work to do to regain the position which has now been established. I shall do my best to maintain a sense of forward momentum, for example by meeting Mr Collins after he returns to Dublin.

5. The process on which I embarked last January has demonstrated a very considerable resilience and I have been impressed by the genuine and general support there has been for my efforts to facilitate agreement on a basis for formal dialogue. We have got full marks for trying, we have demonstrated the possibility of reaching agreement on a wide range of issues where positions were previously thought to be irreconcilable and we have seized the initiative in a way which has helped to accentuate any disillusionment there may be with the Provisional IRA among those who may in the past have sympathised with and supported its use of violence. Perhaps most significantly we have restored good relations with the Unionist leadership and begun to accustom the leadership of all the main constitutional parties to the process of discussion, negotiation and accommodation. These are all solid achievements which need not be lost even if, in the event, it proves impossible in the Autumn to move further down the main track of political development.

6. I am sending copies of this minute to Geoffrey Howe, Douglas Hurd, Tom King, David Waddington and Patrick Mayhew, and to Sir Robin Butler.

P.B.

PB

25 July 1990

DATE FOR ANSWER 26 JULY 1990

WRITTEN ANSWER

[MR ANDREW MACKAY (EAST BERKSHIRE]: To ask the Secretary of State for Northern Ireland whether he is now able to make an announcement concerning his discussions with political parties in Northern Ireland.

SECRETARY OF STATE

Despite a further intensive round of exchanges, it has not yet proved possible to secure final agreement on the basis for holding political talks.

After the holiday period, when all the main potential participants should again be available, I intend to resume my efforts to resolve the outstanding issues. For that purpose I plan to hold further meetings with the political parties and with representatives of the Irish Government in September.

9/7.

CONFIDENTIAL

25 JUL 1990

CPP 26/7

FROM: JOHN McKERVILL
SPOB
25 July 1990

cc PS/Secretary of State (L&B)
PS/Minister of State (L&B)
PS/PUS (L&B)
Mr Ledlie
Mr Thomas
Mr Alston
Mr Wood (L&B)
Mr Bell
Mr Blackwell
Mr Farr, RID
HMA Dublin

Principal Secretariat

BOARDING OF TAOISEACH'S YACHT

I reported to you yesterday evening by telephone the advice we have obtained from HQNI about the boarding by Royal Naval Personnel of the Taoiseach's yacht, the "Celtic Mist" in Carlingford Lough on Monday. Your minute of 24 July refers. As I explained to you yesterday there was nothing untoward about this incident. When the ship was boarded it was in the waters patrolled by the Royal Navy. The Skipper raised no objections to the boarding or to the brief search of the yacht which followed. After the search the Royal Navy Personnel saluted the Skipper, thanked him for his cooperation and disembarked the vessel.

There is no suggestion that the Taoiseach's yacht had been singled out for special attention. It was merely boarded and searched as is the regularly practice on the northern side of Carlingford Lough. As I explained to you yesterday the general policy on the searching of civilian shipping in the Lough can be likened to a normal vehicle check point where vehicles are picked out at random for searching. I hope the Irish can accept that this was not designed as, nor should they take it as, an affront to the Taoiseach.

(signed)

J McKERVILL
SHA Ext 2296

CONFIDENTIAL

TG/11148

(2)

Prime Minister

CBP 18/7.

PRIME MINISTER:

NORTHERN IRELAND: POLITICAL DEVELOPMENT

1. My Private Secretary's letter of 5 July explained my anxiety that the truncated nature of my opening speech that afternoon in the debate on the Northern Ireland Act 1974 (Interim Period Extension) Order would lead to recriminations which would set back the prospects for movement towards formal political dialogue in Northern Ireland.

2. In the event, the debate was notable for the fact that every party represented there encouraged me to maintain my efforts and expressed their support for what I was trying to do, and for the relative restraint of the Unionist leaders and other Unionist MPs. Indeed, John Taylor and Peter Robinson both went out of their way to deal with Irish suspicions of Unionist motives by setting out their hopes for a new relationship of trust and co-operation between Belfast and Dublin and - in Peter Robinson's case - by acknowledging the need for the Irish Government to be involved, as appropriate, in any talks process.

3. The Taoiseach's statement to the Dail that evening was similarly restrained and spoke of his confidence "that a satisfactory formula and basis for meaningful discussions can be found". This in turn enabled me to be relatively up-beat in media interviews. The overall effect was to create the impression that the expected announcement had been delayed until nearer the recess, rather than cancelled.

4. When I met Mr Haughey in Donegal on 7 July the Taoiseach explained that he wanted to be certain that North/South talks (between the Irish Government and the Northern Ireland parties) would commence during the proposed interval between Conference meetings. His message (reinforced by Mr Collins during a six and a half hour meeting I had with him on 13 July) was that the Irish Government could therefore not facilitate the talks process while

the Unionist leaders stood by their position that they would only participate in North/South talks on condition that "substantial progress" had been made in the internal talks. He acknowledged the political difficulties for the Unionist leaders and said he would be quite content with a private assurance, rather than a public Unionist commitment to enter North/South talks. The Irish eventually agreed that they would be content with a statement which incorporated the following form of words:

> "It is agreed between all the potential participants that the inter-party talks, as soon as they get underway, will be intensive. I have been assured by all the parties that it is their intention to participate actively from the outset in order to seek to achieve rapid and substantial progress. It is further agreed by all participants that, so as to reach a conclusion within the timeframe envisaged, it will be necessary to launch the three strands of discussions within weeks of each other."

5. The assurance of commitment from all the parties (including the SDLP) was intended to address the Unionist concern that the SDLP might prevaricate in the internal talks so that Unionists would be forced into North/South talks without any idea of the future shape of a devolved administration in Northern Ireland. The final sentence omits any reference to "substantial progress" as a condition for launching North/South talks but is capable of being presented as a neutral statement of the obvious, rather than a binding commitment on the Unionist leaders. In addition the Irish were prepared to drop any reference to the idea that the parties to the internal talks should at an early stage consider the future timetable of the talks process, and to delete any (public) suggestion that North/South talks should open by "half-way through" the proposed interval. They also eventually abandoned their proposal for a joint official Liaison Group to administer the talks process and accepted our proposed wording on the way in which the original Unionist preconditions should be handled. They did not like the proposition that the Unionist

parties would participate in North/South talks "as part of the UK team" but eventually settled for a form of words which preserved the spirit of this (Unionist) requirement. They also maintained their reservations about the way in which we had intended to describe the agenda for the North/South talks. (I had proposed that these talks should discuss "the relationship between any new Northern Ireland administration and the Irish Government"; the Irish would prefer a more open agenda which would allow them to raise broader possibilities for co-operation and possibly constitutional development within the island of Ireland.)

6. I saw the Unionist leaders again on the afternoon of 16 July and narrowed the remaining areas of disagreement still further. The Unionist leaders did not object to the amended description of the agenda for the North/South talks (though they made it clear that they would walk out if the Irish tried to make the talks a forum for debating options for achieving Irish unity); and they accepted (with minor amendments) the revised form of words on the basis on which they would participate in any North/South talks. Most significantly they accepted (again with minor amendments) the form of words on the opening of North/South talks. However they qualified this by insisting on a reference to their own position on the opening of North/South talks : that these should open once "substantial progress" had been made in the internal talks. I told them that in my view this would render the proposed statement unacceptable to the Irish and to the SDLP.

7. That same evening I had a meeting with the SDLP. They were, especially at first, somewhat nervous and suspicious. From information I obtained later I believe this was largely because the briefing they had received that day from the Irish Government was incomplete. The result was that they presented a somewhat disorganised appearance, challenging matters provisionally agreed by Mr Collins. However, they confirmed their continued opposition to the explicit incorporation of any reference to "substantial progress" as a trigger for North-South talks as did Mr Collins when I discussed the issues with him again at a

meeting of the Intergovernmental Conference on 17 July. Mr Hume did offer to negotiate a revised formula direct with the Unionist leaders. Though I do not hold out much hope from that approach, it was a welcome, if belated, sign that Mr Hume may be seriously engaging in the process. The Unionist leaders, when I transmitted the suggestion to them, said they would listen to what Mr Hume had to say but would not negotiate with him : they would give any comments to me.

8. In the meantime Mr Collins owes me comments on the Unionist leaders' suggestions. However he plans to hold back while Mr Hume's initiative goes forward. The SDLP is drafting a form of words, no doubt in close consultation with the Irish Government, which we hope will be put to the Unionist leaders tomorrow morning. I expect to hear reports of this encounter. Meanwhile, in dealing with Questions for Oral Answer tomorrow I shall try to maintain the low-key line that we continue to make progress towards agreement on a basis for formal dialogue. I attach a draft of the reply I intend to give to the main "political" question. I hope, but do not expect, to be in a position to say something more before the recess.

9. The remaining gap between the two sides is very small but bridging it may not be easy, or indeed possible. The mutual mistrust and suspicion which are a natural legacy of Northern Ireland's history will have to be overcome. The Irish have moved some way since my previous meeting with Mr Collins, on 27 June, as indeed have the Unionist leaders. But the public failure to bring matters to a conclusion for the debate on 5 July has clearly made further movement more difficult. However I shall continue my efforts. As the attached draft reply makes clear I do intend to say that I believe the gap, with goodwill, could be bridged, and to allude to the fact that the outstanding issues are between others. (An obvious, but unstated, consequence of this is that no concessions by HMG, even if we wished to make them, can facilitate the process).

JEN/SOFS/9130

10. If, in the event, we are unable to announce formal political talks I will aim for a "soft landing", stress the extent of the agreement which had been reached and avoid casting blame in any one direction. I believe this would leave us in the best possible position to move forward again at a later stage. However it seems unlikely that others will be so restrained and we could in particular see a serious shift of mood within the House against the Irish Government and, possibly, against the Anglo-Irish Agreement. Article 4 of the Agreement commits the Irish Government to supporting our policy of devolution, and recent developments may be perceived as casting some doubt on the strength of that commitment. Some may wonder aloud how much benefit the British Government has in fact derived from the Anglo-Irish Agreement. I do not believe our interests would be served by feeding this questioning publicly; but I shall seek to alert the Irish Government privately to the fact that hard questions will be asked.

11. I am sending copies of this minute and its enclosure to Geoffrey Howe, Douglas Hurd, Tom King, David Waddington, Malcolm Rifkind, Paddy Mayhew and Tim Renton, and to Sir Robin Butler.

P.B.

PB

18 July 1990

JEN/SOFS/9130

DATE FOR ANSWER: 19 JULY 1990

ORAL NO: 7

MR ANDREW MACKAY (East Berkshire): To ask the Secretary of State for Northern Ireland, if he will make a statement on his recent discussions with political parties in the Province.

SECRETARY OF STATE

Over the past six months I have had a series of discussions with the political parties in Northern Ireland, and with representatives of the Irish Government, each of which accepts that talks would need to address, as part of the process, internal arrangements, North/South and East/West relations.

The constructive approach taken by everyone has produced a large measure of agreement about the various preliminary points of principle and also about the structure, format, and timing any talks might have.

It is of course for the other potential participants in these talks to assess the best interests of those they represent. But, given the potential benefits of political dialogue, my own judgement is that, with continuing goodwill, the outstanding matters which divide them could be resolved so that talks could be announced. I am ready to continue my efforts to facilitate the process, but such an announcement clearly cannot yet be made.

JEN/SOFS/9130

CONFIDENTIAL

From: THE PRIVATE SECRETARY

(2)

NORTHERN IRELAND OFFICE
WHITEHALL
LONDON SW1A 2AZ

Prime Minister

In the event, the Northern Ireland Secretary was unable to go ahead with the positive statement he hoped to make: the Irish Government & the SDLP blocked. But he hopes to keep it on track?

C Powell Esq
Private Secretary
10 Downing Street
London SW1

5 July 1990

Dear Charles,

NORTHERN IRELAND: POLITICAL DEVELOPMENT

My Secretary of State sent, with his minute of 3 July, a copy of the Opening Speech he hoped to give in the Debate on Direct Rule Renewal today.

He explained that the Irish had so far withheld agreement, which he judged to be essential, to proceeding in this way. He also explained that he proposed to see Mr Molyneaux and Dr Paisley again in the hope that in the light of that he could offer the Irish something which purported to meet their requirement for a 'specific timeframe'.

My Secretary of State had a successful meeting with the Unionist leaders yesterday morning and in the light of that passed the Irish, through the Anglo-Irish Secretariat, the attached message (Annex A). At the same time the Irish were given the extracts from the crucial passages of the draft speech (Annex B), which incorporate the further moves towards the Irish position made in the light of the meeting with the Unionists. As will be seen the Secretary of State preserved the position that North/South discussions would open 'as soon as substantial progress had been made in inter-party talks on arrangements for the government of Northern Ireland'. But the passage makes clear that he intends at an early stage in the proposed inter-party talks to invite the parties to consider the future timetable of the talks process.

CBR 5/7

He also proposed to say that he thought the North/South talks would be under way within weeks (paragraph 5 of the speech extract) and, more importantly, he proposed to say, in paragraph 11 of the extract: 'Given the commitment shown by the potential participants, progress in these talks will, I am sure, be sufficiently rapid to require the launch of the other strands of discussion by half way through the period before the next Conference meeting.'

The passage also contains, at the end of paragraph 6, a reference to liaison arrangements, a point to which the Irish also attached some importance, though they stop short of making it another precondition.

Before there was any substantive response from the Irish, the Secretary of State had a long meeting with Mr Hume and Mr Mallon of the SDLP. They were shown the same extract. They appeared unenthusiastic about proceeding on the basis offered, though they reserved their position, clearly until they were able to consult the Irish Government.

We pressed the Irish for a clear and early response, since they let it be known early on through the Secretariat that they could not undertake to give us a full reply in time. It was explained to them that there was no question of postponing the Debate, or of avoiding in it the need for some fairly full account of how matters stood. In the event the Secretary of State was able to have a lengthy telephone conversation with Mr Collins this morning, we believe in the Taoiseach's presence. The Secretary of State was able to press the Irish further. He also explained, in response to a suggestion from Mr Collins, that he could not simply put off saying something substantive on the basis that further work by officials over the weekend, or further exchanges between Ministers in the next few days, would resolve the matter. He explained that this was because he did not believe that such progress would be made in that timescale, since he

believed everything possible had been done to overcome the difficulties the Irish had put to us.

In the light of this the Secretary of State is clear that he cannot make the full and positive statement he originally proposed. (Any hope that the Irish might have a late change of heart seemed dashed by a subsequent telephone call ~~which~~ the Secretary of State had this morning with Mr Hume. It seemed clear from this that Mr Hume had accepted that the process would not be moving forward, at least for the moment.)

The Secretary of State proposes to adopt a restrained line, while giving the House of Commons a reasonable indication of what has been happening. In particular he proposes to tell the House that in his judgement there does now exist, following the exploratory discussions he has held, a basis for entering talks intended to cover all the relationships : a basis which he believes would meet everyone's essential interests and which would allow all participants to enter talks on a basis of mutual respect without any sacrifice of important interests or essential principles. But it will be clear that he has not succeeded, to this point, in securing the acknowledgement of all the potential participants to talks that this is so.

It seems inevitable that there will be recriminations, some of them bitter. The Secretary of State believes we should aim to limit this as much as we can, and certainly that we should not join in. He has striven to carry matters forward, but he has always emphasised that it is a gradual process dependent on the consent of the parties, and of the Irish Government.

He has spoken to Mr Molyneaux and Dr Paisley to inform them of the position and of his hope that there may be restraint in the Debate this afternoon. He has explained that he himself will continue his efforts to find a constructive way forward. They both readily agreed that, in the circumstances, a constructive

holding statement should be made. They would aim to be restrained in their own comments and hoped that the momentum of progress could be maintained, despite this temporary setback.

The Secretary of State has also asked me to point out that, since in attempting to secure agreement he has found it necessary to pass the attached extract from the speech he hoped to give to the Unionist leaders, to the Irish Government and to the SDLP there is a substantial risk that it will be published in one form or another. This is unfortunate since it will clearly make it more difficult to secure agreement on a similar basis in the future - and it is not clear how easily an alternative approach could be found. But the revelations, if they are made, do not, in the Secretary of State's judgement, reflect any discredit on the British Government. They would, he believes, raise more questions for the attitude of the Irish Government. (A particular point, which the Secretary of State has put both to the Irish and to the SDLP, is that the Agreement settles the North/South and East/West relationship to the satisfaction of the British and the Irish Governments, and, it might be thought, to that of the SDLP. The Agreement also commits the Irish Government to support the British Government's policy of devolution, as expressed in Article 4. It is accordingly an odd position for the Irish Government, and the SDLP, to withhold support for a process which will enable talks towards devolution to take place, on a basis which does not endanger the Agreement, but which might enable modifications to it to be considered if the parties to it agreed; and it may be a position the Irish Government would find difficult to sustain domestically and internationally.)

Perhaps more worryingly the revelations would have risks for the Unionist leaders, who may not have kept their followers fully informed about the concessions they were prepared to make. On their 'preconditions' these concessions were substantial. On one view, in the Secretary of State's opinion the correct view, this shows the constructive approach of the Unionist leaders. But in

the context of Northern Ireland it will be easy to represent these as betrayal. Accordingly, they have every incentive in this extract not being published.

There have been some signs that the Irish have today been engaged in hostile press briefing. On enquiry they have denied this and said that they propose to respond to the Secretary of State's speech with an anodyne statement by the Taoiseach in the Dail tonight. In any event the Secretary of State is clear that it is right for him to take the high ground and to look forward to the possibility, however dim in practice it may prove to be, of continued progress.

I attach (at Annex C) a copy of the revised speech which the Secretary of State intends to deliver. I am sending a copy of this to Tim Sutton (Lord President's Office), Colin Walters (Home Office), Stephen Wall (FCO), Simon Webb (MoD), Juliet Wheldon (LOD), and Jim Gallagher (Scottish Office), and to Sonia Phippard (Cabinet Office).

Yours sincerely,

Stephen Leach.

S J LEACH

ANNEX A

CONFIDENTIAL

SPEAKING NOTE FOR USE IN HANDING OVER EXTRACTS FROM THE SECRETARY OF STATE'S SPEECH

1. Following his consideration of Mr Collins' letter of 29 June, Mr Brooke met the Unionist leaders at 8.00 am on 4 July and discussed with them some possible ways of meeting Mr Collins' concern to see a specific time frame for the opening of North/South talks.

2. Both Unionist leaders are very keen to make progress towards political talks with a broad agenda and anxious to maintain the impetus of the current initiative.

3. On the timing point they gave Mr Brooke the most convincing assurances that they accept the need to have discussions with the Irish Government and that they were in fact keen to open such discussions at a relatively early stage, because they recognise that it is only on the basis of such discussions (set alongside the provisional outcome of discussions on new political institutions for Northern Ireland) that the two Governments will consider the possibility of moving to a new and better arrangement or agreement in place of the existing Agreement. They are, as Mr Collins knows, of the view that North/South talks should begin once 'substantial progress' is made on the initial inter-party talks.

4. They accept that, given a constructive approach all round, this should be within weeks, and certainly by half way through the period between Conference meetings. They also accepted the Secretary of State's suggestion that at an early stage in the talks the parties should consider the timetable together.

5. It is now clear that both leaders envisage the whole talks process being brought to a conclusion within the proposed interval

between Conference meetings. This of course reinforces the need, as they see it, to open the North/South discussions at a reasonably early stage. In response to a question Mr Brooke said he thought the gap would be between two and three months long. The two leaders said that it was easier to envisage the timetable now proposed taking place within the longer timeframe. The precise timing of the relevant Conference meetings is of course something the two Chairmen need to settle, perhaps at the next Conference.

6. These points are fully reflected in the speech the Secretary of State hopes to make. I attach an extract of the key passages. The extract as a whole does of course already emphasise the unitary nature of the three-stranded talks process, the integral role of the Irish Government in the process and the acknowledgement by the two Unionist leaders of their readiness to participate in discussions with the Irish Government.

7. Mr Brooke points out, too, the reference to the need for liaison arrangements at the end of paragraph 6 of the extract, which the Unionists have of course also seen.

8. The other matter which I know has concerned Mr Collins is the precise terminology to be used in relation to the role of the Secretariat during the proposed gap in Conference meetings. Mr Brooke tested this point with the Unionist leaders but does not believe it would be right to make any change: he does not share Mr Collins' concern about the implications of the wording and the Unionist leaders clearly attach importance to preserving the precise formula they agreed on 22 May.

9. Mr Brooke has asked me to say that he believes he has now secured the specific timeframe to which the Irish Government attached importance. He believes that the position now reached provides a firm basis for the next stage of a process which has the potential to produce a radical improvement in the political life of Northern Ireland and in relations between Unionists and Nationalists. Accordingly, he trusts that Mr Collins and the Irish Government will be able to signify that they now feel it possible to

proceed. He would be happy to speak to Mr Collins if that would be helpful.

10. The Secretary of State will be discussing the attached text with Mr Hume and Mr Mallon at 4 pm and would find it helpful if it were possible to give him at least a preliminary reaction before then.

11. On a separate note, it would be helpful to know when the Taoiseach or Mr Collins intends to address the Dail and broadly what they intend to say. Mr Brooke has asked me to say that he trusts Mr Collins (or the Taoiseach) will speak after his own speech has finished and that they will be careful to avoid pressing issues on which the Unionists are known to be sensitive: generalised support for the process would provide the best possible platform for launching the next stage.

MRC/5874

MRC/5874

ANNEX B

Extracts from Draft Speech

1. Although the constitutional question has often seemed central to matters in Northern Ireland I turn to it now in the hope of putting it to one side. We regard the position as clear. Northern Ireland is part of the United Kingdom in national and international law. It is part of the United Kingdom because that is the clear wish of the majority of the people of Northern Ireland. There will be no change in the status of Northern Ireland unless and until a majority of the people there want it. That seems unlikely for the foreseeable future. I believe that many in this House, and I number myself among them, would wish to see the union continue, but the principles of democracy and self-determination mean that the people of Northern Ireland must themselves be the final arbiters.

2. By virtue of its Constitution the Republic of Ireland has since 1937 also claimed sovereignty over Northern Ireland. We do not accept or recognise that claim, which has no basis in our law or, equally important, in international law. This claim is, I know, seen by some in Northern Ireland, and indeed in other parts of this country, as a major stumbling block to the development of constructive relationships. I do not myself regard it as helpful. Nor, however, do I believe it should be a major preoccupation - for this reason. The Republic of Ireland has accepted, through the Anglo-Irish Agreement, that the status of Northern Ireland could be changed only with the consent of a majority of its people. It has, in short, through this binding international treaty, shown that it too supports the right of the people of Northern Ireland to self-determination. The Agreement also enshrines the Irish Government's support for our policy of establishing local institutions of government on a basis which would secure widespread acceptance throughout the community.

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3. The discussions I have had over the last six months have led me, and equally important, have I believe led the other potential participants to believe that there may now be a basis on which political talks can be held. As I have mentioned, it is clear that the talks will need to embrace all the main relationships and will accordingly have different strands. One strand would involve the Government and the main constitutional political parties in Northern Ireland. Its objective would be to work towards agreement on new arrangements for the government of Northern Ireland, within the UK, which might provide a basis for the transfer of political power, authority and responsibility to locally elected representatives in Northern Ireland on a basis which was widely acceptable. It will need to deal too with the relationship between the new institutions in Northern Ireland on the one hand and Westminster on the other. The Irish Government would not be directly represented in these talks, though we would certainly wish to take account of any views and proposals which they might put forward.

4. From all points of view, it is however important that the process of talks and negotiation should also cover the relationships between Northern Ireland and the Republic of Ireland, and the implications for the relationship between the United Kingdom and the Republic of Ireland. As regards Unionist attitudes on the first of these, the rt hon member for Lagan Valley and the hon member for Antrim North will be able to give their own views. But I can tell the House that I know, from my discussions with them, that **they share with me the recognition that the implementation of any agreement between the Northern Ireland parties on arrangements for the government of Northern Ireland would be strengthened if agreement were also reached on the relationship between any new Northern Ireland administration and the Irish Government.** They acknowledge that **this will require direct discussions between the representatives of Northern Ireland political parties, including the Unionist parties as members of the UK team, and the Irish Government, and we would envisage a meeting to open such discussions as soon as substantial progress had been made in inter-party talks on arrangements for the government of Northern Ireland.**

5. Indeed it is because the Northern Ireland parties all look, as I do, to address each of the three relationships that the talks I have described will necessarily involve discussions between the Northern Ireland parties; discussions between the Northern Ireland parties, including the Unionist parties as members of the UK team, and the Government of the Republic of Ireland; and discussions between the two Governments about relations between the UK and the Irish Republic, including any implications for the Anglo-Irish Agreement. These discussions may not necessarily start at the same time. But as real progress is made on inter-party talks (which I expect to be intensive), and in order to reach a conclusion that will address all three of the underlying relationships, it will be both necessary and important to get all three sets of discussions under way within weeks of each other. With this in mind, I would intend, at an early stage in the proposed inter-party talks, to invite the parties to consider the future timetable of the talks process.

6. It is common ground that the simultaneous resolution of such talks would need to comprehend the transfer of power to locally accountable political institutions, the relationship between such institutions and the Irish Government and the implications for the relationship between the British and Irish Governments. Clearly, no agreement on any one aspect could be reached unless and until all parties were satisfied with the totality of what might emerge from the dialogue. Partly for this reason we shall clearly need some arrangements for liaison between the different strands of these complex discussions.

