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ANGLO-IRISH SECTION ,
WEEKLY BRIEF

WEEK ENDING 9th MARCH 1990



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- Meeting on Economic and Related Issues

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6 March 1990.

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

Meeting on Economic and Related Issues

Dear Assistant Secretary

I met Ronnie Spence on 5 March for a general exchange of views on forthcoming meetings falling within his area (public appointments, Irish language etc.) and, especially, general economic issues and the programme of economic development for North and West Belfast entitled "Making Belfast Work". Spence was accompanied by the Assistant Secretary in charge of the latter programme, Nigel Hamilton. Most of the discussion was, however, devoted to political issues (Spence is Sir Kenneth Bloomfield's Deputy and the expert on devolution in the NIO at Stormont).

Political Issues

Spence had little new to say on the political situation. He spoke, for the most part, to what is now the well-known British brief. Having worked for Austin Currie in the Ministry of Housing during the period of office of the Sunningdale Executive (as did Hamilton), Spence is a strong believer in devolved government with power sharing and an Irish dimension. He is convinced that most Unionists would take the same view and felt that, if political movement did not take place now, there was no possibility of its taking place in the next three or four years. Interestingly, he felt that, if talks were to take place, the British Government would have to embark on an urgent programme of fulfilling the "nationalist agenda". He pointed out that many of the issues involved (human rights, Irish language) would be too difficult for a power sharing executive to deal with and would have to be resolved and provided for before a power sharing executive came into office. I said that the basic nationalist agenda was contained in the Agreement and that it was a pity that the British Government had not implemented it over the last three or four years.

Public Appointments

Spence said that he had seen the paper we had submitted last week. Without being specific, he was pessimistic that anything dramatic could be done in this area. We agreed to have a meeting on the matter shortly.

"Making Belfast Work"

We had a long discussion on this issue during which we put a number of points of criticism made by nationalists. Spence told us that the announcement of the expenditure for next year on the "Making Belfast Work" programme would take place in about four weeks time. The British side would provide, in advance of that meeting, an indepth presentation on the programme to us and colleagues from Dublin.

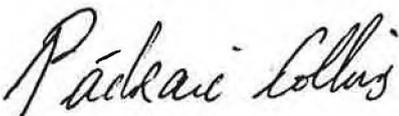
We put it to Spence that there was in the nationalist community, a perceived failure by the Industrial Development Board to make any real impact on the industrial development of West Belfast and that there was a fear that the "Making Belfast Work" programme was a vehicle for leaving West Belfast to the Local Enterprise Development Unit (LEDU) and enabling the IDB to "wash its hands" of the area. Spence and Hamilton contested this strongly and said that the IDB was making every effort to get major industry to locate in West Belfast. They pointed to Montupet and to the high level of grants available to industry locating in West Belfast as evidence of their good faith in this area.

We had a long discussion on the necessity for the NIO to provide information and other assistance to the SDLP candidate for the next Westminster election in West Belfast. The Irish side put forward the view that the NIO had been of little help to the SDLP in the last election. Spence and Hamilton, while showing a degree of scepticism about the chances of the SDLP taking the West Belfast seat, agreed that they should make an effort to assist in terms of advance notice to the SDLP of projects etc. We agreed to discuss the issue further at a later date.

Spence also contested the view put forward by us that the splitting of the Montupet operation between Dunmurry and Mallusk was a means of keeping the skilled jobs in Mallusk (and, therefore, for Protestants) while leaving the unskilled jobs in Dunmurry for Catholics. He pointed out that there will only be 100 (of a total of 1200) jobs in Mallusk and that Montupet will be providing an extensive training programme before recruitment proper begins.

We agreed to return to these issues at a further meeting with the participation of our colleagues from Dublin who had made a study of nationalist reactions to the "Making Belfast Work" programme.

Yours sincerely



Padraic Collins

AN RÚNAÍOCHT ANGLA-ÉIREANNACH

ANGLO-IRISH SECRETARIAT

BÉAL FEIRSTE

BELFAST

SECRET

3 March 1990

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

cc: Póit
na rialta; N&S
de Meath, de Ruan
Cearrúil A1
D.R.

Dear Assistant Secretary

I enclose a draft note on the meeting of the Anglo-Irish Intergovernmental Conference held in London on 2 March 1990.

Yours sincerely

Padraic Collins

MEETING OF THE ANGLO-IRISH INTERGOVERNMENTAL CONFERENCE,
OLD ADMIRALTY BUILDING, LONDON, 2 MARCH 1990

Report of Discussion at Plenary Session

Introduction

The Anglo-Irish Intergovernmental Conference met at the Northern Ireland Office (Old Admiralty Building), London, on 2 March 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. Sean Hughes and Mr. Padraic Collins. 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 Blelloch, Sir Kenneth Bloomfield, Mr. Ian Burns, Mr. John Ledlie, Mr. Quentin Thomas, Ambassador Fenn, Mr. Brian Blackwell, Mr. Timothy George, and, from the Secretariat, Mr. Oliver Miles, 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 10.10 a.m. This was followed by a restricted security session confined to Ministers and selected officials. The latter meeting, which began at 11.20 a.m. and ended at 12.25 p.m., is the subject of a separate report. The plenary session began at 12.50 p.m. and adjourned for lunch at 1.35 p.m. Ministers continued discussion over lunch with the Joint Secretaries present. The plenary session resumed at 2.30 p.m. and ended at 3.15 p.m. approximately. A Joint Statement (copy attached) was agreed at the end of the meeting. The following account of the proceedings of the meeting is in the form of direct speech and is

based on detailed notes taken during the meeting. It does not, however, purport to be a verbatim record nor is it necessarily exhaustive of all the exchanges at the meeting.

Private Session between Ministers

The Ministers briefed the Joint Secretaries on the discussion at the tete-a-tete. The note of the Ministerial briefing is as follows:

"Mr. Brooke said that there had been a long discussion of the general situation and of political development. He had explained why the British side saw the possibility of moving forward, and Mr. Collins had indicated the Irish side's misgivings. Mr. Collins indicated he would prefer not to use the word misgivings. The Irish side supported dialogue and discussion between all parties. We had to be assured of the serious interest and commitment of all. We had to be clear where we wish to go and how we hope to get there. We were very conscious of the need not to damage the Agreement. There should be no gain or benefit for the paramilitaries, IRA or loyalist. The Irish side recognised that the documents handed over this week went some part of the way to clarify a number of areas. There were still areas to be clarified and this could be taken further in discussion at the meeting.

Mr. Brooke added the point that the paramilitaries might also stand to gain from inaction. There were hazards in doing nothing.

Mr. Brooke said there had been a brief resume of one security issue. Mr. Collins said there had also been a brief discussion of the need for officials to move forward quickly on the issue of petrol smuggling, bearing in mind that the Irish Minister for Finance wished to introduce a measure on this question in the forthcoming Finance Bill.

Mr. Brooke said that the procedure of calling in the Joint Secretaries in this way was a useful one. Mr. Collins agreed."

PLENARY SESSION

Political Developments (General)

Mr. Brooke: Welcome. I am operating on the basis that there is no need for the Chief Constable at this part of the plenary session. I don't want to be responsible, however, for his leaving without your agreement. I mean that the Garda Commissioner has left with him...

Mr. Collins: I am glad he is accompanied. They can have a nice lunch...

Mr. Brooke: I am sorry that we are running slightly behind our original timetable but I think that the time we have spent up to this moment in private session has been very well spent...

Mr. Collins: No doubt the time we will spend from here on will also be well spent...

Mr. Brooke: On the first item - political developments - we have had a considerable discussion in the tete-a-tete. We have presented four documents to you and officials have done an amount of work already. I don't propose to go through the documents word for word. We have been over the general ground. We are aware of the issues on both sides. Are you minded to go through the documents page by page?

Mr. Collins: No. What I would like to do is to make some general comments and state the Irish position...

Mr. Brooke: I will be happy to make an introductory statement but perhaps it is unnecessary...

Irish Statement on Political Developments - General Points

Mr. Collins: The documents are there and our officials were able to have a meeting on Tuesday in an effort to clarify matters. That was helpful. I am not in a position to give you a considered response to your proposals today. You understand the reason for that. In any event, the issue is far too serious for any hasty or premature consideration. Basically, what I would hope to do today is to be able to leave the meeting with a clear view of your position which I can discuss with my colleagues in Government. That is very important.

I would like to stress that I am all for political progress. However, I am worried that before we take a jump, or a leap, in the dark, we take stock of the situation. We might be causing problems for what we have built up together over the past four or five years. That is why I said from the beginning that there is a serious risk element in entering into talks without a clear idea of what we are doing. We need to know where we are going and how we can get there. We need to calculate the risk of damage to the Agreement and we need to calculate what you see at the end of the pathway.

Unionist Position

We have now given you our assessment of the Unionist position in three, or four detailed meetings. We have given you our assessment of the positions of Molyneaux and Paisley and have emphasised that, in our view, it is only they who can deliver the Unionist position. We need to have a very in-depth assessment of the Unionist position and of current Unionist thinking. We have no clear definition from you on that. We need an assessment from you on how you see it developing.

British Paper on Objectives in Bringing About Talks

I have no great objection to the thrust of this paper. However, it does little or nothing to clarify the likely direction or detailed objective of talks. There are a whole series of issues

which the paper does not even attempt to address. These include an assessment of current Unionist thinking and whether you think unionist and SDLP demands are likely to prove reconcilable. We need a clear picture of that. We also need to have an idea of what powers you see being given to a future devolved government; whether and how you see power-sharing being implemented in practice; and what you see as the likely structures for the North/South and East/West relationship. I can see, of course, that it is not easy to answer these questions precisely but you must at least have given some thought to the likely answer. It is necessary also, as I said this morning, to avoid any idea of disagreement between us.

British Paper on Unionist Pre-Conditions

I agree that the first unionist pre-condition (on willingness to consider an alternative to the Agreement) has been effectively met.

On the question of "a natural gap", the timing and duration are critical. Your officials gave the impression in Dublin on Tuesday that they were thinking in terms of two to three months as the length of the gap you had in mind. I myself feel that any gap longer than two months would be stretching credibility too far. I know that we have had longer gaps in the past but they were not planned in advance and arose, for example, because of illness or "pairing" difficulties in the Dail. I think, therefore, I see difficulty with a gap that would be any longer than two months.

On timing, I know that you were thinking of a "gap" shortly after Easter. However, I would say that the timing is very important. I know that you believe in the quotation that you have borrowed from Shakespeare that "there is a time and tide in the affairs of men". However, as an old boatman myself, there are times when I would prefer to stay afloat and wait. It is sometimes better to wait for the next tide rather than take chances. We require to do very careful groundwork on this and it is doubtful if we would have the time to do it on the basis of your timetable.

I note your assurance on a firm commitment to adhering to the date of a Conference meeting fixed for the end of "a natural gap". You have given a firm commitment on that. I accept that and I agree totally with you that to do otherwise would be a "recipe for disaster". We would have to be at one on that issue.

The Secretariat

On the question of the Secretariat, it is an issue which presents very considerable difficulty for us. We see serious potential problems in a situation where the unionists were allowed to proclaim triumphantly throughout Northern Ireland that the Secretariat was non-operational. That would present us with a serious political problem and it would be hard to see how we could afford not to rebut such a public unionist approach. It is essential, therefore, if we were to go down this road, that you should leave the unionist leadership in no doubt about the commitment of both Governments to the Secretariat. It is essential also that Unionists be clear that the two Governments are unwilling to stand by and see the Secretariat (and with it, in our view, the Agreement) being undermined by false Unionist claims about it having been suspended or rendered non-operational. It is very important that all should recognise full well that the Secretariat would not be suspended and that it was working away on a day-to-day basis.

