SECRET

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10 DOWNING STREET

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FILE TITLE: Situation

CLOSED

SERIES: IRELAND

S 3006

PART: 27

PART BEGINS: January 1989

PART ENDS: April 1990

CAB ONE:

PART CLOSED

PREM 19/3408

SECRET

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PART

CLOSED

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CONFIDENTIAL

CC(W)

n.b. P.M.
BTP
27/4

CHIEF SECRETARY TO THE TREASURY

Treasury Chambers, Parliament Street, SW1P 3AG

Stephen Leach Esq
Principal Private Secretary
Northern Ireland Office
Whitehall
London
SW1A 2AZ

26 April 1990

Dear Stephen

COMPETING IN THE 1990'S - THE KEY TO GROWTH NIP

Barry Potter wrote to you on 23 April about this. This is to confirm that it is our understanding that any resource implications of the proposed shift to place greater emphasis on assisting indigenous Northern Ireland industry will be met from within the Northern Ireland block. On this basis we are content for the document to be published on 30 April.

I am copying this letter to Barry Potter.

Yours

Carys Evans

MISS C EVANS
Private Secretary

IRELAND: Situation Pt 27

PREM 19/3408

CONFIDENTIAL

FILE DSG

bc P.U.

10 DOWNING STREET

LONDON SW1A 2AA

From the Private Secretary

23 April 1990

Dear Stephen,

"COMPETING IN THE 1990'S -THE KEY TO GROWTH"

The Prime Minister was grateful for your Secretary of State's minute of 19 April covering the proposed economic strategy document for Northern Ireland.

The Prime Minister is content for the document to be published, subject to confirmation that the expenditure implications are consistent with existing provision for the Northern Ireland programme.

I am copying this letter to Carys Evans (Chief Secretary's Office), to the Private Secretaries to members of E(A) and to Sonia Phippard (Sir Robin Butler's Office).

Yours,

Barry

Barry H. Potter

Stephen Leach, Esq.,
Northern Ireland Office.

CONFIDENTIAL

010

CCPD

Prime Minister

I am working with the Treasury that any expenditure implications are already taken into account in the NI programme baselines. Subject to that assurance, content for the document to be published?

BHP
20/4

Yes

PRIME MINISTER

"COMPETING IN THE 1990's - THE KEY TO GROWTH"

Following the successful privatisation of Harland & Wolff and Shorts last year I have been considering what more we can do to create an environment in which the Northern Ireland economy can grow. This is particularly important since improvement in the economy can be expected to lead to wider benefits in the political and security fields. This makes it all the more essential that our economic development programmes are effective in stimulating the private sector and in tackling the particular economic problems which the Province faces.

Against this background, I have been reviewing the overall direction of our industrial development, training and employment, and enterprise programmes. This work has coincided with the publication of some important economic research which has highlighted the problems created by the rapid expansion of Northern Ireland's labour supply and has examined the effectiveness of previous policies. Against this background, and Northern Ireland's continuing high levels of unemployment (14.1% in March, seasonally adjusted, compared with 5.4% in Great Britain), I have concluded that, in addition to our continued drive to attract inward investment, we need to place a stronger emphasis on assisting firms in Northern Ireland to overcome those constraints which hold back their competitiveness and in particular on encouraging the upgrading of management training and workforce skills. In broad terms this requires a shift in our programmes, with a greater focus on improving skills.

With the creation of Northern Ireland's new Training and Employment Agency on 2 April, and the need for our two industrial development

agencies, the Industrial Development Board and the Local Enterprise Development Unit, to update their own strategies, I believe that it is appropriate to set out the framework within which all three agencies and the Department of Economic Development should operate. There is considerable interest in these matters and I therefore intend to spell out my approach in some detail. To achieve this we have produced the attached document which I intend to publish on 30 April.

IN ATTACHED FOLDER

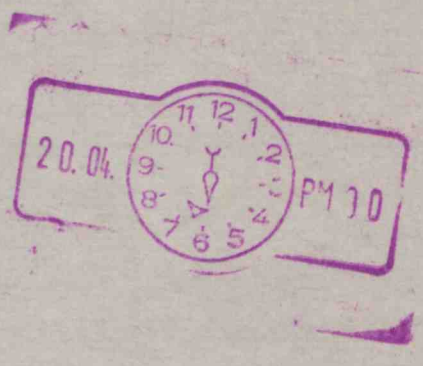
I am copying this minute to members of E(A) for information and to Sir Robin Butler.

P.B.

PB

20 April 1990

PM/SOFS/2423


20.04.
PM 10

cc Mr Ingham
Mr Perks
Mr Bean

MR POWELL

I have just had a phone call from Lord Fitt, who expressed his full support for the Prime Minister's comments yesterday on the UDR murders, especially the link she saw between the bombing and the Dublin Supreme Court decisions on extradition. He has told Chris Moncrieff of his views, although I have not seen that reflected in today's newspaper reports. He is clearly frustrated that more voices have not been raised in support of the Prime Minister's opinion -- and that Channel Four will be using actors tomorrow to circumvent the broadcasting restrictions on Sinn Fein.

Lord Fitt says that moderate Catholics are being alienated by terrorism and the Irish government and SDLP campaign of vilification against the UDR. He also expects tomorrow's visit to Belfast by Mr Haughey to stimulate large Protestant demonstrations against the Dublin government, and perhaps a walkout at Harland and Wolff. All in all, he is pessimistic about the prospects in the run-up to the sensitive Easter period.

Philip Aylett

PHILIP AYLETT
Press Office
10 April 1990

CONFIDENTIAL

FILE PM

bc PC

10 DOWNING STREET

LONDON SW1A 2AA

From the Private Secretary

30 March 1990

Dear Stephen.

POLITICAL DEVELOPMENT IN NORTHERN IRELAND

The Prime Minister has read with interest your Secretary of State's minute of 28 March, setting out the way in which he proposes to continue his efforts to draw the parties in Northern Ireland into discussion on a form of devolved government. The Prime Minister agrees that Mr. Brooke should proceed in the way proposed in his minute and would herself be ready to raise the matter with Mr. Haughey on 20 April if no satisfactory progress has been made by then.

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

yours sincerely,

C. D. POWELL

Stephen Leach, Esq.,
Northern Ireland Office.

KK

CONFIDENTIAL

CC PC (1)

Prime Minister

Agree if necessary to raise this with Taoiseach on 20 April?

CDP 24/3

PRIME MINISTER

POLITICAL DEVELOPMENT IN NORTHERN IRELAND

In my minute of ~~22~~ 21 February I said that there seemed to be a significant degree of flexibility in the positions of the Unionist parties and the SDLP, even if this did not always come out in public, but also considerable caution about exposing their hand too soon. I also said that I felt both Governments had largely met the first of the Unionist "preconditions" (willingness to contemplate an alternative Agreement), and that it might be possible to go some way towards providing a graceful exit for them on their second and third "preconditions" (temporary non-operation of the Agreement and reduction in the role of the Secretariat). Finally, I noted that the Irish were rather nervous about the way things were developing, and in particular were sceptical about the Unionist commitment to meaningful dialogue; and concerned that the format of any talks should reflect their view of the significance of the Irish dimension, and of their own role in such talks.

Y/D

2. Things have now progressed to a sensitive stage and I believe the next month will be decisive in determining how much further we can proceed, and whether we should conclude that the advances already made - in terms, for example, of improved relations with the Unionists - represent as much as we can at present achieve.

3. I remain convinced, although the difficulties remain real, that there is scope for progress which we should exploit. Constructive political development in Northern Ireland would be a significant prize for us - first, in political terms; second (through marginalising the IRA) for security reasons; third, in contributing generally to social stability; and fourth, in its probable consequences for the Northern Ireland economy. Even if

the ultimate prize of an agreement among the Northern Ireland parties on a form of devolved government for Northern Ireland eludes us for the present, as has always been more likely than not, I propose accordingly to continue my efforts, though with caution and without drama. At my last meeting with the Unionist leaders on 15 March, it came across clearly that they were open to the suggestion that their first "precondition" was more important than the other two, and they seemed anxious not to say anything which would preclude further meetings. It was in itself reassuring that they felt able to discuss with me the recent Irish Supreme Court judgement in the McGimpsey Case (a Unionist challenge to the constitutionality of the Anglo-Irish Agreement which produced a hardline reaffirmation by the Court of the Irish claim to Northern Ireland) and the release, again by the Irish Supreme Court, of two Maze escapers we had been trying to extradite. Since then Mr Molyneaux has made an extremely negative-sounding speech, arguing that there was no prospect of an agreement between Unionists and nationalists while the Irish Constitutional claim to Northern Ireland remained in place. This was well received by a hardline audience. However, he was careful not to introduce any new obstacles to talks between the parties and ensured that this fact was brought to my attention. The DUP leadership is consistently and publicly anxious to keep open the prospects for dialogue.

4. I have had no further meetings with the SDLP, but, in private discussions with officials and with Richard Needham (with whom he was working in the United States to encourage inward investment), Mr Hume has been relatively forthcoming on the sort of institutions he would envisage in any settlement. Mr Hume clearly shares some of the Taoiseach's doubts about the wisdom of seeking to promote dialogue now but I believe he genuinely sees the need (which Mr Haughey refuses to accept) for political development <u>within</u> Northern Ireland, and for a form of devolution there. If the SDLP can be brought to focus on the reality of

dialogue, there is a good chance that they would be willing to play a constructive role.

5. Unfortunately, however, I have not been able to make as much progress with the Irish as I would have hoped. The nature of the Unionist preconditions means that we need Irish goodwill if we are to pave the way for interparty talks in Northern Ireland and their active commitment if the talks do in fact follow the broad agenda which seems likely. However, at the Intergovernmental Conference (IGC) meeting on 2 March, Mr Collins was still expressing concern about the impact of talks on the Agreement, about the format of such talks, and about the boost any breakdown in talks could give to the Provisional IRA. I sought to reassure him on these points - the last is a reversal of the true position; but Irish nervousness was even more evident at a subsequent meeting at official level, where my officials tabled some papers designed to deal with Mr Collins' concerns in more detail. The response from the Irish side was half-hearted, and they seemed to be reflecting Mr Haughey's lack of enthusiasm for pursuing these ideas at the present time. They may be trying to keep alive Mr Haughey's hope of attracting the Unionists to Dublin, ultimately to participate in a conference he would chair. However, I believe the Irish now understand my position, and following the meeting of officials I wrote to Mr Collins on 12 March (I enclose a copy of my letter) asking for a meeting to discuss the issues further. As our Ambassador has advised that we are only likely to get a positive response if the Taoiseach is personally involved, I have also sought to make arrangements to see Mr Haughey in the margins. As I have explained, we need something more positive from the Irish than acquiescence. Mr Haughey is probably antipathetic to what we have in mind. If we are to bring him round it will require a combination of persuasion and continued pressure, in which we probably all have a part to play.

6. My approach to Irish Ministers will be that, by virtue of Article 4 of the Agreement (reaffirmed in last year's Review), the Irish Government is committed to supporting our efforts towards devolution and to point out that a general political accommodation would be in Irish interests, given that all concerned now accept the need for talks to be broadened at an appropriate stage to embrace the relationship between the Irish authorities and any new administration which may be established in Northern Ireland. I shall try to convince the Irish that their suspicions of Unionist intentions are misplaced but that in any event their position is fully safeguarded: in particular because the question of amending or replacing the present Agreement will only arise if both Governments believe it appropriate in the context of a new and wider settlement. I shall seek to appeal to Mr Haughey's self-image as the guardian of Irish nationalism and the one man capable of reaching an historic accommodation with Unionism (albeit on terms he is reluctant to accept). I shall also point out that the recent Supreme Court judgements have placed some strain on the fabric of the Agreement, and that we are concerned to see the Irish living up to the spirit in which we signed the Agreement, on extradition, security co-operation, the constitutional position and political development towards devolution.

7. It is not easy to predict Mr Haughey's reaction. He is committed to the idea of a united Ireland, and finds the idea of separate political development in Northern Ireland hard to take. But he is a pragmatist and would like to be credited with palpable progress in the North, and he may be susceptible to the argument that Unionists will only be prepared to discuss North-South relations with him once some progress has been made towards the establishment of new institutions in Northern Ireland. He may decide not to obstruct the movement towards talks. I have to say, however, that he is perhaps more likely to seek to frustrate our plans, in which case he will probably

continue to procrastinate, in the hope that unionists will make the mistake of themselves closing the door on interparty dialogue.

8. If all goes well, and I am able to reassure Mr Collins and the Taoiseach about the benefits inherent in setting the scene for dialogue, I would hope to be able to make some sort of joint statement on the first Unionist "precondition" on or after the IGC meeting on 19 April, as well as going some way towards providing a form of words which might enable the Unionists to say that their other preconditions had been met. This would then provide a basis for further discussions with the parties with a view to engaging in more formal multilateral talks.

9. On the other hand, if I am unsuccessful in overcoming Irish concerns on that occasion, you may wish to consider taking the matter up when you meet the Taoiseach on 20 April, in preparation for the informal European Council on 28 April. I hope that if it proves necessary you will be able to find time to aim to persuade the Taoiseach to help create the conditions for dialogue to begin, especially since he was himself instrumental in contributing to the current cautiously optimistic climate of political opinion (by his November and January statements). There will be other issues to tax him with, such as those arising from the Supreme Court judgements I have referred to. The Irish may well be preparing to come off the defensive by exploiting the imminent outcome of Mr Stevens' Inquiry into allegations of collusion between members of the Security Forces and Loyalist paramilitaries; and the recent House of Lords decision on the compellability of witnesses in Northern Ireland. However, we would be playing the Irish game if we were distracted from maintaining the pressure on them to support our political strategy in Northern Ireland.

10. To sum up, there are both hopeful and less hopeful aspects about the situation as it now stands. With regard to the

Northern Ireland parties, we seem to have moved forward slightly: as I have said recently, positions which at an earlier stage appeared dogmatic have in fact been somewhat modified. As against this, the Irish clearly remain concerned that there are too many unknowns in the present equation, and are therefore disposed to take what is in my view an overly cautious, even unhelpful, attitude. As I say, the next month will be crucial in determining whether there is a real prospect of moving towards interparty talks this year and Mr Haughey may hold the key. I will report again after my meeting with the Irish.

11. I am sending copies of this minute to Geoffrey Howe, Douglas Hurd, David Waddington, Tom King and Patrick Mayhew, and to Sir Robin Butler.

P.B.

PB

28 March 1990

CONFIDENTIAL

TEXT OF LETTER FROM SECRETARY OF STATE FOR NORTHERN IRELAND TO IRISH FOREIGN MINISTER, 12 MARCH 1990

Mr Gerard Collins TD
Minister for Foreign Affairs
Iveagh House
St Stephen's Green
DUBLIN 1

12 March 1990

I have had a report about the meeting of officials in Dublin on 7 March designed to take forward our conversation on 2 March.

We are at one on the desirability of political progress within Northern Ireland. I am sure that we must now seek to move forward. I believe that the parties most likely to be involved in talks accept the same broad agenda. I also believe that there is a degree of commitment by the unionist leaders to real political dialogue, sufficient at least to be worth testing. There is a basis on which talks could start without any party risking a loss of face or compromise of its principles.

Concern has been expressed about the effect on Sinn Fein if talks break down, but there are also clear signs that the prospect of talks is itself helpfully exerting pressure on them, from which they would be relieved if talks did not materialise. My considered judgment is that we are bound to take the opportunity which now exists to facilitate political progress, since expectations have been encouraged in large part by statements by both our Governments, including the major statements by the Taoiseach in November and January.

When I next meet the unionist leaders I shall want to give them my considered comment on their three "preconditions". As to the first of these "preconditions" I believe that there is nothing more to be said - the papers my officials gave yours refer to two quotations that seem to me to have already set out the position of our Governments. On the second and third preconditions, there can be no question of suspension, but, as you yourself have suggested, an interval between agreed dates of Conference meetings could be utilised to start talks between the parties; and, while there can be no question of any change in the operation of the Secretariat, the unionists may be able to take comfort from their own argument that, if no Conference meetings are taking place, the Secretariat cannot at that time be serving as a secretariat to the Conference. It is also the case that the British head of the Secretariat would be actively involved in supporting any political exchanges which might be taking place in the interval between the Conferences. As you have pointed out we would need an agreed line to be taken on all this by the two Governments. The unionists would have to be warned not to make excessive claims, and warned also that, if they did, the two Governments would have to rebuff them.

An important issue concerns the scope and format of any talks which take place. The starting point is the need for talks between the parties as envisaged in Article 4 of the Agreement. But, as the proposals on the substance and format of talks which my officials put to yours make clear, it seems likely that all those involved will wish to see a process which also addresses North/South relations and which has implications for East/West relations. There is in short a shared recognition of the need to consider the triple relationship in parallel and this was reflected also in the Taoiseach's statement of 22 January. Clearly your Government must be directly represented in any talks about North/South or East/West relations; and, by virtue of the Agreement, it has the right to put forward views and proposals on the modalities of bringing about devolution in Northern Ireland, insofar as they relate to the interests of the minority community.

In practice I think it probable that each participant in these separate strands will wish to view any emergent package as a whole. Accordingly, no-one will be willing to reach agreement on one aspect without knowing the outcome on the others. Some liaison between the strands will, I agree with you, therefore be needed - but the nature of that liaison must by definition be something to be agreed between all the parties concerned, not just the two Governments. I do not myself rule out the idea of an inter-relationship group, or liaison committee, where all the participants can discuss the emergent pattern as a whole; but I do not think that can be imposed.

I hope that you will now be able to respond positively to the propositions which I have put to you. There has been very full discussion. For my own part, I share entirely the view that there is, as the Taoiseach recently put it, a pressing necessity to create new stable relationships in Northern Ireland and within Ireland as a whole; and I believe that we can, by sensitive handling of the Unionist "preconditions", now help significantly to take matters forward.

Signed:

PB

IRELAND : Situation PDA

Northern Ireland Office
Stormont Castle
Belfast BT4 3ST

Rt Hon Lord Mackay of Clashfern
The Lord Chancellor
Lord Chancellor's Department
House of Lords
LONDON
SW1A 0PW

27 March 1990

CB027/3

Dear James.

NORTHERN IRELAND INQUESTS

Thank you for your letter of 12 March.

On consideration, I agree with your conclusion that, in the light of the welcome decision of the House of Lords on the "compellability" issue, we would not be justified in introducing legislation, for the time being at any rate, to deal with any other aspect of coroners' law in Northern Ireland.

I am sending copies of this letter to the recipients of yours.

Yours

PM

PB

PM/SOFS/2239

IRELAND: SI

Pt 27

cc Mr Eggington C.O.
This is helpful in
clarifying Morton's status
AP 20/3

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

MO 19/3/12J

20th March 1990

Dear Andrew,

MURPHY v SUNDAY TIMES

We spoke about the decision by Brigadier Morton (Retd) to appear for the Sunday Times in this case. I attach a copy of defensive press material we plan to use if any enquiries are made of the MOD. This has been cleared with the Law Officer's Department.

Incidentally, the title of Brig Morton's book about his Northern Ireland experience is "Emergency Tour".

Yours sincerely,
Simon Webb

(S WEBB)
Private Secretary

Andrew Turnbull Esq
No 10 Downing Street

MURPHY BROS v THE SUNDAY TIMES - LINES TO TAKE

Q.1. Is it true that an ex-Army officer is appearing/has appeared in Dublin to give evidence in a civil libel case brought against the Sunday Times by the Murphy Brothers.

A.1. Yes.

Q.2. Is/did Morton appear as a representative of the Security Forces?

A.2. Brigadier Morton retired from the Army in 1986. He is/has attended the court to give evidence as a private individual.

Q.3. But he is talking about his experiences in NI. Surely he must have gone with MOD's blessing?/Did MOD try to stop him.

A.3. The Ministry of Defence were made aware, by Brigadier Morton, that he intended to give evidence in favour of the Sunday Times. Brigadier Morton, as a retired officer, is entirely free to speak about his experiences as a Coy Commander in Northern Ireland, provided that he does not disclose material in breach of his duties under the civil and criminal law. Subject to that constraint, of which Brigadier Morton is well aware, the Ministry of Defence would not seek to influence a decision made by a private individual.

Q.4. What will happen to Brigadier Morton if he does disclose sensitive information?

A.4. I am sure you would not expect me to answer a theoretical question of that sort. [If pressed: If necessary any statements made by Brigadier Morton would be considered.]

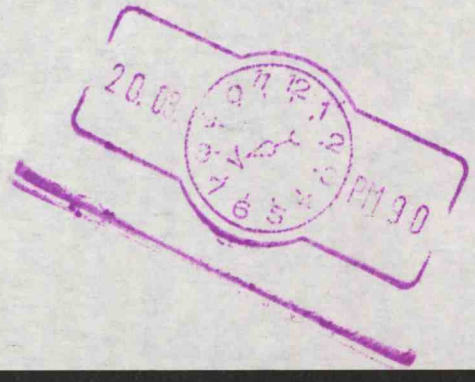
Q.5. Did the Government consider providing a witness to testify against the Murphy brothers?

A.5. The Defendents asked the Government to provide evidence to assist in their defence of the proceedings, but after careful consideration the Government was unable to find any way to help.

Q.6. Why could the Government not help when an ex-Army officer is now giving/has given evidence? What is the difference?

A.6. I cannot speak for Brigadier Morton or the Sunday Times.

[if pressed - see A.5.]



FROM THE RIGHT HONOURABLE THE LORD MACKAY OF CLASHFERN

HOUSE OF LORDS,
LONDON SW1A 0PW

12 March 1990

CONFIDENTIAL
The Right Honourable Peter Brooke MP
Secretary of State for Northern Ireland
Northern Ireland Office
Old Admiralty Building
Whitehall
LONDON
SW1

CDP
15/3

Dear Secretary of State,

NORTHERN IRELAND INQUESTS

You will by now be aware that on 8 March the House of Lords allowed the Crown appeal in the McKerr case.

As a result, rule 9(2) and (3) of the Coroners Rules has been found to be intra vires and remains part of the law relating to coroners inquests in Northern Ireland. Consequently, it will now be possible for HM Coroner to resume the inquest which gave rise to the appeal and for the other inquests to which this issue is relevant to proceed whenever practicable.

It probably goes without saying that it will no longer be necessary to proceed with the proposed Order in Council to reinstate rule 9(2) and (3). One consequence of this is that we shall lose the opportunity to amend the Coroners Act to enable me to transfer inquests between coroners' districts. You will recall that this provision has been included in the Draft Coroners Order at the request of your officials to meet the logistical and security difficulties encountered with certain inquests. While it is unfortunate that this should be a by-product of the House of Lords Judgment, it seems to me that, subject to your views and those of colleagues, that it is probably not of sufficient importance to merit proceeding with an Order in Council for this purpose alone.

Copies of this letter go to the Prime Minister, Geoffrey Howe, Douglas Hurd, David Waddington, Tom King and Patrick Mayhew, and to Patrick Walker and Sir Robin Butler.

Yours ever,
Hailsham

(Approved by the Lord [illegible] and signed in his [illegible])

IRELANDS Sir

cc/pc

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

LEGAL SECRETARY

Dep Clerk
PL. happy no comments.
CDP 8/3

David Manning Esq
Cabinet Office
Whitehall
London SW1

8 March 1990

Dear David,

IRELAND/REPUBLIC OF IRELAND

I enclose a copy of WITH COP I WILL REQUEST IF REQUIRED the Attorney General's proposed reply to John Murray's letter of 2 February concerning the use of "Republic of Ireland" in extradition warrants and their supporting documentation. The Attorney would like to send the reply as soon as possible and I would therefore be grateful for any comments you or the copy addressees of this letter may have by close of play on Friday.

Also enclosed is a draft line to take should the change of nomenclature in warrants be raised in the House or by the press.

Copies of this letter go to Charles Powell (No. 10), Colin Walters (HO), Colin Roberts (FCO) and Steve Rickard (NIO).

Yours sincerely,

Jane Wheldon.

MISS J L WHELDON

ROYAL COURTS OF JUSTICE
LONDON, WC2A 2LL

01-936 6201

John Murray Esq SC
Attorney General
DUBLIN 2

8 March 1990

Thank you for your letter of 2 February concerning the Supreme Court's comments in the Ellis case about the use of the name of the State in warrants and other documentation supporting a request for extradition. I appreciate the difficulties which their comments cause and the position in which you are now placed.

Careful consideration has been given to your helpful proposals that addresses on warrants and supporting documentation emanating from England, Wales and Scotland should, where necessary, refer to "Ireland" in lieu of "Republic of Ireland" and that warrants and documentation emanating from Northern Ireland should omit the name of the State and refer only to the city or county, as appropriate. However, the introduction of a distinction between Northern Ireland documentation and other United Kingdom documentation is not very attractive.

Such a distinction may be liable to be misunderstood in at least two ways. Some, perhaps including your courts, may see it as a "conscious and deliberate practice" by the Northern Ireland authorities not to comply with the Supreme Court's dicta: others, more mischievously, may suggest that it is a recognition by the Northern Ireland authorities that Northern Ireland is indeed part of a country called Ireland and that the designation of a country is accordingly inappropriate when referring to an address in the Republic. Such a false suggestion would be most undesirable.

In the circumstances therefore I think it would be best if the nomenclature given to the State in warrants and supporting documentation emanating from all jurisdictions in the United Kingdom were to be consistent.

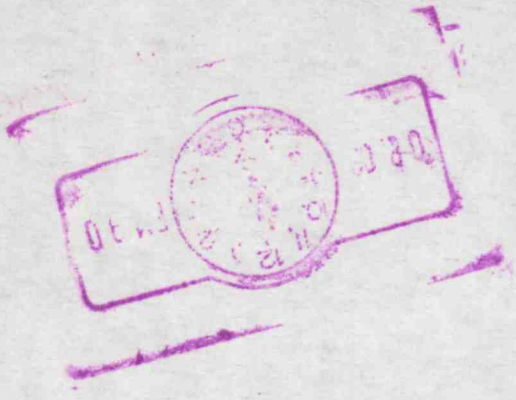
I would not wish to see our extradition arrangements disrupted over the issue of nomenclature and, since the risk of your courts rejecting warrants is clearly greater if the name of the State is omitted altogether, all warrants and supporting documentation emanating from the United Kingdom will in future refer to "Ireland" in lieu of "Republic of Ireland" where the need to refer to the State arises. Instructions will be given to all United Kingdom prosecuting authorities accordingly. Indeed, as you know, on the warrant and supporting documentation recently sent to the Commissioner of the Garda Siochana in the Hamilton case, Hamilton's current address was given as Mountjoy Prison, Dublin, Ireland.

LINE TO TAKE

USE OF "IRELAND" IN ADDRESSES ON WARRANTS AND SUPPORTING DOCUMENTATION

In the course of giving their judgment in the case of Desmond Ellis the Supreme Court expressed their views about the correct nomenclature to be used when referring to the State in addresses on warrants and documentation supporting applications for extradition. The Irish Attorney General has intimated that he will not be able to permit the endorsement of any warrants from the United Kingdom which offend against the principle expressed in the Supreme Court's dicta. In future therefore, in the interests of maintaining satisfactory and effective extradition arrangements between our two countries, where it is necessary to refer to the name of the State in addresses on warrants and supporting documentation sent to the Irish authorities from the United Kingdom the name of the State will be given as Ireland.

This change in nomenclature is applicable only to warrants and other documentation supporting extradition applications. The change does not affect, and is not intended to affect, the status of Northern Ireland as an integral part of the United Kingdom of Great Britain and Northern Ireland.



FCS/90/048

ATTORNEY GENERAL

Ireland/Republic of Ireland

1. Thank you for your letter of 19 February about the nomenclature of the Republic of Ireland, which your Secretariat have copied to No 10 and the Home Office.

2. I agree that it is of overriding interest to ensure that extradition does not break down on this point of nomenclature. Accordingly I accept that warrants, including those from Northern Ireland which name an address in the Republic should show that address as in "Ireland". In telling the Irish Attorney this I hope that you will make it clear that the change has no effect on the status of Northern Ireland.

3. At the same time this decision will become public and may well cause pressure from the Irish over time to seek a similar change elsewhere. The judgment in the McGimpsey case is the most obvious occasion on which the Supreme Court could again create spurious difficulties which the Irish Government will nevertheless feel bound to exploit. Even though there is no legal need to insist on using the "Republic of Ireland", we could concede further changes only at some political cost. We should make changes only when when we have to or if there is some advantage in so doing.

4. I am copying this minute to the Prime Minister, the Northern Ireland Secretary, the Home Secretary and Sir Robin Butler.

DH.

(DOUGLAS HURD)

Foreign and Commonwealth Office
27 February 1990

CONFIDENTIAL

FILE
a: NORTHERN. MJ.

bcc PC

10 DOWNING STREET

LONDON SW1A 2AA

From the Private Secretary

23 February 1990

Dear Stephen.

NORTHERN IRELAND: POLITICAL DEVELOPMENT

The Prime Minister has read with interest the Northern Ireland Secretary's minute of 22 February describing recent political developments in Northern Ireland. I confirm that she is content with the position reached so far. She looks forward to seeing proposals from the Northern Ireland Secretary for the way ahead.

I am sending copies of this letter to Tim Sutton (Lord President's Office), Stephen Wall (Foreign and Commonwealth Office), Colin Walters (Home Office), Simon Webb (Ministry of Defence), Juliet Whelden (Law Officers' Department) and to Sonia Phippard (Cabinet Office).

yours ever

Charles Powell

Stephen Leach Esq

CONFIDENTIAL

MCM

CCP(1)

Prime Minister

You are asked to approve the position reached so far. The Northern Ireland Secretary intends to put forward some more specific proposals in due course.

PRIME MINISTER

NORTHERN IRELAND: POLITICAL DEVELOPMENT

I said in my minute of 15 January that I would report further once I had taken the Irish through the various steps which are likely to be needed to bring about political talks, and had a clearer picture of the prospects for getting such talks under way during the spring.

2. I have since had a meeting (on 19 February) with the two Unionist leaders, Mr Molyneaux and Dr Paisley, to discuss the prospects for moving towards the interparty talks, and two meetings with an SDLP team led by Mr Hume; and Brian Mawhinney has had a further meeting with the leader of the Alliance Party, Dr Alderdice. I have also had two informal discussions with Mr Collins (most recently on 21 February) about the prospects for encouraging political progress in Northern Ireland.

3. The initially positive reaction to my 9 January speech has been reinforced by indications that leading figures in all the main political parties in Northern Ireland are interested in bringing about talks on the arrangements for exercising political power in Northern Ireland within the United Kingdom. The Alliance Party has produced a brief annotated agenda and the SDLP has agreed to produce a similar document. All four main parties in Northern Ireland (the two Unionist parties, the SDLP and the Alliance Party) are known to be reviewing their negotiating positions. The hurdle we have yet to surmount is to persuade the two Unionist leaders, Mr Molyneaux and Dr Paisley, to overcome their instinct for inertia and begin to think seriously about the steps which are necessary before talks could start - thinking that is well under way at other senior levels in both their parties.

4. In my meeting with them on 19 February I gained the clear impression that, if talks can be started, they will be much more flexible than their posture now might suggest. Of course, they are conscious that Northern Ireland has historically been unkind to politicians showing premature willingness to compromise, and they naturally wish to preserve their hand until negotiations. But they realise that if they emerge from negotiations without securing agreement their position - and in particular their resistance to the Anglo-Irish Agreement - would be considerably weakened, since a substantial part of their present grievance is that it was negotiated over their heads. They accordingly have a considerable incentive to be constructive, if talks begin. I am impressed too by the extent to which they now in effect accept a similar agenda to the nationalists: that is, they too look to reach an internal political accommodation alongside a new understanding (replacing, as they would see it, transcending, as John Hume would see it, the present Agreement) on the two external dimensions: relations between a devolved Government and the Republic, and between London and Dublin.

5. Though the SDLP is also careful to preserve its hand, I believe that they too in negotiations would prove more flexible than some, including the Unionists, fear. Because of the fear, on their part, of being outflanked by Sinn Fein they do not wish to acknowledge too loudly their acceptance that an internal (or 'partitionist') settlement may be the necessary next step. The constitutional nationalists will accordingly, I believe, demonstrate a willingness to compromise once they accept that the Unionists are also engaged in a serious political exercise, and not mere posturing.

6. It is perhaps also worth mentioning some recent moves by Sinn Fein. Mr Martin McGuiness - known to be on the harder end of the Republican spectrum - recently made a speech challenging me to explain how the British Government might respond to a ceasefire. I gave this the necessary rebuff. But the incident may be of some significance. Sinn Fein/PIRA could be either trying to wreck the

present signs of political movement, or showing signs of concern about their isolation from the process. I suspect it is the former rather than the latter. But what seems to me significant is PIRA/Sinn Fein's clear appreciation that political movement poses a threat to their position. If an accommodation is reached between the two communities, and involving also in some way the Irish Republic, PIRA/Sinn Fein stand to be further marginalised.

7. Against this background, I believe that we are right to continue the pursuit of political progress, though a successful outcome clearly cannot be guaranteed. It remains important that we proceed in a way which does not endanger those achievements we have, including of course the Agreement, and which does not create turbulence which the terrorists and others might seek to exploit. My judgement remains that we should continue our attempts to carry this matter forward.

8. A crucial question concerns the Unionist pre-conditions. Despite what they told the press afterwards, I made it plain in the meeting that there is no question of accepting these pre-conditions as stated. We cannot agree to a suspension of the Agreement or of the Secretariat. But I believe they would settle for less. The pressures on the leaders to bring their parties into talks are such that these preconditions have already been significantly watered down, and I believe that the two Governments can now, without any sacrifice of principle, make a gesture which might be sufficient for talks to start. At the very least this would demonstrate that it was the Unionist leaders, not the two Governments, who were being intransigent.

9. As regards the Unionist preconditions more specifically, the two Unionist leaders have (as I mentioned in my minute of 15 January) already been brought to acknowledge that their first pre-condition (an acknowledgement of the two Governments' readiness in principle to consider any proposals that might be put forward for an alternative Agreement) is no obstacle in the light of my 9 January

speech and the statement from the Taoiseach on 22 January: in response to a direct public request from two leading Unionist politicians, itself a sign of growing flexibility and readiness to find a way into talks, he said 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'. The other main Unionist pre-condition is that there should be a period of 'non-operation' of the existing Agreement, to allow talks to get under way. I mentioned in my earlier minute that Mr Collins and I were in the process of agreeing dates for Conference meetings over the next six months. After the March meeting, we shall agree to meet in April, with a possible gap then until July. The main issue is how such a gap might be described. I have in mind the possibility of our saying that the dates of the relevant meetings, including of course the date of the meeting at the end of the gap, have been arranged to assist the orderly planning and conduct of business. We might however go on to say that the two Governments also had in mind the opportunity that the interval between meetings might provide for political progress within Northern Ireland. As long ago as last August Paisley said that if the Unionists had known there was going to be such a long gap between Conference meetings last summer, it could have been used to start talks: I would like to challenge him to live up to that.

10. The Unionists also look for the suspension of the Secretariat. I do not myself see how we can meet them directly on this. But some gesture may be enough. Paisley and Molyneaux stated on Monday that the first precondition eclipsed the others in significance. Already some Unionist leaders now appear to be preparing themselves to claim that if there is a gap in Conference meetings the Secretariat would not be 'going full belt'. They would argue, incorrectly, that as the Secretariat was set up to service the Conference it would in effect be inoperative if the Conference were not meeting. I would be content with the position where we did not

challenge a Unionist claim of that kind. I would also be prepared myself to make clear, which would be the case, that if political talks begin the head of the British side of the Secretariat (who also heads our political section in Belfast) would be significantly occupied on work in connection with these talks. I am myself clear that we could not go much beyond this. There is a reasonable prospect that the Unionists will accept it, particularly on the basis that our willingness to contemplate modifications to the Agreement in the context of an overall political settlement meets their main concerns: and I would hope that the Irish and the SDLP would accept that there would be no diminution in fact of the Secretariat's role or importance.

11. I have now had two useful exploratory meetings about this with Mr Collins, though I have refrained from anything which could be characterised as negotiation. At my last meeting I agreed that our officials should meet again to identify clear options for Ministerial consideration. I hope that, in the light of those exchanges, I may have a clear proposition for you and other interested colleagues to consider.

