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Minister for  
Foreign Affairs

SECRET

ANGLO-IRISH SECTION

WEEKLY BRIEF

WEEK ENDING 25th MAY 1990

AN ROINN GNÓTHAÍ EACHTRACHA  
Department of Foreign Affairs



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AN RÚNAÍOCHT ANGLA-ÉIREANNACH

ANGLO-IRISH SECRETARIAT

BÉAL FEIRSTE

BELFAST

CONFIDENTIAL

24 May 1990

cc PST, psh, AG  
H. Nash, PGG  
H. Hill, H. Hill  
H. Russell  
Cannon AV  
Roz

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

Dear Assistant Secretary

The British side of the Secretariat made arrangements for me to meet a number of officials in London on 21/23 May. The meetings involved principally officials of the NIO who are normally based in London, but also included Mr. Appleyard at the Cabinet Office, Mr. Broomfield and Mr. George at the Foreign Office, and Ms. Wheldon, the Legal Secretary at the Law Officers' Department. It was also arranged for me to pay a courtesy call on the Attorney General, Sir Patrick Mayhew, who acts, as you know, as Attorney General for Northern Ireland. A lunch was hosted by Mr. Burns on Monday, 21 May, and I in turn hosted a lunch on 23 May at which Ambassador O'Rourke also attended. I also had the opportunity to meet other personalities at functions to which I was kindly invited by Ambassador O'Rourke and Mr. Hayes.

The visit coincided with Mr. Brooke's talks with the Unionists and it was possible to arrange direct contacts with Mr. Burns who was a participant in the talks. Notes of conversations with Mr. Burns and Mr. David Hill at the NIO on this matter have been sent under separate cover.

The following are other points of interest which arose in discussion:

Political Talks

Mr. Appleyard of the Cabinet Office and Mr. Broomfield of the FCO expressed an encouraging interest in Mr. Brooke's political talks; their tone was, however, cautious and distant. In Mr. Broomfield's case, I had the impression that he was not very well informed.

Mrs. Thatcher's View of the Taoiseach

Mr. Appleyard expressed appreciation of the Taoiseach's handling of the recent summit in Dublin and his sensitivity in regard to the particular difficulties on the British side. He said that he

thought the Taoiseach and the Prime Minister had reached a good "modus vivendi"; there was a good working relationship; and certainly there was on the Prime Minister's side a very high respect for the Taoiseach's shrewd political judgement and for the progress he had been able to make since coming to Government. (From the context, I took this to refer not only to Anglo-Irish relations but to other matters, notably, the economy.)

### Stevens Report

Mr. Blackwell, Assistant Secretary at the NIO, was profuse in apologies for the delay in briefing us about the publication of the summary of the Stevens Report and made strong criticism of the Deputy Secretary in charge of Security, Mr. Ledlie, in this regard. Mr. Blackwell noted that Mr. Brooke had lost no time in providing us with a copy of the summary report after we had protested. Mr. Appleyard and Mr. Burns also signalled their unhappiness with the handling of the matter, albeit more circumspectly; Mr. Burns discreetly suggested that we were going to have a difficult time with Mr. Ledlie until he had got "our measure". It appears that the British Embassy in Dublin was not briefed adequately in advance either; and that the Attorney General was kept completely in the dark; I understand he expressed strong unhappiness granted that the publication of the Report could be prejudicial to the conduct of prosecutions.

### Extradition

The question of extradition was duly raised but the British officials on the whole seemed anxious not to go on too much about it. They looked forward to the meeting of the Working Group which will take place today in London and also took encouragement from the paper published by the PDs and from statements made by the opposition parties. On our side, I drew attention to the very considerable progress which has been made on this issue in the last five years, pointed out that the 1987 legislation has not yet been tested and encouraged the view that the Criminal Law Jurisdiction Act should be used where possible. I also pointed out that no country easily gave up its citizens, or indeed others, to be judged in other jurisdictions; and that it was never said of the American system, for example, which had held Joe Doherty in prison for six years rather than extradite him to Britain, that it was somehow a safe haven for terrorists.

### The Attorney General

Sir Patrick Mayhew did not dwell on extradition either. He did emphasise his high respect and friendship for our Attorney, Mr. Murray, and he asked me to note that there was a clear appreciation on the British side of the independence of our courts. He made it clear however that he thought it probable in light of recent court judgements, that there was now a problem with persons whose offences did not fall within the categories listed in the European Convention on the Suppression of Terrorism although they might have committed serious crimes, e.g., murder

by the use of a revolver. He said he had a very good understanding of the political difficulties but he hoped that in due course the law could be changed. In the interim, he expressed the thought that it might not be wise for him to make requests in certain extradition cases, for example, a Maze escaper, where it appeared to him that the result would most likely be negative, because of the "poisoning effect" which adverse decisions had on relations between the two countries. When I mentioned the valuable alternative of the Criminal Law Jurisdiction Act, the Attorney said that he was anxious to use it wherever possible, and had done so, but it had limitations, especially in regard to the giving of evidence. (Note: I made no remark on these comments which were made lightly but nonetheless repeated; it remains to be seen whether similar comments are made at today's Working Group).

The Attorney spoke at some length about his own role in the British system (possibly recalling his controversial handling of the Stalker affair?). He noted that among the common law countries, he was unusual in being a member of the Government and a member of Parliament. He said that answerability to Parliament was fundamental to the British system and that the establishment of some independent commission which would have no such answerability would not be tolerated. He spoke with some feeling of the sobering effect which questioning in the House of Commons could have and particularly of the "unerring darts directed from behind". Interestingly, he added that an additional safeguard against abuse of his powers was the role of the civil servant acting as Legal Secretary who would undoubtedly go immediately to the Cabinet Secretary if the Attorney committed any serious impropriety (the Legal Secretary, Ms. Wheldon, looked startled by this scenario but nodded her head obligingly!)

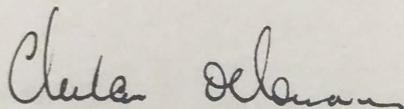
I noted that the Attorney was a more frequent visitor to Northern Ireland than some of his predecessors. He agreed that he was and said he thought it extremely important to keep in close touch not only with the judges and other members of the legal profession but with the DPP's Office, including its outoffices where people frequently felt vulnerable to attack. He described the present legal scene in Northern Ireland as "placid".

#### Progress of the Conference

I sat beside Mr. Burns of the NIO at dinner at the Embassy on Wednesday evening. He was in a valedictory mood (he is leaving, as you know, for the police job at the Home Office in July). When I asked if he hoped one day to return to the NIO, he said it was not the English way to express ambition but - on being reminded that he was Welsh! - made it clear that he would dearly like to return as Permanent Under Secretary and, indeed, would not at all object if the recent decision to transfer him were reversed.

He thought that confidence between Ministers and officials had grown very much in the past couple of years which he put down very much to the credit of our side, adding in example that his immediate briefing of me after the two last meetings with the Unionists would not have been imaginable in 1986. (Notwithstanding our dissatisfaction with the extent of the briefing offered in regard to Tuesday's meeting with the Unionists, it is in fact the case that these were the only occasions in recent years when we have been given any immediate briefing on the NIO's talks with Unionists.)

Yours sincerely



Declan O' Donovan  
Joint Secretary

AN RÚNAÍOCHT ANGLA-ÉIREANNACH

BÉAL FEIRSTE

ANGLO-IRISH SECRETARIAT

BELFAST

22 May 1990

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

Recent Developments in relation to  
Harassment/Complaints Monitoring

Dear Assistant Secretary

I have sent to the Department separately the reports of the Complaints Monitoring Committee in respect of the meetings of the Committee for the months of February and March (you will recall that these are provided to us under an agreement made last year at the Conference).

I had a general discussion this week with the British side about complaints monitoring in general. We had, as you will recall, a meeting with the British in February attended by the undersigned and officials from the Department during which we agreed to closer liaison between the two sides on complaints monitoring and during which we made some suggestions for improvements to the operation of the present Complaints Monitoring Committee. The British have now proposed that we have a further meeting in the week beginning 5 June at which they would propose to hand over a reply to a paper we submitted following the meeting in February.

In general, the British have been making efforts to improve the working of the present Complaints Monitoring Committee and, in particular, to broaden its base of membership. They inform me that the Assistant Secretary in charge of the Making Belfast Work Programme, Mr. Nigel Hamilton, has now been made a member of the Committee. They have also been able to secure direct Army representation on the Committee in the form of a Lieutenant Colonel (Durcan). This is the first time there has been a direct Army presence on the Committee - as you know, the Army were represented up to now by the civilian representatives. The British are now endeavouring to get a direct police presence on the Committee. The RUC has been reluctant to be represented directly on the Committee over the past year. Following discussions with the Police Authority for Northern Ireland, it has now been agreed that the latter body would be represented by an official on the Committee. They would hope that this will, in time, lead to a direct police presence on the Committee as well. The general feeling in the NIO is that the police are reluctant to take part in a Committee which is exclusively devoted to complaints issues given that there is already a separate procedure for dealing

with police complaints. They would hope to broaden the work of the Committee to include the whole gamut of relations between the community and the security forces while retaining the Committee's basic remit, namely, the monitoring of complaints against the security forces. They would hope that the police could be persuaded to be represented in a more broadly-based committee of that type.

We had a brief discussion on a number of general issues which have been considered by the Committee at its recent meetings. These are as follows

- The problem of complaints from West Belfast: The Committee considered a paper which stated that it is clear that a large number of people in West Belfast do not go through the formal complaints procedure. This is due to alienation and a belief that nothing very much will happen as a result of complaining. The Committee has been considering ways of countering this and ways in which the work of the Committee could be made known to the police and the Army.
- Compensation delays: The civilian representatives have brought to the attention of the Committee the fact that the Compensation Division in the Northern Ireland Office tends to treat all compensation claims with the same priority. The civilian representatives pointed out that a system of prioritising compensation claims is necessary, e.g., they feel that a compensation claim for house damage is more urgent than, say, damage to a farmer's fence.

The British informed me that the Committee had also taken up a number of issues of a general nature raised by the Department/Secretariat and would respond to us formally on these at our meeting in June. The particular issues in question were delays at Permanent Vehicle Checkpoints in Fermanagh, the recruitment of vulnerable people as informers, the use by soldiers of the telescopic sights on their rifles with the result that guns were pointing directly at the person being surveyed. I also asked that the British side address the question of what appears to be the widespread taking of photographs at checkpoints and the problems encountered by employees who have to cross the border to attend work (I mentioned the case of the Quinn Quarries in Fermanagh in this connection). In dealing with the issue of delays at PVCs, the British again drew attention to a paper handed over to us last year (I enclose a copy for ease of reference) on accompaniment of the Army at PVCs which argued that it was not possible to have RUC officers at all PVCs and that military policemen are assigned to areas where there is a low volume of traffic. We need to address this point both in the complaints monitoring context and, also, in the context of forthcoming meetings on accompaniment.