7. The last six months have seen valuable movement, which has demonstrated real potential for progress. I frankly acknowledge to the House that this progress would not have been possible without the imaginative and statesmanlike attitudes of the Northern Ireland parties, and the helpful and constructive approach of the Irish Government. I would like to set out where I think we can go as a result of the progress made so far, and to give some idea of the

specific tasks which I intend to carry forward over the next few weeks.

8. The immediate next steps will be for me and my officials to hold further meetings with the Northern Ireland parties over the Summer to finalise common understandings of the agenda and the administrative arrangements for such talks.

9. The Government will also, in consultation with the Irish Government, settle and announce the dates of the Conferences for the rest of the year. **This will assist the orderly planning and conduct of Conference business.** An interval of some months between two specific Conference meetings would facilitate the opportunity for the political dialogue and negotiations which we now anticipate.

10. **As the Conference will not be meeting between the specified dates, the Secretariat at Maryfield will accordingly not be required for that period to discharge its normal role of servicing Conference meetings provided for in Article 3 of the Agreement.**

11. At that point I would expect to chair a round of formal bilateral meetings with the main constitutional parties in Northern Ireland, in order to ensure that all were satisfied with the agenda and other arrangements. If so, I would then convene a plenary meeting of those parties, on the understanding that inter-party talks could get under way. Given the commitment shown by the potential participants, progress in these talks will, I am sure, be sufficiently rapid to require the launch of the other strands of discussion by half way through the period before the next Conference meeting.

12. Throughout this process I have expressed myself in cautious terms. It is wrong to raise false expectations when the issues, as is so well known, are difficult. But I have been greatly impressed by the spirit which I have encountered among those to whom I have talked. If agreement on the triple strands could be achieved we would stand at the threshold of a new Agreement, and a new beginning for relationships between both parts of Ireland, and between the

Republic and the United Kingdom of Great Britain and Northern Ireland.

MRC/5865

constructive relationships. I do not myself regard it as helpful. Nor, however, do I believe it should be a major preoccupation - for this reason. The Republic of Ireland has accepted, through the Anglo-Irish Agreement, that the status of Northern Ireland could be changed only with the consent of a majority of its people. It has, in short, through this binding international treaty, shown that it too supports the right of the people of Northern Ireland to self-determination. The Agreement also enshrines the Irish Government's support for our policy of establishing local institutions of government on a basis which would secure widespread acceptance throughout the community.

10. Meanwhile, under the Direct Rule system we have now, I have found the framework for Anglo-Irish relations provided by the Agreement valuable. Both the Agreement and its working have demonstrated the desire of the two Governments to have a close and friendly relationship, and to tackle the reality of different cultural, historical and religious traditions in Northern Ireland. It has also provided a framework for co-operation on a range of practical matters: cross-border security, extradition, and North/South co-operation on economic and social matters. The need for, and the value of, a sound working relationship on such issues must, I think, be self-evident.

11. But there is no reason why the present Agreement should be the last word. While neither Government is seeking a new Agreement, if a better agreement, which commanded widespread support within both sides of the community in Northern Ireland, were to be arrived at, that would prove to be an important step forward.

11a. Obviously, neither Government will abandon the Agreement except for something they regard as better. By what criteria might a new agreement be judged an improvement? I am clear that a central test will be the one I have just mentioned: namely, that it should enjoy widespread support not only within both communities in Northern Ireland, but also from the people of Great Britain and the Republic. The second test would be that any new arrangement should

address, at one and the same time, all aspects of the matter, including arrangements for the government of Northern Ireland and relations between the various parts of these islands.

12. I said on 9 January that any agreement between the constitutional political parties on new arrangements for exercising political power in Northern Ireland would have substantial implications for the Anglo-Irish Agreement and that both Governments would be bound to consider those implications seriously and sympathetically. The Taoiseach also made clear later that month that "if ... a new and more broadly-based agreement can be reached by direct discussions and negotiations between all the parties involved, the Irish Government would be prepared to contemplate, in agreement with the British Government, a new and better structure, agreement or arrangement, to transcend the existing one". I can confirm that, in the context of discussions about possible future arrangements for the government of Northern Ireland, we would give serious consideration to any implications for the Agreement which such arrangements might have, and we would also consider any proposal (including any proposal for an alternative to the Agreement) which would advance the underlying objectives of achieving peace, stability and reconciliation.

13. In this Debate a year ago my predecessor was less than fair to himself when he described political progress as being virtually non-existent. He made great efforts to explore the scope for political progress towards an accommodation which might be reflected in the re-establishment of local institutions of government. And in my own efforts to carry this process forward I have been conscious of building on the sound foundations he laid down.

14. There are a number of reasons for continuing this work. Quite apart from the long history of devolved government in Northern Ireland, and the need to find means of recognising Northern Ireland's distinct local interests and needs, there are two important reasons of principle. First, the present arrangements, under which local government has only the most modest powers, while

the regional government has been absorbed into the machinery of central government, mean that there is no effective vehicle for local democracy in Northern Ireland. There is a gap in democratic accountability which this House cannot contemplate with equanimity.

15. Without a regional political forum, elected representatives in Northern Ireland are left with little opportunity to influence the decisions of Government or to exercise powers which are available to politicians elsewhere in the United Kingdom or indeed in the Republic of Ireland. It has been said that a healthy community needs as its respiratory system a healthy and well-functioning political machine. The present weakness of local political involvement in the government of Northern Ireland is not a satisfactory long-term arrangement; and it causes a local power vacuum which terrorists and their supporters attempt to exploit to their advantage.

16. Second, and most crucial to the future of Northern Ireland, and for those of us who share the agonies which that community is facing, perhaps the best hope of reconciliation between the two sides of the community is to be found in the achievement and maintenance of a long lasting local political accommodation. It is the existence in Northern Ireland of the two traditions and the two identities, one of them looking, as it is free to do, to another jurisdiction to the South with which it feels cultural and other affinities, which above all distinguishes its situation from that of other parts of this country. It is this which suggests that a distinct approach is needed, whatever the constitutional arrangements made for England, Scotland or Wales. Though the constitutional position, as I have explained, is clear, the internal and external dimensions cannot be wholly separated.

17. I should like to report to the House that during the past year the modest, but, I hope, valuable progress made towards the goal of new, democratically accountable, political institutions. In the last few months I have had lengthy discussions with the Irish Government, with representatives of the constitutional parties in

Northern Ireland, with spokesmen for other parties in the House, and indeed with a wide range of well-informed people in all parts of these Islands. I have been greatly encouraged by the co-operative and constructive spirit I have encountered, and by the evident willingness to work to find a way through the difficulties. I have also been gratified by the discretion my interlocutors have shown and which I have sought to reciprocate; and for the patience of this House. It has been important to the building of confidence that such discussions must take place on a confidential basis.

18. Our discussions have been, for the most part, on preliminary issues: how talks might begin, how they might be organised, within what timetable and on what agenda? These matters are important, because in any talks the participants should have a clear understanding of what is involved.

19. But let me briefly explain the Government's own position in these matters. We wish to safeguard the constitutional guarantees which I have earlier described, and to ensure that the future of Northern Ireland is determined by the free will, without intimidation, of the people there. Second, we wish to establish arrangements for government which give full rein to the interests of all the people of Northern Ireland, and which safeguard both traditions and provide for the full expression of both identities. Our overwhelming concern is for the people of Northern Ireland, and those who think we have some other interest mistake not only our sense of responsibility for our own citizens, but also our determination to ensure that their rights, the rights of all of them, are respected and preserved.

20. As I have already said, we seek institutions of government in Northern Ireland which will be directly accountable to all its people, and to which they can all give their wholehearted commitment and support. We do not pre-judge the detailed form that such political arrangements should take. The local politicians who are expected to work them must help to create them. Our broad criteria for endorsing any particular system are that it should be workable,

and likely to prove stable and durable; and that it must command widespread support and provide an appropriate and fair role for both sides of the community.

21. The exploratory discussions I have had, especially over the last six months, have confirmed and, I believe, modestly enlarged the shared appreciation of the common ground. They may, too, have strengthened the realisation that a number of those concerned share perceptions, or at least accept others' different views and the reasons for them, to a greater extent than previously.

22. It seems clear that if talks are to be held they would need to embrace all the main relationships and accordingly have different strands. One strand would involve the Government and the main constitutional political parties in Northern Ireland. Its objective would be to work towards agreement on new arrangements for the government of Northern Ireland, within the UK, which might provide a basis for the transfer of political power, authority and responsibility to locally elected representatives in Northern Ireland on a basis which was widely acceptable. This strand would need to deal too with the relationship between any new institutions in Northern Ireland on the one hand and Westminster on the other. This dimension of the issue is perhaps less often mentioned, not because it is unimportant, but because we on our side are clear about it. The Irish Government, which as I have mentioned is committed by virtue of the Anglo-Irish Agreement to support our policy to transfer power to locally accountable institutions in Northern Ireland, would not be directly represented in such talks, though we would certainly wish to take account of any views and proposals which they might put forward.

23. It is generally agreed, too, that the process of talks and negotiation should cover the relationships between Northern Ireland and the Republic of Ireland, and the implications for the relationship between the United Kingdom and the Republic of Ireland. It is also I believe common ground that such talks would need to lead to the simultaneous drawing together of the different

strands. That is, no agreement on any one aspect could be reached unless and until all parties were finally satisfied with the whole of what might emerge from such a dialogue.

24. I detect also a significant measure of agreement on the structure such talks might have, and the role each of the potential participants might fulfil in the various stages of the process. I would not, however, wish to exaggerate the extent to which views on these matters converge.

25. The more immediate difficulty - though I hope the House will join with me in seeking to surmount it - is to secure agreement from all the potential participants that the conditions to start dialogue now exist. As is widely known most, if not quite all, of the potential participants to these complex and interwoven issues have preliminary preoccupations of principle, some of which appear at first sight to be irreconcilable. Some of the potential participants frankly acknowledge these as preconditions to talking; others do not. My task has been to explore the extent to which these important preliminary points can be overcome.

26. It is of course the privilege and responsibility of all political representatives to express their own point of view. I cannot speak for others and I would not want it thought for a moment that I claimed to. However, I should tell the House that it is my own judgement that there does now exist, following the exploratory discussions I have held, a basis for entering talks intended to cover the three relationships; a basis which I believe would meet everyone's essential interests and which would allow all participants to enter talks on a basis of mutual respect without any sacrifice of important interests or essential principles. The basis would also be consistent with our international obligations, including those under the Anglo-Irish Agreement.

27. I should like to pay tribute to the flexibility, imagination and resolution of those with whom I have conducted discussions. Many have, I believe, shown readiness to accept the challenges which

the long history of Northern Ireland provides, and to respond, with a combination of strength of purpose on behalf of principle and of the interests of those they represent, with a capacity to seek a constructive way forward. I will not disguise from the House the fact that I had hoped to be in a position by now to give some indication of when it might be possible to move to formal talks. I am in fact not yet in a position to do so. It would no doubt have been convenient to be able to give such a report today, but this debate is a function of the parliamentary timetable, and no mystic significance therefore attaches to it. The provision for direct rule will shortly expire unless renewed. The important thing is that we have been making progress and will continue to seek to do so. That can only be on the basis of careful and detailed preparation of the ground at each stage, as has been my practice to date.

28. As the House is fully aware, I have throughout this process been careful to express the prospects in cautious terms. I have said that talks are possible rather than probable. I have also emphasised that in the end it is a matter for the potential participants, and in particular for the political parties within Northern Ireland, to decide if and when the conditions for carrying matters forward exist. It is, above all, a matter of individual and collective political will. For my part, I will continue to work for a way forward, since it is clear to me that constructive dialogue, particularly between the representatives of the two sides of the community within Northern Ireland, is of the greatest importance. I firmly believe that the vast majority of people in Northern Ireland, the Republic of Ireland, and Great Britain would wish the process in which we are engaged to culminate in success. Only the terrorists resist the process, since they can have no part in it. For the views of those who use violence count for nothing while blood is their argument.

I beg to move.

05 07
PM 9 0

ANNEX C

DIRECT RULE DEBATE: 5 JULY 1990

OPENING SPEECH

1. I beg to move,

That the draft Northern Ireland Act 1974 (Interim Period Extension) Order 1989, which was laid before the House on 20 June be approved.

2. Mr Speaker, this draft Order renews the temporary Provisions in the Northern Ireland Act 1974, under which government by Direct Rule continues in Northern Ireland. In presenting the draft Order to the House, I owe the House both an account of the Government's stewardship in Northern Ireland over the last year, and an assessment of the prospects that these temporary arrangements can be set aside in favour of more permanent arrangements for the government of Northern Ireland.

3. As regards the Government's stewardship, our overriding aim is to provide good government for Northern Ireland. Given the challenges it faces, that requires a combination of policies designed to bring peace, stability and prosperity.

4. As we know only too well, peace in Northern Ireland is still threatened by terrorism. By no means all of this comes from the Republican side. But the principal threat to peace comes from the Provisional IRA. It is difficult to see any kind of logic in the dreadful atrocities, claimed (as though there was pride in the ownership of murder) by the Provisionals. But we must presume, from statements made on their behalf, that they believe that the continuation of the policy of killing and maiming will lead this Government, or some future British Government, to "withdraw", or agree to withdraw from Northern Ireland. If they do think this,

they are wholly mistaken. No British Government - and here I am sure that I speak also for the parties in Opposition - will respond to terrorism in that craven way. And, if, for once, I can presume to speak for the Unionist population in Northern Ireland, the Provisionals are mistaken also if they believe that bombing and shooting will change the determination of Unionist people to remain British. The Provisional's campaign is, therefore, not only vicious and depraved, it is also tragic because it is futile. It will not have its intended effect.

4a. It will continue to be the first priority of Government to eradicate terrorism in Northern Ireland - from whichever side of the community it comes. All our policies for Northern Ireland are intended to contribute to, or be consistent with, that objective; but effective action by the security forces against terrorists will continue to be the key factor. The police and the Army know that they have the wholehearted support of Government as they courageously carry out what is, every day of the week, an enormously difficult and dangerous task. The whole House will wish to join me in paying tribute to their courage and determination. We intend to ensure that the security forces have the necessary resources - both physical and legal - for their essential work. Terrorism will continue to be dealt with by firm and effective action within the law. We remain ready to strengthen this further if necessary. We shall shortly be looking at Lord Colville's review of existing anti-terrorist legislation as a preliminary to bringing forward legislation to replace the present Emergency Provisions Acts before they expire in 1992. Where there is a demonstrable need for new powers, I shall not hesitate to ask this House to approve them.

5. Despite the efforts of the terrorists to bomb jobs away, the Northern Ireland economy has been growing strongly over the last 7-8 years and is continuing to improve this year. Visitors to the Province will see immediately the changes in Belfast and Londonderry - the new spirit of economic optimism following the privatisation of Shorts and Harland and Wolff. We have been frank about the Northern Ireland economy's structural weaknesses in our

new economic development strategy, 'Competing in the 1990s'. We have set out there our belief that, if Northern Ireland is to make its way in the Europe of the Single Market, its industry must become more competitive, its labour force more skilled, its culture more imbued with the spirit of enterprise. This will require much effort on the part of individuals and the private sector; though Government will help, the drive must come from outside. I am happy to say that, in the last year, there have been many hopeful signs of Northern Ireland's ability to bring off such a transformation in its economy. Unemployment is at its lowest point for over six years, though at 14% it is not any sense at an acceptable level. In the last year or so we have attracted new industrial investors from France, USA, Germany, Hong Kong, Norway, Korea, GB and Japan. There are about 2500 people employed in Japanese companies in Northern Ireland which compares very reasonably with the 3300 in Japanese companies in Scotland. The increase in inward investment looks set to continue. Increasing job opportunities for all and improving living standards are a crucial ingredient to restoring social harmony and self-confidence, and reducing deprivation and communal division.

6. In the social field, our aim is, through fair and effective government, to tackle the underlying problems of division and disadvantage in Northern Ireland. We have shown through the introduction of stronger legislation, which came into force on 1 January this year, our determination to ensure fair employment. We shall be studying closely the recommendations of the recent report of the Standing Advisory Commission on Human Rights on discrimination. We have taken a number of measures, including the Making Belfast Work initiative, designed to achieve real and lasting improvement in conditions in the most disadvantaged areas. The Springvale initiative provides a further example. We are addressing with renewed vigour and, I believe, success the underlying community relations problems through encouraging greater cross-community relations and co-operation and fostering respect for the different cultural traditions.

7. As I said at the beginning of my remarks, our aim is to provide the best possible Government for all the people of Northern Ireland. We can, I believe, justifiably claim that we have had some success in this task. But we are governing via the artificial mechanism of Direct Rule, under constitutional arrangements which are avowedly temporary, and which no one would dream of inventing as a long-term way of governing any sizeable community. Even if we are, in practice, getting most things right - and that is for others to judge - we are doing so in the knowledge that, as Ministers, we are not directly accountable to the people of Northern Ireland. As it seems to me, and to my Ministerial colleagues, we have a moral duty to seek to find way of returning substantial responsibilities to politicians who are elected by the people of Northern Ireland and who will be accountable to them for their stewardship of Northern Ireland affairs. But before I turn to the efforts which I have been making to address that issue, I wish to deal briefly with a broader constitutional issue.

8. Although the constitutional question has often seemed central to matters in Northern Ireland I turn to it now in the hope of putting it to one side. We regard the position as clear. Northern Ireland is part of the United Kingdom in national and international law. It is part of the United Kingdom because that is the clear wish of the majority of the people of Northern Ireland. There will be no change in the status of Northern Ireland unless and until a majority of the people there want it. That seems unlikely for the foreseeable future. I believe that most in this House, and I number myself among them, would wish to see the union continue, but the principles of democracy and self-determination mean that the people of Northern Ireland must themselves be the final arbiters.

9. By virtue of its Constitution the Republic of Ireland has since 1937 also claimed sovereignty over Northern Ireland. We do not accept or recognise that claim, which has no basis in our law or, equally important, in international law. This claim is, I know, seen by some in Northern Ireland, and indeed in other parts of this country, as a major stumbling block to the development of

ICELAND
Situation

CONFIDENTIAL

File

cc: PC

10 DOWNING STREET

LONDON SW1A 2AA

From the Private Secretary

4 July 1990

Dear Stephen

NORTHERN IRELAND: POLITICAL DEVELOPMENT

The Prime Minister has noted with approval your Secretary of State's minute of 3 July, setting out how he proposes to deal with the Irish Government over their wish for a timetable for the start of North/South talks, and attaching the draft speech which he intends to make in the Direct Rule debate on 5 July.

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

Yours ever,

(C. D. POWELL)

Stephen Leach, Esq.,
Northern Ireland Office.

CONFIDENTIAL

CGPC (2)

PRIME MINISTER

Prime Minister
Some sterling work by the Northern Ireland Secretary. MF
CBF 3/7.

NORTHERN IRELAND: POLITICAL DEVELOPMENT

1. As I reported in Cabinet last week there has been a good deal of movement on political development in Northern Ireland since my Private Secretary's letter of 12 June.

2. My aim has been to reach sufficient agreement to enable me to make a full statement of the position in the Debate on the Renewal of Direct Rule on 5 July. In any event I cannot escape giving some account of the position in that Debate, and if I am unable to give a clear indication of the way forward the disappointment may be such that the process will be stillborn.

3. My Private Secretary's letter of 12 June reported that Irish concern focused on the North/South talks and, in particular on their desire for some sort of timetable, to which they would like the Unionists to be committed in advance, for them to start. Although, as that letter explained, it was agreed that the matter should first be discussed with the SDLP, with whom in the event agreement seemed possible, we expected that the Irish would, in due course, press for some further movement on the timing point.

4. This has proved to be the case. After further exchanges with the Unionist leaders, and with the SDLP, I reported to the Irish such progress as I had achieved. Following my lengthy meeting in Dublin last week the matter has, I understand, been discussed with the Taoiseach and with the SDLP. The outcome was that late on Friday I received a letter which makes it clear that the Irish regard it as 'impossible' for us to proceed in the absence of 'a

clear and firm commitment to a specific timeframe for the opening of the North/South talks'. In short the matter has now become an explicit Irish precondition, and one to which the SDLP may also be party, though that is not yet clear.

5. The Irish letter can of course be read in different ways. They may be content for there to be a pause in the process, provided of course that this is not perceived to be the result of obstruction from them. They may also believe that such a pause can be achieved without putting at risk further subsequent movement forward. In practice, given the expectations which have been built up, and the concessions which have been made by the Unionists in an attempt to move things forward, I fear that a pause would be very damaging to the process, and that it may be many months before we could again bring matters to this point.

6. On the other hand it is possible that the Irish may be genuinely interested in further progress. If so the letter can be seen as part of a pattern, of which we have earlier experience, of, in this case rather dangerous, Irish brinkmanship attempting to extract last minute concessions on a point which clearly is of great significance to them. Some of the press briefing apparently being given in Dublin is consistent with this interpretation. In any event I believe it is best to proceed on the assumption that the Irish do wish the process to continue. Accordingly, I propose, after a further meeting with Mr Molyneaux and Dr Paisley, to offer them something which purports to meet their requirement for a 'specific timeframe', or at least to put to them a proposition which will make it clear that if further progress is not possible it is because of their insistence on this point.

7. In the meantime I propose to inform the Irish that I shall do my best to meet their precondition though, as they know, I regard what they ask for as neither necessary to the process nor as certainly deliverable. I am also telling them that I must inform the House of Commons on Thursday what position all potential

participants then take, and that I believe that I have found a basis for holding inter-party talks on the three relationships which would meet everyone's essential interests and which would allow all participants to enter talks on a basis of mutual respect. I attach a text from which this message was delivered orally.

8. The developments in the next few days may prove critical to my efforts to carry matters forward. Unfortunately I cannot realistically proceed without Irish support since the arrangements to meet the Unionists' preconditions - including a gap in Conference meetings - depend in part on them. If I am not able to secure agreement I will attempt to limit the damage so that progress can be resumed subsequently. But the delay may prove fatal, particularly as the Unionist leaders who have made substantial concessions will feel exposed. If I am successful I propose to speak on broadly the lines of the attached draft speech, which you and colleagues may find it helpful to see now despite the uncertainties.

9. I am sending a copy of this to Geoffrey Howe, Douglas Hurd, David Waddington, Tom King, Patrick Mayhew and Malcolm Rifkind and to Sir Robin Butler.

Yours Sincerely,

P.P. PB

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

3 July 1990

CP/PRO/28326

ANNEX A

DIRECT RULE DEBATE: 5 JULY 1990

DRAFT OPENING SPEECH

1. I beg to move,

That the draft Northern Ireland Act 1974 (Interim Period Extension) Order 1989, which was laid before the House on 20 June be approved.

2. Mr Speaker, this draft Order renews the temporary Provisions in the Northern Ireland Act 1974, under which government by Direct Rule continues in Northern Ireland. In presenting the draft Order to the House, I owe the House both an account of the Government's stewardship in Northern Ireland over the last year, and an assessment of the prospects that these temporary arrangements can be set aside in favour of more permanent arrangements for the government of Northern Ireland.

3. As regards the Government's stewardship, our overriding aim is to provide good government for Northern Ireland. Given the challenges it faces, that requires a combination of policies designed to bring peace, stability and prosperity.

4. In their dreadful acts of terrorism, not only in Northern Ireland and Great Britain but also further afield, the terrorists no doubt plan to break down the Government's resolve and the determination of Parliament to resist them. Let me tell them that they are very far from understanding the temper of the British people if they believe that the rights of fellow-citizens will be abandoned and the cause of democracy surrendered in the face of terrorist acts. And those acts will never change the determination of Unionists to remain British. It will continue to be the first priority of Government to eradicate terrorism in Northern Ireland. All our policies for Northern Ireland are intended to contribute to, or be consistent with, that objective; but effective action by the security forces against terrorists will continue to be the key

factor. The police and the Army know that they have the wholehearted support of Government as they courageously carry out what is, every day of the week, an enormously difficult and dangerous task. The whole House will wish to join me in paying tribute to their courage and determination. We intend to ensure that the security forces have the necessary resources - both physical and legal - for their essential work. Terrorism will continue to be dealt with by firm and effective action within the law. We remain ready to strengthen this further if necessary. We shall shortly be looking at Lord Colville's review of existing anti-terrorist legislation as a preliminary to bringing forward legislation to replace the present Emergency Provisions Acts before they expire in 1992. Where there is a demonstrable need for new powers, I shall not hesitate to ask this House to approve them.

5. Despite the efforts of the terrorists to bomb jobs away, the Northern Ireland economy has been growing strongly over the last 7-8 years and is continuing to improve this year. Visitors to the Province will see immediately the changes in Belfast and Londonderry - the new spirit of economic optimism following the privatisation of Shorts and Harland and Wolff. We have been frank about the Northern Ireland economy's structural weaknesses in our new economic development strategy, 'Competing in the 1990s'. We have set out there our belief that, if Northern Ireland is to make its way in the Europe of the Single Market, its industry must become more competitive, its labour force more skilled, its culture more imbued with the spirit of enterprise. This will require much effort on the part of individuals and the private sector; though Government will help, the drive must come from outside. I am happy to say that, in the last year, there have been many hopeful signs of Northern Ireland's ability to bring off such a transformation in its economy. Unemployment is at its lowest point for over six years, though at 14% it is not any sense at an acceptable level. In the last year or so we have attracted new industrial investors from France, USA, Germany, Hong Kong, Norway, Korea, GB and Japan. There are 2500 people employed in Japanese companies in Northern Ireland which compares very reasonably with the 3000 in Japanese companies in Scotland. The increase in inward investment looks set to

continue. Increasing job opportunities for all and improving living standards are a crucial ingredient to restoring social harmony and self-confidence, and reducing deprivation and communal division.