12. The Irish Government would like to see progress towards a political accommodation, and indeed they are committed by the Agreement to support our policy to devolve powers within Northern Ireland. There is of course a deep-seated ambivalence, particularly on the part of a Fianna Fail government, about something which might pump life into the 'failed political entity'. However, they have so far shown some nervousness, no doubt partly prompted by Mr Hume, and concern on two points: whether there are sufficiently good prospects of progress to justify carrying matters forward, and whether that can be done, without our having to pay too great a price specifically on the 'Unionist pre-conditions'. As I have already indicated I believe their concerns, which are also concerns for us, can be met. It is, in particular, important that the Irish understand that we have no intention or wish to abandon the Agreement or to put it at risk. I think Mr Collins is personally

willing to support us in trying to make progress - and Mr Haughey, whether sincerely or not, has talked in public of wanting to make progress for its own sake.

13. The Irish are also, unsurprisingly, concerned about the format any talks might take, and more specifically about their own role. I have made it clear to them that I could not accept their direct participation in talks about internal political arrangements in Northern Ireland. Apart from our own views, I cannot believe that the Unionists would accept this. Under the Agreement, the Irish do however have the right to put forward views and proposals on the modalities of achieving devolution, insofar as this affects the minority community. But the Irish would certainly need to be involved in any discussions about relations between a new Northern Ireland administration and the Republic, or in any discussion of the implications for relationships between the two governments; and the Unionists appear to acknowledge this. It is clear that any talks will therefore need to have, though not necessarily at the same time, three strands, the primary strand being talks between the Northern Ireland parties and the Government about arrangements for governing Northern Ireland and relations with Westminster (for example in relation to security and other 'excepted' matters, fiscal freedom and any financial subvention, and our international obligations). If these talks make progress it will at some stage become appropriate for talks to take place between the Northern Ireland parties and the Irish Government (and probably ourselves) about 'North-South' relations; and the outcome of both sets of talks may have implications (or may give rise to proposals from the Northern Ireland parties) which we would need to discuss with the Irish Government. It seems probable that general agreement will only be reached when all three strands of talks have been concluded. It is on this basis that I shall be seeking, initially on an exploratory basis with the Irish, a common understanding on format for talks with which all parties and the Irish Government would be content.

14. I hope that you, and other colleagues, are content with the position we have reached so far. As I have indicated, I hope that the result of further exchanges at official level may lead to the identification of a clear proposition on which I shall seek colleagues' approval with the aim of reaching agreement with the Irish on an approach which can be tested with the Northern Ireland political leaders.

15. I am sending copies of this minute to Geoffrey Howe, Douglas Hurd, David Waddington, Tom King and Patrick Mayhew, and to Sir Robin Butler.

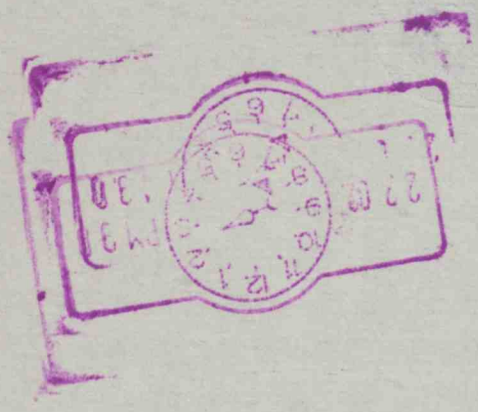
P.B.

PB

22 February 1990

IRELAND: SITUATION

R 27



(2)

Re Ninian

ATTORNEY GENERAL

ROYAL COURTS OF JUSTICE
LONDON, WC2A 2LL

01-936 6201

Another pin-prick, of which you should be aware

19 February 1990

CBB 23/2

The Rt Hon Douglas Hurd CBE MP
Secretary of State for Foreign and Commonwealth Affairs
Downing Street
LONDON S W 1

Dear Douglas:

IRELAND/REPUBLIC OF IRELAND

- Irish Attorney-General.

I enclose a copy of a letter I have received from John Murray saying, predictably, that he will no longer be able to allow the endorsement of warrants referring to "the Republic of Ireland" following the comments of Walsh and McCarthy JJ in the Ellis case. This is infuriating, but it is not his fault: it is that of his father-in-law (Mr Justice Walsh).

Being rather embarrassed, and sensitive to our difficulties, he proposes the solution that warrants and supporting documentation emanating from England, Wales and Scotland should refer to "Ireland" and those emanating from Northern Ireland should refer only to the relevant city or county.

I do not find this option very attractive. The introduction of a distinction between Northern Ireland documentation and other UK documentation seems liable to be misunderstood in at least two different ways. Some, perhaps including the Irish courts, will see it as a "conscious and deliberate practice" by the Northern Ireland authorities not to comply with the Supreme Court's dicta: others, more mischievously, may see it as recognition by the Northern Ireland authorities that Northern Ireland is indeed part of "Ireland" and the designation of a country therefore inappropriate when referring to an address in the Republic.

I understand from correspondence and discussions between officials that the FCO would prefer to delay a decision upon this matter until the implications of the Supreme Court dicta in other areas of the relationship between our two Governments have been fully assessed. I also understand that this may take some time, as they would wish to wait until the Supreme Court has delivered its judgments in the McGimpsey case, as these may have a bearing on future practice in other areas. The judgments are not expected to be given until some time in March.

I need to send an early substantive reply to John Murray's letter. It seems to me that a decision to use Ireland in addresses on warrants need not affect the way in which we address the Republic in other documents. A case involving an address in the Republic could arise at any moment, and it is quite clear that those warrants will not be endorsed if the address upon those warrants is given as the Republic of Ireland. Any delay in deciding this matter could therefore have considerable adverse effects on our extradition arrangements with the Republic. The substance is more important than the form, and the return of fugitive offenders more important than the nomenclature whereby the requested state is addressed.

I would like to reply to John Murray before the end of next week informing him that in future on all warrants from the United Kingdom where the person named in the warrant has an address in the Republic the address will be shown as Ireland. I would therefore be grateful for your early confirmation that this is acceptable.

I am copying this letter to Peter Brooke.

Yours ever,

Patrick

9906
400/88/341
OUT JW

JLW
21/2

OIFIG AN ARD AIGHNE
(Attorney General's Office)
BAILE ÁTHA CLIATH
(Dublin 2)

Sir Patrick Mayhew, Q.C., M.P.,
Attorney General,
Royal Courts of Justice,
London WC2A 2LL.
United Kingdom.

2nd February, 1990

Dear Patrick,

I refer to the decision in the Ellis case in which the Supreme Court dealt with the use of the name of the State by other countries, with particular reference to the United Kingdom, in their warrants and other documentation supporting a request for extradition. You will recall that this matter was mentioned briefly in our recent telephone conversation. Since you have copies of the judgements delivered in this case it is not necessary for me to refer to them except to say that I must have full regard to the decision of the Court, in particular as expressed in the judgments of Walsh J. and McCarthy J., when dealing with requests for extradition. Therefore it will not be possible for me to allow the endorsement of any warrant which offended against the principle of the Supreme Court decision.

I appreciate your concern, which you expressed in our telephone conversation, that there might be sensitivity regarding this matter in some quarters in Northern Ireland. I would not see the omission of the name of the State from all warrants and supporting documentation

as meeting the position with which we are now faced as a result of the Supreme Court decision. The omission of the name of the State, Ireland, from all warrants and supporting documentation could be interpreted as 'a conscious and deliberate practice' intended to avoid giving the State its constitutionally designated name.

However, having regard to your concerns I would suggest that the following approach be adopted. All warrants and supporting documentation emanating from England, Wales and Scotland would refer to 'Ireland' in lieu of 'Republic of Ireland' as used heretofore. All warrants and supporting documentation emanating from Northern Ireland would omit the name of the State and refer only to the city or county, as appropriate. It might be suggested that such a practice in relation to warrants from Northern Ireland could similarly be regarded as objectionable by the Courts. However, since warrants from most parts of the United Kingdom would show that the United Kingdom authorities had no objection to using the constitutionally designated name of the State I feel that such a contention would successfully be rebutted.

The approach which I have suggested and which is designed to overcome the difficulties which you have expressed is, I feel, a balanced one, and although it is usually difficult to anticipate the Courts with certainty I am confident that such an approach would be sufficient to meet the position adopted by the Supreme Court in the Ellis case.

With best wishes,

Yours sincerely,

John

23.02.
2130

CP CR PCRB

Thomas Legg, C.B.
Permanent Secretary

HOUSE OF LORDS,
LONDON SW1A 0PW

Tel. 01-219 3246

CONFIDENTIAL

9
15th February 1990

Dear Andrew,

Car for Lord Lowry

Following your recent conversation with him, the Lord Chancellor spoke to Lord Lowry who has agreed to accept a Rover. We are now going ahead with the arrangements for providing this.

The Lord Chancellor was most grateful for the Prime Minister's assistance which enabled him to resolve this somewhat sensitive matter.

Yours sincerely,
Tom Legg

Andrew Turnbull Esq.
Principal Private Secretary
to the Prime Minister

The National Archives

DEPARTMENT/SERIES PREM 19 PIECE/ITEM 3408 (one piece/item number)	Date and sign
Extract details: Letter from Peter Brooke to Tom King dated 12 February 1990	X
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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.
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Sign and date next to the reason why the record is not available to the public ie. Closed under FOI exemption; Retained under section 3(4) of the Public Records Act 1958; Temporarily retained; Missing at transfer or Number not used.

Fyi

10 DOWNING STREET

Andrew

Paul Stockton rang.

The Lord Chancellor has spoken to Lord Lewis who will accept a Rover.

Derek

9/3

CONFIDENTIAL

File
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lowry (KK)

10 DOWNING STREET

LONDON SW1A 2AA

From the Principal Private Secretary

8 February 1990

Dear Paul,

CAR FOR LORD LOWRY

I spoke to the Lord Chancellor before Cabinet today. I told him the Prime Minister had raised no objection to the Lord Chancellor's Department purchasing a car for Lord Lowry, but that the choice of car in such cases was always contentious. The precedents, e.g. the comparison with the Secretary of State for Northern Ireland, pointed to an armoured Rover rather than a Jaguar. It would therefore be helpful if Lord Lowry agreed to accept a Rover rather than a Jaguar. I said, however, that if Lord Lowry made things difficult for the Lord Chancellor the Prime Minister would not wish to oppose the offer of a Jaguar. The Lord Chancellor said he would speak to Lord Lowry and try and persuade him to accept a Rover though it was helpful to him to know that in the last resort he could offer a Jaguar.

I am copying this letter to Sir Robin Butler.

Yours sincerely

Andrew Turnbull

(ANDREW TURNBULL)

Paul Stockton, Esq.,
Lord Chancellor's Office.

CONFIDENTIAL

MEM

10 DOWNING STREET

Prime Minister

Reading between the lines I interpret this as a request by Lord Lowry which Lord Chancellor has passed on without pressing it strongly – see reference to the Rover in the middle para. (Lord Ch has a Rover himself).

Why don't I suggest a Rover and let Lord Chancellor return to the charge if he feels strongly about it?

AT
29/1

RESTRICTED

MINISTRY OF DEFENCE WHITEHALL LONDON SW1 2HB

TELEPHONE 01-218 9000
DIRECT DIALLING 01-218 2111/3

MO 19/3S

29th January 1990

Dear Peter

EQUALITY OF OPPORTUNITY IN NORTHERN IRELAND

Thank you for your letter of 22nd December about the Fair Employment (Northern Ireland) Act 1989.

The Ministry of Defence as an employer will implement the requirements of the Act to the full, and will act as far as possible within the spirit of the legislation. I am most grateful for your acknowledgement of the particular difficulties we face, and am pleased to note that the FEC will show understanding of those difficulties, where they exist.

There is one point of which you should be aware at this stage, concerning those provisions of the Act relating to the placing of contracts. Officials are currently seeking to develop procedures which would ensure that the relevant provisions are reflected in our contractual processes, and we shall be amending our standard conditions of contract to secure the co-operation of our main contractors in preventing the award of work to unqualified sub-contractors. At the same time I should record that we face difficulties as a consequence of our reliance on a very small number of firms in certain essential areas, especially in construction. In the nature of things the workforce of such firms

The Rt Hon Peter Brooke MP

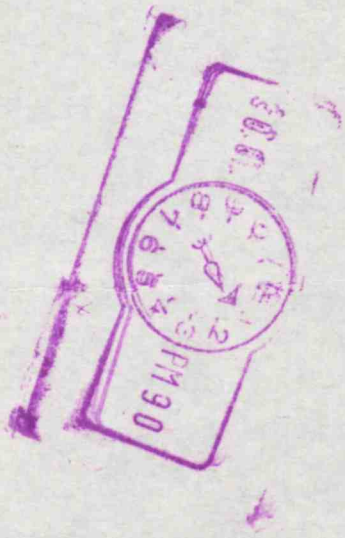
tends to be almost exclusively Protestant. If one of these firms were to face difficulties in meeting the requirements of the Act and were to be deemed to be unqualified, we could be faced with particular difficulties, which we would need to discuss in detail with the FEC..

I am copying this letter to the Prime Minister, Geoffrey Howe, Douglas Hurd, other members of H, John Gummer, Richard Luce, Peter Lilley and Malcolm Caithness, and to Sir Robin Butler.

Yours

Tom King

IRELAND : Situation
A 27



PRIME MINISTER

LORD LOWRY: ARMOURED CARS

The Lord Chancellor's minute seeks agreement for Lord Lowry to be provided with an armoured Jaguar. There are two separate issues:

i) Should he have a dedicated car or a variety of cars from the GCS? No-one has raised objections to the dedicated car.

ii) Should it be a Jaguar or a Rover?

At present, armoured Daimlers or Jaguars are provided only to yourself, the Lord President, Foreign Secretary, Secretary of State for Defence, and the Home Secretary (the latter from the Metropolitan Police). Other Cabinet Ministers, including for example the Secretary of State for Northern Ireland, are provided with Rovers.

It would be invidious, and would set an undesirable precedent, if Lord Lowry were given a Jaguar unless it were demonstrated that this is the only way to meet his security needs. This is not the case. Rovers can be armoured and if they are good enough for the Secretary of State for Northern Ireland who has the same requirement for protection, they should be good enough for Lord Lowry.

Agree it should be a Rover?

Derek Wilkinson
Duty Clerk

(ANDREW TURNBULL)

26 January 1990

c:\wpdocs\pps\lowry.dca

I would not go against the Lord Chancellor's judgment. I note he says that he will bear to defend the action on his vote. We really do depend on the Judiciary

CONFIDENTIAL

PA. to Kinnaird

Ref. A090/218

MR TURNBULL

Lord Lowry: Armoured Cars

Your note of ~~18~~ Rap January enclosed a copy of the Lord Chancellor's minute of 16 January to the Prime Minister proposing that Lord Lowry, who requires an official armoured car for security reasons, should be provided with a Jaguar 2.9. You asked whether there were any current cases within Government which could be inflamed by acceding to this request.

2. At present, armoured Daimlers or Jaguars are provided by the Government Car Service only to the Prime Minister, Lord President, Foreign Secretary and Secretary of State for Defence and, by the Metropolitan Police, to the Home Secretary. Other Cabinet Ministers, including, for instance, the Secretary of State for Northern Ireland, who has the same requirement for protection as Lord Lowry, are provided with Rovers. It would be invidious - and would set an undesirable precedent - if Lord Lowry was given a Jaguar unless (and there is no evidence for this) it was justified on security grounds.

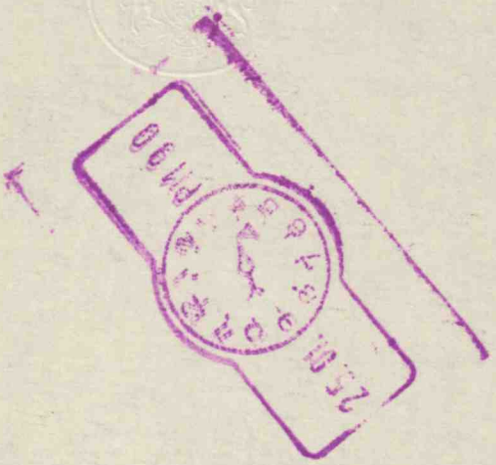
R.E.R.B.

ROBIN BUTLER

25 January 1990

CONFIDENTIAL

IRELAND : Situation.
P127.



Fie 46

CONFIDENTIAL

10 DOWNING STREET
LONDON SW1A 2AA

From the Principal Private Secretary

SIR ROBIN BUTLER

LORD LOWRY: ARMOURED CARS

I have established that there are no other ex-Northern Ireland judges serving in England and that there would be parallel claims from the Northern Ireland Court Service who operate a pool of Granadas. Are you aware of any cases within Government which could be inflamed if this request were conceded?

Andrew Turnbull
18 January 1990

CONFIDENTIAL

46

CONFIDENTIAL

Like to
c: Northern

bc. PC.

10 DOWNING STREET

LONDON SW1A 2AA

From the Private Secretary

16 January 1990

NORTHERN IRELAND: POLITICAL DEVELOPMENT

The Prime Minister has considered the Northern Ireland Secretary's further minute of 15 January suggesting how he might follow up his speech in Bangor on 9 January. She is content insofar as action within Northern Ireland is proposed, but does not think it necessary to involve the Irish Government so extensively at this stage. Irish support for devolution is in the Anglo-Irish Agreement, and that is sufficient for now. We should get on first with bilaterals with the parties in Northern Ireland, to see whether the basis for wider talks exists, and only in the light of these engage in more extensive consultations with the Irish Government. This would not rule out briefing the Irish in general terms at the next meeting of the Intergovernmental Conference about our intentions. But I think the Prime Minister would regard the proposed talks between senior officials later this week as premature.

I am sending copies of this letter to the Private Secretaries to the Lord President, the Foreign and Commonwealth Secretary, the Defence Secretary, the Home Secretary, the Attorney General and Sir Robin Butler.

C.D. POWELL

Stephen Leach, Esq.,
Northern Ireland Office.

CONFIDENTIAL

FROM THE RIGHT HONOURABLE THE LORD MACKAY OF CLASHFERN

c.c.

HOUSE OF LORDS,
SW1A 0PW

PRIME MINISTER

16 January 1990

CONFIDENTIAL

R17

You may be aware that Lord Lowry, a former Lord Chief Justice of Northern Ireland, who was appointed a Lord of Appeal in 1988, is at considerable and continuing risk from Irish terrorists. Special measures are in force to protect him, including the loan of a specially armoured car from the Government Car Service for his personal use.

This arrangement has proved unsatisfactory, because he has had to use a variety of spare vehicles from the car service when available, and it is now proposed to purchase a protected car specifically for him. Lord Lowry takes the view that the most appropriate car for him is the Jaguar 2.9, though I understand that the Rover 827Si is arguably also suitable, and is somewhat less expensive.

I am aware of the sensitivities surrounding the use of prestige cars by Ministers and other senior public figures, but Lord Lowry is at serious risk and he has for many years endured much personal inconvenience and danger in the public service. As a Lord of Appeal, he must rank as high as all but a very few of the most senior Ministers. In these special circumstances I am prepared to bear, and defend, the extra cost on my vote. But before I ask the Government Car Service to procure a Jaguar for Lord Lowry, I should like to be sure that this will not cause you any embarrassment.

MyC

(3)

Prime Minister

Mr. Brooke's account of how he intends to take forward his proposals for devolved government. You may like to advise him to make haste slowly, particularly with the Irish Government. I suspect the Irish are going to be very difficult: & their involvement will only increase Unionist suspicions. Mr. Brooke might be better advised to wait until after he has met all the main Northern Ireland parties before involving the Irish Government.

CDP 15/1

Irish support for devolution is in the A-I agreement. We do not need to sound them further. We have to [illegible] with the parties to [illegible] the wider talks we [illegible] feasible

SECRETARY OF STATE FOR NORTHERN IRELAND

Prime Minister

NORTHERN IRELAND: POLITICAL DEVELOPMENT

We agreed before Christmas (my minute of 18 December) that there might now be an opportunity to achieve some political progress in Northern Ireland and that I should try to nudge the parties towards talking together and with the Government about the transfer of power to local politicians. We now need to follow up my speech in Bangor on 9 January (copy attached). Although events over the weekend may appear to cast a shadow, I do not believe they should interfere with our current efforts.

2. Initial reactions within Northern Ireland have been broadly helpful. No party has closed off the possibility of inter-party talks. There is considerable strain within the UUP: several MPs and party officers are unhappy with Mr Molyneaux's immobility and the speech has added to this tension. Mr Molyneaux has so far been non-committal but will be discussing the party's reaction with his officers. In Dr Paisley's absence, Mr Robinson gave the speech a guarded welcome: he has clearly interpreted it, correctly, as being designed to help him bring the DUP into inter-party talks. The SDLP have been, to some extent, put on the spot by the speech. They have made clear that they are committed to devolution but Mr Hume would have preferred me not to draw attention to this fact. I shall be seeing him and his Parliamentary colleagues on 19 January and pressing them to think through how they can most constructively contribute to bringing about the talks they want to see. The smaller political parties have generally made supportive statements about the speech (though the four local Conservative Associations, who were less enthusiastic, have kept a tactful silence).

CP/PRO/24282

3. Within Northern Ireland, partly through our own efforts, we now have a situation in which it appears that it may be possible to move forward to constructive inter-party talks. I shall be maintaining existing contacts with the SDLP, DUP and Alliance Party and seeking to promote agreement on an agenda for talks, and I am exploring all the possibilities for involving the UUP. A good deal of work will need to be done in bilateral meetings with the parties, possibly even in preliminary multi-lateral discussions, before any substantive talks could start. However, the determining factor for involving the UUP and indeed the DUP, in this process, is likely to be the attitude which they take towards the pre-conditions which they have set for themselves for entering inter-party talks.

4. Thus far, we have said little of substance to the Irish about the prospects for devolution, although we have been keeping them in touch in general terms. I have briefly touched on the matter with Mr Collins, as have you with Mr Haughey. Not unhelpfully, there has been almost no public - or private - reaction to my speech from the Irish Government, although a number of Irish Opposition politicians have made helpful comments. We shall, however, need Irish support - which might largely mean the absence of any unhelpful public statements - if we are now to get talks going. Mr Haughey himself may take some convincing that renewed efforts to make progress towards devolution in the North are in his Government's interest as well as ours, and he may have to be persuaded that a failure would not be to his advantage. We shall therefore need to take the Irish through the various steps which are likely to be needed to bring about talks, and to achieve a joint understanding with them. In practice, we are likely to be looking for suitable forms of words to explain the two Governments' willingness to see advantage taken of natural gaps between Intergovernmental Conference meetings, to enable political progress to be made.

5. The Unionists' pre-conditions have been scaled down to the point where they now comprise effectively a call for the two Governments to express a willingness to consider any agreed proposals for an alternative to the Anglo-Irish Agreement which emerge from inter-party talks; and a temporary "suspension of the operation" of the Inter-Governmental Conference. Both Unionist leaders seem to have redefined their first pre-condition so that it is already largely met by the "no pre-conditions" formula which Tom King earlier advanced to them, and which I have reaffirmed, and by a statement by the two Governments in last year's review (which I repeated in my speech). I have also pointed out the self-evident truth that the achievement of devolution would have substantial implications for the Agreement which both Governments would be bound to consider seriously and sympathetically. (We shall of course need to continue to make clear, lest there should be any misunderstanding, that we remain committed to the Agreement because of the principles it embodies. You have already stressed this yourself, as I did in my speech.) As regards the second Unionist pre-condition, attention is now focused on the possibility of arranging a "gap" between Conference meetings to enable inter-party talks to start. Mr Robinson seems keenly interested. Mr Hume has told me that he would not countenance the 'creation' of a gap in order to start talks, but he could see a 'natural gap' being used for that purpose. Mr Collins indicated in public before Christmas that his Government hoped that good use could be made of a 'natural gap'. It should be possible to devise a suitable form of words acceptable to all, if there is the will to get talks started.

6. We and the Irish are now in the process of agreeing dates for Conference meetings over the next 6 months, in an attempt to cope with the diary pressures on Irish Ministers caused by their European Presidency. It is quite possible that one or more longish "gaps" will emerge which, with good will all round, could be used to start inter-party talks. The fixing of a sequence of dates will make it plain that we are talking only about a gap and not about anything more.

7. I shall clearly need to discuss the next steps with Mr Collins at our next Conference meeting, planned for 31 January, if not before. We shall need to decide on the public line which the two Governments might take and on ways of handling on-going business or even crises during any 'gap' which is used to get talks started. (We should bear in mind that the imminent conclusion of the Stevens enquiry will refocus Irish interest in the UDR; and a House of Lords decision on the compellability of witnesses at inquests in Northern Ireland is due in February.) It seems unlikely that I shall be able to see Mr Collins earlier than the end of this month. I do not want to tackle him on these issues when he is unsighted and I therefore propose to arrange an early (and confidential) exchange between senior officials, which would follow soon after my meeting with the SDLP planned for 19 January - since it seems desirable to see Mr Hume first.

8. We cannot be certain that we shall easily reach agreed conclusions with the Irish, but they should see the desirability of capitalising on the political momentum which now exists. I shall report further once our discussions have taken place and we have a clearer picture of the prospects for getting talks between the parties started in the spring - that will of course depend largely on the further responses of the Northern Ireland parties themselves, and we shall not want to raise public expectations too high.

9. I am sending copies of this letter and its enclosure to Geoffrey Howe, Douglas Hurd, Tom King, David Waddington, and Patrick Mayhew, and to Sir Robin Butler.

Yours sincerely,

pp PB

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

15 January 1990

CP/PRO/24282

IRELAND : Situation PT27

The National Archives

DEPARTMENT/SERIES PREM 19 PIECE/ITEM 3408 (one piece/item number)	Date and sign
Extract details: Patterson to Powell dated 14 January 1990	X
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Enter the piece and item references, .
eg. 28, 1079, 84/1, 107/3

Enter extract details if it is an extract rather than a whole piece.
This should be an indication of what the extract is,
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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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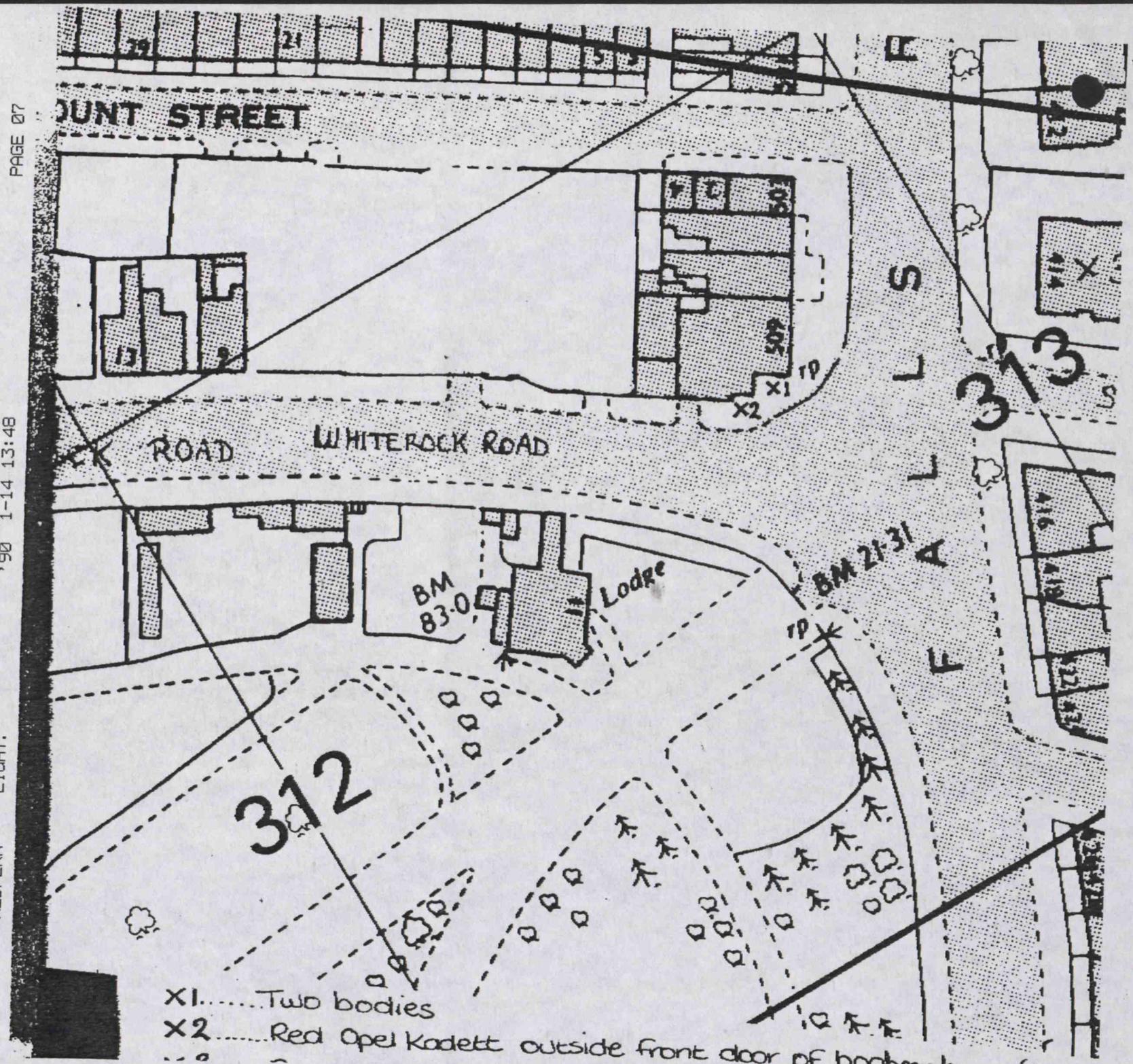
STATEMENT BY DR BRIAN MAWHINNEY, PARLIAMENTARY UNDER-SECRETARY OF STATE, 13 JANUARY 1990

This morning's deaths in West Belfast will of course be the subject of a thorough investigation by the RUC. That investigation is now underway and so it would be quite wrong for anyone to anticipate its findings. It would also be quite wrong to compare today's deaths with any previous incidents involving the security forces. Nevertheless it should be remembered that the RUC have made it clear that highly realistic replica weapons were used in today's robbery. Does anyone really believe that the would be robbers told either their intended victims or the security forces that the guns they were carrying were, in fact, only imitations?

6737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X2.....Red Opel Kadett outside front door of bookmakers

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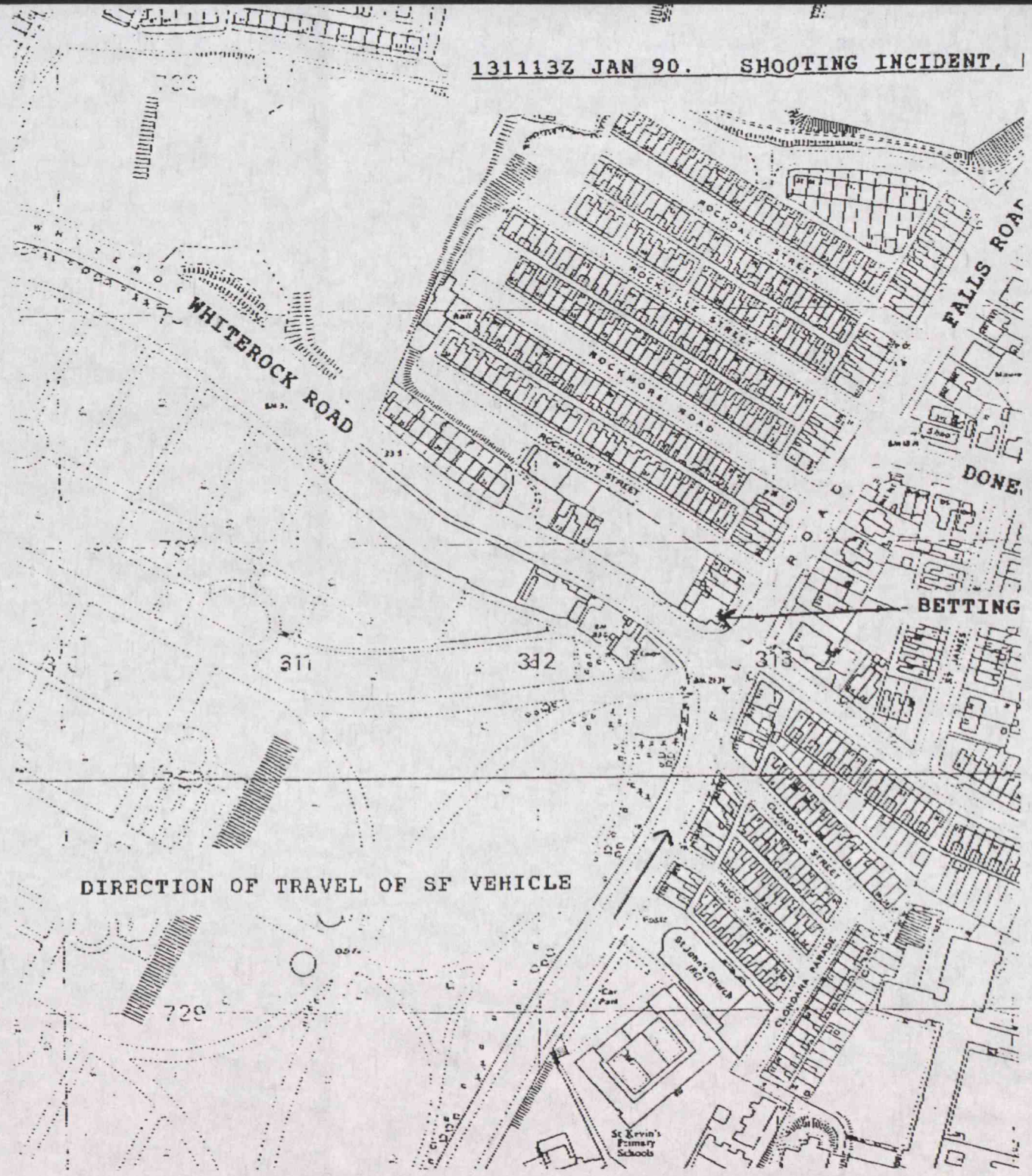

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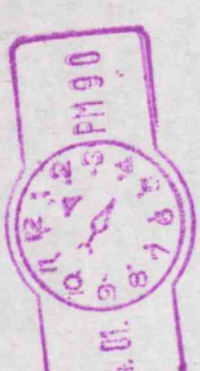
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14 January 1990

SHOOTINGS IN WEST BELFAST

STATEMENT BY DR BRIAN MAWHINNEY MP, PARLIAMENTARY UNDER SECRETARY OF STATE AT THE NORTHERN IRELAND OFFICE

As the RUC has already made clear an inquiry has been launched into the incident yesterday in West Belfast and we have to await the outcome of that inquiry. In the meantime due process of law is being followed and the RUC are taking formal statements from all concerned. They have also asked for those with eye-witness evidence to come forward and I want to endorse that request because that evidence is an important part of due process.

You will not expect me to comment on the details of yesterday's incident until all the facts are known but I do want to come back to one point which I made last night. If highly realistic imitation guns are used then people may believe that they are real and act accordingly. That poses an additional, unwelcome, and indeed dangerous, problem for all law-abiding people in Northern Ireland. So I will be raising with my Ministerial colleagues, as a matter of urgency, this problem to see if there is any way in which we can helpfully address it.

Finally, I note that there is speculation again about some sort of so-called shoot-to-kill policy in Northern Ireland. Can I say again what I and my colleagues have said many times before - that there is no shoot-to-kill policy for the security forces in Northern Ireland. The only people who are conducting a shoot-to-kill policy in the Province are terrorists.

PA

PRIME MINISTER

You will no doubt have heard that three people were shot dead in Belfast today while robbing a bookmakers' shop. The shooting was apparently done by two members of the army in plain clothes. I have said that you will need to have a report on the incident and am promised a first version at least by lunch time tomorrow.