Yours sincerely

*Padraic Collins*

Padraic Collins

POLICE ACCOMPANIMENT OF THE ARMY AT BORDER PVCPS  
 Paper by the British Side

At the meeting of the Intergovernmental Conference on 8 February the Secretary of State for Northern Ireland reaffirmed the British Government's commitment to the principle of RUC accompaniment of Army patrols likely to come into contact with members of the public. The present position is that police resource constraints and the exigencies of the security situation are preventing RUC accompaniment of all Army patrols likely to come into contact with the public, even in predominantly nationalist areas. Security Force commanders are therefore giving priority to accompaniment in situations in which this seems to be most necessary. Currently this means VCPs on the main arterial routes into West Belfast and Border PVCPS.

2. This paper explains the situation at Border PVCPS only.
3. There is an Army presence at the following PVCPS which are either on or close to the border.

GROUP A

Buncrana	)	
Muff	)	Londonderry
Nixon Corner	)	

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GROUP A CONTINUED

Cloghoge (A1)  
Middletown  
Aughnacloy  
Strabane

GROUP B

Clady  
Boa Island  
Rosco Bridge  
Mullan Bridge  
Gortmullan  
Wattle Bride  
Kilturk  
Annaghmartin

GROUP C

Clonatty Bridge  
Derryard  
Killyvilly  
Lacky Bridge

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The RUC are permanently either present or readily available at the PVCs in Group A. The PVCs in Groups B and C pose particular difficulties for the policy of RUC accompaniment because of the level of threat in their vicinity. The principal risks are of terrorist ambush or an IED attack on members of the security forces travelling regularly to duty at the PVCs. Because the RUC is a UK police force which operates in accordance with nationally agreed working practices it is extremely difficult to rotate RUC personnel on duty except in a way which establishes patterns of movement thus providing terrorists with an enhanced opportunity to mount a successful attack. Overcoming this difficulty requires an intensive use of valuable resources such as helicopter flying hours or protective patrolling by the Army.

5. The security force commanders have addressed this problem by ensuring that, at all major Border PVCs where the RUC are not either present or readily available, ie those in Group B, there is available a Non-Commissioned Officer of the Royal Military Police (a force which is easily distinguished by their scarlet berets). The NCO will be present wherever Army personnel are carrying out duties involving contact with the public. NCOs in the RMP have training which is very different from that which is provided for the other Regular Army or UDR soldiers that they accompany. In relation to dealing with the public it is similar to that which is provided for police officers. At the remaining four PVCs in Group C, the level of traffic is so low that the permanent presence of an RMP NCO could not be justified.

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6. While the British side recognises that, in terms of restoring normality, this arrangement is less satisfactory than one in which Border PVCs are manned invariably and exclusively by members of the RUC or one in which there is a guaranteed RUC presence at all of them, they are, realistically, the most satisfactory that can be achieved while the threat from terrorist attacks remains so high in border areas.

7. The British side looks forward to that threat being significantly reduced over time as co-operation between the security forces in border areas in both jurisdictions becomes increasingly effective. Meanwhile the British side invites the Irish side to note that at all major Border PVCs manned by the Army there is also present either an RUC officer or a Non-Commissioned Officer of the Royal Military Police and that the primary purpose of their presence is to facilitate contact between soldiers and the general public.

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FD/SIL/11703

22 May 1990

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

Community Alienation and Government Policy in Catholic  
West Belfast

Dear Assistant Secretary

I wrote to you on 10 May 1990 providing a summary of an internal NIO paper on community alienation in Catholic West Belfast. As you know, the report was based on detailed notes which I was able to take of a copy of the paper during a meeting with Mr. Brian Blackwell of the NIO in London. I undertook to provide a comprehensive report based on the detailed notes taken during that meeting. The report based on the detailed notes is set out in the paragraphs under.

The Role of Government in Northern Ireland

The paper accepts that the British Government has greater difficulty in reconciling security considerations and promoting the welfare of people in Northern Ireland than elsewhere in the United Kingdom. It accepts that the root of the problem lies in the contested nature of the legitimacy of the Government in Northern Ireland and goes on to acknowledge that a sizeable minority of people living in Northern Ireland consider themselves to be Irish rather than British, and therefore do not regard rule by the British Government as legitimate. The paper argues that, while the defeat of terrorism must be a primary aim of Government policy, the Government must also make a serious attempt to provide equal opportunity for the minority

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community and to take measures to create confidence in the implementation of security policy.

### Community Perception of Government

The paper argues that West Belfast experiences all the problems of Northern Ireland as a whole, but in a more concentrated fashion. The atmosphere of isolation is intensified because of the physical situation. West Belfast is surrounded by hostile or unaccommodating forces on all sides. Feelings of alienation and isolation from the communities bordering West Belfast lead to an inward-looking community, which is strong and united, but which is not capable of integration with surrounding areas. This leads to what the paper calls the "ghetto" mentality. It goes on to argue that Catholics are frustrated because they are a minority and also because they have a perception of discrimination against them by the Stormont regime. The result is a strong distrust of the whole system of Government. The people of West Belfast do not believe that the British Government is impartial. Security policy is seen as oppressive, and specifically designed to harass the Catholic community. This perception results in hostility towards the security forces and towards other policy areas, especially those which are not seen to be contributing to the welfare of all of the community. The security forces have a particular problem in being accepted because they have a high profile and they are seen as representatives of an uncaring and insensitive administration.

### Priorities and Perceptions

The paper states that the central question is whether the various policy areas can be more closely harmonised or whether the dislocations that exist between security policy and social, economic policy are unavoidable. The paper states that there is a view in the NIO that all the efforts to regenerate the economically depressed area of West Belfast do not carry the weight with the local people that they deserve while policing tactics lead to perceived harassment of the local community -

thus daily harassment counter-balances any possible favourable impression of other policy areas. The use of excessive force and heavy-handed dealings with the public are two of the main areas in which the security forces are criticised. This perception has recently been enhanced by the shooting of three men outside a betting shop in West Belfast on 13 January 1990. The paper accepts that, no matter what the RUC investigation of this incident recommends, most of those living in West Belfast will see the action as typical of the ruthless attitude of the security forces towards the nationalist/republican population of West Belfast.

### The Security Problem

The paper argues that West Belfast has a very considerable paramilitary presence which permeates practically all areas of life there. In security terms, the problems manifest themselves on a daily basis. There were 10 deaths in the Police Division B area last year and 71 incidents of terrorist-related serious crime. In relation to measuring ordinary crime, the paper accepts that there is a difficulty since crimes committed are not always reported. The paper states that many people in West Belfast chose either to ignore the petty crime that goes on there, or to report their findings to the paramilitary organisations which act as an informal police force in many parts of West Belfast. This policing has a number of different effects on the community. In addition to providing an informal arm of Republican "Government", it emphasises the opportunities for those living in West Belfast to avoid dealing with those parts of the British Government machine they either do not like or do not have confidence in. The paramilitaries seek to exploit any lack of confidence. They encourage behaviour which ensures that the Government does not have a substantive overt role in the community except for security, which they know will be seen as oppressive.

Paramilitary policing takes different forms e.g. warnings to individuals, threats to leave the area or, in the more extreme cases, punishment shootings. The people of West Belfast seem

to have an ambivalent attitude to such measures. While they may not condone the methods, they can see that some rough sort of justice is being done. This is in contrast to what they see as inaction from the police. The perception of police action in West Belfast as slow and ineffective is a result of the care the police need to take in all their actions in West Belfast e.g. the security forces are circumspect in coming to the scene of any crimes in case of booby traps or other forms of terrorist attack. The paper argues that the security problem is such in West Belfast that the RUC find it necessary to be accompanied by the Army for protection rather than the more usual case of the RUC accompanying Army patrols that are likely to come in contact with the public in sensitive areas.

The police stations reflect the security realities in West Belfast. The paper accepts, however, that the appearance of police stations also emphasises starkly the alienation of the security forces from the community which they are seeking to police and to serve. This alienation is reflected in the low support for the activities of the security forces, the low poll ratings concerning their perceived impartiality and the unwillingness of Catholics to join the RUC. While the UDR do not operate in West Belfast, they man VCPs with RUC accompaniment in the arterial roads into West Belfast. The paper accepts that it is likely that, despite the RUC presence at these VCPs, sectarian tensions run high at such checkpoints. The difficulty of having a sensitive security policy is emphasised in relation to the peace lines in West Belfast. While the peacelines undoubtedly help to control the security situation, they also tend to emphasise the separation of West Belfast from the remainder of the city. Fixtures such as the Westlink and, more particularly, the barriers that can be drawn to secure all the main access roads to West Belfast to prevent car bombs or other trouble also tend to increase this separation and to encourage the people of Catholic West Belfast to see the area as a completely self-contained entity. The "ghetto" mentality that results is to the advantage of the paramilitary organisations as they are able to control and operate in such areas.

In considering how the perceptions of the security forces could be improved, the paper addresses itself, in particular, to the problem of house searches. It concludes that house searches form an important part of the fight against terrorism, though they are clearly responsible for a high level of alienation. The paper noted that in the Police Division B area in the period January-November 1989, 276 house searches were conducted and 56 of these resulted in finds. In acting on intelligence information about the likely location of arms, ammunition and explosives, the security forces are performing the role that Government has asked them to - that of preventing terrorism and apprehending those responsible for it. The paper goes on to say that, however, the issue is whether the alienation caused by such actions can be justified by the need to find arms caches, or whether other methods could be used with less aggravation even if they were somewhat less effective. It asks if there is, in other words, a trade off that needs to be made between effectiveness and alienation, at least in the short term. It suggests that consideration might also be given to the worth of the alleged policy of searching a whole row of houses on the grounds of an intelligence tip-off that one house may have an arms cache. It goes on to state that the benefits of avoiding physical damage to people's homes would be large and consequently worthy of further consideration.

#### Security Force Misbehaviour

The paper states its belief that those elements of the security forces who do not have to deal with the longer-term effects of their actions are those who misbehave most frequently. It accepts that this is as true of the RUC as of the other arms of the security forces. The paper suggests a series of measures to deal with this problem, including the setting up of community relations units.