6. In the social field, our aim is, through fair and effective government, to tackle the underlying problems of division and disadvantage in Northern Ireland. We have shown through the introduction of stronger legislation, which came into force on 1 January this year, our determination to ensure fair employment. We shall be studying closely the recommendations of the recent report of the Standing Advisory Commission on Human Rights on discrimination. We have taken a number of measures, including the Making Belfast Work initiative, designed to achieve real and lasting improvement in conditions in the most disadvantaged areas. The Springvale initiative provides a further example. We are addressing with renewed vigour and, I believe, success the underlying community relations problems through encouraging greater cross-community relations and co-operation and fostering respect for the different cultural traditions.

7. Indeed, all our policies should work together with the double aim of providing good government as an end in itself and of undermining terrorism by demonstrating that it is futile as well as evil, and that constitutional means are available to remedy grievances or perceived grievances. Our efforts have brought some successes, and deserve widespread support, but I am conscious that there are certain shortcomings. Even if, in practice, we get things right - and that is for others to judge - there is a drawback in principle about the administration of Northern Ireland being the responsibility of politicians who, without exception, are not locally elected. But before I turn to our efforts to address that issue I want to deal briefly with the constitutional issue.

8. Although the constitutional question has often seemed central to matters in Northern Ireland I turn to it now in the hope of putting it to one side. We regard the position as clear. Northern Ireland is part of the United Kingdom in national and international

law. It is part of the United Kingdom because that is the clear wish of the majority of the people of Northern Ireland. There will be no change in the status of Northern Ireland unless and until a majority of the people there want it. That seems unlikely for the foreseeable future. I believe that many in this House, and I number myself among them, would wish to see the union continue, but the principles of democracy and self-determination mean that the people of Northern Ireland must themselves be the final arbiters.

9. By virtue of its Constitution the Republic of Ireland has since 1937 also claimed sovereignty over Northern Ireland. We do not accept or recognise that claim, which has no basis in our law or, equally important, in international law. This claim is, I know, seen by some in Northern Ireland, and indeed in other parts of this country, as a major stumbling block to the development of constructive relationships. I do not myself regard it as helpful. Nor, however, do I believe it should be a major preoccupation - for this reason. The Republic of Ireland has accepted, through the Anglo-Irish Agreement, that the status of Northern Ireland could be changed only with the consent of a majority of its people. It has, in short, through this binding international treaty, shown that it too supports the right of the people of Northern Ireland to self-determination. The Agreement also enshrines the Irish Government's support for our policy of establishing local institutions of government on a basis which would secure widespread acceptance throughout the community.

10. Meanwhile, under the Direct Rule system we have now, I have found the framework for Anglo-Irish relations provided by the Agreement valuable. Both the Agreement and its working have demonstrated the desire of the two Governments to have a close and friendly relationship, and to tackle the reality of different cultural, historical and religious traditions in Northern Ireland. It has also provided a framework for co-operation on a range of practical matters: cross-border security, extradition, and North/South co-operation on economic and social matters. The need

for, and the value of, a sound working relationship on such issues must, I think, be self-evident.

11. But there is no reason why the present Agreement should be the last word. While neither Government is seeking a new Agreement, if a better agreement, which commanded widespread support within both sides of the community in Northern Ireland, were to be arrived at, that would prove to be an important step forward.

11a. Obviously, neither Government will abandon the Agreement except for something they regard as better. By what criteria might a new agreement be judged an improvement? I am clear that a central test will be the one I have just mentioned: namely, that it should enjoy widespread support not only within both communities in Northern Ireland, but also from the people of Great Britain and the Republic. The second test would be that any new arrangement should address, at one and the same time, all aspects of the matter, including arrangements for the government of Northern Ireland and relations between the various parts of these islands.

12. I said on 9 January that any agreement between the constitutional political parties on new arrangements for exercising political power in Northern Ireland would have substantial implications for the Anglo-Irish Agreement and that both Governments would be bound to consider those implications seriously and sympathetically. The Taoiseach also made clear later that month that "if ... a new and more broadly-based agreement can be reached by direct discussions and negotiations between all the parties involved, the Irish Government would be prepared to contemplate, in agreement with the British Government, a new and better structure, agreement or arrangement, to transcend the existing one". I can confirm that, in the context of discussions about possible future arrangements for the government of Northern Ireland, we would give serious consideration to any implications for the Agreement which such arrangements might have, and we would also consider any proposal (including any proposal for an alternative to the

Agreement) which would advance the underlying objectives of achieving peace, stability and reconciliation.

13. In this Debate a year ago my predecessor was less than fair to himself when he described political progress as being virtually non-existent. He made great efforts to explore the scope for political progress towards an accommodation which might be reflected in the re-establishment of local institutions of government. And in my own efforts to carry this process forward I have been conscious of building on the sound foundations he laid down.

14. There are a number of reasons for continuing this work. Quite apart from the long history of devolved government in Northern Ireland, and the need to find means of recognising Northern Ireland's distinct local interests and needs, there are two important reasons of principle. First, the present arrangements, under which local government has only the most modest powers, while the regional government has been absorbed into the machinery of central government, mean that there is no effective vehicle for local democracy in Northern Ireland. There is a gap in democratic accountability which this House cannot contemplate with equanimity.

15. Without a regional political forum, elected representatives in Northern Ireland are left with little opportunity to influence the decisions of Government or to exercise powers which are available to politicians elsewhere in the United Kingdom or indeed in the Republic of Ireland. It has been said that a healthy community needs as its respiratory system a healthy and well-functioning political machine. The present weakness of local political involvement in the government of Northern Ireland is not a satisfactory long-term arrangement; and it causes a local power vacuum which terrorists and their supporters attempt to exploit to their advantage.

16. Second, and most crucial to the future of Northern Ireland, and for those of us who share the agonies which that community is facing, the best hope of reconciliation between the two sides of the

community is to be found in the achievement and maintenance of a local political accommodation. It is the existence in Northern Ireland of the two traditions and the two identities, one of them looking, as it is free to do, to another jurisdiction to the South with which it feels cultural and other affinities, which above all distinguishes its situation from that of other parts of this country. It is this which suggests that a distinct approach is needed, whatever the constitutional arrangements made for England, Scotland or Wales. Though the constitutional position, as I have explained, is clear, the internal and external dimensions cannot be wholly separated.

17. I am glad therefore to be able to report to the House that during the past year some modest but valuable progress has been made towards the goal of new, democratically accountable, political institutions. In reporting these developments to the House, I hope hon members will understand if I resist interventions. I want to report and make a number of different points which need to be viewed together and I believe it will be for the convenience of the House if questions and interventions can be dealt with after I have drawn the full picture. In the last few months I have had lengthy discussions with the Irish Government, with representatives of the constitutional parties in Northern Ireland, with spokesmen for other parties in the House, and indeed with a wide range of well-informed people in all parts of these Islands. I have been greatly encouraged by the co-operative and constructive spirit I have encountered, and by the evident willingness to work to find a way through the difficulties. I have also been gratified by the discretion my interlocutors have shown and which I have sought to reciprocate; and for the patience of this House. It has been and continues to be important to the building of confidence that such discussions must take place on a confidential basis.

18. So far our discussions have been, for the most part, on preliminary issues: how can talks begin, how should they be organised, within what timetable and on what agenda? These matters are important, since it is essential that if talks are held the

participants should have a clear understanding of what is involved, and that all participants should enter them on a basis of mutual respect without any sacrifice of important interests or essential principles. They must, in short, be held on the basis of parity of esteem.

19. But let me briefly explain the Government's own position in these matters. We wish to safeguard the constitutional guarantees which I have earlier described, and to ensure that the future of Northern Ireland is determined by the free will, without intimidation, of the people there. Second, we wish to establish arrangements for government which give full rein to the interests of all the people of Northern Ireland, and which safeguard both traditions and provide for the full expression of both identities. Our overwhelming concern is for the people of Northern Ireland, and those who think we have some other interest mistake not only our sense of responsibility for our own citizens, but also our determination to ensure that their rights, the rights of all of them, are respected and preserved.

20. As I have already said, we seek institutions of government in Northern Ireland which will be directly accountable to all its people, and to which they can all give their wholehearted commitment and support. We do not pre-judge the detailed form that such political arrangements should take. The local politicians who are expected to work them must help to create them. Our broad criteria for endorsing any particular system are that it should be workable, and likely to prove stable and durable; and that it must command widespread support and provide an appropriate and fair role for both sides of the community. It seems likely in practice that the best hope of this lies through a Province-wide administration and legislature, though the Government will look seriously at any proposal that is workable and could achieve widespread support.

21. The discussions I have had over the last six months have led me, and equally important, have I believe led the other potential participants to believe that there may now be a basis on which

political talks can be held. As I have mentioned, it is clear that the talks will need to embrace all the main relationships and will accordingly have different strands. One strand would involve the Government and the main constitutional political parties in Northern Ireland. Its objective would be to work towards agreement on new arrangements for the government of Northern Ireland, within the UK, which might provide a basis for the transfer of political power, authority and responsibility to locally elected representatives in Northern Ireland on a basis which was widely acceptable. It will need to deal too with the relationship between the new institutions in Northern Ireland on the one hand and Westminster on the other. The Irish Government would not be directly represented in these talks, though we would certainly wish to take account of any views and proposals which they might put forward.

22. From all points of view, it is however important that the process of talks and negotiation should also cover the relationships between Northern Ireland and the Republic of Ireland, and the implications for the relationship between the United Kingdom and the Republic of Ireland. As regards Unionist attitudes on the first of these, the rt hon member for Lagan Valley and the hon member for Antrim North will be able to give their own views. But I can tell the House that I know, from my discussions with them, that they share with me the recognition that the implementation of any agreement between the Northern Ireland parties on arrangements for the government of Northern Ireland would be strengthened if agreement were also reached on the relationship between any new Northern Ireland administration and the Irish Government. [They acknowledge that] This will require direct discussions between the representatives of Northern Ireland political parties, including the Unionist parties as members of the UK team, and the Irish Government, and [we] [they and I] would envisage a meeting to open such discussions as soon as substantial progress had been made in inter-party talks on arrangements for the government of Northern Ireland.

23.Indeed it is because the Northern Ireland parties all look, as I do, to address each of the three relationships that the talks I have described will necessarily involve discussions between the Northern Ireland parties; discussions between the Northern Ireland parties, including the Unionist parties as members of the UK team, and the Government of the Republic of Ireland; and discussions between the two Governments about relations between the UK and the Irish Republic, including any implications for the Anglo-Irish Agreement. These discussions may not necessarily start at the same time. But as real progress is made on inter-party talks (which I expect to be intensive), and in order to reach a conclusion that will address all three of the underlying relationships, it will be both necessary and important to get all three sets of discussions under way within weeks of each other. With this in mind, I would intend, at an early stage in the proposed inter-party talks, to invite the parties to consider the future timetable of the talks process.

24. It is common ground that the simultaneous resolution of such talks would need to comprehend the transfer of power to locally accountable political institutions, the relationship between such institutions and the Irish Government and the implications for the relationship between the British and Irish Governments. Clearly, no agreement on any one aspect could be reached unless and until all parties were satisfied with the totality of what might emerge from the dialogue.

25. The last six months have seen valuable movement, which has demonstrated real potential for progress. I frankly acknowledge to the House that this progress would not have been possible without the imaginative and statesmanlike attitudes of the Northern Ireland parties, and the helpful and constructive approach of the Irish Government. I would like to set out where I think we can go as a result of the progress made so far, and to give some idea of the specific tasks which I intend to carry forward over the next few weeks.

26. The immediate next steps will be for me and my officials to hold further meetings with the Northern Ireland parties over the Summer to finalise common understandings of the agenda and the administrative arrangements for such talks.

27. The Government will also, in consultation with the Irish Government, settle the dates of the Conferences for the rest of the year. This will assist the orderly planning and conduct of Conference business. But it is likely that there will be an interval of some months between two specific Conference meetings, and we will have in mind the opportunity that this would provide for political dialgue.

28. As the Conference will not be meeting between the specified dates, the Secretariat at Maryfield will accordingly not be required for that period to discharge its normal role of servicing Conference meetings provided for in Article 3 of the Agreement.

29. At that point I would expect to chair a round of formal bilateral meetings with the main constitutional parites in Northern Ireland, in order to ensure that all were satisfied with the agenda and other arrangements. If so, I would then convene a plenary meeting of those parties, on the understanding that inter-party talks could get under way. The commitment shown by the potential participants leads me to hope and expect that progress will be sufficiently rapid to require the launch of the other strands of discussion by halfway through the period before the next Conference meeting.

30. Throughout this process I have expressed myself in cautious terms. It is wrong to raise false expectations when the issues, as is so well known, are difficult. But I have been greatly impressed by the spirit which I have encountered among those to whom I have talked. If agreement on the triple strands could be achieved we would stand at the threshold of a new Agreement, and a new beginning for relationships between both parts of Ireland, and between the

Republic and the United Kingdom. There is, in consequence, a real prospect of developing a new atmosphere of trust and cooperation between Nationalism and Unionism, and between all the peoples on these two islands.

31. This point will not be easily reached. The issues to be resolved are difficult, complex, and long standing. It is also clear that trust will have to be built up between all sides. Nonetheless, I feel that the parties do want to move forward; we have come a considerable distance already, and this is due, as I have said, to the constructive and positive approach of all involved. It is vitally important that any talks should begin without the essential interests of any party being compromised and on the basis of mutual respect and esteem. And that must be maintained as such talks proceed.

32. I cannot say at present what the outcome of this process might be. But even if it proves impossible to move to formal talks as a result of the current discussions, I believe that progress has occurred. There is a clearer understanding of positions and responsibilities, and it may prove possible to resume the process at a much later stage. In the long term, dialogue is the only conceivable way in which a solution to the problems which beset Northern Ireland can be found. For the views of those who use violence count for nothing while blood is their argument.

33. I thank hon members for the patience with which they have listened to my speech today. It is natural that they should wish to probe certain aspects of what I have said, and to analyse others. But I think they will have some understanding of my position if I ask them to exercise caution in their examination of the points I have made. The tone and content of what I have said have been carefully judged, and I would ask hon members to bear that in mind when making their comments. I have today given a report on work in progress - it is my belief that all the people of Northern Ireland would wish to see that work carried forward to a successful and satisfactory conclusion.

ANNEX B

MESSAGE DELIVERED TO THE IRISH: 2 JULY 1990

1. The Secretary of State was grateful for your clear, prompt and constructive response following the meeting last Wednesday. While he has always appreciated the importance attached by the Irish to the need for clarity about the timing of talks, he had not understood before that this was a precondition and that the Irish regarded it as 'impossible' to proceed without meeting it. As he has explained, he does not accept that this is necessary, given the universal and unprecedented acknowledgement and understanding that all three relationships are integral to the process and must be settled together, and given his own wish to address, with the parties, the timetable issue, as soon as the talks begin. He is also doubtful, as you know, that this precondition can be met.

2. However, the Secretary of State has asked me to say that he will seek to meet your concern. This will be taken into account when he extends to the Unionists (and the other main Northern Ireland parties) the same courtesy as to yourselves in outlining in advance what he proposes to say when he reports the position in the forthcoming debate on the renewal of Direct Rule on 5 July.

3. It will, of course, be necessary for him to cover political development in this debate. The debate is an occasion for him to give an account of his stewardship of Northern Ireland and he could not do this without discussing his exploration of the scope for political progress. He hopes that the manner in which the timeframe will be addressed in the speech will be acceptable to all concerned, and, in particular, he hopes that you will accept that it will represent his best endeavour to meet the concern which he clearly understands you to have.

4. He will be reporting to the House of Commons the positions he understands all participants then to take. It would be his hope that he could say that as a result of his exploratory discussions he has found a basis for holding talks intended to cover the three relationships, which he believes would meet everyone's essential interests and which would allow all participants to enter talks on a basis of mutual respect without any sacrifice of important interests or essential principles. The basis would also be consistent with our international obligations, including those under the Anglo-Irish Agreement. However, it would be very regrettable if he had to say that anyone was unable to agree to proceed, despite the clear guarantee that the framework created by the Anglo-Irish Agreement could be displaced only if the parties to it wished, and despite the expectation in the Agreement that the Irish Government would support HMG's policy of devolution.

IRELAND: Relations
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The National Archives

DEPARTMENT/SERIES PREM 19 PIECE/ITEM 3403 (one piece/item number)	Date and sign
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Instructions for completion of Dummy Card

Use black or blue pen to complete form.

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

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

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

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

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

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

HOME SECRETARY

DESMOND ELLIS - EXTRADITION FROM THE ROI

I refer to my minute dated 26th June. – top end

Immediately before the commencement of yesterday's hearing before the Irish High Court Ellis served an affidavit alleging various unfair procedures which he said had been followed in trials in this country. The High Court ruled that the evidence contained in that affidavit was inadmissible and therefore he could not rely upon it. However, they agreed to adjourn the hearing of his appeal to enable him to attempt to obtain admissible evidence of the matters which he sought to raise. The Court set a deadline of 6 July for the service of any affidavits which Ellis might be able to obtain. The appeal is now listed for hearing on 24, 25 and 26 July. As a result it is unlikely that the Court's judgment will be delivered before October.

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

P. M.

28. 6. 90

IRELAND: Refs pt 21

RESTRICTED

HOME SECRETARY

DESMOND ELLIS: EXTRADITION FROM RoI

Ellis' appeal against the two orders for his return granted by the District Court on 8 January this year is due to be heard in the Irish High Court on Wednesday and Thursday this week. His main ground of appeal is that the offences for which his return is sought (conspiracy to commit explosive offences) are political offences or offences connected with political offences. This is the first case which comes within the provisions of the Irish Extradition (European Convention on the Suppression of Terrorism) Act 1987 and should therefore provide helpful guidance as to the approach the Irish judiciary will take in interpreting and operating that Act.

Judgment is likely to be reserved and will probably not be given until next month, at the earliest. The press are aware of the hearing (a copy of an article from "The Times" of 25 June is attached) and there may therefore be some press interest in the hearing. Until the court gives its judgment I would suggest that any press inquiries about the case should be met with the response that it would be inappropriate to comment upon the case until the High Court has delivered its judgment.

If the High Court dismisses Ellis' appeal, on past experience of this sort of case it is likely that he will pursue his appeal to the Supreme Court. Any comment on the High Court decision will therefore have to take into account the possibility of an appeal to the Supreme Court. I am anxious to ensure that any official comment on the judgment cannot be alleged to prejudice such an appeal or Ellis' prospects of receiving a fair trial if returned to this country. A proposed press line for use once the High Court judgment has been delivered is attached.

RESTRICTED

It is difficult to predict the likely outcome of the High Court appeal but it is interesting to note that at my meeting with him in May, John Murray was confident that Ellis' appeal would be dismissed and his Legal Secretary, Matthew Russell, has recently reiterated that optimism.

If, following any Supreme Court appeal, Ellis is returned, it will be the first successful extradition of an alleged terrorist from the Irish Republic to England and Wales. If Ellis succeeds on the political offence exception then it will of course give added ammunition in our endeavours to persuade the Irish to amend their legislation to bring it more closely into line with our own Suppression of Terrorism Act. If he loses it will no doubt in practice reduce the pressure on the Irish but by no means guarantee the same result in future cases under the Irish Act, particularly those not involving explosives.

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

P.M.

26 June 1990
enc.

PROPOSED PRESS LINE

IF APPEAL IS DISMISSED

The decision of the Irish High Court, upholding the orders for Ellis' return to this country, has been noted with satisfaction. This is particularly so as this is the first case to be heard before the Irish courts in which the provisions of the Extradition (European Convention on the Suppression of Terrorism) Act 1987 have been applicable. It would not be appropriate to comment further as [Ellis' legal advisers have already indicated that they intend to lodge an appeal with the Supreme Court and] the criminal proceedings which will be brought against Ellis upon his return to this country are already active for the purpose of the Contempt of Court Act 1981.

IF APPEAL IS ALLOWED

The decision of the Irish High Court to allow Desmond Ellis' appeal is most disappointing, particularly since the Irish authorities had expressed their confidence that the Extradition (European Convention on the Suppression of Terrorism) Act 1987 would be effective in restricting the political offence exception. The judgments delivered in the High Court will be carefully considered and their implications will then be discussed with the Irish authorities in the appropriate forum. We remain committed to achieving effective extradition arrangements with the Irish Republic and will do all in our power to ensure that such arrangements are established. Until this is done, regrettably, the men of violence are likely to continue to consider the Irish Republic to be a safe haven from which to launch their cowardly attacks.

At ease: Field Marshal Lord Bramall, Field Marshal Sir Roland Gibbs, Field Marshal Lord Carver and Field Marshal Sir John Stanier at the Royal Military Academy Sandhurst yesterday for the unveiling of a stained glass window memorial to Field Marshal Lord Harding of Petherton

peals over the Heysel Stadium tragedy. The Princess of Wales attends the British Lung Foundation annual meeting in London. Auction of impressionist paintings at Sotheby's. The Queen Mother attends a Corporation of London luncheon at Guildhall in honour of her 90th birthday.

Wednesday
The 1990 London ozone conference opens at the International Maritime Organisation. The Princess of Wales visits Sunderland and Newcastle upon Tyne. More than 400 patients fitted with heart pacemakers return to Papworth Hospital, Cambridgeshire, to celebrate the 3,000th implant. Birthday tribute to the Queen Mother, Horse Guards Parade.

Thursday
Health food industry launches "healthy kids for a healthy future" campaign in London.

Friday
Lord Haig opens the first world war exhibition at the Imperial War Museum. The captain of the Bowbelle boat involved in the Marchioness Thames riverboat tragedy appears in court.

Saturday
Rock stars, including Phil Collins and Paul McCartney, at Knebworth charity concert. Prince Edward visits Dorset.

Sunday
Battle of Britain memorial flypast at Brands Hatch. Asian conference to set up a charter for rights in London.

'Historical finds' see start of the silly season

By JOHN YOUNG

AN INDICATION that the silly season may have arrived somewhat earlier than usual this year comes from the announcement yesterday of four historical "discoveries" of varying degrees of credibility.

Easily the least plausible is that the ancient city of Troy was not in Asia Minor at all but at the junction of the A11 and the A604 at Great Abington, near Cambridge, close to the site of what is now a fast food r[illegible]rant.

The [illegible]nor of this curious theory [illegible] Dutchman, Iman Wilken[illegible], who bases his findings [illegible] "clues" found in Homer. The rivers around Troy named in *The Iliad* can, he says, all be traced to the

Kohl to question Irish extradition laws

By ROBIN OAKLEY
POLITICAL EDITOR

BRITISH discontent over the operation of Irish extradition laws is expected to be echoed in Dublin today by Helmut Kohl, the West German chancellor.

The government of Charles Haughey, host to the two-day European Council meeting in Dublin Castle, has been under intense pressure in the Dail, the Irish parliament, for refusing to reveal precisely why Donna Maguire, now in an Antwerp jail facing charges over an IRA terror campaign on the continent, was freed last year by a Dublin court despite German requests for her extradition on terrorist charges.

There is no suggestion that any changes in European Community law are contemplated: extradition is regarded as matter for national laws. However, reports that extradition of IRA suspects to most mainland European countries may be virtually impossible under existing Irish laws have worried other governments, notably those of The Netherlands and Germany.

The 1987 Extradition Act faces its first test in the Irish High Court this week, with an appeal hearing by Desmond Ellis, a Dublin TV engineer, against his extradition to Britain on warrants alleging possession of explosives and conspiracy to cause explosions in the United Kingdom between 1981 and 1983.

A Dublin court ordered his extradition in January, and this will be the first such case since the Supreme Court refused to extradite three IRA suspects in April and May, insisting that certain terrorist offences were political. Those cases were dealt with under the old 1965 Act and the government has assured Britain that extradition arrangements will work more smoothly in future.

There are two ways of looking at a Rolex Oyster Chronometer.

MR. POWELL

TAOISEACH'S PROPOSED VISIT TO NORTHERN IRELAND

The Irish have proposed to us, through the Secretariat in Maryfield, that the North West area study should be launched in Donegal on Saturday 7 July and that the Taoiseach should thereafter take the opportunity to make the visits to Coleraine and the Giant's Causeway which had been cancelled on his visit in April.

The Northern Ireland Office are resisting the visit to Northern Ireland on security grounds - first Saturday of the marching season.

The Head of the Anglo-Irish Division of the Irish DFA (Mr. Dermot Gallagher - who received the Prime Minister at the airport this morning) tells me that he is asking the NIO to think again.

Mr. Brooke and Mr. Collins are to meet in Dublin on Wednesday afternoon 27 July for the next in their series of discussions about political development in Northern Ireland.

The Taoiseach attaches exaggerated importance to this kind of symbolic visit. It is just possible that he will mention it to the Prime Minister. If he does so, I suggest that she should simply ask that Mr. Collins and Mr. Brooke should discuss it when they meet on Wednesday afternoon.