CHARLES POWELL
13 January 1990

The National Archives

DEPARTMENT/SERIES PREM19 PIECE/ITEM 3408 (one piece/item number)	Date and sign
Extract details: Letter from Douglas Hurd to the Secretary of State for Defence dated 12 January 1990	X
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SECRET

29

ROYAL COURTS OF JUSTICE
LONDON, WC2A 2LL

01-936 6201

10 January 1990

The Rt Hon Tom King MP
Secretary of State for Defence
Main Building
Whitehall
LONDON S W 1

Dear Tom:

RULES OF ENGAGEMENT FOR HELICOPTERS IN NORTHERN IRELAND

You copied to me your letter of 8 January to Douglas Hurd, with which you enclosed a draft of revised Rules of Engagement.

I see no legal objection to the revised Rules.

A copy of this letter goes to the Prime Minister, Douglas Hurd, Peter Brooke and Sir Robin Butler.

Yours ever,

Patrick

SECRET

IRELAND: Situation Pt 27

The National Archives

DEPARTMENT/SERIES PREM 19 PIECE/ITEM 3408 (one piece/item number)	Date and sign
Extract details: Letter from Tom King to Douglas Hurd dated 8 January 1990	
CLOSED UNDER FOI EXEMPTION	
RETAINED UNDER SECTION 3(4) OF THE PUBLIC RECORDS ACT 1958	
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10 DOWNING STREET

LONDON SW1A 2AA

From the Principal Private Secretary

8 January 1990

NORTHERN IRELAND'S HIGH ANIMAL HEALTH STATUS

The Prime Minister has seen Mr. Bottomley's minute of 29 December and was grateful for the report given on animal health in Northern Ireland.

ANDREW TURNBULL

Andrew Elliott, Esq.,
Northern Ireland Office.

D

Prime Minister
To note BT 5/1 cePU

DEPARTMENT OF AGRICULTURE,
DUNDONALD HOUSE,
UPPER NEWTOWNARDS ROAD,
BELFAST,
BT4 3SB.

29 December 1989

Prime Minister

NORTHERN IRELAND'S HIGH ANIMAL HEALTH STATUS

1. You were talking with Ulster farmers and food processors about the high animal health status of Northern Ireland when we met at No 10 on 27 November. Informal advertising is helpful.

2. Across a wide spectrum of significant animal diseases NI has the highest level of freedom of any part of the UK.

   - NI led the British Isles in eradicating Brucellosis.
   - We have successfully eradicated Newcastle Disease from poultry and can sustain a non-vaccination policy.
   - The salmonella record in both egg laying and broiler flocks is substantially better than in GB.
   - So far BSE has only appeared at very low levels (~~28~~ 32 cases).

   The Northern Ireland record on other economically damaging animal diseases stands favourably in comparison with almost anywhere.

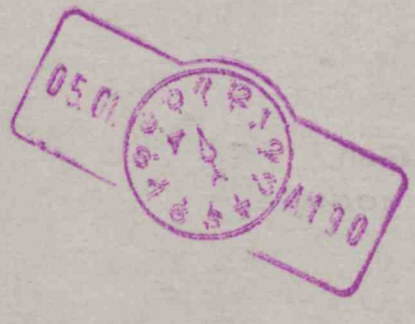
3. For Northern Ireland's export-orientated economy this is vital.

   We are seeking to build on the excellent record to promote the clean, green and healthy image of NI in meeting today's food quality demands both at home and abroad. This effort will continue in the context of 1992 and the failure of other areas and other European countries to match the health status here. We work closely with MAFF on this.

4. We shall benefit by being known for high animal health.

Peter

PETER BOTTOMLEY



RESTRICTED

NORTHERN IRELAND OFFICE
WHITEHALL
LONDON SW1A 2AZ

SECRETARY OF STATE
FOR
NORTHERN IRELAND

Rt Hon Tom King MP
Secretary of State for Defence
Main Building
Ministry of Defence
Whitehall
London

22 December 1989

Dear Secretary of State,

EQUALITY OF OPPORTUNITY IN NORTHERN IRELAND

I thought it might be helpful to remind you and other colleagues with relevant responsibilities in Northern Ireland that the Fair Employment (Northern Ireland) Act 1989 comes fully into force on 1 January. As you know, the successful implementation of this tough and radical piece of legislation may be crucial to the success of all our Northern Ireland policies, both within the Province itself and in relation to perceptions abroad, especially in the United States.

The Act requires all employers to register with the new Fair Employment Commission (FEC), monitor the religious composition of their workforces, and regulate their recruitment, training and promotion practices, in order to ensure that there is equality of opportunity for all, regardless of religious or political belief. Employers must take affirmative action measures and set goals and timetables where necessary, and, in the case of private sector employers, there are both criminal penalties and economic sanctions to enforce the new statutory requirements.

All Government Departments with UK Civil Service staff in Northern Ireland will be deemed to be automatically registered with the FEC. It has been agreed, as is now reflected in subordinate legislation,

RESTRICTED

that Departments' annual monitoring returns will be submitted by the Office of the Minister for the Civil Service who will, for the purposes of the Act, be treated as the employer of all UKCS working in Northern Ireland. The FEC is empowered to investigate the employment practices of any public, as well as private, sector employer.

In addition, as part of the enforcement regime, Government Departments will be prohibited (with certain limited exceptions) from entering into contracts with any employer who has been issued by the FEC with a notice stating that he is "unqualified" for the purposes of the legislation. Departments will also be required to take all reasonable steps to ensure that no contract or subcontract work or services are executed by a disqualified employer, and the FEC will be able to audit compliance.

The main burden of responsibility for ensuring that there are fair employment practices within the Government service will of course fall on NIO Ministers and Northern Ireland Departments, and I and my colleagues will be taking a close personal interest in the action that needs to be taken. However, other departments also have substantial UKCS staff and let contracts in Northern Ireland. I appreciate of course that some departments, such as your own (which has responsibility for Service personnel as well as being the major employer of civil servants), face obvious difficulties in some areas of fair employment practice, and I believe that the FEC will show understanding of those difficulties, including security problems, where they do exist.

I am sure that you and other colleagues will agree that the Government as a whole should be seen to be setting an example in implementing the new provisions positively and sensitively. It will be important that there should be in place in each department systems to ensure that we are meeting not only the letter of the law, but also its spirit, as best we can.

We have rightly given a very high political priority to the enactment of this legislation. As Douglas Hurd and you have said in the past, it is unacceptable in a civilised society that Catholic males should be more than twice as likely to be unemployed as Protestants in Northern Ireland, and it is understandable that that should be a source of grievance to the minority community. Even if we are not able in the event to improve the statistics very quickly, we can demonstrate our commitment to equality of opportunity for all by determined implementation of the new Act.

A new Code of Practice for Fair Employment, with a Foreword by the Prime Minister, is now being distributed. I am enclosing a copy with this letter. We shall be giving further publicity to the new arrangements at the start of the New Year.

in attached folder.

I am copying this letter to the Prime Minister, Geoffrey Howe and Douglas Hurd, to all members of "H" Committee, John Gummer, Richard Luce, Peter Lilley, Malcolm Caithness, and to Sir Robin Butler.

Yours, etc.

S. J. Leahy

[Private Secretary]

PB

Approved by the Secretary of State and signed in his absence.

CONFIDENTIAL AND PERSONAL

Title LPO

10 DOWNING STREET

LONDON SW1A 2AA

From the Private Secretary

20 December 1989

Dear Stephen.

POLITICAL DEVELOPMENT IN NORTHERN IRELAND

The Prime Minister has noted the Northern Ireland Secretary's minute of 18 December about political developments in Northern Ireland. She was grateful for this account and endorses the approach which Mr. Brooke is taking.

I am copying this letter to the Private Secretaries to the Lord President, Foreign Secretary, Home Secretary, Defence Secretary and to Sir Robin Butler.

yours ever

CHARLES POWELL

Stephen Leach, Esq.,
Northern Ireland Office.

CONFIDENTIAL AND PERSONAL

CONFIDENTIAL and PERSONAL

Jo

Rt Hon Chris Patten
I think we've been here before: but it's worth a try.
CDP
19/xi:

PRIME MINISTER

POLITICAL DEVELOPMENT IN NORTHERN IRELAND

In the light of recent developments, I thought it might be helpful to let you have a note about political prospects in Northern Ireland.

2. I sense that the political scene is more fluid than it has been for some time. The signs of movement are welcome and we need to be prepared to use any real opportunity there may be for political progress. You may have noticed that several of Northern Ireland's MPs spoke in the debates on the Queen's Speech and made some quite positive contributions.

3. Several developments have contributed to the change of mood. The significance of your and Tom King's meetings earlier in the year about Harland and Wolff, with all three main party leaders, did not go unnoticed. The district council and European elections in the summer were a set-back for Sinn Fein and the DUP, and good news for the SDLP and UUP. There has been a significant improvement in the atmosphere in some district councils since then, with Unionists and the SDLP entering into voluntary power-sharing arrangements on some councils.

4. The exploratory talks which Brian Mawhinney has been holding since the spring with politicians and others have helped to challenge the negative attitudes within the parties. Those discussions have confirmed that some form of devolution remains the objective most likely to command widespread support. Unionist antipathy towards the Agreement remains undiminished, but attitudes are no longer as apocalyptic as they were. Unionists are starting to talk to Ministers again on a more normal basis - I saw Ken Maginnis for a publicised talk about security recently - and this development I am of course encouraging.

CONFIDENTIAL and PERSONAL

5. Spurred by their poor electoral performance, the DUP have decided to make a major pitch for devolution. Peter Robinson in particular has been speaking out constructively - he has been talking about the need for "barter and compromise" and he and John Hume have demonstrated in public debates that they could do business together - although there continues to be the usual anti-Government rhetoric to counter-balance the more positive statements. A DUP team led by Robinson has now had three private meetings with officials in the last few weeks, on the understanding that the discussion would move to Ministerial level when the time is ripe.

6. At the DUP's recent party conference, Ian Paisley virtually denounced the Unionist pact, though he and Jim Molyneaux will want to stick together if they can on the Agreement and on political development. Some in the UUP now feel under pressure not to be outshone by the DUP in their desire to move forward (and Conservative Party organisation in the Province may add to the pressure - the Conservative candidate in a recent council by-election, won by the DUP, pushed the UUP into third place). But Molyneaux remains immobile. I saw him for about an hour in the Commons last week - a meeting which afterwards he virtually denied took place, claiming that he could not talk to me without the suspension of the Agreement. It remains his instinct to do nothing, pretending in public that he knows from secret contacts that the Agreement is on the way out and the Unionists' best stance, integrationist one moment and devolutionist the next, is to "wait and see".

7. Both Unionist leaders, however, continue to hark back to their "outline proposal" for a replacement "British-Irish Agreement", which envisaged a committee-based form of devolved government, with a guaranteed role for the minority and an Irish dimension, and which they discussed with Tom King early last year. We described those proposals, rightly, as a "constructive" and "encouraging" starting-point for inter-party talks, and I have confirmed that view. The problem is of course to find a basis on which those talks

can start: Robinson, with the blessing of his leader, seems genuinely interested in finding an agreed way round the Unionist 'preconditions', while Molyneaux prides himself on his immobility.

8. Hume continues to profess willingness to talk to anyone at any time, but the existence of the Agreement has encouraged him and his party to coast along. I met the three SDLP MP's last week: they were ready, they said, to do anything they could to encourage political progress, except to countenance "suspension" of the Agreement. In practice, they too may have their "preconditions" - unstated and unacknowledged, but suggested to Unionists by regular public references to "sharing this island" and the need for Unionists to talk to Dublin - which may prove as great a source of difficulty as the Unionists' own demands. Given the recent vagueness about the SDLP's commitment, however, it is notable that Seamus Mallon has been speaking so forcefully in public about the need for devolution; and all three MPs plainly see the need for purely internal political development, though Hume fears a loss of electoral support if he says so in public.

9. The sum total of all this cannot yet give us confidence that the parties are ready to negotiate seriously if they got round a table together. But there are increasing signs that they might be soon. We have demonstrated that we shall not be deflected by Unionist protests from operating the Agreement, and that we are committed to the principles which underlie it. Recent Conference meetings have, on the other hand, demonstrated that we are not to be pushed around by the Irish, although we are patient listeners. We are continuing to provide good government of the Province and will seek to do so whether local politicians contribute or not.

10. From that position of strength, it is tempting simply to let matters ride, but I think that would be a mistake. Haughey was right in the recent Dail debate - a debate notable, as our Ambassador has commented, for its lack of anti-British rhetoric - to stress the urgency of political progress in Northern Ireland.

Progress towards a political settlement could deal a powerful blow to the terrorists on both sides. "Good government" really needs the proper local input which is currently lacking. The longer it takes to achieve that input the more irresponsible local politicians become. We would be rightly criticised for doing nothing to respond to the political momentum which is now building up, and which we have helped to create.

11. There is of course an important Irish dimension. I see Haughey's stance as essentially cautious, pragmatic and opportunist. He does not speak up for devolution, he says, because there are no specific proposals on the table; and he is right when he expresses doubt about the value of initiatives by the Irish Government; but he probably also has reservations about any form of political progress within Northern Ireland, and it is Dublin politics, rather than concern for Northern Ireland, that motivates him. He seems, however, to accept that it is for us to get the ball rolling within Northern Ireland, and both our Governments have recently reaffirmed our support for political dialogue at all levels. Haughey's overtures to the Unionists are not entirely helpful - his direct approach to the three MEPs in the recent Dail debate looked ham-fisted. But the influence of the Irish on the SDLP, and vice versa, may be a crucial factor in making progress, and I intend to stress in public and in private that a flexible approach will be required from all sides to bring about worthwhile talks.

12. I am seeking gently to nudge local politicians forward, stressing in a series of speeches our overriding commitment to bring terrorism to an end, the positive role that local elected representatives could play in forwarding all our policies, and the contribution which greater political stability could make. Northern Ireland's politicians need to talk together and with Ministers about issues of government. My approach is undogmatic, and does not exclude lesser options along the road to devolution such as changes in legislative procedures or the powers of local government. The

obstacles which the Unionists have set up to talking need not, I believe, be insuperable: we have always said that the Agreement could be "operated sensitively in the interest of bringing about talks" (but sensibly not defined what that means, and it is possible that a sufficient natural gap in Conference meetings will arise in the New Year); and it should be common ground between us, the Irish and the parties that devolution would have major implications for the operation of the Agreement, and that talks would need to address external as well as internal matters. We may be able to edge forward,as we are trying to do, by building on these familiar themes in bilateral discussions with all the parties concerned.

13. I am copying this minute to Geoffrey Howe, Douglas Hurd, David Waddington, and Tom King and to Sir Robin Butler.

P.B.

PB

18.xii.89.

27a-c.

Jp 0925

MR POWELL

c Sir Robin Butler

It shows how incautious words can be misinterpreted & do damage.

CDN 11/iii

Sinn Fein's Reaction to the Secretary of State for Northern Ireland - 100 Days Interview

We have received a report from our Liaison staff in Stormont, drawing on a source who is described as regular and reliable with direct access to a leading member of Sinn Fein.

2. The main points of the report are:

a. The Secretary of State was widely believed to have been speaking for the British Government.

b. His comments had been widely discussed at all levels in Sinn Fein.

c. Opinion was divided on the interpretation of his comments.

- Were they a counter-insurgency ploy to sow discord in the Republican movement?

- Were they a clear indication that the British Government was now war-weary?

d. Most of the Sinn Fein leadership believed they were a mixture of the two.

e. The leadership generally agreed that the comments did not constitute a genuine sign of peace.

f. There was a fear that the Government wanted a permanent ceasefire while negotiating.

- The Government would then prolong negotiations and extend the ceasefire with a view to crushing enthusiasm for the armed struggle.

g. There was no serious discussion about a ceasefire amongst the Sinn Fein leadership.

- But a motion had been received, for the next General Assembly, that "IRA operations could adversely affect the political work of Sinn Fein."

- Although many agreed with the sentiments of the motion, the view was that civilian injuries were an unfortunate result of the general struggle.

3. The source and Liaison Staff have commented:

a. Discussions within Sinn Fein would have included meetings with PIRA.

b. The Secretary of State's comments were a boost for Sinn Fein morale, but only as an extra to PIRA's recent military successes, which were of greater significance.

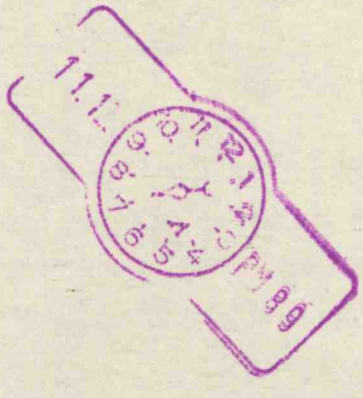
- The comments went over the heads of most PIRA volunteers; operational successes were far more important to them.

c. Sinn Fein have rejected preconditions for commencing talks and have reiterated their full support for PIRA's campaign.

d. Sinn Fein has relaunched its 1987 discussion document "A Scenario for Peace" unamended, which is a signal that despite the Secretary of State's comments Sinn Fein's position has not changed.

PERCY CRADOCK

11 December 1989



10 DOWNING STREET
LONDON SW1A 2AA

From the Private Secretary

6 December 1989

MONITORING OF RELIGIOUS AFFILIATION OF HOME CIVIL SERVANTS IN NORTHERN IRELAND

Thank you for your letter of 1 December. You may take it that the Prime Minister would be content to be specified, as Minister for the Civil Service, in Section 3 of the Order as a public authority for the purposes of the relevant sections of the Act.

DOMINIC MORRIS

Ms. Antonia Tatham,
Office of the Minister for the Civil Service

R6/12

MINISTRY OF DEFENCE
MAIN BUILDING WHITEHALL LONDON SW1A 2HB

Telephone 01-218 2216 (Direct Dialling)
01-218 9000 (Switchboard)

MINISTER OF STATE FOR
THE ARMED FORCES

D/MIN(AF)/AH/9/4

6th December 1989

CDP 7/xii

Dear John

Since 1980 we have been developing our policy on the deployment of Irish named regiments to Northern Ireland with a view to extending such deployments consistent with good relations with the local community, and taking into account Regimental and Irish sensitivities.

The present policy of permitting Irish cavalry regiments to serve in the Province was introduced in 1980. A year later 5 INNIS DG served on a roulement tour in Fermanagh in the infantry role. In 1983 the QRIH deployed to the Maze Prison as the Guard Force, and 5 INNIS DG are currently serving another rural roulement tour.

The benefits to the Army of being able to add Irish infantry battalions to the Emergency Tour Plot are self-evident; the NI commitment would be shared more widely and thus turbulence among units would be reduced. Against this background, it was decided in 1986 that steps should be taken towards further deployments of Irish Regiments. Consequently, in June last year, it was agreed collectively that 1 R IRISH should serve on a rural roulement tour between Sep 88 and Jan 89.

The tour was considered to be highly successful by the RUC as well as by the Army; relations between the Battalion and the local community were very good; there were no serious incidents involving the local population nor allegations of harassment against the soldiers. Indeed, the RUC indicated that there would be no police objection to other Irish named regiments being included in the roulement rota.

Given this absence of controversy over the deployment of 1 ROYAL IRISH, it is proposed that 2 R IRISH should deploy to Northern Ireland on a rural roulement tour in the second half of next year. Further, and on the assumption that this deployment is also a success, we have concluded that the Rangers should thereafter be added, as a matter of routine, to the Arms Plot for rural roulement tours in NI. The intention will continue to be to avoid deployments to sensitive areas, in particular the main urban areas of Belfast and Londonderry, and as before, members of the Battalion will be screened for any adverse NI trace before deployment.

On the assumption that you are content that the Irish Rangers deploy in this way, and that the first regular deployment should be by 2 R IRISH next year, I suggest that our officials co-operate nearer the time of the deployment to finalise any presentational aspects necessary.

I am copying this letter to the Prime Minister, Douglas Hurd and David Waddington, and to Sir Robin Butler.

Yours ever

Archie

ARCHIE HAMILTON

Rt Hon John Cope MP

CC/C

Northern Ireland Office
Stormont Castle
Belfast BT4 3ST

The Rt Hon Lord Mackay of Clashfern
Lord Chancellor
House of Lords
LONDON
SW1A 0PW

5 December 1989

Dear James,

Thank you very much for your letter of ~~24~~ Aap November. As you say, it means that we are all agreed that legislation to restore the non-compellability of 'suspect' witnesses at inquests in Northern Ireland should not be introduced until we have the result of our appeal, scheduled to be heard on 15/16 January, but that if the Lords' decision is unfavourable we should be ready to legislate immediately. I understand that our officials are in touch about the logistics of immediate legislation.

I am most grateful to you, and to all my colleagues, for agreeing to my request to defer the introduction of this legislation.

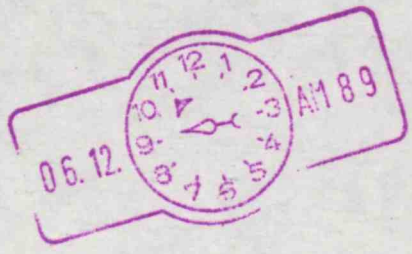
Copies of this letter go to the Prime Minister, Geoffrey Howe, Douglas Hurd, David Waddington, Tom King and Patrick Mayhew, and to Patrick Walker and Sir Robin Butler.

Yours ever

PB

PM/SOFS/1348

IRELAND: Situation PT27.



CABINET OFFICE
OFFICE of the MINISTER
for the CIVIL SERVICE

The Minister of State
Privy Council Office
The Rt. Hon. Richard Luce MP

Horse Guards Road
London SW1P 3AL
Telephone: 01 -270 5929

C89/5312

Dominic Morris Esq
10 Downing Street
LONDON SW1A

1 December 1989

Dear Dominic,

MONITORING OF RELIGIOUS AFFILIATION OF HOME CIVIL SERVANTS IN NORTHERN IRELAND

The Prime Minister will recall that she has from time to time personally endorsed publications in connection with the Fair Employment (Northern Ireland) Act 1989, the purpose of which is to secure fair participation in employment for both the Protestant and Roman Catholic Communities. The Department of Economic Development in Northern Ireland now wish to make an Order - the Fair Employment (Specification of Public Authorities) Order (Northern Ireland) 1989, a copy of which I attach - under Section 25 of the Act. Subject to the Prime Minister's agreement, their intention is to specify her, as Minister for the Civil Service, in Section 3 of the Order, as a public authority for the purposes of the relevant sections of the Act. The purpose of this is to permit all civil servants in Northern Ireland to be treated as employees of the Minister for the Civil Service for the purposes of the Act. This will enable the Office of the Minister for the Civil Service to make an aggregated monitoring return to the Fair Employment Commission, on behalf of all Home Civil Service Departments with staff in Northern Ireland, on the religious affiliation of their staff.

You may like to know that there is no provision under the Act for any specific enabling mechanism for the discharge of the relevant functions of the Prime Minister by officials. There would seem to be ample precedent in case law for officials to discharge responsibilities for Ministers. In the unlikely circumstance of a Department breaching its duty under the Act, the Prime Minister as the responsible authority would be required to lay before Parliament a report dealing with the matter.

The Department of the Economic Affairs would ideally like to make the Order by 6 December, and I should therefore be very grateful if you could let me know as soon as possible whether the Prime Minister is content with what is proposed.

Yours sincerely,

Antonia Tatham.

pp A P BREWSTER
Assistant Private Secretary

STATUTORY RULES OF NORTHERN IRELAND

1989 NO

FAIR EMPLOYMENT

Fair Employment (Specification of Public Authorities) Order (Northern Ireland) 1989

Made 1989

Coming into operation 1 January 1990

Whereas, in accordance with section 25(3) of the Fair Employment (Northern Ireland) Act 1989(a) ("the Act of 1989") each person who, by virtue of the following Order becomes a public authority, for any of the purposes of sections 27 to 42 of that Act, is

(1) a Minister of the Crown or the head of a Northern Ireland Department;

(2) a body created by a statutory provision within the meaning of the Interpretation Act (Northern Ireland) 1954(b) or the holder of any office so created; or

(3) a person appearing to the Department of Economic Development ("the Department") (c) to exercise functions of a public nature;

(a) 1989c 32

(b) 1954c 33 (NI)

(c) see section 47(5) of the Act of 1989 as read with section 57(1) of the Fair Employment (NI) Act 1976 (c.25); the Department of Manpower Services was renamed the Department of Economic Development by S.I.1982/846 (N.I. 11) Article 3.

And whereas, in accordance with section 26(4) of the Act of 1989 it appears to the Department that some or all of the people who are employed by each person who, by virtue of the following Order, becomes an employer for the purposes of sections 27 to 37 of that Act, who are in the service of the Crown for the purposes of the functions of those persons, or who are treated by virtue of the following Order as so employed or as in such service, are employed or serve in Northern Ireland;

Now, therefore the Department in exercise of the powers conferred on it by sections 25(1) and (2) and 26(2) of the Act of 1989 and of every other power enabling it in that behalf, hereby makes the following Order:

Citation and Commencement

1. This Order may be cited as the Fair Employment (Specification of Public Authorities) Order (Northern Ireland) 1989 and shall come into operation on 1st January 1990.

Interpretation

2. (1) The Interpretation Act (Northern Ireland) 1954 (a) shall apply to this Order as it applies to a measure of the Northern Ireland Assembly.

(2) Expressions used in this Order which are also used in Part II of the Act of 1989 shall, unless the contrary intention appears, have the same meaning as in that part.

(3) In this Order -

"the Act of 1989" means the Fair Employment (Northern Ireland) Act 1989

"Northern Ireland Civil Servant" means any person serving wholly or mainly in Northern Ireland in the Civil Service of the crown (other than a person whose service normally involves less than sixteen

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(a) 1954 c 33 (NI)

hours weekly) and whose renumeration is paid out of moneys appropriated by a transferred provision or the consolidated fund;

"reserve force" means a reserve force within the meaning of Section 10(4) of the Reserve Forces Act 1980(a);

"reservist" means any member of either the Ulster Defence Regiment or any Reserve Force, who serves wholly or mainly in Northern Ireland, other than a person whose service normally involves less than sixteen hours weekly;

"transferred provision" has the meaning assigned to it by Section 1(g) of the Interpretation Act (Northern Ireland) 1954; and

"United Kingdom Civil Servant" means any person serving wholly or mainly in Northern Ireland in the Civil Service of the crown other than -

(a) a person whose service normally involves less than sixteen hours weekly; or

(b) a Northern Ireland Civil Servant.

Specification of public authorities

3. For the purposes of sections 27 to 37 of the Act of 1989:-

(a) the head of the Department of Finance and Personnel shall be a public authority and all Northern Ireland Civil Servants shall be treated as employees of that authority;

(b) the Minister for the Civil Service shall be a public authority and all United Kingdom Civil Servants shall be treated as employees of that authority;

(a) 1980 c.9.

(c) the Secretary of State for Defence shall be a public authority and all reservists shall be treated as employees of that authority.

4. Each of the persons specified in Part I of the Schedule shall be a public authority for the purposes of sections 27 to 42 of the Act of 1989.

5. Each of the persons specified in Part II of the Schedule shall be a public authority for the purposes of sections 38 to 42 of the Act of 1989.

Sealed with the Official Seal of the Department of Economic Development on 1989

(L.S.)

Assistant Secretary

Articles 4 and 5

SCHEDULE

PART I

Public Authorities for the purposes of sections 27-42 of the Act of 1989.

Agricultural Research Institute of Northern Ireland

Arts Council for Northern Ireland

Belfast Harbour Commission

British Broadcasting Corporation

Chief Constable of the Royal Ulster Constabulary

Citybus Limited

Coleraine Harbour Commission

Comptroller and Auditor General for Northern Ireland

A District Council

An Education and Library Board established under Article 3 of the Education and Libraries (Northern Ireland) Order 1986(a)

Enterprise Ulster

Equal Opportunities Commission for Northern Ireland

Fair Employment Commission for Northern Ireland

Fire Authority for Northern Ireland

Fisheries Conservancy Board for Northern Ireland

Flexibus Limited

Foyle Fisheries Commission

General Consumer Council for Northern Ireland

Health & Social Services Boards

Independent Broadcasting Authority

Independent Commission for Police Complaints for Northern Ireland

Industrial Training Boards

(a) S.I. 1986/594 (N.I. 3)

Labour Relations Agency

Laganside Corporation

Livestock Marketing Commission for Northern Ireland

Local Enterprise Development Unit

Local Government Staff Commission

Londonderry Port and Harbour Commission

Mental Health Commission for Northern Ireland

Milk Marketing Board for Northern Ireland

National Board for Nursing, Midwifery and Health Visiting for Northern Ireland

Northern Ireland Airports Limited

Northern Ireland Central Services Agency for the Health and Social Services

Northern Ireland Commissioner for Complaints

Northern Ireland Council for Post-Graduate Medical Education

Northern Ireland Economic Development Office

Northern Ireland Electricity

Northern Ireland Fishery Harbour Authority

Northern Ireland Health and Social Services Training Council

Northern Ireland Housing Executive

Northern Ireland Local Government Officers' Superannuation Committee

Northern Ireland Parliamentary Commissioner for Administration

Northern Ireland Railways Company Limited

Northern Ireland Schools' Examination Council

Northern Ireland Tourist Board

Northern Ireland Training Authority

Northern Ireland Transport Holding Company

Pigs Marketing Board (Northern Ireland)

Police Authority for Northern Ireland

Post Office

Probation Board for Northern Ireland

Rathgael and Whiteabbey Schools Management Board

Sports Council for Northern Ireland

Staff Commission for Education and Library Boards

Stranmillis College of Education, Belfast

Trustees of the Ulster Folk and Transport Museum

Trustees of the Ulster Museum

Ulster Sheltered Employment Limited

Ulsterbus Limited

Warrenpoint Harbour Authority

PART II

Public Authorities for the purposes of sections 38 to 42 of the Act of 1989

Minister of Agriculture, Fisheries and Food

Crown Solicitors's Office for Northern Ireland

Commissioners of Customs and Excise

Secretary of State for Defence

Export Credits Guarantee Department

Secretary of State for the Environment

Secretary of State for the Home Department

Board of Inland Revenue

[The Lord Chancellor's Office [Department]/Northern Ireland Court[s] Service[s]]

Her Majesty's Stationery Office

Secretary of State for National Savings

Secretary of State for Northern Ireland

Secretary of State for Social Security

Secretary of State for Trade and Industry

Secretary of State for Transport

Any Northern Ireland Department

The Head of any Northern Ireland Department

EXPLANATORY NOTE

(This note is not part of the Order.)

This Order specifies a number of persons or bodies as public authorities for certain purposes under Part II of the Fair Employment (Northern Ireland) Act 1989 ("the Act of 1989") and provides for the persons who are to be treated for such purposes as the employees of some of those authorities.

For the purposes of sections 27 to 37 of the Act of 1989, Article 3 -

(a) specifies the head of the Department of Finance & Personnel as a public authority and provides that all Northern Ireland civil servants (as defined) shall be treated as employees of that authority;

(b) specifies the Minister for the Civil Service as a public authority and provides that all United Kingdom civil servants (as defined) shall be treated as employees of that authority; and

(c) specifies the Secretary of State for Defence as a public authority and provides that all reservists (as defined) shall be treated as employees of that authority.

Article 4 specifies each of the persons listed in Part I of the Schedule as a public authority for the purposes of sections 27 to 42 of the Act of 1989.

Article 5 specifies each of the persons listed in Part II of the Schedule as a public authority for the purposes of sections 38 to 42 of the Act of 1989.

Where a person who is specified as a public authority for the purposes of sections 27 to 37 of the Act of 1989 is the employer, or by virtue of Article 3 becomes the employer, of certain persons then Part II of the Act of 1989 imposes certain duties on him, particularly with respect to those persons. He is required to prepare and serve for each year on the Fair Employment Commission for Northern Ireland ("the Commission") a return (referred to as a "monitoring return") to enable the composition of his workforce to be ascertained; that is to say the number who belong to the Protestant community and the number who belong to the Roman Catholic community in Northern Ireland. In addition the monitoring return he is required to serve must show the composition of

applicants for employment in his workforce. Other provisions of sections 27 to 37 of the Act of 1989 such as those requiring to periodic review of recruitment, training and promotion practices; those relating to enquiries by the Commission and undertakings by and directions to employers; and those providing for the setting of goals and timetables also apply to public authorities specified for the purposes of those sections.

Where a public authority is specified for the purposes of sections 38 to 42 of the Act of 1989 it is prohibited from entering into any contract with a person who is not qualified for the purposes of sections 41 to 43 of that Act and who, in response to an invitation by the authority offers to execute any work or supply any goods or services to it. Any contravention of or failure to comply with this duty is actionable by any person who, in consequence, suffers loss or damage.

FROM THE RIGHT HONOURABLE THE LORD MACKAY OF CLASHFERN

HOUSE OF LORDS,
SW1A 0PW

CONFIDENTIAL
The Right Honourable Peter Brooke MP
Secretary of State
for Northern Ireland
Northern Ireland Office
Old Admiralty Building
Whitehall
LONDON
SW1

JW353.NOV

24 November 1989

Dear Secretary of State,

INQUEST IN NORTHERN IRELAND: DRAFT CORONERS ORDER

I have seen the extensive correspondence between Ministers concerning your proposal that any necessary legislation should be delayed until after the outcome of the Crown appeal to the House of Lords is known. I have also discussed the position with Patrick Mayhew and I have nothing to add to his letter to Tom King of 8 November.

It seems that we are now all agreed that the legislation should be delayed as you suggest, but on the basis that in the event that the result of the appeal is unfavourable, we must be ready to legislate immediately in order to ensure the reinstatement of Rule 9(2) and (3) before the outstanding inquests are resumed.

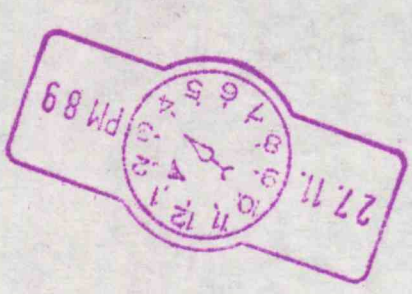
Copies of this letter to the Prime Minister, Patrick Mayhew, Geoffrey Howe, John Major, Douglas Hurd and to Patrick Walker and Sir Robin Butler.

Yours ever,

(approved by the Lord Chancellor and signed in his absence)

IRELAND: Scotia

R 27



CF to file?

pre MJ

cc NTD

10 DOWNING STREET

LONDON SW1A 2AA

THE PRIME MINISTER

With the enactment of the Fair Employment (Northern Ireland) Act 1989 the Government has fulfilled its commitment to introduce radical and incisive new legislation to promote equality of opportunity in employment in the Province. The important task is to ensure that the legislation is effective in practice. This Code of Practice has been prepared to complement the Act and its recommendations are designed to give its provisions maximum effect. I urge all concerned with fair employment in Northern Ireland to study it carefully and to follow its guidance in practice.

Margaret Thatcher

November 1989

From: THE PRIVATE SECRETARY

NORTHERN IRELAND OFFICE
STORMONT CASTLE
BELFAST BT4 3ST

Tel. Belfast (0232) 63011

GR for scanning

C D Powell Esq
Private Secretary
10 Downing Street
LONDON
SW1A 2AA

23 November 1989

Dear Charles

GR PL (T) attached as a message with cover slip "Content to sign?"

FAIR EMPLOYMENT (NI) ACT 1989 - CODE OF PRACTICE
REQUEST FOR PRIME MINISTERIAL ENDORSEMENT

When the Fair Employment (NI) Act 1989 comes into operation on 1 January 1990 the Department of Economic Development in Northern Ireland will be publishing a Code of Practice to assist employers and others to comply with the Act and to adopt procedures and practices which will promote equality of opportunity and eliminate all forms of religious discrimination in employment.

In the past the Prime Minister has kindly and helpfully endorsed three other publications relating to fair employment in Northern Ireland: namely (i) the Guide to Effective Practice (September 1987); (ii) a brochure setting out the key details of the Fair Employment Bill (December 1988); and (iii) a brochure on the Act as passed by Parliament (August 1989). My Secretary of State believes that it would add considerably to the Code of Practice and would complete the process of implementing the new arrangements on fair employment if it too had an endorsement from the Prime Minister and he would be most grateful if she would be prepared to give her agreement to this.

I attach a suggested draft endorsement for the Prime Minister's consideration. If this is approved by the Prime Minister, I should be grateful if you would arrange for a signed original to be forwarded to me please.

