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Mrs. M. Whelan

SECRET

ANGLO-IRISH SECTION
WEEKLY BRIEF

WEEK ENDING 2nd NOVEMBER 1990

AN ROIINN GNÓTHAÍ EACHTRACHA
Department of Foreign Affairs



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 - Meeting on the Emergency Provisions Bill
 - Dinner with Mr. Joe Pilling, Deputy Under Secretary of State for Political Affairs.
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2. Contact and Information Work
 - Discussions with Mr. Ken Maginnis MP, OUP
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3. Report of Meeting of the Anglo-Irish Intergovernmental Conference, London, 25th October, 1990
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AN RÚNAÍOCHT ANGLA-EIREANNACH
BÉAL FEIRSTE

ANGLO-IRISH SECRETARIAT
BELFAST

31st October, 1990

CONFIDENTIAL

Mr Dermot Gallagher,
Assistant Secretary,
Anglo-Irish Division,
Department of Foreign Affairs

cc psu!
Shawley, PSC,
McMahon, Hoban
Cuthbertson
Rex!

Dear Assistant Secretary,

MEETING ON THE EPA BILL

Pursuant to the Ministerial discussion at the Conference last Thursday, we had a lengthy meeting with the British side at Stormont yesterday afternoon. A full note of the meeting is being faxed separately and I give below the major new provisions which are likely to cause controversy, but first a word about the operational follow-up.

OPERATIONAL POINTS

Parliament opens on Wednesday 7 November and the Bill is expected to be introduced in the first or third week of the new Session (Mr Brooke will be visiting Belgium and the Netherlands in the week beginning 12 November). The precise date is not known yet but notice should be given by the Parliamentary Managers in the next few days. We will be alerted when the notice is received. The British side (Mr Ledlie) emphasised the urgency of the position and that the Parliament timetable is out of their hands. In answer to our question, it emerged that the Bill has already been to Government.

I said we had made known views on the existing Acts in discussions with Lord Colville of which the British side were aware, in an Aide Memoire given to Lord Colville of which they had a copy and in a presentation made in the Secretariat last September. We were only now being made aware of the changes which the Government proposed to make in the introduction of the new Bill. We would be reporting urgently to the Minister on the information provided and he might decide to press immediately for changes in the Bill on certain matters. In any event, we would be presenting a paper setting out our views for the record and we would do this as soon as possible.

The British side stressed that the views we had expressed previously had been fully taken into account and brought to the attention of Ministers. Mr Ledlie said that the Bill as presented would not be immutable and that changes might be made

as it passed through the various Parliamentary stages, including changes proposed by the Government. I said we would point this out to the Minister. We would not regard the introduction of the Bill as marking the end of our right or ability to put views and proposals under the Agreement, but we might press for changes immediately and we regretted that we had not been briefed properly in adequate time.

We have asked here repeatedly for the text of the Bill or at least the texts of new provisions and we did so again today, pointing out that it is impossible to fully assess provisions without a text and that matters considered minor or not worth mentioning by the British side might present differently and controversially to the public. Mr Ledlie said he himself had only seen the Bill that morning (sic!) and would try to let us have it.

NEW SUBSTANTIVE POINTS IN THE BILL

Mr Ledlie stressed that the attached Aide Memoire describing the new Bill has been given to us in strict confidence. I noted that in 1986, at the time of the previous Bill, we had been given a paper in strict confidence in May and had maintained confidence scrupulously until the introduction of the Bill in the following December.

The British side described the Bill as 95% re-enactment of present provisions and schedules. The important changes to note are:

New Power of Seizure for the Armed Forces

The Armed Forces will be given an explicit power of seizure in the new Statute. The British side explained orally that this power would be given in the context of cross-border road closures and reclosures and would give the Army statutory authority to seize machinery and implements used in the reopening of cross-border roads, e.g., JCBs, tractors and other vehicles as well as such items as shovels and pickaxes. Under common law the Army may seize items which could be used in evidence to support a charge of illegal reopening, but the intention of the proposed provision is to permit the Army to prevent the use of equipment by taking it away and to deter people from attempting to reopen closed roads.

We expressed concern about the increased possibility of clashes on the Border between the British Army and locals and about difficulties that might arise from seizure of Southern property on the Northern side of the Border.

Power to Examine Documents and other Recorded Data

This power will be given under Section 15 of the Act which allows the security forces to stop and search for munitions and transmitters. At present, the security forces are not permitted to examine documents during a stop and search exercise unless, of course, the person is arrested. The new power will enable the

security forces not only to examine but to copy and retain documents and other recorded data found in a person's possession.

The British side pointed out that at present most convictions are obtained by confession evidence. Ministers were aware of the controversy which could be caused by the introduction of this new power but, on balance, considered that the opportunity to obtain hard documentary evidence was too significant to let slip.

We expressed three concerns; first, that the power to examine, copy and retain privileged documents such as those in possession of a priest, doctor or lawyer would undoubtedly provoke strong protest; it was also likely that journalists would react to the examination and retention of notes and audio and video tapes; second, that the new power would increase the ability of a policeman or soldier to harass an individual, say, at checkpoints or in the street; and, third, that the examination of private documents during house searches would exacerbate the resentment and ill-feeling that already existed. The British side argued in response that strict instructions would be issued against the possibility of abuse and that it was anomalous that there should be an offence (S.21) to collect information on judges, policemen and soldiers but no power to search and examine such information.

Possession of Items intended for Terrorist Purposes

This will also be a new power following the lines of the "going equipped for theft" provision in the British Theft Act. It will allow the possession of quite mundane items such as coffee grinders, fishing lines, push bells and adhesive tape which could be used in bomb-making, to be an offence punishable by a maximum of 10 years. The British side emphasised repeatedly that charges would only arise in circumstances where it was clear that an offence was intended. The aim would be to net the most blatant cases which, at present, can go scot free, e.g., a man found in possession of a walkie-talkie and a balaclava on a hill in South Armagh immediately after an explosion. Ministers recognised that Lord Colville had proposed using the existing powers under the Police and Criminal Evidence Order but this Order did not apply to the terrorist area (we recalled our proposal that it should) and they preferred to take the opportunity now offered by this Bill rather than see if the PACE Order could be effective somewhere down the line. We said we would not quarrel with blatant cases but we were concerned that the new power could be used in situations which were not at all blatant and could be quite innocent. As in the case of the power to examine documents, we also had worries about the potential for harassment by the police and military.

Provision to take finger-prints without consent

There is a technical difficulty in applying the law of England and Wales in this matter to Northern Ireland because the law contained in the Codes of Practice of the Police and Criminal Evidence Act does not apply to the operation of the PTA in Northern Ireland. At present, the police are empowered to fingerprint for identification only; they are not empowered to match fingerprints found at the scene of a crime. This will be

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remedied in the Bill, and on the face of it, and subject to seeing the text, should not cause controversy.

Enabling Power to make Codes of Practice

We have argued for several years that statutory Codes of Practice are needed for the exercise of emergency powers in Northern Ireland; this provision will enable the Secretary of State to make such Codes and it is, therefore, a favourable development from our point of view; the British side made it clear, however, that they would first wish to see how the recently published Non-Statutory Guide to the exercise of emergency powers is operated before proceeding with Statutory Codes.

Possible Anti-Racketeering Measures

The British side said that Mr Brooke was attracted to a measure which might be introduced as a Government amendment at the Committee stage and of which they wanted to give us notice now. On application by the police, a Court might give an expert person outside the police, e.g., an accountant, power to investigate matters such as those handled by the Serious Fraud Office. Two other possible but less likely measures would be, first, to improve the chances of convicting persons of non-scheduled tax and customs offences which are related to the financing of terrorism (one possibility would be to include such offences in the schedule) and, second, to introduce a law of forfeiture of assets of those connected with terrorist activities similar to that affecting persons convicted of drugs charges.

Other Matters

Three other changes were mentioned. The first is a technical change concerning the qualifications of persons appointed to act as advisors in cases of internment; the second enables the authorities to hold a remanded soldier in military custody; at present soldiers can only be held in military custody with their consent; and the third makes the failure to notify the authorities of personnel changes in a security company a triable rather than summary offence and empowers the police to search a security company's records. We were told there are no other changes in the Bill and no other "gleams in the eye" (my phrase) in the shape of possible Government amendments.

We said that the reactions which we had given to the new measures notified to us were preliminary and we would need to reflect further on them. We recalled our well-established position on other matters in the Bill such as three-judge courts, the question of certifying-in rather than out of the Diplock Court, the admissibility of confession evidence and the use of lethal force by the security forces. We also made reference to the question of video recording. The British side said this was not a Bill matter; it could be provided for administratively by the Secretary of State. After some agonising and a personal visit to Castlereagh, Mr Brooke had come to the view that it should not be introduced. We expressed disappointment with this decision and said we would return to it. The British side offered to give

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us detailed briefing on the difficulties which they had found with this proposal. We also asked about another Colville suggestion, the appointment of an Independent Ombudsman for Complaints against the security forces. We were told again that this was not a Bill matter and that it was not proposed to act on it. Lastly, the British side described the recent Sunday Times report of 21 October that a new offence of Criminal Association was under consideration for inclusion in the Bill as "absolute rubbish." The only thing that could be said for it was that ideas of this sort were kept under permanent review.

General Statement of Security Policy

A major element in our presentations here is the argument that the British Government's policy in Northern Ireland tends to be security-driven and that its political and security policies are compartmentalised. We also pointed out recently that the timing of the introduction of the new Emergency Provisions Bill could have implications for the political initiative; granted the recent pessimism expressed by journalists, the introduction of the Bill at this time, with new controversial measures, with the retention of all the present powers, no new controls and no move towards use of the ordinary law which has now been considerably strengthened in the Police and Criminal Evidence Order, may be seen as a falling back on the security policy that has failed in the past.

Mr Ledlie said that consideration is being given to a full statement setting the Bill in the context of overall British policy, emphasising its temporary nature (it will operate for five years as previously) and restating the basic principles under which the security forces exercise their powers.

Yours sincerely,

Declan O'Donovan

Declan O'Donovan,
Joint Secretary.

IN STRICT CONFIDENCE

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AIDE MEMOIRE

Emergency Provisions Bill: Main Provisions

Part I replaces, without significant amendment, Part I of the 1978 Act. It continues the category of scheduled ("terrorist type") offences, and makes provision for trials on indictment for scheduled offences to be conducted by the court without a jury (the so-called "Diplock" courts). It provides that bail in such cases can only be granted by the High Court or the Court of Appeal; and contains special rules on the admissibility of confessions by persons charged with scheduled offences, and for reversing the onus of proof in relation to offences of possession of firearms and explosives. Part I also provides for the granting of remission for persons convicted of scheduled offences and for the reactivation of the remitted portion of earlier sentences (currently found in Part VI PTA 1989).

Part II replaces, with one significant addition, Part II of the 1978 Act. It confers powers on the police and Armed Forces to enter premises without warrant, to search for munitions, radio transmitters and receivers, for persons unlawfully detained and for the purposes of arresting terrorists. It provides the police and Armed Forces with powers of arrest and seizure (in the Armed Forces' case, with the latter power, explicitly for the first time); powers to stop and question, and to search persons in public places; and powers of entry and interference with rights of property and with roads. The one significant addition is the new power to allow the security forces to examine documents and other recorded data.

Part III replaces, with one significant addition, Part III of the EP Act 1978. It continues the category of proscribed organisations for Northern Ireland, and offences relating to membership of and support for such organisations. It also creates offences relating to the unlawful collection of

IN STRICT CONFIDENCE

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information likely to be useful to terrorists; training in making or use of firearms and explosives; and the wearing in public places of hoods, masks or other articles to conceal identity. The Part also contains a new offence of possession of items intended for terrorist purposes.

Part IV (together with Schedule 3) re-enacts the power of executive detention with no substantive amendment.

Part V replaces, with amendments, Part III of the EP Act 1987 and makes provision for the regulation of security guard companies in Northern Ireland.

Part VI replaces, without amendment, Part II of the EP Act 1987. It contains statutory rights for persons arrested and detained under the terrorism provisions to have a person informed of their arrest and whereabouts, and to have access to legal advice. It also makes new provision to widen the grounds on which the police may take fingerprints without consent from terrorist suspects, in line with paragraph 16.7. of the Colville report.

Part VII replaces, without amendment, existing provisions in the EP Act 1978 and PTA 1989. It provides for the Secretary of State to make regulations additional to the provisions of the Bill for promoting the preservation of the peace and the maintenance of order. It also widens the grounds on which the Secretary of State may reject applications for licences for new explosives factories and magazines, provisions currently found in Part VI PTA 1989. It provides for the payment of compensation by the Secretary of State in respect of property taken, occupied, destroyed or damaged by members of the security forces. This Part also contains a new power to enable the Secretary of State to make Codes of Practice governing the exercise of the emergency powers by the police and Armed Forces.

Part VIII contains supplementary provisions. It provides that a prosecution for any offence under the Bill shall be instituted only by or with the consent of the DPP (NI); and

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that any power to make orders or regulations conferred by the Bill shall be exercisable by statutory instrument. The Part also deals with the interpretation, commencement, duration, expiry and revival of provisions of the Bill; with savings, amendments and repeals; and with the short title and extent of the Bill. The new Act will have a five year life, subject to annual renewal.

Schedule 1 lists the scheduled offences.

Schedule 2 lists the proscribed organisations. It duplicates, without amendment, the existing list in Schedule 2 EPA 1978).

Schedule 3 sets out procedures for the detention of terrorists and suspected terrorists, without substantive amendment.

Schedule 4 lists consequential amendments.

Schedule 5 lists consequential repeals and revocations.

AN RÚNAÍOCHT ANGLA-ÉIREANNACH
BÉAL FEIRSTE

ANGLO-IRISH SECRETARIAT
BELFAST

CONFIDENTIAL

31 October, 1990

Mr Dermot Gallagher,
Assistant Secretary,
Anglo Irish Division,
Department of Foreign Affairs,
Dublin 2.

Dear Assistant Secretary,

Dinner with Mr Joe Pilling

I had dinner with Mr. Joe Pilling the new Deputy Under Secretary of State for Political Affairs at Stormont last evening; no one else was present.