N. L. W. Fenn

NICHOLAS FENN
25 June 1990

Ref. A090/1390

NOTE FOR RECORD

cc Mr Powell
PS/Sir Patrick Wright
PS/Sir John Blelloch
Mr Appleyard
Mr Hadley

Mr Dermot Nally called on Sir Robin Butler on Wednesday 13 June, before joining the Taoiseach and the Prime Minister for lunch.

2. Mr Nally said that the round of visits by the Taoiseach to Member States was nearly complete, and had been going reasonably well. The Presidency saw five main items for the European Council in Dublin: Economic and Monetary Union; political union; drugs; the environment; and siting of institutions. There would be a number of other issues likely to be picked up over dinner, which might include the internal market, CSCE, GATT and South Africa. Mr Nally noted that the East Germans would be joining the meeting for the President's lunch, which would be largely a ceremonial occasion. They would not, however, be present for the meetings or for the dinner.

3. On EMU, Mr Nally said that the Irish expected the Council discussion to be on procedural rather than substantive issues. He noted that the Italians were planning the first meeting of the EMU IGC to start the day before the Rome European Council. The Irish would hope to defer discussion of substantive issues such as whether or not there should be a central bank; if so, the details of its location and role; and single currency issues to the IGC.

4. On political union, the Italians were also planning to start the IGC to coincide with the December Rome European Council. The main issues for Dublin would be democratic legitimacy, efficiency of institutions, and coherence of foreign policy. The debate on democratic legitimacy, would centre on the case for strengthening the powers of the Council and/or the European Parliament. Issues on the efficiency of EC institutions included the relative powers of the Parliament and the Commission, including the co-ordination of foreign policy with economic policy. One proposal being mooted was to give increased powers of co-ordination to the European Council, possibly giving it a small secretariat. (In an aside at this point, Mr Nally noted that the Italians were suggesting the possibility of an additional Council meeting on 27 October on CSCE. Given the planned CSCE meeting in November, his own view was that 27 October was too late for a Council meeting to take any valuable decisions, and that CSCE issues would need to be discussed in Dublin.) On the coherence of foreign policy, he said that it was generally accepted that unanimity would be difficult to achieve. Monsieur Delors saw CSCE as a means of practising the co-ordination of foreign policy; if Member States were successful in this field, it might be a step on the road towards political union. Sir Robin welcomed the incremental approach to political union being taken by the Irish Presidency.

5. On drugs, Mr Nally explained that a discussion had been requested by Chancellor Kohl, who had been influenced by a book on the Mafia, and their increasing interests in Europe. The CELAD Report set out draft guidelines for an action programme on drugs. Sir Robin confirmed that the UK was likely to welcome this initiative.

6. On the environment, Mr Nally said that the substantive discussions were taking place between experts. He said that the

Taoiseach wanted a declaration on good intentions, which was not likely to cause great problems. It might be harder to agree his plans for a Charter of citizens' rights, although Mr Nally hoped that it would be possible to draft this in such a way that it would be acceptable to all parties. Sir Robin confirmed that the UK would not welcome proposals which included further co-ordinating or regulatory bodies on environmental issues, given the number of international initiatives already taken in this area.

7. On the siting of EC institutions, Mr Nally said that progress was very slow, and there might be little substantive discussion in Dublin.

8. On the Single Market, Mr Nally reviewed the progress already made; the Irish Presidency had seen 17 directives already adopted, including three adopted at ECOFIN the previous day. He expected that there would be another eight to ten to come. He emphasised that the Irish were very committed to progress with the Single Market. He hoped that, before the end of the Presidency, directives would be approved on financial services, including insurance.

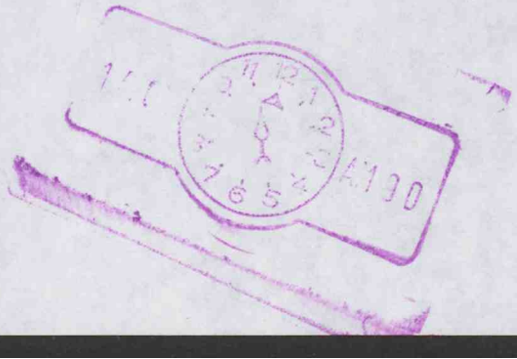
9. Turning to Anglo-Irish issues, Mr Nally said that the Irish had been impressed by the progress made by the Secretary of State for Northern Ireland in his discussions with the Northern Irish political parties. He noted that there was still a difficulty about the progress of the three sets of discussions; the Irish attached importance to taking forward the North/South dialogue in parallel with the other two sets of talks. He recognised the that Unionists wished to see progress in the Northern Irish talks before starting North/South dialogue, but the Republic continued to attach importance to the agreement that all three sets of talks should take place "in unison".

10. Sir Robin noted that the Irish were organising the next dinner, which had been suggested for Dublin in July. It might be difficult to find a mutually acceptable date in July, in which case September would be an acceptable alternative. Mr Nally considered that there would be value in having a further meeting in July; he would ask his office to start looking for a date as soon as he returned to Dublin.

Sonia Phippard

MISS S C PHIPPARD

13 June 1990



CONFIDENTIAL

10 DOWNING STREET

LONDON SW1A 2AA

From the Private Secretary

SUBJECT cc MASTER

13 June 1990

Dear Stephen

PRIME MINISTER'S MEETING WITH THE TAOISEACH

The Prime Minister had a talk with the Taoiseach over lunch today, mostly about the forthcoming European Council meeting in Dublin, but also touching on Anglo-Irish relations. Mr. Haughey was accompanied by Mr. Dermot Nally, the Irish Government Secretary.

Mr. Haughey whisked through the official business in record time, showing very little disposition to get into an argument. We had disposed of the European Council before the first course was served, and Anglo-Irish relations only a couple of mouthfuls into it. But we did have a very interesting time on the early Irish Saints, the state of Georgian houses in Ireland, the Prime Minister's traveller's tales from the Soviet Union, and the World Cup match between England and Ireland. I feel a bit of a sneak letting you know all this. But it would otherwise be difficult to explain the exiguous record which follows.

Dublin European Council

Mr. Haughey said that everything was well on course for the European Council and he did not think the Prime Minister would have any problems. The preliminary work had been done on political union. The Prime Minister's approach of defining what political union was not had been followed. The main area identified for progress had been closer co-operation in foreign policy. He himself did not want to see the European Parliament get any more legislative powers and thought there would be considerable support for this position. But he was enthusiastic about the Prime Minister's proposal for giving the Parliament greater inspectoral powers over spending: that was a good track to be on. Above all, we must avoid any extension of co-decision. The Prime Minister referred to her ambition to see the powers of the Commission curtailed. Mr. Haughey said that he was personally sympathetic but doubted this was a practical proposition: it would be better to concentrate on preventing any enlargement of the Commission's powers.

CONFIDENTIAL

Mr. Haughey envisaged that the Council would review the preparatory work on EMU done by ECOFIN, and give instructions for further work during the Italian Presidency. (He failed to mention the proposed IGC, either for EMU or for political union.) He knew that we were keen to see something on the single market and would support that, particularly on implementation of directives. The Council should issue a good declaration on environment, stressing the importance of working together and setting realistic targets. Irish officials had been in touch with ours during the morning, and there had been no significant disagreement. He thought it would be useful to suggest a review of how countries were actually implementing environmental directives. Those who talked the most often did the least. The Prime Minister said she saw value in having regular reports to the European Council on this.

Mr. Haughey thought there should also be something on drugs, although he had not decided quite what form it might take. The Prime Minister mentioned our hope to see the European Drugs Intelligence Unit brought into existence as soon as possible. Mr. Haughey said that he might or might not try to get a solution on the problem of the seats of Community institutions. It would be very difficult. The Luxembourgers were insisting that they had to have any institution with either financial or legal applications. The Prime Minister said that we were not contenders for any institutions and would try to play a helpful role.

Turning to foreign affairs Mr. Haughey said that some member states would probably want to talk about South Africa. The aim should be at the least to send a positive and encouraging message to the South African government. The Portuguese had asked for a discussion on China. The Prime Minister said she saw no objection to this. Mr. Haughey asked whether a statement on the Soviet Union would be helpful and was told that it would be. The Prime Minister herself suggested a further short statement on Eastern Europe, encouraging the Commission to get a move on with negotiating Association Agreements. Mr. Haughey agreed to this and said that the Commission and Chancellor Kohl would both report on German unificaiton. Some member states such as the Danes had a particular worry about East Germany's nuclear power stations and might propose the creation of a Community inspectorate. The Prime Minister did not favour this.

Mr. Haughey referred to the intention of the Italian Presidency to hold an additional European Council on 27 October. It was hard to believe this was really necessary. The Prime Minister agreed: we should not plan on one, although there would always be the option of calling one if really necessary. Mr. Haughey thought the Italians were linking it to preparation for a CSCE Summit. The Prime Minister said this could be done by Foreign Ministers.

And that was that for the European Council.

Anglo-Irish Relations

Mr. Haughey spoke with appreciation of the Northern Ireland Secretary's efforts to start a dialogue with the Northern Ireland parties. The Republic was being as helpful as it could behind the scenes, and trying to avoid saying anything which might appear insensitive. Mr. Haughey expressed his great sympathy for the recent loss of life as a result of PIRA attacks. He also paid tribute to the late Lord O'Neill.

Then it was on to early Irish Saints.

I am copying this letter to John Gieve (H M Treasury), Martin Stanley (Department of Trade and Industry), Stephen Leach (Northern Ireland Office) and Sonia Phippard (Cabinet Office).

Yours sincerely,

C. D. POWELL

J. S. Wall, Esq., L.V.O.,
Foreign and Commonwealth Office

PRIME MINISTER

MEETING WITH MR. HAUGHEY

You are having a working lunch with Mr. Haughey tomorrow. He arrives at 1245 and will leave at about 1415. The main purpose is to discuss the forthcoming European Council in Dublin. He may also want to touch on Anglo-Irish matters.

European Council

There is an OD(E) note in the folder which sets out the main issues to be covered at the Dublin European Council. It looks likely to be fairly uneventful. In brief:

- On political union, the Irish want a commitment to an IGC starting in December. That is inevitable.

- On EMU the Irish want to take stock of work so far and set a date for an IGC. We want to be sure that work remains firmly in the hands of Finance Ministers. We shall need to decide whether to float our ideas for the next stage before Dublin. This is likely to be the most difficult issue;

- Single Market. We will want a reference at Dublin to our priorities - financial services, insurance, transport;

- Environment. The Presidency want a declaration, but we have very little idea yet what will be in it. You will want to cross-examine him.

- Drugs. Kohl has asked for a discussion. We can support this. Our specific aim is agreement to set up a European Drugs Intelligence Unit by the end of the year.

- Site of EC institutions. The Irish want to settle the site of the Environment Agency, the Trade Marks Office and the Training Foundation. We are no longer credible candidates for any, so can award our favour to others as suits us.

- Eastern Europe. The Council should instruct the Commission to get on with negotiating Association Agreements. A further statement would help.

- East Germany. If unification is to be brought forward, we must step up the work on the consequences.

Anglo-Irish Matters

There is a letter from the Northern Ireland Office in the folder. The Taoiseach does not expect a substantive discussion.

Suzanne

RP (C. D. POWELL)
12 June 1990
a:\foreign\Haughey (srw)

NORTHERN IRELAND OFFICE
WHITEHALL
LONDON SW1A 2AZ

C D Powell Esq
10 Downing Street
London
SW1

12 June 1990

Dear Charles

NORTHERN IRELAND: POLITICAL DEVELOPMENT

My letter of 1 June reported the main developments on the Northern Ireland political front to the end of May. Since that letter, the issue of the Irish Government's role in the talks process has come to the fore. On 5 June my Secretary of State commented to the press that while there would obviously be a role for them in "North/South" and "East/West" talks, they would have no direct input into the internal talks. This was what had been agreed with Mr Collins, but the press reports took an unhelpful line, giving the impression that the Irish Government would have a smaller role than had been anticipated. The leader of the SDLP, John Hume, made some helpful comments designed to play down "nit-picking speculation", and the Irish Government itself took a restrained line, but the media comment underlined the importance for them of achieving some sort of public acknowledgement about their involvement in the overall talks process.

When my Secretary of State met Mr Collins and Irish officials last night, the main areas of discussion revolved around this Irish desire to have something concrete on involvement. On the internal talks, we have a clear understanding with the Irish.

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They will not be direct participants in the talks, but they will have, by virtue of Article 4 of the Agreement, the right to put forward to us views and proposals on the modalities of achieving devolution. And, in practice, no doubt they will keep closely in touch with the SDLP, who would take part in the talks. Irish concern now focuses on the North/South talks and, in particular, they suggest some sort of timetable, to which they would like the Unionists to be committed in advance, for them to start. The Secretary of State remained firm in his view that re-opening this directly with the Unionists at this juncture would be counterproductive, with the risk that the Unionists would merely retreat from the considerable concessions they have made. He emphasised his awareness of the Irish concerns, and his determination to ensure that all three sets of talks must be got under way at an early date, must proceed in parallel, and must conclude simultaneously. He offered a form of words, which set this out very clearly (the Irish found this helpful), which might be issued as part of the statement he would like to make when the various details have been resolved with all the players. But he felt that this was as far as he could properly go at this stage: it was better to let the process develop organically, rather than attempting to put it in a formal straitjacket in advance. Nonetheless, as explained below, he has agreed that the issue may be raised indirectly with the Unionists, and the Irish have accepted this.

Significantly, although the Irish could have taken the option of withdrawing from the process, they did not do so. They remain anxious not to obstruct the process, or to be seen to do. Indeed their concern to safeguard their integral role in the talks as a whole may be taken as a hopeful sign, and is consistent with my Secretary of State's tactic of coopting them as partners in the process. There is no doubt that the Irish Government would find it difficult to explain to domestic (and international) public opinion why such an apparently hopeful process was brought to a halt simply because of the lack of an agreed date for a

'North/South' meeting. It is likely, therefore, that the Irish will wish to remain in play, but that they will, in due course, press for some further movement on the timing point. My Secretary of State believes we should try to meet their concerns as best we can, provided that this is not at the cost of endangering the progress already made.

The outcome of the meeting was an agreement between my Secretary of State and Mr Collins on the next steps. My Secretary of State will meet the SDLP shortly (probably on Friday) and at that meeting he will hope to probe their position on timing in more detail. Are they, for example, making it a precondition of talks that a date for 'North/South' meeting should be set, and, if so, will they be saying so publicly? Or is it a private negotiating point and, if so, how hard are they pressing it? Following that meeting, the Secretary of State hopes that a first meeting can be arranged between a Unionist delegation and officials, to start the ground-clearing work necessary before formal talks could begin. (Stephen Leach's letter of 23 May reported that such bilateral meetings with officials were envisaged.) At that meeting the timing point will naturally be discussed, on the assumption that the SDLP have raised it. Officials will explore the possibility of timetabling the various steps to be taken, and of specifying more precisely when the North/South talks should begin. (It would, for example, be an advantage if we could tell the Irish that the Unionists had firmly agreed to meet the Irish in North/South talks before the 'gap' ended.) In the light of this, there may be a need for a further meeting between the Secretary of State and the Unionist leaders. In the meantime, Mr Collins will consult further with his colleagues, and the joint aim of both Ministers is to have a further meeting at the end of June.

Both my Secretary of State and Mr Collins agreed last night that neither side would expect substantive exchanges on these issues when the Taoiseach meets the Prime Minister on 13 June.

Accordingly, my Secretary of State suggests that it would be helpful if Mr Haughey could be brought to do no more than acknowledge that progress is being made, and that it should be supported. But the process is halting and slow, and the best prospect for success seems at this stage to lie in a low-key approach. The attached line to take reflects this.

FORTY EIGHT HOUR RULE

The Prime Minister might like to be aware of one entirely unrelated Anglo-Irish point that has come up today. The Irish Government introduced in 1987 restrictions on cross-border shopping: there was at the time a substantial flow of shoppers from the Republic going North to take advantage of lower prices. The Irish measures denied to those out of Ireland for less than 48 hours the 'travellers' allowances - freedom from Irish tax on purchases made in Northern Ireland up to a certain limit - conferred by European law. They were fairly transparently illegal. They were also clearly to the disadvantage of Northern Ireland traders, especially in the border areas.

We immediately took this up with the Commission, who referred the case to the European Court. We intervened in the case to emphasise our opposition to the rule. The Court gave its judgement today, declaring against the Irish on all counts. My Secretary of State has today publicly urged the Irish to come immediately into line. They, however, have put out a somewhat vague statement, suggesting they do not intend to do so pending study of the judgement and consultation with the Commission.

My Secretary of State does not suggest that the Prime Minister raise the point; it could entrammel the meeting in an involved discussion about fiscal issues before and after 1992. We shall certainly take it up in the Conference. But if Mr Haughey raises it, the Prime Minister might like to draw on the line attached.

I am sending copies of this letter to Tim Sutton, Steven Wall, Colin Walters, Simon Webb and Juliet Wheldon, and to Sonia Phippard.

STEPHEN POPE

ANNEXE 'A'

NORTHERN IRELAND - POLITICAL DEVELOPMENT

Line to Take

1. Grateful for the constructive role you and your Government have played in this process so far. This joint attempt to edge things along would not have succeeded if both Governments had not adopted a flexible and statesman-like approach.

2. I believe we have now agreed a position that will enable the Unionists to feel their preconditions have been met while at the same time avoiding any damage to the fabric of the Agreement.

3. Fully understand your concerns that the Irish Government should be involved fully and publicly from the outset. Your involvement is essential if this joint venture is to succeed. Hope we can ensure this is fully recognised without losing what we have gained so far with the Unionists: their involvement is just as essential to success as is your involvement or the SDLP's.

4. Both Ministers are to be congratulated on their efforts so far. Hope we can continue to work patiently towards building up a consensus.

Suggested Press Line

"The Prime Minister and the Taoiseach discussed the recent moves to promote political dialogue in Northern Ireland. They agreed that, although the process was at an early and delicate stage, there were positive signs of progress in the talks which had so far taken place. They welcomed the signs of flexibility and seriousness of purpose on the part of constitutional political parties. Both the Prime Minister and the Taoiseach were encouraged to believe that further progress could be achieved, and both Governments agreed to keep in touch about these matters".

'Forty Eight Hour Rule': Irish Restrictions on Cross-border Shopping

Line to take

I hope that you will repeal the rule immediately. There can be no justification for it after the European Court judgement; and it stands in the way of desirable economic interchange between the two parts of Ireland.

Foreign and Commonwealth Office

CONFIDENTIAL London SW1A 2AH

12 June 1990

Dear Charles,

Dublin European Council: Visit by Mr Haughey

Mr Haughey will visit London on 13 June as part of his preparations for the European Council. He will have been to all EC capitals except Brussels and Athens before he comes to London (and he will go on to Brussels on the afternoon of the 13th).

The Prime Minister may have seen the Foreign Secretary's note on Dublin prospects (OD(E)(90)12) which OD(E) will discuss today. On political union, the first subject to be discussed on 25 June, the Irish appear to be aiming for procedural Conclusions, convening a second IGC probably with a start-date of 13 December (the day before the Rome European Council). Heads of Government will have a report by Foreign Ministers, due to be completed at the FAC on 18 June. The present draft is reasonably satisfactory, and points out the need for an understanding about what is not to be covered by 'political union'. The Prime Minister may want to:

- welcome the trend of debate since Dublin I, away from the ethereal to the practical, and welcome Mr Haughey's own advocacy of an "incremental" or step by step approach;

- refer to the positive UK ideas floated in recent weeks, for example increased accountability of the Commission to the European Parliament, increased powers of enforcement for the ECJ and the possibility of an EC ombudsman; and

- confirm that we will not stand in the way of a Dublin decision for a second IGC in December.

The Presidency envisage that the discussion of EMU should also be on the morning of 25 June. Again, the Irish will want to agree a firm opening date for the EMU IGC, and take stock of preparatory work during the last six months. Some, particularly the Italians, may argue for speeding up the work in the autumn. The key point for us is that preparations should remain controlled by Finance Ministers: others will

/argue

argue that the Foreign Affairs Council will have a role on institutional aspects, but we believe that such aspects can only be sensibly tackled once there has been agreement on substance.

The Prime Minister may wish to stress the need for the European Council to reaffirm the Community's commitment to further progress on the Single Market programme under the Italian Presidency. The Conclusions should refer to specific short-term Single Market priorities, eg financial services, insurance, transport, animal and plant health; and mention the importance of better implementation and compliance, and the removal of barriers to takeovers. Advice on Mr Haughey's thinking on a European Council declaration on the Environment is coming separately from the DOE.

Chancellor Kohl wants a substantive discussion on drugs cooperation. The Prime Minister could mention our wish, which the Home Secretary will pursue at the TREVI Ministerial meeting on 14-15 June (and which we should like the European Council to confirm), that preparations for the proposed European Drugs Intelligence Unit should be completed by the end of the year.

Mr Haughey may mention the question of sites of EC institutions. The Irish seem to have no clear game plan as yet, but they may run the idea of agreeing that the Training Foundation should be in Berlin and the Environment Agency (EEA) in Copenhagen, leaving the site of the Trade Marks Office to be settled, with the wider question of the European Parliament's site (Brussels/Luxembourg/ Strasbourg), at the second IGC. The Prime Minister might say, if the Taoiseach asks, that, since we have won the site of the EBRD, our own bid for the EEA and the CTMO will face strong competition: we shall be ready to help reach sensible decisions.

On Eastern Europe, we should like the European Council to instruct the Commission to move quickly on the negotiation of Association Agreements with Poland, Hungary and Czechoslovakia. Giving priority to these three countries would recognise that they are the ones where reform has moved fastest. We have also proposed the liberalisation of all quantitative restrictions (QRs) on trade with Czechoslovakia - as has already been done for Poland and Hungary. The Prime Minister may wish to say that:

- a further European Council statement on Eastern Europe would help maintain momentum. It should re-affirm the policy of differentiation;

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- the Commission should be asked to get down to work on Association Agreements with Poland, Hungary and Czechoslovakia, and on the liberalisation of QRs for Czechoslovakia.

Mr Haughey's agreement with Chancellor Kohl that the East German Prime and Foreign Ministers should attend the lunch and dinner on 25 June means that there will be discussion of German unification. The Commission is likely to produce a new paper on EC aspects, analysing the implications of the GEMU State Treaty. Separately, they have just produced draft proposals for handling customs, agricultural and ECSC relations with the GDR in the period before unification. There should be no need to discuss these details in Dublin. But the Prime Minister may wish to suggest that the European Council should welcome the fact that the Commission is now bringing forward specific proposals, and calls for accelerated Community discussion to match the timetable of unification.

Advice is being provided separately on Anglo-Irish relations.

I am copying this letter to the Private Secretaries of members of OD(E), and of the Secretaries of State for the Home Department and the Environment, and to Sonia Phippard (Cabinet Office).

Yours ever,

R. Richard Gozney

(R H T Gozney)
Private Secretary

C D Powell Esq
10 Downing Street

SECRETARY OF STATE FOR THE ENVIRONMENT

2 MARSHAM STREET
LONDON SW1P 3EB
01-276 3000

My ref:

Your ref:

Charles Powell Esq
Private Secretary to
The Prime Minister
10 Downing Street
LONDON
SW1A 2AA

12 June 1990

Dear Charles,

EUROPEAN COUNCIL: ENVIRONMENT

My Secretary of State has asked me to write to you about a proposal for an Environment Declaration that Mr Haughey is expected to raise with the Prime Minister tomorrow.

We understand from Irish Environment Ministry officials that the idea of a Declaration is very much Mr Haughey's own, and that he wants a forward looking political statement that will more than match similar ones coming from international gatherings such as the Economic Summit. Mr Haughey is sounding out EC colleagues on what they would like to see in a Declaration before a text is drawn up. My Secretary of State thinks this is a slightly odd procedure, especially as the proposal could have benefitted from a preliminary discussion at last week's Environment Council.

Nevertheless the Secretary of State believes that the Irish - throughout theier Presidency have been constructive, helpful and understanding of our position. He hopes therefore that we can be reasonably positive about a Declaration, couched in language sufficiently general to avoid hostages to fortune. He recommends that the Prime Minister might react favourably to a number of possible elements: such as the need for more effective implementation of EC measures; the benefits of the Community and its member states working together more effectively to tackle international environmental issues; insisting on a strong environmental dimension in aid to East Europe and developing countries, and setting more precise priorities in defining what is appropriate for action by the Community or member states.

On the assumption that Spain is unlikely to agree to extending the use of qualified majority voting we can argue that this is something for the IGC to consider even though Article 130S of the Single European Act already allows the Council to agree unanimously to QMV decision taking: a provision that has not yet been tried out.

Mr Haughey is also apparently hankering after a Citizens' Charter of Environmental Rights. A number of ideas for a Charter or Statement of Principles are current, and except where they could be regarded as justiciable we can go along with many of the aspirations eg. for better access to environmental information, and freedom of assembly for NGOs. We would prefer further development of such a document to follow the agreement in the recent Bergen Ministerial Declaration that it should be a matter for the 1992 UN Conference on Environment and Development rather than a narrow EC initiative which could be off-putting to the very people we wish to convert notably in Eastern Europe and undemocratic developing countries.