#### Confidence

The paper accepts that the new complaints system is viewed with suspicion in West Belfast and is viewed by some as likely to

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result in unnecessary hassle for the person complaining. The other problem that has to be contended with is that many who do complain may be doing so merely to make political points and their allegations may be difficult to disprove. The paper goes on to argue that, while the security problem is intrinsically linked to the problem of confidence, there are difficulties in allying the two. Taking up the theme implicit in its questioning of the value of house searching, the paper goes on to state that the most effective anti-terrorist measures in narrow security terms may not be acceptable in terms of the political and confidence loss that accrues. That, after all, the paper states, is one of the reasons why internment failed in 1971 and why it is not on the security agenda at present. The difficulty is deciding where to strike the balance between security and confidence considerations and whether security policies can be tailored to make a greater contribution to confidence without undermining their effectiveness as security policies. While accepting that security policy and confidence should be two sides of the same coin, the paper wonders if short-term conflict between the two is unavoidable. It suggests that, inevitably, as further powers are sought to continue the struggle against a better equipped and more sophisticated terrorist, there is the risk that these powers are perceived as further illustrations of the way the nationalist republican community is oppressed by the security forces.

### Racketeering

The paper concludes that racketeering is "the cement" which holds the various sections of the Republican movement together. The money raised finances the purchase of arms, ammunition and explosives; equally it finances the IRA's political wing, Sinn Fein, and its public relations activities; and, through control of certain key areas of West Belfast life, it draws the people there into the paramilitary net. The economic activity generated by racketeering, the paper admits frankly, is crucial to the well-being of West Belfast. Nevertheless, it also serves to create further community

'alienation from the rest of Northern Ireland. It estimates the extent of racketeering in West Belfast as running into millions of pounds and involving activities spread across a wide spectrum of the economic area. The significance of racketeering operations are not purely monetary - it is also indicative of the extent to which paramilitary organisations are linked to everyday life in the community and reflects the difficulties facing the Government in attempting to remove that influence in order to introduce stable and good government.

Specifically, in relation to racketeering, the paper concludes that black taxis form the very basis of the transport network in West Belfast. All the taxis in Catholic West Belfast - the paper asserts - are influenced by paramilitaries. While this does not mean that all the drivers necessarily support the Provisional IRA or its aims, it is nevertheless an indication of the way in which the organisation is able to draw people in and make them dependent. Apart from school leaving times, public transport in West Belfast is scarce. Those wishing to get around the area are reliant on a service linked to a paramilitary organisation. It is an example of the organisation providing a service which benefits the people in the area as well as the paramilitaries.

In addition to dominating the public transport system, the Provisional IRA also have a large influence in all the social clubs in West Belfast. Those run by associated clubs (ACL) are all under the direct influence of the Provisional IRA. Other clubs may not actually be run by the organisation but are still influenced by it and, the paper asserts, a percentage of bar takings find their way into Provisional IRA coffers. It is largely a way of life for the people of West Belfast to attend these clubs. They are more pleasant and more plentiful than ordinary pubs, they offer live entertainment and other facilities that are not available elsewhere. They are well run and well maintained. People may or may not know where the profits go but they go where the best enjoyment is to be had. The paper asserts that in recent times, however, there has been some fall in popularity of these clubs due to the increase in

the price of drink, bringing the clubs into line with public houses. The paper asserts that the Provisional IRA also own a company which runs gaming machines and that such gaming machines are installed in their clubs throughout West Belfast, the Provisional IRA taking all the profits. The paper goes on to argue that the Provisional IRA also make a good deal of money out of building sites and through "doing the double" (that is, doing paid work and claiming social security at the same time). The paper also states that the IRA is, increasingly, running legitimate businesses - these cover areas such as insurance companies, clubs and organisations claiming various grants on the ACE and LEDU schemes. While these legitimate side-lines make smaller profits than clubs or black taxis, they add to the way in which the Provisional IRA pervades everyday life in West Belfast.

The paper argues that the black economy in West Belfast is large. The IRA influence, or run, large parts of the social and transport system as well as making large numbers of people dependent upon their favour for employment. In this way, racketeering forms the interface between the economic and the security aspects of life in West Belfast. The efforts of the Anti-Racketeering Unit, recently established by the British, will, in time, make matters more difficult for the paramilitaries but it is unrealistic to expect the black economy to disappear overnight. The paper notes an argument that it may in some ways be undesirable that the black economy should disappear overnight since a swift removal of all forms of paramilitary racketeering etc. would hit hard at the more deprived members of society who require the services being offered most keenly. Any such action would increase the alienation they feel. It would be essential that a replacement network should be put in place before drastic action were taken. The best approach would be to challenge the role of the paramilitaries by ensuring that alternative services exist, even if the services were not in themselves cost effective initially.

The paper spent some time wrestling with the dilemma set out above. It says that it would be easy to see the harmful effects that accrue from the various illegal and legal money-making operations of the paramilitaries, but it is important to note that many of the paramilitary operations are a significant source of employment and much needed economic activity in West Belfast. The complete removal of all paramilitary influence in West Belfast, it concludes, is one aim of NIO policy but that aim could lead to short-term economic decline and an increase in unemployment.

The paper notes that on all indices of social and economic deprivation, West Belfast comes out badly. There is high unemployment, especially amongst the male population, severe over-crowding in houses, high rates of petty crime and of more serious crimes. The private sector is weak, health care is poor and educational achievement still falls well below the average in Northern Ireland. In relation to unemployment statistics, the paper states that unemployment for economically active males is still over 50% in Catholic West Belfast. The numbers claiming unemployment benefit in the area is over 7,000. That constitutes, apparently, 7.4% of the total unemployed in Northern Ireland and of those 62.6% have been unemployed for over a year. The population aged between 16 and 65 in West Belfast constitutes 4.6% of the total population of those ages in Northern Ireland as a whole. Those in work are generally in unskilled jobs or working in service or retail industries. Part-time jobs for women and low-pay also tend to characterise employment in the area.

The paper questions the consistent Government assumption that by investing in Belfast as a whole the problems of West Belfast will also be alleviated by the "trickle-down" effect. It concludes that this has not proved to be the case so far. Part of the problem facing the Government is the unwillingness of those living in West Belfast to accept employment outside the area - even the city centre, apparently, is considered out of bounds for many people. Mobility is also affected by the

perception of a hostile security policy, especially frequent VCPs on the main arterial routes out of Catholic West Belfast.

In stressing the importance of education for West Belfast, the paper notes that 25.4% of the population in the area is under 14 years of age (it points out, incidentally, that half of the school-going population in Northern Ireland is Catholic).

The housing situation has improved considerably since 1972 and continues to do so. Nevertheless, over-crowding remains a major problem in the area with 17% of households having insufficient bedrooms to meet needs. The paper also expresses concern that owner/occupier rates are very low in West Belfast. The proportion of Catholic families in maintained housing has risen in recent years as greater numbers of Protestants have taken up the offers of buying Council houses. Increasingly, public sector housing is becoming predominantly Catholic housing.

#### Making Belfast Work/Community Grants

The paper acknowledges that there has been criticism of the Making Belfast Work scheme because of the perception that in Catholic West Belfast it concentrates too heavily on church-based activities. The paper also acknowledges that the refusal to grant funds to other seemingly "worthy" causes because of co-location with paramilitary-run companies or due to other significant, if not central, personnel links with paramilitary organisations has caused community resentment. The people of Catholic West Belfast see the current policy as further evidence of Government interference and action on an indiscriminate and unaccountable basis in their community. The paper notes that in Northern Ireland as a whole there are currently 18 cases of ACE funding having been withdrawn. The local community does not understand how the Government's rhetoric about improving the economic situation in West Belfast can be aligned with the community grants policy. It leads to a perception that the Government is not seriously interested in helping the people of West Belfast. The paper states that it

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may now be time for an appraisal of the current policy on withdrawing/refusing grants to community-based groups.

The paper acknowledges that, despite the money being invested in the Making Belfast Work project, there remains widespread scepticism about the Government's willingness to address the problems of West Belfast properly. The amounts being spent on Making Belfast Work are compared to the hundreds of millions used to bail out Harland and Wolff and Shorts to save jobs in East Belfast.

In an interesting paragraph, the paper considers how the need to bring terrorism to an end can be balanced with the need to remove the poor economic and social conditions that play a part in perpetuating it. It states that the two should be mutually reinforcing but there are undoubtedly areas of tension between the two broad objectives when it comes to considering specific policies and the relative priorities attached to each. Part of the difficulty, the paper states, can be attributed to a lack of security force awareness of the extraordinary circumstances in the areas in which they operate. Another factor is the Government's stated determination that no grant should be awarded to groups which could enhance the operation of paramilitaries. It acknowledges that, while this is an understandable position to take, it is not seen by local people as working in the community's best interest. The Republican movement's economic activities are unlikely to be seriously disrupted by any Governmental action. That being the case, the danger is that withdrawal of grants etc. harms non-paramilitary activity and effectively perpetrates - rather than helping to solve - the problem. The economic section of the paper concludes that the basic structural problems in West Belfast, including high unemployment, are likely to persist.

#### The Political Situation

The paper acknowledges that Sinn Fein representatives are among the most conscientious of councillors and that they are extremely successful in ensuring that their constituents'

Concerns are dealt with promptly and efficiently. It notes that the British Army's civil representatives, social services representatives and the Housing Executive frequently get calls from Sinn Fein representatives asking for assistance. It goes on to note that the abstentionism of Sinn Fein above Councillor level seems to matter little one way or the other to the rank and file though it opines that it must add to the sense of alienation from authority that people of Catholic West Belfast feel, given that they have no active representative in any administrative forum outside Belfast City Council. The paper notes that those voting for Sinn Fein do not necessarily support the Provisional IRA. Sinn Fein, it states, gains support through their efforts on the ground, their ability to get things done, and their willingness to pursue areas of concern. In effect, they perform a social welfare function. This, the paper states, is part of the strategy aimed at offering an alternative government and ensuring that the local community knows that it is Sinn Fein which has secured any benefits that may accrue. The whole gamut of IRA/Sinn Fein activities in West Belfast is, the paper states, an example of the paramilitaries acting in a quasi-governmental fashion, providing services which the public, or most of them, require.

In assessing the role of the SDLP in West Belfast, the paper expresses doubts as to whether the SDLP Parliamentary candidate in the area, Dr. Joe Hendron, can win the seat from Sinn Fein. The basic difficulty of the SDLP, the paper concludes, is that its organisation is weak and it is unable to match Sinn Fein's advice network. It notes the view of some influential figures in the SDLP that it is only through specific governmental support that it would be possible to match Sinn Fein's effort in the constituency. It also notes that there is a contrary view gaining ground, namely, that if the SDLP are too closely associated with the British Government it may have a counter-productive effect. On future political movement, the paper states that most people in West Belfast would have severe reservations about any new arrangements for the government of Northern Ireland which involved restoring greater power to local representatives since they fear a return to the Stormont

administration and the majority misrule they associate with it. Even a power-sharing system, the paper concludes, would be viewed by many with grave suspicion.

The Anglo-Irish Agreement is not perceived to have made any significant improvement in West Belfast. It concludes that the Irish Government's interest in West Belfast has been limited and concentrated to a large extent on the interface between the security forces and the public and to a lesser extent on the economic regeneration programme.