Joint Response to Unionist Pre-Conditions

It is also vital, if we are to give serious consideration to going down this road with you that we both agree in advance that our response to unionist pre-conditions is a joint one and represents - as your officials said on Tuesday - the outer limit of what is on offer. It is important that there should be no difference between us on matters of this kind. It is equally the case that there can be absolutely no question of this being turned into a bargaining process. That would be damaging and divisive. We would need a cast-iron commitment from you that there is absolutely no question of this happening.

British Paper on Format of Talks

On this paper, the role envisaged for our Government is entirely inadequate. I have consistently emphasised that the negotiating structures and the timing of the various sets of talks must reflect the interdependency of the three relationships. Your paper is extremely vague on the starting time for a North/South set of talks. It is very vague also on how our input into internal Northern Ireland talks will be made. In addition, it doesn't address the concept of a Steering Committee to take an overview of, and pull together, the three separate sets of talks.

I noted that your officials seemed to accept in Dublin a need for the establishment of some kind of overall Liaison Group or Inter-Relationship Group, involving the two Governments and the three political parties, at or near the outset of the negotiations and that consideration of the North/South relationship would begin no later than a week after internal Northern Ireland talks had opened. I would very much like to see your thinking here elaborated in writing to enable us to give further consideration to your proposals. I think we need to tread very carefully here. We need to move slowly. There are very serious risks involved if the thing goes wrong. We need to make sure that we have taken out an insurance policy against it going wrong. To that end, we have to evaluate closely the seriousness of interest of those involved. I accept the seriousness of your intent of course. However, there are other parties involved. In some cases, the public utterances made by some of these recently have not been helpful. I see that Paisley and Molyneaux, following their meeting with you last week, added a new condition to their previous conditions of the suspension of the Conference and the Secretariat. They are now waiting for proposals from us as to what a new agreement would contain.

As I have said already, only Paisley and Molyneaux have the political weight and clout to deliver on the Unionist side. It is important that we be sure that they are not simply trying to knock and scuttle the Anglo-Irish Agreement. They say that, if

they had been involved all along, there would be no problem. Yet, they engage in every subtle trick to scuttle the Agreement. If they are serious, and if we have an Anglo-Irish Agreement no. 2, we would want to be sure that they won't scuttle the Secretariat in Belfast. There has been talk about an office in Belfast. An office is one thing and a Secretariat is another. The Secretariat works in a certain way - we all know how it has worked up to now - and an office would be an entirely different way of working. We would need to have some further information on that point. As I said, it was helpful last week (on Tuesday) that things were put on paper. What we need now is further meetings to put things down so that we can address them. We need, therefore, to have an early meeting of officials to address these issues. We now know what timetable you have in mind. We must approach this matter with great seriousness since there is the danger of damage to the Agreement. If that happens, the only result will be "kudos" to the terrorists on both sides.

British Response

Mr. Brooke: Thank you very very much. My response, I am afraid, will be somewhat discursive. I won't go over our earliest paper. I would refer first to your allusion to the Unionist position. In terms of the possibility of conversations, we are at a significant time. Much of the past six months has been spent on Unionist pre-conditions. I think, however, that there was no question in their thinking and approach but that there were more dimensions to this than just internal arrangements. They have come to accept that there is a North/South and an East/West dimension. Now, I admit that you can take a pessimistic view of their behaviour since. Alternatively, you can take an optimistic view. An optimistic view would be based on the fact that with the passage of the last four years it is beyond peradventure that they have begun to accept the legitimacy of an Irish Government interest in Northern Ireland - it is, you could say, now a given. In addition, they have made a specific statement of recognition that they must come to a modus vivendi with the minority community in Northern

Ireland, and there seems to be an acceptance of John Hume's point of living with the majority in the island of Ireland as a whole.

You went on to raise how we saw the future. I have to say that we are looking through a glass darkly. If there are substantial negotiations it is difficult to predict what the outcome will be. It is true that we entered talks without pre-conditions but, I think, on our side we are assuming that the most likely outcome is going to be a devolved administration, representing both sides, and that such an administration would have administrative/legislative power.

Mr. Collins: The Unionists have been talking about more power for local government...

Mr. Brooke: The question of a genuine transfer of power to local government has been raised. I don't rule that out. That is not, however, what I envisage here. There are the two other dimensions (North/South and East/West) described already. What would emerge would be a new Agreement with the endorsement of Unionists. It would have to address all the three dimensions we discussed. I really can't predict what the outcome would be. I have found that, for historical reasons, the Unionists and the SDLP are reluctant to identify their negotiating positions in advance.

The Unionists have laid stress on the two Governments being prepared to contemplate an alternative or new agreement. They raised this with me last week. I said in response I thought it was possible that the statements made by the two Governments being prepared to consider a new agreement already covered the first unionist pre-condition. In relation to the other two, I said that in the case of the non-operation of the Secretariat - placing it in abeyance - I said I saw no way that this could be agreed to. They accepted and endorsed that at the time. At a later stage, they restated it in a document to the press. They came back to me with the draft press statement and told me what they proposed to say. I said they were painting themselves into

a corner and that it would make it difficult to negotiate. Nevertheless, they still went ahead and did it.

They did say, however, that the process in the first instance would be that the two Governments would state that, if negotiations were carried out and a conclusion reached which everybody could endorse, then the two Governments would agree to an alternative to the Agreement. Once that statement was made, they would then envisage substantial conversations with the British Government to see if there was a possibility of getting anywhere. Any subsequent pre-condition would only be triggered during the substantial conversations and in circumstances in which the British Government thought there was a prospect of success and was trying to bring the process to a conclusion. The first pre-condition would be triggered at the first stage. [The Secretary of State's point here was unclear to me and the above is the best interpretation I can put on it following conversation with British colleagues. The point seems to be that the statement by the two Governments of a willingness to consider an alternative to the Agreement, allied to the gap and the Secretariat "fig leaf" would be enough to get the Unionists to engage in talks with the British Government initially. The other pre-conditions would arise at a later stage, that is, at some stage during talks with the British Government].

You referred to the problem of the size of the gap. There is the possibility of further conversations between us on this. You talk about two months and we have talked about three months. Perhaps we could strike a middle ground there. The gap would be finite. We would agree to have the next meeting on such and such a date. We will make sure that our diaries are not all tied up. I stress that there is no edge to what I am saying. [The Secretary of State was referring, probably, to the fact that the Irish side had to ask for a postponement of the Conference on 31 January].

Mr. Collins: We need your whip...

Mr. Burke: They would like our opinion polls...

Mr. Brooke: I did hear that. You can have ours... In relation to the Secretariat, I said to the Unionists that it was much the most difficult area. I agree that we must have a joint position on it. I said that one could not do more than create a gap. The Secretariat would continue to be present. I would allow that the British Head would be involved in talks if they were occurring. [I took the Secretary of State to mean that he would say this in public]. It is not for me to decide what to do about the Irish Head of the Secretariat - it is not for me to decide what Declan [O'Donovan] would be doing. The factual position is that the Secretariat would continue.

You raised the risks to the Agreement. They exist in both directions. There are risks in doing nothing as well. You have a concern that we could do damage to the Agreement. I do not think that. The Agreement is a rock as it has proved over the last four and a half years. What I would say is that Paisley has made it perfectly clear that there is a powerful incentive to unionists to talk and to agree. If talks failed, they would be in a much more difficult position in maintaining that they were subjected to an agreement in which they played no part.

On your point that there would be a risk that failure would carry the risk of the paramilitaries gaining, I agree that the risk is there. I would say also, however, that there is a considerable prize to be gained if we were to achieve success.

On the role of your own Government, you said that the document provided by us was vague on it. I agree that it may need more work on that point. As to the Irish input in relation to internal arrangements in Northern Ireland, the Agreement provides a guide. The Conference is a two-way process. [I took the Secretary of State to mean here that the British could keep us informed through the Conference and that we could have an input through the Conference on various issues, including the modalities of devolution via Article 4].

You made a point about a Steering Committee. That probably needs further consideration.

On the future of the Secretariat, patently, if there is an Anglo-Irish Agreement Mark 2, there would be a continuing need for the Secretariat. What I can't predict is what alteration would occur in the North/South linkage in relation to those matters which were devolved. As you know, the Agreement provides that such matters will be taken out of the purview of the Agreement once they are devolved. I would be astonished if the parties in Northern Ireland did not see the need for a North/South linkage. I can't, however, make a prediction about it. We are looking through a glass darkly. I pause for breath...

Mr. Collins: It would be best to try and get officials to attempt to clarify the issues. We can then go on from there.

Mr. Brooke: I would like to say a word in relation to the timetable. Mr. Paisley is in Romania - or is about to go there shortly - and will not be back until mid-March. I think he will be back around 12 March. In any event, we have agreed to meet again with the Unionists on 15 March. They expect me to respond to them, at that stage, in a more formal sense. At that stage, I would be concerned and anxious that both Governments should be committed to engage in talks. I have no idea whether that proposition would be acceptable to the Unionists. If it is not, my concern would be that progress should be conserved. I would find it difficult to further prolong the conversations with the Unionists. There are still talks ahead to allow discussion between you and me. However, there is a premium on the next two weeks.

Mr. Collins: I am not against that. Perhaps Mr. Paisley could extend his holidays. The serious point is, however, that I have to go to Government with firm and definite proposals. I require a Government decision. There is also the matter of the Parliamentary Parties to be considered. That is a time-consuming process. What we need is to have a meeting of officials as rapidly as possible. However, I have to say that to try and move it at the timescale you are talking about is very very difficult for us. I would think it would not be wise to let that timescale

be known in case we can't meet it. There may be problems other than logistical ones.

Mr. Brooke: The problem is that the middle March date is known. Maybe there would be some latitude forthcoming. But, on the whole, it is not good for business to delay...

Mr. Collins: Are you tied into the 15th of March? I think you are probably moving far too quickly given the amount of ground we have to cover. The other aspect is the public position of Molyneaux and Paisley. If they can't back themselves out of the cul-de-sac, in relation to suspension of the Conference and of the Secretariat, are we really going anywhere? Where are you going on your agenda if they say they won't avail of a natural gap - if, for example, they say on the 15 March "we won't agree"? If they are as adamant as they were in public, where are you going? You are heading towards no conclusion.

Mr. Brooke: What I would do then is pause and return to the matter some time in the future. I would be concerned, at that stage, that we not move backwards in "a feast of mutual acrimony". I have one question for you in relation to the issue you raised about processing the matter through the Parliamentary Party. It is something odd in relations between Governments.

Mr. Collins: We are true believers in democracy. We discuss these things.

Mr. Burns: But there is a difficulty created if there is consultation with your partners in Government before the parties in Northern Ireland.

Mr. Collins: I see what you say. Whatever about Parliamentary Parties, the fact is that I must go to Government. What we can do now is to get officials to move it forward.

Mr. Brooke: Where will you be in your enviable perigrinations during the next month. [There then followed a discussion of Minister Collins' calendar for the next month or so.]

Mr. Collins: You can see that I am fairly busy. Nevertheless, if there were agreement between us and we were looking for a natural gap, we could find ways and means.

Mr. Brooke: Officials can decide here today when they meet. The date of mid-March is not immutable. However, an alteration would create speculation which would be unfounded. The next Conference meeting is on 19 April. In that sense, we need all the time we can get. We are talking about a natural gap. It would be a peculiarly relevant natural gap since you are absent a lot during the course of this six months. As you know, if we go on to July, to do anything at that time is very difficult in Northern Ireland. We therefore need to take advantage of the present...

Mr. Collins: I see your reasoning in that. Nevertheless, there are a number of important areas outstanding. We will try to advance it very soon but it will be difficult.