Yours Sincerely
Maurice Patterson

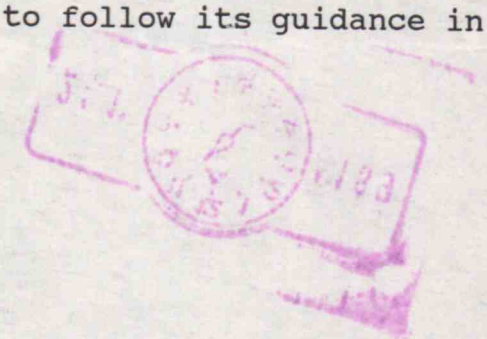
M PATTERSON

SCANNED
a:CODE

DRAFT

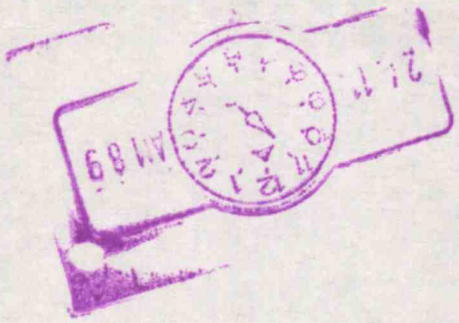
PRIME MINISTERIAL ENDORSEMENT OF THE CODE OF PRACTICE

With the enactment of the Fair Employment (Northern Ireland) Act 1989 the Government has fulfilled its commitment to introduce radical and incisive new legislation to promote equality of opportunity in employment in the Province. The important task is to ensure that the legislation is effective in practice. This Code of Practice has been prepared to complement the Act and its recommendations are designed to give its provisions maximum effect. I urge all concerned with fair employment in Northern Ireland to study it carefully and to follow its guidance in practice.



MARGARET THATCHER

PM/SOFS/1252



From: THE PRIVATE SECRETARY

NORTHERN IRELAND OFFICE
WHITEHALL
LONDON SW1A 2AZ

Stephen Wall Esq
Private Secretary to the Foreign Secretary
Foreign and Commonwealth Office
King Charles Street
London
SW1A 2AL

9 November 1989

Dear Stephen,

MEDIA INTERVIEWS: TALKING TO SINN FEIN ETC

My Secretary of State is conscious that the factitious media controversy over interviews he gave last week (on the occasion of his first 100 days in Northern Ireland) may provoke further questions. There has of course been no change in Government policy, but the Secretary of State believes it important that those colleagues principally concerned should respond to any follow up questions in the same terms.

In keeping the record straight my Secretary of State has emphasised the following points, which he hopes colleagues will find helpful:

(i) There has been no change in Government policy;

(ii) our overriding aim is to bring terrorism to an end, so that the people of Northern Ireland may live in peace and stability and take decisions about their own future, in accordance with the principle of democratic consent, without fear or coercion;

(iii) everything must be done to support the Security Forces who have worked with courage and dedication and have shown that terrorism cannot and will not succeed;

(iv) combatting terrorism requires the support of other measures of good Government;

(v) the Secretary of State hopes to stimulate talks between the political parties and with Government, but on the basis that those who support terrorism can play no part;

(vi) such talks would concentrate on government within Northern Ireland, since the constitutional position of Northern Ireland has been settled and could not change unless and until a majority of people there wanted it, which at present they clearly do not. (It is highly unlikely that Sinn Fein would wish to participate in talks of this kind since 'British withdrawal' would not be on the agenda. But the Secretary of State is in any event quite clear that we could deal with Sinn Fein only if they clearly renounced violence and demonstrated over a period that they had done so. A brief ceasefire would not be enough.)

(vii) The Secretary of State referred to Cyprus only to illustrate the dangers of saying 'never'. There is no analogy between the colonial situation of Cyprus and the position of Northern Ireland, which is an integral part of the United Kingdom.

I also attach some question and answer material elaborating somewhat on these and other related issues.

I am copying this letter and attachments to Charles Powell (No.10), Colin Walters (HO), Brian Hawtin (MOD) and to Trevor Woolley (Sir Robin Butler's office).

Yours, etc.

Stephen Leach

S J LEACH

1. Any change in Government policy?

There has been no change in Government policy. Ministers will have no dealings with Sinn Fein because of its support for violence. Our commitment to defeat the terrorists remains unchanged.

2. Will Sinn Fein have a seat at any Conference table?

The Government will not talk to the supporters of terrorism. If in some future hypothetical situation Sinn Fein were to repudiate violence and to commit itself to democratic procedures - ie dissociate itself from the IRA's terrorist campaign - the Government would have to consider its response.

There is of course no question of any 'Conference table' to discuss Northern Ireland's constitutional position as a part of the United Kingdom unless and until there is reason to judge that a majority of the people there would wish to see a change in the present status of the Province. We cannot see such a situation arising in the foreseeable future.

3. Constitutional status of Northern Ireland

As both the British and Irish Governments recognised in Article 1 of the Anglo-Irish Agreement, any change in the status of Northern Ireland would only come about with the consent of a majority of the people of Northern Ireland. The present wish of the people of Northern Ireland is for no change in that status.

Moreover, the Northern Ireland Constitutional Act 1973 declares that Northern Ireland remains part of the United Kingdom and that in no event will Northern Ireland or any part of it cease to be part of the United Kingdom without the consent of the majority of the people of Northern Ireland voting in a poll held for the purpose.

4. Comparison with Cyprus

There is no comparison between the position of Northern Ireland and that of Cyprus now or in the past. Cyprus was referred to by the
Secretary of State simply to illustrate the point that it is unwise for a politician ever to use the word 'never'.

5. What about the current round of political talks?

Constitutional parties are being encouraged to talk to each other and to the Government about ways in which Northern Ireland politicians can play an enhanced part in the government and administration of the Province. Any party which has a record of support of violence, and which shows no sign whatever of withdrawing such support, can have no part in such discussions.

6. Can the IRA be defeated?

We are determined to defeat the efforts of the IRA to undermine the democratic process with terror. The Security Forces have the most conspicuous and dangerous role but it has long been recognised that our military efforts, though crucial, can not be our only response. The problem also has complex political, social and economic aspects. Our policies on these matters are therefore designed to demonstrate to people in Northern Ireland our determination to achieve a fully fair society where grievance and disadvantage can be remedied by democratic process.

Since the terrorists cannot win, their use of terror is not only evil itself, but also futile. Its main victims have of course been the people of Northern Ireland.

7. Security force morale affected by Secretary of State's comments?

The security forces play a vital role in combatting terrorism - their heroism, continuing bravery and professionalism are

unparalleled. They have too much common sense to be affected by media speculation.

8. Alleged UDR leaks linked to Secretary of State's view that military defeat of IRA impossible?

Nonsense. The vast majority of the UDR support the forces of law and order, and condemn those few whose behaviour lets down the Regiment.

9. "Suspending" the Anglo-Irish Agreement?

The Government is committed to the Agreement which, as an international treaty, cannot be suspended. It is longstanding Government policy that the Agreement could be operated sensitively in the interests of bringing about talks between the political parties. This is also reflected in paragraph 29 of the Report of the Review of the Operation of the Intergovernmental Conference published earlier this year.

Note

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

(If raised) Mr Brooke drew attention to the fact that a gap has occurred between Conference meetings this summer, and there could be similar natural gaps in the future. He did not suggest that such a gap was necessary for inter-party talks to take place; but it was necessary that there should be a "clear sense on the part of everybody that they think that talks are sensible ... and would have a prospect of success". He also made clear that he would want to have "further conversations" with "all the leaders of the Parties" before "we would know whether there was a sufficient meeting of minds on everybody's part to go to the next step".

10. How will the Secretary of State encourage political movement?

As he said, this is something he wishes to explore between now and the end of the year. The main aim is to examine the scope for agreement on the means to transfer governmental power to people within Northern Ireland. There is of course no question of considering the constitutional status of Northern Ireland which has effectively been settled by the people of Northern Ireland.

11. Discussing devolution with the Irish

The prime objective is to reach agreement among the constitutional parties of Northern Ireland on governmental arrangements within the Province. Progress towards devolution has clear implications for the operation of the Anglo-Irish Agreement which would need to be discussed with the Irish. The Irish Government is committed to supporting our efforts in pursuit of devolution. As Mr Brooke said, "assuming the conversations go forward with the local political parties ... it is a subject which I would be wanting to discuss with the Irish Government thereafter".

12. Does the Government support Mr Haughey's view that any group adopting democratic process and renouncing violence could participate in talks?

Both our Governments made clear in the Agreement our total rejection of any attempt to promote political objectives by violence. We welcome the fact that Mr Haughey and other politicians support the position, as stated by the Secretary of State, that there can be no question of Ministerial dealings with Sinn Fein so long as they support terrorism.

13. Government's economic policy

Industrial situation healthier now than for many years; manufacturing industry continuing to show high level of activity.

Last year's investment by IDB client companies amounted to £400 million. IDB supported investment has totalled more than £1,500 million and 23,000 job promotions in last 5 years. There has been a consistent fall in the seasonally adjusted unemployment figure - now at 14.6%.

14. The 'Declaration Against Terrorism' and Sinn Fein Councillors

The 43 Sinn Fein councillors, like all other councillors, have signed a declaration that they would not "by word or deed express support for or approval of" proscribed organisations or acts of terrorism. We hope that all councillors will abide by that declaration, but it has not led Sinn Fein as a party to repudiate terrorist violence. (If raised: The declaration was introduced in response to widespread concern that a number of councillors were abusing elected office to give support to terrorism. If councillors are believed to be in breach of their declarations, actions may be brought in the High Court by their electors, fellow councillors or the council itself; any finding of a "breach" would disqualify a councillor from holding or seeking council office for five years.)

MRC/2165

CJPC

ATTORNEY GENERAL

ROYAL COURTS OF JUSTICE
LONDON, WC2A 2LL

01-936 6201

CONFIDENTIAL

The Rt. Hon. Tom King, M.P.,
Secretary of State for Defence,
Ministry of Defence,
Main Building,
Whitehall,
London,
SW1A 2HB.

CJP 10/x.

8 November 1989

I. Carson:

INQUESTS IN NORTHERN IRELAND : DRAFT CORONER'S ORDER

Thank you for copying to me your letter of 30 October to Peter Brooke.

As you say in your letter, I have previously expressed the view, on presentational grounds, that we should get this legislation out of the way rather than await the outcome of the appeal to the House of Lords. Much time has elapsed, however, since the decision to introduce the Order was made. We are already into the second week in November, and the hearing date in January is uncomfortably close. Accordingly I no longer think it necessary to oppose delaying our legislation until after an (unfavourable) decision in our appeal to the Lords. It may well now even be easier for us to present ourselves favourably if we do delay, as Peter Brooke desires. Whatever our expectations may be as to the result, we have no need to be diffident about taking our case to the Lords: we won at first instance in Mr. Justice Carswell's court.

CONFIDENTIAL

ATTORNEY GENERAL

CONFIDENTIAL

I am copying this letter to the Prime Minister, James Mackay, Geoffrey Howe, John Major, Douglas Hurd and Peter Brooke, as well as to Patrick Walker and Sir Robin Butler.

James ever,

Patrick

CONFIDENTIAL

IRELAND: s.t A27 6

10.11. AM 89

file PT5

10 DOWNING STREET
LONDON SW1A 2AA

From the Private Secretary

7 November 1989

Dear Mr. Adams.

You wrote to the Prime Minister on 17 October. You will since then have received Brian Hawtin's letter of 2 November. I do not think that I can add anything to that.

Yours sincerely,

C. D. POWELL

James Adams, Esq.

DTI

STATEMENT ISSUED BY THE NORTHERN IRELAND OFFICE:
3 NOVEMBER 1989

(7.30 p.m.)

The interviews given by Mr Brooke reflect no change in Government policy on terrorism or in the Government's commitment to the Anglo-Irish Agreement. Sinn Fein supports violence and Ministers will have no dealings with it. The Government maintains its determination to defeat terrorism in whatever form and from whatever source it comes. Ministers continue to seek constructive discussions with and between the political parties who reject violence. Northern Ireland is a part of the United Kingdom by the democratic choice of a majority who live there, as is confirmed in Article 1 of the Anglo-Irish Agreement, and no terrorist activity can or will alter that fact.

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

MO 19/3/12S

3 November 1989

CDS 31/11

Dear David,

JAMES ADAMS: THE FINANCING OF TERROR

Your Minister came over for a meeting yesterday evening to discuss Mr Adams' letter of 31st October and how best to respond to the Sunday Times' request for assistance from the Government in fighting the libel action that the Murphy family have brought against them. The Solicitor General and Miss Marsh from the Law Officer's Department, Director General Security Service and representative, Mr George (Head of Republic of Ireland Department)(FCO), Mr Manning (Cabinet Office) and Mr Colver (CPR) and Miss Muirhead (GS Sec) from this department were also present.

Opening the discussion, Mr King said that he was not clear that it was necessarily appropriate for him to be chairing the meeting but he had very strong views on the matter; he was also the recipient of Adams' letter. The implications of a successful libel action against the Sunday Times were extremely serious, for the reasons cited in Adams' letter. Moreover, there could well be criticism if it were to be perceived that HMG had done nothing to help and had stood by whilst substantial money from libel damages found its way into IRA coffers. The consequences for Anglo-Irish relations of a successful libel action could also be very adverse. Time was extremely short as the case was due to open in Dublin on 7th November but, even at this late stage, he wished to explore urgently ways in which help might be given to the Sunday Times.

In discussion, it was confirmed that there was no hard evidence (as opposed to intelligence reports) of Murphy's IRA associations which could be offered to the courts (though the RUC/Garda hoped that it would be possible, in due course, to bring charges against him for tax evasion and fraud). The arguments against providing members of the Security Forces to give evidence remained cogent and as stated in the minute from Mr Woolley to Mr Powell of 13th September 1988. There was also apparent confusion at the Sunday Times about how best to proceed with the case. The Solicitor General commented that his understanding was that it would be a libel case, in front of a jury. The basis of the

D Kyle Esq
PS/Minister of State
Northern Ireland Office

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plaintiff's case was that the remarks in the book were defamatory; the only acceptable plea that the Sunday Times were likely to be able to make in their defence was one of justification which would require clear supporting evidence; though there was also the option of a plea of fair comment in the public interest with a sub-stratum of fact. The basic difficulty remained that there was no member of the Security Forces who was in a position to give admissible evidence in court; the advice that he had given many months before, namely that there was no way in which HMG could offer the help for which the Sunday Times was asking, still stood.

Discussion then turned to other ways in which it might be possible to help.

Provision of a Character Reference for James Adams

Mr King suggested that, if it was not possible for a member of the Security Services to give evidence in court, he might provide a statement or character reference for Adams with a view to persuading the court that, even if they found in favour of the plaintiff, only token damages should be awarded. The kind of reference he had in mind would explain the difficulties of evidence in terrorist cases, stress Adams' reliability as a respected defence correspondent, and state that he was in no doubt from the intelligence reports that he had seen cross his desk that Adams' allegations were soundly based.

The Solicitor General said he would, of course, wish to study the text of any such statement before giving firm advice but he had two immediate comments. Such a statement could leave the Defence Secretary open to the risk of an action for libel unless it were made in a forum of absolute privilege such as the Court, or if he were to bring forward documents to substantiate his statement, which would be very difficult as such documents would be of the kind normally protected by a Public Interest Immunity Certificate. Mr King would enjoy absolute privilege if the statement were to be made in Parliament, and could not be sued in the British courts; he would need to check the position in relation to Irish courts but suspected that they would respect the parliamentary privilege of a friendly state. In that event, however, consideration would still need to be given to whether it was right and proper for a British Minister to make a statement which could not be substantiated. Secondly, he doubted whether such a statement would be admissible as evidence. It would have to be disclosed to the plaintiff, in advance, who would certainly object to its admissibility. Moreover, as it was not Adams' character which was at issue the case, it was probable that the judge would rule in the plaintiff's favour.

In discussion, it was pointed out that such a statement might be perceived as an attempt to interfere in or to abuse the

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proceedings of an Irish court; that it could prove counter-productive, therefore, in terms of Anglo-Irish relations; and that such a device was open to the risk of ridicule, if it was ruled inadmissible. Mr King took note of these arguments but commented that there could still be some presentational advantage in such a statement, even if ruled inadmissible as evidence.

Action after a Judgement in favour of the Plaintiff

In contrast, it was suggested that a statement to Parliament after the court had reached a judgement in favour of the plaintiff, deploring the circumstances and the benefit that would result for IRA funds, might be received sympathetically on both sides of the Irish Channel; it might also result in renewed impetus to find a way of preventing a repetition which would be all to the good.

There was also a brief discussion of the suggestion, considered at an earlier stage, that the Crown should support an application by the Sunday Times to a British court to stop payment of damages on the grounds that the money would go to finance terrorism. The Solicitor General reiterated his earlier advice that this was not a viable option. There was no basis in law for refusing to enforce the judgement of an Irish Court; there was also general agreement that any attempt to do so would set a very bad example in terms of respect for the rule of law.

Action by an Irish court to stop payment of damages.

At present, there is apparently no point of dialogue with the Irish Government on the handling and implications of the case; it emerged, however, that one point well worth pursuing with them was whether the terms of the Offences against the State Amendment Act would enable the Irish government to seize moneys believed to be owned by, or destined for, a terrorist organisation; on a technical point, it would be important to be clear, under the terms of the Act, that the damages would be paid to a bank account and not to the court. On the mechanics, it would be necessary for the Garda to convince the Minister of Justice that the funds were destined for the IRA, and that he should sign a certificate preventing this; the certificate would then place the onus of proving that the damages would not be used for terrorist purposes on the Murphy family - the reverse of the position Adams and the Sunday Times faced.

In discussion, it was pointed out that the political prospects of the Justice Minister agreeing to issue such a certificate, immediately after the Court had ruled that an Irish citizen had been grossly defamed, were not high but that the feasibility of the option should be explored further. It was also important to ensure, via the RUC, that the Garda were up to date with the intelligence on Murphy and best placed to make such a case to the Justice Minister. More generally, it was agreed that urgent

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contact should be made with the Irish government about the case and its implications; this might best be done between the Secretary of State for Northern Ireland and Mr Collins in the first instance and in the broad context of asking Mr Collins for his views on the handling of the case; a reference to the possible option of a certificate under the Act might be worked into the conversation; Mr King would be prepared, as necessary, to speak subsequently to Mr Lenihan.

Meeting with Sunday Times

Mr King reverted to the unclarity over how the Sunday Times intended to proceed, whether they intended to make a plea of justification and the need to respond to the request in Adams' letter for a meeting, with lawyers present. He could see advantage in this in presentational terms; it could also be appropriate for the Government's lawyers to ask to be informed about what was happening.

The Solicitor General cautioned that any contact should be handled very carefully; it was not a wise tactic to get close to the Sunday Times) lawyers when there was no way in which HMG was in a position to help (as had been made clear already). The Sunday Times were not babes in arms; they knew precisely what they were getting into; it was for them to decide how to handle their case. For his part, he was not handicapped by any lack of detail about their actions and remained of the view that it was virtually impossible to do anything to help in advance of the outcome of the court case but that the likely and subsequent public outrage could be turned to HMG's advantage. After further discussion, it was agreed that for the Sunday Times should be offered a meeting, with lawyers, to clarify matters, without commitment and without raising undue expectation of what HMG might be able to do to help.

Way ahead

Concluding the discussion, Mr King said that it had been agreed that:-

a) a reply, at Private Secretary level, should be sent to Mr Adams. (I attach a copy of my letter, which was cleared with the Solicitor General. Mr Neill phoned earlier this morning to say he was grateful for the letter and would like a meeting to-day, with Mr King and lawyers; I explained that Mr King was not available and that it was a meeting between lawyers that was on offer; Mr Neill accepted this and the Solicitor General's office are now in touch with his lawyers);

b) the Secretary of State for Northern Ireland should be invited to speak to Mr Collins, as soon as possible, on the lines set out above; and the NIO would clarify the position

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on the Offences against the State Amendment Act and ensure that the Garda had the most up to date intelligence;

c) the Solicitor General's department would clarify the position on Parliamentary privilege in relation to Irish Law.

He would be grateful to be kept closely informed of developments please.

I am sending a copy of this letter, and attachment, to the Private Secretaries to the Prime Minister, Home Secretary, Foreign and Commonwealth Secretary, Northern Ireland Secretary, Solicitor General and Director General Security Service and to Trevor Woolley (Cabinet Office).

Yours sincerely

(B R HAWTIN)
Private Secretary

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

MO 19/3/12D

2 November 1989

Dear Mr. Adams,

You wrote to the Secretary of State on 31st October in connection with certain libel actions that you currently face. You did, of course, write on earlier occasions about this matter, when you were advised that it was not possible to see a way of offering the help that you sought.

In your letter you have further suggested an early meeting which might include lawyers. While the Secretary of State does not see any possibility of a different view being taken from that previously advised, nonetheless he would be prepared to ask lawyers to attend a meeting to clarify the facts about your current position, if you would find that helpful.

Yours sincerely

(B R HAWTIN)
Private Secretary

James Adams Esq
Defence Correspondent
The Sunday Times
1 Pennington Street
London E1 9XW

03. 11.
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Ireland Situation

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

MO 19/3/12L

1 November 1989

CBJ(X)i

Dear Stephen,

JAMES ADAMS: FINANCING OF TERROR

As I mentioned to you, my Secretary of State has received the attached letter from Mr Adams about the forthcoming libel action against the Sunday Times. I have alerted Mr King, who is currently in Oman, to the letter; whilst he is aware of the background and of the earlier conclusion that there is no way in which we can offer the help that Mr Adams and the Sunday Times are seeking (the correspondence rests, I think, with Charles Powell's letter to Mr Adams of 13th September 1988), he is extremely concerned at the presentational and substantive implications of a successful libel action.

Mr King has asked, therefore, for further work to be conducted urgently to see whether there is anything that we can do at this late stage, as follows:

a. the possibility of a serving, or retired Service officer, who has been through HQNI appearing in the witness box and explaining that, whilst it is not possible to produce the primary witnesses, he can assure the Court, from his experience, that the charges made in Adams book are well founded. (There may, of course, be substantive legal problems over such a step which are being looked into);

b. whether the RUC and Garda have done any further work since the case was last looked at in detail which might alter the position and nature of the help that we might offer the Sunday Times. (He recalls from his time at the NIO that this may be the case).

Our officials will be liaising closely with yours, as well as the Home Office and Legal Advisers, in pursuing these two thoughts. Mr King will also take the opportunity to discuss the matter when he sees your Secretary of State tomorrow morning.

Stephen Leach Esq
Northern Ireland Office

I am sending a copy of this letter, and attachment, to Charles Powell (No 10), Colin Walters (Home Office) and to Trevor Woolley (Cabinet Office).

Yours sincerely,

Brian Hawtin

(B R HAWTIN)
Private Secretary

THE SUNDAY TIMES

1 Pennington Street, London E1 9XW *Telephone: 01-782 5000 Telex: 262139*

Mr Tom King
Secretary of State for Defence
Main Building
Ministry of Defence
Whitehall
London SW1

31st October 1989

Dear Mr King

You may be aware from your time in Northern Ireland of the activities of the Murphy family. You may also be aware that the family have a number of libel actions outstanding against The Sunday Times, the first of which is due to come before the court in Dublin next Tuesday.

At present, we have no defence against any of the libel actions as it has proved impossible to get anyone from the security forces to testify in our defence either through an affidavit or in person.

Unless circumstances change, we will be compelled to settle this case by paying £325,000 to the Murphys along with £155,000 in costs. That money breaks down as £250,000 in settlement of four libel actions in Belfast and the balance for two libel actions in Belfast. These sums are in addition to the £120,000 they have already received from a libel action against my book, The Financing of Terror.

If the Murphys are allowed to win this case, a number of things will follow:

1. This year the IRA will have received more money from libel actions than any other single source of income.

2. The money will be used to finance more acts of terrorism to kill members of the security forces and innocent civilians.

3. Father Patrick Ryan will proceed with his libel actions from which he will receive at least £1m.

4. The IRA will receive a significant boost to their morale while the impotence of the government in this matter will be noted by its supporters.

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Registered Office: Times Newspapers Limited, P.O. Box 495, Virginia Street, London E1 9XY
Registered No. 894646 England

5. The IRA will succeed in stifling debate of their activities in the press. Already, it is difficult enough to expose IRA terrorism and the success of these libel actions will make sure that the media will be even more careful when writing about the IRA. While the government use new laws to prevent publication of terrorists' views, the IRA are using the libel laws to the same effect.

6. Rather than pay the money, we are considering withdrawing from Ireland altogether. This would clearly be a major victory for the IRA.

Even at this late stage, The Sunday Times is prepared to fight this case because we do not believe that we should be providing funds to terrorists. However, this simple principle is proving difficult to stand by as to-date we have been unable to gather any support other than good wishes from anyone in the Government.

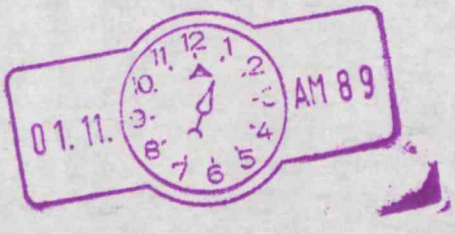
In the various discussions that have taken place on this issue I understand that the conclusion has been that allowing anyone to testify might compromise sensitive sources. I fully understand this difficulty but I do not believe sufficient political clout has been put behind the problem to find a solution.

I would like to suggest a meeting at the earliest opportunity to see if there is any way forward. A meeting might include lawyers from your side and ours so that we could explore possibilities. It may be, for example, that more could be done for the Belfast cases than for those in Dublin. However, at the moment we have only questions and no answers and time is very short.

I know you share my concerns in this matter and I do hope you can use your knowledge and experience to move this appalling state of affairs to a conclusion that represents something less than total victory for the IRA.

Yours sincerely

James Adams
Defence Correspondent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PRIME MINISTER

THE MURPHY FAMILY V. THE SUNDAY TIMES

Woodrow Wyatt spoke to you this morning about the legal action being taken by the Murphy fmaily against the Sunday Times. He has now sent you the attached fax and is likely to telephone you again tomorrow to discuss it.

There is a history to this case and I attach the most recent advice we have received from the Cabinet Office. As you will see their judgment is:

- that sufficient evidence could not be made available by a member of the security forces materially to assist the Sunday Times' case, putting sources of intelligence information at risk of identification

- if such information was available in the form of evidence, we would have prosecuted the Murphys ourselves

- it seems most unlikely that bald assertions by a member of the RUC would carry much weight in a Dublin court

- and the security of the witness would be at risk.

This has been gone into most carefully by the Security Service in other Departments and, regrettable as it is, it seems that we really cannot help.

Have told WW.

CDP

Charles Powell
31 October 1989

c: murphy (mj)

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The Murphy Family V. The Sunday Times

According to intelligence sources, Thomas "Slab" Murphy is the most notorious IRA terrorist alive today. He is credited with more than 100 murders, which include the 17 soldiers who died at Warrenpoint. He is also believed to have organised the murder of two senior RUC officers last March. Also behind Mountbatten murder.

Together with his brother, Patrick, and the rest of the family, they enjoy a considerable income, estimated at a minimum of £400,000 a year. This derives from two main sources. First, smuggling and EEC linked fraud, largely based on operations within Thomas's farm which straddles the border just south of Crossmaglen; and second, the collection of large sums from British book and newspaper publishers on the settlement of libel actions against them in Dublin. In 1987 The Mail paid £15,000 after having accused Thomas of kidnapping Don Tidey; £60,000 each was paid to Thomas and Patrick in March of this year on the settlement of their claims against James Adams' book accusing them of terrorism; and The Sunday Times now faces similar claims arising out of an article published in June 1985, due to be heard on 7th November, where the damages, whether on settlement or on awards by a jury, are likely to be substantially higher. Thomas, Patrick, Francis and Elisabeth Murphy have also launched similar actions in Belfast based on the same article as well as a magazine piece, based on James Adams' book, published in mid-1986.

FAX TO: WOODROW WYATT

FAX NO: 486 5912 PAGE: 1 OF: 2

ATTENTION OF:

FROM: JAMES ADAMS DATE: 31/10

COMPANY: FAX NO:

Ref No: 7688

Most Secret

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The Murphy Family V. The Sunday Times

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FAX TO: WOODROW WYATT

FAX NO: ~~486~~ 5912 PAGE: 1 OF: 2

ATTENTION OF:

FROM: JAMES ADAMS DATE: 31/10

COMPANY: FAX NO:

Hel No: 7688

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If the truth about this family could be proved in the Dublin court - for the Murphys the most, and for us the least, advantageous forum - they would not get a penny. Indeed, if that were the position it seems inconceivable that they would have sued at all. But the fact is that the truth cannot be proved, and the Murphys know it. The only people who can testify are security service personnel, the police and the Army. They are only too willing to say what they know, but are prevented from doing so by the government.

We are therefore in a position of having no realistic alternative to settling litigation in the certain knowledge (a) that the exercise makes a total mockery of justice, and (b) that the money is bound to end up in IRA pockets. Unless something is done, the Murphy award/settlement will set a libel record in the Irish courts, only to be be exceeded by the possible £1 jackpot awaiting collection by Father Patrick Ryan from the British media.

£325,000 is purchase

The impact of this effective perversion of the law of libel, and the torpedoing of any viable defence by the Government's refusal to provide admissable evidence, will be threefold. First, the IRA will be denied the suffocation of the bad publicity it deserves. Second, libel actions on even the slightest defamatory references to the IRA will profilerate. And third, the riches thus generated will ensure that the IRA arsenals and armouries are far better equipped than ever before.

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£325,000 in purchases

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Ref. A088/2697

MR POWELL

James Adams

In your letter of 30 August, you asked for advice on and a draft reply to James Adams' letter to the Prime Minister of 26 August.

2. Mr Adams has been in correspondence with the Ministry of Defence and other agents of the security forces for at least 18 months over the libel actions being brought against him, the Sunday Times and the publisher of "The Financing of Terror" by the Murphy brothers. He has been consistently advised, as he reports in his letter to the Prime Minister, that despite the very disturbing prospect of a large sum of money finding its way to the IRA as a result of the award of damages in the legal proceedings, it would not be possible to offer a witness from the security forces to support his case.

3. The Murphy brothers have for many years been of great interest to both the RUC and the Army in Northern Ireland but they have so far escaped detection in serious crime. Sufficient evidence could not be made available by a member of the security forces materially to assist Mr Adams' case since such a witness would be unable to produce evidence without putting the sources of intelligence information at risk of identification. If such information was available in the form of evidence, it could have formed the basis of a prosecution of the Murphys for membership of the IRA. In those circumstances, particularly in front of a Dublin jury which would be unlikely to be sympathetic to a witness from the UK's security forces, the assistance Mr Adams seeks would be unlikely to sway the result of the hearing in his

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favour. Against this background, the RUC would be very reluctant to produce a witness, whose safety would be placed in jeopardy by appearing; the RUC do not in any case feel able to compel an RUC officer to attend. The Security Service have a further problem in that a Dublin court could not be expected to make arrangements to guarantee his anonymity.

4. More generally, the presence of a witness from the security forces at a civil case of this sort would inevitably attract wide public attention, and risk political embarrassment for the Government if ultimately the Murphys succeeded in their action.

5. I attach a draft reply for you to send to Mr Adams on the Prime Minister's behalf, which has been cleared with the Departments who received copies of your letter. As the confidentiality of the letter cannot be assured, it is necessarily couched in vague terms as far as the reasons for not producing a witness are concerned, although Mr Adams will be familiar with them.

6. I am copying this minute to John Colston (MOD), Maurice Patterson (NIO) and Nick Sanderson (Home Office).

Trevor Woolley

TREVOR WOOLLEY

13 September 1988

CONFIDENTIAL

MINISTRY OF DEFENCE WHITEHALL LONDON SW1A 2HB

TELEPHONE 01-218 9000
DIRECT DIALLING 01-218 2111/3

MO 19/3/12L

30 October 1989

Dear Peter,

INQUESTS IN NORTHERN IRELAND: DRAFT CORONER'S ORDER

Thank you for your letter of 10th October concerning the compellability of witnesses at inquests in Northern Ireland.

I was pleased to note that we both agree that the fundamental requirement is to re-establish the situation which prevailed prior to the Northern Ireland Court of Appeal ruling. As you know, my main concern is that the identity of witnesses and important operational information should be protected. In arguing for legislation to restore non-compellability, it is this aim that I have firmly in mind.

How and when the status quo ante is restored is not primarily a matter for me, providing that in the interim soldiers are not put at risk. My firm understanding, however, was that a second legal setback, in the House of Lords, would make the passage of legislation considerably more difficult. Indeed Patrick Mayhew, in his letter of 19th September, indicated that the setting of a date for the appeal did not materially alter that judgement. However, I am content to accept the judgement of those closer to the legal aspects than myself on timing and particularly on the likely

The Rt Hon Peter Brooke MP

reaction of the House of Lords to the Government withdrawing its appeal at this increasingly late stage.

I believe therefore we must now look to Patrick Mayhew and James Mackay for their judgement on the timing of legislation vis a vis the House of Lords appeal. On the basis that they are content to await the outcome of the appeal, I would raise no further objections providing that, if the appeal goes against us, there is no question but that an Order in Council will be introduced without further delay.

I am copying this letter to the Prime Minister, James Mackay, Geoffrey Howe, John Major, Douglas Hurd and Patrick Mayhew, as well as to Patrick Walker and Sir Robin Butler.

Tom King

Ireland
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Pt 27

The National Archives

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BI
To see
MT
25/10

Where are we on this?
BT

THE SUNDAY TIMES

1 Pennington Street, London E1 9XW *Telephone: 01-782 5000 Telex: 262139*

The Right Hon Margaret Thatcher
Prime Minister
10 Downing Street
London SW1

17th October

flap.

Dear Prime Minister

You may recall I wrote to you some time ago regarding a number of libel actions being brought by Thomas 'Slab' Murphy against myself, my publishers and The Sunday Times. At the time, I mentioned that Murphy is a well known IRA supporter, organiser and fund-raiser who runs terrorists in South Armagh and has been responsible for the deaths of over 100 members of the security forces.

After investigation, it proved impossible to provide anybody who could testify against Murphy in court. Recently my publishers paid him and his brother Patrick £120,000 in settlement of a single libel action.

Shortly after the settlement, Murphy is believed to have organised the killings of two senior RUC officers who had just returned north after a visit to Dundalk in the Republic.

A number of other libel actions by the Murphys are now pending in Dublin against The Sunday Times. I am advised that the newspaper will be forced to settle the case and the sums of between £300,000 and £500,000 will be paid to the Murphys. It is likely that further writs will then be issued.

I also understand that Patrick Ryan will shortly be issuing writs for libel in Dublin against a number of British newspapers. The lawyer acting for him in these cases is the same one who defended me against the Murphys so he is completely familiar with the weakness of the defendents' case.

The advice which I have received is that all the newspapers will be forced to settle in the Ryan case as well. Estimates of the damages he will receive are difficult to make but he is likely to end up with at least one million pounds.

Continued.../2

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The sums themselves matter little to the newspapers concerned, who are all insured. But, every pound paid goes to finance terrorism and will result in more lives being lost in Northern Ireland and Europe.

It seems more likely that unless something is done, the biggest single source of income to the IRA in the financial year 1989/90 will be libel actions against the British media who have published accurate accounts about the activities of terrorists.

It is ironic that in the same year the government have introduced leglisation to prevent the IRA using the media for propaganda, the terrorists have learned how to silence the press using the libel laws. Such is the climate among newspaper lawyers that it is now very difficult to write anything about the IRA.

I am aware that this issue has been looked at before and the answer has been that it is too difficult to take any measures to stop the IRA gaining finances and propaganda benefits in this way. I cannot believe that this is so. The problems are difficult to address, but if there was sufficient political will then I believe creative minds could come up with a solution.

So much has been achieved to combat terrorism in the past few years, particularly to restrict the flow of money to the IRA. The existing libel laws are one of the last major loopholes which the terrorists are exploiting to great effect. I hope that here, too, you will be able to find a way forward.