In relation to local government, the paper is highly critical of the conduct of Belfast City Council and acknowledges that there is an argument for splitting up the City Council into smaller, more homogenous areas which would be easier to control and potentially less liable to engage in discrimination. It notes that suggestions have been made that the dismantling of the City Council could be done on the lines of the dismantling of the Greater London Council in the mid-1980s. It goes on to state, however, that the difficulty with any such arrangement, in addition to the difficulty of deciding the boundaries of control, would be the formation of local government areas according to tribal enclaves. This would be seen by some as an acknowledgement of the failure to get the two traditions to cooperate in West Belfast and it might create a structure in which Sinn Fein would be able to tighten their control of the area.

In relation to the future, the paper concludes that there is little immediate prospect for great political change in West Belfast. The best development that the British Government could hope for would be increased efforts and better organisation by the SDLP with the long-term aim of capturing Gerry Adams' seat (the paper seems to take it for granted that the seat cannot be won at the next General Election). It concludes also that political progress in Northern Ireland as a whole, whatever form it took, will have little effect in the short-term on West Belfast.

### Conclusion

The paper notes that there are a number of areas in which Government policy is not working. The more serious questions, it states, concern the juxtaposition of current security policy with the other major policy aims of the Government, in particular, confidence-building measures and social and economic regeneration. It concludes that it is inescapable that, while confidence and security are conceptually complimentary, the short-term policies will always have a tendency to be in conflict, as, the firmer the security policy, the greater the alienation and loss of confidence that results. The only possible response the paper can come up with is the establishment of an official standing group, with representatives drawn from the NIO, Northern Ireland Departments, RUC, Army, Housing Executive and Area Boards to discuss issues of mutual concern within West Belfast. The most fundamental problem, the paper concludes, is that of where to strike the balance between an efficient security policy and the creation of confidence.

The role of the paramilitaries in West Belfast is such that a major initiative is required in order to remove grievances and inequalities. Efforts such as Making Belfast Work are recognised to be first steps, but it is all too easy, the paper states, to lose any credit for such initiatives when security incidents are perceived to reflect an insensitive attitude on the part of the security forces towards the community in which they are operating. Apart from improving security force training for dealing with the community, the paper suggests that the Government should consider taking greater steps to impinge on the economic territory of the paramilitaries in West Belfast in order to stop them having a free run in such activities by offering economic alternatives as well as clamping down on the businesses that fund the IRA.

The paper seemed to border on the conclusion, several times, that while troops are deployed on the streets there will be harassment and the impact of government policy will be most

keenly felt in that area on a daily basis - in other words, the negative interface between the community and the security forces in the area will almost inevitably cancel out any beneficial effects in other policy areas. In general, the paper illustrated a deep puzzlement in the NIO about what to do about West Belfast while, at the same time, accepting tacitly that present policies simply do not work. It shies away, however, from proposing any radical alternative policies.

Yours sincerely

*Padraic Collins*

Padraic Collins

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BÉAL FEIRSTE

BELFAST

23 May 1990

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

Meeting of Ministers for Social Welfare

Dear Assistant Secretary

I am writing to provide a summary on a meeting on 16 May, 1990, between the Minister for Social Welfare, Dr. Michael Woods, T.D., and the Parliamentary Under-Secretary of State in charge of the Department of Health and Social Welfare in Northern Ireland, Lord Skelmersdale. The meeting took place at Barrettstown Castle. Minister Woods was accompanied by Secretary McCummiskey, Assistant Secretary John Hynes, Chief Inspector Sean O'Reilly and other officials. Lord Skelmersdale was accompanied by the Permanent Secretary of his Department, Mr. Alan Elliott, Under-Secretary Roy Mills, Mr. David Ferguson (Principal) and Mr. Weslie Shannon (Private Secretary). The British Ambassador and the undersigned attended the morning session of the meeting and the subsequent luncheon at which Deputies Noel Davern and Dermot Aherne were also present.

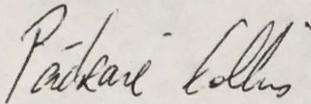
The agenda covered issues such as cross-border Social Welfare fraud, comparison of benefits between North and South, computerisation of records, etc.

Minister Woods set out the Irish side's measures to control Social Welfare fraud generally and cross-border fraud in particular. It was felt that cross-border fraud was not a major problem in comparison with other opportunities to defraud the system. The two main areas which it was difficult to control, and where paramilitary influence was suspected, related to the building industry and contract catering. While not maintaining that cross-border social welfare fraud was significant, the Northern side, nevertheless, attached importance to keeping it under close scrutiny. The Irish side indicated its willingness to provide such information in this area as was available to it.

There was an extensive exchange on the range of benefits in both jurisdictions - a detailed comparison paper had been prepared by the two Departments (copy attached) and it was agreed to update this to take account of recent changes in exchange rates etc.

The Ministers agreed that they would meet on a regular basis to exchange views on matters of mutual interest.

Yours sincerely



Padraic Collins  
Counsellor

~~ENCLOSURE NOT INCLUDED.~~

Note

Upper Bann by-election, 17 May, 1990.

1. As expected, David Trimble easily retained the Upper Bann seat for the UUP in the by-election on 17 May. His majority was some 3500 down on that achieved by his predecessor, the late Harold McCusker, in 1987 but he was still a very comfortable 13,849 votes ahead of the second-placed candidate, Brid Rodgers of the SDLP.

2. The results were as follows (1987 figures in brackets).

Electorate	:	66377	(64596)
Valid poll	:	35620	(42625)
% turnout	:	53.66%	(66.4%)
			Party votes in 1987
David Trimble (UUP)	:	20547	(26037)
Brid Rodgers (SDLP)	:	6698	(8676)
Sheena Campbell (Sinn Fein)	:	2033	(3126)
Hugh Ross (Ind. Ulster Group)	:	1534	
Tom French (WP)	:	1083	(2004)
Collette Jones (Conservative)	:	1038	
William Ramsey (Alliance)	:	948	(2487)
Gary McMichael (UDP)	:	600	
Peter Doran (Greens)	:	576	
Erskine Holmes (Campaign for Labour)	:	235	
Alistair Dunn (SDP)	:	154	

All except Trimble, Rodgers and Campbell lost their deposits.

UUP  
3. While the turnout was well down (16.4%) on 1987, the UUP vote held up well and as a percentage of the valid poll was down only 4.4% on Harold McCusker's rating in 1987. Whether this is a tribute to the quality of Trimble's campaign or the loyalty of the party faithful in Upper Bann is a moot

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point; either way the party has some cause for satisfaction at the outcome, particularly as there was concern beforehand about (a) possible apathy among supporters on the basis that the result was a foregone conclusion, (b) the extent to which Harold McCusker's vote was a personal one and might not transfer and (c) the impact which the Conservatives would have.

### Conservatives

4. The "story" of the result was undoubtedly the very poor performance of the Conservatives in this their first Westminster election in Northern Ireland. Their campaign was beset by difficulties from the outset. The local Association was only granted Central Office affiliation some 3 weeks before polling day and consequently the party had little or no organisational structure in place in the Constituency by the time the campaign got underway. The candidate, Mrs. Jones, is Welsh and had no previous involvement or experience in politics.
5. There will be question marks also about the nature of the Conservatives' campaign, with high profile appearances in the constituency at various times of leading party figures such as Chairman Kenneth Baker, Environment Minister Chris Patten, MP Sir George Young (a former junior Environment and Health Minister) and NIO Ministers John Cope and Richard Needham. There were also "messages of support" for Mrs. Jones from Mrs. Thatcher and Mr. Brooke. In the event, therefore, a vote of 1038 out of a total electorate of 64,956 (1.6%) must be regarded as bordering on humiliation.
6. Commenting to us on Mrs. Jones' result, Brid Rodgers said that all the Northern Ireland candidates were "united in their detestation" of the Tories and how they had run their campaign. She personally had been canvassed by Mrs. Jones and had to enlighten her as to her identity! Mrs. Rodgers'

husband received a postal request for financial assistance from the Tories! She felt that the profile of the NIO Ministers was very "unwise"; she recalled Richard Needham claiming to Seamus Mallon before the election that the Conservatives would achieve 20% of the total poll. She believed that they had now left themselves wide open to the charge that they had "gone before the people and been rejected".

7. Regarding where the Conservatives' votes came from, the evidence suggests that they were largely Alliance. The latter dropped from 2487 in 1987 to 948, a loss of 1539. (Clearly this is a worrying development for Alliance but they will probably seek to put the result down to apathy as much as to defections to the Conservatives).
8. The campaign also highlighted the many incongruities associated with the Conservatives decision to organise in Northern Ireland. Eyebrows were certainly raised, for instance, at the sight of NIO Ministers Richard Needham (particularly) and John Cope launching strongly critical attacks on the Unionist parties in Upper Bann, while at the same time Mr. Brooke was conducting delicate talks with the leaders of those parties about the future of Northern Ireland. Also in sharp relief was the old difficulty about the impetus for Conservative involvement in Northern Ireland coming from a desire for integration while at the same time Conservative Government policy remained devolution.
9. The Upper Bann campaign will undoubtedly have provided the Conservatives with considerable food for thought. It will no doubt be argued that Upper Bann was never likely to be fertile ground for them and that they will do better further east and north. But that argument already appears to concede that a marginal role and impact is the best that can be hoped for. If that proves to be the case, the end result

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of the exercise may be the precise opposite of what the pioneers of the idea hoped to achieve - conclusive evidence that there is no significant demand for integration and that in British terms Northern Ireland is a place apart. Certainly as matters stand, those in the party who opposed the idea of organising in Northern Ireland are having their worst fears confirmed. (In that regard, it was notable that Mr. Brooke, who as Party Chairman, had strongly opposed the move, remained aloof from the campaign, confining himself to a written "message of support" for Mrs. Jones).

24 May, 1990.

SDLP

10. Brid Rodgers vote was almost 2000 down on her 1987 result. In absolute terms this was a drop of 22%, but in terms of percentage of the valid poll the decrease was only 6%. She told us that she was well satisfied with the outcome, against the background of a campaign that had been fought on a "shoe-string" and at short notice. She put the drop in her vote down to "by-election apathy", noting that those who had not voted came largely from SDLP strongholds. The outcome was not, therefore, an accurate reflection of the party's support at present, she felt. She said that John Hume had commented to her that the ratio of SDLP to Sinn Féin support has gone from 2½ : 1 in 1987 to 3½ : 1 at present.

Sinn Féin

11. The Sinn Féin vote dropped from 3126 in 1987 to 2033, a decrease of 35% in absolute terms and 18.5% in terms of percentage of the valid poll. Brid Rodgers said that Sinn Féin's result is an accurate reflection of the party's strength at present, since they ran an active campaign and had the usual "mustering" operation (going around the housing estates and providing transport to polling stations) on polling day.