Mr. Brooke: O.K. We have reached this point at 1.35. Would there not be virtue in a brisk lunch and we would deal with the rest of the agenda after lunch.

Mr. Collins: , Let's see. I think we don't have to worry now about no. 3 (the McGimpsey judgement). It seems that we could deal with the rest of the agenda fairly quickly. We need to deal with the Stevens Inquiry and UDR accompaniment. We have already dealt (in tete-a-tete and restricted security session) with petrol smuggling and cross-border roads.

Mr. Brooke: We would like to have a word on item no. 2 (economic matters). My question about lunch is purely a physiological one. Perhaps we could continue to talk over lunch and have somebody to take notes.

Mr. Collins: O.K. Who wants to do without lunch? [The meeting then adjourned for lunch. Ministers were accompanied to lunch by the Joint Secretaries who took notes of the discussion].

JOINT SECRETARY'S NOTE OF CONFERENCE DISCUSSION OVER LUNCH

McGimpsey Judgement

Mr. Brooke: I must express appreciation that the Agreement is intact as a result of the Supreme Court decision. We will read the full judgement in measured time.

Economic Matters

Mr. Brooke: I think we can take note of the fact that the exploratory joint paper on Transfrontier Cooperation has been lodged in Brussels. We will need to follow this up. We can also take note of the Secretariat report on widened Ministerial participation in the Conference.

Mr. O' Donovan: Do Ministers wish to consider now which subject area might come up first and when the relevant Ministers might join the Conference? Would you envisage them participating after the next Conference on 19 April or at that Conference?

Mr. Collins: We can leave participation by other Ministers until after 19 April. We don't need to make a decision on the areas now; perhaps the best thing would be for the Secretariat to examine the matter and make proposals to us.

Mr. Brooke: I agree. Can I also mention the North-West Study?

Mr. Collins: The boys from Donegal have been expressing their unhappiness to us.

Mr. Brooke: Well, I think there has been candour on both sides. I was a little surprised that the report was released from your side to the Donegal people which upset people in Derry.

Mr. O' Donovan: I am not an expert on this, but my understanding is that the consultants in their contacts with the people in Donegal left them (Donegal) with the feeling they were being short-changed. That is why they came to us threatening to boycott the launch of the study.

Mr. Collins: I think that is right. I have nothing about release of the document in my note.

Mr. Brooke: Well, the Derry people cry why weren't we consulted. We can ride out the exasperation of people in our part of the North West but I do think it is important that we should learn lessons from the North West Study since more of these studies are envisaged. I was quite sharp with the consultants when I met them. It is quite clear that their proposals would occupy the next 15 years or more. The study is much more on strategy than on tactics. There is not much on priorities which is what we really want to know about. On future occasions, the ground rules should be clearly understood. In regard to Letterkenny Airport, the important thing is not whether the airport is on one or other side of the border; it can be on either side provided it is in the optimal place.....

Mr. Collins: The issue has not yet been discussed in Cabinet. The points you have made have to be taken into consideration

Mr. Burke: In the general rather than the specific

Mr. Collins: The Minister for Justice attends more Cabinets than I do!

Cross-Border Roads

Mr. Brooke: We discussed this in the restricted session. Have we dealt with with it or do we want to speak further?

Mr. Burke: No, we dealt with this in restricted session.

Ministers: We have also dealt with the petrol smuggling issue.

(This concluded the Conference discussion. In the ensuing informal discussion Ministers agreed that the first meeting of the Anglo-Irish Parliamentary body in London during the week had gone extremely well; attendance had been very high at all the sessions and there had been an impressive level of discussion.)

Resumed plenary session

Mr. Collins: O.K. Now that the Chief Constable is here let's start.

Mr. Brooke: For the benefit of those not with us we have now discussed economic matters, the McGimpsey case, petrol smuggling and cross-border roads. We have agreed that we have nothing to raise under "any other business". The issues which remain, therefore, are accompaniment and the Stevens Inquiry and the UDR.

The UDR

Mr. Collins: I have a number of points to raise in relation to the UDR. The first relates to two brothers who are members of the UDR and whose activities in putting up loyalist posters we felt should be referred to the new UDR screening unit. This case has been raised in a Parliamentary Question by Austin Currie in the Dail recently. The other thing relates to the Panorama programme on the UDR and specifically to statements on that programme by the former Chief Constable Jack Hermon and Brigadier Ritchie. As you know, Hermon said that he had not been given the resources to put the commitment on accompaniment into practice. Brigadier Ritchie said that the UDR were not briefed "as a matter of course" on loyalist paramilitary suspects.

Mr. Brooke: I will try and deal with all three. I will deal with the Brigadier Ritchie remarks first. I was asked about this in the House of Commons yesterday. I was asked if he had said that the UDR was not routinely briefed on loyalist recognition material. The problem here is that not all the things recorded for the interview were shown on the Panorama programme. I had said - and it was not broadcast - that the job of tasking the UDR is for the RUC. It is for the RUC to make an analysis of the terrorist threat and on how to handle it.

In terms of what Jack Hermon said, I have obviously enquired if there is any evidence of a request from him for what he calibrated as 1500 extra men. I have to say that there is no

evidence of such a request being received. I know that is different from your point, namely, that he was not under any pressure to have accompaniment. However, there was an upgrading in accompaniment. Nevertheless, in 1985/86 there were resource constraints. It was raised in the Conference framework. The point is that the policy of accompaniment continues and is maintained.

You raised with me also the issue of plastic baton rounds to the UDR at Coalisland on 31 December. That decision was taken in the light of the guidelines/parameters which we set out to you at the Conference meeting on 18 October. It was an exercise in connection with an incident of recovering and defusing a device. I have to say also that it was not only the UDR who were present. There was also an Army/RUC presence. The problem was that it was New Year's Eve and that, since crowds would be coming out of pubs, it was sensible as a precaution lest confrontation developed.

On the point about the activities of the UDR members which you mention and which Austin Currie has raised with you, I am genuinely unsighted. I don't know if anybody around the table knows about it. I leave it open to anybody who does.

Mr. Collins: It was raised in the Secretariat. I can refresh the memories of those around the table who ought to know about it. We are talking about two brothers called Hicks - members of the UDR - who were reported to be putting up posters on telegraph poles indicating their support for loyalist paramilitary organisations. I said, on 8 February, in reply to a P.Q. from Austin Currie that I had asked that their suitability for the UDR be submitted to the new screening and vetting unit. In fairness, I should give you a chance to consider it.

Mr. Gallagher: It was raised in the Dail. In fairness to the British side, I should say that the person who raised it - a local farmer - is reluctant to give evidence. That is understandable. However, we would argue that, if a member of Parliament, such as Austin Currie, raises such an issue then that

should be enough to have the matter referred to the new screening unit for the UDR.

Mr. Miles: I can confirm that the issue was raised through the Secretariat.

Mr. Collins: In relation to Coalisland, I am puzzled about the deployment of the UDR there since it is a predominantly nationalist area. The other problem is that the UDR seem to have been deployed in anticipation of crowd problems. We had understood that the UDR would not be deployed in riot control situations. This was clearly understood at the Conference meeting on 18 October where we received assurances on this point from you. We also understood clearly at that Conference that plastic baton rounds would be issued to the UDR only very rarely. What happened in Coalisland is in total contradiction to the statement in the Communique of the Conference on 18 October that the UDR would not be deployed in riot-control situations. I can't understand why PBRs were issued in that situation.

Chief Constable: I would like to provide just a little background there. The RUC station at Coalisland has been damaged repeatedly by bomb attacks and by petrol bombs. It is somewhat of a sporting event in the area. In relation to the incident on New Year's Eve, the background is that there had been a number of major finds - 6 deep hides had been found on 7 January. On New Year's Eve there were UDR units there, one of which had PBRs. There were also, however, 20 soldiers and the RUC consisting of one Superintendent, one Inspector, two Sergeants and 10 Constables. There is a tendency to see in the New Year in Northern Ireland in an unusual way. You will know about that. The operation there was under the direct auspices of a Superintendent. It is a vulnerable station. The actual operation was taken against that background. There were things found there such as boiler suits etc. The point is that a major anti-terrorist operation was in process and protection was needed for the RUC engaged in searching etc.

Mr. Collins: I thank the Chief Constable. I cannot, however, reconcile what he has said with the UDR having plastic baton rounds. Why didn't the RUC have the plastic baton rounds?

Chief Constable: The RUC would have had them as well. There was a major operation in process and, if as a result, a major disorder had broken out, there would have had to be recourse to either PBRs or live ammunition.

Mr. Collins: Was it not enough that the RUC should have had plastic baton rounds.

Chief Constable: The problem was that the main search operation was by the RUC. However, as you will appreciate, significant outer perimeter protection and coverage is required for such an operation.

Mr. Collins: This raises the whole question of accompaniment.

Chief Constable: I should say that the search operation was based on good quality information. We need a lot of soldiers to cover the RUC in that situation.

Mr. Collins: I can see some of the difficulty, but if the fear is of revellers gathering ...

Chief Constable: No. The fear was that people would see in the New Year with shooting and bombing of the local station.

Mr. Collins: But I understood that what you were afraid of here was revellers ...

Chief Constable: No. No. The problem is that there has been a tendency to have a go at the station. In addition, there was always the possibility that some revellers would gather outside. I think, however, the fact that it went well is a compliment to the way the operation was handled. It illustrates the fact that you can have too few soldiers and police and you end up with trouble, whereas if you have too many you have no trouble.

Mr. Brooke: I hope you agree that it was a sober decision taken in response to a particular threat.

Mr. Collins: What the Chief Constable said is also responsible for my measured comment. What is the position on the Stevens Inquiry? Are you still aiming to have the report finished in mid-March?

Mr. Brooke: I think it is a bit more pessimistic than that. We are probably talking about the end of March.

Chief Constable: Problems were created by the recent fire and that has put it back until the end of March. However, all the papers were duplicated but they have to be put together again. I saw Mr. Stevens, accidentally, yesterday and he confirmed to me that he was aiming for the end of March. What will probably happen is that, when the report is completed, he will leave a small residue of people to tie up loose ends. That is the position based on what I know now. That is what I can say now. You will forgive me, however, for allowing for the possibility that events in Northern Ireland, or further arrests, have the capacity to stretch events.

Mr. Brooke: Anything else on Stevens?

Mr. Collins: No. Our understanding is that it is working away.

Chief Constable: Can I make one comment? There has been an attempt recently to drive a wedge between the RUC and Stevens. There is definitely no bad blood between Mr. Stevens and the RUC and we are determined that it shall not be so. The fact is that Mr. Stevens has made over 50 arrests - I correct myself - there have been 50 charges and well over 70 arrests...

Mr. Collins: There were reports in one of today's papers that the Stevens report would not be published...

Mr. Brooke: John [Minister Cope] dealt with this matter in the House yesterday.

Mr. Cope: Perhaps the Chief Constable should deal with this since he knows more about it. What I said is that it is a report to the Chief Constable and that not all of it would be published. It is not that sort of document. I do expect a large part of the information and recommendations would be published.

Chief Constable: I endorse that. There would be some issues not totally suitable for circulation. I expect that a significant summary can be published, but there will be issues which cannot.

Mr. Collins: Our point - our overall point relates to the implications for law and order. We will have to have a full and frank discussion of that when the report is published.

Mr. Cope: One other thing... I would like to assure myself that you do not now believe that the recent fire in the offices used by Mr. Stevens was a deliberate attempt at sabotage?

