

START of file

MINISTER OF STATE

SECRET

ANGLO-IRISH SECTION

WEEKLY BRIEF

WEEK ENDING 27th APRIL 1990

AN ROINN GNÓTHAÍ EACHTRACHA
Department of Foreign Affairs



C O N T E N T S

1. Reports from Anglo-Irish Secretariat
 - Report on discussion with British Side following Conference 19 April
 - Report on Security Cooperation and on Fugitive Offenders
 - The Implications of the Re-assignment of Officials in the NIO
 - Note on Timing of Government Briefing of the SDLP

2. Reports of Meeting of the Anglo-Irish Intergovernmental Conference, London, 19 April
 - Report of discussion at Plenary Sessions
 - Note on discussion of Stevens Inquiry Report

3. Contact and Information Work
 - Meeting with Denis Haughey, SDLP, Cookstown
 - Conversation with Paul Haughey, Solicitor, Lurgan

4. Reports from Embassy London.
 - Conversation with Ian Gow MP
 - Conversation with Jeremy Hanley MP
 - Lunch with Brian Cathcart, The Independent on Sunday

BÉALFEIRSTE

BELFAST

26 April 1990

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

Dear Dermot

We have had some discussion with the British side about the follow-up to last week's Conference. You may wish to note the following points. I have reported separately on the question of political talks and Noel Ryan is reporting on security cooperation and on extradition/extra-territorial prosecution matters.

Stevens Inquiry

We have stressed the importance of early and full information on the report and the timing of announcements by the RUC or the Secretary of State.

Accompaniment of the UDR

We have pressed for a meeting of the Working Group to take forward the presentation given to us at the Conference.

Petrol Smuggling

I understand that our Customs officials have now been in contact with their opposite numbers with a view to having the discussions suggested by the British side at the Conference.

It would be desirable for these discussions to be monitored so that any unreasonable difficulties being made by the British side can be taken up here.

McGimpsey

The British side are awaiting the verbatim texts of statements by the Taoiseach and Ministers conveying implicit endorsement of Article 1 of the Agreement which we said we would provide them at the last Conference. I have said we expect to receive them very shortly.

Economic Matters

The British side understand that we are prepared to include the Minister for Tourism and Transport, Mr. Brennan, at lunch at the next Conference and that he will be prepared to cover both

Tourism and Transport aspects of his brief as may be required. It was agreed at the Conference that a Ministerial meeting at official level would take place to prepare for discussion on these matters. We have been in contact with the Department on the matter and would be grateful for your suggested arrangements.

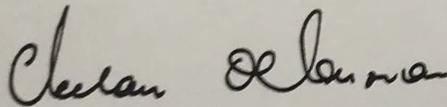
There is also agreement that officials should meet to discuss the joint submission to the EC under Interreg. in order to be prepared for a Commission meeting at the end of May. The British side would hope to have this meeting within the next couple of weeks.

Finally, under this heading, we said at the Conference we would try and give the British side a copy of our 1992 Paper shortly.

Date of next Conference

We have said that 30 May looks a likely date from our point of view but that we are awaiting final confirmation.

Yours sincerely



Declan O'Donovan
Joint Secretary

BÉAL FEIRSTE

BELFAST

26 April 1990

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

Dear Assistant Secretary

The Joint Secretary, Mr. O'Donovan, has written to you separately on political talks and other issues that arose in discussion with the British side this week.

Security Cooperation

He and I have also had exchanges with the British side on security cooperation with particular reference to the excellent atmosphere and the expressions of satisfaction made by Mr. Brooke at the restricted session last Thursday. We noted that Minister Burke had gone to the trouble of presenting a very comprehensive statement which we believed had put the current "chestnuts" into the perspective of remarkable development in security cooperation over the last four years; and we expressed the view that our Ministers would not expect a return to the same issues at the next Conference except in those cases where the police chiefs have something to report.

In reply, British officials have expressed appreciation of Minister Burke's presentation but they left us with the clear impression, nevertheless, that some of the "chestnuts", particularly the question of direct British Army/Garda contact in border areas, were issues to which they still attached great importance and that they should not yet be written off as 'dead' as far as they were concerned. They say that their Ministers went 'softly' at the last Conference because

- they were conscious of a sense of hurt and irritation on our side following what was said both in private discussion and at the restricted session at the previous Conference on 2 March;
- they were conscious of the progress that had been made on the question of political talks at the tete-a-tete; and
- they were appreciative of the effort made to help Mr. Brooke with his political difficulties on extradition.

We have also sensed from the British side that the Chief Constable, Mr. Annesley, made the case for a "softer" approach in light of the excellent relationship he feels he enjoys with the Commissioner and the prospects he holds out of achieving progress in the police channel. There is, undoubtedly,

a "political calculation", to use a phrase of Mr. Cope's, in the approach of British Ministers to us on security cooperation. They will, of course, be very conscious of their political relationship with our Ministers; and the views given to us at official level here will not necessarily be reflected at the next Conference. Nevertheless, I thought you should know that these are the views of NIO officials dealing with security and, especially those of the Deputy Secretary, Mr. Ledlie, who from his background in the Ministry of Defence is particularly influenced by British Army views.

Fugitive Offenders

The British have asked for a meeting of Working Group 2 for the 4th of May and are somewhat concerned that it may not be possible for the Working Group to meet for a further two weeks. We have told them that because the Chairman on our side, Mr. Brosnan, is heavily involved in Trevi meetings at present it would not be possible for the Working Group to meet on that date and that we will arrange a time as soon as possible. We have said that, in the meantime, preparations for the Working Group meeting can proceed, as necessary, through the Secretariat.

Yours sincerely



Noel Ryan
Assistant Secretary

c.c. Mr. D. Mathews, Secretary
Mr. J. Brosnan, Assistant Secretary, Dept. of Justice

26 April 1990

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

The Implications of the Re-assignment of Officials in the NIO

Dear Assistant Secretary

You will be aware, from messages sent by the Joint Secretary, that the Deputy Under-Secretary at the NIO, Mr. Ian Burns, is to transfer in July to the Home Office. He will be replaced by John Chilcott, at present Deputy Under-Secretary in the Home Office (who has been named Permanent Under-Secretary at the NIO to succeed Sir John Blelloch), for the period July/October 1990. Chilcott takes up duty as Permanent Under-Secretary in October 1990 and the official explanation for the swop between himself and Burns for the period July/October is to allow Chilcott to familiarise himself with NIO matters for a couple of months before he becomes Permanent Under-Secretary. Burns, as you know, is, at official level, the main proponent and "engine" of talks with the political parties in Northern Ireland. His move, however, should not be seen, from the best information I can glean, as any kind of commentary on the way he has gone about his work in this area.

I had a long conversation with John Ledlie, the new Deputy Under-Secretary in charge of security at the NIO (he replaced Tony Stephens), during the course of the Conference in London on 19 April. I asked him about the significance of these changes and, in particular, if Burns would be returning to the NIO in October when Chilcott takes up his post as Permanent Under-Secretary. Ledlie said that this had not been decided but that it was likely that Burns would stay in the Home Office for a couple of years at least. He added that the "smart money" was on the following scenario: Chilcott would serve as Permanent Under-Secretary in the NIO for 3/4 years and would then become Permanent Under-Secretary at the Home Office and, at that stage, Burns would return to the NIO to become the Permanent Under-Secretary there.

In relation to who might replace Burns/Chilcott as Deputy Under-Secretary in the NIO in October, I am informed by other sources in the NIO that there are a number of candidates being

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Mary Doyle

Name: Mary Doyle

Grade: CO

Department: *Foreign Affairs*

Date: 02/12/20

looked at, including the present Under-Secretary at the NIO, Quentin Thomas, and his predecessor in that post (now Under-Secretary in charge of Personnel in Belfast), David Chesterton. The view among middle ranking civil servants is that Chesterton is, at this stage, regarded as the most likely to succeed, though a dark horse from the Home Office or Ministry of Defence should not be ruled out. Chesterton is a combination of social democrat/old style liberal, hard working and very intelligent who argues the British view forcefully but without personal rancour. We have some evidence that he was one of those who took the Anglo-Irish Agreement seriously and was assiduous in ensuring that, in the formulation of policy decisions in the NIO, the Irish point of view was at least recorded. His move from London (where he was in charge of extradition and Northern Ireland constitutional issues) to Belfast over a year ago was widely interpreted as being the result of his having incurred the displeasure of then Secretary of State King who, as one contact put it, frequently detected the odour of liberalism where none such existed. I am told by those in the know that the other senior Under-Secretary in the NIO, Austin Wilson, is not a serious runner for a Deputy Secretaryship at this stage.

At the lower but important level of Assistant Secretary (Counsellor in our system), the Assistant Secretary in charge of Political Affairs, John McConnell, is moving in the late Summer. McConnell, as you know, is a somewhat unorthodox civil servant who has been the main contact person with the political parties in Northern Ireland and was the instigator, together with Burns, of the idea that the second level leadership of the political parties was strongly interested in political talks and of the idea that too much importance should not be attached to the negative public stance of the main leaders, such as Paisley and Molyneux.

We do not know, at this stage, who will replace McConnell, but, when a move was mooted for him last Summer (he succeeded in postponing it with the help of Minister Brian Mawhinney), the successor designate was Alan Shannon - then an Assistant Secretary in charge of police budgets etc. in the NIO, Belfast. Shannon is a Unionist who cultivates a hard line image, especially in his dealings with the Secretariat. He never, however, unlike some other Stormont officials in the early days of the Secretariat, showed any reluctance to visit Maryfield and engage in dialogue. He has always been helpful in his official capacity and is, probably, a moderate unionist of the devolutionary persuasion.

Yours sincerely

Padraic Collins

Padraic Collins

CONFIDENTIAL - IMMEDIATE

Note on timing of Government brief of the SDLP

26 April 1990

TO: Anglo-Irish Division

FROM: Belfast

FOR: Anne Anderson

FROM: Joint Secretary

1. Further to our conversations about the question of our Ministerial meeting with the SDLP and the British side's meeting with the Unionist parties, Mr. Alston came back to me this evening with a personal message for our Minister from the Secretary of State.

2. Mr. Brooke is very concerned at the prospect of a meeting between our Ministers and the SDLP next Tuesday. He stresses that it was his understanding with our Minister that the meeting with the SDLP would be held no sooner than a day before the British side's meeting with unionists (Mr. Brooke would, indeed, prefer that our meeting with the SDLP should take place after the meeting with unionists). The reason for the delay in giving us specific information is that the principle of a meeting has not yet been agreed by unionists and, until it is, a date and time cannot be set. The best estimate that can be given is, as I informed you earlier, that the meeting will take place at the end of next week or the beginning of the following week. Mr. Brooke very much hopes we will not go ahead with a meeting on Tuesday and asks that we defer arrangements for a meeting with the SDLP until he is in a position to tell us when he is meeting unionists. He has said he is quite prepared to telephone our Minister to discuss the matter with him personally.