Mr. Pilling was among the first group of British Civil Servants who arrived in Northern Ireland in the early 1970's and he has been back on one occasion since then, in the late 1970's, when he served as Private Secretary to Roy Mason. His career in the interim has been in the Home Office where most recently he was Director General of the Prison Service.

Mr. Pilling spoke first of the difficulty of following in the steps of Mr. Ian Burns. Indeed, he said at one stage that he had himself transgressed advice which he gave to young civil servants, to wit, choose your own predecessor!

His easy manner and "I am still learning "approach contrasts with Mr Burns. He did remark, however, that the Prime Minister herself made all appointments at Grade 1 (Permanent Under Secretary) and Grade 2 (Deputy Under Secretary) level and had by now created a senior civil service in her own image. She liked fully committed achievers; in one case, that of a Mr. Wilding who had served as Secretary to the Fulton Committee On the Civil Service, the man had been cast into outer darkness because he was known to express the view that no civil servant should give more than 98% to his job in the interests of his psychological health, because a new government might require him to reverse engines!

We can, I think take it that Mr Pilling's quiet, laid-back persona conceals no less intelligence and determination than Mr. Burns.

Prospects for the Initiative

Mr. Pilling pointed out that last Thursday's discussion was his first exposure to the political talks and he said he was too new to be able to offer much comment. He quizzed me closely, however, on our views. The one point to note is his feeling that the timing of his arrival is particularly difficult and that the prospects for the initiative are now very poor. He thought that in the current atmosphere Mr. Brooke cannot continue much longer and, indeed, should not do so in the interest of his own reputation.

Like Sir John Blelloch, he felt that progress had been made in the past year but offered the view that the situation had looked more promising in 1973 than it did now. He asked for views on the Agreement, presenting himself as an agnostic at this stage on its value and achievements. He said that personally, he had found it depressing last week to find himself scattering a "pepperpot of adjectives" on Mr. Brooke's statement following the explosions at Newry and Derry. Mr. Pilling seems to have absorbed the view of the security forces that the IRA has lost none of its capacity to deal death over the last twenty years and is now more effective than ever.

In response to the continuous British pressure here to get us to accommodate and trust ourselves to Mr Brooke's judgement of the Unionists in regard to North/South talks, I have been querying the British refusal even to attempt to argue the merits of our position - which Mr Brooke and his officials say they understand intellectually (but describe as impractical) - with the Unionists and suggesting that the NIO's appreciation of the respective positions, fears and hopes of Nationalists and Unionists has become skewed heavily in favour of the latter since last May when Mr Brooke moved away from the document of 19 April and agreed a quite different line with the Unionists leaders. I have also been querying Mr Brooke's suggestions of recriminations and damage to the Agreement if the initiative does not move forward.

I recalled for Mr Pilling Mr. Brooke's letter to the Minister in August in which he argued that there would be greater damage to the Agreement if talks did not get off the ground than if they did and failed later on substantive issues, pointing out that Mr. Brooke seemed to feel that damage would be inflicted on the Agreement in any event if the initiative was not a complete success. I noted that Mr. Brooke had made the same point across the table last Thursday. Early in the year, however, when Mr. Brooke had been trying to persuade us to give our support, the British side had stressed repeatedly that the Agreement could not be damaged and would indeed be strengthened by the appearance of the two Governments seeking to find a better alternative acceptable to all parties. At that time, Mr. Brooke had spoken of "camping on the race course" or "pausing" and consolidating progress, if a breakthrough could not be achieved; and here I recalled the Minister's proposal for a "pause" in his letter to Mr Brooke immediately prior to the Commons statement of 5 July.

Mr. Brooke's line since August had been to dwell on the suggestion that damage could be caused to the Agreement and he had moved away from talk of pausing and consolidating progress made. We felt strongly that if we could not move forward at this point, the two Governments should commit themselves to ensuring that their relations and the Agreement did not suffer.

Interestingly, Mr. Pilling agreed that there had been a reverse in Mr. Brooke's view. He even suggested that Mr. Brooke's consciousness of his inconsistency made him play down the real pessimism which he now felt. The full extent of his feeling might not have got through to our Minister.

Attitude to the SDLP

At one point, Mr. Pilling recalled a dislike which Roy Mason had taken to the SDLP, in particular to Gerry Fitt and Paddy Devlin, in the late 1970's. In Mr. Pilling's view, Mason had come to have a "problem with Nationalists" because of his puritanical reaction to what he regarded as indiscipline, over-fondness of a jar, and earthy language on the Nationalist side. He made it clear that unfortunately Mason's personal reaction had become a factor in the NIO's dealings with Nationalists. I took the opportunity to say that I had detected that Mr. Brooke had developed a personal preference for dealing with the Unionist leaders and pointed out that several members of the NIO had noted to me how disciplined, punctual, prepared, clear in their objectives, the Unionist leaders were, suggesting, although not explicitly, that the same could not be said of the SDLP. I had noticed how quickly John Chilcot had come to express the same view. As in the case of Mason, there might be a danger of allowing tastes and preferences to have undue influence on political relations and on strategy. Mr. Pilling was interested by the point, adding the comment that he had been struck last Thursday at "how very English" Mr. Brooke must seem to our Ministers.

Britain's Prisons

Mr. Pilling was quite forthcoming in discussion about the job he has just come from in the Home Office. The following are a few points of interest:

Britain's prison population has fallen sharply from 51,000 to 46,000 in the past three years. There have been three similar dips since the war but the calculation is that prison population will climb again notwithstanding hints to judges to minimise the handing down of custodial sentences. It is aimed to have new prisons coming on stream to cater for 60,000 prisoners before the end of the 1990s.

I asked about the Home Office policy on categorisation and decategorisation. Mr. Pilling said frankly that categorisation was decided essentially on the basis of the anticipated political fall-out from escape rather than the real risk; and there were inconsistencies. For example, one of the problems was that young tearaways in the football hooligan class were placed in Category "C" prisons which were thinly staffed and relatively open and

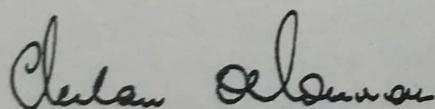
insecure. It would not be of serious political consequence if such prisoners escaped, yet they had a taste for riot and were very difficult to handle in the "C" Prison category.

In response to my question, he said that decategorisation of the Birmingham Six would have been decided (a) because there was less chance of public uproar if the prisoners escaped, (b) because they were judged highly unlikely to attempt escape because of their age and the incentive of possible reversal of their convictions and (c) because of a general feeling that the "course of history is on their side".

I asked about the Strangeways prison riot earlier this year. Mr. Pilling said that this period was the most uncomfortable of his career. Ministers had lost all confidence in the prison service and were themselves at sea, raging impotently at the continuous nightly coverage on BBC and ITV. He was critical of the Strangeways Governor Brian O'Friel, who adopted a high and emotional profile at the time. Mr Pilling's testament to his successor in charge of the Prison Service was a Napoleonic "let him be lucky in his prison governors!"

Mr. Pilling does not seem to hold the Home Secretary, Mr. Waddington, in high esteem. In contrast, he feels that Mr. Hurd, despite the fact that he was not instinctively attuned to prison issues and had no managerial experience, came to establish an impressive command of his prison brief.

Yours sincerely,



Declan O'Donovan
Joint Secretary

AN RÚNAÍOCHT ANGLA-ÉIREANNACH

BÉAL FEIRSTE

ANGLO-IRISH SECRETARIAT

BELFAST

1 November, 1990

Mr. Dermot Gallagher,
Assistant Secretary
Department of Foreign Affairs,
Dublin 2.

Dear Assistant Secretary,

First Annual Report of the Fair Employment Commission

The First Annual Report of the Fair Employment Commission (FEC) for Northern Ireland was laid before the House of Commons yesterday 30th October 1990. The Report covers the final nine months of operation of the Fair Employment Agency (FEA) and the first three months of operation of the FEC (as established by the Fair Employment (Northern Ireland) Act 1989) from 1 January - 31 March 1990. It is a modest document consisting of eight chapters describing the role and functioning of the FEA and FEC and how the transition was made between the two, four appendices (two of which summarize investigations and complaints handled during the twelve month period) and a Statement of Accounts. (Copies of the Report have been forwarded under separate cover).

In the preface, the Chairman of the FEC, Bob Cooper, draws a contrast between the attempts of the FEA to "cajole" employers to apply fair employment policies with the extensive new role and powers of the F.E.C. and the Fair Employment Tribunal (F.E.T.). Pointing to the fact that Catholics are still far more likely to be unemployed than Protestants and more likely to be

employed in insecure, lower paid and lower status jobs, he calls for a two-pronged attack comprised of rigorous enforcement of the new fair employment legislation coupled with a drive by Government, employers, trade unions and the entire community to create more jobs in areas of high unemployment.

The Report states that in all, approximately 150 employers carried out voluntary monitoring of the religious make-up of their workforces before the introduction of the new legislation and made monitoring returns to the Fair Employment Agency. This figure contrasts rather starkly with the over 1,700 employers (with over 25 employees) who are now compulsorily registered with the FEC and subject to monitoring requirements. This figure, which includes 101 public authorities who were automatically registered with the FEC on 1 January of this year should increase significantly when employers with 10 or more employees are obliged to register in two years time. From contacts with the FEC, we are informed that immediate compliance with the registration requirement was nearly 98% which is credited in large part to the extensive media campaign undertaken at the beginning of the year.

Under the new regulations, employers are obliged to forward a monitoring return on the composition of their workforce to the FEC within four months of their date of registration. In practice this translated into a deadline of 30 April 1990 for public authorities and 5 June 1990 for private employers. We understand that compliance figures for monitoring returns were also extremely high and the first prosecution for failure to make a return took place in Belfast Magistrates Court on 30 October. The company in question, a Lisburn computer firm with 72 employees claimed that its failure to submit was due to an oversight and was fined £100 (the maximum possible fine is £2,000). It has now submitted its monitoring return.

The Report confirms that the FEC will set numerical targets towards bringing about an equitable distribution of employment and employment opportunities after analysis of the first years monitoring returns.

In the area of investigations the Report states that the FEC inherited a large number of investigations from the FEA together with responsibility for their completion. During the twelve month period, final reports of investigations were forwarded to sixteen District Councils cross Northern Ireland and work was continued on draft reports and work force assessments in the case of a number of others. Draft reports have also been completed on, and in some cases are under discussion with, a number of Further Education Colleges and Library Boards, with British Telecom and also with the Post Office. The FEC has also completed, and in some cases published, reports of investigations in relation to Queen's University, Ulster Bus/City Bus, Belfast International Airport, University of Ulster, and twenty private companies, seventeen of them in the car retailing area.

In the area of complaints of unlawful religious and/or political discrimination, 138 new complaints were lodged in the nine months to 31 December 1989 of which 75% were from Catholics and 25% from Protestants. (A detailed analysis of these complaints is given in Appendix 2 of the Report). Only 25 findings were issued during the same period, five of which upheld claims of unlawful discrimination. Under the 1989 Act, jurisdiction to determine any complaint arising out of an alleged act of unlawful discrimination is vested in the F.E.T. This has fundamentally changed the role of the FEC in relation to new complaints as well those which it inherited, its role being now to advise and assist potential complainants. The Report states that 56 new complaints are currently before the Commission which has begun pursuing 17

of these through the Questions Procedure whereby a questionnaire is sent by the complainant to the respondent in order to obtain information about his or her treatment in cases of alleged discrimination. This in turn permits the FET to adjudicate the case. While this procedure will be continued, the work of the FET was, of course, halted during consideration of its first case on 11 October, by the ruling of its President to the effect (that deficiencies in the 1989 Act make it unlawful to reveal information about an individuals religious background, thus preventing it from hearing any case).

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In order to permit the processing of employer registration material, monitoring returns, formal investigations and complaints, the Report states that the FEC has purchased a computer system and developed specialized applications which were to be operational by September. We understand that this is not the case and that the system is unlikely to be fully operational before the middle of November. This may have the unfortunate effect of delaying the analysis and publication of the monitoring returns referred to above until early next year. The Report also confirms that a staff increase from 30 to 63 was sanctioned by the Department of Economic Development (DED). We are informed that interviewing and hiring has been slower was than anticipated but that interviews should be concluded next week.

The Statement of Accounts reveals that, in line with its enhanced role, the grant level from DED to the FEC for the first three months of 1990 (£1.3M approx.) was almost double that to the FEA for the previous nine months. Within this figure, significant sums were spent on a major advertising campaign undertaken to inform the public of the role of the FEC, capital equipment costs (including the purchase of the new computer system), and the expansion of the Commission's offices in Andras House on Great Victoria Street.

STB/N
E. Brian Nason
Anglo Irish Secretariat

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Discussions with Ken Maginnis, M.P.

1. I saw Ken Maginnis, the Official Unionist M.P. for Fermanagh and South Tyrone, at his invitation in the North recently. He was very relaxed and open, and clearly welcomes contact with us. The following are the issues of most interest which arose during our discussions.

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Request for coastal guns for Grey Point Fort:

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2. As arranged in advance, Maginnis and I travelled to Grey Point Fort in Co. Down (near Helen's Bay), where we met members of the Committee which has restored a coastal defence fortification there. Grey Point was one of the British defence fortifications established in the early 1900's around the Irish coast; others were Fort Dunree in Donegal, Bere Island in Kerry, and Fort David and Spike Island in Cork. The restored Fort, which includes a small museum, was officially opened in 1987 and, since then, has been attracting significant numbers of visitors.

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3. While the restoration has been very successfully carried out, the Fort lacks what should be its major attraction - two 6" Mark vii coastal guns, these having been sold for scrap by the British in 1956. However, the Chairman of the Restoration Committee told Maginnis and myself that there are a number of "spare" guns of this type in the possession of the Army here. One of their colleagues reported to them in June 1989 for instance, following a visit to Fort Dunree, that in addition to a number of guns there "all polished and presentable", there were also "two of the original 6" guns in a derelict emplacement on a high hill at the back of the adjacent army camp".