Yours sincerely

James Adams
Defence Correspondent

Ireland Pt 27
Colonel Situation

The National Archives

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Rt Hon Tom King MP
Secretary of State for Defence
Ministry of Defence
Whitehall
LONDON
SW1A 2HB

10 October 1989

Dear Tom,

INQUESTS IN NORTHERN IRELAND: DRAFT CORONERS ORDER

Your letter of 29 September to Patrick Mayhew crossed with mine of the same date to James Mackay. Inter alia your letter also commented on a proposal in my letter of 15 September to Patrick, which I substantially modified in my second letter. The principal purpose of this letter is to clarify where I now stand.

I hope you will agree that it is highly desirable that we should sort out any remaining differences between us in correspondence rather than at what would be then be a third Ministerial meeting to discuss substantially the same issues. I think that, in fact, there is a good deal of common ground between us.

First and foremost, we are all agreed on the desirability of ensuring that members of the security forces who are suspected of causing a death in Northern Ireland should not have to give evidence at inquests if the consequence of that is that their lives are put at risk, or that their further utility for security work in Northern Ireland is substantially diminished, or that security matters (including the integrity of possible future operations) is put at risk. Second, I agree with the conclusion that you and other colleagues have previously reached that the best (and indeed the only certain) way of ensuring that none of these unacceptable consequences arise is legislation by Order-in-Council to restore the

non-compellability of witnesses suspected of causing a death which was removed by the judgment in December 1988 of the Northern Ireland Court of Appeal.

For the record, therefore, let me say that I am not now seeking to overturn or set aside the twice-taken decision to proceed in this way. On the contrary, what I am now proposing is that we should regard our decision to legislate as having been firmly taken, but that we should delay its implementation until we have the result of our Appeal to the House of Lords. If we then lose, we should have our draft Order ready for immediate introduction so as to get in ahead of any inquest at which "compellability" might be an issue.

I make this proposal only after a lot of thought and with some temerity (not having been present at either of the substantive discussions of these issues which have already taken place). But, as I see it, the Parliamentary and political considerations pointing in favour of delay in present circumstances are overwhelming.

I will not rehearse the problems that will face our spokesmen in both Lords and Commons when they seek approval for what will by any standards be a controversial draft Order. It will be controversial not only because of what its effect will be on inquests in Northern Ireland but also because of its form (we will undoubtedly be accused of abusing the Order-in-Council procedure by using it to deal with what we will be told is basically a 'security' problem and therefore a matter for primary legislation). Nor will I refer in any detail to the response which we know the draft Order will provoke from all the constitutional parties in the Republic and some (if not all) of the parties in the North. We have agreed to face up to these difficulties. What I would like to do, however, is to suggest as strongly as I can that the period between now and the hearing of our appeal by the House of Lords would be the worst possible time in which to do so.

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I have looked again at the argument for introducing the legislation without further delay, including the considerations which you put forward in your letter of 29 September to Patrick Mayhew. But, having done so, I have to say that I remain wholly persuaded that the decision to set a date for the hearing of our appeal by the House of Lords (especially one as early as 15/16 January next) has materially affected the argument. It was always going to be enormously difficult (probably impossible) to convince the Irish Government and the political parties here (North and South) that the real reason for this Order was not simply to provide the final cover-up of the Stalker/Sampson affair. Our task both inside and outside Parliament will be made even more difficult and complicated if we have to explain why, if we had always been determined to legislate without waiting for the result of our appeal, we should choose to do so only after the Lords had fixed a date to hear it. We would, moreover, be more vulnerable to the charge of discourtesy to their Lordships.

If we now wait now until the Appeal is determined we can at least claim that we have been consistent in our approach. We could say in defence of legislating after we had lost the Appeal (if that does prove to be the case) that we had been, from the first, concerned about the implications of the LCJ's judgment; that was why we had decided to appeal it. We believed that there was a reasonable chance that a decision over-turning a view of the law which had long been accepted and acted upon might itself be over-turned on appeal. It had turned out that we were wrong, but our concern remained. Hence, our legislation. There is nothing unusual or reprehensible about legislation over-turning a decision of the House of Lords when it conflicts with the Government's view of what is desirable.

My feeling is that, if you and I could agree to the proposal which I am now making - ie that we should maintain our decision to legislate but that we should implement it only if and when the decision of the

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House of Lords makes this necessary, our colleagues would also be content. I would be most grateful therefore if you would give further and sympathetic consideration to what I am now proposing.

Finally, and very much on a point of detail, I feel that I must comment, if only so that silence is not taken as acceptance, on the point you make in the third paragraph of your letter about the suitability of Order-in-Council procedure for Northern Ireland because of what you describe as 'the double jeopardy' aspect peculiar to Northern Ireland. My understanding is that, in respect of the action of the police and the DPP, Northern Ireland is in no different case than England and Wales. There, just as much as in Northern Ireland, both the police and the DPP have finished with the case before the substantive inquest is held. It is, of course, true that inquests in England and Wales are usually formally opened (inter alia to facilitate disposal of the body) at an early stage, and before any criminal investigation is complete, but for the purpose of your argument this is irrelevant. The fact is that the possibility of having to give evidence (and face hostile questioning) at an inquest, after the conclusion of criminal proceedings in which he was acquitted or after it had been decided not to proceed with a prosecution, could also face a "suspect" witness in England and Wales.

Copies of this letter go to the Prime Minister, James Mackay, Geoffrey Howe, John Major, Douglas Hurd and Patrick Maynew, as well as to Patrick Walker, and Sir Robin Butler.

Yours ever

Pat

PB

JB/SSOFFICE/25091

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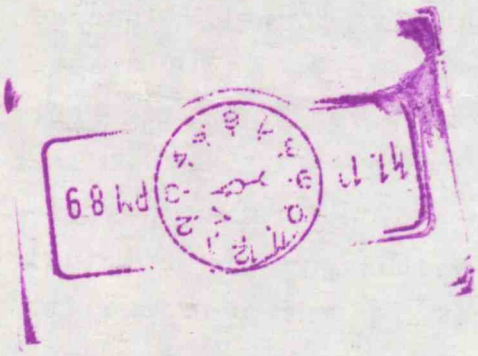
IRELAND: Situation

P 27



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MY TELNO 418: APPROACH TO THE IGC

SUMMARY

1. TAOISEACH WARNS PRIVATELY OF TROUBLE AHEAD.IRISH PRESS BRIEFING IN A LOW KEY.IRISH MINISTERS WILL GO TO LONDON UNDER PRESSURE OF THEIR OWN MAKING.ACCOMPANIMENT IS THE KEY.

DETAIL

2. BEFORE MR BROOKE'S BRIEFING MEETING TOMORROW FOR THIS WEEK'S INTERGOVERNMENTAL CONFERENCE,IT MAY BE HELPFUL IF I SET OUT THE SITUATION AS SEEN FROM DUBLIN TODAY.

3. THE SUCCESSION OF ALLEGATIONS OF LEAKS AND COLLUSION HAS KEPT THIS ISSUE AT THE TOP OF THE AGENDA.THE REPORT IN TODAY'S IRISH NEWS ABOUT AN 'INNER CIRCLE' WILL ENCOURAGE IRISH OPINION IN THEIR VIEW THAT SOMETHING FUNDAMENTAL HAS GONE WRONG FOR WHICH FUNDAMENTAL REMEDIES ARE REQUIRED.THERE IS GENERAL SUPPORT FOR THE IRISH GOVERNMENT'S STANCE.THE UDR HAS NO FRIENDS HERE.

4. ON THE OTHER HAND,THE DANGER OF A PRE-EMPTIVE PRESS STATEMENT SEEMS TO HAVE RECEDED.SINCE MR BURKE'S CAREFULLY CONTRIVED INDISCRETION ON TELEVISION IRISH JOURNALISTS HAVE BEEN DISCOURAGED FROM EXPECTING FURTHER STATEMENTS BEFORE THE INTERGOVERNMENTAL CONFERENCE.MR COLLINS' SPEECH TO THE UNGA WAS HELPFUL.

5. THE IRISH CLAIM THAT THEIR MINISTERS ARE UNDER DOMESTIC POLITICAL PRESSURE.THEY WOULD,WOULDN'T THEY? IN TERMS OF ORTHODOX ADVERSARIAL POLITICS THIS CLAIM IS FALSE.RECENT PUBLIC STATEMENTS ON THE ISSUE BY PETER BARRY AND JOHN HUME HAVE BEEN CONCILIATORY.FINE GAEL HAS CHOSEN TO ATTACK THE IRISH GOVERNMENT FOR ITS HINTS THAT THE FUTURE OF THE AGREEMENT ITSELF MIGHT BE AT STAKE.

6. NEVERTHELESS THERE ARE PRESSURES.FIRST AMONG THEM IS THE TAOISEACH HIMSELF WHO HAS INVOLVED HIMSELF CLOSELY WITH THE IRISH HANDLING OF THE ISSUE.THE PUBLIC WAS ALLOWED TO KNOW THAT MR BURKE'S 'TODAY,TONIGHT' TELEVISION INTERVIEW FOLLOWED DIRECTLY FROM A MEETING WITH THE TAOISEACH.PRESS BRIEFINGS HAVE INDICATED THAT THE LEAKS/COLLUSION ISSUE HAS DOMINATED RECENT CABINET MEETINGS.ABOVE ALL WE HAVE THE WARNING FROM THE SECRETARY TO GOVERNMENT (MY TELNO 411) THAT MR HAUGHEY IS HAUNTED BY THE FEAR THAT IRISH INTELLIGENCE MAY HAVE CAUSED THE DEATH OF IRISH NATIONALISTS AND THAT HE MAY BE EXPOSED AS HAVING PERSONALLY BETRAYED THE IRISH NATION.THE CONNECTION WITH GIBRALTAR HAS SINCE APPEARED IN THE PRESS,PUT FORWARD BY A SINN FEIN SPOKESMAN.IT HAS NOT BEEN PICKED UP MORE WIDELY.

7. I EXCHANGED A FEW WORDS WITH THE TAOISEACH AFTER HIS SPEECH THIS MORNING OPENING A CONFERENCE ON IRISH POLICY IN THE EUROPEAN COMMUNITY.HE SAID THAT THERE WAS TROUBLE AHEAD.WOULD THERE BE NO END TO THE SCANDALS? I REPLIED THAT BRITISH MINISTERS WERE AT LEAST AS CONCERNED AS HE WAS.ANY SUGGESTION OF COLLUSION WAS INTOLERABLE.THE ENQUIRY WOULD BE RIGOROUSLY PURSUED.BUT THERE WERE OPERATIONAL AND POLITICAL CONSTRAINTS WHICH COULD NOT JUST BE WISHED AWAY.I HOPED THAT HE WOULD SAY NOTHING TO INFLATE EXPECTATIONS.MR HAUGHEY LOOKED AT ME STEADILY FOR A MOMENT AND PASSED ON.

8. THERE ARE ALSO PRESSURES FROM WITHIN FIANNA FAIL,INCLUDING COALITION DISCONTENTS AND THE AMBITIONS OF BOTH IRISH MINISTERS TO BE TAOISEACH.I COMMEND DICK WALSH'S PIECE IN THE IRISH TIMES OF 30 SEPTEMBER,'RUMBLE OF TUMBRILS SHAKES DUBLIN 4'.WALSH DESCRIBES THE APOTOLYPTIC SELF-QUESTIONING WITHIN FIANNA FAIL ABOUT ITS SURVIVAL UNDER PRESENT LEADERSHIP AS THE DOMINANT POLITICAL FORCE IN THE COUNTRY.

9. THESE PRESSURES ARE OF IRISH ORIGIN AND SOME OF THEM OF IRISH MAKING.WE SHOULD NOT BEND OUR CONCLUSIONS TO ACCOMMODATE THEM.BUT WE SHOULD RECOGNISE THE DANGER OF AN HYSTERICAL REACTION IF WE FAIL TO CARRY CONVICTION ON THURSDAY.

10. ALL THIS SUGGESTS THAT WE SHOULD BE AS FIRM AS NECESSARY,WHILE KEEPING THE ATMOSPHERE AS CALM AS POSSIBLE.I UNDERSTAND THAT THE ARMY HAS CONTRIBUTED USEFUL PAPERS ON MILITARY ASPECTS.I HOPE THAT WE SHALL BE ABLE TO BE REASSURING ABOUT THE SECURITY OF 'RECOGNITION MATERIAL',RECRUITMENT,VETTING,TRAINING ETC.I AGREE WITH THE GENERAL APPROACH DISCUSSED WITH THE IRISH IN THE SECRERARIAT ON 28 SEPTEMBER.I ALSO AGREE THAT THE PRESENCE OF THE GOC WOULD BE USEFUL.IT WILL TAKE IRISH BREATH AWAY BUT THEY WOULD BE ON WEAK

GROUND IN RESISTING IT,AND THEY WILL LISTEN TO GENERAL WALTERS WITH RESPECT.

11. I ALSO MAINTAIN THE RECOMMENDATIONS IN PARAS 19 AND 20 OF MY TELEGRAM 393.WE SHOULD NOT BE SHY OF EXPLAINING THE POLITICAL ROLE OF THE UDR AS A LIGHTNING CONDUCTOR:THE THOUGHT HAS EMERGED TENTATIVELY IN RECENT DAYS AND HAS BEEN RECEIVED WITH SOME UNDERSTANDING IN DUBLIN:IT COMES AS NO SURPRISE.WE SHOULD CERTAINLY MAKE VERY CLEAR TO MR COLLINS THAT IF HE CHOOSES TO LOSE HIS COOL IN PUBLIC ON THURSDAY THE ONUS FOR FAILURE WILL REST WITH HIM.

12. BUT IRISH MINISTERS WILL NOT BE ABLE TO SELL AN ANODYNE COMMUNIQUE IN DUBLIN.IT MUST REGISTER SOME SPECIFIC ADVANCE.ACCOMPANIMENT IS THE KEY.I RECOGNISE THE OPERATIONAL CONSTRAINTS BUT,IN THE LIGHT OF WHAT WAS AGREED IN NOVEMBER 1985,IT IS A WEAK POINT IN OUR DEFENSIVE ARMOURY.AN IMPROVEMENT ON THIS FRONT WOULD CARRY CONVICTION ON THURSDAY AND IMPROVE CONFIDENCE ON THE GROUND THEREAFTER.

FENN

YYYY

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.NORTHERN IRELAND
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MISS SPENCER

ADDITIONAL 50

NORTHERN IRELAND

NNNN

SECRET UK EYES A

22(a-c) etc?

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31X.

MINISTRY OF DEFENCE WHITEHALL LONDON SW1A 2HB

TELEPHONE 01-218 9000
DIRECT DIALLING 01-218 2111/3

MO 19/3L

24th September 1989

Dear Patrick,

NORTHERN IRELAND INQUESTS/BALLYNERRY INQUEST

Thank you for copying me your letter of 1st September concerning the giving of evidence at the Ballynerry inquest. I have also seen Peter Brooke's letter of 15th September, your reply of 19th September, and John Major's minute of 24th September.

May I say first that I entirely agree with you that the Order in Council should be treated as a separate issue and implemented as rapidly as possible, thus allowing the Government to withdraw its appeal to the House of Lords. As you say, the assessment of Crown Counsel is that the Lords appeal is very unlikely to go our way. As H concluded earlier this year, it would be presentationally considerably more difficult to restore the status quo ante after what would be seen as a second legal set-back. To act swiftly now would also help to increase the fine separation between the Order in Council and any contingency legislation that might be required in respect of the Ballynerry inquest (contingency legislation which I note you assess would not be required for some 18 months to 2 years).

We had previously considered the possibility of primary legislation, but concluded that this course would be more controversial than an Order in Council. The latter would not apply specifically to the Security Forces, and could be presented against

Rt Hon Sir Patrick Mayhew QC

the background of the 'double jeopardy' aspect which is peculiar to Northern Ireland where all terrorist related deaths are investigated thoroughly by the RUC and referred to the DPP before the inquest takes place.

In taking that decision H accepted, I believe without reservation, the overriding need to protect both the identity of witnesses (who would otherwise become terrorist targets) and important operational details. Screening arrangements could not be guaranteed if witnesses were compellable, and it seems to me optimistic to assume that PII Certificates would be anything other than an uncertain basis on which to guarantee the protection of sensitive operational information material to issues arising in the inquest.

It is true that restoring the status quo ante by means of an Order in Council would not affect the compellability of individuals not directly involved in the killing. But it would certainly reduce the size of the problem considerably. The question of screening would be likely to arise much less frequently, and it would be easier to avoid certain lines of questioning on the grounds of relevance when the witnesses have not been directly involved in the shooting. In addition, the presence at inquests of those individuals who are directly involved in the killing would provide a focus for attempts to abuse the judicial process for propaganda purposes in a way which is not the case for other witnesses.

In sum, I strongly believe that restoring the non-compellability of those directly involved in a death is both necessary and worthwhile in its own right, and should be pursued with all speed. Not to do so would undoubtedly have an adverse affect on the morale and consequently the operational effectiveness

C

of members of the Security Forces. The knowledge that they would unfairly be subjected to double jeopardy could well deter the soldier or policeman from responding appropriately in dangerous situations where he is confronted by terrorists.

To turn to the Ballynerry inquest, I sympathise with your desire to keep the numbers of witnesses requiring full screening as low as possible to reduce controversy. However, I have to record my very firm view that a distinction cannot be drawn in principle between the activities of the Security Service and those of certain covert Army units - as indeed you suggest in your letter of 1st September. Members of such covert units are required inter alia to operate incognito in plain clothes on the streets of Northern Ireland. As such they are a scarce and highly trained resource; and not one we should squander needlessly, thereby impairing the effectiveness of the most important elements of Security Forces operations in Northern Ireland.

As for the particular case of the witnesses required for the Ballynerry inquest, there are four individuals who were in the listening post at the time of the killing or subsequently listened to the tape recording of the events. Of these four, two are now civilians. As such we judge that partial screening and concealment of their names and addresses from the court would suffice. Both of the other two are however still serving in the Army. One is currently serving in the same covert unit in Northern Ireland as in 1982; the other, the officer involved, is presently in Germany but could well be posted back at some future date to the unit in Northern Ireland. These two should therefore be screened from all but the Coroner.

SECRET UK EYES A

I am copying this letter to the Prime Minister, Peter Brooke, James Mackay, John Major, Douglas Hurd, and to Patrick Walker and Sir Robin Butler.

Tom King

IRELAND: S.L

R.27

SECRET

21a-5 c/c

Northern Ireland Office
Stormont Castle
Belfast BT4 3ST

Awaiting comments
GR

Rt Hon Lord Mackay of Clashfern
Lord Chancellor
Lord Chancellor's Department
House of Lords
LONDON
SW1A 0PW

29 September 1989

Dear James,

INQUESTS: DRAFT CORONER'S ORDER

I understand that you were out of the country when I wrote to Patrick Mayhew on 15 September (under the heading Ballynerry Inquest). Since then I have been reflecting on the replies which I have received from Patrick, dated 19 September, and from John Major, dated 24 September. I have, of course, been conscious throughout both that the subject matter of the draft Order-in-Council falls within your responsibility and not mine and that a decision to go ahead with the draft Order-in-Council, so as to restore the position that persons suspected of having caused a death should not be compellable witnesses at an inquest, has already in effect been taken twice. Nevertheless, I hope that you understood, having read my letter of 15 September, why I, as a newcomer to the scene should have had the doubts which I there expressed about going ahead now exactly as originally planned.

I entirely take Patrick's point that the central question is a policy one and that it is essentially one for Tom King and for me. Put simply that question is: "can we be satisfied that sufficient safeguards will exist for members of the security forces as individuals, for their future utility as part of our security effort in Northern Ireland, and for the sensitivity of the information to which they may be privy or to which questioning of them may lead, if persons suspected of causing a death remain, as they are now in the light of the LCJ's judgment, compellable witnesses at an inquest?" As you will have seen from my letter to the Attorney General I wondered whether we might, after all, be able to rely on the range of existing safeguards as an alternative to what would inevitably be highly controversial legislation. As I have settled in to my current post, I have become ever more aware of the political difficulties which our decision to

legislate will create - and not least of course with the Irish. But I wholly accept Patrick Mayhew's argument that we have taken a decision and that, notwithstanding the fact that we now have a date for our Appeal to the House of Lords, the fundamental issues which have previously been considered at length by colleagues have not changed. Accordingly, and on further consideration, I would not now press my colleagues to accept the whole of the alternative approach to legislation which I offered in the last paragraph on page 3 of my letter to Patrick Mayhew. In the light of his reply, I will think further about whether it would be sensible or safe to let at least one inquest proceed on the basis of compellability but with the safeguards of PII certificates and the privilege against self-incrimination. But in the light both of the new factor introduced by the settling of a date for the Appeal hearing and of my concern about the political (and, indeed, possibly "security") effects of legislating in the next few weeks, given our current difficulties with Irish and some Northern Irish opinion on this side of the water, I would like to press my argument, that we should defer implementation of a decision to legislate until after the Appeal to the Lords has been heard.

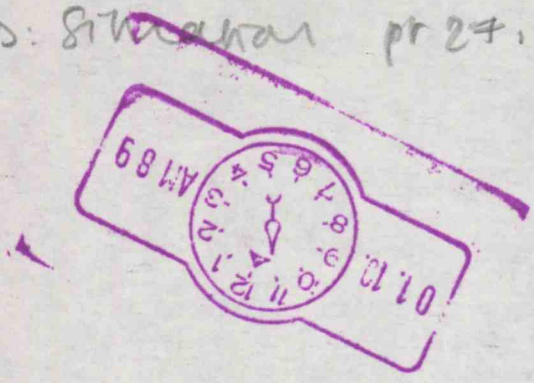
I hope that you and other colleagues will be content with this. I am sending copies of this letter to the Prime Minister, John Major, Tom King, Douglas Hurd and Patrick Mayhew, and (as before) to Patrick Walker and Sir Robin Butler.

Yours ever

Peter

PB

IRELAND: SI[illegible] pt 27.



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a: ALDERGROVE
cdC

SECRET

10 DOWNING STREET
LONDON SW1A 2AA

From the Private Secretary

27 September 1989

ALDERGROVE INFANTRY BATTALION

The Prime Minister was grateful for the Defence Secretary's minute of 25 September, setting out his proposals on the public handling of the replacement of the resident infantry battalion at Aldergrove by a roulement battalion. She has commented that we must go ahead on the lines suggested by your Secretary of State but be ready to counter adverse propaganda.

C. D. POWELL

Brian Hawtin, Esq.,
Ministry of Defence.

SECRET

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MO 19/3L

PRIME MINISTER

ALDERGROVE INFANTRY BATTALION

Your letter of 17th July recorded your view that the replacement of the resident infantry battalion at Aldergrove by a roulement battalion would need very careful presentation, and that you wished to be informed about how we proposed to deal with it.

The Secretary of State for Northern Ireland and I have completed our assessment of the presentational aspects of this decision, and have concluded that there are clear advantages in a controlled release of the news before March 1990, when the change will actually take place. This is a departure from our usual practice of not commenting on deployments in advance. But we are satisfied, on the basis of advice from those close to the local scene, that it is inevitable that there will be some local awareness of the impending change long before next March. I have also recognised the need, in fairness, to let those responsible for planning local services, notably housing and schooling, know about changes which will significantly affect them. Controlled low-key release of the information at a time of our choosing would allow us to hold the PR initiative and to emphasise that the basis for the decision is the very poor quartering position of the troops at Aldergrove. Our objective throughout will be, of course, to avoid giving PIRA the opportunity of claiming that their actions have forced the change, or the Unionist community any reason to suppose that the change represents "withdrawal". The last point should be the easiest to deal with. We can offer an unequivocal assurance that the change will make no difference to the number of troops on the ground.

b

3. In local terms, the effect on housing in Antrim has the most impact. There are already a substantial number of vacant houses owned by the Northern Ireland Housing Executive (NIHE) in the Antrim area. I understand that the NIHE has a formal strategy for dealing with that situation, but the vacating of some 180 houses currently occupied by the Army families, most of them on one particular estate, will undoubtedly be unwelcome. However, NIO officials have already discussed this issue, in the strictest confidence, with the Chief Executive of the NIHE. He believes that the situation will be manageable, both in practical and presentational terms - but only if we do not seek to make too much of it. At it happens, the NIHE at a local level have already been planning on the basis that they would, at some date probably not too far away, have to contemplate the loss of MOD tenants. The Chief Executive believes that knowledge that the families will be leaving next March can actually be presented as a welcome removal of an uncertainty which the Executive can now take account of in its forward planning.

4. In the normal way, an advance party from a replacment Regiment would be visiting its intended local area some six months or so before the move. In the case of a resident battalion, it would then be expected to discuss matters such as housing and schooling with local representatives. As it happens, a reconnaissance party from the Scots Guards (the replacement "roulement" battalion) will be going over to Northern Ireland at the beginning of next month. Their presence, and the absence of any call on, for example, local schools might well be noted (one Headmaster has already asked about what will be happening). All that points to letting the news break soon. The NIHE Chief Executive would like to let it emerge naturally and in low key fashion at the next monthly meeting of the Executives on 27th September when the housing strategy for Antrim will in any case be on the agenda. Peter Brooke and I are agreed that this would be a sensible move.

5. The proposition is, therefore, that we should allow the news to break naturally at a local level to coincide with the NIHE meeting. HQNI would inform the local bodies principally concerned and the local paper. We will in parallel be informing the local MP (Clifford Forsyth - OUP), simply as a courtesy. We do not propose that any other politicians should be notified in advance. To do that would only draw unnecessary attention to something which we are convinced can best be presented as a routine operational matter.

6. Finally, in conducting low-key briefing I would not wish to set a general precedent for the future of commenting on operational matters. I believe this can be avoided by stressing, in our statement, that the reason for revealing, exceptionally, our plans in advance on this occasion is because of the impact on the local community.

7. Since the subsequent move from true roulement to 'rear-basing' will not be visible to or have an effect on the local community, the same considerations do not apply. We have concluded therefore that our openness should be limited to the changeover from resident to roulement: if asked what will happen when the roulement tour ends, we should stress that force levels available to the GOC will not reduce but refuse to be drawn on the detail of how the roulement commitment will be filled.

8. I should be grateful to know that you are content with the approach outlined above.

Ministry of Defence
25th September 1989

for T K (Private Secretary)
(approved by the Secretary of State and signed in his absence)

Ireland - Sat. Pr 27

SECRET

cc/c.

18

FCS/89/181

NORTHERN IRELAND SECRETARY

Inquests

CDP 25/9.

1. I am grateful ~~to~~ for you for sending me a copy of your letter of 15 September to the Attorney General.

2. I agree that the prospect of further litigation, as outlined in the Attorney General's letter of 1 September, has immeasurably strengthened the case for deferring the introduction of any Order in Council until the result of the appeal to the House of Lords is known. We could at that stage take an overall view of the action required to ensure that our interests are safeguarded at the inquests.

3. Your letter of course preceded the meeting of the Anglo/Irish Conference. The sensitivity of all these security-related issues reinforces the argument you make. We must protect the legitimate interests of the Government and individuals when the inquests take place. But we can do this in a way which avoids a threat to the security cooperation with the Republic which we need in order to combat terrorism.

4. I am copying this minute to the Prime Minister, the Lord Chancellor, Home and Defence Secretaries and the Secretary to the Cabinet.

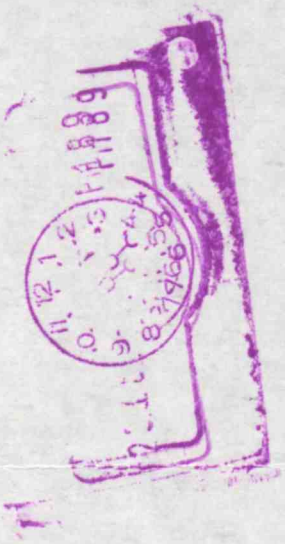
John M.

(JOHN MAJOR)

Foreign and Commonwealth Office
24 September 1989

SECRET

IRGLAND : Situation Pizza



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AND TO IMMEDIATE JERUSALEM, NEW DELHI, NIO BELFAST, WASHINGTON
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AND TO SAVING BANDAR SERI BEGAWAN, BANGKOK, BEIRUT, BELMOPAN
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AND TO SAVING JOHANNESBURG, KATHMANDU, KINGSTON, KUALA LUMPUR
AND TO SAVING LIBREVILLE, MANILA, NASSAU, PEKING, PORT STANLEY
AND TO SAVING UKDEL OECD PARIS, RANGOON, REYKJAVIK, SANA'A
AND TO SAVING SAN SALVADOR, SAO PAULO, SEOUL, SINGAPORE, TARAWA
AND TO SAVING TOKYO, ULAN BATOR, HONIARA, PORT MORESBY, SUVA
AND TO SAVING VILA, NUKU'ALOFA, ANGUILLA, ANTIGUA
AND TO SAVING ASCENSION ISLAND, UKDIS GENEVA, GRAND CAYMAN
AND TO SAVING GRAND TURK, MONTSERRAT, ST GEORGE'S, ST HELENA
AND TO SAVING ST VINCENT, TORTOLA, TRISTAN DA CUNHA

NORTHERN IRELAND: ALLEGED SECURITY LEAKS

INTRODUCTION

1. THERE HAS BEEN A NUMBER OF RECENT ALLEGATIONS THAT CONFIDENTIAL INFORMATION HELD BY THE SECURITY FORCES HAS BEEN LEAKED TO TERRORIST GROUPS IN NORTHERN IRELAND.

2. COMMENTS BY RT HON JOHN COPE MP, MINISTER OF STATE NIO, IN BELFAST ON 21 SEPTEMBER, ARE CONTAINED IN MIFGT. YOU MAY DRAW ON THIS FREELY.

LINE TO TAKE

3. THE CHIEF CONSTABLE OF THE RUC, MR HUGH ANNESLEY, HAS ESTABLISHED A TEAM OF OUTSIDE OFFICERS HEADED BY DEPUTY CHIEF CONSTABLE JOHN STEVENS OF CAMBRIDGESHIRE TO CONDUCT A THOROUGH INVESTIGATION INTO ALL SUCH ALLEGATIONS.

4. HMG ARE DETERMINED THAT THERE WILL BE 'NO CONSPIRACY OF SILENCE'. WE FULLY SUPPORT THE CHIEF CONSTABLE'S STANCE THAT SUCH WRONG DOING, SHOULD IT BE PROVED, WILL NOT BE TOLERATED BY THE RUC, EITHER WITHIN ITS OWN RANKS, IN ANY ARM OF THE SECURITY FORCES OR ELSEWHERE IN SOCIETY.

ADDITIONAL POINTS

5. CORPORAL HASTIE WILL NOT SERVE IN N IRELAND AGAIN. THE ARMY'S DECISION ON HIS CASE WAS TAKEN IN THE LIGHT OF THE COURT'S APPARENT CONCLUSION THAT HIS ACTIONS WERE MOTIVATED LARGELY BY CONCERN FOR A FRIEND'S SAFETY AND AFFECTED BY HIS YOUTH AND INEXPERIENCE.

6. THERE IS NO QUESTION OF THE DISBANDMENT OF THE UDR.

BACKGROUND

7. THESE ALLEGATIONS OF ALLEGED LEAKS SURFACED WHEN IT BECAME KNOWN THAT CORPORAL HASTIE, A SCOTS GUARD, WHO HAD BEEN CONVICTED OF POSSESSION OF INFORMATION LIKELY TO BE OF USE TO TERRORISTS, HAD BEEN RETAINED IN ARMY SERVICE. THIS REVELATION FOLLOWED THE MURDER BY LOYALIST TERRORISTS OF LOUGHLIN MAGINN, AND THE CLAIM BY THE OUTLAWED ULSTER FREEDOM FIGHTERS THAT THEY HAD USED MILITARY INFORMATION TO TARGET HIM. FURTHER SIMILAR CLAIMS HAVE EMERGED SINCE.

8. THE CHIEF CONSTABLE OF THE RUC ISSUED A STATEMENT ON 21 SEPTEMBER, WHICH MADE THE FOLLOWING POINTS:

(I) I AM DEEPLY CONCERNED AT ALLEGATIONS OF COLLUSION WITH LOYALIST TERRORIST GROUPS AND THE DISAPPEARANCE OF PHOTOGRAPHS FROM A POLICE STATION.... I HAVE ALREADY MADE IT CLEAR TO DEPUTY CHIEF CONSTABLE STEVENS THAT HIS ENQUIRY WILL BE FACILITATED IN EVERY WAY POSSIBLE. THIS STANCE HAS ALSO BEEN ENDORSED IN FRANK STATEMENTS BY THE SUPERINTENDENTS' ASSOCIATION AND THE POLICE FEDERATION....

(II) LET THIS BE CLEAR, THE RUC WILL NOT TOLERATE WRONG-DOING SHOULD IT BE UNCOVERED WITHIN ITS OWN RANKS OR FLINCH FROM TACKLING IT IN ANY OTHER BRANCH OF THE SECURITY FORCES OR ELSEWHERE IN SOCIETY. CRIMINALITY WILL BE DEALT WITH WITHOUT FEAR OR FAVOUR, AS HAS BEEN EVIDENCED BY THE BRINGING TO JUSTICE OF A SUBSTANTIAL NUMBER OF BOTH LOYALIST AND REPUBLICAN TERRORISTS OVER MANY YEARS....

(III) THE RUC IS TOTALLY COMMITTED TO PROVIDING AN IMPARTIAL, EVEN-HANDED SERVICE AND TO PROTECTING AND DEFENDING (THE NATIONALIST) COMMUNITY WITH THE SAME DEDICATION GIVEN TO OTHER SECTIONS OF OUR SOCIETY....

(IV) OVER THE PAST 18 MONTHS AND NOT LEAST DURING THE SUMMER OF 1989 THE RUC, SUPPORTED IN FULL MEASURE BY THE ARMY, INCLUDING THE UDR, HAS FACED A POTENTIAL LEVEL OF TERRORIST VIOLENCE AND PUBLIC DISORDER UNPRECEDENTED IN RECENT YEARS.... TERRORISM HAS NOT GONE AWAY. THE THREAT TO LIFE AND LIMB FROM REPUBLICAN AND LOYALIST TERRORIST ORGANISATIONS REMAINS HIGH. THE RUC AND THE ARMY WILL CONTINUE TO DO THEIR DUTY ON BEHALF OF ALL THE PEOPLE OF NORTHERN IRELAND. IN RETURN I ASK ALL SECTIONS OF THE COMMUNITY TO GIVE US THEIR FULL SUPPORT.

MAJOR

YYYY

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SECRET

ROYAL COURTS OF JUSTICE

LONDON, WC2A 2LL

The Rt Hon Peter Brooke MP
Secretary of State for Northern Ireland
Northern Ireland Office
Whitehall
London SW1

19 September 1989

Dear Peter:

NORTHERN IRELAND INQUESTS

Thank you for your letter of 15 September, in which you asked for my views on your proposal to defer the introduction of the Order in Council regarding the compellability of witnesses suspected of causing a death.

The discussion in H Committee in July this year, which confirmed the decision taken in January on the introduction of the Order, was recorded to be on the basis that the House of Lords appeal hearing was expected early next year. The Committee agreed that the presentational difficulties of the introduction of the Order would be still greater if it were to follow upon a ruling by the House of Lords upholding the decision of the Northern Ireland Court of Appeal.

The principal question, then as now, is whether it is essential for reasons of national security and physical safety, and in order to deprive terrorists and their sympathisers of propaganda opportunities, that witnesses who are suspected of having caused a death should not be compellable; or whether these concerns can equally well be met by ensuring that the witnesses, though compellable, are adequately screened. This question must be answered in relation not only to the three inquests but in relation to all future proceedings.

SECRET

ATTORNEY GENERAL

That is of course a policy question, but if it is decided that non-compellability is essential, my own view is that, for the reason given above, the Order should be introduced as soon as possible, rather than waiting for the result of proceedings in the House of Lords - proceedings in which, as Senior Crown Counsel has advised, there is a substantial chance that the government will not be successful.