3. I undertook to convey Mr. Brooke's personal message but I have repeated a number of points to Mr. Alston:

- we were told late on Tuesday evening that a meeting with unionists was expected in about a week and any

arrangements with the SDLP would have been made in the light of that information;

- there was, in any event, a need to re-schedule a meeting with the SDLP which had been arranged for earlier this week but had been cancelled, (as Mr. Gallagher is aware, Mr. Brooke passed us a message before he knew of the cancellation expressing the fear that anything said by the SDLP could "blow the political talks out of the water");
- we are under very strong pressure from the SDLP for a briefing in light of the speculation surrounding last week's Conference; and
- could the British side ease their problem by bringing forward their meeting with the unionist parties?

In regard to the last point, Mr. Alston said that in the Secretary of State's judgement a meeting will not be possible by Tuesday/Wednesday next.

4. I have little doubt that Mr. Brooke will seek to contact our Minister personally if our answer is unsatisfactory from his point of view. In considering his message, I think, perhaps, the essential point is that an understanding was reached between Ministers last week that our meeting with the SDLP and the British meeting with unionists would take place at about the same time. While I recognise the difficulty and inconvenience involved, I would recommend, therefore, that our Ministerial meeting with the SDLP be postponed. If you agree with this response, I would propose to emphasise to Mr. Alston that the difficulty on our side must be recognised, given especially the schedules of the Taoiseach and the Minister for Foreign Affairs, and that the earliest possible indication of arrangements for the meeting with unionists is essential to the understanding reached between Ministers last week.

5. You will have seen the reported remarks of the Secretary of State on political talks when he was door-stepped on Tuesday in Co. Down (transcript of RTE interview attached). The remarks gave rise to suggestions on RTE that Mr. Brooke would speak to unionists on behalf of the Irish Government. In this connection, I asked on Tuesday that the British side avoid any public claims that they are speaking for the Irish Government and I drew their attention to the Taoiseach's response to such a question at a press conference in London last Friday. As you know, the Taoiseach is reported in Saturday's Irish Times as saying that the (Irish) Government speaks for itself but he (Mr. Brooke) could certainly convey the impression to the parties in Northern Ireland that the Irish Government and himself are both very anxious for political progress and will facilitate it.

24-4-90

Review of the Review

LETS

Eamonn Malley: Has the Irish Government given you an undertaking, you being Secretary of State, that it will in fact support you in whatever announcements you might in fact make?

SofS: We did in the Conference last week - we obviously had a substantial opportunity of discussing political development and I will be armed with a product of that conversation that I will be talking to them (Unionists) about.

Jim Dougal, RTE: The product of that conversation is that they (the Irish Government) will support you.

SofS: The product of that conversation is that we will have a position on which I will be responding to their (Unionist) pre-conditions and when they ask me questions about the Irish Government I hope I will be in a position to answer them.

Jim Dougal, RTE: Your not giving much away.

24-4-90

Removes by Mr Broome.

RÚNAÍOCHT ANGLA-ÉIREANNACH
BÉAL FEIRSTE

ANGLO-IRISH SECRETARIAT
BELFAST

REPORT OF THE ANGLO-IRISH INTERGOVERNMENTAL CONFERENCE,
THE JOINTLY CHAIRED MEETING, LONDON, 19 APRIL 1990

SECRET

23 April 1990

*cc. P.S.M.
Mr Nally P.S.S.
Mr Mahony Mr Brown
Mr Collins A.I.
Box.*

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

Dear Assistant Secretary

I enclose a draft note on the meeting of the Anglo-Irish Intergovernmental Conference held in London on 19 April 1990.

Yours sincerely

Padraic Collins

Padraic Collins

The meeting began with a talk-alike between Ministers at about 3 p.m. Ministers followed the Joint Secretaries on the conclusion of the talk-alike. A confidential security session (which is recorded separately), followed by a meeting of the Chief Constable, the Commissioners of the Garda Síochána and selected officials, began at 4.15 p.m. The plenary session proper began at 5.15 p.m. and ended at 7.15 p.m. approximately. A joint statement (copy attached) was agreed at the end of the meeting. The account under of the proceedings at the plenary session is in the form of direct speech and is based on detailed notes taken during the meeting. It does not, however, purport to be a verbatim account nor is it necessarily exhaustive of all the exchanges at the meeting.

SECRET

DRAFT

MEETING OF THE ANGLO-IRISH INTERGOVERNMENTAL CONFERENCE,
OLD ADMIRALTY BUILDING, LONDON, 19 APRIL 1990

Report of Discussion at Plenary Session

Introduction

The Anglo-Irish Intergovernmental Conference met at the Northern Ireland Office (Old Admiralty Building), London, on 19 April 1990. The Irish side was represented by the Joint Chairman, Mr. Gerard Collins T.D. (Minister for Foreign Affairs), Mr. Raphael Burke T.D. (Minister for Justice and for Communications), Mr. Noel Dorr, Ambassador O'Rourke, Mr. Des Mathews, Mr. Dermot Gallagher, Mr. Joe Brosnan, Ms. Anne Anderson, Mr. Michael Collins, and, from the Secretariat, Mr. Declan O'Donovan, Mr. Noel Ryan, Mr. Padraic Collins and Mr. Michael Gaffey. The British side was represented by the Joint Chairman, Mr. Peter Brooke M.P. (Secretary of State for Northern Ireland), Mr. John Cope M.P. (Minister of State at the Northern Ireland Office), Sir John Blesloch, Sir Kenneth Bloomfield, Mr. Ian Burns, Mr. John Ledlie, Ambassador Fenn, Mr. Timothy George, Mr. Ted Hallett, and, from the Secretariat, Mr. Robert Alston, Mr. Marcus Dodds and Mr. Tony Canavan. Also present were Mr. Eugene Crowley, Commissioner, Garda Siochana, and Mr. Hugh Annesley, Chief Constable of the RUC.

The meeting began with a tete-a-tete between Ministers at about 3 p.m. Ministers briefed the Joint Secretaries on the conclusion of the tete-a-tete. A restricted security session (which is recorded separately), confined to Ministers, the Chief Constable, the Commissioner of the Garda Siochana and selected officials, began at 4.55 p.m. The plenary session proper began at 5.55 p.m. and ended at 9.35 p.m. approximately. A Joint Statement (copy attached) was agreed at the end of the meeting. The account under of the proceedings at the plenary session is in the form of direct speech and is purport to be a verbatim account nor is it necessarily exhaustive of all the exchanges at the meeting.

PLENARY SESSION

Political Developments

Mr. Brooke: I was presented with a Fairisle sweater and I had to put it on for politeness and it has the effect of showing up my green braces. Gerry [addressing Minister Collins], I haven't said it before - and I should do so now - I greatly appreciate the fact that you have put yourselves out by coming to London. As you know, we have a problem with government whips and we needed to be here in London. I know you understand since you had a similar problem yourself on an earlier occasion...

Mr. Collins: Glad to oblige...

Mr. Brooke: O.K. If it is agreeable to you we will take the agenda as it stands. We can pass over the first item - political developments - quickly, since we have covered it enough at the tete-a-tete. You have given us a response in outline on political developments as you said you would. Do you want to speak further on the matter or are you satisfied to move on...

Mr. Collins: We have covered it fairly thoroughly at the tete-a-tete. The main points have been recorded by the officials on both sides already ...

Mr. Brooke: I have one question to raise and I am raising it because I want to make certain that there is a meeting of minds. You made the point that you would want your Head of Secretariat involved in servicing talks if they occur. We would need some prior discussion on that in terms of format. However, I want to make the point that in relation to internal talks we would conduct these ourselves with the political parties. Your involvement would be in relation to North/South talks...

Mr. Collins: We would have to be involved in anything that was in the nature of transcending the Anglo-Irish Agreement.

Mr. Brooke: Yes, that is so, if we were to emerge with a different Agreement. However, it would be illogical if your Head of Secretariat was involved in internal talks. That being the case, as I told you earlier, our Head of Secretariat would not do so either, though, as you know, we had

proposed earlier that he would service these talks. Therefore, the involvement of the Heads of Secretariat, would be in the North/South and East/West aspects. The first thing I want to be sure of, then, is whether that is clear between us.

Mr. Collins: Well. Really, I think, and I'm being advised that the best thing would be for officials to work out the exact formula to make sure there is no possibility of misunderstanding.

Mr. Brooke: My only concern in seeking to sort it out now is to make the best use of time before we next meet. You see there is a need for me to have another round with the Unionists. I must have a basis for a way forward. Provided the principle is clear, I have now got a basis. In relation to the proposals we are talking about, they [the Unionists] might well have things to say and we would probably need to meet again. I will see you again anyway. Officials can work out the details and we can sign, seal and deliver the results at the next meeting of the Conference.

Mr. Collins: Again, and so that there is no misunderstanding, we would want to be in from the beginning on anything touching the Agreement. For example, we would need to be involved if there was to be any talk about any function of the Agreement being devolved. We are partners in the Agreement...

Mr. Brooke: We, of course, naturally assume that if there is to be any change we must all agree. In terms of devolution, however, ...

Mr. Collins: But when do we become involved? That is an important point...

Mr. Brooke: You mentioned being involved from the beginning. That is true in relation to North-South negotiations but it is possible that North-South negotiations would not be simultaneous with internal talks. And we would then have to think of what arrangements might be made in those circumstances.

Mr. Collins: But what sort of arrangements? We would have to be involved in relation to the Agreement being changed in any way. That being the case, we would have to be in on talks from the beginning. We can't have a situation where you talk to one side about matters of concern to us and we are not involved. We are equal partners in the Agreement.

Mr. Brooke: In relation to internal Northern Ireland issues, there is a provision in relation to devolution. There is a specific provision in Article 4 that provides a very specific role for you. But, in relation to the actual discussions - since these would not be affecting the Agreement as such - we would be conducting these ourselves with the Northern Ireland parties.

Mr. Collins: It would be best to have officials work out something on the Secretariat and on timing.

Mr. Brooke: What do you mean by timing?

Mr. Collins: In relation to when discussions start etc.

Mr. Brooke: What do you envisage exactly?

Mr. Collins: Our position is that we must be involved in anything affecting the Agreement. We must be involved in all or any discussions affecting the Agreement as equal partners since we are equal partners in the Agreement.