The Permanent Secretary of the Irish Environment Ministry will be discussing the Declaration with Sir Terry Heiser at the same time as Mr Haughey is with the Prime Minister. We would hope to get a much clearer picture from him so as to give more precise briefing for the European Council itself.

Copies of this letter go to Richard Gozney in the Foreign Secretaries Office, John Gieve in the Chancellors Office and to John Plowman at UKREP Brussels.

Yours

Phillip

PHILLIP WARD
Private Secretary

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HOME SECRETARY

QUEEN ANNE'S GATE LONDON SW1H 9AT

22 May 1990

Dear Peter

EXTRADITION FROM THE REPUBLIC OF IRELAND

Thank you for your letter of 6 April following the judgments of the Irish Supreme Court in the cases of Finucane, Clarke and Carron.

I fully agree that for both political and practical reasons we need to put pressure on the Irish Government to make extradition arrangements much more effective. It is encouraging to note Douglas Hurd's assessment that we may be able to draw some support from current Irish public opinion. That view has been borne out by Mr O'Malley's recent remarks. The mood for change may help us to get the message across that maintenance of the status quo is not an option. I support your two-pronged attack, but I believe that our main thrust should be directed at the political offence exemption which lies at the heart of the problem.

I say this because the proposed change on imprisonment is obviously only a partial answer, since it would apply only to convicted offenders. If we had to concede an exemption where the refusal to extradite arose from concerns about the soundness of the conviction, this might narrow the field still further, although I wonder whether such an escape clause need necessarily be conceded. Neither the provisions of the Backing of Warrants Act relating to the return of convicted fugitives, nor the extra-territorial provision of the Irish Criminal Law (Jurisdiction) Act concerning escape from custody in Northern Ireland are so circumscribed.

On the political exemption, either of the approaches you mention (rendering acts in furtherance of a campaign in Northern Ireland automatically subversive of the Irish Constitution, or amendment of the 1987 Act) seem to me worth trying on the Irish. They themselves have opened the door to an examination of their 1987 Act by arguing that the problems which arose in Finucane and Clarke will not recur in post-1987 cases because of the restricted definition of the political offence exemption which will apply. We need to counter that argument by pointing out that their legislation is much more narrowly drawn than our own Suppression of Terrorism Act 1978. I would argue that whatever action our European colleagues have taken to give effect to the European Convention on the Suppression of Terrorism, we share with the Irish the common problem of combating the IRA and need to have similar legislation. The 1987 Act, following recent judgments, will still

The Rt Hon Peter Brooke, MP.
Secretary of State for Northern Ireland
Northern Ireland Office
WHITEHALL, S.W.1.

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IRELAND: Relations 1921

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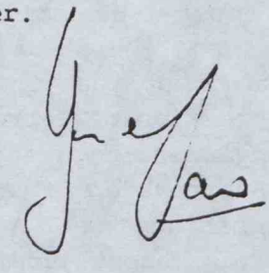
leave untouched such mainstream terrorist offences as possession with intent, or murder or attempted murder by non-automatic firearms directed at the security forces, and that is an intolerable situation.

Tactically, I believe the way forward may be to expose the implications of the present situation to the Irish, both as it affects the fate of individual cases, and for the broader impact this subject has on Anglo-Irish relations. They must recognise that the effective working of extradition arrangements is vital to our wider relationship and a key factor in maintaining the confidence of Parliament and the public. It is in their own interests to help bring terrorism to an end and it may be easier for them presentationally if the initiative in tackling the problems comes from them. But we should stand ready with our own proposals, which seem to me to be the only practical answers to the situation which has arisen.

You identified in your letter the need to be able to explain to the Irish, if need be, why we are not seeking greater resort to extra-territorial prosecution. For my part, I am bound to say that because of all the recognised practical difficulties about evidence and witnesses, I remain to be persuaded that there would be any great benefit in widening the extra-territorial powers to cover more GB cases.

Given that the recent cases are Northern Ireland ones and that there is machinery under the Anglo-Irish Agreement for dealing with issues relating to extradition and extra-territorial jurisdiction, I agree it makes sense for your Department to take the lead on this issue. I understand that the Anglo-Irish Working Group will be meeting shortly, and that this will provide an opportunity to voice our concerns and outline the way forward as we see it. The Home Office participates in that group, and we stand ready to give you any assistance which you may require.

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



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10 DOWNING STREET

LONDON SW1A 2AA

From the Private Secretary

21 May 1990

VISIT BY MR. HAUGHEY

The Irish Ambassador has told me that Mr. Haughey would be making another tour of capitals, ahead of the European Council in Dublin, and enquired about the possibility of a meeting with the Prime Minister in the period 13-15 June. I have told him that the Prime Minister could offer Mr. Haughey a working lunch on Wednesday 13 June. He is checking with Dublin on this.

(C. D. POWELL)

Richard Gozney, Esq.,
Foreign and Commonwealth Office.

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Meeting Record: subject cc Master

File APS a:f: Taoi bc. PC.

10 DOWNING STREET

LONDON SW1A 2AA

From the Private Secretary

20 April 1990

Dear Richard.

PRIME MINISTER'S MEETING WITH THE TAOISEACH

The Prime Minister had a talk this afternoon with the Taoiseach who was accompanied by Mr. Dermott McNally, the Irish Cabinet Secretary. The meeting lasted about an hour and a half, By far the greater part of the time was taken up with discussion of the 28 April European Council, with only a few minutes on bilateral matters at the end. It was a gentle, almost torpid, encounter.

Programme for 28 April

The Taoiseach said that he envisaged starting the European Council at 1030, when the President of the European Parliament would be invited to address heads of government for 10 minutes. This was inescapable. The remainder of the time up until lunch, would be spent discussing the EC implications of German unification. He envisaged an informal exchange on political union over lunch itself. Other subjects, including East/West relations, relations with Eastern Europe, CSCE, Uruguay Round, Drugs and EBRD could be taken during the afternoon. (There was no mention by anyone at any point during the meeting of EMU.) The whole meeting would be over by 1900. The Taoiseach said he understood the Prime Minister would be returning to London then, although she was very welcome to stay for supper. The Prime Minister said she would probably do her press briefings and then depart. She thought most people would want to get away home.

Political Union

The Taoiseach said that the Danish government had been rather upset by the Kohl/Mitterrand message on political union. The Prime Minister said she was not surprised. There were more important things for the Community to discuss at present. Nor had the rest of us had any warning of the Franco/German initiative. She was becoming rather fed up with the rhetoric on political union in which some member governments indulged. No one seemed to have a satisfactory definition of political union. The Taoiseach said that it could surely mean whatever we all wanted it to mean. Personally he hoped that the Prime Minister would take a major part in the discussion and rebut the arguments put forward by the supporters of a federal Europe. The Prime Minister said that we would have a number of ideas of our own to put forward on institutional reform. We would like to see

the principle of subsidiarity embodied in the Treaty, greater recognition of the role of national parliaments, more financial accountability on the part of the Commission and better enforcement of Community regulations. But she did not think it would be right to force the pace on political union. No one could know what the Community would be like in 10 or 20 years time and we should not try to settle it now. The Taoiseach emphasised that he had in mind only an informal discussion.

EC Implications of German Unification

The Taoiseach said the Commission had produced a rather general paper about the EC implications of German unification with no figures in it. The Prime Minister said that she had not yet seen the paper. There would undoubtedly be problems, for instance over agriculture, fisheries and trade. There would also be a major task of cleaning up the environment in the GDR. She would want to be satisfied that a proper procedure was being established for discussion of these problems, and that any derogations were for as short a period as possible. The meeting on 28 April should reach clear conclusions on these points, including arrangements in the transitional period before unification happened. Mr. Haughey commented that one of the problems was lack of clarity about the timetable for unification. He would try to get Chancellor Kohl to spell out a firm timetable on 28 April.

Lithuania

Mr. Haughey said that he had come under some pressure from the Danish government for EC Foreign Ministers to issue a tough statement tomorrow on Lithuania. The Prime Minister said that we needed to proceed cautiously. We must not sacrifice or put at issue all the good which Mr. Gorbachev had done. The repercussions of that would be enormous. We should avoid coming out firmly on one side or the other. Compared with the really big issues Lithuania was a problem which could be resolved by discussion. Mr. Haughey agreed that we should not encourage the Lithuanians to be more obstreperous. He very much shared the Prime Minister's overall view and would so inform the Irish Foreign Minister. The Prime Minister said that, if Soviet coercion of Lithuania continued and escalated, we might have to slow down progress with some of the EC's economic links with the Soviet Union.

CSCE

The Taoiseach asked whether the Prime Minister would want to say anything in Dublin about her ideas on the CSCE. The Prime Minister said it might be helpful to have a brief exchange on this. The CSCE ought to have an important role as a forum where East and West could meet and talk. This would be complementary to greater political cooperation within the Atlantic Community, organised principally through NATO. The Taoiseach commented that such a division of functions would suit Ireland very well.

EC Enlargement

The Taoiseach asked whether the meting on 28 April should

say anything on enlargement. The Prime Minister said that she thought it best to continue to adopt a wait and see attitude, postponing any serious consideration until 1993.

Drugs

The Taoiseach said he would quite like to have some reference to drugs at the 28 April meeting. The Prime Minister said that would cause her no difficulty.

Uruguay Round

The Prime Minister said it would be important to take stock of progress in the Uruguay Round and in particular the problems which were arising over agriculture. This would be one of the most serious issues facing the Community in the next few months and it would be a mistake for the European Council not to say anything about it.

Eastern Europe

The Prime Minister said that it would be helpful if the meeting could commend the Commission paper on Association Agreements with Eastern Europe. There was no need for a lengthy discussion.

EBRD

Mr. Haughey asked whether the Prime Minister would like the site of the EBRD discussed. The Prime Minister said she would want to make the strong claims of London clear. She did not think there was any doubt that it was the best site, and she would like to see that agreed in the Community before the G24 meeting. Mr. Haughey said that he would be content with that. But President Mitterrand might make agreement to London dependent on M. Attali being given the Presidency of the Bank. The Prime Minister said that we had committed ourselves to support Mr. Ruding, but it would all depend on whether he could secure sufficient support within the Community.

Community Institutions

The Taoiseach said that President Mitterrand had written to fellow heads of government about the seat of Community institutions. He was demanding guarantees for the future. The Prime Minister said she took the view that it was best to stick to the status quo.

Bilateral Issues

The Prime Minister said that the Northern Ireland Secretary had spoken to her about the Anglo-Irish Conference the previous day. It seemed to have achieved some useful results both on extradition and on political development in Northern Ireland. The Taoiseach agreed that it had been a good meeting. The Northern Ireland Secretary was the "best man in the world". The Prime Minister said that she was not sure whether anything would necessarily come of our efforts to make progress on the political front in Northern Ireland, but it was right to try. The

Taoiseach said that he would happy to leave it to the Northern Ireland Secretary to try to sort it all out.

The Prime Minister said it was very important to keep up security cooperation. She had thought that we were beginning to win on that: now she was less sure. The Taoiseach insisted that cooperation was very good and we were getting on top of the problem.

I am copying this letter to John Gieve (HM Treasury), Stephen Leach (Northern Ireland Office), Martin Stanley (Department of Trade and Industry), Andy Lebrecht (Ministry of Agriculture, Fisheries and Food), Simon Webb (Ministry of Defence) and Sonia Phippard (Cabinet Office).

yours ever,

C.D. POWELL

Richard Gozney, Esq.,
Foreign and Commonwealth Office.

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From: THE PRIVATE SECRETARY

cc PC.

NORTHERN IRELAND OFFICE
WHITEHALL
LONDON SW1A 2AZ

C D Powell Esq
Private Secretary
10 Downing Street
London
SW1A 2AA

20 April 1990

Dear Charles

PRIME MINISTER'S MEETING WITH THE TAOISEACH, 20 APRIL, NORTHERN IRELAND ISSUES

1. Richard Gozney's letter to you of 19 April suggested that in any discussion of bilateral issues with Mr Haughey the Prime Minister should concentrate on political development and extradition; and said that we would brief you on the outcome of yesterday's meeting of the Intergovernmental Conference and suggest appropriate lines to take.

2. As Mr Brooke mentioned to the Prime Minister last night the Irish have made an effort to be helpful on several of the matters on which Mr Brooke was pressing them, though their reaction on many issues is tardy, reluctant and conditional.

Political Development

3. On the possibility of facilitating political dialogue in Northern Ireland by agreeing a joint approach to the Unionist preconditions, Mr Collins at last gave a positive, albeit qualified, response. Mr Brooke and Mr Cope reached provisional agreement with Mr Collins and Mr Burke on an approach which may provide a credible basis for further discussion with the Unionist leaders, though the

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delay in reaching this point means that the window of opportunity is beginning to close as the 'marching season' approaches and the Northern Ireland parties (especially the Unionists) begin to look ahead to the next General Election.

4. The qualifications are the Irish view that they should be directly involved in all aspects of the talks, and that talks between the Northern Ireland parties and the Irish should start fairly soon (a matter of days) after any talks on internal political arrangements. After several exchanges the Irish Ministers accepted that the Irish Government could not be directly involved in any talks about internal political arrangements for Northern Ireland and discussion focused on other ways in which the Irish interest might be acknowledged at an early stage and in the practical arrangements for any talks.

5. Mr Collins and Mr Burke called on Mr Brooke again this morning and confirmed that Mr Haughey is content with the approach they have agreed to. The next step will be for Mr Brooke to speak to the Unionist leaders to suggest inter-party talks during a normal gap in Conference meetings; the Irish will at the same time speak to Mr Hume, and Mr Brooke will follow up with his own meeting with the SDLP.

6. The prospects of success remain mixed but the Unionists have, grudgingly and at last, accepted that in due course, and before any agreement on internal political arrangements is finalised, they will need to discuss North/South relations with the Irish but they would shy away if put to that fence too soon. In Mr Brooke's view, we and the Irish Government should seek to capitalise on the movement which has taken place in Unionist attitudes. We can accept that it should be understood from the start of any talks that all three legs of the 'triangle of relationships' (Unionist-Nationalist; Northern Ireland-Dublin; UK-Dublin) should be addressed, and possibly even arrange a formal launch for all three sets of discussions at around the same time, but there is little prospect of

any substantive discussion of North/South relations until considerable progress has been made in the inter-party discussions on internal political arrangements for Northern Ireland.

7. There may be no need for the Prime Minister to do more at her meeting with Mr Haughey than to acknowledge that useful progress has been made.

Extradition

8. Press attention has largely focused on the issue of extradition. Here the Irish accepted that the two Governments, jointly, had a problem to deal with and agreed that there should be a further examination by the two Attorneys of forthcoming cases, and an examination by officials to see what steps might be needed to prevent further problems arising. This acceptance means that we have, for practical purposes, secured the immediate objective of further work together on Finucane/Clarke/Carron problems set out in Gozney's letter of 19 April. The domestic political pressures building up in Dublin may well prove the most effective way of pressing the Irish into any necessary changes. Mr Brooke therefore suggests that the Prime Minister may wish, in addition to making the key points set out in Gozney's letter, to acknowledge the Irish commitment to further work; express the hope that this work will be speedy and achieve practical solutions to the current extradition problems; and warn that, if our fears about the effectiveness of Irish legislation proves to be realised, then we may yet need to press the Irish side for legislative change.

Security

9. The use of the territory of the Republic by the IRA both to store weapons, explosives and ammunition and as a base for mounting operations into Northern Ireland is still of great concern to us. On a range of policy matters, relationships between the RUC and the Garda are developing well; and it is important that this improvement

continues. But the political will to translate these good working relationships between the two police forces into really effective anti-terrorist measures is hesitant; and the Irish Government still refuses to countenance any direct co-operation with the British Army - who do, of course, represent the main security force presence on the ground in Northern Ireland in the areas of particular concern along the border. All this said, there were some signs at yesterday's meeting that the Irish are prepared to look again at certain proposals for increasing the effectiveness of security operations on both sides of the border; the next few months will show whether these materialise into anything really worthwhile. For the moment, I believe we should rest on the point that, as and when practical measures for increasing the effectiveness of security co-operation are identified, we expect them to be implemented straightaway.

10. Security matters affecting the confidence of the community in the security forces were discussed. An exercise conducted by the police to monitor levels of accompaniment of military patrols by the RUC was explained at length to the Irish. Limited data from this exercise, with strict conditions on confidentiality, was offered to the Irish on a six-monthly basis. They accepted this offer and Irish Ministers repeated the importance they attach to accompaniment.

11. The House of Lords' decision on compellability of witnesses at inquests was discussed, with Irish Ministers claiming that it diminished the value of inquests as a forum for resolving questions on controversial killings. Mr Brooke explained that security forces witnesses were not being treated any differently from others under the law and that the decision confirmed practice in Northern Ireland Coroners' courts over the past quarter of a century.

Economic matters

12. It was agreed that officials would work quickly on a revised joint paper for the European Commission on a submission for European

funding for cross-border economic projects. Importantly, Mr Collins agreed to provide shortly an advance copy of a paper, sponsored by the Irish Government, on the implications of 1992 for the island of Ireland. This paper could prove controversial (though we will not know until we see it) and British officials signalled that they may wish to suggest corrections and amendments to the paper.

13. I enclose a copy of the Communique issued at the end of yesterday's Conference. I am sending copies of this letter to Richard Gozney (FCO), Colin Walters (Home Office) and Juliet Wheldon (Attorney General's Office).

Yours sincerely

Maurice Patterson

M PATTERSON

ANGLO-IRISH INTERGOVERNMENTAL CONFERENCE

JOINT STATEMENT

1. A meeting of the Anglo-Irish Intergovernmental Conference was held in London on 19 April 1990. 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 for Communications. 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 Chief Constable of the RUC and the Commissioner of the Garda Siochana were present for part of the discussion.

2. Ministers reaffirmed their belief that dialogue at all levels is essential to secure political progress and an end to violence. They had a further exchange of views on the current political situation and on possible ways forward.

3. Ministers condemned recent atrocities by paramilitary organisations and reaffirmed their total rejection of any attempt to promote political objectives by violence or threat of violence. They emphasised the futility of paramilitary actions and their determination to ensure, with the fullest cooperation from the public, that those guilty of serious crimes will be brought to justice. Together with the Commissioner and Chief Constable, Ministers reviewed security cooperation, expressed satisfaction with the progress being made and agreed that where improvement was possible they would secure it.

4. Ministers also had a constructive discussion of arrangements for dealing with fugitive offenders. They instructed officials to undertake a review of the situation and report back to a future Conference.

5. The Conference discussed the question of confidence in the security forces and system of justice. They noted that the Stevens report had recently been concluded and submitted to the Chief Constable of the RUC; and they agreed to have a further discussion on this matter when the Chief Constable has provided a report to the Secretary of State.

6. Ministers considered further the question of actively developing cross-border economic cooperation with the assistance of the European Community.

7. Following the commitment in the Review to continue and expand cross-border cooperation Ministers also agreed to arrange for participation as appropriate of the responsible Ministers at future meetings of the Conference.

8. The British side also raised Irish restrictions on cross-border shopping in the light of the current case before the European Court.

IRELAND

Mtg s Taoiseach

PI21

PRIME MINISTER'S
PERSONAL MESSAGE
SERIAL No. T78A/90 subject cc Master OPS.

MESSAGE FROM THE TAOISEACH, MR CHARLES J HAUGHEY TD

TO HIS COLLEAGUES ON THE EUROPEAN COUNCIL

19 April 1990

Dear Colleague

Please find enclosed a copy of a message I have just received from President Mitterrand and Chancellor Kohl on the subjects of economic and monetary union and political union. At their request, I am circulating this message for attention to all our colleagues on the European Council.

Yours sincerely

Taoiseach

The Rt Hon Mrs Margaret Thatcher MP FRS
Prime Minister
No 10 Downing Street
London SW1

Translation

Message from the President of the French Republic, Francois Mitterrand, and the Chancellor of the Federal Republic of Germany, Helmut Kohl, to the Prime Minister of Ireland and President-in-Office of the European Council, Charles Haughey

Dear Prime Minister

You have taken the initiative and convened an extraordinary meeting of the European Council for 28 April. We sincerely thank you for this. You envisage two agenda items: German unification and its consequences for the Community as well as relations between the Community and the other European countries, especially Central and Eastern European countries.

In the light of the far-reaching changes in Europe and in view of the completion of the single market and the realization of economic and monetary union, we consider it necessary to accelerate the political construction of the Europe of the Twelve. We believe that it is time "to transform relations as a whole among the member states into a European Union ... and invest this union with the necessary means of action", as envisaged by the Single Act.

With this in mind, we would like to see the European Council deciding as follows on 28 April:

1. The European Council should ask the competent bodies to intensify the preparations for the intergovernmental conference on economic and monetary union, which will be opened by the end of 1990 at the invitation of the Italian presidency, as decided by the European Council in Strasbourg.

2. The European Council should initiate preparations for an intergovernmental conference on political union.

   In particular the objective is to

   - strengthen the democratic legitimation of the union,
   - render its institutions more efficient,
   - ensure unity and coherence of the union's economic, monetary and political action,
   - define and implement a common foreign and security policy.

The Foreign Ministers should be instructed to prepare an initial report for the meeting of the European Council in June and to submit a final report to the European Council meeting in December. We wish the intergovernmental conference on political union to be held parallel to the conference on economic and monetary union.

/...

3. Our aim is that these fundamental reforms - economic and monetary union as well as political union - should enter into force on 1 January 1993 after ratification by the national parliaments.

The Foreign Ministers of the French Republic and the Federal Republic of Germany, Roland Dumas and Hans-Dietrich Genscher, will present these ideas for discussion at the forthcoming informal meeting of the Council of Ministers (General Affairs) on 21 April.

We would be grateful if you could transmit this message to the other members of the European Council.

Accept, Mr Prime Minister, the assurances of our highest consideration, and of our kind regards.

Francois Mitterrand

Helmut Kohl

19.6.
A130

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cc PC

AMBASÁID NA hÉIREANN, LONDAIN.

IRISH EMBASSY, LONDON.

17 Grosvenor Place

SW1X 7HR

c.c. FCO
Treasury
Cabinet Office
DTI

e rehm
CBOT 19/4.

19 April 1990

Dear Private Secretary

I have been asked by An Taoiseach, Mr Charles J Haughey TD, to forward to the Prime Minister, The Rt Hon Mrs Margaret Thatcher MP FRS, the enclosed text of a letter which he has received from President Mitterrand and Chancellor Kohl.

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

Yours sincerely

Andrew O'Rourke
Ambassador

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

Enc

Ref. A090/922

MR POWELL

C000 19/4.

Prime Minister's Meeting with the Taoiseach

Mr Nally rang me this afternoon, with a message that the Taoiseach hoped that his meeting with the Prime Minister could concentrate on the forthcoming European Council. He recognised that the Prime Minister would probably wish to say that Anglo-Irish matters had also been raised, but he hoped that this could be confined to two or three sentences at the end of the meeting and an agreed addition to the press statement.

2. I said that I would pass this message on, although I could of course give no undertaking that the Prime Minister would be prepared to go along with it. I did however say that if I received a counter indication, I would warn Mr Nally to that effect.

R.R.B.

ROBIN BUTLER

19 April 1990

Foreign and Commonwealth Office

RESTRICTED London SW1A 2AH

19 April 1990

Dear Charles,

Prime Minister's Talk with Mr Haughey: Multi-lateral Issues

The Taoiseach will visit London for talks with the Prime Minister on Friday 20 April as part of his tour of EC capitals in preparation for the 28 April informal summit. The tour concludes next week with Lisbon, Madrid and Athens.

Mr Haughey's original agenda for 28 April was to discuss the implications for the Community of developments in Central and Eastern Europe, in particular progress towards German unification, and to prepare for the CSCE Summit. Under pressure from the Italians, French and others, he has since spoken of widening the agenda. In a speech to Fianna Fail on 7 April he described his 28 April objectives as:

- to decide on arrangements for the smooth integration of a united Germany into the Community;
- to outline a framework for the Community's relations with Eastern Europe;
- to confirm the commitment to EMU; and
- to make a positive statement on 'political union' and consider holding a second IGC.

A UK objective clearly is to keep the meeting focussed as closely as possible on his original agenda.

Germany

The Prime Minister may like to brief Mr Haughey on her discussions with Chancellor Kohl. If Mr Haughey expresses interest in the non-EC aspects she might say that:

- we welcome the formation of the GDR government, and hope to press on quickly with the 2 + 4 process;

- we, and NATO Allies, believe a united Germany in NATO is the best solution for all. It is important to have Germany securely bound in to a European security framework;

- in the Western Four, we have concentrated on arrangements for defence of the former GDR. Full application of

/Articles

Articles V and VI of NATO Treaty must be the starting point. There may have to be a transition period for Soviet forces remaining on the territory of the ex-GDR post unification;

- we see forthcoming EC (and NATO) meetings as providing further opportunities for exchanges of views: 2 + 4 forum is not meant to exclude others from discussion of issues relevant to their interests.

The 28 April discussion of the EC aspects of unification will be on the basis of a Commission paper addressing the period before unification and the transitional arrangements which may be needed after unification.

The Commission are alert to the need to monitor investment, state aids, and GDR trade before unification. They accept the principle that the EC acquis should apply to the GDR from unification. There are two unwelcome suggestions: that there might be an EC special assistance fund for the GDR before unification; and that additional resources might be needed for the structural funds allocation before 1993, to cope with demands from the ex-GDR after unification.

