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HMV(84) Series

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CABINET

ANGLO-IRISH SUMMIT NOVEMBER 1984

MEMORANDA

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   i. CROSS-BORDER BRIDGES

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j. PRISON SEGREGATION

k. JOHN McVEIGH: PRISONER IN THE MAZE

l. SUPERGRASSES

m. HOME MADE EXPLOSIVES

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ANGLO-IRISH SUMMIT

NOVEMBER 1984

GENERAL BRIEF

Brief by Foreign and Commonwealth Office

INTRODUCTION

1. Dr FitzGerald is a resolute opponent of terrorism and has played a crucial role in promoting greater public awareness in the Republic of the complex realities of the situation in Northern Ireland. As part of this process, he set up the New Ireland Forum in March 1983, an organisation designed to bring together the main Irish political parties (excluding Sinn Fein) to discuss ways in which peace and stability might be restored in Ireland, North and South. All the main parties in the Republic together with the SDLP took part. The unionist parties refused to involve themselves in it, though one or two submissions reflecting a unionist point of

view were made to it. In practice the Forum was dominated b
expressions of the nationalist point of view.

2. The final report of the Forum appeared, after much haggling, in May of this year. It was in many respects disappointing: it offered a one-sided analysis of the probl
and proposed three constitutional models (a unitary state,
federal state and joint authority) which were quite impractical and unacceptable to us. It was plain that Dr FitzGerald had been forced to compromise in order to achieve a consensus with Mr Haughey. Nonetheless, the repo
contained some important, positive elements for which Dr FitzGerald can take much of the credit: an unambiguous condemnation of violence and those who support it; a statement that the Forum parties were willing to consider other views; recognition of the separate identity of the unionist people of Northern Ireland and repeated reference t
the importance of the principle of consent. Dr FitzGerald has said that he regards the report as an agenda for discussion rather than a blueprint

3. Mr Prior responded immediately to the Forum report by issuing a statement on behalf of HMG setting out our initia
reactions to it. The report was later debated in the House of Commons and the House of Lords. In the Commons debate o
2 July Mr Prior offered some more detailed reflections on the
report, and declared HMG's willingness to hold talks with all the constitutional political parties in the North and with the Irish Government. Until recently the Irish were trying to propagate the idea that the Summit meeting would provide

the opportunity for HMG to deliver a "considered response" to the report. But Dr FitzGerald himself at his party's recent annual conference said that it was more important that HMG should give the right response than that we should respond quickly.

4. Each of the main non-Nationalist parties in Northern Ireland have also provided proposals for the future political development of Northern Ireland. In October an independent British group under the chairmanship of Lord Kilbrandon commented on the Forum Report, and put forward proposals of its own. Each of these reports attempted to grapple with the problem which the Forum ducked: what arrangements were likely to be acceptable in Northern Ireland in the absence of consent by the majority to a change in the province's constitutional position in the United Kingdom.

PRINCIPAL OBJECTIVE

5. The main purpose of the Summit meeting will be to review developments in Northern Ireland. Briefing on this is being circulated separately.

SECONDARY OBJECTIVES: ANGLO-IRISH INTERGOVERNMENTAL COUNCIL (AIIC)

6. The Summit will also provide an opportunity for the Prime Minister and Dr FitzGerald to review the activities of the AIIC. Five meetings of the Coordinating Committee of the AIIC have been held over the past year. A wide range of subjects under the general heading of "Measures to Encourage Mutual Understanding" have been discussed. The Coordinating

Committee has produced an agreed report on its activity over the period. It is not proposed that the review should be published.

EUROPEAN COMMUNITY

7. On the whole we have worked well with the Irish Presidency. Although they themselves have no interest in budget discipline, they have worked conscientiously towards producing a satisfactory text. The Prime Minister may wish to express her appreciation to Dr FitzGerald. If the outstanding issues on budget discipline have not been resolved by the time of the Summit, she may wish to urge that work should be completed so that the European Council does not have to have a substantive discussion.

8. Much attention at the Dublin European Council on 3/4 December will centre on the future development of the Community. The Prime Minister may wish to refer to the suggestion we have made that M. Delors should be present. The work of the Dooge Committee is still at a comparatively early stage and we should suggest to Dr FitzGerald that, rather than try to present interim conclusions, the Chairman of the Committee should simply make a progress report to the Council. The Irish Government has few reservations about the idea of a Treaty on European Union. They are, however, likely to be less happy about the German idea of a Treaty covering political cooperation and security. The Prime Minister might point out to Dr FitzGerald that we are likely to be able to go further on political cooperation than the Irish, whilst they may be willing to go further than us on

some other issues. There is nothing to be gained from a divided report which all Member States are unable to implement. This is why we believe the Committee should continue to focus on those areas where we can agree on common action, and only thereafter on the institutional changes that may be necessary to implement that common action if it is not possible within the existing Treaty framework.

INTERNATIONAL ISSUES

9. It is unlikely that the Taoiseach will refer to any international issues: there are no specific matters that the Prime Minister will wish to raise.

PROGRAMME AND PARTICIPATION

10. For security reasons, details of the programme will be circulated separately to those who need to know. A list of all those attending the Summit is at Annex A. Personality notes are at Annex B.

AGENDA

11. The subject matter falls into three broad sections:

a) Northern Ireland;

b) the work of the AIIC;

c) (i) security cooperation

(ii) ~~home made explosives~~ OTHER BUSINESS etc.

(iii) other business, including international issues and EC affairs.

HANDLING OF BUSINESS

12. It is likely that the Prime Minister's tête à tête with the Taoiseach will be devoted almost entirely to Northern Ireland. The Taoiseach is unlikely to raise any other business. During this time, the Secretary of State for Foreign and Commonwealth Affairs, the Secretary of State for Northern Ireland, the Tánaiste (Deputy Prime Minister - pronounced Tawn-ishta) and Mr Barry will wish to discuss current Community matters, international issues and bilateral matters, including, for example, security cooperation, extradition of terrorists, and points arising from the review of activity in the AIIC. (Because Ministerial responsibilities do not match, it would be difficult to have two separate discussions.) It will also give an opportunity for finalising the communiqué and discussing wider affairs of common interest.

RESUMES OF BRIEFS

Republic of Ireland: Political and Economic Situation

13. Dr FitzGerald is the leader of a coalition government with an adequate working majority in the Dail. The coalition stands a good chance of holding together until the next general election (due in 1987). A three year Economic Plan was published in October which seeks to reduce public borrowing and curb unemployment. It has been criticised by some economists as not going far enough and being based on optimistic assumptions.

14. The publication of the New Ireland Forum Report in May aroused expectations in the Republic of progress in tackling Northern Ireland problem. Irish Government is pinning its hopes on British willingness to take steps to reduce "alienation" of the minority community. Mr Haughey remains committed to a unitary state and continues to use issue to attempt to embarrass Dr FitzGerald.

15. Social issues, such as divorce continue to divide Irish society. The urban crime rate and drug abuse problem cause considerable public concern, as do the criminal activities of PIRA and INLA.

Anglo-Irish Intergovernmental Council

16. Our objective is endorsement of the document which will be submitted to the Summit, namely the "Report of the Coordinating Committee to the Steering Committee of the Anglo-Irish Intergovernmental Council: 1984" and agreement to the proposal that the Coordinating Committee should re-examine its role.

Extradition of Terrorists

17. The Irish Supreme Court has recently redefined "political offence" so as to make easier the extradition of terrorists to the United Kingdom. The first terrorist to be extradited under new definition was McGlinchey. But Dr FitzGerald should be warned of the difficulties which might arise when McGlinchey comes to trial. These can be overcome but possibly at the cost of embarrassment to the

Irish and ourselves. It is important that the Irish Courts should continue to grant the extradition of terrorists.

Northern Ireland

18(a) Northern Ireland Political Parties and the General Political Scene

Local political debate has recently been dominated by the Summit and there is a belief that no progress can be made until the meeting has taken place. Unionists have repeated their fundamental opposition to granting the Irish Government any say in the running of Northern Ireland's affairs while the SDLP have sought to emphasise the importance of the Summit and the need for a new Anglo-Irish initiative.

(b) Security Cooperation

The nature of the terrorist threat makes full cooperation at all levels between the security forces of both countries vital. Every effort must be made to develop and sustain close and effective cooperation, starting at the top, and to ensure that it is not impaired.

(c) Border Incursions by the Security Forces

The security forces operating close to an often ill-defined border in dangerous circumstances sometimes mistakenly cross the border. Protests from the Irish Government about incursions are unhelpful.

(d) Border Road Closures

Border road closures are an essential component of border security measures. Decisions to carry out closures are taken only after careful consideration and consultations with locals. Where possible, we try to inform the Irish of our intentions.

(e) Plastic Baton Rounds

Plastic Baton Rounds remain the most effective means, consistent with the use of minimum force, of controlling serious riots in Northern Ireland. The European Commission of Human Rights recently confirmed the right of the security forces to use plastic baton rounds in certain circumstances.

(f) The Judiciary in Northern Ireland

The Judiciary is entirely independent of the Executive, and applies the law impartially. The security forces can only act within the law.

(g) Strip Searching at HMP Armagh

Strip searching is necessary for security reasons at HMP Armagh and other comparable prisons. The search procedures are uniform in all prisons and they are not degrading.

(h) Lengthy Remands

The timing of individual trials is entirely the responsibility of the courts and all judicial remedies are available to persons in remand or awaiting trial.

Every effort is being made to reduce delays and they are on the decrease.

(i) GAA Pitch at Crossmaglen

Every effort is being made to ease the problems caused for the GAA Club by the adjacent security forces base access route, which runs across the Club's car park.

(j) Cross-border Bridges

The security situation does not permit the re-opening of the three bridges to vehicular traffic for the moment. Pedestrian access will be improved in the near future.

(k) Prison Segregation

It is important to maintain an integrated prison system in the interests of effective security and control. Segregation increases paramilitary influence and does not mean greater safety for prisoners.

(l) John McVeigh: Prisoner in the Maze

The Irish have expressed concern about prisoners serving indeterminate sentences and raised the case of John McVeigh who is serving a life sentence for murder. All cases of indeterminate sentences are reviewed regularly with special attention given to those where extreme youth is a factor.

(m) Supergrasses

Uncorroborated evidence is admissable in Irish and British courts, which determine the guilt or innocence of those involved. The police must use whatever evidence is available in the interests of saving lives.

(n) Home Made Explosives

Home made explosives are one of the most dangerous weapons used against the security forces. British and Irish officials are considering the possibility of denying terrorists access to the raw material from which they make their bombs.

(o) Energy

The Kinsale Gas Project was terminated following an adverse economic re-assessment based on quantifiable facts. The position of the UK's capital contribution of £5m is being considered. The economic potential of the lignite deposits is not yet quantified.

(p) North/South Economic Cooperation

The Government is committed to cross-border economic cooperation on a mutually beneficial basis. Several projects are under consideration at present.

(q) Carlingford Lough and Lough Foyle

The status of the two border loughs, Lough Foyle and Carlingford Lough, is disputed with the Irish. We propose the delimitation of boundaries. The Irish reject this and have proposed joint economic

exploitation. It is in the interests of both sides not to allow the issue to become a matter of contention.

European Community Issues

19(a) Enlargement

Support for Presidency's efforts. Political sensitivity of Spanish car tariffs. Solidarity on fisheries.

(b) Internal Market

European Council should call for early progress. Mr Rifkind's well-received paper for Dooge Committee identifies priorities for action.

(c) Future Development of Community

Dooge Committee will have met five times by European Council. Any report to European Council should be genuine report of progress to date - not an attempt to prejudge substantive conclusions. Hope Committee will make real impact on work of Community. Congratulate on Professor Dooge's chairmanship. Hope he will continue into Italian Presidency. Need to establish areas where further Community action desirable/necessary and then determine best means to that end.

(d) Outstanding Budget Issues

We shall need to work closely with the Irish Presidency at the Budget Council on 29 November which will discuss the 1985 draft budget. We must impress on them that the European Parliament's attempt to undermine the

Fontainebleau agreement by putting our 1984 abatements on the expenditure side of the budget is unacceptable and must be firmly rejected.

If agreement on budget discipline has still not been reached, we should emphasise the urgency of finalising the text on the basis of the Irish Presidency's compromise proposals and of not allowing the points already agreed to be reopened. If agreement has been reached we should congratulate the Presidency on their efforts and emphasise that this must now be followed up by tough decisions at next year's price fixing.

(e) Lome and size of EDF VI (Defensive)

7 becu for ACP (plus something on enlargement) is Community position, and Community should stick to it. UK's present share (17.76%) of 7 becu is maximum we shall pay.

Bilateral Issues

20(a) Sellafield Discharges

The UK wishes to reassure the Irish that steps are being taken to minimise radioactive discharges from Sellafield into the Irish Sea. A major programme of investment is in hand, which will reduce such discharges, and a study has been announced into how they can be cut to as near zero as possible.

(b) Continental Shelf Delimitation

The Irish have been silent for two years on the question of the proposed continental shelf delimitation. With the launch earlier this year of respective further licensing rounds, both sides have had reasons to go slow. The recent Irish request for reciprocal assurance about licensing of blocks in disputed areas presents us with a dilemma at a time when we are uncertain whether they seriously intend to proceed with the arbitration. They are unlikely to raise the matter but if they do we would wish to stress our desire to resolve the dispute. Exploratory informal talks between legal experts would enable us to probe their current thinking.

(c) Irish Lights

The Commissioners for Irish Lights have agreed in principle to contribute to the cost of Irish Lights. They have been asked to put a figure on this commitment in order that the 1985/86 CIL budget can be agreed in February.

(d) Encounter

At the last Summit the Prime Minister and the Taoiseach welcomed the formation of Encounter. A successful first conference was held in London in April. Another is planned for late November in Dublin and two more next year.

(e) Irish Sailors and Soldiers Land Trust

Our proposals to wind up the Trust and distribute surpluses to governments have been met with general agreement by the Irish Government. However, their preference for using some of the distributed funds for promotion of Anglo-Irish and North/South cooperation could prove contentious. Officials to pursue further.

(f) MV Sharelga

The MOD admitted liability for the accidental sinking of the MV Sharelga in 1982. It was not possible to achieve a negotiated settlement, a writ was issued and the amount of compensation will be decided by the Northern Ireland courts in the new year.

International Affairs

21. Central America

The Irish Government are under some public opinion pressure favouring left wing causes in Central America, but seek to keep a low profile.

UK International Aid

22. EC Response to Ethiopian Famine

Community aid to Ethiopia has been substantial in 1984. Further Commission proposals were approved at Development Council on 6 November. The need now is for quick implementation and effective coordination of donors' efforts, and to keep up the momentum of aid to drought-affected African countries over the next year.

COMMUNIQUE

23. Draft paragraphs on the AIIC and European Community matters for inclusion in the Communiqué are attached at Annex C. The full text will be supplied separately.

PRESS ARRANGEMENTS

24. There will be no publicity for the visit. No press briefing will be given before-hand though Mr Ingham will provide a briefing afterwards.