Mr. Brooke: I am giving a qualified yes to that Gerry. I would like to come back to Article 4 in relation to devolution. It has a specific reference there as to how devolution might be achieved and what your role would be. Let us say that some miracle happened and we got a new agreement this very night and the political parties in Northern Ireland agreed on the issues to be devolved, then these subjects would be removed from the purview of the Conference. That would involve no change in the Agreement. In fact, it is clear that the Agreement allows for that and it does not, therefore, involve a change in the Agreement. However, where we are envisaging changes in relation to North-South matters or East-West matters these are, obviously, issues which could involve changing the Agreement. It goes without saying that, in such a situation, you would have to be involved.

Mr. Burke: But have the Unionists accepted face-to-face discussions with us?

Mr. Brooke: It wouldn't arise. In relation to internal Northern Ireland issues, you would not be involved. The precise formula in terms of North-South discussion remains to be worked out but the idea would be that in discussions with Unionists we would make progress and it was assumed that the

rest, including your involvement, would flow out from that. The fact of North-South discussion has been recognised by the Unionists and is accepted.

Mr. Collins: But the problem is that if the talks have to do with changing the Agreement we have to be a party. We have no room for manoeuvre there. Devolution would involve a change. In relation to particular functions being devolved, we have a say in that. If you look at Article 4 (c), it says, and I quote,

"both Governments recognise that devolution can be achieved only with the co-operation of constitutional representatives within Northern Ireland of both traditions there. The Conference shall be a framework within which the Irish Government may put forward views and proposals on the modalities of bringing about devolution in Northern Ireland, in so far as they relate to the interests of the minority community".

Mr. Burns: Article 4 is an opportunity for the Irish Government to put forward views on matters to be devolved. That opportunity remains. It can't be removed. It continues to exist. I could understand your problem if the last paragraph of Article 4 did not exist.

Mr. Collins: I am concerned to get this straight. It seems to me that we have a new boggle coming up now in what we agreed earlier. Our position is that we must be involved from the beginning in all the talks that affect the Agreement in any way. Article 4 says that the Conference shall be a framework within which the Irish Government may put forward views and proposals on the modalities of bringing about devolution etc. If there are developments in that area to be talked about or mooted, then we must have an input.

Mr. Brooke: I am not a lawyer but, on my reading, Article 4 was specifically devised to take account of your role and contribution in that area. It says that "the Conference shall be a framework" for your views on the modalities of bringing about devolution.

Mr. Burns: Well, we have one of the authors of the Agreement not very far away from you [a reference to Secretary Dorr]. It may be clearer in his memory than in mine. What the Article says is what the Article meant. It does not say that talks with the Northern Ireland political parties on

devolution can only take place under the Agreement. [Note: I understood Burns to mean roughly the following: that the Agreement did not provide for Irish Government involvement in initial talks with the political parties in Northern Ireland on devolution but rather that - and here Burns was taking a very literal view of Article 4 - the Irish Government's right was to put forward views and proposals on the modalities of devolution once a devolution scenario had been worked out between the British Government and the Northern Ireland political parties.] There are two parallel thoughts involved here. Point 1 is that talks are needed if progress is to be made and, as the Taoiseach has said, these could be free-standing. They have not, necessarily, anything to do with the Agreement. But that fact does nothing to conceal the Irish Government's right to put forward views and proposals on the modalities of devolution. That right continues whatever the format. On top of that - if I understand your point correctly - if, and when, any talks start and there is any question of a change in the structure of the Agreement, then the Irish Government must be involved. That is understood....

Mr. Burke: Surely your talks are designed to transcend the Agreement or to having some new form.

Mr. Brooke: The position is that it is a declared policy of the United Kingdom Government that responsibility in respect of certain matters within the power of the Secretary of State for Northern Ireland should be devolved within Northern Ireland on a basis which would secure widespread acceptance throughout the community. But that element is internal to Northern Ireland and doesn't involve a change in the Agreement. On the other hand, it seems to me that the wording of the final sentence of Article 4(c) of the Anglo-Irish Agreement couldn't be more specific. The Conference, it says, shall be the framework within which the Irish Government may put forward views and proposals on the modalities of bringing about devolution. The framers of the Agreement allowed for the contingency that there might be devolution without a change in the Agreement. However, it is perfectly true if we, as is the desired request, if I understand your position correctly, are actually looking at North-South/East-West issues, then it is implicit that there would be a change in the Agreement. That is an issue to which you would be wholly a party obviously. As regards the Secretariat ...

Mr. Collins: There are very certain risks for us involved here. I want to look at the whole picture. I am especially concerned about the position of

the Secretariat. That is vital for us. What I would like is to have officials advise us urgently on these issues.

Mr. Brooke: My only request is really are we clear where we are now? I remember the last time - we have been over this before. I want to be clear on what you are telling us. The idea of further definition alarms me a little.

Ambassador Fenn: Would it be helpful, Ministers, if some officials were to meet now and the rest of the participants could carry on with the agenda of the Conference as a whole.

Mr. Gallagher: But you now have proposed an additional modification in relation to the role of the Joint Secretaries, that is, that they would be involved only in North-South and East-West matters. We need to reflect on that.

Mr. Brooke: I was only responding to the proposal made by Minister Collins in relation to the involvement of the Head of the Irish side of the Secretariat and I said that, since the Head of the Irish side of the Secretariat would not be involved in internal talks, then we would not have our Head of the Secretariat involved in that either.

Mr. Gallagher: We would want to be involved in all talks.

Mr. Collins: Let us have a little adjournment now and see what we can come up with.

Mr. Dorr: If I might just respond to what Ian Burns said about what the authors of the Agreement intended in relation to Article 4. First, I doubt if there was any clear picture at that time of how it might work in practice. You could say that what Minister Collins has just been saying is a view of the modalities of bringing about devolution. I note that paragraph (c) of Article 4 of the Agreement has two elements. The first is that it is very specific in stating that devolution can be achieved "only with the co-operation of constitutional representatives within Northern Ireland". It is important to note that it does not say that devolution can be achieved by them - it is achieved with their co-operation. The second element of paragraph (c) is, of course, that the Conference shall be a framework for putting forward views and proposals on the modalities of achieving devolution. The point is, I think,

that the Irish Government - in order to have the information we need to provide a view on the modalities of bringing about devolution - would need to be involved in talks from the beginning.

Mr. Collins: I wonder if we shouldn't have an adjournment?

Mr. Brooke: Do you simply want the whole Conference to adjourn or simply certain officials?

Mr. Collins: I think we should have a short adjournment of the whole Conference to discuss these latest developments.

Mr. Brooke: What I understood was that there was a proposal that simply certain officials would absent themselves for 10 or 15 minutes and the rest of us would continue with the remainder of the agenda.

Mr. Collins: I think it's best if we have a short adjournment of the whole Conference. [The plenary session then adjourned - at 6.25 p.m. There was a private meeting between Ministers between 6.45 p.m. and 7.30 p.m. Agreed note of the private meetings, including the private meeting between Ministers on Friday morning, 21 April, have been prepared and are recorded separately. The plenary session resumed at 8.20 p.m.]

Resumed Plenary - Social and Economic Issues

Mr. Burke: For the record - I have already mentioned it elsewhere - I would like to express the thanks of the Taoiseach and of all of us for the cooperation of yourself, Peter, the NIO, the RUC, the helicopter crews etc. in facilitating the Taoiseach's visit to Belfast. It was all done very efficiently and we are most grateful to all concerned.

Mr. Brooke: I am delighted. Thank you very much.

Mr. Burke: I had lunch with the Confederation of Irish Industry the other day and they thought that the business part of the meeting went very well. They were very pleased and valued it highly.

Mr. Brooke: In order to do business briskly I would like to make a proposal about how we handle things. As you know, we have a deadline for a vote in the

House of Commons and we must spend a little time on the Communique. Looking at our agenda we can say that we have dealt with political developments at the tete-a-tete and otherwise. We have also dealt with McGimpsey at the tete-a-tete and the Joint Heads of the Secretariat are to exchange Dail statements etc. on that. We have also dealt with extradition. I would like to move on now, however, to economic and social matters.

Participation of Economic and Social Ministers in the Conference

Mr. Brooke: We have, as you know, thought about a possible programme for participation of other Ministers in discussion of social and economic areas in the Conference and we had talked about a programme of topics. My own suggestion - and this would fit in with what the Taoiseach said in Belfast on Wednesday - would be that we have tourism as a topic. Tourism and Transport are two separate subjects for us. However, there is a lot of support for classic tourism to both parts of the island. We would, however, need a paper to be prepared by officials so as to have a basis for discussion. If we couldn't manage to have economic and social Ministers at the next Conference we could have them at the one after that.

Mr. Collins: I would like to make a suggestion. As you know, Tourism and Transport is one person for us, but if you want it, we could think about Agriculture. Could you consider that?

Mr. Brooke: There is a complication there from our point of view especially on issues where there are representations to Brussels. They are East/West issues for us. It is therefore a matter for Cabinet colleagues in Whitehall rather than Northern Ireland Ministers....

Mr. Collins: O.K. If you consider that there is a problem we will leave it out.

Mr. Brooke: In relation to having the relevant Ministers attend, I think one month is too short a period to allow it to be done properly.

Mr. Collins: Could I suggest that we have the Ministers in for lunch at the next Conference. They could then go away and we could have a paper for the following Conference?

Mr. Brooke: I am happy with that.

Sir K. Bloomfield: Would Minister Collins have any objection if officials were to do some preliminary sounding out in relation to these issues. What I have in mind is that we should at least start the ball rolling.

Mr. Burke: Yes. Let's get on with it straight away.

Mr. Collins: Are we talking about tourism for the North or the South here?

Mr. Brooke: Both.

Mr. Collins: I notice that over the Easter weekend there was a huge amount of Northern cars in the South.

Cross-border Economic Programme

Mr. Brooke: We need to take note of the discussion on 6 April with the Commission in Brussels on the joint submission for a cross-border project under the Structural Funds. There was a meeting of officials from both sides on that date with the Commission in Brussels. We do need now to have a reasonable timetable for discussions with the Commission. We need to get on with our preparations.

Mr. Collins: Before the end of May....

Sir K. Bloomfield: It is now becoming clear that the Commission's attitude is emerging fairly rapidly and we need to be rapid in response. The Commission has now ruled out some notions and officials from both sides could get together immediately. There is no need to hold up action until the end of May.

Mr. Collins: The meeting with the Commission is at the end of May?

Sir K. Bloomfield: Yes. But we need to get ahead with preparation for that now.

Mr. Cope: We would need to have things in train by mid-May.

Mr. Collins: O.K. Officials should get together and see what blockages there are.

Sir K. Bloomfield: We have already come to grips with some of the problems.

Irish Paper on 1992

Mr. Brooke: In relation to the proposed Irish paper on the implications of 1992 for the whole island of Ireland, you have undertaken to show us a draft...