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4. Maginnis said that he would wish, on behalf of the Restoration Committee, to convey a request to the Authorities here at a political level to give sympathetic consideration to the making of a bequest to the Committee of two Mark vii 6" guns. He emphasised that, if a positive response were possible, this would be seen and appreciated in the North as a most

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generous gesture on the part of the Government - "and the guns would not be leaving the island"!

5. (NOTE: I have passed the papers on this request to Assistant - Secretary O'Reilly in the Department of Defence. An earlier approach had been made to Defence through the Secretariat and, in response, they apparently offered to make available a 6" CDA gun located at Spike Island. In the circumstances, however, there would seem to be much to be said for following-up on this request politically through Ken Maginnis rather than at official level.)

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Visit to Unionist Headquarters:

6. Maginnis and I also called to the H.Q. of the Official Unionist Party where I had a short discussion with Jim Wilson, the Chief Executive of the Party. Wilson is a rather unattractive and not particularly bright figure and, apart from being concerned about the impact of the Constable Robinson killing on cross-border angling visits (Wilson is a keen angler and comes to the South regularly with his local club), had little of political interest to say.

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Invitation to State dinner for Queen Beatrix:

7. As instructed, I raised with Maginnis the wish to send him an invitation to the State dinner for Queen Beatrix if this did not prove embarrassing. He replied that, while he would personally have very much wished to attend, the political situation at present - particularly given the uncertainty about the talks process - was such that he could not afford to be seen attending an official function in Dublin, "even for an orange Queen".

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Political Talks:

8. Maginnis is clearly not being briefed by Molyneaux on the talks process and had no real feel for the obstacles still to be overcome before talks could open. He regards Molyneaux as "tricky and slippery" and doubts if he has any real commitment to the process. The Unionist leader is, moreover, very loath to share his thinking with anyone (apart perhaps from Willie Ross - "God help us"). Overall, Maginnis has scant regard for the majority of his colleagues - with the notable exception of Jim

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Nicholson - and considers the newest M.P., David Trimble (who took Harold McCuskar's seat), to be a particularly negative and bigoted influence.

Security:

9. Maginnis accepts that he is a prime target for the IRA and that he has been lucky to escape death to date. He is quite fatalistic about the probability of being assassinated and refuses, for instance, to accept a police presence at his house.

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10. He is at present particularly worried about the recent spate of "tit for tat" killings and believes that the paramilitaries on both sides are now so "geared-up" that they are capable of retaliating for a killing within about an hour.

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11. Finally, Maginnis told me that the Chief Constable of the RUC, Hugh Annesley, is widely disliked in the RUC, especially by his senior colleagues; he is considered to be aloof and distant, and as having a commitment not to the RUC but to advancing his own career across the water at an early date. (NOTE: We have previously heard this criticism - it may, at least to some extent, reflect resentment within the senior echelons of the RUC that a successor to Hermon was not found among their own ranks, and also at Annesley's decision to bring in a Deputy Chief Constable from Britain (Stevens) to investigate collusion between the security forces and loyalist paramilitaries.)

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D.G.
Dermot Gallagher
2 November, 1990

cc PST, PSM, Mr Nally, PSS, Mr Matthews, Mr Brosnan,
Counsellors A.I., Box.

CONFIDENTIAL

Conversation with Brian Feeney, SDLP Councillor
North Belfast - 25 October 1990

Michael Griffin and his son Martin had collected Michael's car from his workplace and brought him to the police station.

Recent Killings:

He was still upset at the two murders in North Belfast on 16 October when Dermot McGuinness (a totally innocent and random Catholic victim) and Stephen Craig (a former RUC reservist) were murdered within an hour of each other. He had been at the scene shortly after the murders.

In the case of Stephen Craig, who came from Bangor and who was murdered outside the Chester Park Pub on the Antrim Road, the RUC asked Feeney to help with identification to see if he might have been a local man. He was still upset at the experience - not alone had the killers shot Craig in the head, but they had then proceeded to kick his face in after he had fallen.

Police Liaison Committees:

Perhaps because of the particular savagery and senselessness of both killings, Feeney called publicly for people to give information to the police. He mentioned that Hume had phoned him shortly afterwards to congratulate him. Feeney's own view is that in an area like North Belfast, which has seen the vast bulk of sectarian killings over the years, people need police - whatever their shortcomings. He expressed impatience with the traditional SDLP policy of non-involvement with the Police Liaison Committees which have been established by the Police Authority with the local District Councils in Northern Ireland. He saw little logic in nationalists excluding themselves in this way from positions which might help to influence policing policy. The net effect of the policy is to give the unionists a clear run on these committees.

Withholding Information:

Four people have now been charged with involvement in the murder of Stephen Craig. Two of these (Michael Griffin and his son Martin, of Newington Street, North Belfast) have been charged with the offence of withholding information. Feeney was quite bitter about the RUC policy of preferring such charges in cases like these.

Apparently the Griffin family are a solid hard-working family with no paramilitary connections. Their car was hijacked at gunpoint and they were told that it would not be used in any crime and would be left back at a particular location after about an hour. When they collected the car they were again assured that it had not been used for any killing and were warned not to report the matter.

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According to Feeney, shortly after the Craig murder the RUC were well aware that the Griffin's car had been used for the killing. However, the RUC were also aware that the Griffins were not in any way involved and they waited two days before arresting Michael Griffin at this home. At the request of the family, Feeney had collected Martin Griffin at his workplace and brought him to the police station.

The family were devastated and were completely ignorant of what to do in the circumstances and had to be coached by Feeney as to the various steps which would follow. They were remanded in custody in the usual way, and because it is a scheduled offence, application for bail had subsequently to be made in the High Court - a process which requires the services of a barrister. (As their income is in excess of £7,000 P.A., they were not eligible for legal aid.) Both Griffins were subsequently released on bail - something which Feeney described as entirely predictable. He also predicts that given the circumstances of the hijacking, when the case comes to trial they will not receive a custodial sentence.

The net result of all this is that the Griffins are used as pawns by the IRA on one hand, and by the RUC on the other. For the Griffin family the price of being pawns is high -viz- both father and son were held and questioned for some days in Castlereagh (where Martin Griffin was apparently "slapped around" by the detectives - NOTE: we have raised a number of such incidents through the Secretariat in recent weeks); both were remanded to Crumlin Road Prison; had their names printed in the paper as being charged with a scheduled offence (a particular problem for the Griffins given that the daughter of the family is engaged to be married to a man from the Shankill); and the family will incur significant expense in paying legal fees.

He assumed the RUC policy was to make people like the Griffins pay in some way, in order to discourage others. In Feeney's view, if this is the policy, it is entirely misconceived. You cannot expect people living in a place like Newington Street (at the edge of the hard republican New Lodge) to exhibit superhuman courage. The reality is that the Griffins adopted the only safe course open to them in the circumstances. To penalise them and to make their life a misery in this way is entirely counter-productive in terms of building community relations.

NIO Political Secretariat:

The new head of the political secretariat Danny McNeill, who recently replaced John McConnell, met him in Stormont earlier that day. He knows McNeill of old. He comes originally from Andersonstown, where his mother still lives. Feeney described him as the "quintessential cute hoor with few if any principles" who has steadily worked his way up the greasy pole of the Northern Ireland civil service. [Feeney told me that he worked in the political secretariat some years ago and apparently feels that he was unfairly transferred at the time to another department.]

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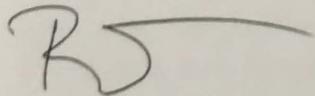
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From the SDLP point of view, he thought that McNeill could prove a dangerous commodity. In Feeney's view, he is the type who will quote his nationalist origins in support of an analysis which will have little sympathy for the nationalist agenda. He thought McNeill might be more influential in this regard than his predecessor, John McConnell, who had not been in such a strong position in terms of his origins, having been an unusual animal in Northern Ireland terms - a Lisburn Catholic.

As an example, Feeney told me that McNeill had told him with some apparent pride, how he had disputed in detail a recent complaint from the Andersonstown Parish Priest, Fr Tom Toner (an extremely moderate man), regarding the policing of recent orange marches in central Belfast. [The police had boxed-in the whole of West Belfast for the entire day.]

British Army:

He returned to the theme which he has raised on a number of occasions in the past - the preeminent role of the British army in West and North Belfast. He is firmly of the view that the army are something of a law unto themselves and that there is, in reality, little or no effective control exercised over the army by either the RUC or the NIO. He pointed out that the army are the responsibility of the Ministry of Defence and commented that even if the NIO wanted to exercise effective control, when push comes to shove, there is no question but that the Ministry of Defence is politically of much more weight than the NIO which is very much the poor cousin in Whitehall terms.



Brendan McMahon
Anglo-Irish Division
31 October 1990

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CONFIDENTIAL

Conversation with Alan Murray, Irish Press Correspondent

Belfast 25 October 1990.

Originally from East Belfast, he is a former schoolmate of Peter Robinson and has maintained a close relationship with him over the years. He has never really "been at home" working for the Irish Press. He has recently agreed to accept a redundancy package, and hopes to begin working free-lance in the new year.

Brooke Initiative:

When I last met him in May, he had been a very enthusiastic advocate of the Brooke initiative. On this occasion, he felt that the initiative had now run out of steam. He was fairly downbeat at the effect which this failure would have on public morale in Northern Ireland, and felt that it would have negative consequences on the London - Dublin relationship. His own view is that Brooke made a big mistake last summer in trying to force the pace of the initiative faster than political realities would allow.

From his own contacts he has heard that the NIO have no intention of taking any blame for failure. He foresaw efforts to lay the blame, in the first instance, on the SDLP, and subsequently, on Dublin. In what appeared to be a reflection of background briefing from the NIO, he spoke at some length of a deepening split between Hume and Mallon, with reports that "Hume is openly blaming Mallon for screwing-up on the initiative last June".

DUP:

What he now saw as the likely demise of the initiative will have a serious impact on the DUP. The Party leadership are preoccupied with the fact that the lack of political activity is steadily eroding their support.

The unifying force of the party is Paisley. At present, there are constant complaints within the Party that he spends far too much of his time outside Northern Ireland on Church business. As far as Murray could see, this pattern is likely to continue and he

understands that Paisley currently has numerous plans for evangelical programmes in a wide range of countries.

However, so long as Paisley remains, the party is likely to stick together. After Paisley, he sees an inevitable three-way split as between the Free Presbyterians; the Rural DUP (Willie McCrea & friends); and the Urban DUP (Robinson, Wilson & Dodds etc).

OUP:

While he sees Taylor as a possible successor to Molyneaux, he feels that this is only a possibility at present. He still feels that the most likely successor will be Willie Ross. He sees no chance for Ken Maginnis.

RUC:

Murray has excellent contacts in the RUC and reported increasing frustration among the rank and file of the RUC at the ability of suspects to use their silence during interrogation in order to avoid prosecution. He commented on a number of cases in recent times on both the republican and loyalist sides where well-known suspects were able to obtain release by simply saying nothing during their 7 day detention - "some of them are known to just lie on the floor and stare at the ceiling for the 7 days". [He told me that the main RUC suspect identified by the Stevens Inquiry, successfully adopted this tactic.] The feeling among the rank and file is that a new offence should be created in the new EPA Bill to deal with this problem. He understands that Annesley and McAtamney have both vetoed this idea on the grounds that "such a proposal would not fly" unless and until Dublin were prepared to go along with it. (The Joint Secretary's report on the meeting on the EPA of 30 October reports on some new proposed offences to be included in the new EPA Bill - offences which may well have been designed to assuage the type of frustration among members of the security forces outlined above.)

[Comment: These reports of growing frustration within the RUC may well be at the bottom of recent reports of ill-treatment of suspects in Castlereagh - reports which have been raised in the Secretariat.]

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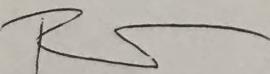
Stevens Inquiry:

He had not been particularly surprised at the recent collapse of the case against a number of people charged as a result of the Stevens investigation. The feeling in the RUC has all along been that the cases against a number of those accused as a result of Stevens are not sufficiently strong as to merit prosecution in the Northern Ireland Courts. With respect to the remaining accused, he understood that charges were likely to stick in about 18 cases (including the West Belfast UDA commander, Tommy Lyttle), but that about 8 others were likely to eventually walk free - (notably a group of hard UDA men associated with Robert Philpott from the Lisburn area - all of whom stayed silent during interrogation).

Supergrass:

He commented on recent rumours on the possible emergence of a supergrass among the current crop of loyalist prisoners being held on remand. The best known of these is Brian Nelson, reported to have been an agent for Military Intelligence, and who is currently being held as a result of the Stevens Inquiry. His own information is that notwithstanding current rumours, Nelson will not emerge as a supergrass as he can only testify to handing over information but cannot connect this with subsequent murders.

Katherine Spruce has also been rumoured as a possible supergrass, but Murray discounted this possibility. While the RUC were very keen to use Spruce's evidence to nail John Adair (a notorious UDA gunman believed responsible for 6 or 7 murders), apparently the evidence will not be sufficient in this case. Murray told me that the RUC are currently pinning their hopes on a man named Williamson who is currently on remand in the isolation wing of Crumlin Road Prison. Apparently his evidence may be sufficient to put away up to 30 loyalists, though the RUC are presently attempting to assemble other supporting evidence before proceeding with any cases.


Brendan McMahon
Anglo-Irish Division
31 October 1990

cc A/Sec Gallagher
Counsellors A.I.
Secretariat
Box

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AN RÚNAÍOCHT ANGLA-ÉIREANNACH

ANGLO-IRISH SECRETARIAT

BÉAL FEIRSTE

BELFAST

Minutes of the Anglo-Irish Intergovernmental Conference

London, 25 October 1990

SECRET

The Anglo-Irish Intergovernmental Conference was held in London
on 25 October 1990. The Conference was attended, on the
Irish side, by the Minister for Foreign Affairs, Mr. Gerard
Hession, and the Minister for Justice and for Communications.

¶ November, 1990 To, Mr. Noel Dorr, Mr. Des Mathews,

Mr. John Bourke, Mr. Dermot Gallagher, Mr. Joe

Ó Siadhail, Mr. Séamus Ó'Fátharta, Mr. Ronan Murphy, and from the
Department of Foreign Affairs, Mr. Dermot Gallagher, Mr.
Assistant Secretary,
Anglo-Irish Division,
Department of Foreign Affairs.