Foreign and Commonwealth Office

8 November 1984

Annex A

UK DELEGATION

Prime Minister
Secretary of State for the Foreign and Commonwealth Office
Secretary of State for Northern Ireland
Sir Robert Armstrong GCB, CVO (Secretary of the Cabinet Office)
Mr Robert Andrew CB (Permanent Under-Secretary Northern Ireland Office)
Sir Ewart Bell KCB (Head of the Northern Ireland Civil Service)
Mr David Goodall CMG (Deputy Under-Secretary Foreign and Commonwealth Office)
His Excellency Mr Alan Goodison CMG, CVO (HM Ambassador, Dublin)
Mr Charles Powell (Private Secretary to the Prime Minister)

IRISH DELEGATION

Dr Garrett FitzGerald TD (An Taoiseach)
Mr Dick Spring TD (Tanaiste and Minister for Energy)
Mr Peter Barry TD (Minister for Foreign Affairs)
Mr Dermot Nally (Secretary to the Government)
Mr Sean Donlon (Secretary, Department of Foreign Affairs)
HE Noel Dorr (Irish Ambassador to the United Kingdom)
Mr Michael Lillis (Head of Anglo-Irish Division, Irish Department of Foreign Affairs)
Mr Peter Prendergast (Government Press Secretary)

ANNEX B

FITZGERALD, DR GARRET MICHAEL DESMOND TD

An Taoiseach (elected 14 December 1982). Leader of Fine Gael.

Born: 6 February 1926 in Dublin. Education: Belvedere College, Dublin; University College Dublin (BA in History and French, PhD in Economics); King's Inns Dublin (called to bar in 1947 but never practised).

Worked 1947-58 for Aer Lingus, mainly as economic planner. Journalist since 1953 (has been Irish correspondent of the BBC, the Financial Times and the Economist). Lecturer in Economics, UCD, 1959-73. Managing Director, Economist Intelligence Unit of Ireland, 1961-72. Joined Fine Gael 1964; Fine Gael Senator 1965-69. Fine Gael Deputy for Dublin South-East since 1969; spokesman on Education 1969-72; Finance 1972-73. Minister for Foreign Affairs 1973-77; Leader of Fine Gael since 1977. Taoiseach June 1981 - March 1982.

Dr Garret FitzGerald has a family background which he believes gives him a special interest in and insight into the conflicting traditions in Ireland. His parents took part in the 1916 Rising. His mother, Mabel McConville, was a Presbyterian from Belfast; his father, Desmond FitzGerald, was a Roman Catholic, born and brought up in London, who was Minister for External Affairs and then Defence in the 1922-32 Governments.

Dr FitzGerald contributed greatly to the policies which reshaped Fine Gael in the 1960s. In 1972 his book "Towards a New Ireland" argued that reconciliation required radical changes in the Republic as well as in Northern Ireland. These ideas were elaborated in his (uncompleted) "crusade", launched in 1981 during his first short spell as Taoiseach, to amend the Republic's Constitution in a non-confessional direction. His ideas on the whole subject were spelt out in his Dimbleby Lecture "Irish Identities" delivered on BBC TV in May 1982.

He was elected unopposed to lead Fine Gael following Mr Cosgrave's resignation in July 1977. Since then the party has benefitted electorally from the widespread popularity which he has enjoyed (in particular contrast to Mr Haughey) as an honest and unselfish politician ("Garret the Good"). He is also widely respected overseas and was an impressive Minister for Foreign Affairs during the Republic's first spell in the Presidency. He is a committed European.

He sees himself as a social democrat and his front-bench appointments in 1981 and again in 1982 have given the party a less conservative image than in the past. But his reforming instincts are subject to current financial constraints and the conservative instincts of some of his own party. In general he is happier adumbrating reforms than pushing them through. At times he will use Labour's weight in Coalition to offset his own right-wing. While generally a defender of civil liberties, he is also a devout Catholic and finds difficulty on issues like abortion and

/divorce

divorce in squaring his personal orthodoxy with his belief in a pluralist United Ireland.

He is an intelligent and fluent speaker whose fluency sometimes leads him to get bogged down in detail. Personally easy and approachable, he is quick to respond and to engage in debate. He is most at home with journalists and with theologians and other academics. A degree of self-righteousness, reinforced by impetuosity and reliance on a coterie of advisers, can lead him into major errors of judgement. His intervention with HMG over the H-Block hunger strike in 1981; his tough but insensitive 1982 budget (which brought down his first Government) and his proposed all-Ireland courts and police force in the November 1982 campaign were all own goals. But his personal appeal, his intellect, energy and sense of mission make him a formidable, if unorthodox, political leader.

He is deeply devoted to his wife Joan (née O'Farrell) who has a strong personality and influence on him. In recent years she has been crippled by severe disease. They have two sons and one daughter, who lives in England.

SPRING, DICK TD

Tanaiste (Tawn-ish-ta = Deputy Prime Minister) and Minister for Energy.

Leader of the Labour Party.

Born 1950, Tralee, Co. Kerry.

Education: Christian Brothers Tralee, St Joseph's Roscrea, Trinity College Dublin; the King's Inns (called to the bar 1975). Played Gaelic football and hurling for Kerry and won three rugby caps for Ireland in 1979. Elected to the Dáil 1981, taking over his father's seat. Minister of State in the Department of Justice 1981-82. Elected Leader of the Labour Party on 1 November 1982 following the resignation of Michael O'Leary.

Mr Spring comes from a family notable in politics and sport. His election as leader of his party, when it was in disarray and only three weeks before a general election, helped it to maintain a reasonable level of success, but in the Coalition he has been unable to prevent Dr FitzGerald treating him as very much the junior partner, and keeping him, for instance, very much on the fringe of Anglo-Irish relations. Meanwhile his party lost all its seats in the European Parliament elections, but the consequent mutterings against the policy of coalition do not appear to have been directed against his leadership.

He has a rather shy serious manner, but perhaps he is smiling underneath his walrus moustache.

Still recovering from a serious back injury. His young and attractive wife Kristi (Hutcheson) is American: one son, one daughter.

BARRY, PETER TD

Minister for Foreign Affairs

Born 8 August 1928: Cork. Education: Christian Brothers School Cork. First elected to the Dáil for Fine Gael in 1969 in Cork City South-East. Lord Mayor of Cork 1970-71. Opposition spokesman on Labour 1972-73; Minister for Transport and Power 1973-76; Minister for Education 1976-77. Fine Gael spokesman on Economic Affairs and the Public Service 1977 - January 1981. Minister for the Environment in the 1981-82 Coalition. Deputy Leader Fine Gael since 1977.

Peter Barry is a tea importer and wholesaler and is very much the successful businessman; approachable and likeable. Has held a number of ministerial jobs competently, neither attracting nor inviting controversy. In opposition he was less impressive, possibly reflecting a temperamental preference for quiet constructive activity. Deeply opposed to violence in Northern Ireland, but more anxious to stress his nationalism both in public and in his confidential conduct of Anglo-Irish relations, he has been inclined to pursue with vigour the smallest of complaints against us, while maintaining an excellent personal relationship with Mr James Prior when he was Secretary of State for Northern Ireland. Has been an active President of the EC from June 1984; without always having studied his brief has made one or two errors of chairmanship, though generally well liked.

He was nearly a candidate for the leadership when Liam Cosgrave resigned in 1977 but settled for deputy to Dr FitzGerald. He commands wide respect in the party and is replacing former Taoiseach Jack Lynch (Fianna Fail) as the dominant political figure in the Cork area. He will remain the natural successor should anything happen to Dr FitzGerald over the next few years. Meanwhile, he is active in liaison with the Labour Party to maintain the Coalition.

Married 1958 to a charming and distinguished woman (Margaret O'Mullane) who spends most of her time in Cork; four sons, two daughters.

NALLY, DERMOT

Secretary to the Government.

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

After working for the Electricity Supply Board, Nally joined the civil service in 1947 as an Executive Officer in the Office of Public Works. Promoted to Administrative Officer in 1952, he transferred to the Department of Local Government where he worked on systems of local government and taxation. In 1960 he was promoted to Assistant Principal in the section dealing with national and local elections. In 1965 he became a Principal Officer with responsibility for housing. In 1973 he transferred to the Department of the Taoiseach with the rank of Assistant Secretary, becoming Deputy Secretary in June 1978. During this time, he reported directly to the Taoiseach on matters affecting the European Economic Community and Northern Ireland. He also kept an eye on foreign affairs in general and was involved in economic policy, both domestic and external. He was appointed to his present position on 2 July 1980 and has been closely involved in the AIIC.

Nally is an excellent civil servant, discreet, loyal and sensible. He is pleasant socially but is capable of taking a very robust line on instructions.

Nally is married with several children. His wife, who is from West Cork, is a native Irish speaker and teacher of the language. Mr Nally's interests are reading, golf and gardening.

DONLON, SEAN

Secretary, Department of Foreign Affairs.

Born: 1940 in Co. Meath.

Educated at St Finian's College, Mullingar, and originally studied for the priesthood (with Mr John Hume) at Maynooth; thence to University College Dublin.

Mr Donlon started his career in the Department of Finance, entering Foreign Affairs in 1963. Bonn from 1964 to 1969, being promoted to First Secretary (Economic Affairs) in 1968. 1969 Consul-General, Boston, and member of the Delegation to UN General Assembly. 1971-78 Anglo-Irish Section, DFA, initially as Counsellor and later as Head. October 1978 - October 1981, Irish Ambassador to the USA (and Mexico).

Donlon made his name in the Anglo-Irish Section and travelled extensively in Northern Ireland. While in Washington, he was a helpful ally in opposing NORAID and other PIRA influences; although also effective in pursuing Irish interests. He formed a close relationship with the "Four Horsemen" (Kennedy, Moynihan, O'Neill and Carey), but his opposition to Congressman Biaggi caused him some difficulties. Mr Haughey wished to remove him in 1980, but Donlon rallied his American supporters and beat off the threat. He was recalled as Secretary by Dr FitzGerald's government in 1981 and is said to have received an assurance that he would not be moved on when Fianna Fail returned to power.

As Secretary he has been frank and helpful in difficult times and in good. He is an able operator, and his earlier combative approach to Britain has mellowed. He has found the administrative burden of his present job distasteful. A rival with Lillis for Dr FitzGerald's friendship and patronage, he has probably lost out. This might be because Mrs FitzGerald prefers less flamboyant people. He likes his drink and at times this may affect his judgement. A keen poker-player, fond of night clubs.

Married with two children.

DORR, NOEL

Irish Ambassador in London.

Born Limerick 1933.

Education: St Nathy's College, Ballaghaderreen, Co. Roscommon; University College Galway and Georgetown University, Washington DC

Entered civil service as Assistant Inspector of Taxes 1958; Third Secretary DFA 1960; Third Secretary Brussels 1962; First Secretary Washington 1964; First Secretary then Counsellor (Press and Information) DFA 1970-74; Assistant Secretary and Political Director, then Deputy Secretary DFA 1974-80. Ambassador to the UN 1980-83. Ambassador in London since 1983.

Dorr is respected by his colleagues in the DFA and by politicians of all parties. A very skilful draftsman and considerate chairman in Political Cooperation meetings during the Irish Presidency in 1979, though he often failed to give a firm lead. His Security Council speeches during the Falklands War were determined by Mr Haughey's Government, but within that constraint he tried to minimise wider damage to Anglo-Irish relations. However, his attempts to be helpful were sometimes ill-judged, reflecting general Irish optimism about what can and should be achieved within the UN framework; and about Ireland's role as a mediator between the West and the Third World. He is working very hard in London, where his personality as a very serious, teetotal, hard-working public servant is in strong contrast to the unintellectual bonhomie of his predecessor.

Married 1982 to a charming woman who has had to have a cancer operation in 1984, reported to be completely successful.

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LILLIS, MICHAEL

Head of Anglo-Irish, Information, Political and Cultural Division in the Department of Foreign Affairs since March 1983.

Born about 1945. Michael Lillis claims to come from a fairly humble and traditionally Republican background. He was brought up for his first four years in West Cork, speaking Irish only. Educated at the Christian Brothers' School, Synge Street, Dublin, and UCD.

His appointments have been:

3rd Secretary, Madrid

Consul, Irish Consulate-General, Boston, Mass.

1st Secretary, later Counsellor (?), Washington

Counsellor, Political Division, DFA (handling US and UN matters)

1981: Promoted Assistant Secretary and seconded to Taoiseach's Department as Foreign Affairs Adviser

1982: Seconded to Cabinet of EC Commissioner Dick Burke in Brussels

March 1983: Returned to DFA as Head of Anglo-Irish Division

Michael Lillis is of smallish build with a round, boyish face and spectacles; florid cheeks. His manner is lively, friendly and agreeable, but he makes sure he gets his point of view across; and, on occasion, he can be sharply combative: he is also an attentive listener, generally very alert to sensitive points when he knows his subject well. His colleagues consider him a "workaholic" and he can often be found at his desk at weekends.

He is ambitious and successful in reaching his present position so young: and thus competitive. While in the Irish Embassy in Washington he had (and was proud of) a wide range of political contacts, but the use he made of them and his own views on Irish policy in the US sometimes clashed with his even more patently high-flying Ambassador, Sean Donlon. In his present job he is again directly subordinate to Donlon and there is some strain on him given that Donlon has already done his present job and also has close relations with the Taoiseach. They are rivals both for Dr FitzGerald's attention and for that of Mr John Hume. But Lillis has clearly gained the preference of the FitzGeralds and much of his success may be due to the patronage of Joan FitzGerald. His promotion in 1981 was political and he was obliged to move to Brussels when Mr Haughey returned to power in 1982. He is regarded with some suspicion by other DFA officials as too highly politicised.

He is a name-dropper and claims he has excellent sources of information by "the back way" on British politics. He visits Northern Ireland regularly. It is typical of him to boast of

knowing the Rev. Ian Paisley well, implying that they are still in touch, while the latter says he only speaks to Irish officials in Brussels.

He is a nationalist who repudiates any use of violence and is concerned about the threat to the stability of the Republic posed by terrorism in Northern Ireland, and in particular by Sinn Fein. He is determined to combat support for Irish extremists in the USA, while asserting that they are a small though vociferous minority. He speaks with authority, no doubt derived from his regular contacts with Dr FitzGerald, and is not afraid of bold moves or, sometimes, immoderate language. He does not appear to trust British intentions, but he clearly realises that, if he is to succeed in his present job, he has to convince British officials of his good-will, and he is willing to go to considerable lengths to do so. He is inventive in his approach to Anglo-Irish relations.

His wife was born in Lincolnshire of Irish parents. She has chosen to be Irish but some of her brothers and sisters have chosen to remain British. He claims his wife's English background makes him well able to understand British values and political attitudes. They have three young daughters.

PRENDERGAST, PETER

Government Press Secretary.

Born 1939 Galway. Education: Clongowes Wood College; UCD.

His commerce degree at UCD was followed by two years management training in West Germany. Joined Unilever 1965. Always interested in politics: joined Fine Gael in 1967, attracted by the "just society" group around Dr FitzGerald and Mr Declan Costello. 1969, Chairman Fine Gael National Council.

Responsible as General Secretary for the thorough reorganisation of the party after the 1977 debacle; retired in January 1982 (working as consultant for Stokes Kennedy Crowley Ltd) but returned for the February and November 1982 elections. Appointed Government Press Secretary 1982.

Extremely able with an easy charm and generally well-disposed. Sceptical about desirability of a united Ireland.