Mr. Collins: There have been a certain amount of conflicting statements on this matter. We had first a statement from the RUC saying that "we can now confirm that the fire was accidentally caused". Then there was a statement from Mr. Stevens that "there was no evidence to suggest the cause of the blaze was anything other than accidental". Then there was a final statement issued jointly by the Chief Constable and Stevens saying "let us state categorically there are no divisions". It was put to me by media people - and I am only saying what these people said to me - that there were serious doubts about what was going on. Mr. Stevens is an experienced officer and he must know that fires don't start accidentally. It is very fortunate from all our points of view that he had duplicates of the papers.

Chief Constable: I think the issue is worthy of a slight elaboration. I take issue with you that fires don't start accidentally. It has been my experience over the years that most fires start accidentally. The other point I would make is that Mr. Stevens' statement was very cautious. He is an experienced CID officer with an innate tendency towards caution. CID

officers are especially cautious in relation to fires, because of concern about insurance cover. They are a very cautious lot. The fact is that, if it were an arsonist in this case, he would have had to break through secure cover, then through a burglar alarm, then through guards, start a fire, and get out again - all in fifty-five minutes. We have had the matter thoroughly investigated and the scientist's view was that the fire started in the waste-paper box and was, almost certainly, cigarette-ignited. Our initial concern was to keep an open-mind.

Mr. Collins: Can I just ask how satisfied you are with the entire personnel in this case?

Chief Constable: Totally. The fact is that Mr. Stevens was being cautious and he used the term "no direct evidence". We have no doubt now that it was an accidental fire. I say this particularly since there was shredded material in the waste-paper basket and this ignites easily.

Mr. Collins: I must say that it was great foresight on Mr. Stevens' part to have duplicated material. If he did not, no-one would have believed him.

Mr. Brooke: You will note the remarkable restraint they showed in relation to your own comment in the Dail that the fire was not accidental...

Mr. Collins: One of your colleagues (a reference to Ambassador Fenn) was sitting behind me...

Ambassador Fenn: I did not have the right of reply.

Mr. Collins: You would not need much prompting... I wish Mr. Stevens the best of luck.

Mr. Brooke: Are we ready now to move to the Communiqué?

Mr. Collins: There is one item I would like to add something on. There was a recent shooting and wounding of a joy-rider

(Sean Kierney) in Lenadoon and the killing in January of the three men in the Whiterock Road by the security forces. There are investigations going on in these matters. They raise obvious concerns in relation to security force activities and set back efforts to improve confidence. Any idea what is happening on the investigations?

Mr. Brooke: I would like to refer that for answer through the Chief Constable.

Chief Constable: I went to the incident room in the Whiterock case. I have no doubt that a serious investigation is going on. I can also assure you that suggestions about various soldiers disappearing are completely wrong. Nothing could be further from the truth. What happened was that when the soldiers saw black taxis congregating they got out of the area immediately - and damaged their car in the process - and went and reported to a police station and handed in their guns etc.

In relation to the shooting of the joy-rider in Lenadoon, the investigation is at a very early stage. I would only say at this point that the incident did occur on the back of a very serious terrorist operation.

Mr. Brooke: There is one other thing and that relates to the remarks made by Brigadier Ritchie. I don't want any legend to grow up around it. I referred to the RUC having the duty of tasking and analysing the terrorism threat. Perhaps I should ask the Chief Constable to say a word on this. As I say, I don't want any legend to grow up about it.

Chief Constable: When questioned on a programme like Panorama there must always be a question about the fullness of the answers. However, it is no secret to anyone here that the terrorist threat is mainly in republican areas. There is also the fact that there is a difficulty in interrogating the Provisional IRA. Unlike the loyalists, they won't talk. We are, therefore, deeply dependent on forensic evidence and sightings in

relation to the Provisional IRA. The loyalists are easier and the success rate of the police in getting convictions against them shows this. For example, in relation to 42 loyalist murders, 62% of them have been cleared up. The situation in relation to republican murders is different. For example, in 24 such cases only 42% have been cleared up. What I am trying to illustrate is that the modus operandi of both sets of terrorists is very different [the Chief Constable then showed a montage in relation to sightings on 29 June 1989. This showed that the sightings comprised 4 republicans and 10 loyalists. The point the Chief Constable was making was that IRA and loyalist terrorists operate in completely different ways and need, therefore, to be handled differently from a security point of view]. I am sure that if Brigadier Ritchie had the question to answer again he would handle it in a very different way.

Mr. Brooke: There is one final matter I would like to mention. This meeting is the last Conference which Oliver Miles (the British Joint Secretary) will attend. I would like to thank him for the service he has rendered to the Conference and to wish him well.

Mr. Collins: I agree whole-heartedly with that. Where are you going?

Mr. Miles: Back to base for a while.

Mr. Collins: I would also like to mention that it is Declan O'Donovan's first Conference as Joint Secretary. (Turning to Mr. O'Donovan). We have great faith in you. I know you will do the job well...

Mr. O'Donovan: I had better...

Mr. Brooke: I endorse your welcome to Declan.

Mr. Collins: They have made life easier for all of us. [There was then a brief discussion on the Communique and the plenary ended at 3.15 p.m.].

Padraic Collins

Padraic Collins

3 March 1990

ANGLO-IRISH INTERGOVERNMENTAL CONFERENCE

JOINT STATEMENT

A meeting of the Anglo-Irish Intergovernmental Conference was held in London on 2 March 1990. The British Government was represented by the Joint Chairman, Mr Peter Brooke MP, Secretary of State for Northern Ireland, accompanied by Mr John Cope MP, Minister of State Northern Ireland Office. The Irish Government was represented by the Joint Chairman, Mr Gerard Collins TD, Minister for Foreign Affairs, and by Mr Ray Burke TD, Minister for Justice and ^{for} Communications. The Chief Constable of the RUC and the Commissioners of the Garda Síochána were present for part of the discussion.

2. Ministers had an exchange of views on the current political situation, on political developments and on the prospects for political progress.

3. Ministers discussed cross-border social and economic co-operation on the basis of reports from officials. They noted that a joint exploratory paper had been lodged with the Commission of the European Community, for consideration under the European Community Structural Fund Reserve, and agreed to carry the matter forward. Ministers also considered a report on progress towards fulfilling the commitment in the Review document to continue and expand cross-border economic co-operation. They noted a number of contacts between Ministers and officials on the two sides, and agreed to continue such contacts with a view to the participation, where appropriate, of the responsible Ministers in the work of the Conference.

4. There was an exchange of views on the current cross-border security situation in the light of contacts between the two Governments and the two police forces in the period since the last

meeting of the Conference. Ministers condemned recent terrorist attacks in the strongest terms and stressed their continuing commitment to co-operation in order to save life and ensure that those guilty of terrorist acts are made amenable to the law.

5. The Conference reviewed developments in various areas relating to confidence in the security forces and in the system of justice. Ministers took note of the progress made by the Joint Working Group (established following the meeting of the Conference on 18 October 1989) charged with making early recommendations on the implementation of the principle of accompaniment of Army patrols by the RUC.

Inaugural Meeting of the British-Irish Interparliamentary Body:
London 26-28 February 1990

Summary Report

The Inaugural Meeting of the British Irish Parliamentary Body took place over three days and was divided into four parts: the Opening Session, two Sessions on the second day (one is public and one in private) and a further public session on the third day. The proceedings were led by the Co Chairmen, Mr. Peter Temple Morris M.P. and the Leas Ceann Comhairle, Mr. James Tunney T.D. The other members of the Steering Committee are: Mr. Peter Barry T.D., Mr. Dick Spring T.D., Mr. Tim Wood M.P. (PPS to Secretary of State Brooke) and Mr. Stuart Bell M.P. The full list of the fifty members of the Body is attached. All twenty five Irish members travelled to the Meeting so no associate members were required. A detailed note of the proceedings was taken by professional clerk stenographers and this will be available shortly. The following is a selective account of the debates which took place. During the three days, functions were hosted for members of the Body by the Deputy Prime Minister, Sir Geoffrey Howe, the Speaker of the House, Mr. Bernard Weatherhill, Ambassador Andrew O'Rourke, the Director General of RTE and the Inter Parliamentary Union.

The Steering Committee met on the evening of Sunday 25 February for a working dinner hosted by Peter Temple Morris M.P. and members discussed the programme of work for the three days. The following points arose during the discussion:

- The right of other parliamentarians to attend (e.g. Kevin McNamara M.P.). There was no rule to directly cover this request although under Rule 28 members may apply to attend a private session. Mr. McNamara could not speak unless specifically invited to do so. Mr. Temple Morris drafted an addendum for this rule which he later withdrew and in the

event Mr. McNamara was invited to joint a short private session on Wednesday.

- Mr. Temple Morris noted that David Mitchell M. P. wished to table a motion condemning violence and terrorism and was mindful of the absence of the Unionists. Deputy Tunney cautioned against running the risk of distorting the Body's proceedings from the start. Deputies Barry and Spring agreed that they should not start on the wrong foot and suggested using the language of the A. I. Agreement.

- Regarding contributions to debate Mr. Temple Morris said that subjects suggested to him so far related to EC and North-South matters. For Tuesday's private session, he expected speeches on the Anglo-Irish Agreement, cross border security, extradition and relations with the police. Tim Wood remarked that it was important for East-West matters as well as North-South to be addressed. Mr. Temple Morris thought it would be difficult at this stage to impose rigid structures - the Private Session would be an open adjournment debate. Stuart Bell raised the question of formation of Committees - the Leas Ceann Comhairle said we should proceed cautiously on this.

- Dublin Meeting: November seems the likely month for the next meeting in Dublin. It was noted that the Commons and the Dáil would reassemble around mid October. The Irish side were mindful of the need to know a date for the Presidential election (which would also affect the availability of Dublin Castle) while the British side did not yet know the date for the Queen's speech. The last week of November was identified as a possibility, the precise dates are yet to be agreed.

On Monday 28 February the Body met for a hour in private session to approve the rules, formally elect the Co Chairmen and Steering Committee and adopt the programme of business prior to the formal opening session. The Chair was taken briefly by Norman Miscampbell M. P., the longest serving member on the British side, while Deputy David Andrews, as the longest serving member on the Irish side, moved the election of the Co Chairmen. At the formal opening, the Irish and British Governments were represented by the Tánaiste and Sir Geoffrey Howe QC MP. Secretary of State Brooke attended the proceedings. Speeches were made also by the two Co Chairmen as well as Roy Hattersley, Deputy Leader of the Labour Party, the Leader of the Liberal Democrats, Paddy Ashdown M. P., Deputy Peter Barry and Deputy Dick Spring. Messages from the Taoiseach and Prime Minister Thatcher were read by the respective Co Chairmen. There was a very full attendance by members of the press as well as in the public gallery, including other MPs and representatives of Irish community groups, semi state bodies etc. The meeting took place in Committee Room 14, beside Committee Room 15, where meetings of the Irish Parliamentary Party in Parnell's time had taken place. There had been disappointment on the Irish side that television cameras were not permitted at the proceedings. The photocalls took place at the entrance to the Commons.

Prior to the admittance of the public on Tuesday morning, 27 February, the Body agreed that private sessions should remain private - no formal record would be kept of such proceedings although the two Government could be informed about them. During this first public session the following points were made by members on a variety of issues: Michael Marshall M. P. (Con.) suggested that environmental issues such as pollution could be discussed in an enhanced Ministerial Council. Energy matters such as the gas interconnector could also be debated. Deputy Garret FitzGerald commented that Northern Ireland's interests could be better served in the economic area by Dublin - this need not have political implications. In the agricultural area, for example, the British position was often at variance with Northern

Ireland's interests. Mr. Barry Porter M. P. (Con.) in response, described this suggestion as "breathtaking".