The Conference was attended by the
Dear Assistant Secretary,

I enclose a draft note on the meeting of the Anglo-Irish
Intergovernmental Conference held in London on 25 October 1990.

Yours sincerely, To, Mr. Quentin Thomas, Mr. Cathal
Ó Siadhail, Mr. John Ó Siadhail and from the Secretariat Mr. Robert
Ó Siadhail, Mr. Brian Ó Siadhail and Mr. Steven Ó Siadhail.

E. Brian Nason

In addition to our regular members, the Conference was joined on
the Irish side by the Minister for Priority, Mr. Robert Molloy
and Mr. John Courtney, Mr. Séamus Ó'Fátharta and Mr. Tom Ó Siadhail
from the Northern Office and by the Minister for the Northern
Ireland Party, Mr. Richard Harcourt MP. Also present for
the Department of Security matters were Mr. Eugene Crowley,
Mr. Michael O'Donnell, Mr. Denis Blakeney, Mr. Hugh Arnould, Chief
of Staff of the DSD.

The Conference began at 10.00 p.m. with a telephone between
the two governments indicating that the meeting would
not commence by a plenary session, restricted to political

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SECRET

Meeting of the Anglo-Irish Intergovernmental Conference

London, 25 October 1990

INTRODUCTION

The Anglo-Irish Intergovernmental Conference was held in London (NIO) on 25 October 1990. The Conference was attended, on the Irish side, by the Minister for Foreign Affairs, Mr. Gerard Collins, TD, the Minister for Justice and for Communications, Mr. Raphael Burke, TD, Mr. Noel Dorr, Mr. Des Mathews, Ambassador Andrew O'Rourke, Mr. Dermot Gallagher, Mr. Joe Brosnan, Ms. Anne Anderson, Mr. Ronan Murphy, and from the Secretariat, Mr. Declan O'Donovan, Mr. Cathal Crowley and Mr. Brian Nason.

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On the British side the Conference was attended by the Secretary of State for Northern Ireland, Mr. Peter Brooke MP, the Minister of State, Mr. John Cope MP, Mr. John Chilcot, Sir Kenneth Bloomfield, Ambassador Sir Nicholas Fenn, Mr. Joe Pilling, Mr. John Ledlie, Mr. Quentin Thomas, Mr. Graham Archer, Mr. Tony Pawson and from the Secretariat Mr. Robert Alston, Mr. Marcus Dodds and Mr. Steven Pope.

For discussion of energy matters, the Conference was joined on the Irish side by the Minister for Energy, Mr. Robert Molloy TD, Mr. John Loughrey, Mr. Seamus O'Muiri and Mr. Tom Reeves and on the British side by the Minister for the Northern Ireland Economy, Mr. Richard Needham MP. Also present for discussion of security matters were Mr. Eugene Crowley, Commissioner, Garda Siochana, and Mr. Hugh Annesley, Chief Constable of the RUC.

The Conference began at 5.00 p.m. with a tete-a-tete between Ministers on political development lasting ten minutes which was followed by a plenary session restricted to political

development (recorded separately) which began at 5.15 p.m. and ended at 6.30 p.m. A restricted security session (recorded separately) took place from 6.45 p.m. to 7.45 p.m. The main plenary session began at 8.00 p.m. and ended at 9.15 p.m. Minister Molloy and Mr. Needham joined the plenary at 9.00 p.m. Discussion of energy matters continued over dinner which followed the press conferences. All Ministers present appeared together at an initial press conference to condemn the atrocities in Derry and Newry of 24 October.

(The following account of the proceedings is in the form of direct speech and is based on detailed notes taken during the meeting. It does not, however, purport to be a verbatim record nor is it necessarily exhaustive of all the exchanges).

PLENARY SESSION

Confidence Issues

- Stevens Report

Mr. Brooke: I think in terms of the agenda we have already completed political development. Under Confidence Issues there are four items on the agenda. Perhaps we will take Stevens first. Me or you first Gerry? Alright me. We have of course discussed this previously. The inquiry which Mr. Stevens carried out at the Chief Constable's request was independent, thorough and wideranging and the results have been passed to the Office of the Director of Public Prosecutions. The DPP is an entirely independent officer in our system as your prosecuting authorities are in yours and decisions on where we go from here are of course a matter entirely for him. I think both of us appreciate the need to maintain the separate identity and decision making capacity of the prosecuting authorities. This is a vital part of an independent legal system which is crucial to the protection of human rights. The main purpose of Mr. Steven's report of course was to deal with shortcomings in procedures and to recommend improvements for the future. Many of the misdemeanours identified by Mr. Stevens did not relate to offences which were in themselves particularly serious, for example, the holding of small amounts

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of ammunition in excess of the number permitted by holders of firearms certificates. I think I won't say anymore here but in the context of follow-up perhaps the Chief Constable might say a few words.

Mr. Annesley: Well Minister, in the context of the 83 recommendations contained in the Stevens Report, 63 have now been completed, that is to say around 76%, compared to the 60% I referred to last time. As regards the charges brought, the DPP's Office has made a decision not to proceed with some, but has also decided to prosecute in about ten other cases. In any event, there is no change in my stance or that of the RUC. The implementation of the report's recommendations will continue to be facilitated by me and I'm equally sure, by the Army in Northern Ireland.

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Mr. Collins: Briefly, I have to say that we were amazed by the decision of DPP to drop the charges in those five cases. This has caused us considerable concern and indeed has raised questions in some quarters about the effectiveness of the Inquiry. It appears to us that there was, a linkage between the DPP's decision and the Brian Nelson case and I wonder if the Chief Constable would tell us if there are any further cases pending which might be analogous to these cases.

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Mr. Annesley: Well, Minister, I haven't the figures in front of me, so it's difficult to answer your question directly but I don't think its right to draw an association between the Nelson case and the dropping of these charges. One of the things which would concern the DPP's Office is whether charges could be sustained and hence the need to proceed cautiously but I can tell you that no decision has been taken in regard to the Nelson case.

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Mr. Collins: I accept that I have had to defend the DPP's independence before now on our side, but as far as Nelson is concerned and given his background, it is expected by many people on our side that he will plead guilty and be whisked off to a British prison where he will spend a few years. This I feel will result in a loss of public confidence in the Conference and will indeed serve to undermine the Agreement.

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Peter, you referred to our previous discussion of this issue and in fact we decided at an earlier meeting in July that officials from both sides should meet to discuss the implementation of the Stevens Report. I ask you now to allow that decision of 17 July to stand and that officials should get together as soon as possible.

Mr. Brooke: I think Gerry, I'm right in saying that we decided last time that the Chief Constable would report back to us on the implementation of the Stevens Report and we also made it very clear that we could come back to it on a continuing basis if that proved necessary.

Mr. Annesley: Right, there is no resistance on our side to the asking of more questions.

Mr. Collins: I'm sorry but we did agree on the 17th July that a meeting should take place between officials to discuss these recommendations and nobody is saying that we didn't.

Mr. Brooke: Well, Gerry, I don't want for a moment to introduce any energy into our discussions here and while accepting that I have (sic) been accused of selective amnesia, we did have a discussion on Stevens at our last meeting.

Mr. Collins: You will forgive me, but that doesn't take away from the fact that we decided in July that officials should get together to discuss the implementations of the Stevens Report. There are official records and I suggest that we ask that the Secretariat check these.

Mr. Brooke: Well, I'm perfectly happy to go back to see if my genuine failure to recall our July discussion is so corrected and, of course, we will have a meeting of officials if that is what was decided.

Mr. Collins: You see, you have to understand our inability to react to oral presentations of this type from the Chief Constable.

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Mr. Brooke: If the instrument is unsatisfactory, of course we will have to seek alternative measures and the sensible place to discuss these matters may well be here. Please accept that I do understand your desire to be apprised of the issues. Unfortunately we didn't assign major time to this item in our current agenda and perhaps we should take adequate time to discuss it further on the next occasion.

Mr. Collins: I repeat, if the records show agreement, then I would ask for a meeting of officials to take place. You have to appreciate that I cannot respond to presentations of the type suggested and I feel indeed that I am being somewhat sidelined.

Mr. Brooke: Well, I think, we can say that the spirit of cooperation is wholly present and we will see if we can find a way forward that is acceptable.

- Accompaniment

Mr. Brooke: Right, accompaniment. Well as promised, we will give you figures on the next occasion and I therefore suggest we leave substantive discussion until then.

Mr. Collins: On our side there are several issues which we would like to raise. Firstly I would like to re-emphasise the great importance we attach to the objective of ensuring a police presence in all operations which involve direct contact between the security forces and the community except, as Mrs. Thatcher agreed with Dr. FitzGerald, in the most exceptional circumstances. In order to take our work forward on this, you have helpfully agreed to let us have a statistical report which would give the breakdown of current levels of accompaniment in different areas.

Accompaniment is somewhat like harrassment, in that I receive very frequent representations on it and only recently I had Eddie McGrady who, I should say, doesn't raise issues without careful consideration but has made strong representations about

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what he claims is the almost complete absence of UDR accompaniment in South Down at the present time. He is concerned, and I believe rightly so, that this will reflect badly on us, on him, on the SDLP and on the Agreement. I would like to assure him that the position will be checked out quickly and, if incorrect, statistical data given to me to enable me to reassure him. If, on the other hand, the report is accurate, the situation on the ground should be remedied as quickly as possible.

Mr. Brooke: Well, I think I need to record on our side that we haven't had any complaints recently from South Down nor has Eddie McGrady contacted us.

Mr. Collins: Well, he has come to us and the issue was raised in the Secretariat.

Mr. Annesley: Minister, you suggested that there is almost a complete absence of accompaniment of UDR patrols by the RUC in South Down. I have said categorically on a number of occasions that there is a very good level of accompaniment in South Down and as regards Eddie McGrady I would love him to contact us to hear more about this. It is simply not borne out by the figures.

Mr. Brooke: I have to say that if it gets to a point where an MP, who doesn't hesitate to come to us on questions such as hospital beds, doesn't come to us on a matter such as this, it is not giving the system a chance to operate.

Mr. Cope: Eddie McGrady frequently does come to me on harrassment and other matters and I've had meetings with him and indeed with the security forces on a number of occasions.

Mr. Collins: Well, we cross-checked this information and other sources confirmed it to us and I might add that we will welcome seeing the statistical report. There is another side to this issue and that is the general question of the deployment of the UDR in nationalist areas. The people in Coalisland are incensed about harrassment in that area, and I might add that

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here too we have received a stream of complaints from a variety of responsible sources, in particular, priests and local councillors.

Mr. Brooke: Well, I can assure you that I am going to look into the matter of complaints coming through the Secretariat as these have not been registered on our side and we will come back to the matter.

- Colville Report (EPA)

Mr. Brooke: Well, we've discussed this already at the tete-a-tete.

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Mr. Collins: Yes, I think we are agreed that a meeting of officials will take place as soon as possible to review the provisions of the EPA in view of the timescale.

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Mr. Brooke: I agree there are difficulties about the timescale. We were of course expecting a paper from you but are, nonetheless, willing to give a briefing on precisely what is proposed.

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Mr. Collins: We have already conveyed our views on Colville and it is not necessary to go over them again here. I should add that we believe that the Emergency Provisions should contain only measures which are considered indispensable and in this regard it would be helpful to know what the replacement legislation will contain. You have confirmed that you are considering going beyond Colville, and under Article 2(b) of the Agreement, we have the right to put our views forward. This is the time to have these discussions and I have to say that if this is not possible then the only other option open to us is to talk publicly about it. For the record, it is my considered view that some of the things that you are trying to put forward will cause colossal damage and lead to further alienation in the nationalist community.

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Mr. Brooke: Well, as a practical matter perhaps we can leave this to officials.....

Mr. Collins: No, we direct, they follow.

Mr. Brooke: Yes, but what I meant was, in terms of the urgency of the matter, we could leave it to them to make the necessary arrangements. I must also remind you that I did stress at our last meeting that we would appreciate your views on the Paper at an early stage.

Mr. Collins: Yes, but you didn't tell us what was in it and I must say that I feel aggrieved. We can't be expected to comment on what we don't know about and I put this to you like this because I think it is best that we talk here in reasoned fashion rather than publicly afterwards.

Mr. Brooke: Very well then, let us ask officials to get together next week.

Mr. Collins: As early as possible in view of the timescale.

Mr. Brooke: Monday then.

Mr. Collins: Tuesday, let's give the officials on our side the day off as its a Bank Holiday for us.

ECONOMIC AND SOCIAL ISSUES

Energy

Mr. Brooke: What we need to do here, I gather, is to put a reference into the Communique, given that we will not discuss energy matters until our dinner later.

Mr. Collins: I think we will be forgiven. It is poetic licence.

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- Progress Reports on Tourism, Transport and INTERREG

Mr. Collins: But I understand that you want to say something about the progress reports.

Mr. Brooke: Well, on tourism, I understand that proposals have been put forward by the two parent Departments concerned for the expansion of cooperation. These proposals should now be evaluated and in particular the financial implications. We should continue to keep this topic under review. In regard to transport, however, we have at last received the terms of reference from your side and I really feel obliged to express concern about the delay.

Mr. Collins: I agree, there is an obligation on both of us.

Mr. Brooke: We have to register our disappointment at the pace on your side.

Mr. Collins: Right.

Mr. Brooke: As regards INTERREG, I am delighted that discussions are continuing towards developing a draft programme to be lodged with the Commission later this year. I am, however, concerned at the extent to which expectations are being raised by the Commission about the financial allocations involved. This is after all a modest project.

Mr. Collins: I think the target is for the submission to be put to Brussels at the end of November. Are we on time?

Mr. Gallagher: I think we are. A lot of work is being done by the Ministry of Finance in Northern Ireland by our Department of Finance.

Mr. Collins: This could well have the effect on our side of raising expectations in border areas, particularly in relation to extension of the disadvantaged areas.

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Sir Kenneth Bloomfield: We do have to be careful about the dangers implicit in this and to recognise that expectations are likely to be greater on the Northern side. We also need to talk further about the PR handling of this matter at the EC level.