Married (Madeleine) with a boy and two girls. He is keen on golf and horse-racing and bred greyhounds in his youth. Close to Dr FitzGerald.

COMMUNIQUE DRAFT OUTLINE

1. Those present:

2. Passage on Forum Response (to be supplied separately).

3. The Two Heads of Government reviewed with approval the work done under the auspices of the Anglo-Irish Intergovernmental Council at both Ministerial and Official levels on political, economic, and cultural matters. They noted with satisfaction that much detailed work was continuing at official level. The Heads of Government look forward to further meetings of the Anglo-Irish Intergovernmental Council at all levels.

4. The Prime Minister and the Taoiseach welcomed progress made under the Irish Presidency towards implementing the conclusions of the Fontainebleau European Council. They looked forward to discussing the future direction of the Community at the European Council in Dublin on 3/4 December. They noted that the Fontainebleau agreement gave the Community a sound financial base on which to build the new policies needed to make the Community competitive and to promote wealth and job creation. The Prime Minister and the Taoiseach reaffirmed their determination to bring the enlargement negotiations to an early conclusion so that the target date for the accession of Spain and Portugal of 1 January 1986 could be met.

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7 November 1984

ANGLO-IRISH SUMMIT

NOVEMBER 1984

REPUBLIC OF IRELAND: POLITICAL AND ECONOMIC SITUATION

Brief by Foreign and Commonwealth office

(A) POLITICAL

1. Dr FitzGerald is the leader of a coalition government with an adequate working majority in the Dail. On present form the coalition stands a good chance of holding together until the next General Election (due in 1987).

(B) THE ECONOMY

2. The most pressing problem facing the Government is the poor state of the economy. Per capita GDP is the lowest in the European Community, apart from Greece, and public debt has reached a worrying level (119 per cent of GNP). Unemployment has now reached 16 per cent and is especially high among the under 25s, who form half the population.

Inflation, although considerably lower than it was, stands at 7 per cent.

3. After prolonged internal wrangling, the Government published in October a three-year Economic Plan which seeks gradually to reduce public borrowing and curb unemployment. Dr FitzGerald has described the Plan's aims as "modest but realistic", but although its compromise proposals are acceptable to both coalition partners, they have not aroused much enthusiasm elsewhere. Fianna Fail, under Mr Haughey, have been inhibited by the fact that the Plan includes many ideas which they themselves had proposed. Economists have criticised the Plan on the grounds that it does not go far enough and is based on fairly optimistic assumptions about medium and long term international economic prospects. Given the political constraints, it probably went as far as was feasible. It is doubtful whether the Plan will succeed in curing the Republic's economic ills but it has at least secured the cohesion of the coalition in the short term.

(C) NORTHERN IRELAND

4. The publication of the New Ireland Forum Report in May and subsequent press speculation about contacts between the British and Irish Governments aroused expectations in the Republic about the possibility of progress in tackling the Northern Ireland problem, but with the passage of time and more cautious press comment recently, these expectations have been reduced. The Irish Government is pinning its hopes on HMG's willingness to take steps aimed at reducing the "alienation" of the minority community. By stressing these

concerns rather than reiterating traditional nationalist calls for progress towards Irish unity, the Irish Government are trying to encourage greater public realism and responsibility in the Republic in relation to Northern Ireland. Mr Haughey however remains publicly committed to hard-line republican policies and will take every available opportunity to accuse Dr FitzGerald of "collaborating" with the British in propping up what he has described as the "failed political entity" of Northern Ireland.

(D) OTHER CONCERNS

5. Social questions, in particular the growing demand in certain circles for the removal of the constitutional ban on divorce, continue to divide Irish society. The Government will however be wary of taking political steps to deal with this problem in the absence of an adequate consensus.

6. The urban crime rate, and the problem of drug abuse, particularly in Dublin, are the cause of considerable public concern which the Garda are having difficulty in allaying. The criminal activities of the Provisional IRA and Irish National Liberation Army, aimed at financing their terrorist operations remain a serious problem.

Foreign and Commonwealth Office

7 November 1984

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7 November 1984

ANGLO-IRISH SUMMIT
NOVEMBER 1984

THE ANGLO-IRISH INTERGOVERNMENTAL COUNCIL (AIIC)

Brief by the Cabinet Office

OBJECTIVE

1. Endorsement of the Report of the Coordinating Committee of the Anglo-Irish Intergovernmental Council to the Steering Committee: 1984.

2. To obtain Irish agreement to proposal that the Anglo-Irish Intergovernmental Council Coordinating Committee should examine its current activities and consider its future role.

POINTS TO MAKE

3. Our respective Cabinet Secretaries have scrutinised these texts. Accept that they accurately reflect the state of work

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in the AIIC.

4. Therefore agree to take note of the Report and to authorise the Coordinating Committee to continue its work. Its first task in the coming year should be to make recommendations on its future role to the Steering Committee. Not enough substance to merit publication of the Report of the AIIC-CC. Short account of its work to appear in Communique.

BACKGROUND

5. The "Report of the Coordinating Committee of the Anglo-Irish Intergovernmental Council to the Steering / Committee: 1984" is at Annex A.

6. At the 1983 Summit the two Heads of Government expressed approval of the review of cooperation between the two countries on institutional structures, citizenship rights, security matters, economic cooperation and measures to encourage mutual understanding (MEMU). Whereas cooperation in most of these categories needed little additional impetus from AIIC, measures to encourage mutual understanding did require more stimulation. Consequently the Coordinating Committee, largely at Irish instigation, has tended to concentrate on the promotion of MEMU matters at its meetings since November 1983. Working groups on Education and Cultural Exchanges have been established at which there have been useful exchanges of information, possible joint projects have been identified and work has been commissioned as a result of these discussions from experts in the field on both

sides. A number of areas of possible cooperation have been identified and some new work is now in hand or has been completed. It has also proved a useful forum for discussing potentially controversial issues (eg RTE reception in Northern Ireland and the Irish language) amicably.

7. There is a limit to what the AIIC can do by reviewing activity already in being. Repeating the Joint Studies exercise is not likely to have the same effect as the first time. The law of diminishing returns applies. The UK side feels that the time has now come for the AIIC-CC to re-examine its role and to make proposals on its future activity to the Steering Committee. The original terms of reference made provision for such a re-examination after one year. It did not take place because of the poor state of Anglo-Irish relations at the time (1982).

Cabinet Office
7 November 1984

ANNEX A

RESTRICTED

REPORT OF THE COORDINATING COMMITTEE OF THE ANGLO-IRISH INTERGOVERNMENTAL COUNCIL TO THE STEERING COMMITTEE ON ANGLO-IRISH CONTACTS AND COOPERATION : 1984

1. At the Anglo-Irish Summit at Chequers on 7 November 1983 the two Heads of Government approved the report on the work of the Coordinating Committee of the AIIC submitted to them by the Steering Committee and authorised the Coordinating Committee to continue its work.

2. Since then there have been a number of meetings at both official and ministerial level. Subjects discussed have covered various aspects of political, economic and cultural relations between the two countries. A total 19 formal ministerial meetings have taken place since the Summit meeting in November last year. A full list, including the topics discussed, is annexed to this report.

3. The Coordinating Committee of the AIIC has met 5 times over the same period. It has proved a useful forum for reviewing existing cooperation and for identifying areas of mutual concern and of possible future cooperation. Progress has been made on a number of subjects under the general heading of Measures to Encourage Mutual Understanding. Prominent amongst these are topics related to education and cultural matters.

4. Discussions have taken place both at the Coordinating Committee and in a Working Group established for the purpose on a number of matters in the field of education. An Environmental Studies project has been proposed which would comprise a study of the varied elements that form the composite heritage of Ireland. The general aim of the project would be to help young people understand the social, cultural, economic and technological opportunities and problems facing society. Teaching materials designed for cross-curricula use would be developed and may be used in schools in the Republic, Northern Ireland and Great Britain on a voluntary basis. The Committee Co-Chairmen have instructed the Working Group on Education to continue to pay special attention to this proposal. Work is going forward on a proposal to hold a seminar on teaching of history in schools, which would allow for an exchange of ideas between teachers from the Republic and the United Kingdom. In this connection contacts have been proposed between the Irish Curriculum and Examination Board and the Secondary Examination Council in the United Kingdom. There has been a useful exchange of information on the entry requirements of third level educational establishments in both countries and the possibility of publishing this in some form is being considered. There has been some useful contact on language questions including contact between the Irish Department of Education and the Welsh Office.

5. It has been agreed that existing contacts between Her Majesty's Inspectors of Schools and the Irish Inspectors of Schools should continue and, where appropriate and possible, might be extended.

6. A Working Group was also set up to consider cultural exchange and related activities. The Group observed that while numerous activities (concerts, exhibitions, plays) are facilitated by financial support provided by both Governments, these represent only a small part of a much larger whole; contacts in the arts between the two countries are very extensive, and to be welcomed. Ways in which this flow could be further stimulated were examined. An examination was made of the extent of the academic links between institutions in the two countries and the possibilities for increasing them. Some scholarships have already been made available by the British Government and the Irish Government has proposed a scheme for exchange of postgraduate scholarships in science and technology to which the British Government has responded favourably. Substantial youth exchanges take place between the two countries and consideration will be given to ways of further stimulating such exchanges.

7. A Memorandum of Understanding to establish exchanges of civil servants for London and Dublin was signed on 19 October 1984. The scheme was one of the measures discussed by the Prime Minister and the Taoiseach at last year's Summit meeting as a measure to improve mutual understanding.

8. Voluntary organisations and community groups have continued to do valuable work to encourage understanding between the two countries. The two Governments in line with the policy outlined by the Taoiseach and the Prime Minister in the communiques of 6 November 1981 and 7 November 1983, continued to support and encourage voluntary organisations involved in creating greater understanding and reconciliation between the two countries and the two traditions in the island of Ireland, North and South. These voluntary organisations included;

Encounter

A new Anglo-Irish organisation sponsored by both Governments, it held its first conference in London on 4 April this year on employment opportunities in Britain and Ireland.

The British Irish Association

The BIA holds an important annual conference which is attended by senior Ministers and officials from both countries.

The Corrymeela Community

Corrymeela, which is supported financially by the Northern Ireland authorities, continued its work for reconciliation between the two communities in Northern Ireland.

Cooperation North

Cooperation North, which has received financial assistance from both governments, had another successful year in fostering exchanges between North and South.

Glencree Centre for Reconciliation

Glencree received a further grant from the Irish Government in 1984 to enable it to continue its important work in the reconciliation field.

Between

The Between organisation based in Cork was given a grant by the Irish Government to enable it to intensify its policy of

/arranging

arranging holidays in the South for children from Northern Ireland.

The Irish School of Ecumenics

This organisation was also grant-aided for the first time by the Irish Government in recognition of its efforts to promote reconciliation through its educational courses and other projects.

9. Other subjects discussed by the Coordinating Committee have included the degree of mutual recognition given by professional bodies to qualifications gained in the two countries. Architects, engineers and pharmacists are not yet subject to agreed EC directives. As a result of the Committee's work, the position in relation to these three professions has been clarified, and ways examined for easing the cross-boundary movement of qualified personnel on a pragmatic basis. Similarly changes arising from the EC development in the rules relating to houseman training in the United Kingdom for newly qualified doctors with Irish qualifications have been examined. In practice the position for Irish citizens and other EC nationals will remain the same. Non-EC nationals will however find that they have to accept "partial registration" as a necessary preliminary step to full registration.

10. At the request of the Irish side the Committee began an examination of the availability of RTE television broadcasts in Northern Ireland. Following a re-examination of the origin and nature of the present constraints of RTE UHF overspill into Northern Ireland, the radio regulating authorities are conferring closely on a study of the practical consequences that any changes in the level of RTE transmission power would have for existing and planned services within the United Kingdom. The results of the study will come forward to the AIIC for consideration. The Committee has noted with regret the deleterious effects on radio reception caused by pirate ratio stations operating in the North Sea.

11. The Coordinating Committee noted with approval that a referendum held in the Republic had given national support to a proposal that the constitution be changed to enable voting rights in general elections to be conferred on British citizens resident there. The way was thus clear for the Irish Government to introduce legislation to confer voting rights on resident British citizens in Dail elections. The Irish side expressed the hope that it would be possible to have such legislation passed by the end of 1984.

12. The Committee noted that cooperation on security matters continues to develop but it would be inappropriate to give further details here.

13. The Coordinating Committee welcomed the progress which was made in the negotiations between the Irish Ministry of Communications and the British Department of Transport about the funding of the Commissioners of Irish Lights.

14. The above is a brief outline of the work carried out by the Coordinating Committee of the AIIC and of sub-groups set up under

/its

its auspices during the past year. Much useful work has been done. Most of it is still in progress. The Coordinating Committee therefore believe that it would not be appropriate this year to append to the communique which will issue after the Anglo-Irish Summit a lengthy detailed report of its activities on the lines of that published in 1983. It therefore recommends to the Steering Group that the two Heads of Government should simply take note of the AIIC's activity by a brief reference in their communique.

Anglo-Irish Intergovernmental Council - Coordinating Committee
12 November 1984

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HMV(84)4

7 November 1984

ANGLO-IRISH SUMMIT

NOVEMBER 1984

EXTRADITION OF TERRORISTS

Brief by Law Officers' Department

OBJECTIVE

1. To encourage Irish authorities to continue their recent cooperation and to warn Dr FitzGerald of possible trouble in the McGlinchey case.

POINTS TO MAKE

2. We appreciate the current attitude of the Irish courts on what constitutes a genuine "political offence". Grateful for cooperation of Irish prosecuting authorities and Garda with their opposite numbers in Northern Ireland and in Great Britain.

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3. Very encouraging that it has led to the return first of McGlinchey and then of Shannon for trial in Northern Ireland. Hope that there will in due course be similar successful outcome to other proceedings now pending or likely to be instituted.

4. But necessary to mention that McGlinchey's case may not be plain sailing. Because of unavailability of some witnesses owing to lapse of time and intimidation of other witnesses, possible that we may not get a conviction. If so the two Attorneys-General have agreed arrangements for his immediate rearrest on a warrant sent up from the Republic, so that he can be returned to the Republic to face trial there for offences committed there prior to his capture. However, he will probably challenge the order for his return in the Northern Ireland courts on the ground that the offences specified in the warrant are "political offences". It is possible that the Northern Ireland Court of Appeal, presided over by the Lord Chief Justice, Lord Lowry, will uphold the challenge, since we believe that Lord Lowry does not agree with the approach of the Irish Chief Justice and his colleagues. That would obviously be very embarrassing to both Governments as well as to the Irish judges. But hope that the embarrassment will be short-lived, since I have been assured by the Attorney General that in these circumstances he will arrange for an appeal to be made to the House of Lords as a matter of urgency. He is confident that the House of Lords will overrule the Northern Ireland Courts of Appeal and express their own concurrence with the views of the Irish

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courts and that McGlinchey will be kept in custody in the meantime.

5. [Only if raised] We can find no record of any assurances having been given to the Irish authorities that the case against McGlinchey was "watertight". But it is possible that such assurances were given, perhaps by the RUC, before McGlinchey's return. Procedures have now been set up to ensure that extradition cases are in future vetted by the DPP in Northern Ireland before proceedings start in the Republic. In any case, McGlinchey still has a case to answer.