There is broad consensus in the Community on how to handle the German negotiations. The Prime Minister may wish to emphasise that:

- handling the EC aspects of German unification remains the principal reason for convening this Summit. There is a good prospect of agreement at Dublin on the right procedures;

- the Commission paper sounds as if it is a useful initial survey of the issues. But at Dublin we should avoid discussion of detail: our objective is agreement on the procedures to be followed;

- the Summit should not attempt to itemise the negotiating agenda. It is for the Germans to identify what derogations they think necessary and put these to the Community;

- the negotiations of substance should start soon. They should be transparent and involve the full Council at all stages, not just when amendments to EC law are required;

- the Community should seek measures to open up investment and trade opportunities in the GDR and to minimise distortion of trade both before and after unification.

/Mr Haughey

Mr Haughey may refer to the fact that the GDR will be eligible for an allocation under the Structural Funds after unification. The Prime Minister will want to make clear that no decisions on this are possible in the absence of accurate statistics; but we do not favour an allocation of new resources before 1993.

EMU

Mr Haughey is unlikely in practice to want substantive discussion at Dublin of the preparations for the EMU IGC, on which work is in hand in ECOFIN. While the French and others have proposed bringing forward the start date of the IGC on EMU, this no longer seems a serious risk: Kohl's opposition remains firm. More serious is the risk of a proposal at the Summit (eg from the Italians) to set an end date of June 1991. But we shall have some support (eg Netherlands, Luxembourg, and probably the FRG) in arguing against this. The Prime Minister will want to argue against setting an artificial end date which could prove a self-inflicted wound. It will be important to get the substance right: if getting it right means taking an extra month or two, would we really want press and public to regard that as a setback, and a minor delay as a major defeat?

CSCE

The Prime Minister might suggest to Mr Haughey that the 28 April meeting be used to identify the Twelve's objectives for the 1990 CSCE Summit. In her Königswinter speech of 29 March, the Prime Minister highlighted UK objectives for the Summit:

- to strengthen democratic structures and the rule of law throughout Europe, and to incorporate the UK/US proposal on free elections;

- to promote conciliation machinery within CSCE to resolve disputes (we have circulated a draft proposal among the Twelve) and to reaffirm the Helsinki Final Act's principles on frontiers;

- to be the occasion for CFE signature and to look ahead to next steps in arms control in Europe;

- to stimulate East/West economic cooperation, and give further impetus to market-oriented economic reforms;

- to set a new rhythm of more intensive political consultation among the participating states.

Most of our EC partners would be able to subscribe to all these goals. Agreement on them at Dublin would be useful, and the prospect could be attractive to Mr Haughey as an eye-catching summit 'achievement'.

/EC

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EC/Eastern Europe

The Commission circulated on 18 April the latest version of its paper on Association Agreements with East European countries. It draws heavily on our ideas, as first circulated in our pre-Strasbourg paper. The Prime Minister may like to say that:

- The Commission has done well on Eastern Europe since the Strasbourg European Council. Trade and Cooperation Agreements have been finalised with all but Romania, and aid initiatives are being effectively implemented;

- A public statement on 28 April that the Community is determined to develop dynamic new Association Agreements with Eastern Europe, and that heads of governments have commended Commission proposals and asked for further rapid work, would make an impact.

EBRD

Mr Haughey, over-ruling his officials' advice, has decided not to pursue the Irish bid for Dublin as the site for EBRD. Formally, decisions on site and Presidency will be made by G42 Ministers at the end of May, but prior EC decisions on either issue would probably prevail. The Prime Minister may wish to say that:

- matched against any other candidate site, London should win on practical grounds. Siting EBRD in London would maximise its effectiveness;

- we need to settle Community decisions on site and Presidency before the wider end-May Ministerial meeting. If the Community speaks with one voice, that voice will prevail.

- decisions on EBRD (not an EC institution) should not be held up while the Community considers sites for its new Environment Agency, Training Foundation, and Trade Marks Office, or by French concerns over the site of the European Parliament;

- but there is a link to the other EC institutions. Whichever member state secures the EBRD should withdraw its candidate sites for other institutions.

Mr Haughey may indicate how he proposes to handle discussion on 28 April. He told M. Delors that the afternoon might be given over to discussion of a Conclusions text. The Prime Minister may want to question this. The time for substantive discussion is short, and should not be further curtailed: brief, informal Conclusions are in any case all that is needed.

/You

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You already have the Foreign Secretary's suggestions on how discussion of non-EMU EC institutional reform might be handled. Advice on Anglo-Irish and Northern Ireland issues has been sent separately.

I am copying this letter to the Private Secretaries of members of OD(E) and to Sonia Phippard (Cabinet Office).

Yours ever,

Richard Gozney

(R H T Gozney)
Private Secretary

C D Powell Esq
10 Downing Street

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Foreign and Commonwealth Office

London SW1A 2AH

CONFIDENTIAL

19 April 1990

Dear Charles,

Prime Minister's Meeting with the Taoiseach, 20 April: Bilateral Issues

I have sent to you separately briefing on the Community issues for the Prime Minister's meeting with Mr Haughey on 20 April. Bilateral relations have been under strain recently, and it is likely that some time will be spent on them. We suggest that the Prime Minister should concentrate on political development and extradition. Your letter of 30 March to Stephen Leach indicated that the Prime Minister would be ready to raise the former if no satisfactory progress had been made by the time of the meeting.

There will be a meeting of the Conference on 19 April, at which both issues will be discussed. NIO will brief you on the outcome, with late advice on the line to take, before the Prime Minister's meeting with Mr Haughey.

On political development Mr Brooke's aim on 19 April is to secure Irish support for his efforts to facilitate political development. The background is set out in his minute of 28 March. If Mr Collins does not respond positively at the Conference Mr Brooke will express disappointment but explain that he has a duty to respond to the needs of the people of Northern Ireland, and make clear that the Government intends to seek alternative ways forward.

/Since he

Since he minuted the Prime Minister on this subject, the Northern Ireland Secretary visited Dublin on 6 April and met the Taoiseach and Mr Collins. He established that the Irish understood our proposals and secured an undertaking that he would be given a definite answer on 19 April. Mr Collins emphasised that the door was not closed. Mr Haughey however sought to establish a link between the Irish Government's response and the reception which he received during his visit to Belfast (in an EC capacity) on 11 April. His justification for this linkage was that if Unionists were serious about wanting to make progress and accepted the need for the Irish to be involved in certain aspects of the discussion at an appropriate stage, they would show restraint over his visit. Mr Brooke denied the validity of any such linkage. In the event the visit went smoothly, with no serious trouble from the few hundred demonstrators led by Dr Paisley.

On extradition key points will be that both countries are committed to ensuring fair and effective extradition arrangements; that the recent Supreme Court judgments call into doubt the effectiveness of the present arrangements; and that we cannot rely (as Mr Haughey has suggested) on the Irish ratification of the European Convention on the Suppression of Terrorism in relation to future cases, since the relevant Irish act confines Irish ratification to a narrower range of crimes than our own, and excludes such offences as possession with intent.

At the Conference Mr Brooke will be seeking political endorsement from the Irish of the need for further work by British and Irish officials to identify ways of remedying the problems (not forgetting the other deficiencies in Irish extradition procedures to which we have already drawn attention). Mr Brooke may allude to proposals to close the loopholes created by the Finucane/Clarke judgment over both the return of escaped prisoners and the political defence. Mr Haughey and Mr Collins are likely not only to emphasise the difficulty of legislation, but also to stress the potential use of extraterritorial jurisdiction. While we do not exclude the latter, it is not a total answer.

/Recent

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Recent decisions of the Irish Supreme Court not only on extradition but also in the McGimpsey case, have aroused considerable unease in the Republic. Fine Gael has gone so far as to propose legislation to restore the position on the former. The Government's coalition partners are pressing for change. Mr Haughey's problems lie partly with his own party. The climate in the Republic generally is therefore potentially helpful.

I am sending copies of this letter to Stephen Leach (Northern Ireland Office) and Colin Walters (Home Office).

Yours ever,

Richard Gozney

(R H T Gozney)
Private Secretary

C D Powell Esq
10 Downing Street

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INFO PRIORITY SOFIA, BELGRADE
INFO ROUTINE OTTAWA, OSLO, STOCKHOLM, HELSINKI, ANKARA, HOLY SEE
INFO SAVING STRASBOURG

POLITICAL COMMITTEE: DUBLIN, 19-20 APRIL: LITHUANIA

SUMMARY

1. ANIMATED DISCUSSION, WITH SPAIN, ITALY, FRG AND OTHERS SEEKING TO AVOID CONSIDERATION OF ANY MEASURES IN RESPONSE TO SOVIET ACTIONS. POLITICAL COMMITTEE TO PREPARE POSSIBLE STATEMENT FOR ADOPTION BY MINISTERS ON 21 APRIL. DECISION TO CONVENE WORKING GROUP ON 25 APRIL TO REVIEW THE OVERALL SITUATION AND OPTIONS FOR ACTION. POSSIBLE RECOMMENDATION TO MINISTERS FOR TWELVES VIEWS TO BE CONVEYED DIRECT BY PRESIDENCY TO MOSCOW AND SEPARATELY THROUGH THE DANES TO THE LITHUANIANS.

DETAIL

2. MURPHY (PRESIDENCY) SAID THAT THE TWELVE HAD ALREADY MADE TWO STATEMENTS ON 24 MARCH AND 4 APRIL. THE UK HAD PROPOSED A FURTHER STATEMENT BEFORE EASTER. SINCE THEN THE SITUATION HAD BECOME CONSIDERABLY MORE SERIOUS. THREE OF THE FOUR GAS PIPELINES INTO LITHUANIA HAD BEEN CLOSED AND ALL SUPPLIES OF CRUDE OIL CUT OFF. AGAINST A BACKGROUND OF TWO STATEMENTS CALLING FOR RESTRAINT, THIS CALLED FOR AN EVEN FIRMER EXPRESSION OF SERIOUSNESS WITH WHICH THE TWELVE REGARDED THE SITUATION. HE CIRCULATED A DRAFT STATEMENT (MIFT, NOT TO ALL) NOTING THAT IT DIFFERED FROM EARLIER ONES WHICH CALLED FOR RESTRAINT ON BOTH SIDES IN THE DISPUTE, IN THAT IT FOCUSSED ON SOVIET ACTIONS AND NOTED THAT THE TWELVE'S POLICY WOULD BE KEPT UNDER CONTINUOUS REVIEW. HE SUGGESTED THAT FOREIGN MINISTERS MIGHT ADOPT THE STATEMENT ON 21 APRIL. FINALLY, HE PROPOSED TO CONVENE A WORKING GROUP MEETING ON 25 APRIL TO REVIEW POLICY OPTIONS: SOME COUNTRIES WOULD NO DOUBT WISH TO SEND ECONOMIC OFFICIALS.

3. WESTON(UK) SAID THAT WE WERE LESS CONVINCED THAN A FEW DAYS AGO ABOUT THE CASE FOR A FURTHER STATEMENT BY THE TWELVE , BUT AGREED IT WOULD BE USEFUL TO HAVE SOMETHING ON A CONTINGENCY BASIS FOR 21 APRIL OR THE SPECIAL EUROPEAN COUNCIL MEETING ON 28 APRIL. THE POSSIBILITY OF A DEMARCHE TO THE SOVIETS SHOULD BE CONSIDERED: THIS COULD PROVIDE FURTHER BREATHING SPACE , SINCE MINISTERS COULD CONFINE THEMSELVES IF THEY WISHED TO SAYING ONLY THAT ACTION WAS IN HAND THROUGH THE DIPLOMATIC CHANNEL.

4. THE TWELVE SHOULD IN THE MEANTIME CONSIDER OPTIONS FOR ACTION IF THE SITUATION DETERIORATED. NOBODY WISHED TO JEOPARDISE THE IMPORTANT STAKES IN EAST/WEST RELATIONS REALISED OVER THE PAST MONTHS. BUT IT WOULD BE INCREASINGLY DIFFICULT TO SIT BACK AND DO NOTHING IF COERCION CONTINUED. THE TWELVE SHOULD NOW REVIEW POSSIBLE ACTIONS CONCENTRATING ON ECONOMIC/COMMERCIAL AREAS SINCE THESE CORRESPONDED TO THE FORM OF SOVIET PRESSURE SO FAR EMPLOYED AGAINST LITHUANIA. EXAMPLES WHICH HAD OCCURRED TO THE UK INCLUDED:

(I) POSTPONING THE SCHEDULED MEETING OF THE JOINT COMMISSION UNDER THE EC/USSR TRADE AND COOPERATION AGREEMENT IN EARLY MAY:
(II) BEING LESS FORTHCOMING OVER NEW ARRANGEMENTS WITH THE OECD FOR THE SOVIET UNION TO TAP INTO OECD ECONOMIC EXPERTISE:
(III) WITHDRAWING OR POSTPONING WESTERN AGREEMENT TO SOVIET OBSERVER STATUS IN GATT:
(IV) POSTPONING SIGNATURE OF THE EBRD ARTICLES OF ASSOCIATION ON 31 MAY OR EVEN CONCLUDING SIGNATURE WITHOUT SOVIET PARTICIPATION (THOUGH THIS WOULD BE HIGH PROFILE):
(V) SEPARATELY FROM THE ECONOMIC LIST, RAISING SOVIET ACTION AGAINST LITHUANIA AS A BROAD HUMAN RIGHTS ISSUE UNDER THE CDH MECHANISM OR AT THE FORTHCOMING COPENHAGEN MEETING: EXAMINING WHETHER THERE WAS ANY CASE UNDER PRINCIPLES 7 OR 8 OF THE HELSINKI FINAL ACT,BEARING IN MIND SOVIET HOPES FOR A HUMAN RIGHTS MEETING IN MOSCOW IN 1991.

5. FINALLY, WE SHOULD REEXAMINE OUR CHANNELS FOR CONTACT WITH THE LITHUANIANS. THIS SHOULD NOT CONSTITUTE RECOGNITION. BUT THERE WAS A CONTRADICTION BETWEEN OUR SAYING THAT THE LITHUANIANS WERE ACTING NAIVELY AND COUNTER-PRODUCTIVELY, AND YET DENYING OURSELVES ALL OPPORTUNITIES TO GIVE THEM BETTER ADVICE.

6. BRUUN (DENMARK) SUPPORTED THE IDEA OF HAVING A STATEMENT READY FOR ISSUE ON 21 APRIL. THERE WOULD BE LITTLE USE IN MINISTERS MERELY SAYING THAT THEY HAD AGREED ON A DEMARCHE: IN ANSWER TO PRESS ENQUIRIES THEY WOULD EITHER HAVE TO RESPOND WITH THE SUBSTANCE OF A STATEMENT OR GIVE DETAILS OF THE DEMARCHE WHICH SHOULD REMAIN

CONFIDENTIAL. HE NOTED THAT PREVIOUS STATEMENTS HAD NOT ACHIEVED THE SOVIET RESPONSE WHICH WE HAD HOPED FOR , DESPITE LITHUANIAN CONCESSIONS: AND THE SITUATION COULD DETERIORATE FURTHER. THERE WAS A CONSIDERABLE DEGREE OF INTER-DEPENDENCE WITH OTHER REPUBLICS IN OIL AND GAS SUPPLIES AND WE COULD NOT RULE OUT THE SOVIET MILITARY SEIZING THE LITHUANIAN INSTALLATIONS IN ORDER TO MAINTAIN SUPPLIES TO THOSE REPUBLICS.

7. HE NOTED THAT MRS PRUNSKIENE AND HER QUOTE FOREIGN MINISTER UNQUOTE WERE VISITING COPENHAGEN ON 21 - 22 APRIL: ELLEMANN-JENSEN WOULD BE ABLE TO SEE THEM BEFORE LEAVING FOR THE FOREIGN MINISTERS' MEETING IN DUBLIN AND AGAIN ON RETURN AFTERWARDS. HE COULD THEREFORE CONVEY BOTH LITHUANIAN VIEWS TO THE TWELVE, AND THE TWELVE'S VIEWS TO THE LITHUANIANS.

8. PERPINA (SPAIN) SAID THE PRINCIPLE OF A STATEMENT WAS ACCEPTABLE. BUT WHILE WE ALL SYMPATHISED WITH LITHUANIAN AIMS WE SHOULD NOT JEOPARDISE THE FUTURE OF GORBACHEV, PERESTOIKA AND EAST/WEST RELATIONS. THERE WAS AS YET NO CONSENSUS IN THE USSR TO ALLOW SECESSION. GORBACHEV HAD LITTLE OR NO ROOM FOR MANOEUVRE: WHEN JARUZELSKI HAD ASKED HIM WHAT HE WOULD DO ABOUT LITHUANIA HE HAD SAID THAT, FRANKLY, HE DID NOT KNOW. THERE WAS GENERAL PESSIMISM IN THE SOVIET DELEGATION AT THE CFE. PERPINA SPOKE IN APOCALYPTIC TERMS OF THE MOOD OF THE SOVIET ARMED FORCES AND THE POSSIBILITY OF A COUP. WE SHOULD NOT PUT GORBACHEV UNDER FURTHER PRESSURE: THE STRUCTURE AND STABILITY OF THE USSR WERE AT STAKE.

9. MURPHY SAID THAT THE TWELVE'S SENSITIVITY OVER THE TERMS OF EARLIER STATEMENTS HAD BEEN DUE PRECISELY TO THESE CONSIDERATIONS. BUT A LIMT HAD BEEN CROSSED AND WE MUST RECONSIDER WHETHER OUR APPROACH WAS ADEQUATE. WE DID NOT WISH OUR RELATIONS WITH THE USSR TO DETERIORATE BUT IT WOULD NOT HELP TO AVOID THIS IF WE DID NOT MAKE CLEAR WHERE THE BOUNDARIES OF WHAT WAS TOLERABLE WERE DRAWN.

10. DE LACOSTE(FRANCE) AGREED IN PRINCIPLE TO THE PRESIDENCY DRAFT STATEMENT : MINISTERS SHOULD DECIDE ON 21 APRIL WHETHER TO ISSUE IT. IF THERE WERE A DEMARCHE TO THE SOVIETS, IT WAS NECESSARY FOR A CLEAR MESSAGE TO GO OUT IN PARALLEL TO THE LITHUANIANS. HE WELCOMED DISCUSSION ON POLICY OPTIONS AT THE WORKING GROUP ON 25 APRIL.

11. PERLOT (ITALY) AGREED WITH PERPINA. SHEVARDNADZE HAD TOLD DE MICHELIS THAT ECONOMIC MEASURES AGAINST THE LITHUANIANS WOULD BE GRADUATED AND IN THE NATURE OF A WARNING. PERLOT COULD AGREE TO MINISTERS ISSUING A STATEMENT ON 21 APRIL BUT WAS NOT SURE THAT A

DEMARCHE WOULD SERVE A USEFUL PURPOSE. AND HE RESERVED HIS POSITION ON A MEETING OF THE WORKING GROUP: IT WAS TOO LATE FOR CONTINGENCY PLANNING AND MINISTERS THEMSELVES SHOULD DECIDE ON WHAT (IF ANY) MEASURES WERE NECESSARY. VAN LOOCKE (BELGIUM) SAID THAT WE HAD TO MAKE CLEAR THAT THE SOVIETS HAD CROSSED CLEARLY DEFINED LIMITS. WE ALL KNEW THE WIDER STAKES BUT WE SHOULD NOT BE TOO TIMID. MINISTERS SHOULD CERTAINLY ISSUE A STATEMENT : THE ABSENCE OF ONE WOULD ASTONISH PUBLIC OPINION. HE WELCOMED THE MEETING OF THE WORKING GROUP BUT IT SHOULD NOT LIMIT ITSELF TO CONSIDERING MEASURES AGAINST THE SOVIETS.

12. KASTRUP(FRG) SAW NO PROBLEM WITH A STATEMENT , ALTHOUGH THIS WAS A MATTER FOR MINISTERIAL DECISION: NOR DID HE OBJECT TO A QUOTE NORMAL UNQUOTE MEETING OF THE WORKING GROUP BUT COULD NOT AGREE TO IT BEING CONVOKED EXPLICITLY TO CONSIDER MEASURES AGAINST THE SOVIETS. VAN WALSUM (NETHERLANDS) SAID HE HAD NO PROBLEM WITH THE STATEMENT AS SUCH EXCEPT THAT QUOTE PRINTING STATEMENTS IS LIKE PRINTING MONEY: THE MORE YOU PRINT THE LOWER THE VALUE UNQUOTE. ECONOMIC ACTIONS WERE THE ONLY ONES WHICH WERE NOTICED IN MOSCOW. POSTPONING THE EC/USSR JOINT COMMISSION WOULD BE A VERY MODEST STEP.

13. EXARCHOS (GREECE) AGREED WITH PERPINA AND PERLOT: QUOTE SANS GORBACHEV LES BALTES SERONT FOUTUS UNQUOTE. HE WOULD PREFER A CONFIDENTIAL DEMARCHE TO THE SOVIETS TO A PUBLIC STATEMENT. KASEL (LUXEMBOURG) SAID THAT SMALL COUNTRIES HAD SPECIAL SENSITIVITIES OVER THE ISSUE. LUXEMBOURG COULD NOT AGREE THAT THE LITHUANIAN SHOULD BE SACRIFICED TO PERESTROIKA IN THE NEXT FORTNIGHT, AND THAT BUSINESS SHOULD THEN CONTINUE AS USUAL. THE SOVIETS MIGHT HAVE TOLD PERLOT THAT THEY DID NOT KNOW WHAT TO DO - BUT THEY HAD DONE IT. THEY HAD NOT TAKEN DELAYING ACTION TO ALLOW TIME FOR THOUGHT. HIS FOREIGN MINISTER WOULD INSIST THAT THE MEETING ON 21 APRIL TAKE ENOUGH TIME OVER THIS ISSUE TO REACH ACCEPTABLE CONCLUSIONS - HOWEVER LONG THIS TOOK. THE TWELVE SHOULD CONSIDER POSITIVE ECONOMIC HELP FOR THE LITHUANIANS, AND EVEN BREAKING THE SOVIET ECONOMIC BLOCKADE. HE SUSPECTED THE FRENCH SAW THE WORKING GROUP AS A DEVICE FOR DELAY. (DE LACOSTE DENIED THIS).

14.BURGHARDT(COMMISSION) SAID THAT THE PROPOSAL TO POSTPONE THE EC/SOVIET JOINT COMMISSION INVOLVED A DOUBLE PROBLEM OF COHERENCE: (1) THE TWELVE WERE PROPOSING INTERRUPTING EC ECONOMIC COOPERATION WITH THE USSR,BUT WHAT WERE THEY DOING BILATERALLY? AND (11) IF THEY WERE PROPOSING THAT AN ECONOMIC MEETING ON 10 MAY SHOULD BE POSTPONED FOR POLITICAL REASONS WHAT ABOUT THE MEETING OF TROIKA POLITICAL DIRECTORS WITH THE SOVIETS ON 11 MAY?

THE EC/USSR TRADE AGREEMENT HAD BEEN SIGNED IN DECEMBER WITH GREAT ECLAT:TO POSTPONE THE JOINT COMMISSION BE A VERY NEGATIVE SIGNAL.TO KEEP THE MEETING COULD,ON THE CONTRARY,BE A WAY OF CONVEYING TO THE SOVIETS A POWERFUL MESSAGE THAT THEY SHOULD PURSUE DIALOGUE AND MODERATION.HE ADDED THAT THE MEETING OF THE WORKING GROUP COULD HAVE A VERY USEFUL AGENDA:IT COULD FOR EXAMPLE EXAMINE THE POSSIBILITIES WITHIN THE SOVIET LEGAL FRAMEWORK OF LITHUANIA HAVING EXTERNAL ECONOMIC CONTACTS.

15. MACEDO(PORTUGAL) SAID THAT THERE WAS A RISK OF LOSING EVERYTHING IF WE FOLLOWED OUR PRINCIPLES BLINDLY.HE HAD NO PROBLEMS ABOUT CONVEYING A WORKING GROUP MEETING BUT IT SHOULD BE AN ENTIRELY NORMAL ONE.WE SHOULD NOT RUSH INTO CONSIDERING MEASURES AGAINST THE SOVIETS:PREVIOUS EXPERIENCE HAD SUGGESTED THAT IT WAS AFTERWARDS VERY DIFFICULT TO RECOVER LOST GROUND.

16. MURPHY SUMMED UP THAT THE COMMITTEE:
(1) PREPARE A DRAFT STATEMENT TO MINISTERS FOR POSSIBLE ADOPTION ON 21 APRIL:
(11) THAT THIS BE CONVEYED DIRECT BY THE PRESIDENCY TO THE SOVIET AUTHORITIES,WHICH WOULD GO SOME WAY TOWARDS THOSE WHO WISHED FOR A FORMAL DEMARCHE:
(111) CONVENE THE EAST EUROPEAN WORKING GROUP ON 25 APRIL TO REVIEW THE SITUATION AND THE TWELVE'S POLICY:
(1V) NOTE THAT MEMBER STATES WITH CONTACTS WITH THE LITHUANIANS WOULD CONVEY THE TWELVE'S VIEWS DIRECT TO THEM.