If, on the other hand, it is not thought essential that suspects should be non-compellable, we shall have to seek to have them protected, together with our other witnesses, by screening and by public interest immunity certificates. If the coroner rejects our submissions in any significant particular, and all appeals fail, we could then achieve the desired protection only by way of legislation. It seems to me that that would have to be limited to providing for 'enhanced screening' in specified circumstances, since if we were to go for non-compellability we should by then have to do so without being able to rely on the rationale of the Wright Committee's original recommendation which gave rise to the 1963 Order (double jeopardy): our true reason would be seen to lie in security considerations alone.

I am copying this letter to the Prime Minister, James Mackay, John Major, Douglas Hurd, Tom King, and to Patrick Walker and Sir Robin Butler.

Ireland
Situation
PM27

APPOINTMENTS IN CONFIDENCE

10 DOWNING STREET
LONDON SW1A 2AA

From the Private Secretary

15 September 1989

CHAIRMANSHIP OF THE BOARD OF THE INTERNATIONAL FUND FOR IRELAND

The Prime Minister has considered the Northern Ireland Secretary's minute of 13 September proposing Mr J B McGuckian to be Chairman of the Board of the International Fund for Ireland, with an enhanced remuneration of £15,000 per annum. The Prime Minister is content with this.

I am copying this letter to the Private Secretary to the Foreign and Commonwealth Secretary and to Sir Robin Butler.

CHARLES POWELL

Stephen Leach Esq
Northern Ireland Office

APPOINTMENTS IN CONFIDENCE

SECRET

16 9-d

cc/c

NORTHERN IRELAND OFFICE
WHITEHALL
LONDON SW1A 2AZ

SECRETARY OF STATE
FOR
NORTHERN IRELAND

BF

Await reply
OR

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

15 September 1989

Dear Patrick.

BALLYNERRY INQUEST

Thank you for your very full and informative letter of 1 September which I have now seen on my return from leave. For the record perhaps I should say that I was entirely content with the way you proposed to handle the civil action against the Chief Constable, but this letter is concerned only with the inquest issues.

Since you wrote to me, I have been informed of a development of which I expect that you also are now aware, but which I record for the sake of copy recipients and because I think it may effect our decision on a related issue to which I will refer later in this letter. I have been told that 16 January 1990 has now been set as the date on which the House of Lords will hear our appeal against the judgment of the NI Court of Appeal in the case of Burns, Toman and McKerr. The issue there, as you will recall, is the compellability of witnesses suspected of causing a death.

I am very grateful to you for your advice about the Ballynerry inquest issues and for explaining so clearly the problems which will arise in relation to evidence from those who listened to the recording of the incident (the shooting of Michael Tighe and his companion). It is clearly essential that we should do all that is necessary both to safeguard the individuals concerned and to avoid the disclosure of evidence which would prejudice sensitive security matters. I am content that we should approach this on the basis that you suggest: namely that we should envisage that the witnesses will give oral evidence; that we should support an application for enhanced screening for security service witnesses through the use of a public interest immunity (PII) certificate; and that we should also submit certificates, which I accept it would be for me to sign, excluding evidence on matters relating to the operations of the Security Service.

SECRET

b

Although, as you helpfully bring out, we cannot be sure that this approach will be successful, I agree that it seems to offer the best chance of securing the necessary protection for both personnel and material. Nonetheless, your explanation of the problem has led me to look more widely at the political context these forthcoming inquests will help to create. What we will face, as I see it, is a prolonged period of controversy arising from these cases, when it will be said that the Government is attempting to shift the goal posts and to corrupt the judicial process in order to avoid the exposure of matters it finds embarrassing. We can expect sustained press interest and continuing criticism from the Irish as well as domestically. I realise of course that these issues were very much in colleagues' minds when the decision was taken to proceed with an Order in Council. However, given the importance of doing all we can to maintain confidence in the administration of justice in Northern Ireland, the considerations you have drawn to our attention have led me to wonder whether our approach can in any respect be modified to limit the damage, without of course compromising our essential security and other interests.

As things stand, H Committee's decision in July means that we should be introducing in the Autumn an Order-in-Council to overturn the decision of the Northern Ireland Court of Appeal so as to restore the long standing rule which prevented a person being compelled to give evidence at an inquest in Northern Ireland if he was suspected of having caused the death of the person concerned. In reaching its decision, H Committee took the view that the arguments for restoring the status quo in terms of protecting the safety and identity of security force personnel, of ensuring the security of sensitive operational information and of depriving terrorists and their sympathisers of the propaganda opportunity which the present state of the law could afford were overwhelming.

The thought last July was that the introduction of an Order in the Autumn would be followed by the abandonment of our appeal against the decision of the Court, and by the resumption of the inquests - including the Ballynerry one - with which your letter is concerned. As you point out, in the case of that inquest and, as I imagine, in others also, we would be issuing public interest immunity certificates which may well be challenged in the courts, with the matter being taken if necessary to the House of Lords. Your letter suggests, at least in relation to Security Service witnesses in the Ballynerry inquest, that our prospects of success in the Lords would be good; but you point out that, if we were to lose, we would have to consider the question of urgent legislation to protect essential Security Service interests.

As I see it, therefore, the prospect is that we will have a lengthy period of difficult litigation, and that this will be initiated by a highly controversial piece of legislation to prevent one group of witnesses from being compellable, perhaps culminating in emergency legislation to restrict the terms on which another group of witnesses might appear. This is not an attractive prospect.

C

When H Committee reached its decision to legislate to make suspects not compellable I am not myself sure how far colleagues were influenced by concerns about the personal ordeal which an appearance (sometimes, perhaps, a re-appearance) in court would involve, and how far by wider considerations such as the need to protect identity and to preserve the confidentiality of security information. The two latter considerations are, of course, likely to arise also in the case of non-suspect witnesses, as in the Ballynerry case; and I am struck by the extent to which the arrangements you describe in your letter to deal with Security Service witnesses in that case, who are not suspects, address very much the same kind of questions as would arise in the case of those suspected of causing the deaths. It may be that there are clear distinctions between the two sets of witnesses, perhaps because the argument justifying the use of PII certificates for procedural matters to protect witness identity is available only for Security Service witnesses, but is that really the case?

It may also be, of course, that H Committee's decision was principally influenced by the wish to avoid putting security force personnel, who had already survived criminal investigation, through the ordeal of further cross examination, albeit in proceedings where they could not be required to give self-incriminating replies. But, unless that is to be regarded as the over-riding consideration, I would suggest that the setting of a date for our appeal in the Burns case now puts a substantial question mark on the wisdom of proceeding according to the plan agreed last summer. That was based, at least, in part on the premise that the Appeal might not be heard until well into next year and that there would be further unjustifiable delay to already very delayed inquests. As it seems to me, you (or Nick Lyell) might find it very difficult to explain to the Commons why, some ten months after HMG lodged an appeal to the House of Lords on a point of law and when a date for that hearing had been set, the Government was choosing to introduce legislation to pre-empt that Appeal. In addition to the criticism that would undoubtedly be directed at the substance of the Order there would be also be need to respond to the argument that we were being discourteous to the House of Lords.

To my mind, therefore, the balance of advantage has now swung decisively in favour of deferring the introduction of any Order-in-Council at least until the outcome of the appeal is known. If our appeal is, as it may well be, unsuccessful we might then approach the inquests on the basis that we would attempt to secure the protection of suspect witnesses and their evidence through the use of public interest immunity certificates in the way described in your letter. If this approach did not succeed, whether for the suspect witnesses or for other witnesses like the listeners in the Ballynerry case, we would at least know the full extent of our problems; and as a last resort we could then seek to address them in 'emergency' legislation which, as you say, may in any case be needed. An approach on these lines will, of course, not itself be without difficulty, but it would, at least, prevent some of the controversy which, otherwise, would be bound to occur.

J

I am very conscious that I am now firmly into James Mackay's territory, because it is the Lord Chancellor who is responsible for Coroner's law in Northern Ireland and therefore for the proposed Order-in-Council. I am therefore sending him a copy of this letter. I would be very interested to learn whether you, he and other colleagues closely involved in earlier consideration of this issue see any attraction in the approach which I am now suggesting.

I am copying this letter to the Prime Minister, James Mackay, John Major, Douglas Hurd, Tom King, and to Patrick Walker and Sir Robin Butler.

Yours ever

Peter

PB

IRELAND: Situation Pt27.

APPOINTMENTS IN CONFIDENCE

(1)

Prime Minister

Agree to this appointment?

Yes

CBB 14/1

PRIME MINISTER

CHAIRMANSHIP OF THE BOARD OF THE INTERNATIONAL FUND FOR IRELAND

As you know, one of the most useful by-products of the Anglo-Irish Agreement was the establishment in December 1986, by agreement between ourselves and the Irish, of the International Fund for Ireland (IFI). The Fund has been a very useful channel for the efforts of those Irish Americans who wish to work constructively for peace, stability and reconciliation, and the American money, supported by contributions from Canada, New Zealand and more recently the European Community, has made possible a wide range of useful activity (approximately three-quarters of it in Northern Ireland) which has produced good employment and other effects in some of the most disadvantaged areas.

Since its inception, the Chairman of the Board has been the Belfast Solicitor Mr C E B Brett. He has been thorough, conscientious and notably independent. The position is quite an exposed one, since the Fund receives far more applications for assistance than it can hope to meet, and as a consequence often faces quite strong political pressures to aid projects which may not meet its strict and objective criteria. Disappointed applicants (some of them associated with paramilitary influences) attempt to stir up political controversy, both locally and in the United States. It is in the handling of this highly politicised reaction to the Fund's work that Mr Brett has on some occasions been less sure-footed than we would have wished. Mainly for this reason my predecessor and Brian Lenihan (then Minister for Foreign Affairs in Dublin) came to the conclusion earlier this year that Mr Brett should not be reappointed, and he himself is in any case not very keen to serve a further term.

APPOINTMENTS IN CONFIDENCE

The Irish have not pressed that a Chairman from the North should be followed by one from the South; but my predecessor considered (and I share this view) that there would be advantages in looking this time for a Chairman from the Northern minority, who would have the necessary degree of acumen, independence and political skill. The process of discussion with the Irish has been greatly delayed by the general election in the Republic and the subsequent difficulties in forming a Government there but I can now tell you that the candidature of Mr J B McGuckian, on whom I attach a brief biographical note, has the support both of Irish Ministers and myself. If you agree he would be appointed for a term of three years beginning 1 October 1989 and at a remuneration of £15,000 per annum. Charles Brett has been receiving only £2,000 per annum, but both we and the Irish consider that this does not reflect the burden of work and responsibility attaching to the position. What we now propose would be in line with the remuneration of part-time posts of similar weight in the public sector here.

In the ordinary way I would have wished to see this appointment cleared first at official level before putting it to you, but the prolonged delay in obtaining a clear view from the Irish has left us short of time. In the circumstances, I hope you will feel able to approve my proposal.

I am copying this minute to John Major and to Sir Robin Butler.

P.B.

PB

13 September 1989

BIOGRAPHICAL NOTE

JOHN B McGUCKIAN, BSc (Econ)
Aged 49 Ballymena, Co Antrim

Non-executive Chairman of a family-owned clothing business, Cloughmills Manufacturing Ltd.
Extensive farming interests in Co Fermanagh.
Chairman of the Northern Ireland Area Board of Allied Irish Banks plc.
Deputy Chairman of Ulster Television plc.
Non-Executive Director of various manufacturing and other companies in Britain, Ireland and the United States.
A Director of Aer Lingus 1980-83.
A Pro-Chancellor of Queen's University, Belfast.
A former member of the Londonderry Development Commission and of the NI Economic Council.
A former Chairman of the NI Branch of the Institute of Directors.

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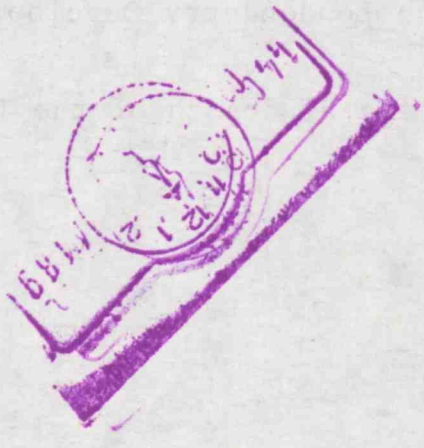


SECRET

CCPC 15(A-D)

ROYAL COURTS OF JUSTICE
LONDON, WC2A 2LL

1 September 1989

The Rt Hon Peter Brooke MP
Secretary of State for Northern Ireland
Whitehall
LONDON S W 1

Dear Peter:

BALLYNERRY INQUEST

You are aware of the three inquests which are being held into the deaths arising from the shooting incidents at Tullygally, Ballynerry and Mullacreavie in 1982. These are the incidents with which the Stalker/Sampson inquiry was concerned. The RUC is obliged to provide the Coroner for the Ballynerry inquest with all the relevant papers and I have been asked to give advice on one aspect of the evidence.

Evidence which the Coroner will undoubtedly consider relevant to his inquiry concerns the contents of the tapes made of the incident at the hay barn at Ballynerry. The tapes having been destroyed, the best evidence can be provided only by the recollection of those who listened to a recording of the incident. Statements have been taken from 11 such listeners, who come from the RUC, the Security Service and the Army. Careful consideration needs to be given to the issues arising in this context.

I have discussed these issues with Senior Crown Counsel, Brian Kerr QC, at a consultation attended by officials from all interested Departments, including your own, and from the Security Service. This letter sets out my views as to how this aspect of the inquest should be approached.

Evidence written or oral?

I have considered carefully the possibility, which did at one time seem feasible, that no oral evidence from the listeners should be made available to the Coroner, but that he should be given written statements and told that they contained all the facts that were relevant to his inquiry.

SECRET

B

Counsel has advised that if the Coroner were to accept such statements instead of oral evidence, his decision on the matter would be successfully challenged by judicial review in the courts. I agree with this advice. I have considered the further question whether it would neverthelesss be valuable to resist giving oral evidence in the first instance, to rely on the written statements and, after an adjournment of the inquest, to test the issue in the courts. My view on this - and the concerted view at the consultation yesterday - is that since it is almost inevitable that the witnesses will eventually have to give oral evidence, the balance of advantage lies very strongly in not trying to avoid this. I accordingly advise that the Crown should not resist the giving of oral evidence by these witnesses, subject to the conditions I mention below.

Screening of Witnesses

As regards the conditions under which oral evidence should be given, I have received the very firm views of the Security Service that it is of paramount importance to the effectiveness of their operations that the identity of their officers should not be disclosed to anyone save the Coroner. It appears that in this respect the position of the Security Service is to be distinguished from that of the RUC, who are content that their officers should give evidence under the same conditions as in the Gibraltar inquest and the Tullygally inquest, where they were screened from the public but not from the jury or from Counsel. I would not expect Army officers to be distinguished from the RUC in this respect, unless in the case of an individual there is a particular overriding reason of an operational nature similar to that affecting officers of the Security Service serving in Northern Ireland.

My advice is that Crown Counsel should acquaint Counsel to the Coroner with the Crown's view that for security reasons it is essential that the identity of the Security Service witnesses be protected from everyone save the Coroner himself. I am advised that it will be easier to persuade the Court to accept enhanced screening for the Security Service if we are prepared to accept only partial screening ('Gibraltar type' screening) for the RUC and the Army. We should be prepared to support our application by a public interest immunity certificate. The certificate (or certificates) should cover both substance - the information and documents to be protected - and procedure - the screening conditions by

C

which the identity of witnesses should be protected. In my view you would be the appropriate Minister to sign any such certificate. (You will recall that Tom King signed a certificate for the Tullygally inquest). I have asked officials to begin drafting such a certificate for consideration by Counsel. Counsel is reasonably confident that the Coroner will accede to our conditions. His decision could however be appealed to the High Court, and whilst Counsel believes that we have a very respectable chance of success on any appeal (if necessary to the House of Lords) there can of course be no guarantee.

How much evidence can be excluded?

As regards the substance of the evidence which the witnesses may give, Counsel is reasonably confident that we shall be successful in excluding evidence on matters relating to the Security Service's operations. Any such evidence can be protected by the certificate on public interest immunity. Separate consideration however needs to be given to the circumstances surrounding the destruction of the tapes. Subject to the further views of the Security Service and the RUC, I do not think that evidence on this matter can be protected by the public interest immunity certificate. Counsel considers that we would have a reasonable argument that the circumstances regarding the destruction of the tapes are not relevant to the inquiry; I am less sanguine. He is giving further consideration to whether the fact that the tapes have been destroyed should be disclosed in written evidence, or whether we should wait for it to be drawn out in cross-examination. I consider it inevitable that the fact of destruction will come out in evidence, not least because it is already in the public domain.

Legislation as a fall-back

Having regard to the operational importance which the Security Service attach to protecting both the identity of their officers and the information about their operations, I have felt it necessary to consider the options open to the Government in the event of an unfavourable court ruling on either the screening of the witnesses or the disclosure of evidence about operational matters made the subject of a public interest immunity certificate. In either case an unfavourable court ruling would doubtless be appealed by the Government up to

D.

the House of Lords. In both cases I believe the Government's prospects of success in the Lords would be good. But in case the Government were to lose, the question of urgent legislation ought to be considered. Such legislation might for example provide that Security Service witnesses were not compellable before a Coroner's court except under conditions specified by the Secretary of State. We are dealing with a contingency which cannot in any event arise before 18 months to two years at the earliest, but contingency work on the content of such legislation will have to be undertaken well in advance of a ruling by the House of Lords.

The civil action against the Chief Constable

I have finally considered the civil action arising out of the hay barn incident which has been brought by Michael Tighe's father against the Chief Constable of the RUC. The Chief Constable has, I understand, been advised that there is no sound defence to the case and has given authority for a settlement to be negotiated. The action does however present timing difficulties, in that an order for discovery has been made against the RUC. It is of course important that documents are not disclosed in the civil action which will complicate the Crown's task at the inquest. It is also important that no explicit admission of liability should be made which could be used against the Crown in the inquest.

I have therefore approved the course proposed by those handling the action, whereby the RUC make an open offer to enter into negotiations with the plaintiff and, while not explicitly admitting liability, state their willingness to have damages assessed by the court if negotiations fail. This should avoid any immediate order for full discovery of all documents relating to the issue of liability being made by the court at the interlocutory hearing scheduled for 8 September.

I am copying this letter to the Prime Minister, John Major, Douglas Hurd, Tom King, Patrick Walker and Sir Robin Butler.

Yours ever,

Patrick

04.00
FM 89

FROM THE PRIVATE SECRETARY

CC/C

HOUSE OF LORDS,
SW1A 0PW

NBPM
CAB
9/8

CONFIDENTIAL

8th August 1989

Dear Stephen,

Anti-Terrorist Legislation in Northern Ireland

You copied to me your letter of 26th July to Charles Powell.

This is just to indicate that the Lord Chancellor is content with the proposed approach by your Secretary of State.

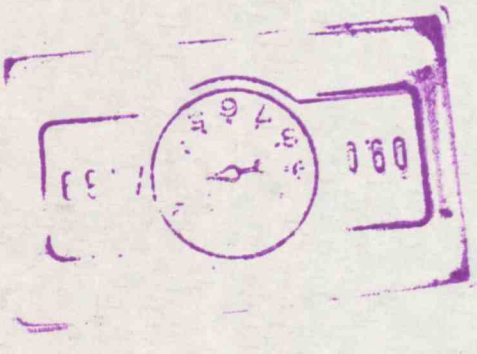
I am copying this letter to Charles Powell (10 Downing Street) Stephen Wall (Foreign and Commonwealth Office), Colin Walters (Home Office), Brian Hawtin (Ministry of Defence), David Crawley (Scottish Office), Michael Saunders (Law Officers' Secretariat) and Trevor Woolley (Cabinet Office).

Yours ever,
Paul

Paul Stockton

Stephen Pope Esq
Private Secretary to the
Secretary of State
Northern Ireland Office
Whitehall
London SW1A 2AX

IRELAND : Situation PM27



FROM THE PRIVATE SECRETARY

NORTHERN IRELAND OFFICE
WHITEHALL
LONDON SW1A 2AZ

CP 2777

Charles Powell Esq
PS/Prime Minister
10 Downing Street
London SW1

27 July 1989

Dear Charles,

14 August 1989 will be the 20th anniversary of the deployment of troops on the streets of Northern Ireland. It is an anniversary which, predictably, is acting as a focus for an increasing stream of media appraisals, not only of the last 20 years, but also of present circumstances in Northern Ireland.

Earlier this year, in anticipation of this, Mr King set in hand work to ensure that the Government's own message was clearly articulated, and transmitted. We have since completed work on media themes for the 20th anniversary, which is being followed by Ministers and officials here in interviews and briefings with the press, radio and television. (Copies of these themes have already been sent to your own, and to other key departmental, press offices).

Mr King also asked Dr Mawhinney to supervise the production of a book to highlight the true nature of terrorist activity, and to contrast this negativism and wastefulness with the positive achievements of the Government in the Province. The emphasis on positive developments is not only important in its own right, but also as a corrective to those in the media (and there are many of them) who will too readily assume that little has changed in Northern Ireland in the last 20 years.

I enclose an advance copy of this publication, which, as further printed copies become available, we intend to issue within the next few days. Copies will be going to the press and broadcasting organisations, and to other opinion formers, in Northern Ireland, Great Britain, and the Republic of Ireland, and, on a more selective basis, overseas.

I am sending copies of this letter, with a copy of the publication, to the Private Secretaries to all Cabinet Ministers, Ministers in charge of Departments; the Chief Whip and the Attorney General; and to Trevor Woolley.

Yours, etc.

Stephen Leach

S J LEACH

Northern Ireland Office
Press Notice

Whitehall, London SW1A 2AZ Telephone Enquiries 01-210 6470
Stormont Castle, Belfast, BT4 3ST. Telephone Enquiries Belfast 63011

L55/89

28 July 1989

PRESS RELEASE

"THE DAY OF PEACE MUST SURELY COME"

A 72-page book setting out developments in Northern Ireland over the past 20 years has been published, the Government announced today. Ten thousand copies have been printed for distribution to Members of Parliament, the media, opinion formers and those interested in Northern Ireland. Copies will also be circulated overseas through Embassies and Consular Posts.

The main aim of Ministers in publishing the book, says Dr Brian Mawhinney MP, Parliamentary Under Secretary, is to demonstrate the positive and creative work of the "real" people of Northern Ireland and the achievements of the last 20 years and to contrast this with the nature and futility of violence and those who practise it.

Dr Mawhinney said, "Violence has achieved nothing but heartache and suffering, not least in those areas from which the terrorists seek to extract support and which they claim to defend. And what do they have to offer for the future? More of the same? In twenty years they have learned little other than new ways to kill.

"Contrast all of that with the real changes in Northern Ireland

over the same period. New housing, a better environment, new industries and skills, people learning to live together, ordinary people doing ordinary things. It is they who are building a better future for Northern Ireland."

Dr Mawhinney said the book would also aim to reinforce the growing international perception that these positive developments, not the image of the masked terrorist, represent the true face of Northern Ireland.

This theme is reflected in the cover of the book. On the front in bold type is the quotation: "The day of the men and women of peace must surely come". And on the back inside cover the quotation - by Dr Cahal Daly, the Roman Catholic Bishop of Down and Connor - is completed thus: "The day of the men of violence will never come".

The publication is divided into five sections. The first, 'The Community: a change of direction' deals with the Civil Rights movement and consequential reforms, before moving on to political developments culminating with the Anglo Irish Agreement. The second section, titled, 'Attacking the Community', highlights the scale and nature of terrorism with particular attention being given to terrorist 'mistakes'. The third section - 'Protecting the Community' - is about the commitment, the sacrifices and the successes of the Police and the Army in the forefront of the fight against terrorism.

The final two sections strike an even more positive and upbeat note. 'A Community on the Move', about the vitality of Northern Ireland, details the Government's commitment to the broad range of social issues, the efforts to reshape and stimulate existing industry, create new jobs and develop industrial training and skills. 'The New Spirit' is about young people, their successes and the role they have and are taking in building the Province's future.

As the tailpiece to the book says, "The future begins to look brighter. Civil, family and personal pride are still intact. Space is being created to allow Ulster generosity to express itself in an ever-increasing number of ways. Mutual respect and a willingness to appreciate the other's point of view is rendering bigotry irrelevant: Faith in the future is stronger than ever."

CONFIDENTIAL

MJIACX

File

bc: PC

10 DOWNING STREET

LONDON SW1A 2AA

From the Private Secretary

27 July 1989

Dear Stephen.

ANTI-TERRORIST LEGISLATION IN NORTHERN IRELAND

Thank you for your letter of 26 July recording your Secretary of State's view that we do not need a major review of the whole field of anti-terrorist legislation in Northern Ireland, and that this year's annual review, with somewhat enhanced terms of reference, will provide a sufficient basis to plan post-1992 legislation. The Prime Minister is content with this approach.

I am copying this letter to Stephen Wall (Foreign and Commonwealth Office) Colin Walters (Home Office), Paul Stockton (Lord Chancellor's Office), Brian Hawtin (Ministry of Defence), David Crawley (Scottish Office), Michael Saunders (Law Officers' Department) and Trevor Woolley (Cabinet Office).

Yours ever,

Charles Powell

Stephen Pope Esq
Northern Ireland Office.

CONFIDENTIAL

887

CONFIDENTIAL

From: THE PRIVATE SECRETARY

NORTHERN IRELAND OFFICE
WHITEHALL
LONDON SW1A 2AZ

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

July 1989

Dear Mr Powell

ANTI-TERRORIST LEGISLATION IN NORTHERN IRELAND

My Secretary of State has seen your letter to Stephen Leach of 10 July in which you reported that the Prime Minister had expressed reservations about having a major review of the whole field of anti-terrorist legislation in Northern Ireland so soon after the passing of the 1987 Act.

Our current Emergency Legislation, as Mr King explained, expires in March 1992, and we shall, of course, have to consider most carefully well before then what improvements we, and the security forces, should like to see made. That points inevitably to some kind of review: indeed, NIO Ministers went on record during the passage of the 1987 Bill explaining that there would be a further 'fundamental review' before that legislation expired, to examine what provisions might then be needed. However, on reflection, Mr King considers that a high profile independent review of the kind canvassed in his letter of 6 July to the Home Secretary is not essential to meet that commitment or to provide the best way forward at this time. He believes that any independent reviewer would reach a similar conclusion, that emergency legislation with much the same content as the present provisions will still be required after the existing law expires in March 1992. As he sees it, what will be required after that date will be a new Act which will make some relatively limited adjustments to the present law (dropping some obsolescent provisions and tightening up one or two others); and then the consolidation of what remains into a coherent corpus of anti-terrorist law. (This process of consolidation might include putting into a new Northern

CONFIDENTIAL

Ireland statute the purely NI provisions of the Prevention of Terrorism Act 1989). In preparing and presenting this new law the aim would be to demonstrate to informed opinion both abroad and at home, especially in Parliament, that the Government keeps the temporary emergency provisions legislation under proper and regular scrutiny, and that no provision is retained or introduced unless it is absolutely necessary.

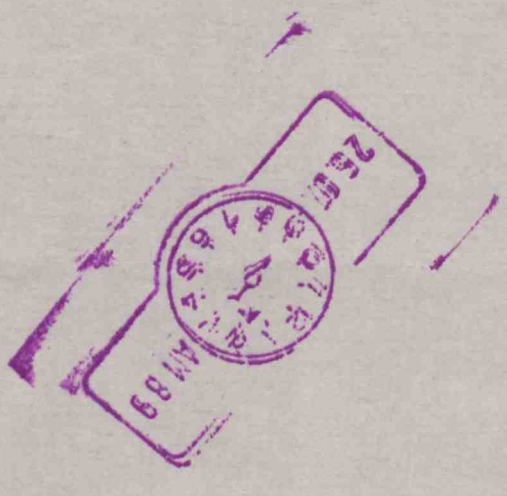
The previous major reviews of this area of the law - by Lord Diplock, Lord Gardiner and Sir George Baker - all took place before the introduction of the present system of annual independent reviews of Emergency Legislation, the reports of which we publish before Parliament is asked to renew the powers for a further year. For the past three years, these reviews have been carried out by Lord Colville. Mr King believes that this year's annual review, provided that it is given somewhat enhanced terms of reference, would provide a sufficient basis on which to plan and justify the necessary post-1992 legislation. The security forces are by now well used to the concept of annual reviews, and regularly make their own contributions to them. On this scenario the invitations to submit representations, which Lord Colville customarily issues at the start of his reviews, would this year make it clear that the Government would be attaching a special importance to his findings since it was intended that they should inform the preparation of the legislation that would be necessary to replace the present Emergency Provisions Acts after 1992. If the Prime Minister is content with this approach, we will put the necessary arrangements in hand.

Copies of this letter go to the recipients of yours.

Yours sincerely,

STEPHEN POPE

Ireland 87 Pt 27



The National Archives

DEPARTMENT/SERIES PREM 19 PIECE/ITEM 3408 (one piece/item number)	Date and sign
Extract details: Powell to Walker dated 26 July 1989	
CLOSED UNDER FOI EXEMPTION	
RETAINED UNDER SECTION 3(4) OF THE PUBLIC RECORDS ACT 1958	12/12/2017 G. Lyon
TEMPORARILY RETAINED	
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Instructions for completion of Dummy Card

Use black or blue pen to complete form.

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

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

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

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

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

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

The National Archives

DEPARTMENT/SERIES PREM 19 PIECE/ITEM 3408 (one piece/item number)	Date and sign
Extract details: Walker to Powell dated 25 July 1989	X
CLOSED UNDER FOI EXEMPTION	
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TEMPORARILY RETAINED	
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NUMBER NOT USED	
MISSING (TNA USE ONLY)	
DOCUMENT PUT IN PLACE (TNA USE ONLY)	

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SECRET

SW

alc 12.

10 DOWNING STREET
LONDON SW1A 2AA

From the Private Secretary

17 July 1989

Dear John.

ALDERGROVE INFANTRY BATTALION

Thank you for your letter of 12 July about the proposed changes in quartering arrangements in Northern Ireland. The Prime Minister agrees to the proposed changes but notes that they will need very careful presentation indeed, if they are not to give the wrong signal. She would like to see any proposed statement or explanation, and have an opportunity to comment on it, before it is given publicly.

I am copying this letter to Richard Gozney (Foreign and Commonwealth Office), Stephen Leach (Northern Ireland Office), Colin Walters (Home Office) and Trevor Woolley (Cabinet Office).

Yours sincerely,

(C. D. POWELL)

John Colston, Esq.,
Ministry of Defence.

SECRET

10 DOWNING STREET
LONDON SW1A 2AA

From the Private Secretary

17 July 1989

Dear Stephen,

FAIR EMPLOYMENT (NI) BILL

Thank you for your letter of 12 July asking the Prime Minister to sign a statement for a brochure publicising the Fair Employment (NI) Bill. The Prime Minister has agreed to do so, and I enclose the signed statement.

Yours sincerely,

C. D. POWELL

S. J. Leach, Esq.
Northern Ireland Office

DASAAA

10 DOWNING STREET

LONDON SW1A 2AA

THE PRIME MINISTER

I said in September 1987 that the Government would take whatever further steps were required to promote equality of opportunity in employment for both communities in Northern Ireland. The Fair Employment (NI) Act 1989, which is designed to secure that objective, has now become law. The Government will now be working hard to ensure its speedy and effective implementation. This reflects our determination to ensure that everyone in Northern Ireland enjoys the full benefits of citizenship, free of discrimination.

Margaret Thatcher

July 1989

From: THE PRIVATE SECRETARY

cc/c (1)

Prime Minister
Agree to this endorsement?
CDP 12/7

NORTHERN IRELAND OFFICE
WHITEHALL
LONDON SW1A 2AZ

C D Powell, Esq
Private Secretary to the Prime Minister
10 Downing Street
LONDON SW1A 2AA

12 July 1989

Dear Charles,

Yes m

FAIR EMPLOYMENT (NI) BILL

When the Fair Employment (NI) Bill becomes law considerable effort will be put into publicising it - especially in the United States. The Washington Embassy asked us to produce an effective brochure by mid to late August as a key element in the publicity campaign. Officials are currently working on the preparation of this brochure, which cannot however be finalised until after Commons consideration of Lords amendments (planned for later this month).

The Prime Minister is one of the sponsors of the Bill and kindly agreed to endorse two previous publications relating to fair employment in Northern Ireland - the "Guide to Effective Practice" and the previous brochure publicising the Bill. (I attach copies of these endorsements for information.) The Secretary of State believes that it would greatly enhance the impact of the forthcoming brochure, particularly in the United States, if it had a similar endorsement and he would accordingly be most grateful if the Prime Minister could agree to the inclusion of an appropriate statement in her name.

P.T.O.

I therefore attach a suggested draft endorsement for the Prime Minister's consideration.

Yours sincerely,

Stephen Leach

S J LEACH

SL/SOFS/6085

DASAXA

DRAFT PERSONAL ENDORSEMENT BY THE PRIME MINISTER

I said in September 1987 that the Government would take whatever further steps were required to promote equality of opportunity in employment for both communities in Northern Ireland. The Fair Employment (NI) Act 1989, which is designed to secure that objective, has now become law. The Government will now be working hard to ensure its speedy and effective implementation. This reflects our determination to ensure that everyone in Northern Ireland enjoys the full benefits of citizenship, free of discrimination.

Margaret Thatcher

MARGARET THATCHER

10 DOWNING STREET

LONDON SW1A 2AA

THE PRIME MINISTER

I want you to know of my firm commitment, as Prime Minister of the United Kingdom of Great Britain and Northern Ireland, to equality of employment opportunity between Catholics and Protestants in Northern Ireland. Important steps have been taken in recent years to promote such equality, following the creation of a Fair Employment Agency. And we have now published a new "Guide to Effective Practice". This advises employers and others concerned on the necessity of making equality of opportunity a reality in every workplace. It has my strong support.

I also assure you that the Government will take whatever further steps are required to work for elimination of discrimination and the promotion of real equality of opportunity for all the people of Northern Ireland, regardless of their religious beliefs or political views.

Margaret Thatcher

September 1987

10 DOWNING STREET
LONDON SW1A 2AA

PREFACE BY THE PRIME MINISTER

Last year we set out clearly in the "Guide to Effective Practice", which was issued with my personal endorsement, what employers and others should do in order to promote fair employment in Northern Ireland. I said then that the Government would take whatever further steps were required to ensure equality of opportunity in employment for all the people of Northern Ireland, regardless of their religious beliefs. New legislation to secure that objective is now before Parliament. It has my full support and I look forward to its early implementation.

Margaret Thatcher

December 1988

SECRET

Prime Minister
The proposal is to base the reserve battalion in Northern Ireland in mainland GB, to reduce the risks to families. It will need careful presentation, or it will look like "withdrawal": a victory for PIRA attacks on married quarters. CDP 16/9.

11 a-c

Agreed - and that it will need very careful presentation

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

MO 19/3L

12th July 1989

Dear Charles,

ALDERGROVE INFANTRY BATTALION

The Prime Minister may wish to be aware of prospective changes in quartering arrangements in Northern Ireland which the Defence Secretary intends to introduce in order to enhance the security of the families of soldiers serving in Northern Ireland.

You will recall that in November and December last year PIRA made four attacks on married quarters in the Province, and issued a statement to the effect that if the British Army did not evacuate their families from the Province within seven days they would bear the responsibility for any subsequent casualties. Although there have been no attacks on quarters in the Province this year, targeting has continued and intelligence indicates that the threat remains high and is long-term in nature. To counter this threat up to 12 platoons (a battalion equivalent) are currently being deployed to guard quarters, to the detriment of counter-terrorist offensive operations.

The GOC Northern Ireland has been looking at ways of reducing the threat to married quarters and, at the same time, releasing soldiers for offensive counter-terrorist operations. His conclusion, with which my Secretary of State is is general agreement, is that we should seek to bring all Northern Ireland married quarters within secure, guarded perimeters. The bulk of the married quarters currently located outside security perimeters can be tackled only by a longer term programme involving acquisition of new land and building of new houses. But a number of short term adjustments can be made to reduce the number of vulnerable married quarters: the majority of these are already in hand.

Immediate steps to reduce the vulnerability of quarters occupied by the Aldergrove Infantry Battalion are also proposed. In the Antrim area, the vast majority of vulnerable married quarters (some 150) are occupied by families of the resident Aldergrove Infantry Battalion. Whilst it would be possible to build new quarters within an enlarged barracks perimeter at Aldergrove, this would be expensive and would take 3 to 4 years to complete. In the meantime one Company is being employed full-time on security duties to protect these insecure quarters.