6. Regret the irresponsible article about the Glenholmes case in the Sunday Times of 11 November and other unhelpful press comments which followed it. Prompt statement issued by Sir M Havers and his subsequent replies to questions in the House of Commons will have put beyond doubt our recognition that criticisms of Irish authorities were unfounded. Confident that this unfortunate incident will not detract from wholehearted cooperation between the two Governments and between British and Irish police forces either in the Glenholmes case itself or in other cases still to be dealt with.

7. Our Attorney General looks forward to the same close and friendly cooperation with the new Irish Attorney General as he has always had with Mr Sutherland.

BACKGROUND

McGlinchey Case

8. Irish extradition legislation is imprecise. Until the decision to extradite McGlinchey, (who is charged with the murder of the mother of a member of the security forces during a PIRA attack on their home in 1977) no-one was extradited who claimed a political motivation for crimes committed in the United Kingdom. An innovative definition of a "political offence" was adopted by the Irish Supreme Court in McGlinchey's case ie "that the person charged was not at the relevant time engaged, directly or indirectly, in what reasonable, civilised people would regard as political activity", and led to his extradition to Northern Ireland. This "redefinition" of Irish law has provoked some political controversy in the Republic. McGlinchey's extradition has been followed by that of Shannon, to be tried for the murder of Sir Norman Stronge and his son. Another Northern Ireland case now pending before the Irish courts is that of Burns, a very dangerous PIRA terrorist who is wanted for the murder of a number of soldiers in South Armagh. This is the first case where the Supreme Court's "new doctrine" will be relied on to secure the return of a terrorist for attacks on members of the security forces, as distinct from civilians. It is therefore something of a test case. We have also started proceedings for the extradition of a woman, Evelyn Glenholmes, (see paragraph 11) and we also hope, once we have overcome some evidential problems, to start proceedings for the return of another terrorist (Downey) who is wanted by the Metropolitan Police for the Hyde Park and Regents Park bombings.

9. Although McGlinchey has been successfully extradited, his case could go wrong in a way which might badly damage our prospects of getting cooperation from the Irish Courts and Government in the future. However, we hope that the House of Lords can be relied on to put the matter right if necessary.

10. The Irish Attorney General (Mr Peter Sutherland) has been kept fully in the picture (though we have not told him explicitly about what Lord Lowry has told our Attorney General about his likely attitude) and he will almost certainly have warned Dr FitzGerald. But it was he who suggested that it would be wise for the Prime Minister herself to raise the matter with Dr FitzGerald in general terms so that he cannot later complain that he was taken by surprise.

Glenholmes Case

11. Evelyn Glenholmes is wanted by the police for various bomb outrages in London in 1981, some of which led to the death of civilians but some of which (eg the Ebury Bridge Road bomb) were aimed at soldiers and one (the attack on the Attorney-General's flat) was aimed at what might be claimed to be a "legitimate" target. The British and Irish Attorneys-General agreed on 23 October that the Burns case was now sufficiently advanced to allow proceedings to be started for the extradition of Glenholmes (and also Downey) as soon as we had satisfied ourselves that there was enough evidence available to give a reasonable prospect of success. This having been done, warrants for the arrest of Glenholmes were obtained on 31 October, the accompanying documents were

completed on 1 November and all the documents were taken by the police to Dublin on 5 November (the Garda having been told on 2 November that this would be done). On 6 November the Garda examined the documents and drew attention to various respects in which some of them might be open to objection by Glenholmes's lawyers or by their own court authorities. Though some of these objections proved not to be well-founded and others would not have been entertained in our own courts, the Metropolitan Police had the documents amended and re-issued and returned to Dublin on the same day (6 November). They were again examined by the Garda on the morning of 7 November and pronounced acceptable. Thereafter the responsibility for getting the warrants backed by an Irish court and then executed passed to the Irish authorities.

12. It is not known at what point Glenholmes was alerted to the fact that her arrest was imminent, with the result that she went underground. It was presumably before the Sunday Times published their article on 11 November. We know that the Sunday Times were aware some weeks previously - though we do not know how they became aware - that Glenholmes was 'wanted'. It may have been their investigations in Ireland for the purpose of their story, which alerted Glenholmes. But there may have been a lead from the Garda or other Irish sources. But, on any view, the publication of their story could have been expected to impede her eventual arrest and they were so advised before they published it - for example when they announced their intention to do so, on the previous day, to the Metropolitan Police and to the Attorney-General

New Irish Attorney General

13. Mr Sutherland is shortly to become the new Irish Commissioner with the European Community. His good personal relationship with our own Attorney General has stood us in very good stead. We do not yet know who his successor will be but Sir M Havers hopes to establish a similar personal rapport with him.

Law Officers' Department

13 November 1984

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HMV(84)5 COPY NO 56

12 November 1984

ANGLO-IRISH SUMMIT
NOVEMBER 1984

NORTHERN IRELAND POLITICAL PARTIES AND THE GENERAL POLITICAL SCENE

Brief by the Northern Ireland Office

SUMMARY

1. Since the Forum Report was published in May 1984, the Ulster Unionist Party (UUP), the Democratic Unionist Party (DUP) and the Alliance Party have all issued separate proposals for political development within Northern Ireland. Although the two main unionist parties have paid lip-service to the need to accommodate both sides of the community, they have failed to offer much of substance to the minority. Alliance has been more generous but the SDLP continue to press for an Anglo/Irish approach and to reject any notion that they might enter the Assembly. Local political debate has recently been dominated by the summit and there has been a professed belief that no progress can be made until the meeting has taken place. Unionists have repeated their fundamental opposition to granting the Irish Government any say in the running of Northern Ireland's affairs while the SDLP have sought to emphasise the importance of the summit and the need for a new Anglo/Irish initiative.

CONFIDENTIAL /ULSTER UNIONIST PARTY

ULSTER UNIONIST PARTY

2. The UUP's plans for political development were set out in their document 'The Way Forward'. The document proposes that, in the absence of agreement on a scheme for full devolution, administrative responsibility for certain local authority-type functions should be transferred to the Assembly as a first step. Responsibility for such matters would be exercised through a system of committees. Although written in a spirit of reconciliation, the document offers nothing more to the SDLP than a proportional share of seats on the committees. Doubts about the party's commitment to full-scale devolution remain: their latest proposals are entirely consistent with Mr Molyneaux's intergrationist preferences. Party members have been encouraged by the way their ideas have been received in London and Dublin but are frustrated by the lack of response from the SDLP and remain lukewarm in their attitude towards the Assembly. The UUP is concerned about the outcome of the summit: regular press speculation about the meeting has fuelled their suspicions of HMG's motives. The more realistic expectations of the last few weeks have gone some way towards calming their fears without in any way reducing their longstanding opposition to Anglo/Irish negotiations. Mr Molyneaux has warned that any attempt to establish a parliamentary tier with a Northern Ireland dimension would result in the UUP withdrawing from the Assembly.

DEMOCRATIC UNIONIST PARTY

3. The DUP are equally worried about the summit: Mr Paisley has reacted quickly and angrily to the steady trickle of 'leaks' from Dublin about the various new initiatives which might be tried. He and his colleagues are utterly opposed to any development, especially in the security field, which might be interpreted as a weakening of sovereignty. The DUP continues to work assiduously inside the Assembly but the party is not yet prepared to offer the SDLP more than a very limited role in any devolved administration. Their pamphlet 'Ulster: The Future Assured' contains little which is new. They continue their efforts to enhance the status of the Assembly in its present role and have attacked Mr Molyneaux for his renewed threat to that body's existence. Although equally opposed to a parliamentary tier, the DUP have said that they would simply refuse to participate rather than place in jeopardy an Assembly which they regard as a safeguard against a united Ireland.

SOCIAL DEMOCRATIC AND LABOUR PARTY

4. There is evidence that some members of the SDLP are beginning to adopt a more realistic attitude towards future political development. Whilst the party's public position remains that a major Anglo/Irish initiative is required to solve Northern Ireland's problems, there is growing acceptance that such a major initiative is unlikely. The more moderate element in the SDLP have been encouraged by

the apparent halting of the Sinn Fein bandwagon at the European elections and have begun to reassert their view that the party should participate more fully in internal political dialogue. Their room for manoeuvre will depend upon the outcome of the summit. A complete rejection of the Forum exercise would undermine Mr Hume's credibility in the minority community and strengthen the position of the party's 'green' wing. But, provided the Forum can be demonstrated to have contributed significantly to the development of Anglo/Irish relations, the SDLP may have sufficient confidence to re-involve themselves in the search for a devolved system of government within Northern Ireland.

ALLIANCE

5. Under Mr Cushnahan's leadership, Alliance remain firmly committed to 'partnership' government. Deeply frustrated by the attitude of the SDLP, they hope the summit will help to persuade Mr Hume and his colleagues to be more realistic. Alliance supports the idea of an Anglo/Irish parliamentary tier, provided it does not threaten Northern Ireland's constitutional position, and would welcome Assembly participation.

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HMV (84) 6(a)

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13 November 1984

ANGLO-IRISH SUMMIT
NOVEMBER 1984

SECURITY CO-OPERATION
Brief by the Northern Ireland Office

OBJECTIVE

1. To persuade the Irish of the urgent need to strengthen co-operation between the UK police (particularly the RUC) and Garda Siochana.

POINTS TO MAKE

2. Both Governments face a serious terrorist threat; not only in Northern Ireland but also in the Republic and in Great Britain. It is essential we co-operate at all levels and that our police forces have confidence in each other and share information and, where possible, expertise.

3. The RUC and the Garda - supported as necessary by the armed forces - should co-operate fully at all levels to defeat the terrorist threat. I hope the long-planned meeting between Chief Superintendents in border divisions will take place quickly. But the lead comes from the top: the Chief Constable and the Commissioner should meet as soon as possible.

4. Welcome and appreciate the close and effective co-operation which has existed between the Metropolitan Police, the security

services and the Garda. Regret and am angry about the Glenholmes incident. Essential for our police services to restore our good working relations and mutual confidence as soon as possible. Otherwise only the terrorist will benefit. Look for your support on this.

BACKGROUND

NI Border Security

5. The level of terrorist crimes in Northern Ireland is much the same this year as in 1983 or 1982: (see attached table of statistics). However, there is a worrying increasing trend in the vicinity of the border. Attacks upon locally recruited members of the security forces near the border have had a serious effect upon the morale of the Protestant population.

6. Republican terrorist groups are capable of sustaining current levels of violence, particularly in border areas where they are able to flee the jurisdiction quickly, and arrests are rare. The structure of terrorist groups, and the close knit nature of the nationalist communities make the gathering of intelligence very difficult.

7. There is a real risk of a revival in sectarian counter-violence if the security forces are not seen to be capable of dealing with terrorism and protecting the population.

Relations with the RUC

8. Attacks across the border can only be effectively countered

if the security forces in the Republic co-operate to the full by co-ordinating planned operations and by rapid joint reactions to terrorist incidents and threats. The level of co-operation is partly limited by available resources in the Republic: for example, the National Task Force was withdrawn from the border to deal with rising crime in Dublin. The RUC and Garda transact straightforward police business effectively across the border, where it clearly needs to be done. But the Garda show few signs of wishing to make positive initiatives to be helpful. While Liaison Officers have been established in the respective headquarters and border superintendents meet regularly, meetings agreed in January between border Chief Superintendents have been thwarted by disagreements over who should chair them.

9. Much of the problem stems from a lack of trust and confidence between the Chief Constable and the Commissioner, caused partly by the accusations made of RUC collusion over the McGovern case, which has percolated down to lower levels. In addition public criticism of the RUC by the Irish Government has not encouraged a more positive attitude towards co-operation in the ranks of either the Garda or the RUC.

Relations with GB Forces

10. Relations with the Metropolitan Police were generally good before the allegations appeared in the Sunday Times on 11 November about the Glenholmes extradition case. As a result of those disclosures, the Garda have told the Metropolitan Police and the security services to suspend all routine visits to Dublin. We believe this was on the orders of Commissioner Wren. The Metropolitan Police and Home Office officials are doing their best

to restore working relations as soon as possible. A breakdown in co-operation for any length of time would be extremely serious.

NORTHERN IRELAND OFFICE

13 NOVEMBER 1984

COMPARISON OF SIGNIFICANT SECURITY STATISTICS FOR THE PAST THREE YEARS UP TO 30 SEPTEMBER

Deaths	1982	1983	1984
RUC	4	5	7
RUC'R'	-	5	2
Army	10	3	6
UDR	3	7	10
Civilians	33	27	26
TOTAL	50	47	51
Injuries			
RUC	70	72	178
RUC'R'	17	20	42
Army	43	54	52
UDR	16	19	10
Civilians	278	167	426
TOTAL	424	332	708
Explosions	183	201	171
Weight in lbs	9934	4877	6230
Neutralisations	5876	6322	4123
Shooting Incidents			
Involving SF	152	142	107
Not involving SF	143	68	68
TOTAL	295	210	175
Charges			
Murder	35	46	36
Attempted Murder	84	45	61
Firearms Offences	127	118	129
Explosives Offences	33	35	19
Theft Act	110	94	82
Other	165	127	126
TOTAL	554	465	456

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12 November 1984

ANGLO-IRISH SUMMIT
NOVEMBER 1984

BORDER INCURSIONS BY THE SECURITY FORCES

Brief by the Northern Ireland Office.

OBJECTIVE (If raised)

1. To encourage the Irish to distinguish between accidental and deliberate incursions.

POINTS TO MAKE

2. Our security forces are clearly instructed not to cross the border on operational duties. We take a very serious view of any deliberate incursions. But the security forces must operate close to the border. Inevitably members may mistakenly cross the border, particularly where it is ill-defined. The same is true for members of the Irish security forces.

3. Formal protests about accidental incursions are seen by many in Northern Ireland as intended to inhibit operations and put lives at risk. Both Governments should avoid drawing attention to accidental incursions in either direction.

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BACKGROUND

4. Statistics on border incursions this year are attached. Our security forces have made 26 accidental incursions, the Irish 9.

5. Such incursions are inevitable when troops operate very close to an ill-defined frontier in dangerous circumstances. Although we do not formally protest about Irish incursions, they frequently make formal and public complaints about our incursions. Apologies are made for any incursions which we can confirm.

6. In many areas members of the Protestant population, and particularly members of the security forces, who live very close to the border are at risk. The terrorist campaign along the border is seen as genocide and there is a fear that the operations of our security forces might be inhibited in some way as a result of these criticisms.

7. A more moderate and less public approach by the Irish Government to border incursions might help reassure the Protestant population.

NORTHERN IRELAND OFFICE

12 November 1984.

INCURSIONS

(Reported by the Army in their monthly report)

	BRITISH	IRISH
JAN	1	1
FEB	1	1
MAR	4	2
APR	3	1
MAY	7	2
JUN	2	1
JUL	4	1
AUG	-	-
SEP	4	0
	26	9

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ANGLO-IRISH SUMMIT
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BORDER ROAD CLOSURES

Brief by the Northern Ireland Office

OBJECTIVE (if raised)

1. To highlight the closure of border roads as an essential component of border security measures.

POINTS TO MAKE

2. The closure of a number of cross-border roads form an important part of the defence against the movement of terrorists, and their equipment, into, and out of, Northern Ireland. They also reassure the local Protestant population, especially those who live in isolated areas.