Mr. Jim Couchman (Con.) spoke of the issue of sanctions against South Africa in the context of the Irish EC Presidency. He agreed that to maintain sanctions now would play into the hands of the extreme right in South Africa. A number of Irish members defended the Irish position on sanctions later in the debate, including Deputy Tom Kitt who said that sanctions had worked. Mr. Mandela had to cope with the diverging views of the black community - trade should not take precedence over freedom and justice.

Deputy Jimmy Leonard spoke of border schemes in agriculture and the need to get initiatives into action. Seamus Mallon said that, in this area, he thought he could speak for the Unionists, and described Northern Ireland as the "orphan of the Community". He asked what self respecting politician would be Minister for Agriculture in Northern Ireland when he cannot make a decision on, say, beef prices - he had to come to Westminster to sort it out. Agriculture was their single greatest asset and they should get what they are entitled to in the EC. The development of a sound economic base was essential and this was recognised by Secretary of State Brooke. They should go at least as equals to the negotiating table. In Westminster the Government acted with alacrity in EC matters. Mr. Mallon added that of the 2,500 Bovine TB cases in Northern Ireland, 1,500 were in the Newry Armagh area, yet compensation remained at three quarters. The two governments involved had the power but their concern and commitment remained to be tested.

Sir David Mitchell turned to the International Fund. 50 million ECU had been given by the Community. The Fund's Board had assisted a number of small projects and jobs and prosperity should be stimulated. He suggested that the Board's Chairman

might be invited to attend the Inter Parliamentary Body and answer questions.

Lord Dunleath raised the Dublin Belfast rail link which qualified for grants he said. It would be possible to reduce the travelling time from 1 hr. 55 mins to 1 hr 35 mins. The Republic contributed 30 million and Northern Ireland 22 million. However, Irish rail did not have the funding requested. It's Chairman, Mr. Paul Conlon would like to go ahead. Lord Dunleath suggested that Irish members could see if the political will could be found to give support to Irish rail. He mentioned also the importance of supporting the Larne Stranraer link. Mr. Hugh Dykes M. P. (Con.) though it prudent to watch President de Klerk for a few more weeks before deciding on sanctions). Regarding the EC he thought that Britain could learn from Ireland's enthusiasm about the Community, although it was true that small countries benefit more - Portugal was a case important. He was critical of British reluctance to join the exchange rate mechanism. They were delaying again because of German unification - it was wrong to keep looking for new reasons to delay.

Deputy Enright turned to economic matters - violence in Northern Ireland had done untold damage north and south. He was concerned to create a cleaner environment and was particularly concerned about the radioactive discharges from Sellafield. Sir Giles Shaw MP (Con.) recalled his time as Minister for Agriculture and Commerce in Northern Ireland for two years - he had seen the unifying force of FEOGA, for example and the issues common to north and south. Lord Lyell agreed with this and saw animal health as an obvious area of cooperation. Deputy John Stafford noted that Ireland would be the only E.C. country without a land link to Europe soon. Sealink had experienced problems about which the two governments could usefully cooperate. Deputy Tomas MacGiolla expressed alarm about the operation of submarines in the Irish sea, despite the disarmament taking place in Europe. He suggested that submarines might sail on the surface of the Irish sea in future. Deputy Andrews supported the comments of

Mr. Mallon, Northern Ireland was an integral part of the totality of relations between Dublin and London. He also supported the position of the Irish Presidency regarding sanctions against South Africa.

On Tuesday morning, 27 February, the Body met in private session, only admitting staff directly connected with the proceedings. Most of the debate centred on the Birmingham Six and extradition.

Deputy Andrews opened by making an unreserved condemnation of violence and recalled the bombings of 1974 in Birmingham, and the resultant deaths and injuries. There was little doubt, however, about the way that confessions has been obtained from the six men at that time. Beatings had occurred and it was only a question of whether the police or prison warders were responsible. He recalled the dismissal of the forensic scientist, Dr. Skuse and the very recent case of Hassan Khan which related to the West Midlands police. He acknowledged that "all was not rosy" on the Irish side - the report of Judge Frank Martin on our criminal law system was currently awaited. He paid tribute to British parliamentary colleagues who followed the cases as well as churchmen and writers such as Ludovic Kennedy. The support of British parliamentarians would be far more effective ultimately than that of Irish ones. Many current members of the Parliamentary Body had supported the cases when it wasn't popular to do so - such as Deputy Peter Barry. Deputy Andrews said he would like to see the investigations into the West Midlands police extended to cover 1974. The six men should be released and compensated.

Mr. David Winnick M.P. (Lab.) said he lived near Birmingham; he remembered vividly the deaths and horrific inquiries following the 1974 bombing. He had no doubt they were carried out by the IRA. Initially he had not questioned what had happened subsequently in a court of law. It should not give anyone

satisfaction that the men might have been on the periphery of the IRA - the rule of law was what mattered. He noted that Anthony Beaumont Dark, to his credit, had reviewed his view of the cases and he represented a Birmingham constituency. Mr. Winnick hoped to see the cases referred to the Court of Appeal. The cases would not go away; the Six should be released - it was no different to the Guildford Four. However, Britain would not be bullied by the terrorists.

Deputy Barry said that he was interested in three cases: the Birmingham Six, the Guildford Four and the Maguires. They were all, in his view, the victims of an emotional reaction to horrific crimes. This had been accepted about the Guildford Four and indeed about Mrs. Maguire. Clemency was not sufficient however in any of the cases. He asserted that there was not, nor should be any connection drawn between extradition and such cases. The Irish Government will and does extradite because of our Dáil decision to do so. This would not be an appropriate pressure point. He disagreed with Deputy Andrews regarding the putting of a motion on the Birmingham Six before the Body - this would be inappropriate. He concluded by urging parliamentarian to look at the Birmingham Six case - if they did so our joint fight against terrorism would be strengthened, not weakened.

Mr. Martin Flannery M.P. (Lab.) said that he never expected the Guildford Four to be pronounced innocent. He would never forget the hysterical atmosphere in the House of Commons after the 1974 bombings. Mr. Merlyn Rees M.P. (Lab.) acknowledged the value of the Body that a discussion such as this could take place. It could help to break down suspicion - he knew for example that the British often suspected that the Irish say one thing and do another, which was not true. He himself had experienced the dirty tricks campaign for example, but as regards the Birmingham Six, he trusted the Home Secretary, Mr. Waddington. He recalled the work of Alastair Logan on behalf of the Guildford Four; it was crucial for new evidence to come to court. He agreed that it

would be unwise to table a motion on this as it would be counterproductive. New evidence for the Court of Appeal would be the crucial factor in the end.

Seamus Mallon M.P. followed to say that it would be easier if we could believe that the Birmingham Six are guilty. He had read the transcripts and been to most of the Appeal proceedings and he still didn't know the truth. However, he certainly did not believe the evidence of Frank Skuse. Neither did he believe that all wisdom resided in the courts. We must stir the consciences of all involved. There are Provisional IRA people who are not prepared to admit that they carried out the bombings. They have put communities and governments into distrust. We needed to look objectively at our own systems too.

Regarding extradition, Deputy Spring said he recalled vividly the arrest of McGlinchey a few years ago on St. Patrick's Day when he was Tanaiste and the Taoiseach was away. He told Michael Mates that 900 people had been extradited from the Republic and suggested that Mr. Mates had not done his homework regarding the Irish record on extradition.

Mr. Mates disagreed - the important thing was the way people were brought to trial and be referred to the Fr. Patrick Ryan case. Mr. Spring said that the British Prime Minister's interference in the Ryan case had been particularly unhelpful.

Jeremy Hanly MP turned to the West Midlands Serious Crimes Squad - he thought that a real attempt was being made to get to the bottom of the problems there. There were now policemen in prison for fabricating evidence. There was real cooperation through the Anglo-Irish Agreement and cross border security. Now the InterParliamentary Body was proving its worth by debating these

issues. He said that the judiciary should not be underestimated and personally he believed that the Birmingham Six will be released.

Dr. Garret FitzGerald T.D. began his contribution by noting the understanding on confidentiality with the Body before speaking on the UDR. He recalled a meeting with the British Prime Minister en marge of the Milan Council on 29 June 1985. One of a number of matters agreed with the Prime Minister related to policing. The difficulties in this area were recognised and the question of accompaniment of UDR patrols by the RUC was discussed. The primacy of the policing function was seen as important in both states. Later, an Irish proposal to have one RUC member with each UDR patrol was greeted as a helpful idea. It was stressed by the British side that this would be a progressive, rolling proposal. It was understood that the RUC would always be there. At no point was there any reference to RUC constraints. He could not comment on the validity of the Hermon Statement but there was a duty to enquire into the failure to agree on the policing proposal. Dr. Fitzgerald suggested that a Committee of the Body should look into this.

Michael Mates MP responded that he was as concerned as Dr. FitzGerald if agreements had not been honoured. As Chairman of the House of Commons Defence Committee, he would be grateful to have a copy of what had been said so that he could give a substantive reply. (This was agreed).

Austin Currie TD said it was very important to emphasise the need to find the truth. When Lord Hunt reported in 1969 that the SAS should be phased out, Mr. Currie had advised people to join the UDR - he had paid the political price for that; but he had done so with good reason. At first, Catholics had joined in reasonable numbers. He recalled that on a monthly basis a

"bowler hatted gentleman" would check with Mr. Currie when a Catholic applied to join the UDR. He agreed that it was important to find the truth of the matter. Stuart Bell MP agreed that this should be discussed further in Committee.

Seamus Mallon MP referred to the Colville Report. There were 359 complaints but not one was sustained. He recalled how a youth had called to his house recently having been physically attacked by a UDR patrol. He had processed this incident as he had processed thousands of others. He could almost dictate the Ministerial reply he would receive. There was a big problem here and the sooner it was dealt with the better. In concluding contributions, Andrew McKay MP (Con.) remarked that there had been a Unionist veto on improving Anglo-Irish relations and there had been damage, for example, to the Irish Community in Britain. David Mitchell MP (Con.) proposed that the Body should condemn violence unequivocally - it thought this important, particularly as a closed session can arouse suspicions. It was agreed that "the Body unanimously and roundly condemns terrorism from wherever it comes".

The Steering Committee gave a general briefing to the Press after this session and put to them the advantages of having a private debate. Stuart Bell said that the Birmingham Six debate was the best he had heard in his parliamentary life. Deputy Barry defended the holding of a private debate saying that it would not have been possible to have had the same kind of debate in public.

The final session on Wednesday morning was a public one. Lord Prys-Davies referred to the need for cooperation on the Irish language especially in regard to access to TV and radio. Deputy John Dennehy referred to concern over submarine traffic, the danger of oil spillages and cultural and educational cooperation. He suggested also that there was potential for cooperation between the DHSS and the Department for Social

Welfare regarding sections of the Irish community - notably the single elderly who were a vulnerable group now. Interested bodies such as the Embassy were well geared to the new young emigrant, and the well educated ones could help themselves but the elderly could be helped more. He would like to see the IPB address this.

Deputy Andrews spoke of the value of political exchanges North and South. Personally, he would be delighted to address a local unionist association, for example and we should invite Northern representatives South. Sport was another obvious area for cooperation - he regretted very much that the Irish soccer team was not drawn from North and South. Senator Maurice Manning agreed with this and referred also for the potential for cooperation with third level institutions. Deputy Norman Owen agreed also the Anglo Irish structure should be used to develop educational cooperation. She noted that students going North from the Republic gained more because the grants systems were better. We should work closely together and help each other in education. Deputies Leonard and Ahern mentioned the border studies - Deputy Leonard said there was no need for any move. Deputy Ahern mentioned the east border region committee and the idea of a custom free industrial zone which Minister Needham had investigated. He welcomed the forthcoming visit by the Taoiseach to Belfast.