12. Whatever the reason for the drop in their vote, it was another poor result for Sinn Féin and must increase concern within the party about how - ,if at all - their continuing electoral decline can be arrested. The Upper Bann result will however, have provided them with one small (if, in their terms, sweet) consolation - their vote was almost twice that of the British Government party.

T.O.C.

Anglo-Irish Section

24. May, 1990.

CONFIDENTIAL

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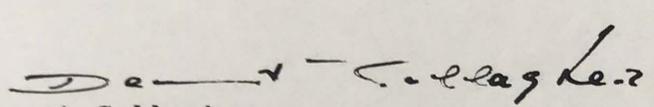
Discussion with John Hume on the prospects  
for political progress

1. Hume continues to be sceptical and worried about the discussions between the Secretary of State and the Unionist leaders. He emphasised, however, that he strongly endorsed the parameters for progress agreed between Dublin and London. His concern now largely centres on the possibility that Molyneaux and Paisley might succeed in convincing Brooke to seek concessions from us, especially on the timing of North-South talks and on the Secretariat.
2. As regards the timing of the various sets of talks, Hume said that his Unionist contacts believe that Molyneaux and Paisley would not under any circumstances accept simultaneous North-South and internal Northern talks. Their approach would be to propose to the Secretary of State at their next meeting (22nd) that North-South talks could only be held when substantial internal agreement had been reached. This was not acceptable to the SDLP, and they would not be prepared to enter into all-party talks on this basis.
3. As regards the Secretariat, Hume believed that, while Molyneaux seemed committed to having the Secretariat staff removed, others were pushing a formula which would claim that, as the Conference was not meeting, the Secretariat would have no function or on-going work. Hume said he fully endorsed our position on the Secretariat; any interference with the role of Maryfield, or any fudged formula, was simply not acceptable - the Secretariat was the core of the Agreement for the great majority of nationalists.
4. Overall, Hume's view is that the Unionists are "playing games" and that, if they sought further concessions, these should be firmly and quickly rejected.

Hume's article in the Sunday Independent and Sinn Féin

5. Hume also referred to his article in yesterday's Sunday Independent - entitled A New Ireland (see page 10) - and said that it was in significant part intended to encourage the on-going internal debate within Sinn Féin. In the article, Hume states that one way of encouraging the debate within Sinn Féin "is to directly address their own stated reasons for what they call armed struggle and demonstrate that those reasons no longer exist". He then goes on to argue that "this should be consistently pointed out, particularly by the British Government".
  
6. In order to give a new impetus to the Sinn Féin debate, Hume's present objective is to convince the Secretary of State that he should take an early opportunity to put on the record that the British have no longer any diplomatic, security, military, economic or financial vested interest in staying in Northern Ireland and that the issue of self-determination is one for the Irish people themselves to seek to reach agreement on - or, as Hume puts it in his article, "Irish unity is a matter for those Irish people who want it, persuading those who don't". If Brooke were to make such a statement, and signal it in advance to Sinn Féin, Hume believes that it would move the debate onto a new and qualitatively different plane. (Hume may be exaggerating the potential significance of such a step - there was little impact when the previous Northern Secretary, Tom King, did at one stage make a speech along these lines; however, Hume argues that, as the "significance" of the King speech was not signalled to Sinn Féin in advance, and as the dialogue within Sinn Féin had not advanced very far at that time, the exercise should now be repeated).

7. Finally, Hume told me he was very upset by the Sunday Independent's front page headline ("Hume shows way to beat IRA") which flagged his story, given that the article was in large part designed to encourage dialogue within Sinn Féin. He had conveyed this concern to his Sinn Féin contact who responded that the movement "read what you say" rather than any particular interpretation of it.

  
Dermot Gallagher,  
21 May, 1990.

cc: PST; PSM; Mr. Nally; PSS; Mr. Mathews; Mr. Brosnan;  
Counsellors A-I; Box.

Conversation with David McKittrick, London Independent,  
Belfast, 22 May 1990.

Brooke initiative:

He felt that Brooke had proved himself clever in the way he appears to have been successful so far in nudging the parties along. Having said that however, he knows from his own reliable contacts in the NIO that opinion within the NIO itself is divided as between those who consider some kind of deal as "possible" and those who consider it "probable". Brooke he understands is definitely in the "possible" camp.

He is surprised that Brooke has been able to nudge Molyneaux this far. He is contemptuous of Molyneaux who, he feels, has built his entire political career on a policy of inertia - an inertia which he feels is representative at this stage of the broad inertia of mainstream unionism.

At the same time he is not surprised at the apparent flexibility of Paisley. The DUP is a party which thrives on action. Without some kind of activity the party is in danger of withering and ultimately being absorbed by the OUP. However, he was undecided as to whether Paisley is sincere in seeking a way forward or whether he will use any talks as a stage for his traditional theatricals. On balance he suspected theatricals the more likely outcome.

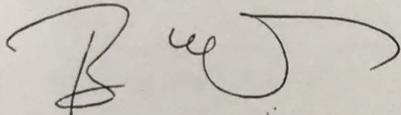
Robinson is motivated by a need for power and sees some sort of devolutionary deal as the only way in which this can be realistically achieved. He now realises that the old avenue of flirting with paramilitarism is a dead end. Protestants are congenitally incapable of organising in any effective paramilitary way. Robinson realises this and has "given up the beret".

McKittrick himself is not optimistic on the chances of any deal being hammered out at this time. He feels that Molyneaux's inertia is the dominant sense within the unionist community and he can see no evidence of any groundswell of popular opinion on either side of the divide in favour of devolution.

Stevens:

He was away in the United States when the report was published so he had little chance to analyse its contents. He was struck by the general low-key reaction to the report and observed that it had many similarities with the Bennet Report some years ago on torture in Castlereagh. That report had allegedly found no great problem in terms of torture but at the same time had made numerous recommendations tightening up procedures. The Stevens Report had the same flavour - "there is no widespread problem of collusion, but here are at least 83 recommendations to address this non-existent problem"

He pointed out that the real crunch has yet to come in terms of prosecutions in the aftermath of Stevens. In this regard, the Brian Nelson case (see previous reports) will be the key one. Nelson was the senior UDA intelligence officer in Belfast. Since his arrest there are strong reports that he had been working for some years on behalf of British Military Intelligence. Most of the arrests of senior UDA figures have resulted from what Nelson has told the RUC, and there is a widespread fear among loyalist paramilitaries that Nelson may be used as a supergrass. McKittrick had heard that the RUC had already had psychological tests run on Nelson to see what kind of witness he would be. McKittrick, like many other observers in Belfast, was very doubtful whether Nelson would in the final analysis testify in Court. If there is any truth in the reports that he was working all along for military intelligence, then this would throw a new and very embarrassing light on the whole question of collusion, in that it would imply that the British Army were all along aware of the sources and extent of leakages of information from the security forces - information which was used as a basis for a number of assassinations in recent times.



Brendan McMahon  
Anglo/Irish Division  
24 May 1990

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

Conversation with Alan Murray, Irish Press,  
Belfast, 22 May 1990

Brooke initiative:

Murray is an East Belfast Presbyterian and, when I met him, he was obviously acting as an advocate on behalf of his former school-mate and friend, Peter Robinson. He argued forcibly and with great conviction that the time was now ripe for talks. He felt that "this is the historic moment" and that "the right atmospherics" would be the key element in ensuring the proper momentum for the process. The Government could help in creating such atmospherics by publicly adopting a positive and forward-looking attitude, articulating the opportunity now for a real and historic agreement between the people of Ireland. He was very optimistic that talks would take place - probably in the Autumn. The intervening period could be used by Brooke to iron out the details of the talks and to ensure a smooth start to the process once it commenced in the Autumn.

He argued that neither the Government nor the SDLP had anything to lose in agreeing to some sort of suspensionist formulation in relation to the Secretariat. If the talks did not succeed, both Governments should say "we tried and we will try again at a later date". The Secretariat would resume normal functioning and the pressure would then be on Paisley and Molyneaux to try harder to reach agreement the next time.

He could understand that there may be deep suspicions in Dublin that we were being asked "to buy a pig in a poke" and could understand our difficulty in reconciling the private stance of someone like Sammy Wilson (an enthusiastic supporter of Robinson) with his public comments which are as bitter as ever. However, he glided over this point and was quite passionate in arguing that to do nothing at the present juncture or to torpedo the present initiative would be to play to the negative tendency in Northern Ireland - and by this he meant the negative no-hope stance of the Provos.

His main fear was Molyneaux who, as an integrationist, was at best unenthusiastic about any devolutionist initiative. He felt that Paisley was more amenable and to some extent more easily controlled by his party which is unequivocally devolutionist. In that regard he mentioned that the DUP is no longer the personal property of Paisley and that people like Robinson and Wilson tend to adopt an approach that "the Doc does his thing and we do ours". Some weeks ago Wilson, as DUP press officer, issued a statement which was deeply critical of Molyneaux's attempts to move the goal posts in relation to the talks. Paisley stormed into party headquarters and told Robinson that he had unilaterally fired Wilson from his post as press officer. Some days later a party executive meeting was held and Wilson attended in the normal way in his position as press officer. No further mention was made of Paisley's attempt to fire Wilson. Both Robinson and Wilson had simply ignored him.

He had earlier phoned Fr Faul to try to enlist his support for the initiative. [Fr Faul has been very vocal in recent times in insisting that there could be no suspension of the Secretariat.] Murray was dismissive of Faul's reaction and felt that his support for the Secretariat was largely "an ego-trip" and was based on the influence which Faul felt the Secretariat gave him in relation to various complaints regarding the security forces.

[I met Fr Faul later that afternoon and without any prompting on my part, he immediately launched into an account of his earlier conversation with Murray. Faul had been taken aback at Murray's enthusiastic advocacy on behalf of the Brooke initiative and felt that he had been put up to it by Robinson. Faul was totally unconvinced and was strongly of the view that no concession should be made on the Secretariat. He told me that at a recent dinner with Brooke he had told him bluntly that he was against devolution at this time and that the advantage of direct rule is that "the British don't know the difference between Newtownabbey and Coalisland". As a result, grants etc are administered reasonably fairly. He was apparently quite cynical with Brooke and told him that Catholics are quite happy to take whatever grants and other benefits are on offer but will take no responsibility for the running of Northern Ireland. In those circumstances, he told Brooke that "there is no alternative but to continue to bear the white man's burden" - a phrase which he repeated on a number of occasions and which he said Blleloch, who was present at the dinner, appeared to find deeply irritating.]