3. There is clear evidence that there has been a significant increase in the number of terrorist incidents which occur in the border regions and the security forces must use all the means at their disposal to save lives and protect property.

4. Applications to close or re-close cross border roads

are carefully considered by the Secretary of State.

5. Before any closures, or reclosures, are carried out, we try to inform Irish Government of our intentions. However operational requirements often mean that closures or reclosures must be carried out urgently.

BACKGROUND

6. The border between the Republic of Ireland and Northern Ireland is over 300 miles in length. It runs through some very isolated countryside and poses considerable problems for the security forces on both sides. About half of the 287 border crossings have been closed to vehicular traffic. A variety of methods have been used to effect these closures such as the placing of large concrete "Braithwaite" tanks and "Dragons Teeth", cratering with explosives or the demolition of road bridges.

7. Before the RUC recommend that the Secretary of State should authorise the closure of a border crossing, they take soundings in the locality about the effect of such a closure and they also consult the Garda on the operational aspects. These consultations and enquiries generally ensure the minimum of disruption to the local community, although almost invariably some will be put to inconvenience, and others will object on a matter of principle.

NORTHERN IRELAND OFFICE

9 NOVEMBER 1984

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ANGLO-IRISH SUMMIT
NOVEMBER 1984

PLASTIC BATON ROUNDS

Brief by the Northern Ireland Office

OBJECTIVE (if raised)

1. To defend the use of baton rounds against Irish demands that they be withdrawn from use in Northern Ireland.

POINTS TO MAKE

2. The Government still considers that plastic baton rounds are the most effective means, consistent with the use of minimum force, of controlling the type of serious rioting which occurs in Northern Ireland. They have the advantage over other forms of riot-control equipment in that they are mobile and can be aimed at individual rioters.

3. It is tragic that use of PBR's has, on occasion, caused deaths. But the European Commission of Human Rights recently confirmed (in Kathleen Stewart -v- The United Kingdom) the right of the security forces to use plastic baton rounds in certain circumstances.

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BACKGROUND

4. In Northern Ireland the security forces frequently face groups of rioters who are intent on injuring or killing either members of the security forces or third parties. They most frequently throw stones, but often throw more lethal missiles such as petrol bombs, blast-bombs and grenades. The security forces need to keep such rioters out of effective throwing range, and are entitled to use a reasonable degree of force in doing so. The security advisers in Northern Ireland argue that the plastic baton round, in such circumstances, represents such a reasonable degree of force.

5. Some 101,400 rubber and plastic baton rounds have been fired since 1969, and they have caused 14 deaths. They are dangerous but not as dangerous as their critics would claim. To minimise the risk of injury they are only fired by trained personnel who are instructed to fire at ranges of more than 20 metres and only at the lower part of the target's body. Rounds may only be fired at closer ranges if, in the view of the user, the target poses an imminent threat of serious injury or death.

6. If any plastic baton round causes injury or death then the circumstances are fully investigated and reported to the DPP who must decide whether to prosecute.

7. A case was brought at the European Commission of Human Rights by Mrs Kathleen Stewart, whose 13 year old son, Brian, died after being struck by a plastic baton round fired by a soldier during the course of a riot in Andersonstown on 4 October 1976. Mrs Stewart's lawyers claimed that the use of such weapons represented an unreasonable degree of force and that they had been used discriminatorily against the Roman Catholic population.

The Commission found that:

(a) The death of Brian Stewart resulted from the use of force which was no more than absolutely necessary, taking account of all the surrounding circumstances;

(b) A comparison of casualties with the number of PBR's discharged showed the weapon was "less dangerous than alleged";

(c) where justifiable force resulted in accidental harm, the question of inhuman treatment did not arise;

(d) The application was "manifestly ill-founded" and therefore "inadmissible".

PBR STATS

1981	1982	1983	1984 up to 31 Oct
Army	Army	Army	Army
9836	154	116	244
RUC	RUC	RUC	RUC
19649	335	545	1482
Total	Total	Total	Total
29601	489	661	1726

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ANGLO-IRISH SUMMIT
NOVEMBER 1984

THE JUDICIARY IN NORTHERN IRELAND

Brief by the Northern Ireland Office

OBJECTIVE (if raised)

1. To defend the independence and impartiality of the judiciary in Northern Ireland against claims that they are biased.

POINTS TO MAKE

2. As in the Republic, the courts are entirely independent of the Executive. The Executive cannot comment upon the decisions of the courts or judges' remarks.

3. (If pressed) Judge Gibson's statement of clarification will have reassured people that there is no disposition to challenge the principle that the security forces can only act within the law.

4. (If pressed) we await the outcome of the investigation by a senior English officer into Constable Robinson's allegations.

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BACKGROUND

5. Some recent incidents and subsequent court proceedings have led to allegations that the security forces have gained judicial approval for a policy of "shooting to kill" Republican terrorists, ie deliberately seeking to kill suspected terrorists rather than arresting them and bringing them to trial.

6. Earlier this year Constable ROBINSON was acquitted on charges of murdering one of two terrorist suspects (GREW and CARROLL) whom he had killed during an incident in Armagh in late 1982. The two men were unarmed but the judge found that ROBINSON had sufficient reason to believe that his life was at risk, even though he paused to reload his weapon during the incident. The Irish were particularly upset that he went so far as to congratulate ROBINSON on his marksmanship.

7. The Irish Government shared the minority community's sense of outrage at what appeared to many to be a cold-blooded killing of two unarmed men by a member of the security forces. To make matters worse Constable ROBINSON alleged in court that senior officers had sought to conceal the fact that the two suspects had not - as originally claimed-crashed through a roadblock but had been under surveillance by a special squad for some time, during the course of which there had been an unauthorised incursion into the Republic. They protested vigorously at

this breach of their territorial integrity. Suspicion about the existence of a "shoot to kill" policy persists. The DPP has directed that this apparent attempt to pervert the course of justice should be investigated and this is being conducted by Mr Stocker of the Greater Manchester force. The coroner (Mr Curran) who was due to hold the inquest on the two dead men resigned on account of the irregularities and inconsistencies in the police report: the inquest has now been adjourned until Mr Stocker's investigation is complete.

8. In a subsequent trial Lord Justice GIBSON acquitted three other policemen on murder charges arising from another incident in Armagh in late 1982 during which three suspected terrorists - again unarmed - were killed. He criticised the DPP for mounting a prosecution, said that the policemen should be commended and congratulated them on bringing the suspected terrorists "to justice, in this case the final court of justice". The remarks gave rise to a storm of protest and in a subsequent clarification LJ Gibson restated the principle that policemen could only use such force as was "reasonable" in the circumstances.

NORTHERN IRELAND OFFICE

12 November 1984

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NOVEMBER 1984

STRIP-SEARCHING AT HMP ARMAGH

Brief by Northern Ireland Office

OBJECTIVE (if raised)

1. To indicate that the search procedures at the prison are not degrading and are the same as those routinely carried out in comparable prisons elsewhere.

POINTS TO MAKE

2. Necessary to have recourse to this form of searching in the interest of security, including the safety of the prisoners themselves. The frequency of searches has been greatly reduced during 1984 (285 for 10 months) as compared to 1983 (total 1218) - a reduction of approximately 75%. The procedures are kept under continual review by Ministers and recent proposals from Mr McNamara MP, which would render the procedure unnecessary for prisoners returning from short remand hearings, are currently being examined.

/BACKGROUND

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BACKGROUND

3. The strip-search procedures were re-introduced at the end of October 1982 after two remand prisoners were found to have smuggled keys into the prison following a brief court appearance.

4. The procedures are the same as those used in women's prisons in Great Britain and elsewhere, including women's prisons in the Republic of Ireland. In practice the prisoner is shown into an enclosed cubicle where, in complete privacy, she removes her clothes and passes them out to a woman prison officer for searching. While she is in the cubicle she may put on a prison-made top and skirt or, if she prefers, a sheet which she wears while her clothes are being searched. She is then briefly observed while still in the cubicle by one woman prison officer to ensure that she has not hidden any items on her person. She does not have to stand about naked as has often been suggested nor is she seen by other prisoners or groups of staff, and no male prison officer is ever present during the searches.

5. There is no question of internal body searches. The procedures are only routinely used at Armagh prison at times of a prisoner's reception and discharge and on a random basis at other times, including attendance at remand hearings. This is significantly less than the practice in other parts of the United Kingdom. The present search

/procedures

procedures are used because there is no reliable alternative. Metal detectors are used during ordinary rub-down searches and machines for detecting explosives are also available to the prison service. However, the operational assessment is that the effectiveness of these machines is not such that an acceptable level of security can be achieved by their use alone.

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9 NOVEMBER 1984

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HMV(84)6(g)

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12 November 1984

ANGLO-IRISH SUMMIT
NOVEMBER 1984

LENGTHY REMANDS

Brief by the Northern Ireland Office

OBJECTIVE (if raised)

1. To answer Irish concerns about lengthy remands before trial in Northern Ireland.

POINTS TO MAKE

2. Ministers cannot influence the timing of individual trials. We are, nevertheless, concerned at the length of time which some prisoners spend on remand. We will continue to take all possible administrative measures to reduce delays.

3. The 'converted terrorist' trials have kept the average delay higher than it might have been, but the underlying trend is towards shorter waiting times.

4. Remand is not like internment: it is entirely the responsibility of the courts. All the usual judicial remedies are available and persons held on remand or awaiting trial may apply for bail at any time.

/BACKGROUND

BACKGROUND

5. The Irish have made representations about the length of time certain individuals have been held in prison, either on remand or awaiting trial. The average delay between arrest and trial has been reducing over recent years, but the recent spate of large, complex 'supergrass' trials has kept the average high in the last two years. There are currently 20 persons who have been in prison on remand or awaiting trial for over 2 years, some for over 2½ years - the equivalent, allowing for 50% remission, of a 5-year sentence. However, 14 of these were charged on the evidence of 'Supergrass' Raymond GILMORE and their trial is now under way. Four others, who have been in prison since February or March 1982 and are charged on the basis of evidence provided by 'Supergrass' Harry KIRKPATRICK, were arraigned in September, leaving the onus on the defence to notify their readiness to proceed.

6. The most fundamental and unfounded criticism made by the Irish has been that this amounts to internment by remand. There is of course no comparison. Remand is a matter for the courts, not the executive: 'Habeas Corpus' applies; there are remand hearings every 7 days; applications for bail will be considered by a judge on about 3 days' notice.

7. The Irish have expressed particular interest in the case of Thomas POWER who has been in prison since February 19

/charged

charged on the evidence provided by several successive INLA 'supergrasses' who have in turn withdrawn or been discredited. POWER was most recently charged in August 1983 on the basis of evidence provided by Harry KIRKPATRICK and has now been arraigned. The trial is, however, unlikely to start before next Spring.

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HMV(84)6g Addendum

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14 November 1984

ANGLO-IRISH SUMMIT

NOVEMBER 1984

LENGTHY REMANDS

Brief by the Northern Ireland Office

BACKGROUND: ADDITION TO PARAGRAPH 7

A bail application by Thomas Power was referred on 13 November to the Lord Chief Justice, Lord Lowry, by the High Court in Belfast. At the close of the hearing the High Court Judge praised the way Power had conducted the application and said that he could only refuse bail with great hesitation. He felt the plea should be heard by Lord Lowry because of the importance of the matters raised by Power. A date for the further hearing has not yet been set.

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14 November 1984

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ANGLO-IRISH SUMMIT

NOVEMBER 1984

GAELIC ATHLETIC ASSOCIATION (GAA) PITCH AT CROSSMAGLEN

Brief by the Northern Ireland Office

OBJECTIVE (if raised)

1. To assure the Irish that we are trying to resolve the problem with the GAA in Crossmaglen.

POINTS TO MAKE

2. British officials met the GAA Club chairman on 12 November. A fuller meeting with representatives of the Club is being set up for 20 or 21 November. We want to reach an amicable settlement with the GAA. The Irish suggestion of compulsorily purchasing the land owned by the Committee for the Handicapped is being considered.

BACKGROUND

3. The security forces and government officials have made considerable efforts over the years to ease the problems which have been caused for the GAA Club (Gaelic Athletic Association) in Crossmaglen by the presence of the security forces based there. A current irritant is that the present emergency access route from the base crosses the Club's car park.

4. Officials have looked at ways of creating another emergency access route, and in particular have considered one across derelict land which lies at the side of the base. However, such an exit route would have grave security disadvantages. Moreover the land is currently owned by the "Crossmaglen Committee for the Handicapped" who have said they do not wish to sell it. We have noted and are considering the Irish suggestion that the Committee for the Handicapped may be under pressure from the PIRA to withhold their consent and that they would not object if we were to override their expressed wishes by using compulsory purchase. The difficulty is that such a move might be used to harm relations between the Government and the local people.

5. Officials of the NIO met the Club's Chairman, Mr Eugene Larkin, on Monday 12 November. A further meeting with representatives of the Club is being arranged for 20 or 21 November.

NORTHERN IRELAND OFFICE

13 NOVEMBER 1984

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HMV(84) 6(i) (Revise)
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NOVEMBER 1984

CROSS-BORDER BRIDGES

Brief by the Northern Ireland Office

OBJECTIVE (if raised)

1. To assure the Irish of our commitment to provide pedestrian access across three bridges as soon as possible and to make clear that we could only re-open the crossings to vehicular traffic when the security situation permits.

POINTS TO MAKE

2. We are well aware that the closure of some cross-border roads, for security reasons, can have an adverse effect on those local residents who have business or social connections on the other side of the border.

3. To mitigate these consequences we are going ahead with the provision of proper pedestrian footbridges at 3 blocked cross-border bridges in Co Fermanagh and will be arranging for the improvement of access from the Republic to a local church. The new bridges will be much safer and more robust than the facilities that presently exist.

4. Officials are expediting the normal procedures and hope

that construction work at Kiltyclogher and Lackey will start before Christmas.

BACKGROUND

4. The 3 bridges at which pedestrian facilities are to be provided are: Lackey; Gortoral; and Kiltyclogher in Co Fermanagh. Lackey Bridge has been partly demolished to deny its use to vehicular traffic; and the bridge at Kiltyclogher has been destroyed. The facilities for pedestrian access at these two are unsafe. Gortoral had been blocked but the obstructions were recently removed in defiance of the closure order. The RUC will probably recommend reclosure to vehicles and a submission will be put to the Secretary of State for Northern Ireland shortly. This may affect the provision of permanent predestrian facilities. Both the Irish Government and local residents would undoubtedly prefer the formal re-opening of all the bridges to vehicular traffic. But the security forces in Northern Ireland are firmly of the view that to do so would ease cross-border movement for terrorists.

6. The work planned for Cloghmore is intended to relieve a specific local difficulty. Cloghmore Church lies in Northern Ireland, but many members of its congregation live in the Republic. Access to the church across the border is via two crossing points, both of which are blocked by craters. Security forces advice is against re-opening these crossings to vehicular traffic and we are concentrating therefore on improving access for pedestrians to ease the problems they face in bad weather.