Mr. Collins: We will try and give you a copy shortly.

Sir K. Bloomfield: Could we have the timescale for the record?

Mr. Collins: The Government has not seen it yet. It will be something that will be looked at by the Department of Finance. I should make clear that it is not a Government paper. It consists for the most part of reports by outside agencies and consultants. It is not a Government publication.

Sir K. Bloomfield: What I would like to get clear is that if we did have any comments would there be time to take them on board?

Mr. Collins: We can talk with you at official level about that.

Accompaniment of Military Patrols by the RUC

Mr. Brooke: O.K. Let's move on to confidence issues. I would specifically like to say something about accompaniment. Perhaps it would help if I were to say something and then the Chief Constable might like to come in and add something. Because of the perfectly proper importance which both sides attach to confidence issues, we have spent a lot of time on the issue over the last six months. That is as it should be. It is essential that security policy should command confidence. Without it, it will not be an effective security policy. I would add the rider that, in order to command confidence, security operations must be effective. In the context of our discussion of confidence issues, we have spent much time, within the Conference, discussing the question of RUC accompaniment of military, especially UDR, patrols. There should be no doubt about the British side's commitment to this concept. We want to ensure that, to the maximum extent that is both feasible and sensible,

military patrols (especially UDR patrols) which are likely to come into contact with the public are accompanied by one or more members of the RUC.

As evidence both of our commitment to the principle and of our concern to be able to assess the extent to which the policy of accompaniment is being implemented in practice, the RUC has instituted, for its own internal management purposes, a comprehensive system of monitoring levels of accompaniment at sub-divisional level. Information is being collected each month from every sub-division which, over time, will allow conclusions to be drawn about levels and trends in police accompaniment of both UDR and Regular Army patrols.

Except in a few areas to which special considerations apply, the RUC would not expect these monthly returns to show that they are at all times achieving anything like 100% accompaniment of all military patrols in all places. They will wish, however, to see in them evidence of our commitment to accompaniment in the case of those patrols which are likely to have significant contact with members of the public. They will, especially, want that to be the case in areas where the local people have made it clear that they would prefer that their contact with the security forces should be with the police rather than with the Army. Communities with such preference are likely, as you know, to be predominantly nationalist rather than unionist. It is our aim that, for the most part, military patrols operating in nationalist areas should normally be accompanied by the RUC. But we would not expect that all patrols in such areas would be accompanied. Given the different nature and purposes of Army operations and the constraints of logistic and personal safety which flow from that, it would be neither feasible nor sensible to try to achieve that.

The Chief Constable can, if necessary, explain to you in more detail the precise nature of the logistic constraints I have mentioned.

However, given the very real constraints that do exist, I have to tell you that I have been much encouraged by my understanding of the initial results of the RUC comprehensive monitoring exercise. I would stress that the RUC have undertaken this monitoring because they wish to be able to measure how well they are doing in pursuit of a policy objective to which they, as well as the British Government, are wholly committed. Indeed, as I have seen from my own examination of papers relating to security policy well before the Anglo-Irish Agreement, it is a policy to which Her Majesty's Government and the security

forces have long been committed. But, and I stress that this is an important qualification, accompaniment is an objective which is being pursued within the larger context of our total determination to see that security force operations against terrorism in Northern Ireland are, at all times, the most effective that they can be. The responsibility for the conduct of these operations is vested, however, not in British Ministers, but in the Chief Constable with the support of the GOC. In its details, therefore, the policy of ensuring that, where feasible and sensible, military patrols are accompanied by police officers is one which it is for the Chief Constable to take forward. The Chief Constable must remain operationally independent at all times. That is not only constitutionally right; it is politically right. The Chief Constable is not accountable to me for his operational decisions, which include the ways in which he deploys his men. By the same token, he cannot be accountable - nor can I let it be thought that he is accountable - to the Intergovernmental Conference.

On that basis, and on the assumption that you will accept the good faith of my assurance of the British Government's firm commitment to a policy of accompaniment, where feasible and sensible, I shall share with you the essentials of the product of our monitoring of accompaniment levels. I would propose to do this on a regular six-monthly basis. We will need to smooth out and get rid of seasonal complications in these figures. Given that the RUC monitoring system has only just been established and that we do not have a sequence of figures on a reliable basis, I am not in a position to give you any actual figures today. Although the Chief Constable has told me that the preliminary results in respect of the figures available are encouraging, he and I would both like to see the new system "bedded down" before too much reliance is placed on it. We will want to see a run of figures. Therefore, I would propose to let you have results in the Autumn relating to levels of accompaniment for the six months beginning from 1 April this year. In this way, you will get a picture of accompaniment levels in what may be the most difficult period of the year - including both the Easter and Summer marching seasons. The next six months figures would be available the following Spring.

I have it in mind that these figures should show you percentages of accompaniment for each of the three RUC regions and for Northern Ireland as a whole. In the latter case, it might be convenient, and helpful to you, if the percentages were offered in terms of both Army and UDR patrols and split into "orange", "mixed" and "green" areas. The one proviso that I would make in

honouring the offer is that it is important that the information, as and when it is shared with you, should be treated as having been given in confidence within the Intergovernmental Conference. It will not be material intended for publication. This is an important condition. I would be giving you within the Conference a good deal more than I would be giving to the House of Commons. It would be politically very difficult for British Ministers if figures were released in the Dail or elsewhere. Indeed, if there were to be any disclosure on your side, I would have to end the sharing of the monitoring results. But in terms of the need to do it and my promise to share it with you, I am happy to do it with the proviso I mentioned.

Chief Constable: I have probably mentioned this before but it is important, before getting into an analysis of the issue of accompaniment, to realise that soldiers are not policemen, and vice-versa. Some of the duties vary widely. There are differences between protecting static targets, searching for explosives, etc. There are also significant differences between a rural patrol and an urban patrol and between foot and vehicle patrols. There is the issue of how to handle searches, how to conduct searches based on information and, finally, there is the issue of Permanent Vehicle Checkpoints (PVCs) and their protection. In addition, for example, in parts of Fermanagh, you have the problem of protecting soft targets. There is also the complication of the police force shift system which is very different from the Army shift system. The police force quite clearly is trained primarily for police duties. They do not work 24 hour a day shifts whereas the Army does and, in fact, can patrol for days at a time. There is, further, the timing of Army patrols which sometimes straddle RUC shifts. There is also the remoteness of the Army in many areas. As I have said before, there is no co-location between the Army and the RUC.

There are also differences in training between the two forces. The Army can "dig in" in a certain area whereas the RUC does not. As well as that, there is the issue of transportation and how it shall be done, e.g., do we use helicopters? It is, for example, easy to assume that you can get policemen to a point A to accompany an Army patrol. What you must remember is that you have to get a helicopter to get the policemen there and/or to get back. If you take Downpatrick, for example [note: 4 members of the UDR were killed by a culvert bomb in Downpatrick recently], you need a helicopter there because there are several areas, because of the dangers involved in road culverts,

where it is not possible nor appropriate to have people transported on foot. The fact is that more accompaniment means either fewer military patrols, or more policemen, or more overtime. There are also anomalies in relation to the season. This affects the availability of policemen for accompaniment since the police have the responsibility for public order during the marching seasons of Easter and July. The fact that the police take the lead in the marching season decreases the number of policemen available for accompaniment.

Then we have the concept of "surging", a new tactic whereby the Army can step up its patrols in respect of a very high terrorist threat in a given area. There is no problem for the Army in doubling patrols with their Roulement Battalions. [Note: A Roulement Battalion is one which does a shorter than normal tour of duty (the normal tour of duty can be up to two years) of about three/four months, is designed to be flexible as regards movement and is not based specifically at a given barracks. Members of such battalions are "deployable" quickly in almost any part of Northern Ireland.]

There has been an increase in accompaniment patrols since 1986. In West Belfast, Derry and South Armagh we don't use unaccompanied patrols anywhere. In Belfast, the accompaniment level is almost 100%.

It is, however, very difficult to draw conclusions from the figures on accompaniment. One finds, for example, that there is a very high level at the start of the year. Then when the marching season begins - in March/April - there is a dip or decrease in the figures. Following that you find a high level again in May and June and, of course, because of the loyalist marching season, there is a dip or decrease again in July and August. All of the above means that the initial ideal of complete accompaniment is a long way away. I know that the Secretary of State said he had no figures but I can give you some indicative ones. The rate of accompaniment of UDR patrols in January 1990 was 86% in "green" areas while the overall level of accompaniment for all military patrols across the province was about 64%. [Note: I understand subsequently from the British side that the 64% refers to March 1990 and not, as might appear from what the Chief Constable said, to January 1990.]

But it might be best if I could give you an example of what the real problems are. If you take a town like Magherafelt or Bellaghy village in Souty Derry, you come to an area near the RUC station which is mixed, but then, within a short distance, it becomes 100% "orange" and then further, it becomes 100%

"green". Within this area also you have places close together like Tobermore which is 100% "orange" and Draperstown which is 100% "green". Newry town, for example, is 98% nationalist. The north-west of the town is "mixed" and further out it becomes completely "orange".

But what I'd like to share with you is not so much figures but the outlook of the Sub-Divisional Commanders. We have given accompaniment a very high priority and it is repeated at most of our RUC Conference meetings. Our Sub-Divisional Commanders recognise the importance of accompaniment and it is highly valued. We would like to do more of it if the circumstances were in our favour. I want to stress that it is widely recognised as important. However, I have to say to you frankly, that, if I got - from a generous Secretary of State - 700-800 extra men, I am not at all sure that the best use I could make of those men would be in accompaniment. I would have to consider neighbourhood policing, public order, etc. What I am saying is that we give accompaniment a very high priority but we must have some latitude. What we want to achieve is that the Army should be in support of the police. That is basically the position. What we are trying to do, as I said before, is to "edge up" accompaniment.

Mr. Collins: Thank you. I have noted what you have said. I am not on this occasion going to rehearse the importance that we attach to this issue. You know this already and you know also how crucial we view the commitment to progress on accompaniment. It was fudged in 1985 and it is important now that we get back to implementing the principle. It is now six months since we agreed (back on 18th October) to set up a joint working group charged with making early recommendations on the implementation of the principle of accompaniment. Good progress was made by the working group on some issues at a meeting which was held in January but I have to say that we are disappointed that it has taken up until now to hear further from you. In fact, we asked for a further early meeting and there has been no meeting at all since January.

Mr. Brooke: That is my fault. The point is that I felt it was politically important for Ministers on the British side to have a view and an understanding of the work being done by the RUC before we had any further meetings with you at official level. What is important now is the work we have been doing on our side. I appreciate the spirit in which you have spoken.