Charles Powell Esq
10 Downing Street

6

The situation in Antrim is further complicated by the fact that the barracks housing the battalion (Alexander Barracks, Aldergrove) has well exceeded its planned life of 15 years and requires rebuilding. Whilst it may be some years before we can consider reducing force levels in the Province (and it has always been envisaged that the Aldergrove Infantry Battalion would be the first to be withdrawn), it makes no sense in quartering terms to create a sixth permanent barracks. The land currently occupied by the barracks would moreover be ideal for reproviding quarters within a secure perimeter for other Army units in the area.

In the light of both of these considerations my Secretary of State has concluded that the practical solution is for the battalion to remain dedicated to Northern Ireland operations, but that it can do so without operational penalty if based not in Northern Ireland but on the mainland (at Weeton, near Blackpool). Weeton is a secure Camp with most of its married quarters behind an entry-controlled, fully fenced perimeter. The soldiers based at Weeton will remain under the direct command of the GOC NI in the same way as at present. As in the case of a resident battalion, one Company will be deployed at any one time on operations on the ground, with the other Companies at various levels of readiness. The transport time has been taken into consideration and, unless weather conditions were quite exceptionally bad, there will be no diminution of the speed of response of the reserve Companies in an emergency to the Province. Consequently the GOC's flexibility to respond to fluctuations in the threat will not be reduced. Indeed, the reduction in the number of insecure MQs needing to be guarded in the Province will mean that the forces available to the GOC in other areas will be increased.

The first opportunity for this change to take place is next March when the current battalion complete their tour in Aldergrove. In order to allow the battalion which will be taking over the Aldergrove Infantry Battalion task (1 QLR) to prepare fully, we propose to replace 3 QUEENS with a roulement battalion for six months, from March to September 1990. Thereafter 1 QLR will adopt the role of the Aldergrove Infantry Battalion for 18 months. Because this approach to Northern Ireland operations has not been tried before, there will be a review in June 1991 to assess the success of basing the Aldergrove Infantry Battalion at Weeton.

My Secretary of State recognises that this move will entail considerable presentational difficulties, both to ensure that the move is not seen as a 'withdrawal', and to avoid encouraging PIRA in their attacks against married quarters. I should add, in the former context, that there are no plans for further redeployments to the mainland in the short or medium term. My Secretary of State and the Secretary of State for Northern Ireland - who has been consulted and is in principle content with our proposals - have directed that officials should prepare a joint plan to deal with

the presentational aspects of the move (including the need to inform the Irish in advance).

The presentational emphasis will be on the need to do away with the unsatisfactory accommodation at Aldergrove and to make the most effective use of available accommodation resources. There will be no question of linking the move with the security of families, and any questions on security will be firmly rebutted. In the meantime, until the move has taken place next March, we will stick to our standard line that we cannot possibly discuss operational matters but that there is no proposal to change force levels.

My Secretary of State would be grateful to know that the Prime Minister is content with what is proposed.

I am copying this letter to Richard Gozney (FCO), Stephen Leach (NIO), and Philip Mawer (Home Office), and to Trevor Woolley (Cabinet Office).

Yours sincerely,

John Colston.

(J P COLSTON)
Private Secretary

18 JUL 1989

SECRET AND PERSONAL

file DSMO
11
bc: PC

10 DOWNING STREET

LONDON SW1A 2AA

From the Private Secretary

10 July 1989

Dear Steve,

NORTHERN IRELAND INQUESTS

The Prime Minister was grateful for the Lord President's minute describing the outcome of the discussion in H Committee on Northern Ireland Inquests. She is content with the outcome and agrees that the proposed Order should be introduced in the Autumn.

I am copying this letter to the Private Secretaries to the Foreign and Commonwealth Secretary, the Lord Chancellor, the Home Secretary, the Defence Secretary, the Secretary of State for Northern Ireland, the Attorney General and Sir Robin Butler.

Yours sincerely,

C. D. POWELL

Steven Catling, Esq.
Lord President's Office

SECRET AND PERSONAL

CONFIDENTIAL

FILE : DAS

bc PC

10 DOWNING STREET

LONDON SW1A 2AA

From the Private Secretary

10 July 1989

Dear Stephen.

ANTI-TERRORIST LEGISLATION IN NORTHERN IRELAND

The Prime Minister has seen a copy of your Secretary of State's letter of 6 July to the Home Secretary proposing a fundamental review of the whole field of anti-terrorist legislation in Northern Ireland. She has commented that she is very much against a major review so soon after the 1987 Act and thinks it will be upsetting for the security forces. Her preference would be to take powers simply to extend the Act after 1992. She would be grateful if colleagues would consider this suggestion in parallel.

I am copying this letter to the Private Secretaries to the Home Secretary, the Lord Chancellor, the Foreign and Commonwealth Secretary, the Defence Secretary, the Secretary of State for Scotland, the Attorney General and to Sir Robin Butler.

Yours sincerely,

C. D. POWELL

Stephen Leach, Esq.
Northern Ireland Office

CONFIDENTIAL

KK

10/A-C)

Prime Minister.

Agreement to restore the status quo ante as you wished: but not to introduce an Order in Council until the autumn.

PRIME MINISTER

NORTHERN IRELAND INQUESTS

1 H Committee discussed yesterday whether an Order in Council should be introduced to reinstate the rule which, until it was overturned by the Northern Ireland Court of Appeal in December 1988, prevented a person being compelled to give evidence at an inquest in Northern Ireland if he was suspected of having caused the death of the person concerned. You will wish to know the outcome.

CBP 7/7

I should be grateful if colleagues will ensure that this minute is handled in their Departments on a strict need-to-know basis.

2 In December 1988, the Northern Ireland Court of Appeal declared ultra vires and void a long standing rule which prevented a person being compelled to give evidence at an inquest in Northern Ireland if he was suspected of having caused the death of the person concerned. From the Government's point of view, the most important aspect of this rule was that it prevented members of the security forces from being compelled to give evidence regarding a death in which they were alleged to have been involved. As a result of the judgement, however, the law on the matter in Northern Ireland is now essentially the same as that in England and Wales: a witness can be compelled to give evidence but can rely on his privilege not to answer any question which might incriminate him.

3 The Government has been given leave to appeal to the House of Lords against the decision of the Northern Ireland Court of Appeal. This course of action would be abandoned, however, if it were decided to legislate to restore the status quo ante.

4 I held an ad hoc meeting of colleagues on 25 January at which it was agreed that an Order in Council should be introduced to restore the status quo ante. The Order has taken some time to bring forward, however, and H Committee met yesterday to consider in the light of developments whether or not the original decision should be confirmed.

Contd 2/ . . .

5 The Committee decided that it should be. They recognised that restoring the status quo ante would open up a further difference between the law in Northern Ireland and that in the rest of the United Kingdom, that it would be strongly criticised in the Province and elsewhere on human rights grounds, that an adverse reaction could be expected from the Dublin Government, and that Republican sympathizers would seek to exploit it for propaganda purposes. However, the Committee felt that the arguments for restoring the status quo ante in terms of protecting the safety and identity of security force personnel, of ensuring the security of sensitive operational information, and of depriving terrorists and their sympathizers of the propaganda opportunity which the present state of the law could afford, were overwhelming. No satisfactory safeguards short of reinstating the status quo ante were identified. It would still remain open to security force witnesses to appear in person at inquests should they wish to do so and provided that satisfactory assurances as to their safety, etc, could be obtained. But they should not be compelled to do so.

6 The Order could not be confined to security force witnesses since security was an "excepted" matter which would need to be dealt with by means of a Westminster Bill. The Order would therefore need to apply to all witnesses at inquests and it would not be possible to defend it solely in terms of the dangers facing security force personnel.

7 The Committee agreed that it would be right to introduce the proposed Order in advance of the hearing of the Government's appeal in the House of Lords, which is expected early next year. The presentational difficulties would be compounded if the House of Lords had upheld the view of the Northern Ireland Court of Appeal before action was taken. On the other hand, guided by the advice of Geoffrey Howe and Tom King, the Committee saw advantage in not introducing the proposed Order before the summer recess. To do so would throw an additional issue into the current political turmoil in Dublin with uncertain consequences, and, most important, would give Republican terrorists and their sympathizers in the North a propaganda gift in the midst of the marching season and of the run-up to the 20th anniversary of the

Contd 3/ . . .

deployment of British troops on the streets of Northern Ireland. The Committee agreed that the aim should be to introduce the proposed Order at a time of our own choosing in the Autumn. This would enable us to use the interim period to satisfy ourselves both that proceeding by Order cannot itself be challenged successfully on vires grounds and that the case for the proposed Order can be presented in convincing and legally satisfactory terms both in Parliament and elsewhere.

8 I am copying this minute to the Foreign Secretary, Lord Chancellor, Home Secretary, Defence Secretary, Northern Ireland Secretary, Attorney General and Sir Robin Butler.

JW

(Approved in draft by the Lord President
and signed in his absence)

7 July 1989

clf to tg?

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

House of Commons,
London, SW1A OAA.

Discussed with N. Ireland Secty whose view is that this is a political stunt. He will deal. CDS 7/7

6 July, 1989.

Dear Prime Minister

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

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

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

Yours ever
Jim

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

CONFIDENTIAL

NORTHERN IRELAND OFFICE
WHITEHALL
LONDON SW1A 2AZ

SECRETARY OF STATE
FOR
NORTHERN IRELAND

Rt Hon Douglas Hurd CBE MP
Home Secretary
Home Office
50 Queen Anne's Gate
LONDON
SW1H 9AT

6 July 1989

Dear Douglas,

ANTI-TERRORIST LEGISLATION IN NORTHERN IRELAND

The Northern Ireland Emergency Provisions Acts will lapse in March 1992. My experience in putting together the 1987 Act suggests that much work will be involved in their replacement. It is, therefore, not too early to begin thinking about the new legislation that will have to replace them, either in whole or in part, and the relationship of that new legislation to the Prevention of Terrorism Act 1989

It seems to me essential that, as in the past, we secure a distinguished and suitably qualified figure to undertake a fundamental Review of the whole field of anti-terrorist legislation in Northern Ireland. I want to proceed rapidly with the selection of this Reviewer, and officials have already had some contact on the issue. I should accordingly much appreciate any suggestions for this task which you or copy recipients might have. However, the main purpose of this letter is to share my thinking with you and copy recipients about the scope and objectives of our Review.

CONFIDENTIAL

GH/SOFS/6048

My basic approach is conditioned by two factors: first, the Review will be important because it will help shape anti-terrorist legislation in Northern Ireland well into the 1990s; but at the same time the fact that we have commissioned an independent review will be important presentationally, especially abroad, where it will be central to our justification for having effective anti-terrorist legislation. Its value on both counts will, in my view, be enhanced if it is perceived by informed opinion, both at home and abroad, to be as wide-ranging, fundamental and resting on as few assumptions as possible.

Against this background, the Reviewer should, as I see it, be asked to proceed on the assumption that our aim is that, so far as the exigencies of the situation in the Province allow, terrorism in Northern Ireland (and in GB) should be dealt with in accordance with the ordinary criminal law. But he should also proceed in the knowledge that it is our view - which will be reinforced in due course by many of the influential bodies who will make submissions to him - that, in the present and immediately foreseeable situation, some differences to the ordinary criminal law will continue to be needed to deal with terrorists and terrorist offences (once again in Great Britain as in Northern Ireland); but it must thereafter be for the Reviewer to decide and recommend in the light of his own conclusions precisely what those differences should be. Hence, in asking him to advise on the scope and content of future anti-terrorist law in the Province, we will be asking him to consider departures from the normal criminal law without pre-conceptions and to ensure that they are both needed and justified on first principles, and in the light of the evidence he finds. We would, in effect, therefore be asking him to proceed as if he had a blank sheet of paper before him. He need take nothing within the existing corpus of anti-terrorist law as given. Rather his task would be to examine the situation in the Province and only then, guided by the

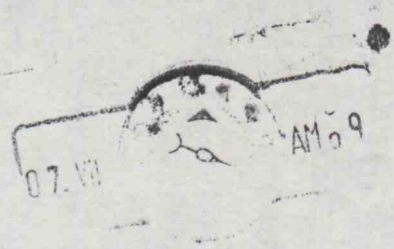
representations and evidence he would receive, reach conclusions about what legislative provision is necessary in order to ensure that the security forces can effectively prevent, detect and deter terrorists and, ultimately, secure convictions in the courts.

The issues go, however, wider than purely Northern Ireland law. Because several of the exceptions from the ordinary criminal law applying only to terrorism and those suspected of terrorist offences in the Province are contained in the Prevention of Terrorism Act 1989, which is a UK-wide piece of legislation, the Review cannot avoid examining the continuing need, in the Northern Ireland context, for those provisions also. I would wish the Reviewer to consider, therefore, whether anti-terrorist provisions necessary in Northern Ireland could, or should, be contained in future in legislation applicable only in Northern Ireland. (However, I hope that you will accept that the corollary should also apply: if it appears to the Reviewer that the 'extra' provisions required only in Northern Ireland were either so few in number or insignificant that they could more conveniently be included in UK-wide legislation, then he should be free so to recommend.)

All this points, I believe, to casting the eventual terms of reference in wide terms, so as to place as few constraints as possible on the Reviewer. However, before drafting them, we need to settle our basic approach. Since this has implications which go beyond my own responsibilities, I should be most grateful for your and colleagues' views on what I am proposing. Copies of this letter go to the Prime Minister, James Mackay, Geoffrey Howe, George Younger, Malcolm Rifkind, Paddy Mayhew and Sir Robin Butler.

TK

GH/SOFS/6048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AM 9

cc PC

CONFIDENTIAL

NOTE FOR THE RECORD

NORTHERN IRELAND

Mr Ken Maginnis MP telephoned me in great agitation this afternoon about the dismantling of a Permanent Vehicle Checkpoint (PVCP) in his constituency. Work on this had started earlier today. He had intervened with the Commander of Third Brigade to have it stopped, which it had been for a time. But following his later meeting with Commander, Land Forces, work had been re-started. Demolition of the PVCP aroused the strongest possible feeling in Fermanagh and would put directly at risk the lives of a number of his constituents. He was seeing the Northern Ireland Secretary later in the day but, meanwhile, wanted an assurance that work would be suspended.

I said that I was not aware of the particular case, although I knew that the military authorities took the view that aggressive patrolling provided better security than static checkpoints. This was basically a military decision and not one which should be subject to political intervention. I would, however, speak to the Northern Ireland Secretary's office and establish the position. I could make no promises that there would be any action.

I subsequently spoke to the Northern Ireland Secretary's Principal Private Secretary, who confirmed the position as described by Mr Maginnis. He said that the Northern Ireland Secretary was most reluctant to intervene but would be seeing Mr Maginnis later this evening. He did not think that any irrevocable action over the PVCP would be taken meanwhile. I asked him to inform Mr Maginnis of our conversation.

CDP

CHARLES POWELL
3 July 1989

EAMAXY

CONFIDENTIAL

10 DOWNING STREET
LONDON SW1A 2AA

From the Private Secretary

29 June 1989

Your Secretary of State asked me yesterday if we could find half an hour for him to see the Prime Minister to discuss Northern Ireland matters. We have fixed this for immediately after Cabinet on 6 July.

CHARLES POWELL

Stephen Leach Esq
Northern Ireland Office

Charles 6 July after Cabinet

10 DOWNING STREET

AP 29/6

Amanda

Cd. I please have ½ hour for Tom Kelly in the next 2/3 weeks

CDP

10 DOWNING STREET
LONDON SW1A 2AA

From the Private Secretary

16 June 1989

NORTHERN IRELAND INQUESTS

The Prime Minister has considered the Lord President's minute of 14 June on the question of Northern Ireland inquests. She is strongly of the view that the decision reached by the ad hoc meeting of colleagues on 25 January should be reaffirmed, thus restoring the status quo ante. She has commented that we must support the security forces against terrorism.

I am copying this letter to Sir Robin Butler.

C. D. Powell

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

CONFIDENTIAL

PRIME MINISTER

NORTHERN IRELAND INQUESTS

You will remember that, at the end of last year, the Northern Ireland Court of Appeal declared void a longstanding rule which prevented a person being compelled to give evidence at an inquest in Northern Ireland if he was suspected of having caused the death of the person concerned. The rule was regarded as important by the Government because it prevented members of the security forces from being compelled to give evidence regarding a death in which they were alleged to have been involved. The Government is appealing to the House of Lords. But at the same time, a meeting of Ministers decided last January that an Order in Council should be introduced to restore the status quo ante. This was strongly supported by the Home Secretary, the Defence Secretary, the Northern Ireland Secretary and the Attorney General. The Attorney has expressed the view that the proposed course is fully compatible with our obligations under the European Convention on Human Rights.

But since the decision was taken, the Lord Chancellor has tried to reopen it, with the support of the Foreign Secretary. Their reasons are that it is difficult to reintroduce a difference between the law in Northern Ireland and elsewhere in the United Kingdom; the adverse reaction to be expected from Dublin; and complications in relation to the "shoot to kill" inquests still to be held, with the likelihood that the Government will be accused of a cover-up. The Lord Privy Seal is calling another meeting of H to reconsider this. He thinks that the Committee will reach the same decision as it reached in January. But he would like an indication of your view so that if the decision seems likely to go the other way, he can insist on formal reference to you before the matter is finalised.

Must restore status quo ante - i.e. same decision as January

Must support Secretary of State against Cabinet

I imagine that you would agree that the situation in Northern Ireland is sufficiently different to justify a difference in the law and that the status quo ante should be maintained.

The problem is explained more fully in the Lord President's minute attached.

Agree to reply to the Lord President on the lines I have suggested?

C. D. POWELL
15 June 1989

DS3AKJ

CONFIDENTIAL

PRIME MINISTER

NORTHERN IRELAND INQUESTS

In December 1988, the Northern Ireland Court of Appeal declared ultra vires and void a long-standing rule which prevented a person being compelled to give evidence at an inquest in Northern Ireland if he was suspected of having caused the death of the person concerned. From the Government's point of view, the most important aspect of this rule was that it prevented members of the security forces from being compelled to give evidence regarding a death in which they were alleged to have been involved. As a result of the judgement, however, the law on the matter in Northern Ireland is now essentially the same as that in England and Wales: a witness can be compelled to give evidence but can rely on his privilege not to answer any question which might incriminate him.

2. The Government has been given leave to appeal to the House of Lords against the decision of the Northern Ireland Court of Appeal. This course of action would be abandoned, however, if it were decided to legislate to restore the status quo ante.

3. I held an ad hoc meeting of colleagues on 25 January at which it was agreed that an Order in Council should be introduced to restore the status quo ante, and that further consideration should be given to the possibility of extending protection to members of the security forces not directly involved (which would require primary legislation). However, the Lord Chancellor, who was not able to attend that meeting, has recently minuted me and members of H to suggest that we should reconsider that decision. His principal concerns were the difficulty of explaining why we

are reintroducing a difference between the law in Northern Ireland and in England and Wales; the adverse reaction which could be expected from the Dublin Government; and, in relation to the "shoot to kill" inquests still to be held in Armagh, the allegation that might be provoked that we are involved in a cover-up. He suggested that, if we were to lose the appeal to the House of Lords, we would still be able to rely on other legal safeguards, notably the privilege against self-incrimination, and that in particularly sensitive cases a Minister could issue a public interest immunity certificate to prevent a line of inquiry ranging into inappropriate areas. He also said that he had been advised that effective security could be provided to protect security force witnesses at inquests.

4. The Foreign Secretary expressed support for the Lord Chancellor on the grounds that the introduction of an Order in Council to reverse the decision of the Northern Ireland Court of Appeal would be a blow to confidence in the administration of justice in Northern Ireland; that, as well as provoking allegations of a "shoot to kill" policy, it would sit uneasily with the position we took at the Gibraltar inquest; and, if as seems likely, we were not able to respond to the Brogan judgement by introducing a judicial system of review of detention under the Prevention of Terrorism Act in Northern Ireland, then there would be two cases in quick succession of instituting separate legal arrangements in Northern Ireland. The Foreign Secretary also suggested that aggrieved persons might seek ways of referring to Strasbourg inquests which were alleged to be less than satisfactory. However, he saw no difficulty about proceeding with the appeal to the House of Lords on the basis that there is a difference between seeking an interpretation of the law favourable to the Government and of changing the law in the face

of an unfavourable decision.

5. The Chancellor of the Duchy indicated that he shared some of the Lord Chancellor's reservations and suggested that it might be best to expedite the appeal to the House of Lords and to take stock once the House of Lords had ruled on the matter.

6. The Home Secretary, while recognising the case for changing the law in Northern Ireland, said that the same security considerations did not apply in England and Wales and that the effect of an Order in Council would therefore be to restore another Northern Ireland exception to the general law applying in the rest of the United Kingdom. He suggested that it would be useful for colleagues to meet to discuss the matter to consider in particular whether it would be possible to build in sufficient safeguards short of the need for an Order in Council.

7. The Defence Secretary argued strongly in favour of the introduction of an Order in Council to reverse the Court of Appeal decision. His main concern was that the physical security of security force witnesses could not be guaranteed: while it might be possible to negotiate suitable arrangements if the witnesses were not compellable, this could not be guaranteed if witnesses were compellable. He also suggested that public interest immunity certificates would be a fragile basis for protecting operationally important detail, since too much would depend on coroners' willingness to accept our arguments. A further concern is that the appearance of security force witnesses at inquests would provide opportunities for anti-security force propaganda. He took the view that it would be better to introduce the Order in Council immediately rather than to await the outcome of the appeal to the House of Lords with a

view to reversing it if the result were adverse.

8. The Northern Ireland Secretary fully supported the Defence Secretary's views. He did not believe that it would be unduly difficult to explain why the law needs to be different in Northern Ireland than in the rest of the United Kingdom; and he did not think this would have a significant impact on relations with the Republic. He agreed with the Defence Secretary that it would be better presentationally to introduce the Order in Council immediately rather than to await the outcome of the appeal to the House of Lords.

9. My own firm view, in the light of the very important security considerations to which the Defence and Northern Ireland Secretaries have drawn attention, is that we should maintain the decision taken at my meeting on 25 January. However, in view of the divergence of views among senior colleagues and of the Home Secretary's specific suggestion that we should meet to discuss the issue, I would propose to take this at a meeting of H, suitably augmented to include other interested Ministers.

10. I should be grateful to know if you share my view that subject to any new points which may emerge in discussion at H the right way forward would be to introduce an Order in Council to restore the status quo ante in advance of an appeal to the House of Lords. If so, I would ensure that, if the balance of argument in the Committee were against that view, the Committee did not come to a clear decision but that I should report their views to you.

I am copying this minute to Sir Robin Butler.

J W

14 June 1989

ATTORNEY GENERAL

01-936 6201

ROYAL COURTS OF JUSTICE

LORD PRESIDENT OF THE COUNCIL
RECEIVED
LONDON, WC2A 2LL
14 JUN 1989
24

The Rt Hon the Lord Mackay of Clashfern QC
The Lord Chancellor's Department
House of Lords
London SW1A 0PW

13 June 1989

Dear James,

I have seen your letter of 25 May to the Lord President and the responses of colleagues to that letter.

I remain convinced that the decision we took at the Lord President's meeting on 23 January was sound. What was previously applied as being the law should be reinstated.

I am of the view that the proposed course is fully compatible with our obligations under the European Convention on Human Rights and with our other human rights obligations. The way we present our proposal to the Irish and to others will of course have to be carefully considered. We will be assisted in this task by a knowledge of the existing law in the Republic on witnesses' compellability; I hope we can find this out urgently.

I am sending copies of this letter to members of H Committee, George Younger and Sir Robin Butler.

Yours ever,

Patrick

ATTORNEY GENERAL

01-936 6201

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Yours ever,

Patrick

Hurd's gag begins to tighten

Sinn Fein seems to be losing its gift for manipulating the media. David Hearst reports from Belfast on the views we don't hear

LONG before the Republican Press Centre appeared in the Falls Road, Sinn Fein had an instinctive feel for keeping relations sweet with the British and foreign media. While the Orange Men would bully, threaten and sometimes attack cameramen at parades, a Republican minder would always be on hand to show the world the other side of the barricade.

Only rarely would the real command structure show through the seamless web of their organisation. When a colleague filing copy at a Republican funeral was attacked by one old man in a crowd 1,000 strong (at a stage in the funeral when he could only have been writing about RUC security rather than the funeral itself) the notebook that had been snatched out of his hands was returned to him within an hour, upon appeal to the senior Sinn Fein steward.

Recently the chrome of their PR has begun to wear off around the edges. To read the latest pamphlet produced last week by Danny Morrison, Sinn Fein's publicity director, the Republican movement's current difficulties in getting its views across are due to the steadily tightening gag of British legislation. This was capped by the ban on broadcasting interviews imposed by Douglas Hurd, the Home Secretary, on October 19, last year.

From Downing Street's point of view, the ban has indeed had its desired effect, spreading ripples far beyond the specific prohibition on the actual words of anyone who expresses support for political violence or a proscribed organisation. Any Sinn Fein appearance even on regional television screens is now limited to a few seconds. The number of inquiries Sinn Fein received from the BBC on any subject has fallen by a 75 per cent since October 19.

Each appearance of a Republican on television now has to be carefully vetted by a panoply of lawyers, when no hesitation is shown about prominent loyalist politicians who were filmed parading with Ulster Resistance, the paramiltary organisation allegedly involved in importing arms from South Africa.

But that is the immediate explanation. Others would say the rot has been setting in for some time and coincides with the ferment going on inside the movement, as the IRA campaign continues. For one reason or another each time another IRA "mistake" accounts for more civilian casualties, the camera has got closer. Scenes of bandsmen frantically picking the rubble off the dead bodies of the Enniskillen bomb were captured on an amateur video. On March 19 last year every living room in Britain and around the world had front row seats on the savage mobbing and deaths of two British Army corporals who had blundered into an IRA funeral on the Andersonstown Road.

The scene at the Republican Press Centre immediately after the attack on the car was one of bewilderment. At first the two occupants of the car were "Loyalists" repeating Michael Stone's murderous sally at Milltown Cemetery three days earlier. Then they were "SAS men", as if the SAS go around with pendants identifying the telephone number of their base in Herefordshire.

As deaths go in Northern Ireland, it was no more savage then many. The difference was, it was there for everyone to see. The seizure of film by the RUC from television companies, the involvement of journalists as witnesses in a trial which is still continuing were secondary matters to those fatal images, indelibly etched on Irish, American, French minds.

Republican nerves about the trial and its implications, continue to this day. Two of the BBC journalists subpoenaed to appear received detailed death threats. Both decided to give evidence at the trial in public. One of them, Mr John Conway, former head of BBC News and Current Affairs in Northern Ireland was the same BBC executive to whom Mr Morrison complained about declining BBC interest in Sinn Fein.

Sinn Fein say they have found no proof that the IRA threatened them. Danny Morrison said last Wednesday: "We do not support action being taken against journalists who carry out their duty, because we have to work with the media and it would jeopardise our interests."

But there have been other straws in the wind. For the first time in many years, journalists were told they had to be accredited "with Sinn Fein to cover the annual Republican parades at Easter. The reason given was concern over another Loyalist attack. When broadcasting branch of the NUJ chapel in Belfast refused and agreed to confront Sinn Fein en masse, the threat disappeared. It had all been a mistake, they were told.

Pauline Ni Chiarain, chairperson of the branch, said: "The atmosphere in which journalists have to work at present is probably the worst it has been for many years. We are threatened by the Loyalists and by the IRA."

Even during election time when the ban is replaced by the Representation of the People Act, the Sinn Fein publicity machine is not acting with the sure-footedness that successive generations of journalists are used to. The pirate radio stations and videos that were supposed to emerge to counter the ban never appeared.

Sinn Fein say this is because they might jeopardise the case they are taking against the Government in the courts, but they are also saying they are short of funds. It could be that what journalists are seeing is the real Republican movement furiously divided on what to do next.

9

SECRETARY OF STATE FOR SCOTLAND

SCOTTISH OFFICE
WHITEHALL LONDON SW1A 2AU

The Rt Hon Tom King MP
Secretary of State for Northern Ireland
Northern Ireland Office
Whitehall
LONDON
SW1A 2AZ

27 April 1989

Dear Tom,

PROSCRIPTION OF IRISH PEOPLE'S LIBERATION ORGANISATION (IPLO)

Thank you for your letter of 6 April about the proscription of the IPLO. I have also now seen Douglas Hurd's reply of 21 April.

The police in Scotland have no intelligence to suggest that the IPL0 is active in this part of the country. I therefore share Douglas' view that proscription of the IPLO in Great Britain at the moment would be difficult to justify. His suggestion that we keep the position under review and consider again if evidence emerges confirming IPLO activity on the mainland, seems eminently sensible.

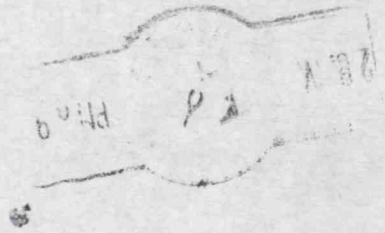
Copies of this letter go to the recipients of yours.

MALCOLM RIFKIND

JMC00913.049

IRELAND: Situation

Pt 27



SECRET

8 EEPC

QUEEN ANNE'S GATE LONDON SWIH 9AT

21 April 1989

CDO 24/5

Dear Tom,

PROSCRIPTION OF IRISH PEOPLE'S LIBERATION ORGANISATION (IPLO)

Thank you for your letter of 6 April about the proscription of IPLO.

I support the action which you propose. It emerges clearly from your letter that IPLO is primarily and actively a terrorist organisation. While its membership is relatively small, it appears to have an experienced and dedicated leadership capable of mounting a co-ordinated campaign of terrorist attacks. The organisation has already claimed responsibility for a number of serious incidents in the Province. There are now ample grounds for its proscription in Northern Ireland.

The position on Sinn Fein and the UDA is, as you say, different. I agree with your conclusion that the proscription of these organisations would be considerably harder to justify than in the case of IPLO and could be seriously counter-productive.

I have considered whether equivalent action should be taken under Section 1 of the Prevention of Terrorism (Temporary Provisions) Act 1989 to proscribe IPLO in Great Britain. Subject to Malcolm Rifkind's views, I do not think this is necessary at the moment. IPLO have not so far carried out an attack on the mainland and from current intelligence it does not appear to have either the intention or capacity to operate outside Northern Ireland.

It would be unwise to rule out the possibility of a mainland attack in the future, especially in view of IPLO's maverick nature. But there seems little prospect of this at present. In defending the power of proscription during the recent passage of the Prevention of Terrorism Bill we emphasised that it was an exceptional measure for use only when justified by a clear operational need. It would be difficult to demonstrate that such a need existed in Great Britain at the moment. I therefore propose that at least for the time being IPLO should not be proscribed in Great Britain, but that the matter is reviewed if and when there are clearer signs of their activities moving to the mainland.

I am copying this letter to the recipients of yours.

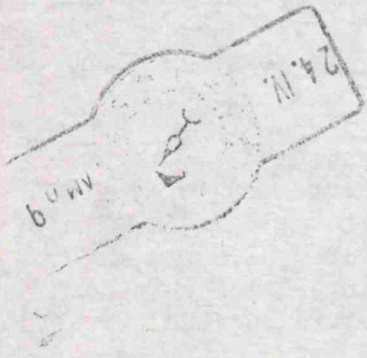
Yours ever,

Douglas.

The Rt Hon Tom King, MP.

SECRET

IRELAND - Strato
P 27



SECRET

7a-c CCJK (2)

NORTHERN IRELAND OFFICE
WHITEHALL
LONDON SW1A 2AZ

SECRETARY OF STATE
FOR
NORTHERN IRELAND

Rt Hon Douglas Hurd CBE MP
Home Secretary
Queen Anne's Gate
LONDON SW1

6 April 1989

Dear Douglas.

PROSCRIPTION OF IRISH PEOPLE'S LIBERATION ORGANISATION (IPLO)

As you may recall, on 16 February there was an attack on the Orange Cross Social Club by three gunmen. Five people were injured and one subsequently died. The IPLO publicly claimed responsibility for the attack, and I have come to the conclusion that in principle, this organisation should now be proscribed in the same way as the IRA, the UVF and the INLA (from which IPLO split in 1987).

Our general policy on proscription has been to confine proscription to organisations primarily and actively involved in the commission of terrorist acts. On this basis, whilst the proscription of IPLO alone would stimulate some interest in other organisations, such as Sinn Fein and the UDA, the two latter can be distinguished from IPLO in so far as they have some legitimate activities, including in the case of Sinn Fein a significant role in the electoral process, and members not involved in terrorism. Whilst proscription of Sinn Fein or the UDA might disrupt those organisations, it could be evaded. The leaders could continue to say and do what they say and do now, either as individuals or in another guise. Proscription of Sinn Fein, and to a lesser extent of the UDA would have major presentational disadvantages for us,

SP/PROL/5444

b

both within Northern Ireland, and further afield and indeed risk re-inforcing the position of the two organisations in their communities. The broadcasting restrictions have reduced Sinn Fein's propaganda opportunities and the Elected Authorities (NI) Act 1989, just enacted, will impose fresh restrictions on Sinn Fein councillors elected at the May 17 district council elections in Northern Ireland.

I do not believe that the balance of argument on proscription of the UDA and Sinn Fein has shifted since we considered the issue last September. Whilst I shall continue to keep our contingency planning up do date, I do not propose to act against either organisation for the time being.

But the IPLO, though small (about 70 members) is a purely terrorist organisation, I think it anomalous that it should not be proscribed in Northern Ireland. It is an underground terrorist organisation which appears to have no legitimate political, or other activities. Formed as a breakaway movement from the Independent National Liberation Army in early 1987, it operates largely in Belfast, Newry, and Armagh. It claims to share INLA's ultimate objectives of ending the British presence in Northern Ireland and establishing a 32-county socialist republic in Ireland through the use of terrorism, but the majority of its members are hardened terrorists with no real interest in political matters beyond deep hostility to Northern Ireland's membership of the United Kingdom. It has approximately 70 members in Northern Ireland, a proportion of whom are directly involved in terrorist acts and the remainder is support activities such as fund-raising or moving weapons.

The IPLO has claimed responsibility for number of terrorist attacks. These include a letter bomb sent to the DUP MP William McCrea in August; shots fired at an RUC Vehicle Checkpoint also in August; shots fired at an army observation post in Belfast; and explosion outside the Royal Courts of Justice in Belfast; and the assassination in September 1988 of Mr William Quee a leading member of the UDA.

SECRET

There is little doubt that the IPLO is both 'concerned in terrorism or in promoting or encouraging it', the criterion for proscription set out in section 21 of the Northern Ireland (Emergency Provisions) Act 1978 and 'primarily and actively' involved in the commission of terrorist acts, which is the criterion to which we normally refer in public statements about proscription.

Against this background, I have decided in principle that it would be right to proscribe IPLO, a course which the Chief Constable supports. This would be achieved by an Order made by me under the EPA (it would then be subject to Parliamentary approval in both Houses). To make such an Order at a time when the IPLO is not, for the moment, in the news, would almost certainly provoke unhelpful assertions that we should simultaneously proscribe the UDA or Sinn Fein. I think the proper course is therefore to make the announcement if and when the IPLO is next involved in a terrorist incident.

Accordingly, I have asked my officials to put in hand the necessary preparatory work to enable me to move at speed when the necessary conditions are met. You, and Malcolm Rifkind, will no doubt wish to consider whether parallel action may be needed in Great Britain, though my impression is that IPLO has, at least so far, confined its activities to Northern Ireland.

I am sending a copy of this to the Prime Minister, the Foreign Secretary, the Lord President, the Secretaries of State for Defence and for Scotland, the Lord Privy Seal, the Attorney General and to Sir Robin Butler.

TK

SP/PROL/5444

SUBJECT cc MASTER
OPS

PRIME MINISTER'S
PERSONAL MESSAGE
SERIAL No. 62/89

ME DA
cc FCO
NIO

10 DOWNING STREET
LONDON SW1A 2AA

THE PRIME MINISTER

27 March 1989

Dear Prime Minister,

It was most thoughtful of you to send me a message about the murder of two senior policemen in Northern Ireland by IRA terrorists. It was, sadly, only the latest in a succession of cold-blooded acts of murder which they have carried out.