7. The Irish are anxious to see these works effected quickly. Mr Hurd was pressed on 25 October for at least the Kiltyclogher footbridge to be in place by Christmas. We cannot give any guarantee about the timetable for the works but every effort is being made to ensure that they are carried out speedily.

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14 NOVEMBER 1984

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ANGLO-IRISH SUMMIT
NOVEMBER 1984

PRISON SEGREGATION

Brief by the Northern Ireland Office

OBJECTIVE (if raised)

1. To stress the importance that HMG places on an integrated prison system in Northern Ireland.

POINTS TO MAKE

2. Although some prisoners may have genuine fears for their safety, many of their claims are spurious and there is collusion between both factions even to the extent of arranging fights. Many security meausres directed towards the protection of prisoners already exist and the Prison Authorities are continually reviewing their effectiveness. The Government is committed to an integrated prison system: it makes for more effective security and control. Segregation does not mean greater safety for prisoners. Segregation enables the paramilitary influence to grow and makes the task of effective security and control even more difficult. The Maze escape took place from a wholly Republican H Block.

/3. The

BACKGROUND

3. The campaign for segregation has recently been carried forward by Loyalists although the aim is shared by Republican prisoners and was one of the issues implicit in the various protests in which they participated for some years. Attempts to achieve segregation initially concentrated on Maze 'Cellular' where Loyalist prisoners, who had damaged cells and engaged in a short-lived dirty protest, had been separated from Republicans in October 1982. To avoid re-integration the Loyalists refused to be accommodated and to work as directed by the Governor. In February 1984 the Loyalists called off their protest and agreed to accept the Governor's orders. However, an attempt to mix Republicans and Loyalists resulted in violence from the Loyalist side and we concluded from this and other intelligence that both factions are determined not to mix. Under present arrangements large numbers of prisoners in Maze (Cellular) are housed in exclusively Republican or Loyalist wings. But there are no wholly segregated H Blocks.

4. The focus of attention then switched to Magilligan where Loyalist prisoners, seeing that segregation, albeit on a de facto basis, had been achieved by prisoners in Maze, attempted to force the Government into conceding segregation in Magilligan by embarking on hunger strike. The most recent hunger strike which had begun on 20 August was officially called off by the prisoners on 5 October - although

/they

they had actually resumed eating on 18 September - when it was made clear that the Government was not prepared to grant segregation there.

5. We believe that segregation rather than guaranteeing the safety of prisoners would enable paramilitary organisations to operate more cohesively and would lead to increased paramilitary control in prisons. An integrated prison system is the most effective way of providing adequate security and control.

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9 NOVEMBER 1984

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HMV(84)6(k)

COPY NO 57

9 November 1984

ANGLO-IRISH SUMMIT
NOVEMBER 1984

JOHN McVEIGH: PRISONER IN THE MAZE

Brief by the Northern Ireland Office

OBJECTIVE (if raised)

1. To give an assurance that the cases of all prisoners serving life sentences and detention during the pleasure of the Secretary of State, including that of John McVeigh, are regularly reviewed in order to determine the prospects for release on licence.

POINTS TO MAKE

2. A period appropriate to the seriousness of the crime - murder in most cases - must be served. The release must not put the community at risk. Mr Hurd is taking a special look at cases where extreme youth was a factor and release dates may be set in several. McVeigh's case is regularly reviewed but no early date for release is likely to be set. There are no grounds for an earlier review than the Review Board recommended.

/BACKGROUND

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BACKGROUND

3. John McVeigh is currently serving a life sentence for his part in the murder of a postman, formerly a member of the UDR, near Lurgan on 3 October 1973. His case was raised with Mr Hurd by Mr Barry in Dublin on 25 October. He pressed for McVeigh's early release and encouraged the placing of some determinate period to indeterminate sentences.

4. McVeigh has served 11 years in the PIRA special category compound at the Maze Prison. His refusal to be interviewed by prison staff reduces the value of the report submitted to the Life Sentence Review Board, which determines the prospects for release on licence. McVeigh was 31 when he committed his offence. He has a history of mental illness but the judge accepted that he knew what he was doing: he described the offence as a cold and callous murder. McVeigh's mental condition was taken into account when the case was reviewed in January by the Life Sentence Review Board. The Board concluded neither the prisoner's mental health nor his attitude gave grounds for release and decided to review the case in three years' time, unless a deterioration in McVeigh's condition was evident before then.

5. In reviewing the cases of prisoners serving indeterminate sentences, youth at the time of the offence and the likelihood of the individual returning to

/violence

violence are taken into account. The overriding concern is for the safety of the public. It is not possible to give a date for release until the Secretary of State is satisfied that a prisoner is suitable for release on licence. This year five prisoners, three of whom were imprisoned at the Secretary of State's pleasure, have been released on licence or given dates for release in 1985. Other cases are under consideration and further releases are likely in future years.

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HMV(84) 6(1)

COPY NO 57

12 November 1984

ANGLO-IRISH SUMMIT
NOVEMBER 1984

SUPERGRASSES

Brief by the Northern Ireland Office

OBJECTIVE(if raised)

1. To defend the use of supergrasses in Northern Ireland courts.

POINTS TO MAKE

2. The evidence of former accomplices has helped to secure the conviction of large numbers of persons in Northern Ireland for serious offences. This has undoubtedly saved lives.

3. The uncorroborated evidence of a former accomplice, albeit not the best type of evidence, is admissible in Irish and British courts. The police have no policy of seeking such evidence, in preference to corroborated evidence, but in the absence of firmer or corroborating evidence they must use it.

4. The determination of guilt or innocence is for the courts. They have accepted the uncorroborated evidence of former accomplices on some occasions and rejected it on

/others.

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others. The defendants' unrestricted right to appeal - on fact as well as law and with the benefit of a detailed written judgement - from a 'Diplock' court is a major safeguard.

BACKGROUND

5. A series of Loyalist and Republican 'supergrasses' have given evidence which has been used to convict large numbers of their former accomplices of very serious terrorist offences. Groups close to paramilitary organisations on both sides of the community have criticised this development but even more moderate observers have expressed concern. The Irish Government has also made representations.

6. The main criticisms have been that the evidence of the supergrasses (or 'converted terrorists' as we prefer to call them) has often been uncorroborated which means that the witnesses, who are reputed to get immunity from prosecution, large bribes and/or reductions in their own sentences, are open to undue influence from the police. A further point is that the courts hearing these cases are 'Diplock' courts, where the judge sits without a jury: in other words, guilt or innocence is determined by one ('case-hardened') man's assessment of another man's evidence.

7. There is no 'supergrass' "system" and the recent cases are not the result of some Government "policy". If the police obtain evidence from any source it would be wrong for them not to make use of it. In 'supergrass' cases

they put the papers to the DPP in the normal way and he directs whether a prosecution should go ahead or not. As Mr Cooney (Defence Minister, deputising for Mr Barry) has said in the Dail, uncorroborated evidence is admissible in the courts though it is for the courts to judge its value. In Northern Ireland the judges have not accepted every piece of evidence from every converted terrorist. Their decisions also have to be set out in detail in writing and these judgements can be reviewed by the Court of Appeal.

8. As for suggestions that 'supergrasses' may be unduly influenced by the hope of reward, most are convicted before they give evidence against others. If immunity from prosecution is granted it is given unconditionally and in advance so that there is no pressure on the witness to give false evidence. The security of such witnesses and their families may be an expensive business but no arrangements for financial rewards are made before the trial starts.

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HMV(84)6(m) (Revise) COPY NO 56

14 November 1984

ANGLO-IRISH SUMMIT
NOVEMBER 1984

HOME MADE EXPLOSIVES

Brief by the Northern Ireland Office

OBJECTIVE (if raised)

1. To stress the importance we attach to talks between British and Irish officials on the possibility of denying terrorists the ability to manufacture explosives out of agricultural fertiliser.

POINTS TO MAKE

2. Home made explosives are one of the terrorists' most dangerous weapons against our security forces, especially near the border. The risk from them greatly inhibits effective counter terrorist operations.

3. Our scientists have conducted most thorough experiments to determine how the terrorists could best be denied the raw material for their bombs, and the agricultural and industrial effects of the various options. I understand that your Department of Justice has studied the full results of those enquiries and has agreed that a meeting should be arranged between officials and experts. We are pleased about this. As Mr Hurd told Messrs Barry and Noonan in October, we hope that consultations between

officials and experts can go ahead quickly.

We need to act together if measures are to be effective. Unpalatable measures might still pay off in the long run.

BACKGROUND

4. Until the early 1970's the majority of terrorist bombs were made from commercial explosives. Tighter controls over the production, distribution and storage of commercial explosives led to increasing use of home made explosives, the sole source being ammonium nitrate (AN) fertiliser. In 1972 high grade AN fertilisers were banned in both Northern Ireland and the Republic, but the terrorists discovered ways of separating the AN and have more recently discovered that the most common AN-based fertilisers when mixed with fuel oil make an effective explosive without the laborious recovery process.

5. The bulk of AN based fertilisers is obtained from the Republic of Ireland, some also being manufactured in Northern Ireland. The nitrogen fertiliser market has increased steadily since the 1970's. So the work carried out in the UK since 1981 to discover a less explosive alternative to AN would have important implications for agriculture in both parts of Ireland and possibly for

industry in both parts too. Unilateral action in the North would be of little help since it would merely drive the terrorists to obtain supplies from across the border (as to a large extent they already do today).

6. The Irish Department of Justice has the results of our thorough (and very sensitive) researches, and we want to pursue the implications with them and their experts. It must be conceded that the more radical the change the more sweeping the implications for industry and agriculture. Mr Noonan told Mr Hurd in October that in view of that the least stringent option was the only one which the Irish might agree to, but wondered if the inconvenience which this would cause to the IRA was enough to make it worthwhile. His scruples are understandable, and that may be our final conclusion. But as Mr Hurd said, recent happenings (eg in Brighton) might lead people to take unpalatable decisions. The Irish ought to look very thoroughly at all the options before reaching conclusions.

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HMV(84) 7 COPY NO 56

9 November 1984

ANGLO-IRISH SUMMIT
NOVEMBER 1984

ENERGY: a) KINSALE GAS
b) LIGHTE

Brief by the Northern Ireland Office

OBJECTIVE (if raised)

1. To defend our position on energy issues.

POINTS TO MAKE

2. Kinsale: We were unable to proceed because of the adverse economic assessment of the project's viability.

3. Officials must establish the facts about expenditure of the UK's £5 million contribution, for reasons of public accountability, and are considering whether it would be appropriate to seek a refund. Ministers have made no decision.

4. Lignite: Exploitation of the recently discovered reserves could reduce Northern Ireland's dependence on oil for generating electricity. This was recognised when the re-assessment of the economic viability of Kinsale was made earlier this year but it was not a quantifiable factor at that stage. The re-assessment was based on quantifiable

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facts.

5. Cheaper, cross-border, electricity for the South? Far too early to raise this. We still have to look carefully at the economics of lignite exploitation in the North. And, there is much evaluation and technical work still to be done.

BACKGROUND

6. Kinsale Gas: We would not wish to raise this on our side. It is unlikely that Dr FitzGerald will. The Prime Minister's message of 15 August to Dr FitzGerald made it plain that the project could not go ahead. Dr FitzGerald had nothing of substance to say at the meeting on 3 Septemb

7. £5M Contribution: Officials have informally sought clarification of the Republic's attitude towards the UK's capital contribution of £5 million which was paid in October 1983 towards the cost of the pipeline in the South. Under certain circumstances the UK would be entitled to a refund of a portion of the £5 million. There is no need to discuss this with Dr FitzGerald but it is conceivable that he might complain about HMG seeking a refund after having unilaterally withdrawn from the entire project.

8. Lignite: Considerable deposits of lignite which could be used to generate electricity have been discovered in Northern Ireland. This fact has been obvious for some time and the Irish will have been well aware of it during

the Kinsale negotiations. It was an important factor which was kept in mind when the re-assessment of the Kinsale project's viability was made earlier this year but, that re-assessment was based on quantifiable facts available then, and not on the unquantified potential use of lignite. The Secretary of State has yet to consult his colleagues about the exploitation of lignite.

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HMV(84)8 COPY NO 56

12 November 1984

ANGLO-IRISH SUMMIT
NOVEMBER 1984

NORTH-SOUTH ECONOMIC CO-OPERATION

Brief by the Northern Ireland Office

OBJECTIVE (if raised)

1. To reassure the Irish that the Government is still committed to cross-border economic co-operation, but that it can only be on a mutually beneficial basis.

POINTS TO MAKE

2. There are a number of important issues involving co-operation being examined at present. Not all may come to fruition. Co-operation must be practical, cost-effective, and bring real benefits to both sides.

3. Particular issues are:

(i) Newry/Dundalk Road: Mr Patten will be meeting the Irish

Minister for the Environment, Mr Kavanagh, later this month. We will look carefully at your proposals.

(ii) Moy Bridge: We are looking at the possibility of replacing the bailey bridge at Moy with a permanent structure.

(iii) Integrated Operations: We agree that an Integrated Operation would not be appropriate for the Foyle/Donegal/Strabane area and are grateful for your agreement to the examination of ways of creating additional employment, including a possible cross-border industrial zone.

(iv) Lough Melvin: We are pleased that we have reached agreement on terms of reference for a study of the development potential of Lough Melvin.

BACKGROUND

4. The demise of the Kinsale Gas project (see brief HMV(84)7) may lead the Irish to suggest the British Government no longer has any interest in cross-border economic projects, or co-operation. Four projects are under consideration with the Irish, but we must look carefully at whether they are practicable and mutually beneficial. We have not changed our policy towards co-operation.

5. Newry/Dundalk Road: The Irish wish to build a new Newry/Dundalk road; we wish to upgrade the existing road. The Irish option would be much more expensive for HMG than our preferred option because

far more of the new road would be in Northern Ireland. In recognition of this the Irish have offered to pay two thirds of the cost of the new road. This would still require expenditure from DOE(NI) which is not planned. Mr Patten is planning to see Mr Kavanagh, the Irish Minister responsible, in late November to discuss the financial implications of the Irish proposal. Following that visit Northern Ireland Ministers will decide whether to agree to a new road, taking into account possible EC finance and the political consequences of refusing the Irish offer.

6. Moy Bridge: The Irish have asked us to agree to replace a bailey bridge at Moy on the Dublin/Londonderry road with a new bridge. The problem is that the existing structure is adequate and there are higher priorities. The DOE(NI) are considering the Irish proposals and recommendations will be put to Ministers.

7. Integrated Operations: The Foyle/Donegal/Strabane Co-ordinating Group (a cross border organisation with local authority members) has been pressing for an EC integrated operation in the area. This approach involves the co-ordination of projects and expenditure in a designated area. Within Northern Ireland projects and expenditure are already co-ordinated and we do not believe such an exercise would be useful or lead to additional benefit; nor do the Irish. We have agreed that a study of ways of creating additional employment, including a possible cross-border industrial zone would be better.

8. Lough Melvin: Terms of reference for the Lough Melvin Study, mainly focussing on tourism opportunities, have been agreed with the

Irish and have been submitted to the EC, which has approved them, subject to further details of a work programme being provided. Both Governments have invited consultants to submit proposals for undertaking the study.