Mr. Collins: Well, we will not do anything to raise expectations.

Mr. Gallagher: I think part of the problem is that the proposal may be seen by some on the Northern side as compensating for rather low Structural Funds.

- Issues to be discussed at next Conference

Mr. Brooke: Gerry, I think you raised agriculture on a previous occasion but in view of the vastness of this subject area, it would be necessary in our view, to identify particular issues upon which to focus or I fear it will lead to an inchoate discussion. I have to say, given the time which will be necessary to achieve this, I would be extremely surprised if it was ready for discussion at the next Conference.

Mr. Collins: I agree that it would be difficult. I should also tell you that I have had a request from my colleague in Environment to know if some issues of interest to him could be put before the Conference, for example, the question of hazardous waste disposal.

Mr. Brooke: Yes, but I don't know if this could be prepared in time. I noticed that Dr. O'Hanlon and Lord Skelmersdale have set up three separate committees to report back to them by the end of November on issues which might be brought before the Conference but that would depend on the timing of our next meeting and the progress made in the Working Groups.

Mr. Gallagher: Perhaps we should think in terms of the Conference after next and allow the arrangements to be worked out through the Secretariat.

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Mr. Collins: Yes, it might be possible to have Health, or Environment, or Agriculture even though I know my Agriculture colleague is under great pressure at the moment due to the GATT negotiations.

Mr. Brooke: Let's operate on the basis that we won't aim to have anything at the next Conference but that we might take some aspect of environment or health at the Conference after next and leave agriculture over to 1991.

Mr. Collins: Agreed.

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- 48 Hour Shopping Rule

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Mr. Brooke: On cross-border shopping you know how much I'm looking forward to hearing from you of the progress which has been made.

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Mr. Collins: Well, at the moment we are in the very capable hands of ECOFIN and I would like to say that we very much welcomed the helpful position which has been taken by the British delegation.

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Mr. Brooke: I must tell you that I was profoundly impressed by the Taoiseach's remarks at Bodenstown where he said that "Irish people North and South, as common citizens of Europe, will have greatly increased incentives in more and more areas to combine their efforts to achieve prosperity" and I would only add that so they will if barriers are not kept artificially in place.

Mr. Burke: I must say that the attention with which that particular speech is followed never ceases to amaze me.

Mr. Brooke: Well, we take this matter very seriously, and I don't wish to labour this question but if by the next time we meet, it is not resolved, your credentials in my view will be very thin.

Mr. Collins: I have the utmost confidence in the ability of the Chancellor and the Minister for Finance to sort the matter out.

Mr. Brooke: But as you very well know, there is a judgement against you and it is understandable that you may be a little embarrassed. I'm only trying to protect your reputation as a good European.

- Amendment to Fair Employment Act

Mr. Collins: Well, here I have to say that my Government is very concerned about the recent ruling by the Chairman of the Fair Employment Tribunal which appears to severely limit the ability of an individual, who suspects himself of being a victim of discrimination, to seek redress. I understand that an immediate affect of this ruling is to delay action on some one hundred or so outstanding cases of alleged discrimination.

I also believe we both agree that the sense of injustice arising from the perception and the reality of widespread religious discrimination in employment was one of the factors which led to, and indeed sustains, the sense of alienation amongst the nationalist community. I think that our international credibility in Europe and indeed in the United States, is on the line. I would suggest to you that amending legislation is urgently required and while not wishing to tell you how to do your business, I would also suggest that an Order in Council which would allow the matter to be sorted out within four months or so would be the best way to proceed.

Mr. Brooke: Well I think you know what my colleague Richard Needham said last week and indeed a briefing was given to the Secretariat. The issues involved are difficult in that we have to honour the confidentiality of private information obtained for monitoring purposes. The basic principle at issue is, however, that the applicant should have access to the necessary information to allow his or her case to be considered and adjudicated upon. What we propose to do is to issue a letter to the main interested groups seeking their views within a month. Following this we will take the matter to Parliament.

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Mr. Collins: Right, we will come back to this then to see how you are progressing.

DATE OF NEXT CONFERENCE

Mr. Brooke: I don't know what debate there has been in the Secretariat as to when the our next meeting might be.

Mr. Collins: No, I thought that at our last meeting that we said that would have a hand in it ourselves in order to avoid misunderstandings.

Mr. Brooke: Well, your movements are more complex than mine. So perhaps you could take the lead.

Mr. Collins: Right, well, we could think about having one meeting in November and see if we need another before Christmas.

Mr. Brooke: Perhaps it would be useful if we were to signal approximate dates if indeed we were to have another meeting before Christmas.

Mr. Collins: Of course, you and I will be having other meetings on political development.

Mr. Brooke: Yes. I think it would be useful if we were to try to leave ourselves time for one long meeting before Christmas but I have no problem with one short meeting too. I'm just concerned that we should find a day that we can both protect.

Mr. Collins: Are Fridays OK for you?

Mr. Brooke: The next Conference would be where?

Mr. Alston: In the normal sequence, it would be Belfast.

Mr. Collins: If it would be helpful I wouldn't object to coming to London say, perhaps on Friday 30th November. We could have a full day. Start in the morning and get in a couple of hours before lunch.

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Mr. Brooke: Well I have a slight problem with Fridays which is that is I do surgerys in the afternoon. What's Tuesday the 27th like for you?

Mr. Collins: No, there is a meeting in Rome.

Mr. Brooke: Well, I'm going to be shot because I'm taking out a surgery but let's have it on the 30th then in Belfast with a 10.30 a.m. start?

Mr. Collins: And finish in the late afternoon.

Mr. Brooke: OK. The next question relates to whether we have another meeting before Christmas. I would have a slight preference not if we could have one in early January.

Mr. Collins: Well, lets see how we go.

OTHER BUSINESS

- Glor na nGael

Mr. Collins: We've had our discussion on Glor na nGael and we'll be coming back to the matter.

- Street Names

Mr. Collins I'd just like to recall my letter of 7th August and perhaps we can return to it on the next occasion.

Mr. Brooke: We have been doing a review of the situation which hasn't really been looked at since 1988. Frankly, it would be much easier if I could report back to you at the next Conference.

- Crossmaglen

Mr. Brooke: This matter was on the agenda but doesn't appear to be there anymore. Is there something that you wanted to say.

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Mr. Collins: I don't think we're quite ready yet.

Mr. Gallagher: Detailed soundings are being made locally, that is to say, we're talking to the Committee for Handicapped, so the ball is in our court.

- Extradition

Mr. Brooke: Given that I have this well-known problem of selective amnesia I have to admit to you that I forgot myself at the dispatch box yesterday and while extradition was not on the agenda for our meeting I said that I would be discussing it with you today. Perhaps somebody could tell me when the Working Group is to meet?

Mr. Ledlie: I think the Working Group has got as far as it can for now.

Mr. Brooke: Well, we will I'm sure be coming back to this.

Mr. Burke: We have a particular problem in that there is an individual who is waiting for his case to be heard before the Supreme Court and who has gone on hunger strike.

Mr. Collins: He would prefer to lay down his life rather than face a British court. We have this against the background of the Birmingham Six, the Guilford Four, the Winchester Three. Would you please ask your colleagues to come to some kind of rapid decision.

Mr. Brooke: We have discussed this matter on a number of occasions. It is not a Conference issue and it is also outside the role of the Cabinet. I feel constrained to add that if we mark down all these items each time we meet we are going to have a great problem. I hope you accept this.

- Communique

Mr. Collins: I think that more or less is it. There is a suggestion that we bring our Energy colleagues in before the press briefing.

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(At this point Mr. Molloy and Mr. Needham joined the meeting).

Mr. Alston: Our suggestion is that we have the joint press conference involving all Ministers and then each side do its separate briefing.

(A discussion followed of the draft communique which was agreed with a number of amendments - copy attached)

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Anglo-Irish Secretariat

October 1990

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cc PPS
SA/DOB/PSP
Cathie A/I
ROR.

Ass. Sec. Gallagher,

Meeting of Political and Security Committee of British-Irish Inter-Parliamentary Body, London, 23rd October 1990.

I am Clerk to the above Committee - in addition to my role as Joint Secretary to the Body as a whole - and in this capacity I attended the meeting in London on 23rd October.

The Informal Notes of the meeting, for circulation to the members of the Committee, are attached. The following is a report of the meeting.

The names of the members of the Committee and the agenda are set out in the Informal Notes.

1. Attendance of Seamus Mallon M.P.

Mr. Mallon turned up at the meeting and asked for clarification as to whether he was entitled to be there. It should be noted that Mallon was not present at the one meeting so far of this Committee which was held in July. Mallon said that he had got various notes about the Meeting (from the British side) which appeared to contradict one another as to his right to attend. The Chairman said it was for each side to select its members. Michael Mates said Mallon had been told six months ago that he would not be on the Committee for the current topic (Mallon disputed this) but as far as the British side was concerned, he was most welcome to participate. However, in the unlikely event of a vote arising, under the Rules of the Body, he would not be entitled to vote. The Chairman agreed.

2. Accompaniment

Mates said that figures on levels of accompaniment had not been made available to him because it had been agreed between the two Governments that they were confidential. This issue was discussed every six months within the Conference and "the Irish side had said that it was satisfied that the policy (referred to in the Joint Communique of 15 November 1985) was being pursued and was satisfactory". Fitzgerald and Barry expressed incredulity about the alleged Irish view. Mates added that figures were not made available "for operational reasons" which he explained by saying that some months the figures were high and some months they were low and a distorted picture could emerge. He added that he agreed with the reluctance to make the figures available. Barry said that the figures were very important to the Nationalist community. Fitzgerald said that "the most exceptional circumstances" as set out in the Joint Communique referred to were: a) if the Police did not arrive and b) if there was a major security operation in progress. Ahern suggested that figures could be broken down by operational areas.

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Mates, after commenting wryly that it was obvious that the Irish members didn't have figures either, said he would like to get figures from the NIO. Barry said that when we stopped getting complaints, it would mean that the policy was working. Mallon remarked that this was a false premise, saying that he had not seen an accompanied UDR road block in Armagh. FitzGerald said little had been achieved since the signing of the Agreement.

Orme suggested that he and Mates make a joint approach to Brooke this week to see if they could get more information, to which Mates nodded assent. Barry said that the Committee could not do a report for the Plenary in December - which it had to - without agreement on this issue.

The Committee then agreed to hold a further meeting at 9.30 on 10th December (the first day of the Plenary) to deal with this issue.

(Note: The decision to hold a meeting on the morning of the Plenary creates a host of difficulties: Committees are to report to the Steering Committee by 1st November; agreement might not be reached at such a meeting and, as Joint Secretary to the Body, it would be impossible for me to act as a Clerk to a Committee and prepare a report immediately before the start of the Plenary).

3. Extradition

This item was mostly taken up with the Irish side (in particular Ahern, and to a lesser extent Cowen - both of whom are lawyers) explaining the constitutional and legal provisions governing bail and extradition. McKay and Mates queried the apparently lax approach of the Irish courts in granting bail to people charged with serious offenses. The Irish side emphasised the independence of the Judiciary.

FitzGerald reminded the British side that Britain had failed to sign the European Convention on Extradition, insisting on a *prima facie* case which resulted in other countries (e.g. Spain) not being able to pursue the extradition of people from Britain.

Ahern and FitzGerald raised the possibility of the need to amend the Convention, which covered the use of automatic weapons but did not cover ordinary hand guns.

Both sides agreed that the Committee's report should note that Irish law is being operated in a proper fashion and that it was not for politicians to interfere in this area. The report should deal with the current legislation covering extradition. Mallon suggested that the Report should have an addendum dealing with the individual cases which are the subject of

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extradition, but it was generally agreed that the Report should not be particularly long on extradition.

4. Cross-Border Economic Cooperation

Barry and Mates said that both sides agreed that they were satisfied with progress in this area. Mallon disagreed, saying neither Government was taking INTERREG seriously. Ahern agreed with Mallon, and noted that the incentives in the North were much better than in the South. He argued that there was much greater scope for cooperation in some sectors e.g. Tourism.

5. Political Developments in N.I.

Barry said discussion on this should be left to the two Governments. Mallon, asked to comment on the talks, said people had got caught up in forms of words, which was useless: the timetable and the framework were the essentials. FitzGerald said that Brooke had done well in getting Unionists off the hook but had gone too far. Mates said that Barry should ensure that the Minister addresses these issues when he speaks at the Plenary.

6. International Fund for Ireland

The draft statement for adoption by the Plenary was accepted without discussion.

Ahern said he had met McGuckian recently and in discussion about the Body, he had offered if required to address the Body at the Plenary. Ahern said that the offer was probably pro forma but it might be considered if it was felt to have merit.

7. Report from the Committee to Plenary.

A general discussion followed on what should go in to the report from the Committee. Hanley suggested that reference should be made to developments in regard to the Birmingham Six since the Committee last met in July. (Mates said he would get a note from the A.G. on the B6 and the Guildford Four before the Dublin Plenary).

FitzGerald suggested that the Report deal with Cross-Border security. Ahern referred to the case of Louis Robinson and deplored the fact that those who sought assistance at the check point did not get it. Mallon took issue with Ahern, saying that those manning the check point were not to blame and that mobilising assistance was a cumbersome procedure. Orme, once again, suggested that Mates and himself raise with Brooke jointly the security situation at Kileen.

On extradition, Mates suggested that comprehensive statistics be obtained, with a listing of the individual cases before the courts. He said that the Report should state that the Body was "watching progress" on this issue "to remove a sore".

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FitzGerald said the Report should highlight the existence of the 1965 Act and refer to the other extradition provisions and the possibility of amending the European Convention. Cowen said that the statistics on the CLJA should be provided to show how successfully it had worked.

B. Muldoon

Brian Muldoon
26 October 1990.

CONFIDENTIAL AND SECRET COMMITTEE
London, 27th October 1990.

Mr. Hayes (Mr. Barry T.D. Chairman)
Ccd: Counsellors Anglo-Irish, Ms. Whelan (Chairman)
Mr. J. Hayes, Embassy London.