17. PERLOT AND PERPINA ACKNOWLEDGED,WITH BAD GRACE,THAT THE PRESIDENCY HAD THE RIGHT TO CONVENE A WORKING GROUP BUT OPPOSED ANY DISCUSSION OF MEASURES AGAINST THE SOVIETS.MURPHY SAID THAT HE HAD DELIBERATELY NOT SET THE WORKING GROUP A PRECISE AGENDA.CONSENSUS WAS IMPOSSIBLE ON ANY OTHER BASIS.

18. WESTON ADDED THAT WE WERE ALL AWARE OF THE WIDER STAKES AND MINISTERS ALONE WOULD OF COURSE DECIDE.BUT THE POLITICAL COMMITTEE WOULD LOOK RIDICULOUS IF IT WERE TO STRAIN AT THE GNAT OF LETTING A WORKING GROUP GET ON WITH A SENSIBLE REVIEW OF OPTIONS IN THE CIRCUMSTANCES.HE WOULD HAVE PREFERRED THE PRESIDENCY CONCLUSIONS TO REFER EXPLICITLY TO THE WORKING GROUP'S EXAMINING 'OPTIONS FOR ACTION'WITHOUT PREJUDICE.THE US WAS PUBLICLY REVIEWING ITS OPTIONS OVER ASPECTS OF US/SOVIET RELATIONS WHICH HAD JUST AS MUCH 'ECLAT' AS THE EC/SOVIET JOINT COMMISSION.FINALLY,THE DANISH FOREIGN MINISTER'S CONTACTS WITH THE LITHUANIANS PROVIDED A VALUABLE OPPORTUNITY,HE COULD CONVEY A SEPERATE MESSAGE TO THE LITHUANIANS OR ONE COULD ADD A

CALL FOR LITHUANIAN RESTRAINT TO THE PROPOSED STATEMENT,WHICH WOULD THUS BE MORE BALANCED.

19. VAN WALSUM(NETHERLANDS) AND WESTON URGED THE PRESIDENCY TO ENSURE THAT THE AMERICANS(AND JAPAN IF POSSIBLE) WERE FULLY AND PROMPTLY BRIEFED ON THE POLITICAL COMMITTIES DISCUSSION,SO THAT THEY HAD A CHANCE TO CONSULT OR COMMENT BEFORE THE EPC MINISTERIAL ON 21 APRIL.THIS WAS AGREED.WESTON SUBSEQUENTLY BRIEFED HM EMBASSY WASHINGTON BY PHONE ON THE GIST OF THE FOREGOING.

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MIPT:POLITICAL COMMITTEE:DUBLIN,19-20 APRIL:LITHUANIA

1. FOLLOWING IS THE TEXT OF THE PRESIDENCY DRAFT STATEMENT.MURPHY INDICATED WILLINGNESS TO RECEIVE COMMENTS AND SUGGESTIONS BEFORE 21 APRIL.
BEGINS

THE TWELVE EXPRESS THEIR SERIOUS CONCERN AT THE ECONOMIC MEASURES RECENTLY INTRODUCED BY MOSCOW IN RELATION TO LITHUANIA.THEY BELIEVE THAT MEASURES OF A COERCIVE NATURE CAN MAKE NO CONTRIBUTION TO THE SEARCH FOR A SOLUTION THROUGH DIALOGUE.THEY UNDERLINE THE OBLIGATION TO EXERCISE MAXIMUM RESTRAINT AND TO AVOID ACTIONS THAT CAN ONLY LEAD TO A FURTHER DETERIORATION OF THE SITUATION.THE TWELVE ARE FIRMLY OF THE VIEW THAT AN OUTCOME ACCEPTABLE TO ALL MUST BE SOUGHT AND THAT THIS IS POSSIBLE ONLY BY MEANS OF DISCUSSION.THEY CALL ON ALL CONCERNED TO SUSPEND MEASURES WHICH ARE INCONSISTENT WITH THIS OBJECTIVE.IN VIEW OF THEIR SERIOUS CONCERN AT THESE DEVELOPMENTS,THE TWELVE INTEND TO KEEP THE SITUATION UNDER CONTINUOUS REVIEW.
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PRIME MINISTER

MEETING WITH THE TAOISEACH

You are to have a talk with the Taoiseach tomorrow afternon. He is coming as President of the European Council, principally to talk about the meeting on 28 April. You may want to raise some bilateral issues as well - depending on the outcome of the Anglo-Irish Conference taking place today - but it would be best to do this briefly at the end of the meeting.

European Issues

The meeting in Dublin is rapidly assuming the attributes of a third European Council, rather than the sort of informal meeting held in Paris last Autumn. You will meet in regular session round a table: the notetakers will, as usual, be in a separate room: there are most of the other appendages of a normal European Council (like large delegations): and Mr. Haughey seems to envisage spending most of the afternoon on the drafting of conclusions. It's a bit of a pity, but there's no point in making a fuss about it - although you might stress that only informal conclusions should be necessary.

The original purpose of the meeting was to decide on absorbing East Germany into the European Community. You will want to make clear that, so far as you are concerned, this remains the main business of the day. You will want to be satisfied: that a proper procedure is agreed: that negotiations of substance will start soon: that the necessary measures to minimise distortion of trade between East Germany and the Community both before and after unification will be taken: and that we all accept that Germany pays the costs of unification. On this last point, we cannot envisage any allocation of new resources to East Germany under the Structural Funds at least until after 1993.

The second purpose of the Council should be to consider relations with Eastern Europe. The Commission has apparently produced a further paper on this, which draws heavily on the ideas which you circulated before the Strasbourg Council. It would be useful if

Community proposes to proceed with new Association Agreements with Eastern Europe.

In this same context, the meeting ought discuss the site and Presidency of the European Bank for Reconstruction and Development. Although decisions can only be taken in the wider Group of Twenty-four, the Community needs to decide its own position. You will wish to argue the case for London as the site. Mr. Haughey may be reluctant to get into this, but it will be your only opportunity to get our case on the record with your fellow European Heads of Government.

On the subject of East/West relations, you might suggest to Mr. Haughey that the 28 April Meeting should begin to consider the Twelve's objectives for the 1990 CSCE Summit, on which you put forward ideas in your Königswinter speech. Heads of Government ought also to have an exchange of views on Lithuania, and consider how the Twelve should respond to the action taken by the Soviet Union.

There should be no pressing need to deal with EMU issues. The Intergovernmental Conference will start in December. You should make clear to Mr. Haughey that you will be very resistant to any attempt to set an end-date for its work. You might point out that we all took account of Chancellor Kohl's electoral considerations in deciding on the starting-date: you expect others to take account of your electoral considerations when it comes to the end-date. There is a well-established tradition in the Community of respecting each other's electoral exigencies.

In view of the joint message from Mitterrand and Kohl, there will inevitably be discussion about the idea of a special Intergovernmental Conference on "political union". You will want to argue strongly to Mr. Haughey that it is premature to try to reach agreement on another IGC. The Community has at least six other major priorities to cope with first. If others insist that they want to look at institutional reform, we would have suggestions of our own to contribute, and they would be very different from the sort of ideas tabled by the Belgians and

others. But it would be wrong to try to bounce us into agreement in Dublin to hold an IGC. The matter should be given to Foreign Ministers to discuss in the first instance, and they can report to the December European Council on whether an IGC would be right.

Bilateral Issues

There are two main bilateral issues on which you should touch. But I would not press either very hard at this meeting.

The first is extradition. The recent Supreme Court judgements in Ireland make clear that the present extradition arrangements are not effective: and we cannot rely on the Irish ratification of the ECST to make sure that future cases come out right, since Irish ratification is confined to a narrower range of crimes than our own. Mr. Brooke will be proposing that British and Irish officials get together to identify ways of remedying the problems. This seems likely to require fresh legislation in the Republic.

You may also need to say a word about Mr. Brooke's plans for political development in Northern Ireland. But this will depend on the outcome of the Anglo/Irish Conference today.

You will find in the folder:

- FCO note on EC issues;
- FCO note on bilateral issues;
- Foreign Secretary's note on institutional reform;
- The Kohl/Mitterrand message;
- Telegrams from Dublin about the Irish Presidency.

C.D.P.

CDP

19 April 1990

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MY TWO IPTS: THE IRISH PRESIDENCY:THE TAOISEACH

SUMMARY

1. THE TAOISEACH'S CONVERSION TO EUROPEAN INTEGRATION AND POLITICAL UNION CONDITIONS HIS APPROACH TO THE INFORMAL EUROPEAN COUNCIL ON 28 APRIL.ON GERMAN UNIFICATION,THE IRISH AGREE WITH OUR TALKING POINTS BUT SAY THAT THERE IS WIDE SUPPORT FOR A SECOND IGC ON POLITICAL UNION AND FOR AN ADVISORY GROUP.

DETAIL

2. IN DUBLIN TELNO 7,WE WARNED THAT MR HAUGHEY MIGHT BE TEMPTED TO GO FOR A SPECTACULAR GESTURE WHILE 'PRESIDING OVER THE DESTINY OF EUROPE AT A CRITICALK STAGE OF THE EVOLUTION OF THE PLANET'.IN THE EVENT,MR HAUGHEY HAS UNDERGONE A CONVERSION TO EUROPEAN POLITICAL UNION AND A SECOND IGC SET OUT IN MY TELNO 329,PARA 4.THIS IS NOT BECAUSE HE HAS A CLEAR VISION OF A FUTURE UNITED EUROPE.ON THE CONTRARY,IT IS OPPORTUNISTIC.HE KNOWS THAT EMU WILL POSE PROBLEMS FOR PERIPHERAL IRELAND AND POLITICAL UNION WILL POSE PROBLEMS FOR IRISH NEUTRALITY.HIS GOVERNMENT HAS TAKEN THE CONSCIOUS DECISION TO SUPPORT EMU AND POLITICAL UNION,AND TO ALIGN ITS POLICIES WITH THOSE OF THE COMMISSION AND THE LEADING CONTINENTAL POWERS,IN THE HOPE OF EXTRACTING ECONOMIC AND POLITICAL ADVANTAGE:CONVERGANCE FOR THE IRISH ECONOMY,ENHANCED INTERNATIONAL STANDING FOR IRELAND POLITICALLY,SYMPATHY FOR IRISH ASPIRATIONS TO ECONOMIC AND POLITICAL UNITY,AND MEANWHILE DOMESTIC POPULARITY FOR CHARLES J HAUGHEY.HE THEREFORE SHAMELESSLY EXPLOITS FRENCH AND GERMAN POLICIES AS HIS OWN.

3. IRISH OFFICIALS TELL US THAT MR HAUGHEY IS ENJOYING HIS PRESIDENCY ROLE.HIS TOUR OF CAPITALS HAS GIVEN HIM AN ENTREE TO HEADS OF STATE AND GOVERNMENT WHICH HE HAS NOT PREVIOUSLY ENJOYED.

4. ACCORDING TO BARRINGTON,ASSISTANT SECRETARY FOR COMMUNITY QUESTIONS IN THE DFA,MR HAUGHEY HAS REACHED NO FINAL DECISIONS BUT

THE INFORMAL DUBLIN SUMMIT IS LIKELY TO FOCUS ON GERMAN UNIFICATION AND EASTERN EUROPE:THE CSCE:POLITICAL UNION AND PERHAPS DRUGS.(THE LAST ITEM WAS RAISED WITH HIM BY MITTERRAND,KOHL AND ANDREOTTI,BUT BARRINGTON DOUBTED THERE WOULD BE TIME FOR MORE THAN AN AGREEMENT TO FLAG IT FOR DISCUSSION AT THE JUNE SUMMIT).THE AGENDA FORESHADOWED FOR THE JUNE SUMMIT WOULD BE EMU,A REVIEW OF THE INTERNATIONAL ECONOMY BEFORE THE G7 MEETING,THE ENVIRONMENT,DRUGS,CITIZENS EUROPE AND,POSSIBLY,FURTHER DISCUSSION OF GERMAN UNIFICATION AND RELATIONS WITH EASTERN EUROPE.

5. ON GERMAN UNIFICATION,BARRINGTON EXPRESSED BROAD AGREEMENT WITH THE POINTS WE MADE ON THE BASIS OF PARA 10 OF YOUR TELNO 172.HE SAID A CONSENSUS WAS EMERGING ON THE HANDLING OF GERMAN UNIFICATION.THE COMMUNITY HAD A WELL ESTABLISHED SYSTEM FOR HANDLING DEROGATIONS,AND IT WOULD NOT BE WISE TO DEPART TO FAR FROM THESE PROCEDURES.DELORS HAD TOLD HAUGHEY THAT THE COMMISSION'S PAPER ON EASTERN EUROPE WOULD CONTAIN FEW SURPRISES,AND BARRINGTON THOUGHT DISCUSSION OF THIS ITEM WAS UNLIKELY TO BE DIFFICULT.

6. ON POLITICAL UNION,WE POINTED OUT THAT CONSIDERATION OF INSTITUTIONAL CHANGES AT DUBLIN WOULD DISTRACT ATTENTION FROM A COMPLICATED DOSSIER.THE COMMUNITY ALREADY HAD ENOUGH MAJOR ISSUES TO DIGEST.BARRINGTON REPLIED THAT ON MR HAUGHEY'S TOUR OF CAPITALS,NO ONE HAD SO FAR DISAGREED WITH THE NEED FOR A CONFERENCE ON POLITICAL UNION.PREPARATIONS FOR DISCUSSION WHICH COULD ONLY BE CONSIDERED IN A SEPERATE CONFERENCE ON EUROPEAN POLITICAL UNION.NONE OF MR HAUGHEY'S INTERLOCUTORS HAD DISCUSSED POLITICAL UNION SUBSTANTIVELY.HENCE THE IDEA HAD ARISEN OF A SPECIAL ADVISORY GROUP,LIKE THOSE OF DOOGE OR DELORS.HE CLAIMED THAT MITTERRAND,ANDREOTTI AND KOHL SUPPORTED THE PROPOSAL AS WELL AS EYSKENS,THE LUXEMBURGERS,AND THE DUTCH,THOUGH THE LATTER WISHED FOREIGN MINISTERS TO LOOK AT THE IDEA FIRST.WE HAVE HEARD FROM THE DANISH AMBASSADOR THAT THE IRISH WANT MR LENIHAN TO CHAIR THE FIRST MEETINGS OF THE COMMITTEE,AFTER WHICH HE WOULD HAND OVER TO AN ITALIAN ON 1 JULY.NOTWITHSTANDING HIS AMIABLE QUALITIES,MR LENIHAN WOULD BE THE LAST PERSON LIKELY TO GET A FIRM GRIP ON THIS SUBJECT FROM THE OUTSET.

7. BARRINGTON ANSWERED OUR POINT ABOUT THE COMMUNITY'S WORKLOAD BY ARGUING THAT IF THE TIMETABLES PRESENLTY ENVISAGED FOR THE GATT,GERMAN UNIFICATION AND THE EMU IGC WERE ADHERED TO,THESE ISSUES WOULD BE LARGELY COMPLETED BEFORE THE COMMUNITY WOULD BE IN A POSITION TO TAKE DECISIONS ON POLITICAL UNION.IF OUR MAIN CONCERN WAS ONE OF TIMING AND WORKLOAD,AN ADVISORY COMMITTEE TO PREPARE THE GROUND BEFORE THE FAC BEGAN SUBSTANTIVE NEGOTIATIONS MIGHT HAVE

ADVANTAGES FOR US.WE MADE IT CLEAR THAT OUR DIFFICULTIES WENT DEEPER THAN THIS.

8. BARRINGTON HOPED THAT EMU WOULD NOT BE DISCUSSED AT THE APRIL SUMMIT.BUT IF THE TIMETABLE FOR AN IGC ON POLITICAL UNION WAS RAISED,THAT FOR THE IGC ON EMU COULD NOT BE AVOIDED.

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MIPT: IRISH PRESIDENCY: MID-TERM REVIEW

SUMMARY

1. THE IRISH ARE GENERALLY SATISFIED WITH THEIR PRESIDENCY TO DATE BUT RESOURCES WILL BE STRETCHED TOWARDS THE END. THEY ARE UNHAPPY WITH PROGRESS ON THE SINGLE INTERNAL MARKET AND WOULD WELCOME SUGGESTIONS ON HOW THEY COULD DO BETTER. THEY WILL GO ALONG WITH THE MAJORITY ON EMU AND HOPE FOR EARLY BRITISH ENTRY INTO THE ERM.

DETAIL

2. YOU MAY WISH TO HAVE A VIEW FROM DUBLIN OF THE PRESIDENCY'S PERFORMANCE TO DATE, AND OF HOW THE IRISH ASSESS THEMSELVES. THE DFA IS CURRENTLY CONDUCTING ITS OWN INTERNAL REVIEW, AND OFFICIALS HAVE TOLD US THAT ANY CONSTRUCTIVE SUGGESTIONS FROM US WOULD BE GIVEN CAREFUL ATTENTION. THEY ARE CONSCIOUS THAT THE SECOND HALF OF THE PRESIDENCY WILL BE EVEN MORE ACTIVE THAN THE FIRST, AND THAT INSUFFICIENT PROGRESS HAS BEEN MADE ON THE COMPLETION OF THE SINGLE INTERNAL MARKET.

3. AGAINST THE PRESIDENCY PRIORITIES DEFINED AT THE OUTSET OF THE IRISH PRESIDENCY, THE SALIENT POINTS FROM THE VIEWS OF SENIOR OFFICIALS IN THE DFA (BARRINGTON), DEPARTMENT OF THE TAOISEACH (KIRWAN) AND DEPARTMENT OF FINANCE (O'CONNELL) ARE AS FOLLOWS:

(A) UNDER THE IRISH PRESIDENCY THE COMMUNITY ARE PLAYING A FULL ROLE IN RESPECT OF RAPID DEVELOPMENTS IN EASTERN EUROPE AND GERMAN UNIFICATION. ON THE FORMER, THEY POINT TO THE RESOLUTION OF ALL OUTSTANDING ISSUES ON THE EBRD, EXCEPT THOSE OF CHAIRMANSHIP AND LOCATION: TO THE WORK DONE ON THE PROPOSED TRAINING FOUNDATION AND THE TEMPEST PROGRAMME (WHICH THEY WANT TO GO SOON TO COREPER): TO THE SUCCESSFULLY COORDINATED POSITION AT THE BONN CSCE CONFERENCE: AND AGREEMENT AT AN EC/EASTERN EUROPEAN CONFERENCE ON THE ENVIRONMENT IN JUNE. THE COMMUNITY HAS BEEN FULLY INVOLVED IN GERMAN UNIFICATION, BY

MEANS OF A SERIES OF DISCUSSIONS WITHIN THE COUNCIL AND A DOUZE. IRISH INITIATIVE IN CONVENING THE FOREIGN MINISTERS MEETING ON 20 JANUARY AND THE INFORMAL SUMMIT IS KEEPING THE COMMUNITY UP TO SPEED.

(B) THE IRISH ARE SATISFIED WITH PREPARATIONS FOR AN IGC ON EMU. THEIR PREVIOUS CONCERN THAT THE ISSUE OF COMMUNITY COHESION WAS BEING OVERLOOKED APPEAR TO HAVE BEEN ALLAYED, AT LEAST FOR THE PRESENT, BY THE AGREEMENT AT THE INFORMAL ECOFIN ON 1 APRIL TO STUDY THE COSTS AND BENEFITS OF EMU FOR PERIPHERAL STATES. THEY ARE CONFIDENT THAT THE ECOFIN ON 11 JUNE WILL BE ABLE TO MAKE A SATISFACTORY PROGRESS REPORT TO THE JUNE EUROPEAN COUNCIL, BASED ON THE STUDIES ALREADY IN HAND.
(C) THEY ARE UNHAPPY ABOUT THE CONTINUING DELAY IN THE COMMISSION OF THE DRAFT MANDATE FOR EC/EFTA NEGOTIATIONS.
(D) ON TRADE RELATED ISSUES, OFFICIALS BELIEVE MR O'MALLEY WILL DEAL FIRMLY WITH JAPANESE CARS. THEY FEAR A MAJOR ROW IS LOOMING WITH THE US IN THE GATT ON AGRICULTURE.
(E) MR HAUGHEY TAKES CREDIT FOR CEMENTING A NEW FRAMEWORK FOR EC/US RELATIONS DURING HIS RECENT VISIT TO WASHINGTON. (BARRINGTON MENTIONED THAT, WHILE HE AGREES THAT THE MEETING WITH SECRETARY BAKER IN MAY MUST BE WELL PREPARED, WITH AN AGENDA AGREED IN ADVANCE, HE IS NOT YET PERSUADED THAT IT WOULD BE POSSIBLE TO NEGOTIATE A JOINT EC/US COMMUNIQUE AS WE HAVE PROPOSED).
(F) THE ONE AREA WHERE THE IRISH ARE UNHAPPY WITH PROGRESS TO DATE IS THAT OF THE SINGLE INTERNAL MARKET. (BARRINGTON HAS TOLD US THAT HE ASKED FOR THE DFA'S MID TERM REVIEW IN ORDER TO GET A GREATER POLITICAL IMPETUS BEHIND THE WORKING GROUPS). WHILE THERE HAVE BEEN SOME SUCCESSES, NOTABLY IN THE TRANSPORT FIELD AND WITH THE PUBLIC PROCUREMENT DIRECTIVE, PROGRESS HAS BEEN SLOW ON INSURANCE, INTELLECTUAL PROPERTY, INVESTMENT AND FINANCIAL SERVICES. IF WE HAD ANY PARTICULAR ISSUES TO DRAW TO THEIR ATTENTION, AND SUGGESTIONS FOR UNBLOCKING PROGRESS, BARRINGTON WOULD BE VERY WILLING TO LISTEN TO THEM.
(G) MR FLYNN, THE MINISTER FOR ENVIRONMENT, TOLD HIS PARTY CONFERENCE THAT THE 'GREEN PRESIDENCY' WAS WORKING. OFFICIALS BROADLY AGREE. THEY INTERPRET MR HAUGHEY'S PROPOSAL FOR AN ENVIRONMENTAL CHARTER TO BE DISCUSSED AT THE JUNE DUBLIN SUMMIT AS CALLING FOR A DECLARATION OF PRINCIPLES AND A PROGRAMME OF FURTHER WORK.
(H) ON SOCIAL AFFAIRS, THE IRISH INITIATIVE TO SET A TIMETABLE FOR THE SOCIAL ACTION PROGRAMME HAS TAKEN THE HEART OUT OF THIS ISSUE FOR THEIR PRESIDENCY. THEY WILL SEEK FUNDING OF DEMONSTRATION PROJECTS AND A RESOLUTION ON LONG TERM UNEMPLOYED AND JOB CREATION.
(I) ON POLITICAL COOPERATION, IRISH CHAIRMANSHIP HAS GENERALLY BEEN FAIR WITH THE NOTABLE EXCEPTION OF SOUTH AFRICA. THEY HAVE HANDLED

URGENT ISSUES EFFECTIVELY (EG. BAZOFT). WHERE THEY FALL DOWN IS IN PRODUCING POSITION PAPERS FOR DISCUSSION OF NEW AND SUBSTANTIVE ISSUES. IRISH NEUTRALITY HAS DISTORTED THEIR PERFORMANCE ON EUROPEAN ARCHITECTURE. THEIR SELF-IMPOSED CONSTRAINTS ON DISCUSSING SECURITY MEAN THAT THEY LACK BUILDING MATERIALS FOR THE 'ARCHITECTURE'.. (THIS MAY BE A GOOD THING FROM OUR POINT OF VIEW: ROSE-TINTED IRISH VIEWS ON SECURITY WOULD ALMOST CERTAINLY BE UNHELPFUL).
(J) OPERATIONALLY, THE TINY IRISH ADMINISTRATION IS ALREADY UNDER PRESSURE WHICH WILL INCREASE IN THE SECOND HALF OF THEIR PRESIDENCY. OLD HANDS ARE UNCOMFORTABLY AWARE THAT, WHILE THE DEMANDS ON THE PRESIDENCY HAVE INCREASED ENORMOUSLY SINCE 1984, AVAILABLE MANPOWER HAS BEEN CUT. EC EMBASSIES IN DUBLIN COMPLAIN, WITH REASON, THAT THEY ARE NOT KEPT IN TOUCH AND THAT THE ADMINISTRATION OF THE PRESIDENCY IS SLIPPING. THEY HAVE SURVIVED THUS FAR BECAUSE OF CAREFUL ADVANCE PLANNING AND THEIR TALENT FOR IMPROVISATION: BUT THEIR RESOURCES ARE INCREASINGLY STRETCHED.

4. THE IRISH HAVE NO CLEAR VIEW EITHER ON THE DURATION OF THE IGC ON EMU, OR OF THE STAGE IDENTIFIED IN THE DELORS REPORT. ON BOTH THEY WILL PROBABLY ACQUIESCE IN THE VIEWS OF THE LARGER MEMBER STATES. PRIVATELY, DEPARTMENT OF FINANCE OFFICIALS SHARE SOME OF OUR RESERVATIONS ABOUT THE DELORS APPROACH TO EMU BUT VIEW THE MOMENTUM BEHIND IT AS UNSTOPPABLE. THEY CONTINUE TO URGE EARLY BRITISH ADHESION TO THE ERM, WHICH THEY WOULD WELCOME BOTH AS REMOVING A DAMAGING ELEMENT OF UNCERTAINTY AFFECTING BOTH IRISH EXPORTS TO THE UK AND THEIR REVERSES, AND AS INCREASING OUR CREDIBILITY IN FUTURE DISCUSSIONS OF EMU.