Mr. Collins: I accept what the Chief Constable says in a general sense. I can understand the difficulties that he faces in many areas. I accept that there are many areas where it is hard to define the colour scheme of "orange" and "green". Nevertheless, what is important now is to try and come to grips with that 14% of nationalist areas which are left where there is an unsatisfactory rate of accompaniment. We should try and get down to it and define sensitive areas. It is an important issue in relation to confidence as a whole.

I recognise that responsibility for operational matters rests with the Chief Constable. That is as it should be. It is a good thing, very necessary and an important principle. If I may, however, without contradicting the Chief Constable and without treading onto the operational security areas and interfering with the fight against subversion and terrorism, ask that the 14% of "green areas" where there is an unsatisfactory rate of accompaniment could now be tackled. It is very important. It would help me and it would help the security situation. The lack of accompaniment in these areas is a serious problem. It is one that won't go away. You know that it was fudged in 1985. There was a form of words used then which you are now taking back. We should now proceed to work on it whenever it is at all feasible. I recognise that it can't be done overnight. We should now let the working group get at it quickly.

Mr. Brooke: I hope that what both the Chief Constable and I have said indicates where the problems lie. It will be helpful, I think, if we can give the working group a better understanding of where we are and what the problems are.

Mr. Collins: Yes. What is important now is that the working group sit down and discuss the matter.

Chief Constable: What I was explaining in some detail might be best illustrated if I were to take an example. If you take the Dungannon/Lisnaskea/Cookstown areas, the level of terrorist threat is such in these areas that the tasking of patrols is not done by the RUC. That, of course, affects the overall percentages and you get percentages short of 100% because of these areas. In the operational tasking in these areas there are two different kinds of jobs to be done. The point I want to make is that the RUC are not soldiers and nobody would wish them to be. That gives rise to

some difficulties. What we do want to do is to have as much accompaniment as we can and what we are trying to do, despite difficulties, is to "edge" it up incrementally.

Mr. Collins: I see the Chief Constable's point about the RUC not being soldiers. What we must do now is get the working group to sit down, examine the outstanding issues and come back to us.

Mr. Brooke: I appreciate the spirit in which you make that point. There was much discussion on this in the latter half of last year and we explained the difficulties we had in delivering against the commitment on accompaniment. What I want you to understand is that where it is less than 100%, it is not that we are reluctant to fulfill accompaniment, it is rather that there are good reasons for the situation that exists. In that context, I should say that the process of the work in the Working Group is likely to be one of understanding the complex problems that arise in this area.

Mr. Collins: Yes. We all need understanding. Thank you very much. I should add that of course I fully recognise and appreciate the need for confidentiality in relation to the monitoring information you give us.

Stevens Inquiry/Inquests

Mr. Brooke: In relation to the Stevens inquiry, the Chief Constable has already reported in the restricted session. [Note: Mr. Noel Ryan has abstracted the discussion on the Stevens Inquiry at the restricted security session and a copy of his report is attached as an appendix to this report.] In relation to inquests, do you want to take that up?

Mr. Collins: Yes, I do. I shall be very brief on it. Inquests are, in effect, the only form of inquiry into killings by members of the security forces in Northern Ireland. The fact that members of the security forces are now not compelled to give evidence at inquests has an adverse affect on the whole administration of justice in Northern Ireland. As you know, the House of Lords decided in the McKerr case that members of the security forces could not be compelled to appear as witnesses at inquests. That was very disappointing for us and we see it as having very negative consequences for the administration of justice in the eyes of the nationalist community.

You know that in the case of the killing of Seamus Duffy the DPP has recently decided that charges should not be brought against the member or members of the security forces involved. As the Duffy family see it, the inability of the inquest to question those involved in the killing, and the fact that there is no further elaboration of the DPP's decision not to prosecute, together with the fact that the investigation and deliberations of the Independent Commission for Police Complaints remain secret, does nothing to reassure them that the circumstances of their son's killing have been satisfactorily investigated. It has led to a large amount of frustration on the part of the family. Then you have the Gibraltar case. You advised us that an order has been signed which will prevent the families from having access to the courts in Northern Ireland in relation to the Gibraltar issue. This creates a public perception which is detrimental to the creation of confidence. There really is no point in telling a Northern Ireland family that they have to go to Gibraltar to take Court action. How can they afford to do that? The fact that people can't go before their own courts will have a significant effect on perceptions of the administration of justice.

Mr. Brooke: You have chosen your words carefully as I did, indeed, on extradition. The point is that there is the independence of the courts to be considered. I confirm the point about non-compellability of security force witnesses. I should make the point, however, that what the ruling does is to restore the legal situation which was well understood previously. I should make the point also that there is no specific prohibition on security force personnel giving evidence at inquests. All it means is that they can't be compelled. I would want to stress that point. I accept that the hearings and the proceedings before the House of Lords have led to delays. I share your concern about that. Nevertheless, it is right that criminal proceedings or decisions not to prosecute should be disposed of before inquests are held. I hope that the delayed inquests can now be held. I understand that the Craigavon inquest [Note: The Secretary of State was referring to the McKerr inquest] will be held on 23 April. Obviously, I absorb what you said about delays and I appreciate the language you used. It was very much in the same spirit as I talked about extradition. We have to respect the independent decisions of the Courts.

Mr. Collins: I hope that, if any good can come out of something like this, that the 8 year old inquests can now be held quickly. Incidentally, are you opening any cross-border roads?

Mr. Brooke: We touched on that already [at the restricted security session].

Petrol Smuggling

Mr. Brooke: I would now like to move on to petrol smuggling and to bring you up to date on the matter. There was a meeting on 15 March between the two sides and there was no reconciliation of the two sides' estimates of the extent of petrol smuggling. Her Majesty's Customs and Excise have undertaken, under the terms of the Naples Convention, to assist the Irish Customs authorities in a petrol investigation. I believe that this investigation should provide the best estimate of the scale of the petrol smuggling problem.

I understand from a discussion with Her Majesty's Customs collector in Northern Ireland that the Customs and Excise have been, for the past eighteen months, assisting the Irish authorities with their investigation of large-scale smuggling of hydro-carbon oils across the border. The products concerned are marked gas oil (not for use in road vehicles and which has a low duty rate), DERV (for use in road vehicles and which has a high rate of duty), kerosene and petrol, all of which are purchased duty and tax paid in Northern Ireland.

Based on this work, Her Majesty's Customs and Excise, having taken account of recent inspections of trade records, observation of tanker movements, intelligence, supplies to known suspects and the outcome of operation "Sting" (mounted by your Customs in January 1990 which resulted in the detention of oils valued at Ir£40,000 and ten fuel tankers) estimate the level of the smuggling of hydro-carbon oils as at the end of January 1990, to be as follows:

- A. Marked gas oil: it has dropped very sharply since the introduction of the new marking arrangements in your jurisdiction.
- B. DERV and Kerosene: it continues at a substantial level. We understand that a prime suspect has purchased 0.72m. litres of DERV and 1.74m. litres of Kerosene in the five month period September 1989 to February 1990.
- C. Petrol: smuggling of petrol is not on the same scale as DERV or Kerosene. We understand that handling difficulties are likely to be a barrier in this regard.

Although the assessment for petrol does not provide a specific figure for the level of smuggling, it takes account of all information currently available to Her Majesty's Customs and Excise and their view is that the oil companies estimate of approximately 500,000 gallons per year is likely to be nearer the mark than the Irish Customs estimates of between 3 and 5.8m. gallons per annum.

I note that in the case of the Irish estimates, the figures are based on assumptions about the number, capacity and frequency of use of vehicles used to smuggle petrol. You have said that there are 37 tankers each of 13,500 litre capacity making one smuggling run each week - that would be 26m. litres or 5.8m. gallons per annum. Now here, I can tell you, we have a problem. We have asked you on several occasions for details of these vehicles (e.g. registration numbers, ownership) but we have not got them nor have we been given any information as to how it is known that vehicles sighted always carry petrol. Until we get something on that, there must remain considerable doubt about the accuracy of your present estimate.

However, what is happening now is that a joint investigation is being carried out by both Customs authorities into the extent of petrol smuggling. The problem is that we do not have sufficient hard-data. I hope we can agree to accept the result of the joint investigation I have mentioned as being the most accurate assessment of the extent of this particular smuggling problem. I would stress that I wish to be helpful to you - but certainly as things stand at the moment I could not approach my Cabinet colleagues for their agreement to move forward with a marking scheme. The matter of approaching the Cabinet colleagues is pretty complicated since we are talking here about an issue which has no effect on our revenue.

I have been told that because of Easter and also the involvement of Customs staff in a forthcoming Court case, it will be the middle of May before the preliminary results of the investigation will be known and the Summer before they would have a definitive view of the extent of the problem. Thereafter, if the figures justified movement on the proposal, the oil companies would need a further three months to carry out rigorous testing of the marker.

I should also mention that it is clear now that legislation - and I stress that it would be primary legislation - may also be needed in the U.K. to give effect to the marking of petrol by the oil companies in Northern Ireland. Taking account of that fact and of the timetable I have set out, it seems to

me that this all points to us having to use the Finance Bill in 1991 to achieve the necessary legislation. Against that background, you may wish to delay inserting provisions in your Finance Bill until 1991 also but I do want to stress that we are being genuinely purposeful in this area.

Mr. Collins: I am thankful to you. You will be aware that it is an important issue for us. I will see how we can be helpful in relation to getting the information you request.

Mr. Brooke: I infer that the information on tankers is now being made available or will shortly be made available. I do want to draw your attention to that fact, namely, that we have made several requests to have the information on these tankers and we have not been given it.

Mr. Collins: It is sensible that we should seek to identify the real problem and then do something about it.

48-Hour Rule

Mr. Brooke: Could I say something on cross-border shopping. What I want to say here is that I have absolute confidence that if there is a Court decision against you that you will obey it.

Mr. Collins: I know that a former British Commissioner, Lord Coburn, said that he could not understand how we would behave as we did

Mr. Brooke: I must say, with all seriousness and restraint, that if you were not to obey a Court decision I would be faced with enormous difficulties.

Mr. Collins: It is an extremely important issue for us. We will have to await the outcome of the Court of Justice ruling. There were 3.6m. shopping trips in 1986. You can see from such figures that we are talking about big money. What we will have to do is to wait for a decision of the Court and we will talk further about it then. [Note: There was then a fifteen minute discussion on the Communique which was finalised by Ministers at 9.35 p.m. The plenary session of the Conference then ended.]