Mr. Malone T.D.
Mrs. Monica McEwan T.D.
Mr. Seamus Ahern T.D.
Mr. Brian Cowen T.D.
Rev. Garrett Fitzgerald T.D.

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5. The Committee met in the I.P.C. room at 11.00 A.M. Mr. Hayes welcomed the Irish members to London and Deputy Barry responded.

6. Mr. Barry said that the proposed topics for discussion were:

- Accommodation
- Rehabilitation
- Economic Cooperation
- Political Developments
- International Fund for Ireland

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He said that the Committee was expected to prepare a report on the above for the Plenary of the Assembly to be held in Dublin on 10-12 December.

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7. Accommodation:

Mr. Hayes said that he did not have figures on the level of homelessness in Northern Ireland because it had been agreed between the two Governments that these should be communicated under the Conference and would remain confidential. There were also other good reasons for not providing the figures due to possible variations which could give a distorted picture. He said that it was his information that the Irish Government was satisfied that the policy contained in paragraph 8 of the Joint Communiqué of the Anglo-Irish

INFORMAL NOTES

BRITISH-IRISH INTER-PARLIAMENTARY BODY

POLITICAL AND SECURITY COMMITTEE

London, 23rd October 1990.

Attendance:

Mr. Peter Barry T.D. (Chairman)
Mr. Michael Mates M.P. (Shadow Chairman)
Mr. Andrew McKay M.P.
Mr. Jeremy M.P.
Mr. Stanley Orme M.P.
Mr. Seamus Mallon M.P.
Mr. Dermot Ahern T.D.
Mr. Brian Cowen T.D.
Dr. Garret Fitzgerald T.D.

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I. The Committee met in the I.P.U. room at 11.00 a.m. Mr. Mates welcomed the Irish members to London and Deputy Barry responded.

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2. Mr. Barry said that the proposed topics for discussion were:

- Accompaniment
- Extradition
- Economic Cooperation
- Political Developments
- International Fund for Ireland

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He said that the Committee was expected to prepare a report on its work for the Plenary of the Body to be held in Dublin on 10-12 December.

3. Accompaniment

Mr. Mates said that he did not have figures on the level of accompaniment in Northern Ireland because it had been agreed between the two Governments that these would be communicated within the Conference and would remain confidential. There were also operational reasons for not providing the figures due to monthly variations which could give a distorted picture. He said that it was his information that the Irish Government was satisfied that the policy contained in Paragraph 8 (a) of the Joint Communiqué of the Anglo-Irish

paragraph 8 (a) of the Joint Communiqué of the Anglo-Irish Summit of 15 November 1985 was being pursued and was satisfactory. The Irish members did not accept that this reflected the Government's position.

Mr. Mates and Mr. Orme said they would make a joint approach to Mr. Brooke to see if more information could be provided.

The Committee agreed to hold a further meeting at 9.30 a.m. on 10th December (before the start of the Plenary) so that the report to the Plenary could take account of any additional information which would become available.

4. Extradition

The Irish side (Mr. Ahern and Mr. Cowen) explained in detail the provisions of the Constitution and the operation of the legal system as regards the procedures for the treatment of people charged with serious offenses.

The Irish side raised the possibility of the need to amend the European Convention to cover not only the use of automatic weapons but also hand guns. The Irish side also adverted to the fact that Britain had not yet signed the European Convention.

5. Economic Cooperation

Most members of both delegations agreed that good progress had been made in this area. However, Mr. Mallon said that he was unhappy with the commitment of both Governments to INTERREG. Mr. Ahern shared this concern and felt that there was more scope for cross-border cooperation in some spheres.

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6. Political Developments

Both sides agreed that progress in this area should be left to the two Governments. Mr. Mallon gave an analysis of the reasons for the present impasse.

7. International Fund for Ireland

The meeting approved the draft Statement on the Fund for adoption by the Dublin Plenary. Mr. Ahern mentioned the offer from the Chairman of the Board of the Fund to address the Plenary if considered desirable.

8. Report from the Committee to the Plenary

Mr. Hanley suggested that the report note the developments in the Birmingham Six case since the Committee held its first meeting in July. Mr. Mates said he would obtain information on the Birmingham and Guildford Four cases from the A.G. in advance of the Dublin Plenary.

Dr. FitzGerald proposed that the report deal with cross-border security. Mr. Orme and Mr. Mates offered to approach Mr. Brooke on the security situation at the border on the main Dublin-Belfast road.

On extradition, Mr. Mates suggested that comprehensive statistics on its operation and details of pending cases be obtained and that the Report should state that the Body was monitoring progress on this sensitive issue. Mr. Cowen and Dr. FitzGerald said the report should highlight the existence of the Criminal Law Jurisdiction Act and its high success record. Reference could also be made to the possibility of amending the European Convention.

Brian Muldoon
30 October 1990

CCd: Irish members of Committee.
Mr. W.R. McKay (for distribution to British Members)

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Confidential

Security Situation in Northern Ireland
October, 1990

Fatalities in Northern Ireland

October saw the highest rate of fatalities for any month since August 1988 with nineteen security-related fatalities. This brings the total for the year so far to 63, just one less than the total for the whole of last year.

The IRA accounted for eleven of the deaths in October bringing its total for the year to 36, close to 60% of all security-related fatalities. The Security Forces killed two IRA members and they now account for 8 deaths, 13% of the total. Loyalist paramilitaries were responsible for six of the deaths and their total for the year is now 16, more than 25% of all deaths. [The IPLO have been responsible for two deaths.]

The IRA's victims included the six soldiers and one civilian killed in the "human bomb" attacks on checkpoints at Coshquin and Newry. This was the greatest single loss of life for the army since the Ballygawley bus bombing. An RUC officer, Samuel Todd was shot dead by the IRA earlier in the month in the centre of Belfast. This means that 24 members of the Security Forces have now been killed so far in 1990 (10 RUC, 7 UDR and 7 British army). Two other IRA victims were former members of the Security Forces. Two IRA men (Desmond Grew and Martin McCaughey) were shot dead by the SAS in an operation at the start of the month. Three Loyalist paramilitaries died, one from injuries received in September in a loyalist feud shooting, another was shot by the UVF as an informer and the third was shot dead by the IRA. Three Catholics were victims of Loyalist sectarian killings, including Sinn Fein member, Tommy Casey.

Security-related events in Britain

Two men were arrested near Stonehenge and subsequently charged with conspiring to murder Sir Charles Tidbury.

Other Incidents in Northern Ireland

a. Attacks on the Security Forces

In addition to the two successful proxy-bomb attacks on border checkpoints, there was a third proxy-bomb attack on an army barracks near Omagh where the bomb failed to explode. An RUC foot-patrol escaped injury when a booby-trap bomb exploded in Coalisland. A mortar attack was attempted on Dungannon RUC station from a nearby hospital. The IRA claimed that they had fired on two army helicopters on the Monaghan border but this was denied by Security Forces.

b. Bombs defused, hoaxes, explosions

A booby-trap bomb was discovered in the Creggan area of Derry and defused. Also in Derry, the RUC called in a local priest to talk to an IRA unit holding a family hostage in a house. The IRA unit left the area and subsequently, a 300lb. bomb was defused by the Security Forces. (There was a certain amount of criticism of this action by Unionists). As part of the IRA campaign against "normalisation" of Belfast city centre, as well as the shooting of the two RUC men on October 13, an incendiary device damaged a shop in the centre of Belfast; hoax bombs disrupted rush-hour traffic in Belfast; and a bomb was defused at Colchester Street. Bomb explosions at Bessbrook and Newry caused closure of the Dublin-Belfast rail line. Other hoax calls also disrupted the service. Three explosions were reported in countryside around Armagh. A Loyalist bomb was discovered on a JCB in Strabane by a Catholic worker. A suspect van caused the closure of the Lifford-Strabane road for several days.

c. Arms Finds

Three weapons were recovered from the scene of the SAS killings of two IRA men near Loughgall. There were three separate arms finds in West Belfast and a number of arrests were made. Arms and a booby-trap bomb were found in a car near Stewartstown. Gardai discovered a small cache of arms in a wooded area near Ballyshannon.

d. Punishment Shootings

Two youths were shot in the lower legs in separate attacks in East Belfast early in the month. Two men were "kneecapped" by the IRA in the Ardoyne area of North Belfast.

e. Prisons

There was a fracas in Crumlin Road prison in which four Prison officers and one remand prisoner were injured. Small quantities of Semtex were found in two separate locations within Maghaberry prison.

f. Internal road closures

There was outcry from Nationalist sources, particularly Eddie McGrady, when the RUC erected security barriers at Irish St. Downpatrick. A local trader has threatened to go on hunger strike in protest.

g. "Harassment" in Dungannon area

There were increased allegations of serious harassment by the UDR in the Dungannon/Cookstown area of Tyrone. As a consequence of media coverage, thirty members are reported to have gone on "sick protest".

Pat Bourne
Pat Bourne.

Anglo-Irish Division.

2 November 1990.

cc. Mr. Gallagher, Counsellors A-I, Secretariat, Mr. Collins, Mr. Brosnan (D/Justice), Embassies Canberra, London, Washington.

Fatalities in Northern Ireland 1969 - end October 1990¹

TABLE 1

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	Civilians ² (ie non-security forces)	Army	UDR	RUC	Total Security Forces Fatalities	Total Fatalities
1969	12	-	-	1	1	13
1970	23	-	-	2	2	25
1971	115	43	5	11	59	174
1972	322	103	26	17	146	468
1973	171	58	8	13	79	250
1974	166	28	7	15	50	216
1975	216	14	6	11	31	247
1976	245	14	15	23	52	297
1977	69	15	14	14	43	112
1978	50	14	7	10	31	81
1979	51	38	10	14	62	113
1980	50	8	8	9	25	75
1981	57	10	13	21	44	101
1982	57	7	7	12	40	97
1983	44	5	10	18	33	77
1984	36	9	10	9	28	64
1985	25	2	4	23	29	54
1986	37	4	8	12	24	61
1987	66	3	8	16	27	93
1988	54	22	12	6	40	64 ⁴
1989	41	12	2	9	23	63 ⁵
1990	39	7	7	10	24	
Total	1946 (68.5%)	430 (15%)	187 (6.5%)	276 (10%)	893 (31.5%)	2839

¹Source: Westminster PQ replies and Section records.

²For breakdown see Table 2. This column includes 26 prison officers.

³In addition, 3 IRA members killed by British security forces in Gibraltar on 6 March, 3 British soldiers killed in the Netherlands on 1 May, 1 British soldier killed in London on 1 August and 1 British soldier killed in Belgium on 12 August 1988.

⁴In addition, 1 British soldier killed in FRG on 2 July 1989, wife of British soldier killed in FRG on 7 September, 11 British soldiers killed as a result of explosion in Deal Barracks, Kent on 22 September, RAF corporal and his six-month-old daughter killed at Wildenrath, FRG on 28 October.

⁵In addition, 1 British soldier killed in London on 16 May, 2 Australian tourists killed in Roermond, the Netherlands, on 27 May, 1 British soldier killed in Lichfield, Staffs, on 1 June and 1 British soldier killed in Dortmund, FRG, on 1 June. Ian Gow M.P. killed in Sussex on 30 July.

TABLE 2

Breakdown of Civilian (i.e. non-security forces) fatalities
1969-end October 1990¹

Prov.	INLA/ IRA	Off. IPLO	UDA/ IRA	UVF/ UFF	U. R. ² PAF	Non- Paramil.	TOTAL
1969	0	0	1	0	0	13	14
1970	5	0	0	0	0	18	23
1971	16	0	2	0	0	96	114
1972	58	0	8	8	2	251	327
1973	28	0	4	6	2	133	173
1974	14	0	3	2	2	147	168
1975	9	1	7	7	11	0	214
1976	14	0	0	4	1	0	224
1977	5	1	0	4	2	0	58
1978	6	2	0	0	0	0	37
1979	4	0	0	0	0	0	45
1980	3	1	0	1	0	0	44
1981	11	5	0	3	0	0	47
1982	7	2	0	2	2	0	42
1983	2	4	1	1	1	0	35
1984	11	1	0	1	0	0	34
1985	5	0	0	0	0	0	19
1986	5	0	0	0	1	0	33
1987	14	9	0	3	1	0	66
1988	9	1	0	2	2	0	40
1989	4	0	0	0	5	2	30
1990	4	2	0	4	3	0	26
<hr/>							
Total:	234(12%)	29(1.5%)	26(1.5%)	48(2.5%)	33(1.5%)	2(0.01%)	1576(81%)
							1951

Total: 234(12%) 29(1.5%) 26(1.5%) 48(2.5%) 33(1.5%) 2(0.01%) 1576(81%) 1951

¹Statistics 1969-1986: Irish Information Partnership
 1986-date: Section records

(Note: Because of some differences in the way they compile their statistics, there are slight disparities between the figures produced by the RUC and the IIP; hence the totals above do not tally fully with Table 1 preceding.)

²Ulster Resistance

TABLE 3

Breakdown of all fatalities by Agency Responsible,
1969-end October 1990*

	RUC	British Army	UDR	Prov.	INLA	Off.	Other	UDA/UFF	UVF/PAF	Non-spec.
				IRA		IRA	Nationst.			Loyalist
1969	7	2	0	0	0	0	4	0	0	2
1970	0	5	0	6	0	0	12	0	0	2
1971	1	40	0	57	0	3	33	0	0	21
1972	6	69	1	208	1	5	42	3	1	98
1973	1	29	2	111	0	1	17	14	1	66
1974	2	15	0	81	0	3	15	5	3	86
1975	0	7	0	51	3	2	45	8	17	91
1976	3	13	0	81	1	0	62	5	2	106
1977	2	7	0	47	0	0	23	3	2	20
1978	0	11	0	38	0	0	17	0	0	7
1979	0	1	0	50	2	0	38	1	0	12
1980	2	7	0	31	0	0	12	3	0	10
1981	6	11	1	31	0	1	20	3	1	7
1982	7	4	0	40	30	0	3	0	1	10
1983	6	5	1	41	6	0	3	0	1	9
1984	2	8	0	37	3	0	2	2	1	5
1985	1	3	2	43	2	0	0	1	1	0
1986	2	4	0	37	2	0	2	5	3	8
1987	0	9	0	54	10	0	1	3	1	10
1988	2	5	0	61	1	0	2	6	8	9
1989	2	2	0	38	0	0	4	4	9	5
1990 ¹	0	8	0	36	0	0	2	8	6	2
Total	52	265	7	1199	7	15	359	74	58	586
(2663)	(2%)	(10%)	(0.25%)	(44%)	(0.5%)	(13.5%)	(2.5%)	(2%)	(22.5%)	

* Source: Statistics 1969-1986, Irish Information Partnership
 Statistics 1987-date, Section records.