Mr. Mallon said that he veered between scepticism and cynicism regarding North-South cooperation. First it was called harmonisation, then integration, now cooperation. There were many studies gathering dust. He did not believe that either government had the political will to implement the idea. An absolute commitment to drawing up strategies to bring the concept into reality was needed - otherwise it was periodic tokenism.

Deputy Joe Jacob spoke of the loss to tourism because of

Northern Ireland's problems. The country had a world class product which should be marketed in one unit. Michael Brown MP, (Con.) in a reference to EC finding, said that the activities in the FRG at present would force the pace of the unification process. When the GDR joined the Community, they and not Northern Ireland would be in front for regional and social funding.

Before concluding, the Body met in a short private session (it was agreed to allow Kevin McNamara MP to remain for this session).

Deputy Jim O'Keefe said that he felt an enormous sense of satisfaction at the conclusion of this historic session - the question now was how to maintain the momentum; a sense of history would not be sufficient. A substantial programme of work was required. Article 29 of the Rules provided for the establishment of Committees between now and the next plenary session. He proposed four committees-

- a) Cross Border (North-South) committee
- b) Committee to cover east-west matters
- c) European affairs
- d) Inter Community relations.

Deputy O'Keefe thought that the finance for running such committees would be relatively small. Article 12 of the Anglo-Irish Agreement referred to Government support which would be available. We should indicate our needs for funding to the respective governments. Bill Benyon MP suggested that it was better to start slowly and not take on so many committees. He thought also that debate might be more structured next time.

Senator Manning agreed that a programme of work was needed and a sense of collegiality needed to be retained.

Stuart Bell MP (Lab.) pointed out that the Body must not become a talking shop - the committees proposed were good ideas - tourist cooperation for example was very worthwhile.

Hugh Dykes MP agreed with Deputy O'Keefe's proposal and suggested the Committees might meet occasionally in Northern Ireland.

Dr. Fitzgerald said that the basic work would be done by Committees - it would be absurd for Finance to prevent progress. Tim Wood MP suggested a time scale for reports - Ministers could be invited to Committees. Sir Giles Shaw MP urged the Body not to be overambitious - four committees were too much. David Mitchell MP speculated whether the Unionist might join Committees, while Andrew McKay MP thought that Committees just for the sake of Committees were a mistake.

Mr. Temple Morris MP said the Steering Committee would establish preferences as soon as possible and hoped to have the Committees operating before the next Plenary Meeting in Dublin. The Steering Committee will meet in Dublin at the end of March.

Orla O'Hanrahan

Orla O'Hanrahan
Joint Secretary
9 March, 1990

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Confidential

Meeting with Denis Haughey, Cookstown, 7 March 1990.

Talks

1. Mr. Haughey referred to his participation in a recent seminar in Washington which was also attended by Peter Robinson and Ken Maginnis. He had a number of interesting discussions with both - Robinson in particular - during the course of his visit. Robinson told him that some time ago the late Harold McCusker and he had considered making an approach to the Unionist community, setting out an analysis of where Unionism stood, different to that of the party leaders. They concluded, however, that Molyneaux and Paisley would have rounded on them and that the initiative would have failed. In the circumstances, they decided against moving at that time.
2. Mr. Haughey felt that Robinson was anxious to do business; he (Robinson) believed, however, that the kind of exercise he had been engaged in over the last six months or so (more conciliatory noises on the nature of a settlement etc) could not be continued indefinitely and that if no breakthrough had been achieved by the Autumn or thereabouts he would be forced to "melt back into the tribe".
3. Mr. Haughey was depressed about the extent to which the "tribal imperative" ruled the actions of the Unionist leadership. There was a deep-seated fear of facing their own community with any message other than the stock, not-an-inch line. He saw nobody (not even Robinson) on the horizon who could break that circle, certainly not in the immediate future.
4. For that reason, he was very sceptical that Brooke's exercise was leading anywhere. There was always the possibility that a negotiating process, once it commenced, would develop its own momentum which, once underway, would be difficult to halt. However, he felt that while such an

argument might have validity in a "normal" society, very different circumstances obtained in Northern Ireland. The reality was that the Unionist leadership was far more influenced by the fear of failure and rejection by its own community than it was by the prize of a political breakthrough.

5. He said that the SDLP approach was that they were prepared to enter talks at any time but that they had a responsibility to ensure that all the pieces pointing to a successful conclusion of a negotiation process were in place before embarking on such a course. That was why John Hume placed such emphasis on the need, in the first instance, for a dialogue about the "problems" before going on to discuss "solutions". The SDLP judgement was that all the pieces were not in place at present and nothing that Brooke nor the Unionists had said so far had convinced them otherwise. He said that he had reminded Robinson and Maginnis in Washington that what was involved was no mere academic exercise. He instanced the security area - "I told them that if we are to get into negotiations about control and reform of the security forces we will be putting our lives on the line. I'm prepared to put my life on the line but before I do so I want to make damn sure that we're all serious about what we're about and can deliver".
6. He felt that there was little or no evidence that the Unionist leadership had that capacity to "deliver". He pointed to the reality in the many Councils - including his own area, Cookstown - where Unionists had control. How could nationalists, on the basis of such evidence, be expected to "buy" that the Unionist leadership could "sell" a cross-community deal to its own people - even if it wanted to in the first place (a very large "if")?
7. Mr. Haughey said that he had also pointed out to Robinson

and Maginnis that it was all very well to be talking about the "financial autonomy" of any devolved administration but in doing so they had better think through the full implications of such an argument - "Do you really believe that we can seriously say to the British 'we want total control of our own financial affairs but leave your purse on the mantelpiece'?"!

8. Mr Haughey said that he was looking forward to Thursday's meeting with the Government, which he felt was important in the context of ensuring the continuation of the close and effective co-operation between both sides to date. There were undoubtedly forces who would welcome wedges between the SDLP and the Government and it was important to make sure that no succour was given to them.

9. Mid-Ulster Candidacy

Mr. Haughey was pleased at his recent, unanimous re-selection as the SDLP candidate for Mid-Ulster at the next Westminster election. The seat is held at present by the DUP's William McCrea. Overall, however, there is a narrow Nationalist majority in the constituency. Within the Nationalist community Sinn Féin had for several years headed the SDLP. However, Mr. Haughey overtook them in 1987 and with the continuing decline in Sinn Féin's support he is hopeful that the Nationalist community can be convinced that the SDLP now has the best hope of taking back the seat from the DUP. He believes that he has an "outside chance" of taking the seat at the next election but hopes that if that does not materialise he will at least be in a sufficiently strong position after it to ensure the seat on the following occasion.

10. Cookstown by-election

Mr. Haughey is hopeful that the SDLP candidate, Francis Rocks, can win the by-election in Cookstown on 29 March (the

by-election was caused by the death of a DUP Councillor). If the SDLP do succeed in taking the seat it will bring the Nationalist/Unionist breakdown in Cookstown Council to 8:8. This would be a very significant breakthrough, given the history of the Council which has been dominated in recent years by a hard line DUP faction led by Alan Kane. Mr. Haughey said that the party is putting a big effort into the campaign and highlighting the significance of victory for the SDLP.

dc

T. O' Connor

Q March, 1990.

cc Mr. Gallagher, Counsellors, Secretariat, Section, Box.

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INQUESTS IN NORTHERN IRELAND,
The McKerr Case

On 8 March 1990 the House of Lords in a unanimous verdict upheld an appeal by the British government against a ruling of the Northern Ireland High Court that compelled members of the security forces involved in killings to give evidence at inquests. Their decision has implications for a total of 24 controversial deaths involving the security forces, some dating back to 1982, which have not yet come to inquest. The decision has been condemned by Séamus Mallon as "possibly the worst judicial decision that has been made in the past 20 years".

Background

The shooting dead of three unarmed members of the IRA, Sean Burns, Gervaise McKerr and Eugene Toman, near Lurgan Co. Armagh on 11 November 1982 was the first of three incidents at the end of that year which gave rise to suspicions of an RUC shoot-to-kill policy, and evidence of a subsequent cover-up by the police was to lead ultimately to the Stalker/Sampson Inquiry. (The other two incidents were the shooting dead of 17-year-old Michael Justin Tighe and of INLA members Roderick Carroll and Seamus Grew). The comments of Lord Justice Gibson when acquitting three RUC officers on charges of murder in the case provoked considerable controversy at the time when he praised their courage and determination in "bringing the three deceased men to justice, in this case, the final court of justice."

Controversy continued to surround the case when in 1984 the then Armagh coroner, Gerry Curran, adjourned the inquests into the deaths both of Grew and Carroll and Burns, McKerr and Toman, because of "unexplained delays by the Director of Public Prosecutions" and subsequently resigned citing "grave irregularities" in police evidence. He was replaced as Armagh coroner by his deputy, James Rogers, who subsequently withdrew from presiding over the inquests on the grounds of "professional commitments". The Fermanagh and Omagh coroner, Rainey Hanna, was appointed in his stead but owing to ill health was replaced in February 1988 by James Elliot, the Belfast Coroner. The inquest into the deaths of the three men finally opened in Craigavon on 14 November 1988, six years after the killings and over four years after the acquittal of the three policemen accused of their murder.

Inquests - the legal position

Inquests in Northern Ireland are governed by the Coroners Act (Northern Ireland) 1959 and the Coroners Rules (NI) drawn up under Section 36(1)(B) of the Act and differ in three important respects from procedures in Britain. First, unlike the position in England and Wales (or for that matter Gibraltar), though analogous to the provisions of Irish law, the scope of an inquest is limited to determining who the deceased person was and how, when and where he came to his death. The Coroners Rules specifically state that neither the coroner nor the jury shall express any opinion on questions of criminal or civil liability.

Secondly, while section 17(1) of the 1959 Act provides that:

Where a coroner proceeds to hold an inquest, whether with or without a jury, he may issue a summons for any witness whom he thinks necessary to attend such inquest at the time and place specified in the summons, for the purpose of giving evidence relative to such dead body ...

Rule 9(2) and (3) of the Coroners Rules provides that:

- 9.2 where a person is suspected of causing the death, or has been charged or is likely to be charged with an offence relating to the death, he shall not be compelled to give evidence at the inquest.
- 9.3 Where a person mentioned in paragraph(2) offers to give evidence the coroner shall inform him that he is not obliged to do so, and that such evidence may be subject to cross-examination

This rule is at variance with the practice in both Britain and in this jurisdiction.

Thirdly, it is also the practice of coroners in Northern Ireland, though there is no rule to this effect, not to open any inquest until they have been informed by the prosecuting authorities that no charge is to be made in respect of the killing or until any charges have been disposed of. This practice has meant that in some instances the inquest has opened long after the disputed death or deaths.

The net effect of these provisions has been that inquests in Northern Ireland have in certain important cases failed to meet the general public expectation of a speedy and complete investigation of the circumstances of disputed killings.

Craigavon Inquest

Accordingly at the Craigavon inquest the Coroner, Mr James Elliot, informed the jury the three RUC officers suspected of causing the deaths of the three men did not wish to give evidence at the inquest and that he proposed to admit in evidence written statements made by them. This was challenged on the opening day of the inquest by the solicitor acting for the widow of Gervaise McKerr, Mr Pat Finucane, who sought leave for a judicial review

of the Coroner's decision. This was granted by Mr Justice Carswell in Belfast High Court on 16 November 1988, and after an initial delay, the Coroner agreed to adjourn the inquest pending the outcome of the review.