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12 November 1984

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12 November 1984

ANGLO-IRISH SUMMIT
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CARLINGFORD LOUGH AND LOUGH FOYLE

Brief by the Northern Ireland Office

OBJECTIVE (If raised)

1. To ensure that the unresolved dispute over sovereignty in the Loughs does not become a serious point of difference between the two Governments.

POINTS TO MAKE

(1) Would like to settle the boundaries at the two Loughs but recognise that these discussions could raise sensitive political and legal issues for both sides.

(2) Both sides should meanwhile exercise restraint in interest of common security efforts.

BACKGROUND

2. The status of the two border Loughs, Lough Foyle and Carlingford Lough, is disputed with the Irish. The United Kingdom claims the whole of Lough Foyle and an unspecified part of Carlingford Lough, while the Irish claim the whole of both Loughs as part of their constitutional

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claim to the waters around the island of Ireland. Their claim is based on the premise that when Ireland was partitioned Northern Ireland was defined in terms of parliamentary counties which did not include territorial waters. We dispute this definition of the parliamentary counties. In addition we claim the whole of Lough Foyle on the grounds that it is an integral part of the County of Londonderry. We have not yet had occasion to define our claim in Carlingford Lough but some initial work has been done on this.

3. The lack of an agreed boundary has led from time to time to incidents involving the security forces in the Loughs. The Royal Navy and the Royal Marines operational guidelines restrict their activities to the Northern side of the median line in Carlingford Lough. Last year saw a deliberate reduction in the number of searches carried out by the security forces of vessels going to the Irish port of Greenore. Despite this May and June were marked by a series of incidents involving Irish pleasure craft boarded by the security forces on the Northern side of the Lough. It is possible that some of those involved were deliberately seeking to make political capital out of the incidents which attracted considerably publicity. The Irish Government expressed their concern about what they saw as unnecessary disruption of peaceful traffic on the Lough. They subsequently mounted a naval patrol

in both Loughs which passed off quietly. There were no further incidents during the summer and the controversy has died down.

4. The episode has served to underline the continuing need for both sides to exercise tact and restraint. A review of security force operations in Carlingford Lough designed to minimise future friction is underway. The Irish have offered helpful suggestions for Garda assistance in searching craft nearer their side of Carlingford Lough. Such assistance has been taken up in the past but, in practice, it has only limited value.

5. In November 1981 the Irish said that they would find it at present impossible to discuss fixing of boundaries in the Loughs but they would be prepared to discuss some system of joint administration of them. There has, however, been no discussion with them since then of even this suggestion.

6. In practice both countries have endeavoured to avoid any action which might exacerbate the jurisdictional situation. So far economic development has not been impeded by the unresolved boundary issue.

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HMV(84)10

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ANGLO/IRISH SUMMIT

NOVEMBER 1984

EC MATTERS: PROSPECTS FOR THE DECEMBER EUROPEAN COUNCIL

Brief by Foreign and Commonwealth Office

OBJECTIVES

(i) To congratulate Dr Fitzgerald on the work of the Irish Presidency, especially if a budget discipline text has been agreed, and to enlist Irish support for maintaining the integrity of the Fontainebleau conclusions in the face of proposed amendments by the European Parliament.

(ii) To seek Irish support for channelling the work of the Dooge Committee away from impractical proposals and in the direction of an agreed report next year.

(iii) To support Presidency efforts to conclude the enlargement negotiations in time to meet the accession target date of 1 January 1986; to emphasise the sensitivity of the car tariff issue and to continue to work with the Irish on fisheries.

(iv) To stand firm, if pressed, on the size of EDF VI.

POINTS TO MAKE

(i) Outstanding Budget Issues

1. [Depending on progress at 12/13 November ECOFIN and Foreign Affairs Councils]

- Congratulate Irish Presidency on success in achieving agreement in the Council on budget discipline. Hope, once Council has had necessary dialogue with the European Parliament, that Council conclusions will be formally adopted at the earliest possible date.

- Agreement is important step towards ensuring sound financial management - essential if resources to be available for other EC policies. Must ensure that momentum of CAP reform begun last March is maintained at next year's price fixing.

- Council must stand firm in face of any attempts by the European Parliament to unpick bits of the agreement. European Parliament's attempt to prolong expenditure side refunds represents fundamental attack on important principle accepted at Fontainebleau. No question of implementing Fontainebleau agreement save

in its entirety.

2. Nor could Council accept European Parliament's proposed budget in excess of 1% ceiling.

- If Parliament concerned at revenue shortfall next year it should press for limited amount of new own resources to be made available in 1985 - as all Member States except Germany can agree.

(ii) Development of Community

- Appreciate Professor Dooge's handling of the Ad Hoc Committee. Difficult task. Hope he will continue as Chairman until job done.

- UK approach is to consider what more we want to do together and whether this can be done within existing arrangements. Only if we conclude this is not possible, need we consider the possibility of new instrument.

- [Report to Dublin European Council]
Faure's draft interim report contains proposals of great significance for Community. We can accept parts

of it. But others more difficult. See no point in raising them at European Council until there has been a proper discussion, not of the Faure draft, but of the substance of the issues. Hope we can agree to avoid majority/minority reports. On some areas, eg Political Cooperation, to which Germans attach prime importance, we could go further than you. You could probably go further than us on some other issues. If, at the end of the day, Committee cannot reach agreement on its recommendations, then will be time to consider form of its report. But aim must be to reach agreement on measures we are all prepared to implement. That is why we have supported idea of a straightforward progress report by the Irish Presidency to the European Council.

(iii) Internal Market

- Much of UK focus in Committee has been on internal market, not just for its own sake, but for reasons essential to fulfilment of the Treaty of Rome which calls for the establishment of a common market to promote economic activity, continuous and balanced expansion, increased stability, higher standards of living and closer relations between Member States.

This is fundamental to basic tenet of the Treaty that union was to be achieved by practical, economic means.

- Useful if European Council conclusions set some specific targets for work on internal market over next year especially, on standards, the single administrative document, abolition of road haulage quotas, and introduction of greater competition into European air services.

Vehicle Emissions

- Very concerned at unilateral German decision on vehicle emissions. Would impose expensive, inefficient technology. Sympathy for German environmental problems; but internal market in cars must not be broken up. Welcome Presidency efforts to find Community solution. This will have to help meet German enviromental preoccupations. But Germans must give ground too.

(iv) Enlargement

3. Negotiations must be concluded around turn of year to meet 1 January 1986 target.

- support Presidency efforts.

4. High Spanish tariffs on cars very sensitive for UK

- welcome criteria agreed in EC declaration. Envisage substantial reduction in duty rate from present 19% (rate depending on volume).

- As regards progressive increase in volume, need to be sure that volume for EC as a whole, taken together with future system of allocation, provides for substantial increase in access for British manufacturers.

5. Must continue to work together on fisheries, with other main fishing nations; balance of CFP must be preserved.

(v) Lomé

6. Community decision, once made was always agreed to be non-negotiable.

- 7 becu very fair offer.
- UK has agreed that 7 becu should be for ACP alone, and that Portuguese and Spanish contributions should be used for ACP as well as to reduce certain Member States' financing keys.

- Council clearly agreed on 11 October than 7 becu should cover Angola and Mozambique.
- No case for increase.

7. If others want to give more we would not stand in way. But no question of further increase in British contribution above our present share (17.76%) of 7 becu).

ESSENTIAL FACTS

(i) Outstanding Budget Issues

1. Ireland is second largest net recipient from Community budget (after Italy), although it has only 1.3% of Community's population. In first 8 months of 1984 Ireland's share of CAP spending rose to 4.8%, making it the largest beneficiary of CAP in per capita terms. Consequently Irish have always taken soft line on budget discipline and controlling CAP expenditure.

2. Nevertheless, as Presidency the Irish have worked hard to reach agreement on budget discipline and have produced a final compromise text which we can accept. Main features are:

(a) a satisfactory method for calculating the agricultural guideline which will avoid base drift

(b) confirmation that the Agricultural Council will not go beyond the Commission's original price proposals without summoning a joint ECOFIN/-Agriculture Council

(c) setting of a reference framework covering all spending

(d) provisions for ECOFIN to have a say before any new expenditure proposals are adopted.

Text will take the form of "Conclusions of the Council on the measures to guarantee the effective implementation of the conclusions of the European Council on budget discipline". We hope text will be endorsed at ECOFIN and the Foreign Affairs Council on 12/13 November. It will be discussed with the European Parliament on 20 November. We hope that it will be formally adopted at the Foreign Affairs Council on 26/27 November.

3. Worth emphasising to the Irish that having got framework agreement on budget discipline, we must now build on important first steps taken last March to tackle over-production and bring surpluses under control. This will require tough decision on prices and guarantee thresholds. No question of undermining security of supply and position of farmers but rather of achieving essential balance in EC spending.

4. The Budgets Committee of European Parliament voted on 31 October to amend the draft 1985 budget and to put the UK's compensation for 1984 on expenditure side. The Parliament also adopted a number of amendments and modifications which would take expenditure in 1985 budget well above 1% ceiling. The Parliament proposed that expenditure in excess of the 1% ceiling should be financed by a 2.8 billion ecu advance of new own resources ie effectively another loan from Member States. Budget Council on 29 November has power to reject Parliament's modifications and insist on bringing budget back within 1% ceiling. But possible that Parliament will nevertheless unilaterally adopt budget in excess of 1% ceiling and including refunds on expenditure side or refuse to adopt budget at all. If the Parliament does adopt a budget in excess of the 1% ceiling, legal action by the Council may be necessary. It would be open to us and other Member States to block any regulation proposing to implement further expenditure-side refunds.

(ii) Development of Dooge Committee

5. We must be sure that the Irish do not entertain any suggestions that the Italians take over during their

Presidency. The Italian, Ferri, has strongly federalist ideas and would be a disaster.

6. The interim report (by Faure) is main issues at the moment. Main problem with Faure report is that it addresses substantive issues which are still under discussion, or have hardly been discussed at all. We hope that Senator Dooge will make an interim report to the European Council on his own authority discounting the discussion so far. A majority/minority report, as some want, would be divisive and would undermine the value of the Committee's continuing work. Senator Dooge has so far failed to take a grip on the Committee and to steer it away from the more unrealistic proposals on the table, although his staff tell us privately that they largely share our approach.

(iii) Internal Market

7. Useful discussion in Dooge Committee. Mr Rifkind's paper well received. Some Member States have suggested that extensions of majority voting may be necessary to allow decisions on the internal market to be taken. In any case by case analysis of possible extensions of majority voting other Member States would probably find

it more difficult to agree to changes than we would. In anticipation of Committee's report, useful if European Council should set some specific targets for work over the next years, eg:

(a) Standards

- agreement on the Community Standards initiative by end of 1984, followed by early application in selected product areas;
- substantial progress towards mutual recognition of national standards;
- adoption of common standards in high-technology products, eg, open systems interconnection (OSI) and advanced manufacturing technologies (AMT);

(b) Trade

- adoption of draft single administrative document over next few months. Pilot projects to be carried out and assessed by end 1985 so that a proven, simplified document can be in general use soon thereafter;

(c) Transport

- adoption by DECEMBER 1984 ~~June 1985~~ of firm timetable for abolition of road haulage quotas, and measures to

introduce greater competition into European air transport.

(iv) Enlargement

Recent Developments

8. After three successive failures, the Foreign Affairs Council on 22/23 October agreed mini-package for presentation to Spain and Portugal covering olive oil, social affairs, Portuguese sugar and Spanish industrial tariff 3.

Spanish Tariffs : Cars

9 The declaration on Spanish tariffs provided for general dismantlement by Spain over 6 years with "frontloading" (steeper dismantlement at the outset). On some 30 tariff headings for products on which Spanish tariffs exceed 20% and of which Spain exports significant quantities the declaration provides for accelerated dismantlement over 3 years down to the level of the general tariff dismantlement.
On cars, the declaration provides for an additional mechanism ie a reduced tariff duty quota based on specific criteria:

- a substantial reduction in the duty compared with the present.

- progressive increase in volume in relation to the present and,

- non discriminatory access for all categories of private cars produced in the EC to the quota.

We are working out details behind scenes with the Spaniards and Commission and are not yet ready to propose figures on volume to our partners, since much will depend on quota allocation between Member States. (Of present reduced duty quota of 15,000 cars, Austin-Rover get 2240)

10. Fitzgerald and Soares also signed Joint Declaration on 24 October in Dublin noting progress and reaffirming 1 January 1986 target for enlargement (important domestically to Soares).

Immediate Outlook: Fisheries and Agriculture

11. A special Foreign Affairs Council on Enlargement on 12/13 November and the normal monthly Foreign Affairs Council on 26/27 November will prepare for

major negotiating Conferences with both Spain and Portugal on 27/28 November; the Community need still to agree a position to present to Spain and Portugal on Fisheries and some aspects of Agriculture.

12. On fisheries, there is a division between the 5 main fishing nations (UK, Ireland, Denmark, France and FRG) and the rest. The former support tough terms on access including, so long as new arrangements are not agreed, a very long transitional period to preserve the balance of the CFP; Benelux regard the terms as tough but are show signs of moving to our position. Greece and Italy will want their pound of flesh (restructuring aid for their sardine processors).

13. There are also major divisions on Spanish Agriculture. The French insist on the most restrictive regime possible for acccess for Spanish fruit and vegetables. In return, the Spaniards wish to limit EC exports to Spain of Northern products (beef, dairy, cereals). We and other Northern member states would prefer minimal trade restrictions but we have let the French know privately that we may be able to agree to a higher degree of surveillance for fruit and vegetables if they help us over Spanish cars when we consider

figures. (It is the French wish to protect Renault's investment in Spain that has created the greatest difficulty over high tariffs.)

(v) Lomé

Position at 9-13 October EC/ACP Negotiating Conference

14. Community agreed on 11 October that size of EDF VI should be 7 becu and that ACP should also benefit from part of Spanish and Portuguese contributions to the Fund.

- UK subsequently agreed that 7 becu should be for ACP alone, ie, that a separate financial provision should be made for Member States' dependent territories (OCTs)
- ACP rejected this and proposed 8.35 becu.

Subsequent Developments

15. French and Commission have argued that Community's offer should be increased to 7.5 becu, and most other Member States seem prepared to go to at least 7.3 becu.

- Germans told us they were only prepared to see 7 becu increased, if they did not have to pay more than their present share of 7 becu. Genscher

however told Barry on 2 November that, although no new Government decision had been taken in Bonn something like 7.3 becu was under consideration.

- Dr Fitzgerald raised the matter with the Prime Minster on the way back from Mrs Gandhi's funeral, arguing that the negotiations could be concluded satisfactorily and without rancour, if the Community were to make a small extra effort on money. The sum he had in mind was 7.3 becu.

- The Prime Minister said that she could not agree to this. 7 becu was a very fair offer and she saw no reason why it should be improved. If others wanted to give more then of course they were at liberty to do so. But there was no question of any further increase in the British contribution.

New Commission Proposal

16. In COREPER on 5 November the Commission proposed that the Community's offer should be increased to 7.5 becu for the ACP (plus 100 mecu for OCTs).

- This should be achieved by assuming Portuguese and Spanish contributions of 7.7% and using these

contributions to reduce national shares.

