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Foreign and Commonwealth Office

London SW1A 2AH

26 July 1984

From The Minister of State

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Dear Tim,

DEROGATIONS FROM INTERNATIONAL HUMAN RIGHTS INSTRUMENTS

You copied to Geoffrey Howe, who is now in Hong Kong, your letter of 3 July to Leon Brittan.

I agree with the conclusion of the inter-departmental Working Group and also with your comment that this demonstrates the extent to which we have been able to preserve civil and political freedoms in the face of a terrorist campaign designed in part to provoke just the reverse.

I agree that, in the light of this detailed review, we should now withdraw all of our notices of derogation under the two instruments. Our imminent report to the Human Rights Committee makes this particularly timely. The UN Human Rights Commission is also likely to give increasing attention to derogations and states of emergency. To retain our notices of derogation would provide those intent on exploiting and internationalising the problems of Northern Ireland with unnecessary ammunition for their cause. We have, thus far, been reasonably successful in heading off serious international criticism of the security measures necessary for Northern Ireland, although this has required intense diplomatic effort at times. Withdrawal of our derogations, as the paper points out, would not remove this danger but it would certainly make our task easier and would reflect more accurately the realities of the situation we now face.

/As.

The Rt Hon James Prior MP  
Northern Ireland Office  
Whitehall  
LONDON  
SW1A 2AZ

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As for Section 14(2) of the Northern Ireland (Emergency Provisions) Act 1978, there is a small risk of a successful case being brought against the United Kingdom at Strasbourg so long as Section 14(2) remains in being, but I believe that we should be prepared to live with this possibility for the sake of the substantial advantages of a clean withdrawal of the derogations.

I am copying this letter to the Prime Minister, Leon Brittan, Michael Heseltine, George Younger, Quintin Hailsham, Kenneth Cameron, Michael Havers and Sir Robert Armstrong.

*Yours ever*  
*Jane*

Baroness Young

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Human Rights

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