FENN

YYYY

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ADDITIONAL 2

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SECRETARY OF STATE FOR NORTHERN IRELAND

Extradition from the Republic of Ireland

Thank you for sending me a copy of your letter of 6 April to the Home Secretary, proposing action in the light of the Attorney General's analysis of the Finucane/Clarke judgment.

I agree with the action which you propose. Although the Irish Government may well resist, recent decisions of the Supreme Court have caused widespread uneasiness. The deaths of the four UDR soldiers on 9 April have shown, even to Irish public opinion, that expressions of condemnation and sympathy may prove hollow. If we can move quickly we may be able to use the revulsion felt by all responsible Irish people.

But change will be difficult for Mr Haughey to introduce, given the views of his own political party and his own disposition. His claim that future extradition cases should go smoothly because they will operate under the ECST has for him the merit of deferring any test. But we can have no confidence that the Irish Supreme Court will confirm his optimism given the narrowness of the Irish ratification of ECST. On the other hand, we already have put before the Irish Government a number of proposals for change in their extradition procedures in the light of the Act which they passed in 1987 to provide for "safeguards"

/in the

in the backing of warrants procedures. We may do well therefore to link our proposals for action with the list of measures we have already proposed, relying on the promise which Mr Haughey gave publicly in putting forward the Irish Extradition (Amendment) Act of 1987 that he would if necessary review the procedures.

Sir N Fenn (Dublin telno 316) has recommended that we should put together a "package" as the basis of a negotiation with the Irish. It would, I think, be useful if officials could get together quickly to work out a coherent set of proposals. Meanwhile you are entitled to press Mr Collins hard when you see him in the Conference.

I am sending copies of this minute to the Prime Minister, the Home Secretary, the Secretary of State for Scotland, the Attorney General, the Lord Advocate and Sir Robin Butler.

DH

(Douglas Hurd)

Foreign and Commonwealth Office
17 April 1990

ICELAND : Leviathan Arc.

ROYAL COURTS OF JUSTICE
LONDON, WC2A 2LL

01-936 6201

12 April 1990

The Rt Hon Peter Brooke MP
Secretary of State for Northern Ireland
Whitehall
LONDON S W 1

Dear Peter.

EXTRADITION FROM THE REPUBLIC OF IRELAND

You copied to me your letter of 6 April to David Waddington, with suggestions for a two-pronged approach to the Irish Government.

As you know from my minute of 21 March, I share your view that the Irish Government should be pressed to introduce new legislation, narrowing the 'political offence' exception by implementing the European Convention on the Suppression of Terrorism with more comprehensive effect than they have achieved in their 1987 Act.

You suggest that the Irish should accordingly be asked to bring their 1987 Act fully up to the standards of our own Suppression of Terrorism Act 1978. I suspect that, if we take this line, the Irish may well assert that the extensive schedule of 'non-political offences' in our 1978 Act goes <u>further</u> than the European Convention; that (contrary of course to our own view) this is inconsistent with international law; and that, as a result, the amendment would be in breach of Article 29.3 of the Irish Constitution.

A slightly modified proposal, which could be pressed even if the Irish do take this position, would be to urge the Irish to define non-political offences more tightly, and to refer to our 1978 Act as an alternative drafting model. It will be better if you do not allow the Irish to divert the argument into the international law channel. I therefore favour this variant of your proposal.

I must outline the relevant Convention provisions and the current Irish legislation.

Article 1 of the Convention contains a list of offences, for example the taking of hostages or the use of explosives where persons are endangered, which are not to be treated as political offences. Article 2 provides that a State may, in effect, extend the Article 1 list to other serious offences, provided that they involve either an act of violence against the life, physical integrity or liberty of a person, or an act against property creating a collective danger for persons.

Article 13 allows a State to enter a reservation effectively disapplying Article 1. If, however, it has done so the Convention requires that the State thereafter, when determining whether a particular alleged offence is political in character, must take into account a number of specific considerations or criteria. They are subjective in character; for example, whether the alleged offence was committed by 'cruel or vicious means'.

The Irish have not entered a reservation under Article 13, and have implemented Article 1 as it stands. They have however taken the subjective language of Article 13 and used it to describe the additional offences which, in accordance with Article 2, their Act provides shall be treated as non-political. The Supreme Court has been left to determine just what this language means in Irish law.

The result, as the Irish Attorney effectively conceded in his recent meeting with me, is that there is considerable doubt about how the 1987 Act will operate, and room for a good deal of unhelpful case law from the Supreme Court.

A much more satisfactory approach, and one which it seems to me relatively difficult for the Irish to argue is inconsistent with their Constitution, would be for their legislation to specify with much greater clarity and much less qualification the offences which are to be treated as non-political. Such legislation should bring the 1987 Act much closer to our own Suppression of Terrorism Act, even if not fully up to its standards.

You mention in your letter that we could propose to the Irish another amendment to their law, which they might find more attractive than the ECST approach: some kind of statutory declaration that certain acts should be treated as ipso facto subversive of the Irish Constitution. Unless you propose to ask the Irish for an amendment to their Constitution, I doubt whether this is worth taking further. The Irish response would be, I am sure, that they cannot gloss their Constitution by derivative legislation. Someone resisting extradition would always be entitled to look behind the legislation to the Constitution itself.

You suggest additionally that the second prong of our approach should be to propose a reciprocal arrangement under which we and the Irish would agree to imprison in our respective jurisdictions convicted escapers whose extradition had been refused.

While this has, I understand, been prompted by Clarke's successful claim that his constitutional rights would be breached if he were returned to face ill-treatment in a Northern Ireland prison, it would apply to all cases where the extradition of an escaped convict was refused (unless, perhaps, the validity of his original conviction was in question).

If the option is to be pursued, I am sure it is right not to restrict it to those who raise a prison treatment defence. I have, as you will know, been told by the Irish Attorney that he is confident that the courts will restrict this defence to the 1983 Maze escapers, some of whom are likely to be able to raise additionally the separate political offence exception. Although the confidence of Mr Murray may of course prove to be misplaced, it might be a mistake at this stage to ask for legislative changes aimed only at the prison treatment issue.

However, if the Irish are to be asked for a wide ranging reciprocal imprisonment agreement, I think we ought to look quite carefully at the various reasons why extradition of an escaped prisoner can be refused. The political offence exception is of course one of these, and we can certainly argue that the agreement should apply in that situation. Extradition might however be refused for other reasons, for example a defective warrant or lack of identification

ATTORNEY GENERAL

evidence, which would not justify requiring the individual concerned to serve the remainder of his Northern Ireland prison term in an Irish jail.

My feeling is that, at least at first, we should in discussions with the Irish put legislation to amend their 1987 Act up front, and merely float the reciprocal imprisonment option. This is however very much a matter for you and David Waddington.

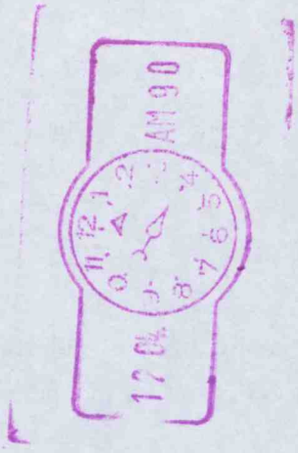
I entirely accept that the Irish will resist any proposals for legislative change and will, inter alia, point to the availability of extraterritorial prosecution. On this latter point I have asked my officials to supply your Department with a brief. I should make it clear however that some of the most important reasons why we do not always seek prosecution in the Republic are doubled edged. Prosecutions which would succeed in Northern Ireland by reason of provisions in our Emergency legislation may well fail in the Republic, where such provisions have no application. If we make too much of this point we will give ammunition to our opponents.

I am copying this letter to the Prime Minister, Douglas Hurd, Malcolm Rifkind, Peter Fraser and Sir Robin Butler.

Yours ever,

Patrick

IRELAND: Relations
Pt 21



10 DOWNING STREET

Prime Minister

Re on-off Haughey visit to Belfast is now on again: a bit rasteller, in the circumstances.

C D.

Prime Minister

to note

10 DOWNING STREET

Charles

NIO Duty Officer rang.

Due to the security implications the Institute of Directors, Belfast have decided to withdraw their invitation to the Taoiseach for a visit next Wednesday.

The assumption is that the other elements of the programme will be abandoned, & the visit as a whole cancelled.

Diana

7/4.

CC/PC

Northern Ireland Office
Stormont Castle
Belfast BT4 3ST

(2)

Rt Hon David Waddington QC MP
Home Secretary
Queen Anne's Gate
LONDON
SW1H 9AT

6 April 1990

Dear David,

EXTRADITION FROM THE REPUBLIC OF IRELAND

You will have seen Paddy Mayhew's helpful analysis of the extremely depressing and worrying implications of the judgements of the Irish Supreme Court in the cases of Finucane and Clarke. Since then, and as he predicted, we have seen the release of Owen Carron by the Irish Supreme Court, apparently on the ground that the offence of which he stood accused was connected with a political offence.

My view is that we now have little alternative but to put to the Irish Government firm proposals for changes in their law to deal with the new situation. Subject to your views, and those of other colleagues, our approach might, I think, be two-pronged:

- in respect of the problem of the new extradition defence of breach of constitutional rights (on grounds of anticipated treatment in prison) by seeking to negotiate with the Irish a bilateral arrangement, which I fear would have to be reciprocal, whereby each party would agree to imprison in its own jurisdiction, for the outstanding balance of their sentences, convicted escapers for whom extradition had been sought and refused, save perhaps when the refusal arose in some way from doubts about the conviction. I would envisage this (subject to further working-out by officials and the draftsman) as an addition to extradition law and not as a general provision for mutual recognition of sentences of imprisonment imposed in

the other's jurisdiction. It would draw upon certain of the provisions of the existing Repatriation of Prisoners Convention, but otherwise be unconnected with it. It would not solve the problem of "constitutional rights" defences in cases involving unconvicted fugitives, though if the problem arose in such cases from Northern Ireland there may be a possibility of seeking extraterritorial prosecution. (The provisions for extraterritorial prosecution in Great Britain cases are of course much more limited and I do not know if you have considered widening them.)

- We should deal with the Supreme Court's drastic expansion of the political offence exception in the Finucane and Carron cases, which will affect Great Britain cases as much as those concerning offences in Northern Ireland, by seeking new Irish legislation to bring their Extradition (European Convention on the Suppression of Terrorism) Act 1987 fully up to the standards of our own Suppression of Terrorism Act 1978. This would entail expanding the coverage of the Irish Act to embrace such common terrorist offences as possession with intent, or murder or attempted murder by non-automatic firearms. We could also explore with them the possibility of some kind of Irish statutory declaration to the effect that acts done in furtherance of a campaign in Northern Ireland by an organisation illegal in the Republic are ipso facto subversive of the Irish Constitution, in case they should find that more attractive than the ECST approach.

I have no doubt that the Irish will strongly resist both changes, and especially the latter. They are likely to see their 1987 Act, passed only with difficulty and at the cost to us of new extradition "safeguards", as striking the politically "right" balance (for Fianna Fail) between demands for better extradition and the doubts of their own backwoodsmen. They will argue that their law not only fully

complies with the obligatory elements of the ECST, but also implements the Convention's discretionary elements in a way which is consistent with European practice; if our Suppression of Terrorism Act 1978 goes further, they will say, that is a matter for us; it is they who are in line with European practice. They will also point to the existence of the extraterritorial legislation, and we will need to explain to them quite carefully why it is not by itself the answer to the problem of dealing with fugitive offenders. Neither argument in my view outweighs the case for action by the Irish, although I need to be well-equipped with arguments on the second point in particular. Nor, in the last analysis, can we compel them to legislate; although we can point to the prospect that if they do not, and their Supreme Court does not retract, then the Republic will be seen in the UK and elsewhere as offering in practice a safe haven to admitted terrorists. That may have wide implications, for our attitude to the Agreement among other things.

Both my proposals clearly have implications for the whole United Kingdom, not least in that legislation may be required on our side to implement the first of them, and I should be glad to know whether you would be content for me to put them to the Irish. I would, of course, happily defer to you if you wished to raise them on an east-west basis, rather than through the Agreement machinery; but since, initially, three NI cases are involved you may think it better for me to take the lead, at least initially.

Copies of this letter go to the Prime Minister, Foreign Secretary, Secretary of State for Scotland, the Attorney-General, the Lord Advocate and Sir Robin Butler.

Yours ever

Paul

PB

PM/SOFS/2359

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MY TELNO 318:DOWNPATRICK MURDERS:CONTINUING IRISH REACTION

SUMMARY

1. THE PRIME MINISTER'S REMARKS ASSOCIATING THE DOWNPATRICK MURDERS AND THE EXTRADITION JUDGEMENT HAVE BEEN 'REGRETTED' BY IRISH MINISTERS,BUT ENDORSED BY IRISH NEWSPAPERS.

DETAIL

2. THE PRIME MINISTER'S INTERVIEW FOLLOWING YESTERDAY'S MURDERS NEAR DOWNPATRICK WAS CARRIED ON RTE AND IS REPORTED IN ALL IRISH NEWSPAPERS.HER ASSOCIATION OF THE BOMBING AND THE SUPREME COURT'S RECENT DECISIONS ON EXTRADITION DID NOT SUGGEST THAT THE FORMER WAS CAUSED BY THE LATTER.BUT IT HAS DRAWN CRITICISM FROM BOTH MR HAUGHEY AND THE MINISTER FOR JUSTICE,MR BURKE,AS IF IT HAD.

3. SPEAKING IN BRUSSELS,MR HAUGHEY IS REPORTED TO HAVE SAID'THERE IS NO SUCH RELATIONSHIP.THE VIOLENCE IN THE NORTH IS BOTH RANDOM AND UNPREDICTABLE.NOBODY COULD SERIOUSLY BELIEVE THAT PEOPLE WHO CONDUCT THESE CRIMES HAVE RESPECT FOR THE DECISIONS OF ANY COURT.THEY FOLLOW THEIR OWN FUTILE AGENDA'.

4. MR BURKE SAID LAST NIGHT THAT HE REGRETTED 'THAT ANYONE IS TRYING TO LINK THE TWO.I WOULD TOTALLY REJECT ANY CONNECTION WITH THE SUPREME COURT.I FAIL TO UNDERSTAND HOW ANYONE CAN CONNECT THE TWO'.

5. LEADER COMMENTS IN ALL IRISH PAPERS CONDEMN THE BOMBING IN STRONG TERMS.THEY ARE UNUSUALLY SYMPATHETIC TO THE PRIME MINISTER'S COMMENTS,AND IN SEVERAL CASES UNCOMFORTABLE WITH IRISH MINISTERS' RESPONSES.NOTING MR HAUGHEY'S COMMENT QUOTED ABOVE AND HIS ASSURANCE THAT SECURITY CO-OPERATION WAS EXCELLENT,THE IRISH TIMES CONTINUES: 'BUT AFTER THE ARD FHEIS,WHERE DELEGATES HAD VOTED TO OPPOSE EXTRADITION IN PRESENT CIRCUMSTANCES,THE TAOISEACH MADE IT CLEAR THAT THE GOVERNMENT WOULD RESIST PRESSURE TO INTRODUCE NEW LEGISLATION,ALTHOUGH THERE ARE WELL KNOWN DIFFICULTIES ABOUT

OPERATING THE CRIMINAL LAW JURISDICTION ACT(THE PREFERRED OPTION,ACCORDING TO THE MINISTER OF JUSTICE) AND EVEN THE 1987 EXTRADITION ACT IS CONSIDERED BY LEGAL OPINION TO BE LESS THAN WATERTIGHT.IF THE ATTACKS LIKE THAT AT DOWNPATRICK ALLOW MRS THATCHER TO PARRY DEMANDS FOR CHANGES IN THE ADMINISTRATION OF JUSTICE IN THE NORTH,MR HAUGHEY AND HIS COLLEAGUES MAY BE ACCUSED OF SHELTERING BEHIND THE SUPREME COURT'S DECISIONS AND RESPONDING TO EMOTIONS IN THE REPUBLIC MUCH AS THE BRITISH SYSTEM RESPONDED TO THE PASSIONS ROUSED BY THE BOMBING THERE IN THE 1970S.UNFORTUNATELY,WHEN MR GERARD COLLINS SAID LAST NIGHT 'THERE IS NO PLACE IN OUR SOCIETY' FOR THE PERPETRATORS OF CRUEL AND EVIL DEEDS,HE WAS WRONG'.

6. THE CORK EXAMINER WRITES:
'FINDING COMMON CAUSE WITH THE BRITISH PREMIER,MRS THATCHER,IS OFTEN NOT EASY,BUT ONE CAN SYMPATHISE WITH HER 'DEPRESSION' OVER THE MOST RECENT IRA ATROCITY IN THE NORTH,WHICH SHE LINKS WITH THE SUPREME COURT'S DECISION ON EXTRADITION'.ACKNOWLEDGING THAT DOUBTS REMAIN OVER WHETHER THE DOWNPATRICK MURDERERS COULD BE EXTRADITED,THE EXAMINER CONTINUES:'THE POINT MADE BY MRS THATCHER,IN THE AFTERMATH OF THE ATTACK OUTSIDE DOWNPATRICK IS ALL THE MORE TELLING IN THAT IT WAS DEVOID OF HER USUAL STRIDENT QUALITY.RESPONSIBLE PEOPLE HERE WILL AGREE WITH HER THAT BRITAIN NEEDS ALL THE HELP POSSIBLE TO FIND THE MURDERERS.THEY ARE,AS SHE SO RIGHTLY POINTS OUT,NOT ONLY AGAINST NORTHERN IRELAND BEING PART OF THE UNITED KINGDOM BUT ALSO OPPOSED TO DEMOCRACY ITSELF'.

COMMENT

7. THE PRIME MINISTER'S REMARKS APPEAR TO HAVE STRUCK A CHORD HERE AND IRISH MINISTERS,AT LEAST FOR THE MOMENT HAVE FOUND THEMSELVES OUT OF STEP.

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YYYY

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PRIME MINISTER

Prime Minister

I think it is an imprudent visit: but stopping it would cause more fuss than going ahead. CAM 7/4

VISIT BY THE TAOISEACH TO NORTHERN IRELAND: WEDNESDAY 11 APRIL

1. You will be aware that Mr Haughey plans to visit Belfast next Wednesday, 11 April, to address the members of the Institute of Directors (from Northern Ireland and from the Republic) in his capacity as President of the Council of Ministers of the European Community. Mr Haughey will fly to Aldergrove in an Irish Air Corps jet where he will be met by the Parliamentary Under Secretary of State, Peter Bottomley. Peter will not accompany Mr Haughey to the IOD function. During his time in Northern Ireland Mr Haughey's travel arrangements will be in the hands of the RUC and he will travel by either RAF helicopter or RUC VIP car.

2. After giving his address and a press conference, Mr Haughey will join the IOD for a buffet luncheon. He has then agreed to a private meeting with the family of Brian Keenan, as you know, one of the hostages in the Lebanon. In the event of his making a subsequent press statement about this, I am having prepared in consultation with the Foreign and Commonwealth Office a low-key statement emphasising the efforts we are continuing to make on behalf of Mr Keenan and the other hostages.

3. Mr Haughey has also asked that, after attending lunch with the IOD, he can visit the Giant's Causeway in North Antrim (where again he will be met by Peter Bottomley) and then have a private meeting with a relative who lives in nearby Coleraine before travelling to Eglinton airport in County Londonderry whence he will return by Irish Air Corps jet to the Republic.

4. At my instructions, my officials have emphasised to the Irish the great sensitivity of this visit and I have insisted that the Irish should make clear that, throughout the formal public elements of the visit, Mr Haughey is visiting in his capacity as President of the Council of Ministers. The Irish are also aware that the visits to North Antrim and Coleraine are in the constituencies of Ian Paisley and Willie Ross and, while we do not expect serious public order problems at these locations, some form of protest at Mr Haughey's presence is likely.

5. I attach for your information a draft detailed programme for the visit. As with any VIP visit to Northern Ireland all arrangements are subject to change or cancellation if the Chief Constable so advises.

6. I am sending a copy of this minute to the Foreign Secretary and to Sir Robin Butler.

Simm Spurrier.

PB

[Approved by the Secretary of State
and signed in his absence]

6 April 1990

DRAFT PROGRAMME

WEDNESDAY 11 APRIL 1990

10.15	Depart Casement by Government Jet
10.45	Arrive Belfast International Airport - Jet Centre
	To be met by:-
	Mr Peter Bottomley MP - Parliamentary Under Secretary of State, Northern Ireland Office
	Mr Jack McConnell - Chief Executive, Northern Ireland Airports
10.50	Depart Belfast International Airport by Helicopter
11.00	Arrive at Helipad at Belfast Docks and transfer to cars
11.15	Arrive at the Conference Centre entrance to the Europa Hotel
	To be met by:-
	Mr David Linter - Chairman of the Institute of Directors (NI)
	Mr John Gorman - Director of IOD (NI)
11.20	The Party will proceed to the first floor for coffee
11.35	Escorted by Mr Linter, Mr Haughey will enter the Conference Room.
11.35	Address by Mr Haughey
12.20	Vote of Thanks by Dr George Quigley, Vice Chairman of IOD (NI), and Presentation by Mr Pat Killen, Managing Director of Tyrone Crystal.
12.30	Escorted by Mr Linter, Mr Haughey will view the IOD exhibition.
12.40	Press conference by Mr Haughey.
13.10	LUNCH
14.00	Mr Haughey will retire to the Ambassador suite on 11th floor to meet relatives of Mr Brian Keenan
14.30	The party will depart the Europa Hotel by car.

14.45	Arrive at the Helipad at Belfast Docks
14.50	Depart by helicopter
15.15	Arrive at the helipad at the Giants Causeway to be met by:-
	Mr Peter Bottomley MP
?	Lord O'Neill - Chairman of the National Trust
?	Councillor A D McAuley - Chairman of Moyle District Council.
	Visit to the Tourist Centre and a short trip to view the Giants Causeway by bus.
16.00	Depart the Giants Causeway Helipad
16.10	Arrive at the Helipad at Coleraine Drive to the Salmon Leap Hotel for a private meeting with relatives
18.00	Depart Coleraine, Helipad
18.10	Arrive Eglinton Airport
18.15	Depart Eglinton Airport
18.50	Arrive Dublin.

CONFIDENTIAL

From: THE PRIVATE SECRETARY

NORTHERN IRELAND OFFICE
WHITEHALL
LONDON SW1A 2AZ

C D Powell Esq
Private Secretary
10 Downing Street
LONDON
SW1A 2AA

6 April 1990

Dear Mr Powell,

EXTRADITION FROM THE REPUBLIC OF IRELAND

The Prime Minister will wish to be forewarned that the judgement of the Irish Supreme Court in the extradition case of Owen Carron, former MP for Fermanagh and South Tyrone and now wanted in Northern Ireland to face firearms charges, is expected to be made public in Dublin at about 11.00 today. We expect to lose the case, although not on all points (see the Attorney-General's minute to Mr Brooke of 21 March).

My Secretary of State will be in Dublin at the time of the announcement. Attached are the contingency lines to take which he will be taking with him. The precise terms of our reaction will depend on what is known at the time and what opportunity is available to Mr Brooke to directly register our concerns with Irish Ministers.

Copies of this letter and enclosures go to the Private Secretaries to the Foreign and Home Secretaries, Attorney-General, and Sir Robin Butler.

Yours sincerely,

pp S J LEACH

CONFIDENTIAL

OWEN CARRON - PRESS LINE

(If Carron's return is ordered)

We are naturally pleased at the decision of the Irish Supreme Court to return Owen Carron to Northern Ireland. Carron is wanted to stand trial for possession of firearms. It is only right that a person accused of a crime should stand trial for it so that the process of justice can be completed. We must now leave the matter in the hands of the Northern Ireland judiciary for them to rule as they see fit.

(If Carron is released: general)

We are deeply disappointed at the decision of the Irish Supreme Court not to return Owen Carron to Northern Ireland. Carron is wanted to stand trial for possession of firearms. It is only right that a person accused of a crime should stand trial for it so that the process of justice can be completed. I shall comment further when I have studied the judgement in detail. It will be for the prosecuting authorities in Northern Ireland to decide whether to apply to the Irish authorities for a prosecution under the extraterritorial legislation.

Further comments for consideration is sufficient detail is known.

(If his release is ordered on the grounds he will be assaulted).

We utterly repudiate the finding by the Supreme Court that Owen Carron would have been in danger if returned to a Northern Ireland prison. That is a further unjustifiable and grossly offensive slur by the Irish Supreme Court on the integrity of the Northern Ireland Prison Service. We have no reason to believe Carron would have been in any danger of attack, either from prison officers or fellow prisoners.

(If the political offence exception is allowed).

We are very disturbed that Owen Carron has been allowed to make use of the political offence exception. Coming so soon on the heels of a similar ruling in the case of Finucane this is a most worrying decision. We cannot accept that acts of terrorism which put people's lives, be they members of the security forces or the general public, at risk are in any way political. Those who perpetrate these callous and evil deeds should be brought to justice. We shall be studying the judgements closely as soon as we receive them in order to see how a situation such as this can be avoided in future.

IRELAND: Relations
Pt 20

PART 20 ends:-

ATT GEN to SS/NIO 21.3.90

PART 21 begins:-

NIO to CDP 6.4.90

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