#### Stevens:

Murray felt that Stevens had done a reasonable job and that his report had been very harsh with the Army - something which he felt was missed by much of the media. (The Sunday Press had failed to carry an analysis of the report which he had filed.) He felt that the comments regarding the decision of the Army to ignore negative vetting reports by the RUC in a number of cases raised serious questions. He thought it would not be unreasonable to speculate as to whether this had been done deliberately by the Army who may have had some unspecified use for such people!

It had been in response to questions by Murray at the press conference that Stevens had admitted that two cases involving RUC officers had been forwarded to the DPP. He told me that no-one other than Annesley knew who the two officers were, as the Stevens team had played these cases very close to their chest. From his own contacts, he had heard that they were both reserve constables, and he commented that at least if prosecutions are not instituted in these cases, the RUC will be able to get rid of both officers as reservists are employed on yearly contracts which need not be renewed. However, his own sources had told him that about 5 or 6 regular RUC officers had come under suspicion during the course of the enquiry. This posed a particular problem as the RUC would not be able to dismiss such officers on the basis of suspicion, though he assumed that it might be possible to transfer them to areas where they could do little or no harm. [There are a number of cases where the RUC in the past have been

unable to dismiss officers. The most notorious relates to a detective sergeant named McCormack who some years ago was convicted of armed robbery and the murder of a fellow RUC officer who had become suspicious of his activities. However, McCormack was subsequently acquitted on a technicality on appeal and, while no longer on the force, is still drawing his full sergeant's pay.]

Racketeering:

His information is that the Anti-Racketeering Unit in the RUC is beginning to bite into Provo finances. The strict enforcement of PAYE regulations, fire regulations etc on Provo clubs is having an effect on their profit margins. [comment: The Provos apparently have little alternative but to follow regulations in respect to most of their clubs, given the massive capital investment which is tied up in them. The parish priest of Twinbrook recently showed me the Kilwee Social Club on the estate. It is substantially larger than the Catholic Church and the fittings and furnishings are apparently of the highest standard. Fr McGee estimated that it must represent an investment of something between half a million and a million pounds.] Murray's understanding is that there may be further major developments next month, though the RUC feel that it will probably take anything up to three years to fully get on top of the problem. He thought the recent mail train robbery near Drogheda had all the hallmarks of the type of professionalism one associates with the Provos and he speculated as to whether this might be indicative of a growing cash-flow problem for the movement.

*Berlin 7-7*

Brendan McMahon  
Anglo/Irish Division  
24 May 1990

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

Conversation with Brian Feeney, SDLP, Belfast, 23 May 1990.

Brooke initiative:

While he would be classed as a prominent member of the "second tier" of the SDLP, and therefore reportedly anxious for a devolutionary arrangement which might give him a more fulfilling political role in Northern politics, he cautioned that he sees little prospect for any acceptable arrangement emerging from the current initiative. In his opinion, the so-called "second tier of the SDLP" is not crying out for devolution. The second tier of the party no longer contains activists who have sacrificed career for politics. "There are no Hugh Logues at the moment". As a result there is no element that he can see within the party who have a financial need for devolution.

He was very cautious about the initiative and suspicious of unionist intentions. Any suspension of the Secretariat would, he felt, have a very negative impact on Catholic opinion. His own view of the exercise is that it is "a game of pass the parcel with all parties anxious to avoid being seen to be holding the parcel when the music stops". If it comes to it, he felt that the SDLP should be prepared to be seen to be holding the parcel - if this was the price which had to be paid. He commented that to date the SDLP had managed to duck the issue and would continue to do so as long as possible. He felt that (possibly for the first time ever) the party should be grateful to Fr Faul who had managed to take upon himself the role of defender of the Agreement articulating a no-surrender stance which he felt reflects the stance of the broad mass of nationalists in Northern Ireland.

He felt that the only ones actively supporting the initiative were the Robinson faction of the DUP - a party which is an activist one and which, in a situation of political inertia, is in danger of seeing its vote declining. This tendency with the DUP vote was already evident in the last local elections.

Stevens Report:

He was unimpressed with the report which he feels failed to come to grips with the fundamentals of the problem of collusion in any meaningful way. There had been no mention of their findings relating to a number of recent killings where collusion was widely suspected -viz- Hamill; Slane (where RUC Castlereagh mugshots may to have been used); Terry McDaid; Billy Totten; Seamus Finnucane and, indeed, Loughlin Maginn.

He saw parallels with the Bennet Report on torture in Castlereagh, where the problem of torture was denied but at the same time numerous recommendations were made to tighten up procedures. He accepted that the Bennett Report had however, by

National Archives Act, 1986, Regulations, 1988

ABSTRACTION OF PART(S) OF A RECORD PURSUANT TO REGULATION 8

Form to be completed and inserted in the original record in place of each part abstracted

(i) Reference number of the separate cover under which the abstracted part has been filed:  
840/3862

(ii) How many documents have been abstracted: Part of 1 document

(iii) The date of each such document: 25/05/1990

(iv) The description of each document: Confidential information relating to private individuals

(v) Reason(s) why the part has been abstracted for retention: Section 8 (4) (b)

Clare Hanratty

Name: Clare Hanratty

Grade: CO

Department: Foreign Affairs

Date: 02/12/2020

B5  
Brendan McNamara  
Anglo-Irish Division  
25 May 1990

Dr Aileen Gallagher  
Deputy Lord A.I.  
Secretary  
Box

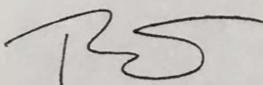
and large succeeded in the sense that allegations of torture in Castlereagh are now a rarity. In that sense he hoped for some positive effects from the Stevens Report in the longer term, in that while it also failed to address past misdeeds, it might have an effect in reducing future incidents of collusion within the security forces.

IPLO:

He commented that there has been a worrying development in recent times in the harder nationalist areas of Belfast like Divis and the New Lodge with a growth in the influence of the IPLO. The organisation is drawing on the support of "the cider-swilling yahoos" in these areas - the type of people which the Provos would never recruit. As an example of the type of mentality involved, he mentioned a recent incident in Divis where at a small community meeting called to discuss the problem of vandalism, some local yahoos from the IPLO crashed in and threatened those present. Sinn Fein/IRA then appeared on the scene represented by "a formidable group of gentlemen" (

4  
Apparently they lined up the IPLO members against the wall and the armed IRA bodyguard made it very explicit to the leader of the group that in the event of further trouble, he would be "nutted" (ie killed). The reaction of the IPLO group was one of open defiance of a most foolhardy type -viz- "Go ahead and nut me you fucker. Why don't you nut me now? What's stopping you? etc"

Feeney observed that the situation in these harder areas is in danger of spinning totally out of control - even of the IRA. All traditional values and patterns of life - family, school, Church etc are in disarray and many of the young people emerging from this environment are out of control. He mentioned that Seamus Lynch, leader of the Workers Party in Belfast, had recently taken him aside after a Council meeting and spoken at great length of his worries regarding this growing development, commenting that "these fellows have nothing to loose, they don't care, they will shoot anyone".



Brendan McMahon  
Anglo/Irish Division  
25 May 1990

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

Conversation with Monsignor Dallat  
West Belfast, 23 May 1990

Monsignor Dallat, who is parish priest of St Paul's in the middle Falls, is the senior Catholic Priest in West Belfast.

Brooke initiative:

While he appreciated that it might sound somewhat unpatriotic, he favoured a continuation of direct rule in Northern Ireland for the moment. His own feeling is that no matter what formulation of power-sharing might emerge, he doubted whether in practice the Unionists were yet ready to share power in any meaningful way. He was concerned at the effect which a devolutionary arrangement might have, particularly in the middle, and in some cases, senior ranks of the Northern Ireland civil service. In his experience, old discriminatory habits had not yet died in the civil service and might in fact receive a kiss of life with a (albeit limited) return to power of unionist politicians. At least under direct rule there is no evidence of discriminatory practice at political level and there is some evidence that the political level is slowly but surely changing the old habits within the civil service.

Sinn Féin:

He commented that Sinn Féin were failing to drum-up the kind of public support which they traditionally might have expected for their events. He instanced the recent H Block commemoration march down the Falls. He watched the march and estimated that no more than 500 participated - a figure which was well down on what they might have expected, even up to a year ago.

By contrast, he mentioned that earlier this year, the Bishop had been keen to prove that the Provos did not have a monopoly of the Falls Road and, notwithstanding some hesitancy on the part of some of the priests of the area, had insisted that a religious parade be organised for Palm Sunday. Dallatt had been concerned that it might expose the more active Church members among the youth of the area to a possibly destructive level of ridicule from their peers. In the event, the occasion was an outstanding success with at least 7,000 people, many of them young people from the schools in West Belfast, actively participating in the parade.

He was not sure what conclusion could be drawn from the contrast between the level of participation in the two events, but thought it noteworthy in that it may signal the end of Sinn Féin street politics of the traditional kind. He cautioned however, that Sinn Féin could still get the crowds in the event of some blunder by the security forces in the area.

West Belfast Enterprise Board (WBEB):

He is on the board of the WBEB - which is a Church inspired and by far the largest and most effective organisation involved in promoting the economic regeneration of West Belfast. He indicated that there is a level of growing dissension within the organisation, which many feel is too tightly controlled by a small inner clique. He was critical of the decision to include on the Board, John Carmichael of LEDU (the Government agency involved with the promotion of small scale local enterprise). There is a growing suspicion that Carmichael may have attempted to monopolise West Belfast on behalf of LEDU and effectively sidelined the IDB (the Northern Ireland equivalent of the IDA, and involved in the promotion of large scale projects). In addition, there is some dissatisfaction with the current chairman, Frank Murphy, who tends to keep the board of the organisation in the dark on many of the activities and proposals before the WBEB. A number of Board members were to meet with Murphy that evening in an attempt to persuade him to step down at the next AGM. He hoped that this could be achieved amicably and hoped he would be replaced as Chairman by John Carlin, Vice-Principal of the Belfast College of Business Studies. [Comment: The WBEB, and particularly Murphy, Carmichael and Fr Matt Wallace, have been closely identified with the Knights of Columbanus - an aspect of the WBEB which has frequently been the subject of criticism from other activists. It is possible that this may represent an attempt to end the monopoly of the Knights within the organisation.]

RS

Brendan McMahon  
Anglo/Irish Division  
24 May 1990

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



IRISH EMBASSY, LONDON.

17 Grosvenor Place,  
London SW1X 7HR.

cc Mr Nally ✓ PPS ✓  
Mr McKay ✓ de Patten ✓  
Cassidy AI ✓  
JSC

Confidential

24 May, 1990.

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

Conversation with Edward Leigh MP  
PPS to John Patten, Minister of State at the Home Office

Dear Assistant Secretary,

I had lunch on 22 May with Edward Leigh, Joint Secretary with Henry Bellingham of the Northern Ireland Backbench Committee. Leigh has just been appointed PPS to John Patten - the Minister of State at the Home Office and he is, as a result, about to relinquish his involvement with the Backbench Committee. (Another recent promotion of interest to us is Tim Woods' elevation from PPS to Peter Brooke to the Whip's Office - a move which is likely to lead to his disengagement from the activities of the Inter-Parliamentary Body. He is, as you know a member of the Steering Committee).