The footnote to Table 2 also applies to this Table

¹Person responsible for death of Clifford Lyness on 13.3.90 not disclosed.

TABLE 4

Agency responsible for fatalities 1969- end October 1990:
Breakdown by category of victim¹

<u>Agency Responsible</u>			
	<u>Security Forces</u>	<u>Nationalist Paramilitaries</u>	<u>Loyalist Paramilitaries</u>
<u>Category of Victim</u>			
Security Forces	16	864	1710
Nationalist Para.	119	142	20
Loyalist Para.	13	20	41
Civilians	176	595	646
Prison Officers	0	26	2
TOTAL	324	1647	719
As % of Total	(12)	(61)	(27)

6

¹Source: Statistics 1969-1986: Irish Information Partnership;
 Statistics 1986-date: Section records.
 It should be noted that in addition to the above, there were about 160 fatalities for which the agency responsible is unknown.

Breakdown of Catholic fatalities in Northern Ireland
by Agency Responsible

TABLE 5

(a) 1969 - end October 1990¹

Agency Responsible	No. killed	% of total
Nationalist paramilitaries	452	36. 5%
Loyalist paramilitaries	577	46. 5%
Security forces	215	17%
TOTAL	1244	

(b) 1978 - end October 1990

Agency Responsible	No. killed	% of total
Nationalist paramilitaries	126	36. 0%
Loyalist paramilitaries	132	37. 0%
Security forces	97	27 %
TOTAL	355	

6

¹Primary source: Irish Information Partnership. For further background on the breakdown of the statistics on the period 1969 - date, see Table 6 following.

TABLE 6

Breakdown of Catholic fatalities in

Northern Ireland by category of victim 1969 - end October 1990¹

<u>Category of Victim</u>	<u>No. Killed</u>	<u>approx. % of Total</u>
Civilians killed by security forces	96	8%
Civilians killed by Nationalist paramilitaries in "mistake" operations	124	10%
Catholics killed by loyalist paramilitaries	577	46%
Nationalist paramilitaries killed in "own goal" operations	109	9%
Nationalist paramilitaries killed by security forces	119	10%
Catholics killed by Nationalist paramilitaries in "punishment/ discipline" operations (alleged informers etc.)	178	14%
Catholic members of security forces killed by Nationalist paramilitaries	41	3%
TOTAL	1244	100%

¹Source: Irish Information Partnership and Section records.

TABLE 7

Fatalities arising from incidents in border areas¹

Fatality	<u>1990</u>	<u>1989</u>	<u>1988</u>	<u>1987</u>	<u>1986</u>
RUC	6	5	3	3	10
UDR	1	1	4	1	4
Army	7	9		1	3
IRA	1	1	2	4	3
INLA/IPLO	1	-	1	4	-
Civilian(cath.)	3	4	3	2	2
Civilian(prot.)	1	-	6	7	3
Total	20	20 ²	21	22	25

Fatalities in border areas: Breakdown by County

County	<u>1990</u>	<u>1989</u>	<u>1988</u>	<u>1987</u>	<u>1986</u>
Down	2	4	1	5	5
Armagh	9	6	10	7	9
Tyrone	2	3	4	-	4
Fermanagh		2	5	2	5
Derry	7	5	1	8	2
Total	20	20 ²	21	22	25

¹Border areas are defined as areas lying within a 10 mile radius of the border and include, therefore, the urban areas of Derry, Strabane, Armagh and Newry. The above tables are based on statistics which the Section has been compiling since 1986.

²This does not include the Protestant ex-RUC man shot dead by the IRA at Ballintra, Co. Donegal, on 15 January.

6

26 October 1990

TO HQ
FOR Asst Sec Gallagher

FROM Washington
FROM Ambassador

HOUSE-SENATE CONFERENCE ON FOREIGN AID APPROPRIATIONS

1. Further to Mr Scannell's C.192 of 25.10.90 to Donal Hamill and our phone conversation today, the House-Senate Conference early this morning agreed on an allocation of 20 million US dollars for FY 1992 for the International Fund. The Embassy has been active in the leadup to the Conference and I had spoken to Senator Leahy's office earlier yesterday to reinforce the importance of the Fund. Senator Leahy indeed called me this morning and told me that they had agreed on the allocation of 20 million US dollars for the Fund and that he had followed up his commitment of 19 September to the Minister. I of course thanked him for his support.
2. Senator Kennedy also called me at home late last evening tell me the good news that the House-Senate Conference would in fact appropriate 20 million. As I was out, he and Brendan Scannell spoke. Kennedy said that Leahy had driven a hard bargain and had extracted a deal with the House side for agricultural assistance to Eastern Europe in return for his agreement on the IFI provision. Clearly, Leahy's home state, Vermont, which has a strong agricultural base, would benefit from the provision of expertise and assistance to Eastern Europe. Senator Kennedy also wished to phone the Taoiseach and I understand that he has now done so this morning.
3. The House and Senate staff are still working on report language for the IFI. It is unlikely that the restrictive language provided for in the House report which recommended that US contributions for FY 1992 should not go towards tourism and recreation projects will be maintained.

7

For the past number of years, the burden of maintaining funding for the IFI has fallen on the House of Representatives as opposed to the Senate. The Senate side, by not making any provision, has been able to wring concessions from the House. While Speaker Foley and Rep. Matt McHugh have been stalwart in maintaining the provision for the Fund, it will become increasingly difficult for them to continue to justify annual funding for the IFI in the absence of a Senate provision.

4. Once the appropriations are finally approved and signed into law by the President, I would recommend that letters of thanks be sent by the Chairman of the Fund to Senators Leahy and Kennedy, Speaker Foley and Congressmen Obey, McHugh and Donnelly. Drafts are in preparation.

5. COMMENT

We shall continue to encourage the Senate side to take more positive attitude to the Fund. However, Leahy, who is the key to the process on the Senate side because he is Chairman of the Senate Appropriations Committee, while not opposing the Fund, will not on the other hand make a provision. Senator Leahy and I have made a tentative arrangement to meet in the very near future and perhaps he may be more forthcoming then.

Apart from the specific problem in the Senate, generally it will continue to be a struggle to obtain funding for the IFI in future years. The budgetary crisis and the downturn in the economy here can only make matters more difficult.

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7

Confidential

cc PSS
Mr. Wallis, PSL
Coffey A1
Talk

1 November 1990

Mr. Dermot Gallagher
Assistant Secretary
Anglo-Irish Division

Dear Assistant Secretary

Meeting with Peter Bottomley MP
PPS to Peter Brooke

The following points of interest arose in the course of a lunch which I had with Peter Bottomley on 30 October.

Position of PPS

Bottomley told me that he was only filling a temporary gap as PPS until the Secretary of State found someone permanent. In fact he said Brooke personally did not really want a PPS. Both he and Malcolm Rifkind, the Secretary of State for Scotland, preferred to handle their own liaison work with backbench MPs. Because however of the position with the Inter-Parliamentary Body, where the PPS to the Secretary of State is automatically a member of the Steering Committee, Brooke had asked Bottomley to fill the role on a temporary basis. Bottomley expected the new man to be appointed by Christmas.

While avoiding any direct references to the circumstances of his departure from Ministerial ranks Bottomley spoke of his growing disenchantment with the political scene. His South East London seat of Eltham which he holds with a majority of only 6,000 is one of those targeted by Labour for the next election and conventional wisdom at Westminster, even among Tory ranks, has already marked it down as a probable Government loss.

Talks about talks

I asked Bottomley for his assessment of the scenario outlined by Frank Millar in in that day's edition of the "Irish Times". He admitted that he had no inside information but his personal assessment was that it

would be "entirely out of character" for Peter Brooke to act precipitately. Neither was he likely to take any of the parties by surprise. He was essentially "a five day cricket man".

There was no pressure on Brooke from the backbenchers. As was to be expected there had been murmurings from the right-wing law and order constituency after the recent killings in Northern Ireland urging that more should be done on the security front. Inevitably this would fade with the memory of the event. For the most part however, MPs and the Government were content to let Peter Brooke get on with it. Under Brooke's "solid sensible leadership" Bottomley felt that NI issues at Westminster were conducted in safe isolation from mainstream politics and this he said was a mark of Brooke's success as a safe pair of hands.

A further measure of Brooke's success, Bottomley contended, was the belief shared by others on the NI team that Brooke could continue in office for as long as it suited him. So far it did, and unless his personal circumstances changed in someway, Bottomley could see him staying put.

In an aside, Bottomley noted that Brooke hadn't been in particularly good form during the past week. Even Jim Molyneaux, he said, had commented to him on the fact that at a recent meeting with him, Brooke did not seem to have his customary mastery of his brief.

Northern Ireland backbench committee

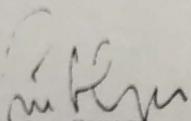
Bottomley was surprisingly gloomy about Michael Mates prospects'. if as expected, he stands against Stanbrook in the election for chairmanship of the NI backbench committee. Bottomley had attended the most recent meeting of the committee where the number of observers - Bottomley, Neil Hamilton (the new NI whip) and Jonathan Caine from Central Office had outnumbered the attendance consisting only of Stanbrook and Henry Bellingham. According to Bottomley "that ninny Bellingham" had addressed the gathering proposing that an election for Chairman was not necessary since the senior vice chairman (Stanbrook) could move up to the post of Chairman and he, Bellingham, would in turn move up from his present position as Secretary to Vice Chairman. This directly contradicts the view put about by Bellingham at the Conference in Bournemouth where he had been the one pressing for a contest.

Bottomley felt that Stanbrook would in any event secure the nomination of the right wing of the party as epitomised in the 92 committee. This shadowy grouping - not to be confused with the 1922 committee - will decide over the coming weeks on the slate of right wing candidates to be put forward for the officer posts in the various backbench committees. Its equivalent on the left wing are the Lollards who can be expected, albeit with some reluctance, to support Michael Mates if he decides to put his name forward.

The Unionists

BOTTOMLEY contended that in recent times the Unionists were breaking out of their traditional isolationist shell at Westminster. Increasing numbers of MPs were for example going out of their way to sit at the Unionist table in the tea room. According to Bottomley, they had come well out of the talks process and he contended "Peter Brooke has made them respectable". There was also the sense as the days passed to the next election that it would be as well to keep lines open to them. This indeed had been the point stressed by Nick Budgen when he addressed the Friends of the Union meeting in BOURNEMOUTH when, in castigating Edwina CURRIE for her criticism of the Unionists, he reminded his audience that the day was fast approaching when a Conservative Government might be glad of Unionist support.

Yours sincerely


Joe Hayes
Counsellor

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26 October 1990

cc PST, P804 ✓
Hawthorne, per ✓
H McHale, per ✓
Gallagher, per ✓
Ross

Mr. Dermot Gallagher
Assistant Secretary
Anglo-Irish Division

Dear Assistant Secretary

A conversation with Frank Millar

A number of points of interest in relation to the Brooke initiative arose in a conversation with Frank Millar this morning.

In the course of a confidential briefing given to Millar last night, a "senior British Government official" outlined the following scenario.

The official suggested to Millar that the Secretary of State might shortly indicate to the Irish Government and the SDLP that, in his judgement, sufficient assurances have by now been given to enable talks to proceed. He would take the line that the issues have now been thoroughly discussed and that, while it would of course be desirable to have complete agreement in advance on all aspects of the package, the generalised assurances given so far provide a sufficient basis on which to move to the next stage. He would put it to Dublin that "we are 95% of the way towards talks" and that, while 100% agreement between the various parties would of course be preferable, it ought to be possible nonetheless to proceed on the basis of 95%. The various parties, Brooke would hope, would accept his judgement that 95% is enough and would "agree to disagree" with each other on the two outstanding difficulties.

A subsequent development, the official told Millar, could be that Brooke would publish details of the points agreed to by all parties along with an indication that, in his judgement, this constitutes a sufficient basis for progress. He would follow this up with a formal invitation to the parties to take part in talks.

Reflecting on this briefing afterwards, Millar recalled a conversation which he had with a senior Unionist politician about six weeks ago. When Millar suggested to this politician (whom he described to me as "neither

of the two leaders") that the Unionists would eventually have to make concessions on their "substantial progress" demand, the politician replied that they would not have to. The reason he gave was that the Secretary of State intended to publish before the end of the year his own estimation of what had been agreed between the parties together with a recommendation that talks should now take place on this basis. While Millar was sceptical about this at the time, the briefing last night suggested to him that the Unionist politician may not, after all, have been indulging in wishful thinking.

Millar speculated that the Irish Government would react negatively to any proposal by Brooke that talks should proceed in the absence of complete advance agreement on all aspects. A threat to make a public recommendation to this effect would presumably encounter considerable resistance in Dublin. Millar went on to speculate about possible adverse consequences for the Agreement if Brooke went ahead regardless of Dublin's objections and if Dublin felt it necessary to make its own position clear. I naturally refused to respond to any of this speculation.

Yours sincerely

David Donoghue

David Donoghue
Press and Information Officer

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29 October 1990

Mr Oliver Grogan
Anglo Irish Division
Department of Foreign Affairs
Dublin 2

Birmingham Six: A more optimistic view

Dear Oliver

You may be interested in the conversation which I had last Friday evening at a social function with Ms Helena Kennedy, the barrister and broadcaster who is well-known for her willingness to take Irish political cases.

She said that opinion in legal circles currently is that the DPP, Alan Green, will make a decision within the next few weeks not to oppose the Six's appeal. Apart from anything else, she thinks that a contested appeal would make the already difficult situation of Lord Lane, the Chief Justice of the Appeal Court even more delicate. She has a generally positive opinion of Green.