Padraic Collins

Padraic Collins

24 April 1990

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ANGLO-IRISH INTERGOVERNMENTAL CONFERENCE
JOINT STATEMENT

1. A meeting of the Anglo-Irish Intergovernmental Conference was held in London on 19 April 1990. The Irish Government was represented by the Joint Chairman, Mr. Gerard Collins T.D., Minister for Foreign Affairs, and by Mr. Ray Burke T.D., Minister for Justice and for Communications. The British Government was represented by the Joint Chairman, Mr. Peter Brooke M.P., Secretary of State for Northern Ireland, accompanied by Mr. John Cope M.P., Minister of State, Northern Ireland Office. The Chief Constable of the RUC and the Commissioner of the Garda Siochana were present for part of the discussion.

2. Ministers reaffirmed their belief that dialogue at all levels is essential to secure political progress and an end to violence. They had a further exchange of views on the current political situation and on possible ways forward.

3. Ministers condemned recent atrocities by paramilitary organisations and reaffirmed their total rejection of any attempt to promote political objectives by violence or threat of violence. They emphasised the futility of paramilitary actions and their determination to ensure, with the fullest cooperation from the public, that those guilty of serious crimes will be brought to justice. Together with the Commissioner and Chief Constable, Ministers reviewed security cooperation, expressed satisfaction with the progress being made and agreed that where improvement was possible they would secure it.

4. Ministers also had a constructive discussion of arrangements for dealing with fugitive offenders. They instructed officials to undertake a review of the situation and report back to a future Conference.

5. The Conference discussed the question of confidence in the security forces and system of justice. They noted that the Stevens report had recently been concluded and submitted to the

Chief Constable of the RUC; and they agreed to have a further discussion on this matter when the Chief Constable has provided a report to the Secretary of State.

6. Ministers considered further the question of actively developing cross-border economic cooperation with the assistance of the European Community.

7. Following the commitment in the Review to continue and expand cross-border cooperation Ministers also agreed to arrange for participation as appropriate of the responsible Ministers at future meetings of the Conference.

8. The British side also raised Irish restrictions on cross-border shopping in the light of the current case before the European Court.

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A RÚNAÍOCHT ANGLA-ÉIREANNACH

ANGLO-IRISH SECRETARIAT

BÉAL FEIRSTE

BELFAST

23 April 1990

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

a P.S.M.
Mr. M. Kelly P.S.S.
Mr. Matthews Mr. Brennan
Cusack M
Box

Dear Assistant Secretary

Stevens Inquiry

As you know, the discussion at the restricted session of the Conference on 19 April touched on the Stevens Inquiry. I enclose a note of that discussion, abstracted from my report on security issues. The position on Stevens could be summarised as follows:

- (1) The Chief Constable is still examining the report, which is long and detailed, and he will be submitting his recommendations to the Secretary of State in due course. (No indication was given of how long this will take.)
- (2) Mr. Stevens himself will prepare a summary of the report for publication by the end of May. On its publication, Mr. Annesley envisages that Stevens and he will hold a press conference and answer questions. (That is how Annesley personally sees it; he is discussing presentation at present with NIO officials.)
- (3) The Secretary of State is committed to making a statement on the report to the House of Commons and the British side confirmed this is the intention.
- (4) Irish Ministers stressed the importance they attached to being told as much as possible about what was happening in advance so that they could properly consider their response. They will be especially concerned with lessons for the future and what steps will be taken to prevent repetition.
- (5) In response to a question from Irish Ministers, Annesley dismissed a recent Sunday Times report to the effect that Stevens had concluded that collusion could not be stopped and was bound to continue as speculation and "ill-advised" journalism. What Stevens is likely to say (Annesley said he had not yet reached that part of the report) was that one can never be 100% certain that leaks of this kind will not occur again.

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(6) Stevens has taken the arrests and prosecutions - 58 in all - as far as he can at this stage. He has left a small team in Belfast to pick up any more that might emerge.

Yours sincerely



Noel Ryan
Assistant Secretary

... the provision is that I have a report from ...
... a very long and detailed report and I am at present working ...
... I have completed up with ... I will pass it with my ...
... the Secretary of State. It is ... Stevens' intention ...
... to prepare a summary of his report which could be published and ...
... on the basis of that ... in view of the amount in Australia and ...
... the ... with the ... of this report ... I think we are talking in terms ...
... of being that ready by the end of May. It may seem that that is a very long ...
... time ... which you may be ... to mind that there are quite a number ...
... of other agencies, including the Ministry of Defence, Security Services and ...
... I think we should be sure that we have covered everyone's ...
... I put my recommendations to the Secretary of State.

... I mention the issue in this context. There was a report ...
... of the ... reports ... reporting to be a leak from the Stevens ...
... that was ... to Stevens the conclusion that, as far as he was ...
... advised ... should be ...

... I really don't know how this could possibly have any ...
... there are only two copies of that report in existence and I have one ...
... Stevens about the other three. Each copy is marked as ...
... in any ... of it getting out it will be possible to trace ...
... and ... I can say is that he is most unlikely to come ...
... I think ... is likely to say, and I haven't ...
... with the ... will in the world and having all appropriate ...
... to ... to ... of this kind of ...
... in the ... I think they are already ...
... in one of the ... In ... I think ...
... by ... in the ... but, ...
... a very ...

... the ... are ...

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Note on discussion of Stevens Inquiry Report
at restricted session of Anglo-Irish Conference,
London, 19 April 1990

Mr. Brooke: Should we deal with the Stevens inquiry now?

Mr. Collins: Yes.

Chief Constable: Well, the position is that I have a report from Mr. Stevens. It is a very long and detailed report and I am at present working through it. When I have completed my work on it, I will pass it with my recommendations to the Secretary of State. It is Mr. Stevens' intention, however, to prepare a summary of his report which could be published and dished out. On the timing of that, he is away at the moment in Australia and won't be back until the end of this month, so I think we are talking in terms of having that ready by the end of May. It may seem that that is a very long time-frame but I think you have to bear in mind that there are quite a number of other agencies, including the Ministry of Defence, Security Services and various others, involved. We want to be sure that we have covered everyone's interests before I put my recommendations to the Secretary of State.

Mr. Collins: Could I mention one issue in this context. There was a report in one of the London papers recently purporting to be a leak from the Stevens report. That had attributed to Stevens the conclusion that, as far as he was concerned, collusion was bound to continue.

Chief Constable: I really don't know how this could possibly have any basis. There are only four copies of that report in existence and I have one of them and Mr. Stevens still has the other three. Each copy is marked so that if there is any question of it getting out it will be possible to trace it back to the marked copy. All I can say is that he is most unlikely to come out with that. I think what he is likely to say, and I haven't reached on this yet, is that, with the best will in the world and making all appropriate arrangements, one can never be 100% certain that leaks of this kind of confidential material won't happen in the future. I think there has already been one very ill-advised piece in one of the London papers. It was, I think, a long and detailed article, written by O Gorman in the Sunday Times, but, as I say, it was a very ill-advised piece indeed.

Mr. Burke: And the prosecutions are proceeding?

Chief Constable: Yes. I think 58 have been initiated so far and Mr. Stevens has left a small part of his team in Northern Ireland to pick up any more that may emerge. I think you will appreciate that he had to bring his enquiries to a conclusion at this stage, otherwise it could go on and on. But I should say that, of course, he got every facility he could get from us. I know that in some quarters people are not pleased that RUC heads have not been seen to have rolled but, I stress, that Mr. Stevens has, throughout his enquiry, concerned himself only with matters about which there was evidence and that has been particularly the case with both the UDR and the RUC.

Mr. Collins: Could I ask how you envisage the public presentation of his findings?

Chief Constable: I am currently discussing this particular issue with the Secretary of State's officials. I would personally envisage a press conference as soon as we possibly can have one. At that press conference, I think both Mr. Stevens and I would each make a statement and then there would be a question and answer session. Of course, when the Secretary of State gets my report he may wish to make a broader statement addressing other issues and what should be done for the future etc. It is not for me to prejudge what the Secretary of State may decide.

Mr. Collins: Well, we will have to consider, of course, what our response should be and for that reason we will need to know as much as we can about the situation and in particular we will want to see what steps will be taken to prevent further incidents of collusion in the future.

Chief Constable: My initial reaction is to handle that aspect of it through the Secretariat at Maryfield.

Mr. Cope: We will, of course, have to make a statement in the House of Commons on the issue.

Mr. Brooke: Yes, I am already committed to doing that.



Noel Ryan
24 April 1990

Confidential

Meeting with Denis Haughey, SDLP, Cookstown,
24 April, 1990.

Prospects for political progress

1. Mr. Haughey remains sceptical about the prospects for political progress in the short-term. The Unionist leadership appears as entrenched as ever and recent developments, such as Paisley's behaviour in relation to the Taoiseach's visit to Belfast and Molyneaux's stance on Articles Two and Three would suggest, if anything, an even further hardening of their position. [Mr. Haughey made no more than a passing reference to last week's Conference meeting, presuming that "we gave nothing away". In advance of the Taoiseach's meeting with Mr. Hume, I went no further - nor was I pressed to do so - than confirming that presumption.]
2. He felt that the Taoiseach's visit to Belfast had gone extremely well. He was certain that the occasion would have made a powerful impact on the many leading Unionist business figures present. There was no doubting that a key to the ultimate resolution of the conflict in Northern Ireland was the acceptance by the Unionist business establishment that their economic best interests lay under the "Irish" rather than the "British" label. As consciousness among that group of the deepening importance of Europe increased, so would the awareness that, across so many levels, being Irish carried many advantages over being British. But he cautioned against believing that this would be a swift process; notwithstanding the emerging new economic realities the attachment to old ways within Unionism was deepseated and complex and the journey away from them would be long and slow. But he had no doubt that it was underway and that occasions such as the Taoiseach's visit to Belfast were important landmarks along the way.

3. Commenting specifically on Paisley's behaviour in relation to the visit, he said that it showed again that when Paisley was faced down so much of his posturing was revealed to be empty bluster. Mr. Haughey said that the affair rekindled his deep regret at how the Loyalist strike in 1974 had been handled by the British Government; had they taken on the strikers he is certain that the protest would have collapsed and the course of subsequent developments could have been very different. [Mark Durkan made a similar point in a separate conversation this week. He believed that it would have been extremely serious had the visit of the Taoiseach not gone ahead. It would have been presented as evidence of the "widespread and deep unrest" in Northern Ireland in the wake of the Supreme Court decisions. The line would have been that the decisions had led to a "serious escalation of tensions in the community" etc to the point where the "security of the Taoiseach could not be guaranteed". By calling Paisley's bluff it was possible to demonstrate that the reality and mood on the ground were very different].