Mr Justice Carswell, however, in his judgment delivered on 22 November 1988 refused to make a declaration that Rules 9(2) and (3) were ultra vires. This decision, however, was in turn referred to the Court of Appeal and was overturned in a judgment delivered by the Lord Chief Justice, Brian Hutton, on 20 December 1988, which stated that the coroners rules "constituted a major departure from the general law relating to the compellability of witnesses in coroners' courts." The Court of Appeal also made an order prohibiting the coroner from proceeding with the current inquest and requiring a fresh inquest to be instituted in which the three RUC officers suspected of causing the deaths would be compellable witnesses (although once sworn, it would open to them to claim privilege against self-incrimination, as provided under the 1959 Act). In January 1989 the British Government sought leave to appeal from the House of Lords. In their judgment the law lords upheld the appeal arguing that the Coroners Rules in question were merely procedural and did not modify substantive law.

Other cases pending

Despite the limited scope of inquests in Northern Ireland, they are often the only form of public inquiry into the circumstances of controversial killings involving the security forces and so assume a more than ordinary significance. Apart from the Craigavon inquest, the ruling of the House of Lords will have implications for the inquests into the three other 1982 shoot-to-kill cases (Tighe, Grew and Carroll) as well as eighteen others - all of them highly controversial - which have not yet reached inquest stage and where security force evidence would be relevant, i.e.: nine Loughall deaths, Aidan McAnespie at Aughnacloy, Martin and Gerard Harte and Brian Mullen at Drumnakilly, Seamus Duffy killed by a plastic bullet, Brian Robinson, the UVF member shot on the Crumlin Road in September 1989 and the three Whiterock Road shootings.

C. W. Keating

Anglo-Irish Division
9 March 1990

cc: Section, Mr Gallagher, Counsellors AI, AI Secretariat,
Embassies Canberra, London, Washington, Box

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IRISH EMBASSY, LONDON

17 Grosvenor Place,
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*cc PJ: JP 07
to Hugh: RCP
to Dublin: [unclear]
[unclear]*

6 March, 1990.

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

The Inter-Parliamentary Body

Dear Assistant Secretary,

I had an opportunity on 28 February - the final day of the Inter-Parliamentary Body meeting - for conversation with several of the more influential MPs on the British side. The following summary of their assessment of the first meeting will supplement the report being prepared by Ms. O'Hanrahan. We will also receive in due course from the British side an official record of the proceedings.

First Private Session (26 February)

Everyone I spoke to agreed that the meeting had gone extremely well. Most indeed felt it had gone much better than they had anticipated. All agreed that the best session in terms of substance and standard of debate had been the private meeting on the afternoon of 26 February when the debate had centred on the Birmingham Six, security co-operation and the UDR. Although nothing particularly new had been said on issues such as the Birmingham Six, which had dominated the session, the prevailing view was that the cut and thrust of the exchanges had lifted the meeting from the polite banalities of the usual IPU get-togethers and demonstrated the potential of the Body to tackle real issues in a proper substantive debate.

This, for example, was the session when Michael Mates had sparked into life, clashing in fairly robust exchanges with Irish members. According to Bill McKay, the Joint Clerk on the British side, one interjection on the Irish side had implied that Mates was a liar. At this point McKay had discreetly alerted the Legal Department of the Clerks Office since he felt the debate was steering close to the limits of what was permissible in a forum operating without benefit of the cloak of parliamentary privilege.

The References to the UDR

This was also the session when Garret FitzGerald read into the record his recollection of what had transpired between the two sides on UDR accompaniment at the time of the negotiations on the Agreement. Although his intervention caused considerable fluttering among the FCO and NIO officials present, especially when Mates offered his services as Chairman of the Commons Select Committee on Defence to unearth the facts, the gist of what Dr. FitzGerald said seems, for the most part, to have passed over the heads of the British members.

Bill Benyon summarised the private reaction of most MPs on his side when he told me that few, with the exception of Andrew MacKay or Tim Wood, were sufficiently familiar with the detail of the issues involved and that in any case Dr. FitzGerald's intervention was so closely argued that the general point was lost. Benyon made the point that if the focus had been on more recent developments, for example, the "Panorama" programme on the UDR it might have elicited a livelier reaction. In private conversation with Timothy George after the session, he predictably disputed Dr. FitzGerald's recollection.

Continuing controversy over attendance by Kevin McNamara

This session also had as a backdrop a developing drama between Kevin McNamara and the Steering Committee based on the latter's refusal to allow McNamara to attend closed sessions of the Body. McNamara had written to Temple-Morris the previous week asking to attend the private sessions. The same week brought a letter in similar, albeit more general terms, from Chris Mullin. At a meeting of the Steering Committee on the previous Sunday evening, Temple-Morris and his Conservative colleague Tim Wood had, as Temple-Morris said later, "wisely passed the buck to Stuart Bell" - McNamara's Labour colleague on the Steering Committee. Prompted by Bell and alarmed at the prospect of Mullin's attendance, the Committee decided against McNamara and he was told on the Monday morning that he could not attend closed sessions of the Body. McNamara was deeply aggrieved, arguing that this refusal went against the understanding set out in earlier informal correspondence between the IPU and Neil Kinnock which McNamara argued allowed for attendance at all sessions by the Secretary of State and his opposite number on the opposition benches. McNamara threatened that Kinnock would instruct the Labour members to withdraw if he were not allowed attend.

This stand-off continued throughout Monday morning and finally just prior to the opening of the first closed session, Temple-Morris hammered out a compromise proposal whereby, on an exceptional basis without prejudice to future meetings, those who asked to attend would be allowed to do so but under no circumstances would attendance allow for participation. This proposal was introduced by Mates and passed unanimously. McNamara, duly mollified, made his appearance at the closed session some moments later. No-one, including McNamara, felt it necessary however to alert Mullin.

It is generally agreed that McNamara's obsessive insistence on attending the Body did him no good. It embarrassed Jim Marshall, his junior colleague on the Northern Ireland team, who was a member on the Labour side. His stand had little support from other Labour members, many of whom were in any event unfamiliar with the long standing bitterness on this issue between himself and Bell.

Media Coverage

A significant and positive feature of the first meeting of the Body was the widespread and generally positive media coverage in both the British and Irish media. The constraints imposed by the closed sessions caused some annoyance among certain journalists and limited the coverage on the second and final days. Temple-Morris had, in addition, to field several awkward questions at the press conferences. As a result the Steering Committee are likely to reflect very carefully on the merits of closed sessions in the future. Many however, on the Government side at least, continue to feel that an element of freedom from media scrutiny encouraged members to speak more freely at the closed sessions and as a result they are likely to argue in favour of the continued existence of closed sessions.

For the most part, briefing of the Irish and British media was left to the Embassy's Press Officer. The PR consultants retained by the IPU confined themselves to the practical aspects of arranging press conferences and distributing press releases.

Committees

Opinion is divided on the question of establishing committees. The Irish side argued on the final day in favour of establishing four committees viz. East/West, North/South, EEC, security issues. Conservatives members led by Sir Giles Shaw argued strongly against a multiplicity of Committees and in particular against a committee on security issues on the basis that the Body should not "run before it learned to walk". My sense from speaking to Temple-Morris is that the Steering Committee will, in due course, settle on two committees with a fairly general mandate focussed probably on East/West and North/South co-operation.

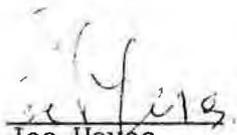
Unionist absence

One further point referred to by several Tory MPs in particular was the frequent references in the debates regretting the absence of Unionist representation. On reflection many felt that this point had been over emphasised. It was universally acknowledged that the Unionist refusal to participate had done them no good and they were seen, as Tim Wood put it, as having adopted "a dog in the manger attitude". Excessive reference however to their non-participation ran the risk of undermining the overall standing of the Body. In any event, as many MPs noted, Michael Brown and Barry Porter ably represented the Unionist view. In this regard, it should be said that Brown's one contribution which was measured, positive and low key carried much greater weight than the more frequent, strident and classically Unionist interventions of Barry Porter who is increasingly viewed by party colleagues as something of a maverick.

There was a general sense however that the positive reports which would filter back to the Unionists from the Government benches would greatly encourage their attendance at a future session.

Both Tory and Labour members were greatly impressed by the standard of contribution from their Irish colleagues. Several associate members attended the debates and there was also a surprisingly high level of interest from various representative groups among the Irish Community. There is a strong sense that this first meeting has successfully identified the Body as a worthwhile forum with a potential role qualitatively removed from the usual IPU gatherings. A sound measure of the success of the first meeting, according to Temple-Morris, is the fact that already British members are confirming their availability for the Dublin meeting with the British side of the Joint Secretariat.

Yours sincerely,


Joe Hayes
Counsellor



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Confidential

2 March 1990

*cc P.S.G.
Coyler A1
Rox*

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

Lunch with Norman Miscampbell MP QC

Dear Assistant Secretary

On 1 March I lunched with Norman Miscampbell, the Conservative MP for Blackpool North, in the absence of Mr Hayes, who was required at short notice to represent the Ambassador at a lunch hosted by the Foreign Secretary.

Mr Miscampbell has been MP for Blackpool North since 1962 and has a Conservative majority of 7,321. He was born in Carrickfergus and takes a strong and positive interest in Irish affairs. He is the most senior member in terms of length of parliamentary service of the Inter Parliamentary Body. He is regarded as one of the more liberal Tories and has been an outspoken opponent of capital punishment. He is a QC and has been a Crown Court recorder since 1977, a function he carries out for several weeks each year (he informed me the job is not regarded as an office of profit under the Crown since remuneration is on a contract basis of £1,000 pw worked).

Inter Parliamentary Body

Mr Miscampbell expressed satisfaction with the way in which the inaugural meeting of the Inter Parliamentary Body had gone. He stated that there had been a very useful and interesting session on the Birmingham Six which he felt had been of benefit to MPs and TDs alike. The only jarring note from his point of view had been the intervention by Garret Fitzgerald at the opening public session suggesting that Ireland represent Northern Ireland's interests in the EEC. He commented that there was considerable enthusiasm for the Body among Conservative MPs once the initial scepticism that the Body would get off the ground had passed. He felt the Body would be very useful and beneficial in time to come.

Birmingham Six

On the Birmingham Six Miscampbell expressed an interest in hearing from me a detailed account of our views. He expressed the view that the best hope of getting the Six released was for a development similar to that which had occurred in the case of the Guildford Four with the Prosecution deciding that its case could not be sustained. He felt that if the case went again before the Court of Appeal the result was likely to be the same as before. He observed that Lord Lane had had to quash the convictions in the case of the Guildford Four because of the decision by the Prosecution but that "he had not been too happy about doing it". Mr Miscampbell added that he had little doubt that the Six had been beaten while in custody but declined to speculate on whether the confessions had been extracted by force.

Extradition

Miscampbell is a strong supporter of the Anglo-Irish Agreement. He confessed that he had initial reservations about supporting the Agreement because he feared that the Unionist backlash would appreciably increase the level of violence. These misgivings had proved unfounded. The Agreement continued to have the support of the vast majority of Conservative MPs. Miscampbell then raised the subject of extradition. Harking back to the debate in the Inter Parliamentary Body when the Irish side had criticised British inability to work the procedures correctly he said "it is very frustrating for Paddy Mayhew to have cases thrown out because of a missing full stop". I took him in some detail through the Government's position and outlined recent court decisions. He was grateful for this since it removed some lingering doubts on his part regarding our commitment which some of his parliamentary colleagues questioned.