On the other hand, she mentioned a conversation which she had had with another member of the Appeal Court, Sir Peter Murray Taylor, about the case. He cautioned her against accepting that the analogies of the Guildford Four and Maguire cases were valid with the Birmingham Six. Taylor, incidentally, is tipped to succeed Lane: he is considerably younger and, according to Kennedy, will be an improvement though suffering from the same "arrogance".

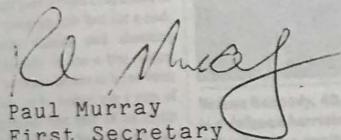
Kennedy, by the way, makes no secret of her view that defendants in Irish political cases are disadvantaged in the English legal system and that evidence which would be considered inadequate in other cases is accepted in these. In the perspective here, she would formerly have

cc plus/
Annette, PPR
Caroline A/I
Terry

been seen as a dangerous radical but the evolution of opinion can be seen in the favourable profile which appeared recently in "The Sunday Times" (copy attached for ease of reference).

She is not directly involved in the Birmingham Six case though she would like to be. She thinks it unlikely however that she would be instructed by Gareth Pierce with whom her relationship is brittle.

Yours sincerely



Paul Murray
First Secretary

Helena Kennedy, barrister, writer and broadcaster, talks to Angela Neustatter. Photograph by Martin Dunkerton

ALIFE IN THE DAY OF

Helena Kennedy

I can't remember when I last woke naturally or to the sound of the alarm. One of the children always gets there first. It's usually about half past six and I am aware of a small person creeping into bed for a cuddle or the baby waking and shouting because he is hungry or has a wet nappy. Iain will often be up as he has to be at work by about 7.30am, so he brings me a cup of tea then disappears. The rest of us troop downstairs for breakfast where our au pair will have got things ready. We employ a nanny as well whose job is caring for the children, while the au pair looks after the house. It may sound a lot but it's essential to keep everything running smoothly when Iain and I are both out all day.

For breakfast I eat a bowl of muesli then cancel out the healthy effect with a cup of coffee. I like the idea of being fit but I can't be bothered with vitamin pills. I have a small oasis of tranquillity after breakfast while the nanny helps the children get dressed and the au pair takes Keir to school and Clio to playgroup. This is the time I use for making lists and organising the household.

I think of myself as the managing director for the domestic side of life. I am amazed at how few men understand what a lot of effort goes into maintaining the social fabric of life as well as the basic organisation.

I change into my clothes for court at the last minute, because I once arrived at the Old Bailey for an important trial and discovered a great blob of baby's breakfast on the back of my jacket. I usually take a taxi to work because I can read in the back.

If I am in a trial I may go straight to court, otherwise I stop at chambers. I have just helped set up a new set of chambers with a very good group of people all committed to human rights and civil liberties.

Through the years I have been involved in setting up several such ventures and I've always felt it very important that there should be new places for women and ethnic minorities. When I first qualified there were few opportunities for women and I remember writing about this in 1976, seeing very good I might be at the work my gender meant I had far less chance of getting a job.



Helena Kennedy, 40, was born in Glasgow to a working class family. Her father was involved with the Labour movement. She is a defence barrister, writer and broadcaster with an outspoken commitment to left wing politics and human rights and has defended in a number of high profile trials of alleged IRA terrorists. She is the co-author of the BBC series *Blind Justice*, shown last year, and is currently working on a book about women and crime. She lives in Hampstead, north London with her husband, Iain, a surgeon, and their children, Clio, three, and Roland, one, and her son Keir, seven, by the actor Roger Mitchell

My desire to work in the law was partly shaped by an incident with my mother when I was quite young. A slate fell off a roof and injured her but when the question was raised of her suing, she became very worried. The idea of setting foot over a lawyer's step was clearly very intimidating and I think a lot of working class people feel fear and horror at the idea of being involved with the law. But the law should be there to help them as much as anyone else.

I've had most criticism for the stand I have taken on Irish cases. There are barristers who will not defend people accused of terrorist crimes, but I believe we must give everyone an equal chance of justice and so I have defended eight such cases. Most recently I was involved in the appeal for Paul Hill of the Guildford Four. I remember some years ago being loudly criticised for saying publicly that I consider it hard for Irish people to get a decent trial in this country. Now there is recognition that in these cases there have been problems.

I have to organise my days so that I do the work I need to and still have time to see something of the children. When Clio was born I was just beginning as presenter of the television programme *Heart of the Matter*. I found things were very pressurised and it set me thinking about how to combine work - which I love and feel passionately about - with children. I realised it just isn't possible to do everything and that languorous time with the family is as important as anything. Now I turn down quite a lot of offers of things which will mean cutting back on the time spent with the children. I have a rule

about trying to get home by six in the evening. To do this I usually grab a sandwich at lunch and spend the rest of the time seeing clients in the cells at court.

I also have to fit in meetings with the organisations I belong to - there's the Howard League for Penal Reform, the Women's Legal Defence Fund, which deals with a lot of discrimination cases, and I'm on the board of the Hampstead Theatre. I also feel very strongly about Charter 88 and tend to have telephone conversations with Anthony Barnett from the *New Statesman & Society*, to talk about publicity strategies and things I can write around it.

When I get home the children will have had their tea and it's time for the bedtime routine which I love. We start with their news of the day, I help Keir with any homework and then it's bathtime which can be a riot. Iain tries to get home and join in but it's not always possible. When I read all these articles about caring, sharing men labelled New Men I think that's what Iain would be called because he is so involved with his children. When Keir's school was doing a pantomime of Robin Hood he would rush back from the operating theatre to rehearse as the Sheriff of Nottingham, but he would loathe the label.

We end with reading time and I stagger this so that everyone gets their own story and a bit of time for themselves. This is a particularly special bit of the day because the children suddenly become ever so mellow and we usually get into my bed and cuddle together. When they are all tucked up I have a glass of wine with Iain which is glorious.

We have a light supper together and it's our time in the day for chatting.

There's not much time for us as a couple during the week, although at weekends we are strict about just being with the children, playing in the garden, going to the park, having other kids to tea. But I also value weekends like the ones we had recently for my birthday, when we went to Vienna. It was wonderful being able to talk without any interruption, sitting down to a meal and not having to put food into somebody else's mouth, go to bed in the afternoon, and admire all the beautiful things.

I am blessed with a mother with whom I have always had a very close, vibrant friendship. She didn't consider women's lot in terms of feminism, as I do, but my memory of her, as a girl, is that she was always very strong. I like to think I have drawn from that just as I've drawn inspiration from my father's staunch left wing politics.

After supper I might see the news or a documentary on television, but otherwise I don't watch a lot. I try to fit in an hour or two writing, because there simply isn't another time to do it; so I rarely get to bed before midnight. Sometimes my head spins when I contemplate days or weeks ahead in which I can almost count the minutes. I'll have free, but that's not a complaint. I can't think of anyone's life I'd rather have.

Next: Caroline Wiseman, mother of triplets

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Confidential

| November 1990

Mr. Dermot Gallagher
Assistant Secretary
Anglo-Irish Division

cc PS4
Mr. Kelly, PSC
Cabinet A1
✓ TBS

Dear Assistant Secretary

Lunch with Philip Johnston, Daily Telegraph

Johnston is the Political Correspondent of the Daily Telegraph.

The following points of interest arose:

The Brooke initiative

- When Johnston asked Bernard Ingham in Rome last weekend if the PM would be meeting the Taoiseach to discuss the Brooke initiative, Ingham's reply was that there would be no meeting because "all of that is being left entirely to Peter Brooke - she doesn't want to get involved".

// Reflecting on comments attributed to "sources close to the Secretary of State" in Frank Millar's column in the Irish Times this week, Johnston recalled that the idea of Brooke offering at some stage his own evaluation of how matters stand has been around for some time. While Dublin would be entitled to argue that a premature assessment would be unhelpful to the process, it must nonetheless be aware of the political risks involved in a public challenge to Brooke's representation of the position. Assuming that Brooke allows the "substantial progress" precondition to survive in some form, the Unionists can be expected to agree immediately to his proposal that talks should proceed. Public and Parliamentary opinion here, which will not have studied the detail of the argument, will be sympathetic to talks taking place. However well-founded Dublin's objections may be, it could well find itself "boxed in" if Brooke proceeded along the lines indicated in Millar's column.

- On the other hand, it is not in Brooke's nature to be confrontational. Patience and stamina have characterised his approach throughout this process. Furthermore, he himself has

indicated another possible response to a stalemate: a "pause" might be introduced for a few months before the efforts are resumed.

A Select Committee for NI

- Last week's report of the Select Committee on Procedure and Privileges left the door open in relation to the Unionist request for a Select Committee for NI. Although this was broadly consistent with responses given by Ministers when this issue has been raised in the House, it is nonetheless apparent that both main parties have an interest in preserving some room for manoeuvre in this regard.
- Both the Conservative and Labour Parties, Johnston is convinced, want to keep open the possibility of a Select Committee as an eventual bargaining chip should they require Unionist support following the next election. Despite the line taken hitherto by Sir Geoffrey Howe, a Thatcher administration returning with a very slender, or even no, majority would not hesitate to offer this to the Unionists.
- As for Labour, its own determination to win power would greatly outweigh any ideological reservations which it has about a Select Committee for NI. It should also be borne in mind that Kinnock is "a Unionist", in the sense that he is firmly pro-Union and anti-devolution. Much of this stems from his early experiences of Welsh nationalists, for whom he has an intense dislike. In relation to Scotland, he is known to be uncomfortable with his own party's demand for a Scottish Assembly (but can do nothing about this because of the influence wielded within the party by Labour's 51 Scottish MPs).
- Johnston also considers it inevitable that, if Labour found itself dependent on Unionist support, Kinnock would appoint someone other than Kevin McNamara as Secretary of State for NI.

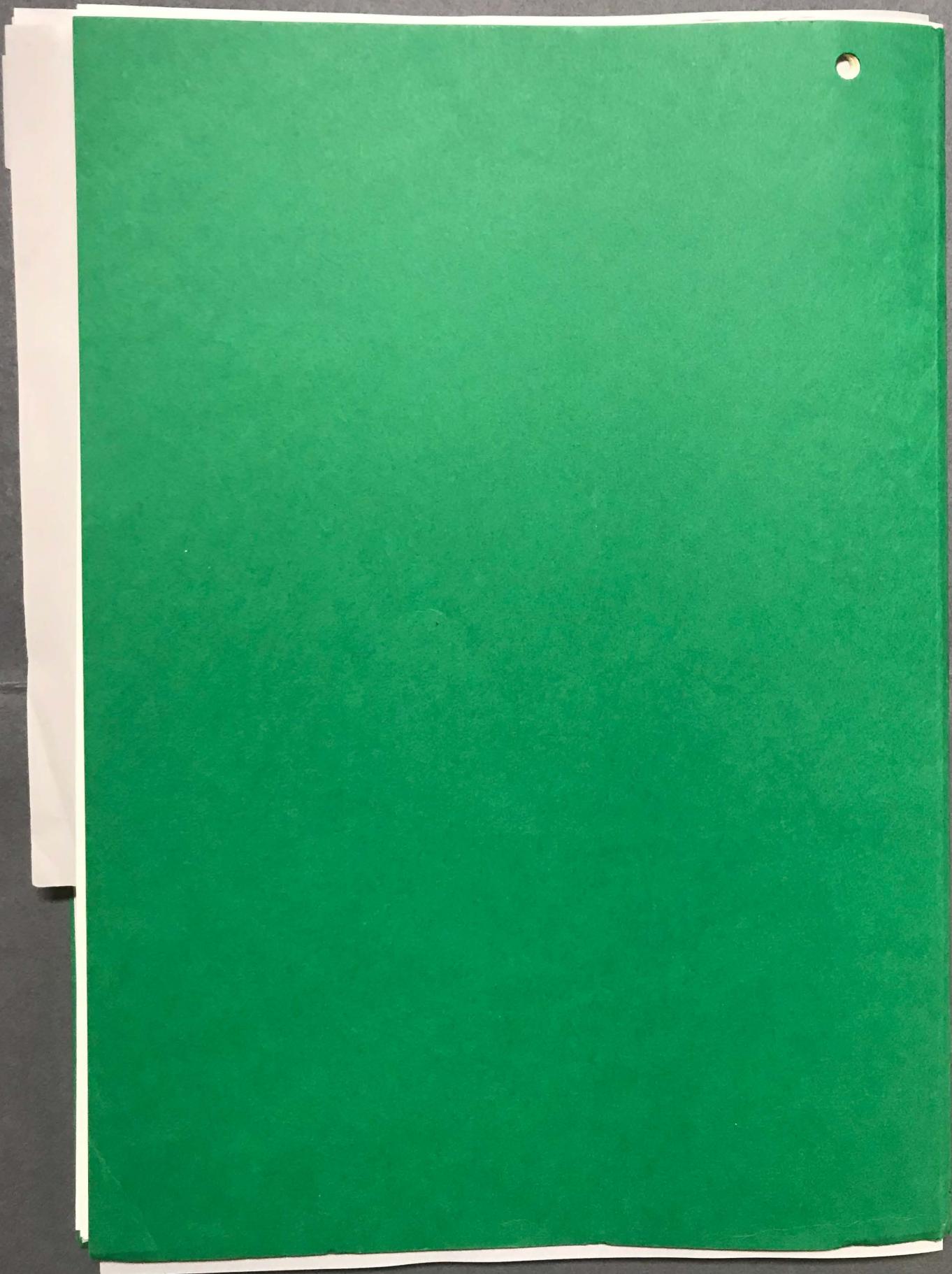
NI Conservatives

- A NIO official told Johnston recently that Brooke's view of the NI Conservatives is that they are "Unionists with a slightly different axe to grind". While any party must tolerate dissent up to a certain point, the differences between the NI Conservatives and the Government are so fundamental as to render "nonsensical" the label which they have given themselves. They do not belong within the Conservative Party and, in Brooke's view, they will never belong.

Yours sincerely

David Donoghue

David Donoghue
Press and Information Officer



END of file