4. Mr. Haughey felt, however, that side by side with chinks of light, there remained much cause for despondency. He cited the reaction of the DUP Chairman of Cookstown District Council, Alan Kane, to the recent by-election victory of the SDLP as a case in point in his own area. The result brings the Nationalist/Unionist breakdown in the Council to 8:8; yet instead of heralding a new realism on the part of Kane and the DUP, it has rather elicited from them a promise of an even more hardline approach. While Mr. Haughey believes that the days of such an approach in Cookstown are numbered - he already has some indications from the UUP that there may now be a greater readiness on their part for some accommodation with the SDLP - he feels that Kane's attitude reflects a deep-rooted malaise within Unionism. He recalled an observation some years ago by a Protestant friend of his that deep within the Unionist psyche there is a realisation

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that they have done a great wrong and that one day the price for that will have to be paid. Mr. Haughey believes that much of the "negativism" of Unionism is explained by the fact that while they know this, they have refused to face it and its implications - hence the "kicking and screaming".

5. This process is compounded, Mr. Haughey feels, by a deepening crisis of identity within Unionism. The feeling of betrayal by Britain, particularly since Hillsborough, has merely served to underline their own basic sense of "non-Britishness" (he noted that only this week Sammy Wilson had made an observation along these very lines). It was, however, a declaration of identity in the negative ("we are not British"); nobody in Unionism seemed to be articulating what Unionists were.
6. Mr. Haughey felt that it was interesting to contrast the sense of dislocation and confusion within Unionism with the vigorous self-confidence now evident within the Nationalist community. Over the last twenty years, the Nationalist community has assumed an increasingly pro-active and aggressive role in bringing about change in its situation. The Agreement has been a crucial landmark in that process, he feels. In terms of identity, it has ended the limbo status of Northern Nationalists, confirming them as "full members of the Irish nation" and on whose behalf the Irish Government now speaks, as of right. That is not to say that Nationalists are always satisfied with the performance of the Agreement on specific issues; its importance, for them, however, lies not in what it does but in what it is, Mr. Haughey said. Nationalists believed that the tide was now flowing very much in their direction; that was one of the reasons why their priorities in relation to any talks which might get underway in the short-term were not so much about new progress but rather about safeguarding that which had already been achieved.

Cross-border economic co-operation

7. We referred to a recent meeting between NIO Minister Cope and an SDLP delegation, involving Mr. Haughey, at which Cope had complained about what the British side regarded as a "less than enthusiastic" approach by the Irish side to the cross-border package currently being considered by the Commission, under the Structural Funds umbrella. Mr. Haughey said that he had not contacted us directly about the matter since the meeting on the assumption that there was no basis to Cope's complaint. I confirmed our full commitment to the package and said that we would shortly be convening a further meeting of the Department/SDLP Steering Group which had been established to liaise on this area. Mr. Haughey welcomed this, commenting that the SDLP had expended fairly considerable political capital in the project and that it was important from their point of view that it produced concrete results.

Boyne Tercentenary

8. Mr. Haughey observed that Orange plans for a parade at the Boyne site in July appeared to be running into difficulty. I said that no decision had yet been taken by the Government on the Order's request for financial assistance for the occasion. Mr. Haughey commented that there would be little support among Nationalists generally for any financial assistance by the Government to a "secret organisation with a suspect past to host what would inevitably be a triumphalist parade, celebrating a sectarian victory by them over us"! Moreover, he felt that the attitude of Orangemen themselves would be to "laugh at our softness" were we to grant such a request. Mr. Haughey felt that a low-key, "dignified commemoration of an important historical event" would be a more appropriate course for the Government. He thought that something along the lines of a series of lectures or an exhibition would be the correct approach. He

had noted the issue of a commemorative stamp by An Post and felt that this had been useful and appropriate.

lsc

T. O' Connor

26 April, 1990.

cc Mr. Gallagher
Counsellors
Secretariat
Section
Box

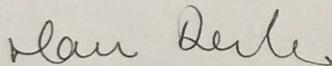
H0265

National Archives Act, 1986, Regulations, 1988

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Name: Mary Doyle

Grade: CO

Department: *Foreign Affairs*

Date: 02/12/20



Pl 2, 3 also very interesting

17 Grosvenor Place,
London SW1X 7HR.

*PSF ; PSF
H. N. i. P.P.P.
M. De. i. M. T. R.
C. R. P. 1
R. P.*

24 April, 1990.

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

Conversation with Ian Gow MP

Dear Assistant Secretary,

I had lunch on 18 April with Ian Gow, Chairman of the Northern Ireland Backbench Committee. Gow and his colleague, Ivor Stanbrook, had been readily available to the media for instant reaction during the recent furore over extradition. Inevitably their comments had been highly critical and had become more strident and extreme as events unfolded. Anyone remotely familiar with the parliamentary scene will rightly dismiss the prejudiced and vitriolic utterances of Stanbrook. Gow on the other hand remains a much more substantial figure, retaining his closeness to the Prime Minister - he was her PPS from 1979 to 1983 and continuing to command respect and authority on the right-wing of the party.

Extradition

Both Gow and Stanbrook are lawyers, the latter a practicing barrister, has written a text book on extradition. Gow is a solicitor and partner in a large firm in his home town of Eastbourne. He had read the judgements in the Clarke and Finucane case and a number of commentaries on this and the Carron case including some which I had sent him. Gow's private views on the recent cases are somewhat less extreme than those he has articulated in public. He readily accepted for example the absolute independence of the Irish courts but insisted that the judgement in the Clarke and Finucane case was as he put it "bad law". The principal sticking point for him was the fact that both men had been convicted of serious crimes in the Northern Ireland courts.

We had a difficult exchange on the implications of Judge Walshe's ruling, Gow refusing to concede his strongly held view which he has also argued in public that it could offer what he described as "a juridical charter for further bloodshed."

He contended that the failure to have Clarke, Finucane and Carron extradited coupled with the Downpatrick killings of the four UDR men had shaken even as he put it "Dublin's friends at Westminster". In this regard he referred to the dismayed reaction of Peter Temple-Morris - Co-Chairman of the Inter-Parliamentary Body and a vital antidote on the Northern Ireland Backbench Committee to the influence of Stanbrook. Gow had read the report of the Taoiseach's comments to the press following his visit to Belfast. He personally doubted he said that if in applying the 1987 Act, the courts could overcome the precedents established in the recent cases. What was needed he argued was more comprehensive and effective extradition legislation. One way or the other he concluded he and many others would be closely following the outcome of upcoming cases under the 1987 Act.

Taoiseach's visit to Belfast

Gow spoke in positive terms of the Taoiseach's visit. We had sent him a copy of the Taoiseach's speech and it was clear from our discussion that he had read it carefully. He had he said expected the Taoiseach to use the visit to make what he described as "the usual political arguments". He admitted to being "impressed and encouraged" by the practical and pragmatic suggestions for cooperation between North and South outlined in the Taoiseach's speech. He was glad he said that the visit had gone ahead despite the heightened tensions from recent events and he situated it in the same context as his own consistent willingness to engage in dialogue "even with those with whom I profoundly disagree."

The Unionists

He reiterated his continuing disappointment - "more in sorrow than in anger" - with the Unionists. He recounted for me in familiar terms the circumstances leading up to his decision to resign from the Government over the Agreement including his firm view that the Prime Minister to this day believes that she was misled by both the FCO and the NIO on the strength of Unionist opposition to the Agreement. In his view the Unionists by their inadequacy and inability have betrayed the principled and politically costly commitment of men like himself and Enoch Powell.

He has little time for Molyneux whom he maintained was simply "biding his time until he got his peerage" and even less for John Taylor - "the dreadful and unspeakable".

In his opinion, the Unionists, with a view to a tight outcome from the next election, are, as he put it, "dreaming again of their ability to influence future political events". According to Gow however no matter how close the next election went for the Conservatives no future Tory Prime Minister could afford to strike a bargain with the Unionists. This would not be because of any difference of political principle but because the Unionists could never, according to Gow, be relied on to deliver on their part of any political bargain.

Domestic Political Events

Surprisingly in view of his deep loyalty to the Prime Minister, Gow readily admitted "the strong likelihood" that Mrs. Thatcher would be replaced "before the year was out".

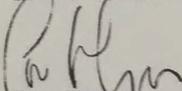
In his view the decisive factor will be the outcome of the local elections on 3rd May. He has already been taken aback by the strength of feeling on the door steps in his own safe seat of Eastbourne where "three out of every ten known supporters" told him they didn't want to see him again until interest rates were reduced and the poll tax abolished. Given that the canvass in these elections would be the first major exposure of many of his colleagues to the harsh reality of public opinion he was increasingly of the view that the experience would be decisive in hardening opinion against the Prime Minister.

The decisive date he said would be 4 May when Kenneth Baker would be faced with "the impossible task" of explaining away what was likely to be "an electoral disaster". This would bring the first clear "intimations of political mortality" to those with slim majorities. He continued "when the troops see the battle about to be lost they generally think about killing the general".

I pressed him for his views on the likely outcome of a succession battle. He hoped, he said, that it would not come to that. If the Prime Minister's friends see the writing on the wall they would go to her and urge her to avoid the ignominy of a defeat. "I could very well be the one leading the march to her door" he told me and he continued "if it came to that we would hope she would know it was time to depart the scene with dignity".

On personalities he was adamant that Michael Heseltine "will never again accede to high office in the Conservative party". With some reluctance he eventually conceded that in his view the candidate he would most like to succeed was Geoffrey Howe but since he was unlikely to make it the more realistic choice was Douglas Hurd whom he insisted stood a very good chance of gathering support from all wings of the party.

Yours sincerely,


Joe Hayes
Counsellor

17 Grosvenor Place,
London SW1X 7HR.

AIRTELÉIR NA hÉIREANN LONDAN



IRISH EMBASSY, LONDON

24 April 1990

Mr Dermot Gallagher
Assistant Secretary
Department of Foreign Affairs
Dublin 2

*cc PPS
Mr Hanley: PPS
Mr de la Harpe: PPS
Couch VA
JSA.*

Conversation with Jeremy Hanley MP

Dear Assistant Secretary

I had lunch on 19 April with Jeremy Hanley, conservative MP for Richmond. Hanley, a son of the late Jimmy Hanley the well known comic actor and radio personality of the 1940's and 50's is PPS to Richard Luce the Minister for the Arts and Civil Service. Hanley worked in Dublin in the early 1970's managing a training academy for articled clerks sitting the chartered accountancy exams and he retains strong links with Ireland. He was responsible for a number of very helpful amendments to implementing legislation under EEC directives which have safeguarded the position of Irish accountants in British law and accountancy practice.

Hanley is a member of the Inter-Parliamentary body and during the inaugural meeting made a number of well-informed and useful interventions. He is keen to develop a closer interest in Anglo Irish issues and could be a useful and effective voice to have on our side.