Conservative defeat in the Upper Bann

Leigh spoke of "widespread dismay and puzzlement" at the result in the Upper Bann. According to him, MPs who were actively involved and people at Central Office genuinely believed that they would do rather well, some being of the view that Colette Jones might come a creditable second. No one, he said, expected her to do so badly - to lose her deposit and worst of all to trail behind Sinn Fein. Leigh has accepted an invitation to become President of the North Belfast Conservative Association and is one of those younger MPs who, from the outset, enthusiastically supported the campaign for affiliation. It is clear from Leigh and others such as Andrew McKay - one of those who seemed to genuinely believe that Colette Jones might come second - that there was throughout a serious miscalculation of the extent of the task facing the party in the by-election and at the end of the day little real understanding of the political realities on the ground.

According to Leigh the defeat has sparked off some recriminations among those most actively involved as Central Office seek to find out how they could have got it so wrong. Leigh stressed that a defeat of this magnitude is no small thing and in particular it is not something that they would wish to see repeated. Among MPs with little direct interest in Irish affairs it has, he continued, confirmed their worst prejudice that "Northern Ireland is a lost cause where voters turn their backs on a golden opportunity to opt out of sectarian politics."

#### London Bombings

Leigh referred to exchanges at Prime Minister's questions on 17 May when Ian Gow asked the Prime Minister if Dublin had issued a condemnation of the Eltham and Wembley bombings. According to Leigh, Gow's question reflected a widespread concern among MPs at the absence of any Irish Government statement. (Note: We have no evidence that this concern was, in fact, widespread). In conversation with a Government Minister (whom Leigh refused to name) earlier that day, the question had arisen and according to Leigh the Minister had remarked in very critical terms on the absence of any statement from Dublin. He was not surprised therefore when Gow used his place on the list for Prime Minister's Questions to raise the matter.

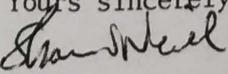
In response, I set out the Government's policy in relation to such statements. I also pointed to statements made in the Seanad on 17 May as an illustration of the widespread concern felt by all parties at the events in London.

#### Home Office

He spoke at some length about his new job with the Home Office team. He gets on well with John Patten but recognises that he has a reputation, which he felt is entirely undeserved, as a dour and difficult hardliner. Leigh as PPS sits in on all briefings and management meetings but is not there long enough as yet to be in a position to comment in any authoritative way on the issues, especially those that are of interest to us.

In an interesting aside however, he did reveal that the Prison Service including those at headquarters, are "in serious trouble with the Home Secretary" over the handling of the riot at Strangeways. Leigh told me that from the outset, Waddington's instinct had been to storm the prison but he chose to abide by the advice of the officials who it is now felt withheld information and exaggerated the extent of the obstacles in the way of a police operation. There is now a strong feeling that the entire affair was badly mishandled and above all created an impression of Government incompetence and vacillation. The Home Secretary has as a result instituted new procedures to ensure a freer flow of information to Ministers within the Home Office and has made very clear, according to Leigh, his displeasure with the Prison Service.

Yours sincerely,

  
Joe Hayes  
Counsellor



IRISH EMBASSY, LONDON.

17 Grosvenor Place,  
London SW1X 7HR.

cc PRR  
Carruthers AS  
Rosa

Confidential

22 May, 1990.

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

Conversation with Anthony Beaumont-Dark MP

Dear Assistant Secretary,

I had lunch on 21 May with Anthony Beaumont-Dark, Conservative MP for Birmingham Selly Oak. Beaumont-Dark is something of a colourful maverick with a direct, occasionally abrasive, outspoken manner. On the right-wing of the party on most issues - he is a friend and supporter of Norman Tebbit - he is however no favourite of the Prime Minister with whom he is frequently at odds and always available to the media with a ready supply of mostly critical comment on the Government's performance.

The Birmingham Six

Beaumont-Dark's principal interest to us lies in his espousal from an early stage of the case of the Birmingham Six. He came to Westminster after a long apprenticeship in local politics in Birmingham and was Deputy Leader of Birmingham City Council at the time of the bombings. He was in fact the first public representative to reach the scene and he recounted to me in graphic detail his recollection of that night. He raises the case of the Six from time to time in the House, most recently in December of last year when he urged the Home Secretary to use the Shaw enquiry as a means of resolving the issue. As on previous occasions, his intervention was the only positive one on the Government side and it lifted the exchanges from the usual cross party divide.

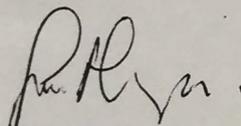
He situates his view of the case in the wider context of his deep uneasiness with police attitudes in Britain to vulnerable suspects recounting a recent conversation he had with an unnamed Chief Constable who sought to defend the actions of the West Midlands Serious Crimes Squad by arguing that 90% of those convicted on the basis of the squad's police work had in fact been guilty.

Beaumont-Dark feels that the case will only be satisfactorily resolved by a further referral to the Appeal Court. In his opinion this is the major stumbling block facing the Home Secretary who is well aware of Lord Lane's obdurate position on the case. Beaumont-Dark echoed a view which I have heard previously expressed by David Lidington - Douglas Hurd's political adviser - to the effect that Lord Lane would regard a further referral of the case as an attempt by the Governments to "pass the buck". He spoke of a "whispering campaign" aimed at discrediting the Six. He himself had been told on several occasions that two of the Six were guilty and he had also heard "from very authoritative sources" that two of the Guildford Four were in fact guilty of the Woolwich bombings.

Succession to the Archbishop of Canterbury

Beaumont-Dark is a close friend of the Archbishop of Birmingham who is sometimes spoken of as an outside contender to succeed Robert Runcie as Archbishop of Canterbury. He claimed that the Crown Appointments Commission - the body officially responsible for putting forward the names of candidates to the Prime Minister - had drawn up a list of four possible candidates. It did not include, he said, Dr. Eames who in his view never stood any real chance despite the rumours that he was the favoured candidate of the Prime Minister.

Yours sincerely,



Joe Hayes  
Counsellor

AM SAÍD NA hÉIREANN, LONDAIN



IRISH EMBASSY, LONDON

17, GROSVENOR PLACE,  
SW1X 7HR  
Telephone: 01-235 2171  
TELEX: 916104

PLEASE NOTE: Effective May 6, 1990  
Tel: 071.235.2171

Personal and Confidential

18 May 1990

Mr. Dermot Gallagher  
Assistant Secretary  
Anglo-Irish Division

Dear Assistant Secretary

Brooke and the Unionists: further conversations

Further to my report of 15 May, the following are some additional points of interest which arose in conversations with Richard Ford yesterday and with Frank Millar this morning.

Richard Ford indicated that the substance of Frank Millar's story in the Irish Times last Tuesday has been broadly confirmed to him by NIO sources, though "one or two details" were inaccurate. The same sources were unhappy with the disclosure of this material, which they attributed to the Unionist leaders.

As regards the prospects for Brooke's next meeting with the Unionists (which Ford now understands to be planned for next Tuesday afternoon), the NIO sources expressed some confidence that, even if the meeting ends in a breakdown, this may be no more than a temporary setback. They suggested that a breakdown next week would not necessarily be the "end of the road" and that the process could be revived a little later. (Though the metaphor was evidently not used to Ford, this would appear to be the "stopping-in-the-middle-of-the-racecourse" scenario indicated recently by Brooke).

Ford also talked yesterday afternoon to Molyneaux, who broadly confirmed the accuracy of Millar's story. Asked for his own view of the involvement proposed for the Irish Government, Molyneaux said that he could not wear the idea of British-Irish talks being conducted in parallel with internal talks within Northern Ireland. This response tended to confirm Ford's own view (conveyed in my report of 15 May) that Molyneaux disclosed this aspect of the proposal to Millar with a view to creating alarm about Dublin's role and manufacturing spurious grounds for ending the Unionists' involvement in Brooke's exercise.

cc  
p 204  
M. Walsh; p 22  
Mr. Mathews, Mr. Ryan  
Cassidy A1.  
P. 204

?  
has to  
be  
clarified

Frank Millar is aware that this may have been part of Molyneaux's calculation. In a conversation this morning, he speculated that his story would not have suited the NIO, who would not wish to make things easier for Molyneaux and Paisley in this respect. In two conversations with Millar yesterday, NIO sources tried to pour cold water on his story. They told him that no proposal for parallel British-Irish talks was put by Brooke to the Unionists last Friday and that the question of Dublin's involvement in future talks was not discussed nor would it feature at next week's meeting. The North/South and East/West relationships, they indicated, would arise only at a much later stage. Millar is extremely dubious about this account of last Friday's meeting, which is fundamentally at odds with what he heard from his own sources.

While Millar has not explicitly confirmed that the two Unionist leaders were his sources, he has dropped several large hints to this effect. Mentioning this morning that he had two very authoritative sources for his story, he went on immediately to say that Brooke read out "to them" at last Friday's meeting a section dealing with the Irish Government's involvement. Brooke read this section at dictation speed, underlining its importance, "and they both noted it". There was, Millar understands, a substantial discussion of this aspect.

The conclusion Millar has tentatively reached is that, at next Tuesday's meeting, the British side may focus on the Unionists' three preconditions for talks and try to leave to one side the question of the Irish Government's involvement in future talks. It is rumoured that a form of words on the Secretariat has been agreed with Dublin and that this will be put by Brooke to the Unionists. If the Unionists want the current exercise to succeed - and Millar conceded that this is "a very big if" - a possible outcome next Tuesday would be that they would emerge saying that their three preconditions have been met by the two Governments; that the way has therefore been cleared for bilateral talks with Brooke followed possibly by inter-party talks; and that questions relating to the Irish Government's involvement in this whole process are not immediately relevant but are for resolution at a later stage.

On the other hand, Millar has heard that, at his meeting with the Unionists last week, Brooke not merely proposed parallel British-Irish talks but also a formal declaration which would underline Dublin's legitimate interest in the entire process and the need for it to be fully involved.

It goes without saying that I refused to be drawn into speculation on any of these matters.