Domestic political situation

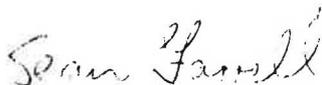
On the domestic political situation Miscampbell acknowledged that the Government was in serious trouble, trailing Labour by 17% in the opinion polls. The Poll Tax was an issue which was hurting the Conservatives in a number of key constituencies. Trouble was brewing in the Commons over Hong Kong, where Norman Tebbit had collected over 80 supporters from among the Tories, who would oppose Government proposals to admit 250,000 Hong Kong Chinese to Britain. The vote on this would come in the week before or after Easter and the danger was that Labour would combine with the Tebbit group to cause the Government an embarrassing defeat.

The prospects for the next election from the Conservative point of view were not, therefore, too bright. Looking at the figures, however, Miscampbell thought it far from certain that Labour could achieve outright victory. For Kinnock to get an overall majority would be like he said "climbing the north face of the Eiger on Christmas Day". An outright Labour victory would cost Miscampbell his seat. He thought the most likely outcome was that Labour might just squeeze into power with the support of other parties such as the Liberal Democrats. He paid

tribute to Neil Kinnock's achievements in bringing Labour back from the low of 1983. The other alternative was that the Conservatives would manage to retain power with a very small majority. Miscampbell feared that this would be achieved only with the virtual annihilation of the party in Scotland (where 11 seats were in danger) and the consolidation of Conservative support south of a line from Liverpool to Hull. This outcome would, he said, "bring the nationality question in Scotland back with a vengeance" and the Conservative party would emerge as the party of "English nationalism".

Miscampbell saw no chance of any attempt to displace Mrs Thatcher before the next election. Michael Heseltine was too shrewd to challenge for the leadership at present being well aware that "he who wields the knife will perish". Miscampbell stated that he had tried to dissuade Sir Anthony Meyer from mounting his recent challenge to the Prime Minister and expressed surprise at the level of support Meyer had got. The Prime Minister continued to command the loyalties of most Tory MPs, including those in Government and with hopes of office. She accepted criticism and opposition from those in the Party not in the Government but regarded opposition from members of the Government as betrayal.

Yours sincerely



Sean Farrell
First Secretary.



IRISH EMBASSY, LONDON

17 Grosvenor Place,
London SW1X 7HR.

6 March, 1990:

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

cc
PSH
in reply to
Cayllan A1
308

Meeting with Dr. Marjorie Mowlam MP
Junior Shadow spokesperson on Trade and Industry

Dear Assistant Secretary,

I met Mo Mowlam for a drink on 25 February. Labour MP for Redcar, she took this hitherto safe Tory seat against the odds at the last election. She served for a year as one of McNamara's two juniors on the Northern Ireland team but was promoted by Kinnock to Trade and Industry some months ago in a direct swap with Roger Stott. Few doubt that if Mo Mowlam can hold her seat she will go far in the party and will almost certainly figure in any future Labour Government. She is attractive, articulate and hugely ambitious and is popular with all wings of the party. She is also a close and trusted confidante of Kinnocks.

The Inter-Parliamentary Body

Our conversation was foreshadowed by Stuart Bell's vehement protests at our involvement in the press arrangements for the inaugural meeting of the Inter-Parliamentary Body. We had sought to correct certain unfortunate references in the draft press releases prepared by the PR company employed by the IPU and had also suggested that texts be subject to joint agreement by both Co-Chairmen. Temple-Morris welcomed our involvement but Bell - who had drafted the texts with the staff of the PR company - chose to misinterpret our interest.

Mo Mowlam provided welcome reassurance. Describing Bell as "the Michael Mates of the Labour party", she said that we were in the best of company in finding ourselves on his wrong side. Kinnock, she said, found him a most difficult colleague and if he were to continue to cause difficulty on the Body would have no hesitation, as she put it, "in shooting him out of the water". As it transpired, Temple-Morris was equally tough responding to Bell's threats to resign from the Steering Committee by inviting him to nominate his successor. Bell withdrew his resignation and in the course of the inaugural meeting he was perfectly pleasant and agreeable in all our contacts.

The Northern Ireland Labour team

Mo Mowlam wanted it known that she had not asked to leave McNamara's team. Those who suggested that she had sought a move because she had come to realise that the way to the top did not lie through identification with Northern Ireland simply did not know her. Neil Kinnock had asked her to move in response to a request from Gordon Brown. The party had to get it right in the vital Trade and Industry portfolio. Kinnock had however promised her that after the election she could return to the Northern Ireland team and she had every intention, she claimed, of holding him to this.

In assessing who would be Northern Ireland Secretary of State in the event of a Labour Government it was essential, she said, to take account of Kinnock's long standing friendship with McNamara. They had come into the House together and had remained friends ever since. McNamara was deeply loyal to Kinnock. These bonds counted. Her own best guess was that when the chips were down Kinnock would give the job to McNamara "for a year at least" and then hand it to someone more fitted to get things done.

Labour representation in Northern Ireland

She dismissed any idea of Labour organising in Northern Ireland. She was aware of the activities of her party colleague Kate Hoey but felt she had little chance of making a breakthrough on something which was so fundamentally at odds with party policy and "even more to the point opposed by Kinnock". She saw no perceptible change in policy in the foreseeable future despite the activities of Kate Hoey. She felt that the supporters of the campaign were so badly organised and so out of tune with mainline party thinking that they would never get any further than "making a minor nuisance of themselves at party conferences". She agreed that Hoey's involvement lent the campaign a degree of political credibility but she insisted that Kate Hoey had overvalued the impression she had made on the Trade Unions.

The Unionists

She has tried to keep up her contacts with the second tier Unionists. (During her period on McNamara's team, Mo Mowlam developed a good working relationship with Peter Robinson in particular which her successor, Roger Stott, is seeking to maintain with reputedly much less success).

She told me she had sat beside Robinson on a flight from Brussels to London very recently. Her innate sense of scepticism at the prospects for any real developments from the current round of talks was, she said, strengthened by her chat with Robinson. Her view is that the Unionist leadership, Molyneaux in particular, has no intention of conceding anything but is playing a skilful game with the Secretary of State and the NIO who Mo Mowlam remarked "should know better and call his bluff".

Yours sincerely,

JH
Joe Hayes
Counsellor

8 March 1990

To: HQ

From: Washington

For: D. Gallagher

From: B. Scannell

Subject: Annual Friends of Ireland Statement

1. The Annual Friends of Ireland St. Patrick's Day Statement is drafted in alternative years by the House and Senate sides. This year the task has fallen on Senator Kennedy's office.
2. The drafters, as in previous years, protect their independence from the Embassy, however it is possible for us to signal particular headlines to be included in the Statement. This year we outlined a number of issues we felt should be included such as the Birmingham Six and the collusion issue.
3. I am faxing separately a copy of the Statement as it now stands which has been circulated in draft form among the members of the Friends. As Senator Kennedy was leaving for Chile the Statement was expedited prior to his departure. No doubt, several changes will be made by the various interests within the Friends though the general structure will probably stand.
4. If there are any particular key points you might wish to raise we will do our best to try and have them accommodated in the final draft.

W4357

ST. PATRICK'S DAY STATEMENT
FRIENDS OF IRELAND
UNITED STATES SENATE AND HOUSE OF REPRESENTATIVE
MARCH 17, 1990

Presidency
P3

As Friends of Ireland in the United States Congress, we join today with people of Irish heritage everywhere on this first St. Patrick's Day of the new decade to honor Ireland and to support the cause of peace, reconciliation, and justice for Northern Ireland.

We are troubled at this time by two developments in the past year that are serious setbacks for that cause.

First, while we welcome the British Government's acknowledgement of the gross miscarriage of justice in the case of the Guildford Four, we continue to be deeply concerned by the lack of relief in the Birmingham Six case. Inevitably, the circumstances of the Guildford Four case call into question the convictions of the Birmingham Six, who were sentenced to life imprisonment for the 1974 bombings of two pubs in Birmingham, England. The validity of their convictions rests on grounds similar to those involving the Guildford Four. Former police officers have alleged that the confessions used against the defendants at their trial were coerced by the police, and forensic evidence used against them has also been discredited. Evidence of police fabrication has recently surfaced in two other cases, which led to the disbandment of the West Midlands Serious Crime Squad. Three of the officers involved in those two cases were also involved in the Birmingham Six case.

We understand that the evidence relating to this case is currently under review, and we urge the British Government to expedite this review to ensure that justice is both done and seen to be done.

Second, we are concerned over reports of collusion between British security forces and Protestant death squads in Northern Ireland. Such collusion only serves to deepen the mistrust between the communities in Northern Ireland. The allegations that British security officers have passed information about the identities and activities of Catholics in Northern Ireland to Protestant paramilitary assassination units are extremely troubling. We urge the British Government to get to the bottom of these allegations immediately, to make the findings of the investigation public, and to prosecute any officers responsible for such reprehensible activities. No civilized society can tolerate government participation in a policy of assassination.

We welcome the successful recent efforts of the Irish Government in reviving the economy and in achieving a rate of economic growth of 3 to 4 percent a year, one of the highest rates of growth among the nations in the European Community. We

hope that this progress will soon be reflected in a significant decline in unemployment. Those who have emigrated because of the unavailability of jobs represent some of Ireland's best and brightest citizens.

For too long, emigrants from Ireland have endured unnecessary additional hardships because of the injustices in U.S. immigration laws. We welcome the progress that has been made in reducing these injustices in recent years. Half of the 25,000 immigrant visas under the Donnelly legislation have gone to Ireland. While these reforms have achieved a substantial increase in immigration opportunities for Irish citizens, we must do more to assure that our immigration laws are fair, and do not discriminate against Ireland or any other nation.

We commend the Bush Administration for its continuing support for the efforts of Ireland and Great Britain to work together to address the social, economic, political and security problems of Northern Ireland, and we stand ready to work with the Administration to achieve these goals.

We condemn the violence on all sides in Northern Ireland, including the official violence of the British Government. May the beginning of this new decade bring an end to the terrorism and destruction that have caused so much death and devastation over the past twenty years. Progress for the goals we share for all of Ireland cannot come through wider war, but only through negotiation and reconciliation.

We continue to support the work of both the Irish and British Governments through the framework of the Anglo-Irish Agreement to promote peace and reconciliation in Northern Ireland. We remain committed to the belief that the solution to the problems of Northern Ireland will be found in a context which involves improved relations between the two communities in the North, between all the people sharing the island of Ireland, and between Ireland and Great Britain.

U.S. support for this peace process should include continuing financial support for the International Fund for Ireland. The Fund, established in a bilateral agreement between Great Britain and Ireland in 1986, is designed to promote cooperation in economic and social development projects in areas most affected by the conflict in Northern Ireland.

We are encouraged by the success of the Fund in providing assistance for more than 1,200 projects and helping to generate over 8,000 permanent full-time jobs, half in the past year. We commend the Fund's recent shift in focus to assisting disadvantaged areas and helping local groups in depressed communities to revive their local economies. In our view, economic development is an essential part of the reconciliation process in Northern Ireland, and we urge the Fund to expand these important efforts.

We continue to be concerned about the disparity in unemployment rates between the two parts of the community in Northern Ireland. We note the recent enactment by the British Parliament of a new Fair Employment Act, and we are hopeful that it will be vigorously implemented to reduce discrimination against the Catholic minority in Northern Ireland.

We welcome Prime Minister Haughey's Presidency of the Council of Europe during this time of historic changes for the nations of that continent. In the two months since the Prime Minister assumed the Presidency, he has moved skillfully to address the critical issues facing the nations of Western Europe and to encourage the United States to become more involved in the process. We wish him continued success during his tenure and we look forward to greater cooperation between the United States and the European Community.

Finally, we renew our commitment to the goal of Irish unity. We encourage the leaders of both the Protestant and the Catholic communities, as well as the British and Irish Governments, to become part of the historic changes sweeping Europe, so that the spirit of reconciliation may come to all of Ireland too.

END of file