He gave me a copy of a letter (attached) which he said John Taylor had circulated to all Conservative MPs. Despite the low regard which most backbenchers have for John Taylor the impact of this letter should not be said be underestimated. It came at a particularly difficult time when many MPs, even those who were generally well informed and well disposed, were finding it difficult to come to terms with the Supreme Court rulings on extradition. He would not be surprised he said if several more MPs signed the early day motion circulated under cover of Taylor's letter.

I pointed out that despite Taylor's claim to have attracted a greater degree of support than might in normal circumstances have been expected for such a motion the only name so far which caused surprise was that of Bill Benyon. Nick Budgeon and Ivor Stanbrook had voted against the Agreement and remained implacably opposed to it. Hamilton, Hunter and Wilkinson were all hard right-wingers - Hamilton and Hunter being foremost in the pro-hanging lobby and none of the three are particularly prominent or distinguished. We will nonetheless continue to monitor closely the reaction to Taylor's initiative.

Yours sincerely,

Joe Hayes
Joe Hayes
Counsellor

DECLARATION AND AMENDMENT AGREEMENT OF THE IRISH STATE COURT JUDGES

When the Anglo-Irish Agreement was commended to the House in 1985 colleagues were assured on the basis for peace, stability, and reconciliation within Northern Ireland. In the years later these claims can now be seen to be unfounded. Regrettably the terrorism has continued at a greater level, political instability has increased, and the two sections of the community have become more divided at all levels of society in the Province.

Earlier in 1985 we were assured that the Agreement would mean no further problems with requests to the authorities in Dublin for the extradition of known or suspected IRA terrorists. Many colleagues were attracted by this assurance and gave their support to the Anglo-Irish Agreement even though they were unhappy that it gave a role to another Government in the administration of part of the United Kingdom. Once again this promise has been proved to have been displaced as time after time the Irish Courts have found reason after reason to refuse British applications for extradition. Then last week the Annual Party Conference of Mr Charles Haughey's Party - Fianna Fail - voted against extradition to either Northern Ireland or Great Britain!

In 1985 colleagues were also assured that the Agreement meant that Dublin now recognised that Northern Ireland was part of the United Kingdom. Recently this claim was also rejected by the Irish Supreme Court on the basis that (1) the status of Northern Ireland is defined in the Irish Constitution and (2) the Dublin Government was bound by the Anglo-Irish Agreement and had a constitutional obligation to Government and to the people of Northern Ireland. This seems that all protests between the United Kingdom and the Republic must be used by Dublin to bring about a United Ireland. That was never the intention of most of those who originally supported the Anglo-Irish Agreement in 1985.

There are developments now that the Anglo-Irish Agreement is used by almost all in States with a difference. It is now that the United Kingdom want an alternative Agreement with a difference. It is now that the United Kingdom want an alternative Agreement with a difference. It is now that the United Kingdom want an alternative Agreement with a difference.



HOUSE OF COMMONS
LONDON SW1A 0AA

From: The Rt. Hon. John D. TAYLOR B.Sc., M.P. for STRANGFORD

18 April 1990

Dear *Jeremy*,

IMPLICATIONS FOR ANGLO/IRISH AGREEMENT OF RECENT IRISH SUPREME COURT RULINGS

When the Anglo/Irish Agreement was commended to the House in 1985 colleagues were assured that it would be the basis for peace, stability, and reconciliation within Northern Ireland. Four years later these claims can now be seen to be unfounded. Regrettably IRA Terrorism has continued at a greater level; political instability has increased; and the two sections of the community have become more divided at all levels of society in the Province.

Likewise in 1985 we were assured that the Agreement would mean no further problems with requests to the authorities in Dublin for the extradition of known or suspected IRA terrorists. Many colleagues were attracted by this assurance and gave their support to the Anglo/Irish Agreement even though they were unhappy that it gave a role to another Government in the administration of part of the United Kingdom. Once again this promise has been proved to have been misplaced as time after time the Irish Courts have found reason after reason to refuse British applications for extradition. Then last week the Annual Party Conference of Mr Charles Haughey's Party - Fianna Fail - voted against extradition to either Northern Ireland or Great Britain!

In 1985 colleagues were also assured that the Agreement meant that Dublin now recognised that Northern Ireland was part of the United Kingdom. Recently this claim was also rejected in the Irish Supreme Court on the basis that (1) the status of Northern Ireland was never defined in the Anglo/Irish Agreement and that, in any case, (2) the Dublin Government was bound by the Irish Constitution and had a CONSTITUTIONAL IMPERATIVE to work for a United Ireland. This means that all contacts between the United Kingdom and the Republic must be used by Dublin to bring about a United Ireland. That was never the intention of most of those who originally supported the Anglo/Irish Agreement in 1985.

These new developments mean that the Anglo/Irish Agreement is seen by almost all in Ulster to be a failure. It is now time that the United Kingdom sought an alternative Agreement which would address the problem of the totality of relations between the islands and

which involve the misleading link in the Anglo/Irish Agreement - namely Northern Ireland
Yours sincerely: *John D. Taylor*



HOUSE OF COMMONS
LONDON SW1A 0AA

In order to direct the Government's attention to the need to seek an alternative to the Anglo/Irish Agreement arising from the changed background circumstances resulting from the recent Irish Supreme Court Rulings six Ulster Unionists tabled the following Early Day Motion.

Without any lobbying some eight Colleagues from Great Britain have immediately signed the motion on their own initiative - some of them were not opponents of the Anglo/Irish Agreement in 1985!

It is clear that there is a new appreciation that something must be done.

Please help political movement within Northern Ireland by supporting this Motion - it is time that the political stalemate arising from the Anglo/Irish Agreement is brought to an end.

No. 87 Notices of Motions: 5th April 1990 2811

813 **ANGLO-IRISH AGREEMENT AND THE IRISH REPUBLIC'S SUPREME COURT DECISION** 28:3:90

Mr Ken Maginnis
Mr John D. Taylor (Strangford)
Mr Roy Beggs
Mr A. Cecil Walker
Mr Clifford Forsythe
Mr William Ross

John Wilkinson
Bill Brynson
Ivor Stanbrook
Andrew Hunter
Neil Hamilton
Nicholas Budgion

* 13

Mr Allan Stewart

That this House accepts the recent decision of the Irish Republic's Supreme Court in the case of McGimpsey & McGimpsey versus Ireland, that the Government of the Republic of Ireland has a constitutional imperative to work for a United Ireland; and, recognising that the Irish Republic's government is now under an obligation to use the mechanism of the Anglo-Irish Agreement to pursue this political objective, concludes that the initial assurance by Her Majesty's Government in November 1985, that the Irish Republic accepts the position of Northern Ireland within the United Kingdom, is erroneous; realises that the Anglo-Irish Agreement has been devalued by this Irish Court decision; and, in these new circumstances, requests Her Majesty's Government to commence discussions with the people of Northern Ireland and the government of the Irish Republic with the objective of concluding an alternative agreement which will involve the totality of relationships between

AMBAS/ NA hÉIREANN, LONDAIN



IRISH EMBASSY, LONDON

17, GROSVENOR PLACE,
SW1X 7HR

Telephone: 01-235 2171

TELEX: 916104

Confidential

26 April 1990

Mr. Dermot Gallagher
Assistant Secretary
Anglo-Irish Division

Dear Assistant Secretary

Lunch with Brian Cathcart, The Independent on Sunday

Cathcart, who is Irish, is the Foreign Editor of the Independent on Sunday. He was formerly with Reuters and the daily Independent.

The following points of interest arose:

Extradition

- Cathcart was grateful for briefings which he received on this subject from official sources and from the political parties during a recent visit to Dublin. The visit produced an extensive feature on the recent cases (published in the 15 April edition) which was well-informed and generally helpful to the Government.
- However, while accepting that the 1987 Act has not yet been tested in the courts and that the British Government is at fault in seeking amendments in advance of such tests, Cathcart regards this as a purely "political position" on the part of the Irish Government. He considers it inevitable that amendments to broaden the range of offences it covers will be introduced, "sooner or later". He suggested, in particular, that, as possession of weapons is a relatively common charge in NI courts, the "effective extradition arrangements" to which the Government has often committed itself will be perceived by many to be in jeopardy if the Act does not explicitly cover this offence.
- On the other hand, Cathcart feels that the Government is entirely right to call for greater use of the CLJA by the British

authorities. He ended his article, in fact, on this note. While technical difficulties may be advanced by the British as a reason for not using the CLJA more often, he believes that they are primarily motivated by a desire to avoid giving any impression that they accept our criticisms of the British courts. (The argument, for example, about the safety of witnesses summoned to give evidence in CLJA cases does not stand up; Cathcart observed that the RUC and Army witnesses who came to Dublin for the Harkin case this week obviously felt that they had adequate protection).

- Cathcart was scathing about briefings he has received on the CLJA from one or two official British sources. One individual to whom he spoke seemed "completely ignorant" on the subject. He claimed that "dozens" of applications have been made unsuccessfully by the British authorities under the CLJA - yet, when Cathcart pressed him for details, he could only come up with the Patrick Ryan case.
- Finally, Cathcart was critical of the recent revival of allegations that the Republic is a "safe haven" for terrorists. Nobody in their right mind - "not even the Prime Minister" - can believe that there are more unprosecuted IRA men at large in the Republic than in Northern Ireland. If anything, Northern Ireland is the "safe haven". Unlike the South, the North has a number of "no-go" areas which the IRA exploits. Furthermore, the McGlinchey and Kane cases have demonstrated that an IRA man whom Dublin does extradite still stands a good chance of being released in NI because of lack of evidence.

Profile of the Taoiseach

- Cathcart wishes to prepare for his paper an in-depth profile of the Taoiseach. He would focus primarily on the latter's current European role but would also look at his performance on the Irish economy and on Anglo-Irish relations. On the economy, the Taoiseach has "played a blinder" and this is grudgingly recognised in British political and official circles. On Anglo-Irish relations, it is noticeable that the Taoiseach has sought consistently to defuse difficulties with Britain - whereas the Prime Minister has, if anything, tried to exacerbate them. Cathcart has collected quotations to support his view that, on almost every occasion when she has spoken out on Irish matters over the past two years, the Prime Minister "has managed to make things worse".
- We discussed his ideas for the profile in some detail and he will be in touch further with me about it.

Independent on Sunday

- Confirming rumours that budgetary cutbacks have been imposed on the daily Independent, Cathcart explained that the cost of launching the Independent on Sunday, combined with a slump in the advertising market, have forced the company to make economies. However, this is

partly because they took a deliberate decision to absorb all of the Sunday's launch costs within one year - in order to ensure that the Independent company, which is to be floated publicly at the end of the year, starts off with a favourable balance-sheet. The long-term prospects for both papers are reckoned to be very sound.

Yours sincerely

David Donoghue

David Donoghue
Press and Information Officer



END of file