I know that your kind expression of condolence will be of comfort to the families of the two officers and I shall ensure that it is passed on. With every good wish

Yours sincerely

Margaret Thatcher

His Excellency Senor Don Felipe Gonzalez Marquez

SUBJECT cc MASTER.

1989-03-22 19:54 PRES.GOB.GAB.TELEGRAFICO. OPS 91 4493597 01

GABINETE DE LA PRESIDENCIA DEL GOBIERNO

DEPARTAMENTO INTERNACIONAL

FAXI 421

PRESIDENCIA DEL GOBIERNO
22 MAR. 1989
GABINETE TELEGRAFICO

1930

PRIME MINISTER'S
PERSONAL MESSAGE
SERIAL No 598/89

TELEGRAMA DEL PRESIDENTE DEL GOBIERNO A LA PRIMERA MINISTRO BRITANICA MARGARET THACHER.

TEXTO:

CON MOTIVO DEL ATENTADO TERRORISTA EN IRLANDA DEL NORTE QUE HA COSTADO LA VIDA AL COMISARIO HARRY BREEN Y AL COMANDANTE DE DIVISION BOB BUCHANAN, LE RUEGO QUE RECIBA EL TESTIMONIO DE MI SOLIDARIDAD Y DE MI MAS FIRME CONDENA. LE AGRADECERE QUE TRANSMITA A LOS FAMILIARES DE LAS VICTIMAS MIS SENTIMIENTOS DE CONDOLENCIA.

FELIPE GONZALEZ MARQUEZ

PRESIDENTE DEL GOBIERNO ESPAÑOL.

GABINETE DE LA PRESIDENCIA DEL GOBIERNO
DEPARTAMENTO INTERNACIONAL

TOTAL P.01

1989-03-22 19:54 PRES.GOB.GAB.TELEGRAFICO. OPS 91 4493597 01

GABINETE DE LA PRESIDENCIA DEL GOBIERNO

DEPARTAMENTO INTERNACIONAL

FAXT 421

PRESIDENCIA DEL GOBIERNO
22 MAR. 1989
GABINETE TELEGRAFICO

19.30

PRIME MINISTER'S
PERSONAL MESSAGE
SERIAL No 59 B/89

TELEGRAMA DEL PRESIDENTE DEL GOBIERNO A LA PRIMERA MINISTRO BRITANICA MARGARET THACHER.

TEXTO:

CON MOTIVO DEL ATENTADO TERRORISTA EN IRLANDA DEL NORTE QUE HA COSTADO LA VIDA AL COMISARIO HARRY BREEN Y AL COMANDANTE DE DIVISION BOB BUCHANAN, LE RUEGO QUE RECIBA EL TESTIMONIO DE MI SOLIDARIDAD Y DE MI MAS FIRME CONDENA. LE AGRADECERE QUE TRANSMITA A LOS FAMILIARES DE LAS VICTIMAS MIS SENTIMIENTOS DE CONDOLENCIA.

FELIPE GONZALEZ MARQUEZ

PRESIDENTE DEL GOBIERNO ESPAÑOL.

GABINETE DE LA PRESIDENCIA DEL GOBIERNO
DEPARTAMENTO INTERNACIONAL
1-1

[Mr. David Marshall]

made by a Scottish Office Minister about the progress of the investigation? If so, was he referring to the Lord Advocate?

Mr. Channon: I recall no such incident. I do not think that I have repudiated any Scottish Office Minister on anything—probably throughout my parliamentary career.

Mr. Alan Haselhurst (Saffron Walden): Is it not abundantly clear that my right hon. Friend took every reasonable steps to alert the authorities at Heathrow to the type of threat that might occur and that—using all the lavish hindsight that other hon. Members are prepared to use—the only possible action that might have made a difference in those precise circumstances would have been an international agreement tha baggage in transit at airports should be further re-examined?

Mr. Channon: My hon. Friend has put his finger on an important point. Arrangements in that regard have been changed and we shall keep them under continuing review.

Mr. Ray Powell (Ogmore): I am appalled at the arrogance of the Secretary of State. As one of the few hon. Members who were here on 22 December to listen to his statement in the House, I recall that he did not disclose to the House or the nation the knowledge that he has talked about this afternoon. Why was it that on that occasion, when the whole nation was shocked by this tragedy, he was not honest enough to disclose all the facts that he disclosed subsequently?

Mr. Channon: With respect to the hon. Gentleman, I think that on reflection he will realise that that is an unfair remark. On 22 December, I told the House what I could. *[Interruption.]* I remember the hon. Gentleman being there; it was one of the few pleasing features of the day.

I also reported to the House on 10 January. The important point is that on that day the cause of the accident had not been established, as I told the hon. Member for Glasgow, Govan (Mr. Sillars) a few moments ago. That had to be established in the next few days. In such investigations, with delicate security considerations, the House of Commons must understand that if we wish to apprehend all the people involved it is essential that all of us exercise some restraint.

RUC Officers (Murder)

4.5 pm

The Secretary of State for Northern Ireland (Mr. Tom King): With permission, Mr. Speaker, I wish to make a statement about the murder yesterday of two senior RUC officers.

At approximately 1 pm yesterday afternoon Chief Superintendent Harry Breen, the divisional commander of Armagh, together with Superintendent Bob Buchanan, the local border superintendent, left Armagh in Superintendent Buchanan's car to attend a meeting with their opposite numbers in the Garda Siochana in Dundalk. I understand that their meeting lasted about one hour and that they then left to return to Armagh.

At 3.55 pm the RUC received information that there were two people believed dead in a car on the Edenappa road south of Jonesborough in County Armagh. The car was located at 4.15 pm some 50 yd north of the border. This car was found to be Superintendent Buchanan's and the dead were identified as the Chief Superintendent Breen and Superintendent Buchanan. The clearance operation was put in hand immediately, involving both RUC and Army and with full assistance from the Garda and the Irish Army. Because of the risk of possible devices, this operation is necessarily taking some time to complete.

A full investigation is now under way into all the circumstances surrounding this outrage and in this connection I am grateful for the immediate and forthright assurance from the Taoiseach that every possible co-operation will be forthcoming to ensure that those responsible are apprehended and brought to justice.

Our immediate thoughts must be for the family, friends and serving colleagues of the two officers in extending our deepest sympathy to them in their tragic loss. Our duty to them now is to ensure that everything that can be done will be done to find the perpetrators of these murders, and that we take immediate account of any lessons that need to be drawn from this terrible event.

Nor, sadly, Mr. Speaker, are these the only murders in Northern Ireland in recent days and weeks. Since the beginning of this year, 25 people in Northern Ireland have died as a result of terrorist violence. More than half of those were the victims of purely sectarian attacks.

Only yesterday I called on the whole community to give the fullest support to the RUC in its work to protect everybody from the evil sectarian killers from whichever extreme they might come. Everybody owes a great debt to the RUC and the security forces for their unstinting efforts and courage against the terrorists, and indeed for their successes this year in the number of people who have been arrested and charged for many of these murders and attempted murders.

At a time when the whole community depends so much on the RUC, the murder of two senior officers shows how vile and evil is the IRA's intent. That is why it needs to know that such a deliberate attack on the security co-operation between ourselves and the Irish Government will only make us more determined to make that co-operation all the more effective and to rid the island of Ireland of the evil of terrorism.

Mr. Kevin McNamara (Kingston upon Hull, North): On behalf of my colleagues, I join with the Secretary of State in expressing our horror and dismay at the murders

FILE
DA

PRIME MINISTER

HARLAND AND WOLFF PRIVATISATION

I mentioned to you at the weekend the possibility of a successful outcome to the negotiations to privatise Harland and Wolff.

Tom King's minute of this evening (attached) confirms this, and seeks your agreement to the proposed terms of a sale to the MEBO/Fred Olsen consortium. The terms are not ideal, with in particular some degree of open commitment on SWOPS. But in all the circumstances it is an extremely good outcome:

- a net cost of £231 million within the cost of closure;

- preservation of the majority of the existing jobs;

- costs being contained within the existing provision in the Northern Ireland block, subject to a possible small bid on the Reserve in 1990-91.

Although John Major has not seen the precise terms of Tom King's minute, the Treasury has been closely involved both in the negotiations themselves and the drafting of the document, and John Major has signed up to the key elements of the deal. George Guise has also been briefed in detail on the proposals, and is content with them.

Content to agree the proposed privatisation terms?

Derek Kerr

(PAUL GRAY) Peter Clark.

20 March 1989

CF to file?

File SH
cc NIO
FCO

10 DOWNING STREET
LONDON SW1A 2AA

THE PRIME MINISTER

13 March 1989

Dear Mr. Olsen.

Thank you for your letter of 24 February in which you confirmed your involvement in the management employee buy-out of Harland & Wolff.

I am encouraged by your commitment and the enthusiasm and managerial strength you would bring to bear in establishing a long-term viable future for the Yard.

May I take this opportunity to assure you of the Government's interest in achieving a successful return of the Yard to the private sector.

Kind regards,

Yours sincerely

Margaret Thatcher

Mr. Fred Olsen

From: THE PRIVATE SECRETARY

NORTHERN IRELAND OFFICE
WHITEHALL
LONDON SW1A 2AZ

Andrew Turnbull Esq
Private Secretary
10 Downing Street
London SW1

March 1989

Dear Mr Turnbull

HARLAND & WOLFF: LETTER FROM FRED OLSEN TO PRIME MINISTER

Mr Fred Olsen wrote to the Prime Minister on 24 February, with a copy to the Secretary of State for Northern Ireland, to confirm his commitment to the proposed management employee buy out of Harland & Wolff. The Prime Minister is aware of Mr Olsen's background and of his involvement in this proposal.

Negotiations are continuing between Department of Economic Development officials and the MEBO team, led by John Parker, Chairman and Chief Executive of Harland & Wolff. An acquisition would be based on an initial order for three ships from the Olsen Group. The equity and management participation of Mr Olsen strengthens the MEBO proposal, and is to be welcomed.

A draft reply for the Prime Minister is attached.

Yours sincerely

Stephen Pope

STEPHEN POPE

SHG/PROL/5281

DRAFT REPLY FROM PRIME MINISTER TO MR OLSEN

GR.

Fred Olsen Esq
Fred Olsens Gate 2
Oslo 1
Norway

R. Fmc for P.M.
P.

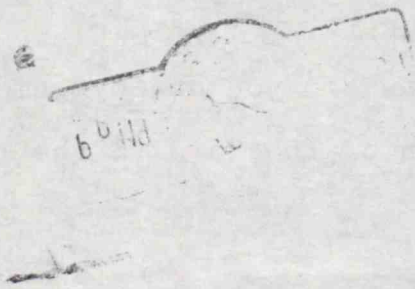
Thank you for your letter of 24 February in which you confirmed your involvement in the management employee buy-out of Harland & Wolff.

I am encouraged by your commitment and the enthusiasm and managerial strength you would bring to bear in establishing a long-term viable future for the Yard.

May I take this opportunity to assure you of Government's interest in achieving a successful return of the Yard to the private sector.

83

SHG/PROL/5282



Fred OLSEN
6/3

fric 05

1)7/3

10 DOWNING STREET
LONDON SW1A 2AA

From the Private Secretary

NO ACK 1 March 1989

You will already have seen a copy of Mr Fred Olsen's letter of 24 February to the Prime Minister about Harland and Wolff (enclosed). I should be grateful if, in the light of tomorrow's discussion at E(A), you could let me have an early draft reply for the Prime Minister to send. It would be helpful to have this by Monday 6 March.

PAUL GRAY

Stephen Leach, Esq.
Northern Ireland Office

SECRET

PRIME MINISTER'S
PERSONAL MESSAGE
SERIAL No. T 42A/89

cc FCO
NIO
HO
MOD

10 DOWNING STREET
LONDON SW1A 2AA

THE PRIME MINISTER

25 February 1989

Dear Brian.

Thank you for your letter of 3 February. The training programme being drawn up by your Security Intelligence Service for the Garda Siochana will be an important reinforcement in the fight against terrorism in Ireland. I greatly appreciate your assistance in this. As I said in my letter of 19 October, effective international co-operation is essential to the interception and disruption of IRA activities, and it is very heartening to have your support.

I look forward to our meeting in March when we can perhaps discuss this further.

Yours ever

Margaret

The Right Honourable Brian Mulroney M.P.

SECRET

cf ccfr.

FRED. OLSEN

FRED. OLSENS GATE 2
OSLO 1

February 24, 1989

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

Dear Prime Minister,

You will know from the Secretary of State, Mr. Tom King, that I have confirmed our commitment to the Management Employee Buy Out of Harland & Wolff by taking a major equity stake and in placing the initial orders for 3 ships.

I have also authorised the MEBO final offer to the Department of Economic Development on February 17, 1989.

I visited the yard after extensive discussion with Dr. John Parker and have met Management and Trade Union representatives. I am satisfied that the key ingredients are present for ultimate success but we will have to work hard and harmoniously to ensure a long term healthy future.

The financial package we have jointly constructed with H&W/Management is based on demanding targets of performance but we believe these to be achievable and Dr. Parker and I intend to hire in Japanese yard consultants to assist us in this task.

The market is improving for new ships and of course in such an international business we will also need good fortune.

I wish to personally assure you of my commitment and enthusiasm to establish a successful privatised Harland & Wolff.

Yours sincerely,

Fred. Olsen

C.c.
Secretary of State for Northern Ireland

CONFIDENTIAL COVERING SECRET

From: THE PRIVATE SECRETARY

5a (last page) cek

NORTHERN IRELAND OFFICE
WHITEHALL
LONDON SW1A 2AZ

C D Powell Esq
10 Downing Street
London
SW1A 2AA

24 February 1989

Dear Charles,

NORTHERN IRELAND/CANADA

Thank you for your letter of ~~14 February~~ Rap enclosing one from the Canadian Prime Minister about the provision of counter terrorist training to the Garda.

This letter of course follows on from previous correspondence arising out of the Prime Minister's meeting with Mr Mulroney in Ottawa last year. You will recall that Mr Mulroney offered in his first letter support and assistance to the Government in bringing greater stability to Northern Ireland. The Prime Minister's reply of 19 October mentioned, among other things, the provision of Canadian support to the Irish authorities particularly in the field of counter terrorist training. Mr Mulroney confirmed in his letter of 16 December that he had initiated an examination of how such assistance could be provided.

CONFIDENTIAL COVERING SECRET

Mr Mulroney's most recent letter reports that links have now been established between the Canadian Security Intelligence Service and the Garda Siochana with a view to drawing up a specifically tailored training programme. It is therefore appropriate for the Prime Minister to acknowledge this progress and I attach a short draft reply for this purpose.

Colleagues in the Foreign Office, Home Office and MOD have been consulted.

Yours, etc.

Stephen Leach

S J LEACH

SECRET

DRAFT LETTER

FILE NUMBER

ADDRESSEE'S REFERENCE .....

TO	Enclosures	Copies to be sent to
The Rt Hon Brian Mulroney MP		

LETTER DRAFTED FOR SIGNATURE BY PRIME MINISTER

Thank you for your letter of 3 February. ~~I am sure that~~ the training programme being drawn up by your Security Intelligence Service for the Garda Siochana ~~will prove of great value~~ will be an important reinforcement in the fight against terrorism in Ireland. I greatly appreciate your assistance in this. As I said in my letter of 19 October, effective international cooperation is essential to the interception and disruption of IRA activities, and it is very heartening to have your support. ~~I do think that a vital part of such cooperation~~ is the willingness to share the individual ~~expertise~~ we may have gained in our different countries in ~~dealing with the insidious~~ tide of terrorist activity.

I look forward to our meeting in March when we can perhaps discuss this further.

PMBAJF

SECRET

JEN/SIL/11469

CONFIDENTIAL

file to be PC

10 DOWNING STREET

LONDON SW1A 2AA

From the Private Secretary

20 February, 1989.

Dear Stephen,

Your Secretary of State minuted the Prime Minister on 17 February to seek her views on the idea of encouraging a visit to Northern Ireland by the Soviet Ambassador. The Prime Minister is thoroughly opposed to this, commenting that a visit would do no good and a lot of harm. I think she has in mind in particular the effect it would have to see armed soldiers and police deployed so extensively, and the propaganda use which could be made of this. She hopes that no more will be heard of the proposal.

I am copying this letter to Stephen Wall (Foreign and Commonwealth Office).

yours ever,

(C.D. Powell)

Stephen Leach, Esq.,
Northern Ireland Office.

CONFIDENTIAL

CONFIDENTIAL

do No - it is a
terrible thing to see
Soldiers dressed
guns. Such a visit
would do NO good.

cc PC (1)

Prime Minister
Agree that we should
offer to arrange a visit
for Zamyatin?

CSD
17/2

PRIME MINISTER

This letter seeks your views on encouraging a visit to NI by Soviet Ambassador Zamyatin.

Soviet reporting of NI events is, as you know, biased and distorted, and the new atmosphere engendered by President Gorbachev has not affected this. In February last year Mr Shevardnadze handed Sir Geoffrey Howe a list of 400 "political prisoners" (all of whom turned out to have been sentenced for serious criminal offences), and similar allegations were made in November at a press conference given by Mr Gerasimov.

In the light of this, I have suggested to Geoffrey (who supports the idea) that we should encourage Ambassador Zamyatin to visit NI for himself, to expose him at first hand to the realities of NI. Zamyatin is free to visit NI whenever he wishes and to speak to whomsoever he pleases, though neither he nor any of his recent predecessors are known to have done so. If we were to offer him a programme, thus ensuring that at least he hears our side of the story, we would be placing him on the spot (if he accepted he might be inclined to ensure that Soviet reporting did not go too far out of line with reality, and if he did not accept then future Soviet protestations would ring hollow).

It is of course possible that Zamyatin might try to turn the suggestion to his advantage by refusing an official programme but organising one on his own account, or accepting our programme but requesting that we also arrange meetings with Sinn Fein and other unacceptable groups. To stand in his way would be counterproductive, and the best line to take here would simply be to allow him to make his own arrangements, only offering assistance where it seems appropriate to do so. FCO believe in any case that Zamyatin would want to be circumspect here, since he

would be reluctant to give the impression that the USSR supports or promotes terrorism, and he also values his good access to you. Recent instances of nationalism and communal strife within the USSR may also dispose him towards caution.

On balance, both Geoffrey and I feel that there is much to be gained from offering a visit, but there is no point in taking things any further until we have your views. If you are content, my officials would ask their colleagues in FCO to float the suggestion with the Soviets in the context of their continuing exchanges on human rights issues.

A copy of this letter goes to Geoffrey Howe.

TK

17 February 1989

SECRET

10 DOWNING STREET
LONDON SW1A 2AA

From the Private Secretary

14 February 1989

NORTHERN IRELAND/CANADA

I enclose a copy of a letter to the Prime Minister from the Canadian Prime Minister about the provision of counter terrorism training to the Garda. I imagine that it would be right for the Prime Minister to thank Mr. Mulroney and should be grateful for a draft.

I am copying this letter and enclosure to Richard Gozney (Foreign and Commonwealth Office), Philip Mawer (Home Office) and Brian Hawtin (Ministry of Defence) and to Trevor Woolley (Cabinet Office).

C D POWELL

Stephen Leach, Esq.,
Northern Ireland Office

SECRET

(2)

Prime Minister

A shameful statement by the Taoiseach, but predictable.

CDP 13/2.

Ref. A089/438

NOTE FOR RECORD

cc Mr Powell (No 10)
Mr Wall (FCO)
Mr Mawer (Home Office)
Mr Maxwell (NIO)
Mr Weston (Cabinet Office)

Call by Irish Ambassador

Mr O'Rourke, the Irish Ambassador, called on Sir Robin Butler at 5.15 today to hand over the attached copy of a statement by the Taoiseach about the murder of Mr Finucane.

2. Mr O'Rourke said that he had been asked to make a number of additional points. The Irish Government had expressed its concern on a number of occasions over Mr Hogg's remarks in the House of Commons on 17 January criticising certain solicitors in Northern Ireland. His Government's concern had been increased by information that the police in Castlereagh were encouraging Protestant paramilitaries to attack Republican lawyers. In this context, the names of Messrs Finucane, McGrory and Kelly had been mentioned. The murder of Mr Finucane had shown that these concerns were justified. The Irish Government welcomed the statement by the Secretary of State for Northern Ireland that no pains would be spared in bringing the perpetrators of this crime to justice. It would welcome further assurances about what measures were being taken to protect other Republican lawyers. In a telephone conversation with the Taoiseach that morning, Mr McGrory had said that he had had no contact about this with the security authorities: this the Taoiseach had regretted. The Irish Government would also welcome a statement by the British Government to the effect that an attack on any lawyer

represented an attack on the legal system as a whole. It would be most unfortunate if any other impression were to be conveyed.

3. Sir Robin Butler said that there was a very clear distinction to be made between saying, as Mr Hogg had said, that some solicitors in Northern Ireland were unduly sympathetic towards the IRA; and criticizing lawyers acting responsibly in pursuit of their professional duties. If there were any evidence at all for the rumours that the police had encouraged attacks on Republican lawyers, that would be utterly deplorable. But Mr Hogg's remarks could not possibly be interpreted as giving licence to such activities and he regretted that the statement which the Taoiseach had issued came close to implying that Mr Hogg was in some way responsible for the tragic murder of Mr Finucane.

Trevor Woolley

T A WOOLLEY

13 February 1989

STATEMENT BY THE TAOISEACH

I am horrified by the murder of Mr Patrick Finucane and the injury to his wife in Belfast last evening. I offer my sincere condolences to his family.

No effort should be spared to bring the perpetrators of this dreadful crime to justice.

This murder is a particularly disturbing development and represents a major attack on the system of justice in Northern Ireland. It is vital to justice and to the rule of law in a democratic society that every accused person should have a fair trial and full legal advice and representation. Lawyers have a duty to act for accused persons and to ensure that they are properly represented in court.

In Northern Ireland, the lawyers have given their professional services conscientiously, impartially and courageously to anyone in the community who has been accused of a crime. They have done so irrespective of political belief and in the wider interests of justice and the rule of law. It is essential that their role as officers of the court be respected, facilitated and upheld by the British Government and that their security be assured.

The need for the greatest care to be given to any statements which might have tragic consequences in Northern Ireland has once again been underlined and I expect that this aspect will be urgently and fully considered.

I have conveyed my views on these matters to the British authorities.

CEC

3(a)

Canadian High Commission

Haut Commissariat du Canada

Macdonald House
1 Grosvenor Square
London W1X 0AB

February 13, 1989

SECRET

Mr. C. D. Powell
Private Secretary to the Prime Minister
10 Downing Street
London SW1A 2AA

Dear Mr. Powell,

I should be grateful if you would transmit to Prime Minister Thatcher the attached letter from Prime Minister Mulroney.

Yours sincerely,

L. A. Delvoie
Deputy High Commissioner

IRELAND: Situation PT27

SECRET AND PERSONAL

2 MJ 20 FK

10 DOWNING STREET

LONDON SW1A 2AA

From the Private Secretary

6 February 1989

Enoch Powell has recently let us have indirectly the enclosed note containing a proposal for making progress in Northern Ireland. Although skilfully drafted, it is in practice simply another suggestion for the full integration of Northern Ireland into the United Kingdom. Although Enoch Powell claims that Mr Haughey would accept something on these lines and is politically strong enough in the Republic to carry it through, it is hard to see in practice how this could be so. More importantly, there are no grounds for assuming that Enoch Powell's proposal would do anything to diminish violence by the PIRA: indeed it would probably increase it.

The Prime Minister would not wish Enoch Powell's note to be seen by officials in your Department. Nor would she wish your Secretary of State to raise the matter directly with Enoch Powell. But if he has any comments on the note which he would like us to take account of in formulating a response, which would be sent through the same indirect channel, she would be grateful to have them. It would be best if you were to put them in a personal letter to me.

Charles Powell

Stephen Leach Esq
Northern Ireland Office.

SECRET AND PERSONAL

'T'

BOX

1a

CANADA

PRIME MINISTER • PREMIER MINISTRE

PRIME MINISTER'S
PERSONAL MESSAGE
SERIAL No. T26a189

SECRET

February 3, 1989

SUBJECT cc MACE
OPS

Dear Margaret,

Mar PT26

This is further to my letter of December 16, 1988, with particular reference to the provision of counter-terrorism training to the Republic of Ireland's Garda Siochana.

I am pleased to advise that the Canadian Security Intelligence Service is in the process of establishing the Garda Siochana's precise requirements. An appropriate training program, specifically tailored to the Garda Siochana's needs, will follow.

I hope that Canada, in acceding to the Irish request for assistance, can contribute towards the fight against terrorism and provide some relief to the situation in Northern Ireland.

Yours sincerely,

The Right Honourable Margaret Thatcher
Prime Minister of the United Kingdom
10 Downing Street
London, England

IRELAND: Summit PT7

PRIME MINISTER

NORTHERN IRELAND

Enoch Powell came to see the Lord President today to convey to you some thoughts about the way ahead in Northern Ireland. The Lord President has given me the following account of their conversation.

Enoch Powell said that he had some ideas which he wanted to pass to you, but did not wish to go through the Foreign Office or the Northern Ireland Office since he had no confidence in them. The essence of his idea was that Mr Haughey's political position in the Republic was strong enough to enable him to do something which none of his predecessors could have done and put an end to the problem of Northern Ireland in Anglo/Irish relations. He was convinced that Haughey was fed up with being branded as a traitor because of his participation in the Anglo/Irish Agreement and wanted to be rid of the problem altogether. He would be prepared to take bold steps to achieve this, including giving 'constitutional legitimacy' to Northern Ireland as part of the United Kingdom. He had drafted some proposals which he handed over (attached). Enoch Powell continued that he worked on the assumption that you were less than one hundred per cent convinced of the value of the Anglo/Irish Agreement, but would not budge from it unless there were alternative arrangements which were wholeheartedly accepted by the Unionists and the Republic.

The paper is skilfully drafted but is in essence a cover for full integration of Northern Ireland into the United Kingdom, even though presented as merely an extension of the Anglo/Irish Agreement. It is impossible to see how Mr Haughey could accept it. If he is already pilloried for the Anglo/Irish Agreement he would surely suffer even worse for this. More importantly, there are no grounds for assuming that such a step would do anything to diminish violence by PIRA, indeed it would probably increase it.

All that said, you may think it best to remain in contact with Enoch Powell on these issues. Could we perhaps have a word on how best to handle a reply? You need to decide in particular whether or not to involve Tom King on a strictly personal basis and get his assessment of Enoch Powell's proposals.

CDP

CHARLES POWELL
3 February 1989

Enoch Powell proposal.

1. A meeting of the Anglo-Irish Intergovernmental Council to be held for the purpose of reaching agreement on the following lines:

(i) The Council to establish machinery for on-going joint consultation between the two governments on all matters, economic, security, judicial, external, but NOT constitutional, which affect both countries, including the rights and interests of their respective citizens in the other country.

(ii) HMG to establish a Commission to recommend to it, within a short time limit, provision for re-establishing local government in Northern Ireland on a basis as close as possible to that of local government in the UK and Republic, for the purpose of administering the same matters as are administered by the corresponding local authorities in the UK.

(iii) HMG to propose to Parliament arrangements for securing for Northern Ireland parity of treatment with the rest of the UK for all parliamentary purposes, including legislation, accountability, and select committee supervision.

(iv) The above to be underpinned by a joint parliamentary body, with secretariat, reflecting on an equal basis the political composition of the respective representative Houses.

2. If agreement can be reached on the above lines, the leaders of those Northern Ireland parties represented in and attending Parliament to be brought into direct consultation with the contracting parties upon the matters agreed, within the framework of the Intergovernmental Council, wherever sitting.

3. Subject to satisfactory outcome of consultation under para 2, these arrangements to be regarded as making improved provision for the purposes envisaged by the Anglo-Irish Agreement of 1985, of which they would be regarded as an extension and implementation and as representing the outcome of the review provided for under the terms of that Agreement.

CONFIDENTIAL

NORTHERN IRELAND OFFICE
WHITEHALL
LONDON SW1A 2AZ

SECRETARY OF STATE
FOR
NORTHERN IRELAND

The Right Honourable John Wakeham MP
Lord President
68 Whitehall
LONDON
SW1A 2AT

20 January 1989

Dear Lord President,

When we met yesterday I explained that I was grateful to the Lord Chancellor for his agreement that an appeal to the House of Lords should be mounted in respect of the decision of the Northern Ireland Court of Appeal in the case of Burns, Toman and McKerr. I understand that the other recipients of his letter of 16 January were also content with this course. As a separate issue, we also discussed the general question of what might be done to prevent members of the security forces from having to appear at inquests in Northern Ireland into cases of death in which they were involved, should an appeal to the House of Lords fail.

Technically it would be possible to amend the Coroners Act (NI) 1959 by Order in Council so as to reinstate Rules 9(2) and (3) which were ruled to be ultra vires by the Northern Ireland Appeal Court. The effect of those rules (which were peculiar to Northern Ireland) was that noone who had caused a death was a compellable witness at the inquest into that death, irrespective of whether he or she had any connection with the security forces. However, any Order which sought to re-establish that position in Northern Ireland alone would be open to the telling criticism that if such a measure is right for the Province, it should also be right for England and Wales, since the

underlying issues of principle are exactly the same. Therefore I could not justify an Order which aimed to re-establish in Northern Ireland alone this general exemption for everyone who had caused a death.

However, I also believe that we must take some action to protect RUC and Army witnesses who are involved in deaths and would otherwise have to appear at inquests. If the Lords turn down our appeal, we could approach future inquests on the basis that we would, through Counsel, seek judicial review of any decision by the coroner to allow a question which could either be damaging in security terms or which was irrelevant to the purposes of the inquest. Additionally, there could be greater use of public interest immunity certificates; but these are open to challenge and, in any event, continued reliance on such certificates might well bring them into disrepute. My conclusion is that we cannot be sure that we can adequately protect the national interest during sensitive inquests even by a combination of these methods. Moreover, there would still be no getting around the increased risk and threat to individual servicemen who have to attend inquests, nor the increase in the resources which would need to be devoted to protecting them. And there is the added risk that, if our appeal to the Lords fails, we can expect to see a succession of challenges against inquests held before the NI Court of Appeal's judgement on the basis that they were invalid. This would provide a succession of opportunities for terrorist propagandists to attack the security forces.

I therefore believe that we must change the law. The problem is, however, that an Order in Council could not appropriately be used to achieve the protection which is needed. One option (despite the practical and political difficulties which I do appreciate) would be to seek to make the necessary changes in the Prevention of Terrorism Bill. I should be looking for new provisions which expressly exclude members of the security forces who are involved in deaths while carrying out their duties from the obligation to attend as witnesses at the inquests. I believe the new provisions could be fully justified on the grounds that due to the terrorist situation in Northern Ireland it is in the public interest for protection to

continue to be available to members of the security forces who come into this category.

As we noted yesterday, the timetable motion for the Prevention of Terrorism Bill is down for debate on 23 February. This may well mean that it is preferable to seek the inclusion of the necessary provisions in the Lords. However, if that proves unacceptable, the alternative which we will have to consider is to introduce a separate freestanding Bill to achieve the protection which the security forces need and deserve.

We agreed yesterday that these complex issues needed further consideration and that an early meeting of colleagues was the best way of taking matters forward. I should be most grateful if you would agree to chair such a meeting in the course of next week. I suggest that our Private Offices be in touch to make the necessary arrangements.

This meeting will also provide an opportunity to discuss the new clause I have already proposed for inclusion in the Prevention of Terrorism Bill, if colleagues wish to do so. My letter of 17 January to Douglas Hurd sets out what I am proposing here. Work on this clause is considerably more advanced than on the provisions relating to inquests and I must stress that I attach considerable importance to securing it in the Prevention of Terrorism Bill, if at all possible at Report Stage but otherwise in the Lords.

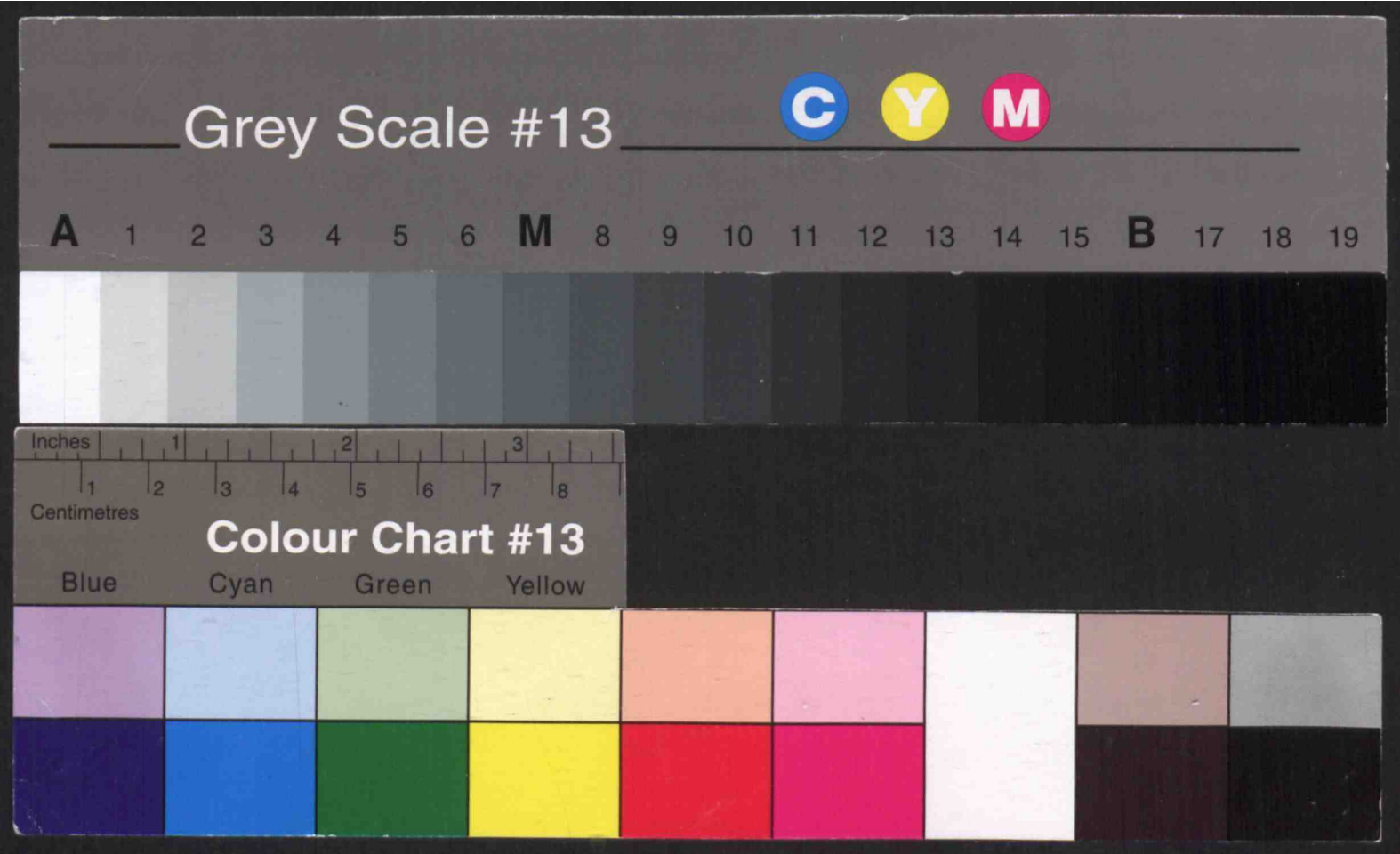
I believe that Geoffrey Howe, Douglas Hurd, George Younger, James Mackay, Paddy Mayhew, John Belstead and David Waddington would wish to attend our meeting, in view of their interest in these matters. I am sending copies of this letter to them as well as to the Prime Minister and Sir Robin Butler.

Yours, etc.

S. J. Leach.

[Approved by the Secretary of State and signed in his absence.]

r.r. TK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Inches
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Colour Chart #13
Blue
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Green
Yellow