Yours sincerely

David Donoghue

David Donoghue  
Press and Information Officer

National Archives Act, 1986, Regulations, 1988

ABSTRACTION OF PART(S) OF A RECORD PURSUANT TO REGULATION 8

Form to be completed and inserted in the original record in place of each part abstracted

(i) Reference number of the separate cover under which the abstracted part has been filed:  
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(ii) How many documents have been abstracted: 1

(iii) The date of each such document: 11/05/1990

(iv) The description of each document: Confidential report relating to transfer of prisoners

(v) Reason(s) why the part has been abstracted for retention: Section 8 (4) (b) and (c)

Clare Hanratty

Name: Clare Hanratty

Grade: CO

Department: *Foreign Affairs*

Date: 02/12/2020

AMBASAID NA HÉIREANN, LONDAIN



IRISH EMBASSY, LONDON

17, GROSVENOR PLACE,  
SW1X 7HR  
Telephone: 01-235 2171  
TELEX: 916104

CONFIDENTIAL

cf PS of: AG  
H. M. H. : PHH  
H. M. H. : PHH  
C. J. H. A.  
B. J.

22 May 1990

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

Dear Assistant Secretary,

**MAY INQUIRY: MAGUIRE CONVICTIONS UNSAFE**

By agreement with the Department, I attended the opening day of the hearing of the scientific/forensic evidence in the case of the "Maguire defendants" [the Maguire family, Guiseppe Conlon, Patrick O'Neill and Shaun Smyth]. Substantively, the day was entirely taken up with a statement by the leading Counsel to the Inquiry, Mr David Clarke, QC, which was essentially a review of the scientific evidence in the case. Clarke's conclusion, albeit a provisional one, that it was now "impossible to conclude that any of the convictions was safe and satisfactory", was a major surprise, at this stage of the Inquiry at any rate. [A copy of the advance text of Clarke's statement, which is substantially correct, together with a press release and a table of legal representatives, is attached.] [not included in TOK]

Clarke's conclusion was based mainly on an independent scientific study commissioned by the Inquiry, carried out under the direction of Professor Thorburn Burns of QUB. There were two main conclusions:

1. That the TLC tests carried out on the Maguire defendants were not capable of distinguishing between nitroglycerine [NG] and PETN, another explosive substance. Possession of PETN would not be capable of innocent explanation, any more than NG, but the charge on which the defendants were found guilty was specific - unnecessarily - to the possession of NG.

2. That the traces of NG found on the defendants could have been the result of innocent contamination. It would still mean that someone who had been in recent contact with NG had been in the Maguire household but this would not necessarily have been any of the defendants.

There were some other points of interest in Clarke's statement. He merely notes [para 25], without comment, that the police, while swabbing the Maguire house for traces of explosives, omitted the living room and, more surprisingly, the bathroom. This produced snorts of disbelief from some of the lawyers present and I would be surprised if it did not feature in cross examination later in the Inquiry of the police witnesses by defence lawyers, seeking to undermine the integrity of the police approach to the case [the comments of Lord Fitt and Robert Kee recorded below are relevant here].

Clarke concludes that it is difficult to explain the contradictory results of the test from Patrick Maguire's right hand [the dry swab was positive; the ether swab negative]. Thorburn Burns explanation is the use of insufficient ether on the swab; this is another area of possible controversy later in the Inquiry [para 41].

Clarke is more overtly critical of the failure of the prosecution to serve on the defence at the time of the original trial the evidence of Dr Lambourn. This might have supported the evidence of Vincent Maguire that an object he had handled was chalk rather than explosives [paras 57 - 61]. Similarly, he deals with the failure of the prosecution to make available to the defence the "Bryant and Dickson list" of statements not being used generally and, specifically, the statement of Dr Truter on the integrity of the TLC test on which the prosecution case rested. He concludes that Truter should have been notified to the defence even if he does not consider that any prejudice was caused [paras 88 - 100]. The blame here seems to lie with the DPP; as it happens, I spoke to Ms Ann Butler of the Crown Prosecution Service before this part of the statement was reached. At that time, she did not consider that the CPS would come under pressure at the Inquiry but she did predict "fireworks" among the scientists as it progressed.

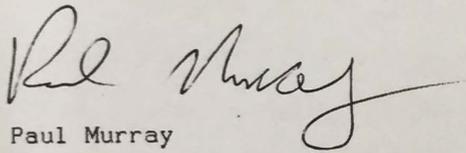
Clarke believes that the evidence of the prosecution scientists, Hills and Elliott might well have been discredited if they had been recalled for cross examination at the trial. He raises the likelihood that the Court of Appeal might have taken a different view of the safety of the convictions if these scientists had been more forthcoming in their evidence [para 74]. This might be seen by some as an attempt to shore up the position of the Court of Appeal, already under pressure as a result of its failure in the Guildford Four and other cases. There have been some calls in the media for the resignation of the Lord Chief Justice, Lane, but Robert Kee told me yesterday that he does not think that he will allow these developments to affect him and that he will finish out the three years or so he has left.

When the session of the Inquiry was concluded, Lord Fitt put himself forward to the media representatives. He said that he was unhappy with the conclusions reached by Clarke; they were all right in so far as they went but there was a cover-up for the police. Fitt went on the instance his anti-IRA credentials as proof that he was not anti the police but he did think that the question of the fabrication of the forensic evidence in this case had to be looked into. Robert Kee was present but seemed reluctant to be drawn into this by Fitt. However, when I had the opportunity to speak to him later at a dinner at Mr Hayes's house, he wholeheartedly endorsed Fitt's line. In fact, he went further in alleging that there was no other explanation of what had happened. He sees the "Establishment" as having thrown in the towel on the case but still wanting to extricate itself with a minimum of damage. He states that originally the police, on the basis of Conlon's confession, had charged Mrs Maguire with planting the Guildford bombs. She was only charged with possession of explosives after two months in custody when the original charges were dropped. By this account, the police told Mrs Maguire that they would get her family on possession of explosives charges if they could not bring forward the bombing charges. Kee sees the Guildford and Maguires cases having arisen as a result of desperation on the part of the Surrey police; they felt that they had to match the success of the West Midlands police who seemed to have apprehended those responsible for the Birmingham bombings.

**Birmingham Six**

Kee, incidentally, is pessimistic about the Birmingham Six case, believing that the "Establishment" is determined to fight on in it. I also spoke to Gareth Pierce about the case. She is building up a second dossier of evidence which she does not envisage submitting to the Home Office at this stage. She will keep it in hand for use if she feels the situation requires it. In this connection, she has written recently to Dr O Muircheartaigh of UCG, asking a number of questions about the contents of his paper, which, you will recall, has been copied to her. She has a high opinion of it and sees it as part of the second line of defence that she is now working on.

Yours sincerely,



Paul Murray

First Secretary.

AMBASÁID NA HÉIREANN, LONDAIN



IRISH EMBASSY, LONDON

17, GROSVENOR PLACE,  
SW1X 7HR  
Telephone: 01-235 2171  
TELEX: 916104

PLEASE NOTE: Effective May 6, 1990  
Tel: 071.235.2171

Confidential

22 May 1990

Mr. Dermot Gallagher  
Assistant Secretary  
Anglo-Irish Division

cc PFF; H. Nelly  
C. H. H.  
P. H.

Dear Assistant Secretary

Lunch with Chris McLoughlin, The Scotsman

McLoughlin is the Political Editor of the Scotsman.

The following points of interest arose:

Extradition

- In her reply last Thursday to a PQ by Ian Gow on extradition, the Prime Minister was once again gratuitously offensive on this subject. There was no need for her to agree with Gow's obviously provocative question. She had already given a more muted expression of her views on extradition when replying earlier in the week to a PQ by Michael Mates.
- In private conversation afterwards, some media observers linked the vehemence of the Prime Minister's response to Gow to the absence on Thursday of her usual confrontation with Neil Kinnock (who had limited his intervention to an expression of Labour's horror at the previous day's bombing). Unable to attack Kinnock, "the handbag had to be swung elsewhere".
- While she did not read on either occasion from a prepared reply, it may be taken for granted that both MPs (Mates and Gow) would have intimated beforehand their intention to raise extradition. There would, therefore, have been a high degree of premeditation in what Mrs Thatcher said on each occasion. At this stage in her career, she knows full well that any response delivered on sensitive matters of this kind involving other Governments is automatically interpreted as a diplomatic signal.

- McLoughlin (who covered the recent Dublin summit) was struck by the contrast between the Prime Minister's offensiveness towards the Irish authorities and the efforts made consistently and publicly by the Taoiseach, since the beginning of the year, to protect Mrs Thatcher's position on sensitive EC matters. "She has, to put it mildly, not reciprocated".
- McLoughlin suggested that Mrs Thatcher's remarks last Thursday could well prove counter-productive. "Lecturing the Irish from the sidelines" about their extradition legislation is hardly conducive to achieving the changes in that legislation which the Prime Minister reportedly favours.

#### Brooke and the Unionists

- McLoughlin described the Unionist demand for the closure of Maryfield as spurious. Whatever vague rationale may be advanced for the suspension of Conference meetings in order to facilitate inter-party talks, it is impossible to see a practical justification for the closure during this period of what is essentially an invisible bureaucracy. A sensible compromise between the two rival positions on Maryfield would be for the institution and machinery of the Secretariat to remain in place but for its workload to be represented as diminished while no Conference meeting is taking place.
- As regards the aspects reported by Frank Millar in last Tuesday's Irish Times, McLoughlin considers it "automatic" that the Irish Government should be involved in all talks which amount to the negotiation of an alternative to the Anglo-Irish Agreement.

#### Upper Bann bye-election

- Most Cabinet members, McLoughlin understands, continue to have reservations about the Conservatives becoming involved in Northern Ireland. These reservations, he suggested, will have been greatly increased by the Conservative candidate's humiliating performance in the Upper Bann bye-election. Peter Brooke may have more success in future in pointing to the folly of supporting no-hope Tory candidates in NI while the Government is at the same time trying to build bridges to the Unionists.
- McLoughlin, who met David Trimble while covering the bye-election, found him personally unappealing. Trimble is likely, however, to enliven the Unionist ranks at Westminster and he has also indicated an intention to cultivate the media more actively than his colleagues have done.

#### Possible reshuffle

- It is rumoured that a summer reshuffle is being planned by the Prime Minister and that, while it will mainly involve junior Ministers, one or two Cabinet members could also be affected.

- It is expected that John Wakeham, who has now received responsibility for publicity coordination, will relinquish his Energy portfolio. This could conceivably go to Malcolm Rifkind, who has not displayed a sure foot as Secretary of State for Scotland but who could be an asset in another Department. However, as the Department of Energy has an uncertain future, Rifkind may look for another job. Another figure who could leave the Cabinet, but whose Department is also being wound down, is Nicholas Ridley at Trade and Industry.

Presidency media arrangements

- Finally, McLoughlin was very complimentary about the "marvellous" facilities available in Dublin Castle during the recent summit and about the Presidency's servicing of the huge media contingent.

Yours sincerely

*David Donoghue*

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Press and Information Officer

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