- Under this approach our key would be 16.91% (EDF V key 17.76%). Applying this to 7.5 becu, we should be paying about 25 mecu more than our present share of 7 becu. But it may be possible to find some formula under which we could agree to a figure higher than 7 becu without our contribution rising above our present share of 7 becu.

- Negotiations will clearly be difficult, not least because the assumption that Spain and Portugal will pay 7.7% is unrealistically high. There is no need for the Prime Minister to comment in detail on the Commission's proposal. The matter will go to the Foreign Affairs Council on 12/13 November.

FOREIGN AND COMMONWEALTH OFFICE

9 NOVEMBER 1984

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7 November 1984

ANGLO-IRISH SUMMIT

NOVEMBER 1984

SELLAFIELD DISCHARGES INTO IRISH SEA

Brief by Foreign and Commonwealth Office

UK OBJECTIVE

1. To reassure the Irish that radioactive discharges from Sellafield into the Irish Sea are being minimised.

POINTS TO MAKE

2. UK fully supports the recommendation of the Paris Convention to minimise radioactive discharges to the marine environment.

3. The Government will be producing a first report to the Paris Commission by the end of the year on the measures planned and applied.

4. HMG has already taken steps to ensure reduction in levels of radionuclides released from Sellafield.

5. British Nuclear Fuels plc (BNFL) have in hand a £190 million investment programme which will reduce radioactive emissions, including Caesium, still further.

6. HMG welcomes BNFL's announcement of an urgent study into how it can cut discharges to as near zero as possible. It will take the results of the study into account in considering future discharge limits.

7. HMG awaits the Irish Government's response to HMG's proposals for an agreement on the notification of radiological incidents which might affect the Republic.

BACKGROUND

8. Radioactive discharges from Sellafield have to comply with conditions set by the Department of Environment and the Ministry of Agriculture, Fisheries and Food, under the Radioactive Substances Act 1960. The radiological impact of Sellafield in the immediate vicinity of the plant is within the limits recommended by the International Commission on Radiological Protection. further afield, the impact is considerably less, and Irish research itself confirms that the radiological impact on the Irish population is negligible. Whilst arguing that there was insufficient evidence to suggest any general risk to health, the Black Report identified the need for further studies. HMG has accepted all Black's recommendations. Nevertheless,

following the expression of Irish concern HMG is aiming to achieve further significant reductions in radioactive discharges from Sellafield. The measures outlined above will contribute to this. New liaison arrangements between the UK authorising departments and the Irish Department of Energy have now been set up, and the first meeting has been held.

Foreign and Commonwealth Office

7 November 1984

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8 November 1984

ANGLO-IRISH SUMMIT
NOVEMBER 1984

CONTINENTAL SHELF DELIMITATION (Defensive)

Brief by Foreign and Commonwealth Office

Objective

1. To assure Irish (if they raise the subject) that the United Kingdom has no wish to exacerbate or extend present difficulties.

Points to Make

2. Understand Foreign and Commonwealth Office has been waiting two years for Irish officials to resume talks on the terms of arbitration. Have Irish rejected idea of ad-hoc arbitration or postponed it? If so, until when?

3. UK aim is to resolve issues in order to facilitate work for offshore industries. Best way forward would be for officials to resume talks.

Background

4. After the enactment of the Continental Shelf Act 1964 and HMG's subsequent ratification of the Continental Shelf Convention 1958, discussions were held with the Irish to

/agree

agree a boundary line between the two continental shelves (SW approaches, Irish Sea and West of Scotland); but efforts broke down in 1976 because the Irish refused to 'count' practically all offshore islands from the Hebrides to the Scillies (not just Rockall). It was subsequently agreed that the issues would be submitted to some form of ad hoc arbitration, subject to agreement on its nature and modalities.

5. The present round of discussions got under way in September 1979. Officials have been negotiating the modalities of the arbitration and the establishment of the tribunal; the slow progress being due to delays on the Irish side.

6. No plenary sessions have taken place since June 1982. In the margins of a technical meeting in November 1982, the Irish said it was unlikely further plenary could take place until several months after their General Election in early 1983. Ball still remains firmly in the Irish court.

7. As drafted at present, the Arbitration Agreement, once signed, would prevent the issue of new production licences in the relevant areas pending the Tribunal's decision. The UK and Irish Republic both announced further offshore licensing rounds earlier this year. There were therefore good reasons on both sides for going slow on the conclusion of the Agreement.

/8.

8. The Irish are however seeking a reciprocal assurance that neither side would licence blocks in previously disputed areas. (Set out in their Aide Memoire dated 13 July, to which we have not yet replied.) In practice this would mean withdrawing two blocks from the current UK Round. The Department of Energy are opposed to this idea and there are valid reasons connected with the future arbitration why we should avoid giving such an assurance. The arbitration offers the best way to resolve such issues, but we are unsure whether the Irish intend to pursue this option. We have meanwhile sought the advice of the Law Officers on whether we should consider entering into litigation with Denmark or Iceland, possibly ahead of the arbitration with the Irish. But this need not rule out the idea of exploratory talks between legal experts to probe Irish thinking.

Foreign and Commonwealth Office

8 November

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IRISH LIGHTS

Brief by Foreign and Commonwealth Office

OBJECTIVE

1. To indicate, if the Irish raise the subject, HMG's satisfaction at the progress made towards more appropriate statutory and financial arrangements, and our hope that the remaining stages will be concluded rapidly.

POINTS TO MAKE

2. Grateful for the Irish Government's response, and particularly their agreement in principle that a significant share of the Commissioners' expenditure within the Republic should be met from sources in the Republic. Recognise that this has not been easy for them. Provided agreement can now

be reached on an appropriate amount, the way should be clear to a mutually satisfactory conclusion.

BACKGROUND

3. The Commissioners for Irish Lights (CIL) were established in the mid-19th Century. They are responsible for lighthouses and navigational aids in both the Republic of Ireland and Northern Ireland. They are financed from light dues that are levied on shipping using ports in the Republic and in the UK: the dues are set at levels determined by the Irish Minister of Communications and the Secretary of State for Transport and are paid into the General Lighthouse Fund, for which the Secretary of State alone is responsible. At present only 10% of the costs incurred by the CIL in the Republic are raised from light dues collected there: the balance comes from dues levied in UK ports.

4. Protracted but abortive negotiations on possible new arrangements took place before the War. The issues were not reopened until 1982 when Ministers decided in anticipation of PAC criticism, and in response to pressure from the UK ports and shipping industries, that a new initiative was required. The declared objective was to secure more satisfactory statutory and financial relationships with the CIL.

5. At the discussions at Permanent Secretary level on 11 July the Irish agreed in principle that Irish sources should make a significant contribution towards the costs of the Commissioners. Subsequent lower level exchanges have clarified the issues that could determine the amount. We are

pressing for an early commitment to the amount (of the order of £4.5m) that will be available in 1985/86: the estimates are in the course of preparation, and we need to know how much the Irish will put in.

6. Officials have also done some preliminary work on the statutory changes which will be necessary to deal with the anomalies which survive from pre-partition days. These have not yet been discussed with the Irish, but they agree in principle with the need for action on this score.

Foreign and Commonwealth Office

8 November 1984

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9 November 1984

ANGLO-IRISH SUMMIT
NOVEMBER 1984

ANGLO-IRISH ENCOUNTER

Brief by Foreign and Commonwealth Office

OBJECTIVE

1. To indicate our continued support for Anglo-Irish Encounter.

POINTS TO MAKE

2. The first conference was well received. Encounter has got off to a good start. We hope that this success will continue.

BACKGROUND

3. Anglo-Irish Encounter was initiated in July 1983 by the British and Irish Governments to arrange conferences and seminars with the aim of improving relations between their

peoples in the interests of peace, reconciliation and stability. The setting up of the organisation was welcomed by the Prime Minister and the Taoiseach in their Communiqué following the Summit in November 1983.

4. Encounter is jointly funded by the British and Irish Governments. The grant allocation from the British Government in the current financial year is £24,000.

5. The first conference was held at Chatham House on 4 April 1984 on the topic "Improving work prospects in Britain and Ireland." The Secretary of State hosted a reception that evening at Carlton Gardens. The two themes of the conference were that forecast unemployment levels for both countries over the next decade were intolerable, and that private manufacturing industry was no longer a significant source of growth in jobs and another wealth creating sector was needed.

6. A second conference is planned for 27/28 November in Dublin on the topic "The Promotion amongst the Young of a greater respect for Religion and Cultural Diversity."

7. Two conferences are currently proposed for 1985; in London on 26/27 March on the topic "Increasing the

Appreciation of the Cultural Heritage of Britain and Ireland"; and in Dublin in the autumn on a topic to be decided.

Foreign and Commonwealth Office

9 November 1984

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IRISH SAILORS' AND SOLDIERS' LAND TRUST

Brief by Foreign and Commonwealth office

OBJECTIVE

1. To establish agreement to HMG proposal to distribute existing and future net surplus of the Trust pro-rata between Irish and UK Governments.

POINTS TO MAKE

2. Chairman of Trustees has welcomed HMG proposals which are based on his report.

3. Understand Irish agree but that they seek to make use of future annual surpluses specifically to foster Anglo-Irish relations. Willing to explore but see possible presentational difficulties in nominating recipients in this

area. Legislation will be needed in the UK both for distributing surplus and to wind up the Trust.

4. Officials should pursue the distribution question and legislation requirements.

BACKGROUND

5. The Irish Sailors' and Soldiers' Land Trust was set up at the end of the First World War under a UK statute to provide homes in Ireland for Irishmen who had served in the British Forces in that war. It controls houses both in Northern Ireland and the Republic. The houses are sold as they become vacant, and now only 30 houses remain in the Republic and 170 in Northern Ireland. The Trust has total funds, including British Government Stocks, amounting to £5 million.

6. As most of the work of the Trust is now done, the question of how to wind it up and what to do with the assets is being considered. No provision for this was made at the time of its establishment. HMG recently made proposals to the Irish Government based on the recommendations of the Trustees.

7. We have proposed that the existing surplus should be distributed between the Governments pro-rata with their original stakes; pending final wind-up future surpluses should be similarly distributed, or given to charities benefitting ex-servicemen; when all the original beneficiaries have died, the remaining assets should be distributed to the governments pro-rata as before, and the

Trust should be wound up. Distribution of surpluses may also have to cover reimbursement of any private contributions to the Trust. We understand the Irish prefer the option of distributing surpluses between governments but with the rider that governments use future surpluses to promote Anglo-Irish and North/South relations, eg by funding Anglo-Irish Encounter and Cooperation North.

Foreign and Commonwealth Office

7 November 1984

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ANGLO-IRISH SUMMIT
NOVEMBER 1984

MV SHARELGA

Brief by Ministry of Defence

OBJECTIVE

1. To assure the Irish, if the subject is raised, that we have done everything possible to settle the dispute over compensation for the sinking of the MV Sharelga and that it will now be decided in court.

POINTS TO MAKE

2. The Ministry of Defence quickly admitted liability offering to pay all reasonable claims. Sharelga's owner's claim excessive and unsubstantiated.

3. An realistic offer, based on expert advice, was made in October 1983. No formal response to this offer, then writ for damages issued in High Court in Northern Ireland in March 1984. Now the Court will determine fair and reasonable settlement. Hearing unlikely to take place before New Year.

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BACKGROUND

4. MV Sharelga, an Irish fishing vessel, sank in 1982 when a Royal Navy submarine caught its nets.

5. Although we admitted liability, and offered to pay all reasonable claims, negotiations dragged on due to an unsubstantiated claim for £1.25M by Mr McEvoy, the Sharelga's owner.

6. In July 1982, the insurers paid Mr McEvoy the insured value of the vessel.

7. An offer of £236,000 was made by the Ministry of Defence in April 1983 but was rejected.

8. After advice from Irish fishery authorities, ship brokers and a marine accountant, a revised offer of Ir£270,000 made in October 1983.

9. There was no formal response to this offer. In December 1983, we reimbursed Mr McEvoy's insurers.

10. Writ issued in March 1984. Because of lack of progress with Mr McEvoy's solicitors, we welcome this development. We have made payment into court and an interim payment of £60,000 to Mr McEvoy. We now await hearing in the New Year.

Ministry of Defence
13 November 1984

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CENTRAL AMERICA

Brief by Foreign and Commonwealth Office (for defensive use only)

United Kingdom Objective

To exchange views on future EC policy towards Central America.

Points to Make

1. Pleased with positive EC rôle created by San José meeting. Tribute to skilful handling by Irish Presidency. Hope to maintain momentum to reap full political benefits.

/2.

2. Understand US preoccupation: region of great strategic concern to them. Europe can play a constructive and moderating part.

3. Firmly support President Duarte's efforts in El Salvador.

4. Consider Nicaraguan elections flawed.

Background

5. (Not for use). Support by "liberation theology" elements of the Catholic Church in Central America for the Sandinistas and the Salvadorean FDR/FMLN is echoed by Irish Church groups. While taking account of this pressure, the Irish Government have kept a fairly low profile. They are likely to be grateful for the joint EC policy evolved for the San José meeting and its follow-up.

6. The Salvadorean Government and insurgents are due to meet on 21 November for a second round of talks, following those at La Palma on 15 October.

/7.

7. For use as required. The Irish did not send observers to the Salvadorean or Nicaraguan elections. The latter took place without incident on 4 November, the Sandinista FSLN winning about 63% of the votes. We consider they failed to provide equitable conditions during the campaign and that the elections constituted no real contest. But 26 of the 90 seats in the new Assembly will be held by opposition parties, and the Sandinistas have invited all opposition parties to take part in political talks aimed at national reconciliation.

8. The Contadora process awaits discussion of the amendments to the draft Contadora Act proposed by Honduras, El Salvador and Costa Rica designed to ensure effective implementation.

Foreign and Commonwealth Office

8 November 1984

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EC RESPONSE TO ETHIOPIAN FAMINE

Brief by Overseas Development Administration

UK Objective

1. To keep up the momentum of EC food and other relief aid to Ethiopia and other drought-affected countries: but by diverting existing funds, not adding to them.

Points to Make

2. Thank Presidency for encouraging Commission to respond quickly. Proposals for 60 mecu (£35 million) agreed at Development Council 6 November welcome.

3. Now need early agreement on pattern of Community's 1985 food aid programme; concentrating its use on emergency relief. Believe total resources now available to Community sufficient, if famine needs given proper priority.

Background

Ethiopia has been granted 117,000 tonnes of cereals by the EC in the year up to 30 September, plus £3.2 million emergency

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aid. The Development Council agreed on 6 November a further £35 million of drought related aid to Africa, of which much will go to Ethiopia.

5. The World Food Programme has assessed additional food needs at 400,000 tonnes for Ethiopia alone over the next twelve months and 1 million tonnes for Africa without taking account of Kenya's needs. The Irish Chairman (Mr O'Keefe) argued on 6 November that the EC might need new funds outside the 1985 budget to meet these needs. We do not accept this is necessary.

6. The regulation for the 1985 Community food aid programme covering global quantities now under discussion needs to be agreed soon so that commitments can be made to ensure the food pipeline remains full. Commission planning of food aid has not in the past centred on meeting emergency needs, but in 1985 non-emergency programmes will have to give way.

Overseas Development Administration

8 November 1984