

START of file

Secretary ✓

SECRET

ANGLO-IRISH SECTION

WEEKLY BRIEF

WEEK ENDING 9th FEBRUARY 1990

AN ROINN GNÓTHAÍ EACHTRACHA
Department of Foreign Affairs



C O N T E N T S

1. Reports from Anglo-Irish Secretariat
 - Telex of British Response to Minister's Remarks about the Stevens Inquiry Fire
 - Call on Mr. Richard Needham MP
 - Telex Report of Call on Mr. O. Miles
 - Call on Dr. Maurice Hayes, NI Parliamentary Commissioner
 - Note on Review of NI Emergency Provisions Acts

2. Note of the Informal Meeting between the Minister for Foreign Affairs and the Secretary of State for Northern Ireland, Adare Manor, Limerick, 4 Feb 1990

3. Report of Conversations with Hume, Mallon and General Secretary SDLP

4. Report on the Sinn Féin Ard Fheis

5. Contact and Information Work
 - Meeting with Mr. Eddie McGrady
 - Meeting with Cardinal O Fiaich
 - Meeting with Mr. Patrick Fahy, Solr.
 - Conversation with Cllr. Brid Rogers SDLP

6. Reports from Embassy London.

- Meeting with Ms. Gareth Peirce, Solicitor for the Birmingham Six ✓
- The Wallace Affair: Report of Conversations with Martin O' Neill MP, Kevin McNamara MP & Michael Mates MP.
- The British-Irish Inter-Parliamentary Body: Conversation with Mr. Peter Temple-Morris MP
- Lunch with Simon O' Dwyer-Russell, The Sunday Telegraph
- Unionist Media Briefing at Westminster

7. Report from Embassy Washington

- Conversations with Northern Politicians attending the Airlie House/George Mason University Seminar on Europe 1992 ✓

Telex

8 February 1990

To: HQ

From: Belfast

For: Asst Sec Gallagher

From: Joint Secretary

The British Joint Secretary raised with myself and Mr. Ryan this evening the remarks on the fire at Stevens Headquarters which were made by the Minister in response to a supplementary PQ from Deputy Barry in the Dáil yesterday.

Mr. Miles described the Minister's remarks as a very serious matter. As we ourselves said from time to time perceptions were as important as facts and the perception was that the Minister had evidence that the fire was deliberate. The remarks could have the effect of undermining confidence in the system of justice. At the same time he gave me the text of a reply by Mr. Cope to a written PQ today which states that the fire was "probably accidental" (I note that Radio Ulster here at 6. p.m. is carrying briefing that the fire was "definitely accidental" and that no petrol or other fire starting material was found at the scene. There has also been an RUC statement which confirms that both forensic and CID tests have proved that the fire was accidental.)

In reply I noted that the Minister was on his feet in the Dáil speaking extempore in response to Deputy Barry and that he may have misspoken slightly. I read what the Minister had actually said ("I am sure the Deputy will share my concern at what appears to be a deliberate effort on someone's behalf to burn out the Stevens Inquiry Head Office when all the documentation which had been accumulated during the course of the Inquiry was destroyed"). I drew attention to the word "appears" and in regard to the question of "perception" I remarked to Mr. Miles, and he accepted, that no newspaper, radio or television report on the Minister's reply had yet suggested we had evidence of deliberate intent.

Mr. Miles noted my remarks and went on to acknowledge that the Minister had made a positive reference to Mr. Stevens' efforts. He repeated however that we should be very cautious about saying something unwittingly misleading.

Comment

I imagine that the concern on the British side is caused by reaction within the RUC. At one point Mr. Miles suggested that the Minister appeared to be saying he had evidence that the fire was started by members of the RUC. He withdrew this however when we pointed out that no such construction could be placed on the Minister's remarks.

[END]

Note

John Ware of the BBC Panorama Programme (who are doing a major programme on the UDR, to go out on the 19th February) told us earlier this week that they had a definite sense from some sources within the Stevens Inquiry that arson may have been involved.

DAG

W4230,

Irish News 9/21

Stevens must get the truth, Mallon warns

THE Stevens inquiry must not fall into a "long litany" of investigations in Northern Ireland which have failed to establish the truth, SDLP deputy leader Seamus Mallon warned last night.

The Newry and Armagh MP was speaking just hours after the RUC ruled out arson as the cause of a blaze early last month at the inquiry team's headquarters.

In a statement, the RUC also said that it had "no knowledge" of Stevens team members being taunted at a Belfast police station and said that no complaint had been received in relation to any such incidents from the Cambridgeshire Deputy Chief Constable.

According to a Press Association report, British detectives "stormed out" after members of the RUC's district mobile sup-



● Seamus Mallon MP

port unit, sitting at nearby tables in a canteen at Antrim Road police station, repeatedly played the Billy Joel hit "We Didn't Start The Fire" on a juke box.

The report said that inquiry chief John Stevens had lodged an official complaint following the taunts. Yesterday the Stevens' team were referring all

By SEAMUS KELTERS and Press Association

queries to the RUC press office.

In a statement released through the RUC, Mr Stevens appeared unconvinced that the fire which destroyed his main office at Sespark in Carrickfergus was definitely an accident.

Police forensic scientists and RUC detectives who investigated the blaze, yesterday ruler out arson. But sources close the fire inquiry said that Mr Stevens was still not completely satisfied that the fire was accidental.

A statement from the Stevens inquiry said: "We are not in the business of speculation or innuendo."

The short statement added there was "no direct evidence" to substantiate that the fire was

maliciously started "at this stage."

Files and computer terminals storing details of the team's inquiry were lost in flames which gutted the incident room in January 10. All the lost documents were, however, duplicated.

Earlier yesterday the RUC said: "We can now confirm that both forensic and CID investigations conclude that the fire was accidentally caused."

The RUC believes that the fire started in a waste paper bin beside a door leading into the third floor office. It was locked and vacant at the time, and detectives found no evidence of a break-in.

Confidential

7 February 1990

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

Dear Assistant Secretary

Call on Mr. Richard Needham M.P.

I called on Minister Needham at the Department of Economic Development on 5 February. The Permanent Under-Secretary, Mr. David Fell, the Minister's Private Secretary and the British Deputy Joint Secretary were also present.

Mr. Needham's furniture

I have met Mr. Needham previously and he greeted me ebulliently although not before concluding a loud conversation with an official who had presented him with letters to sign. Perhaps because he is aware of the dismal decor at Maryfield, he invited me to inspect his own room, the re-decoration of which has it seems been long delayed, a circumstance for which he blamed Mr. Fell whom he said had a far better furnished room (he has!). He invited me to note that the only place to sit was at a conference table and the only chairs to sit on were elderly, dust-filled armchairs. The Minister proceeded to take athletic kicks at his chair which produced a satisfactory cloud of dust to make his point for my benefit (and that of Mr. Fell who murmured that new appointments for the Minister's room were due shortly).

Articles 2 and 3

After everyone was suitably seated, Mr. Needham began with "a poser". He spoke for some minutes about the developing situation in middle and eastern Europe. I had the impression that he was going to suggest that we in Ireland should place our differences in the context of these historic changes, but not so. He spoke instead of the stirrings of nationalism in

middle and eastern Europe and drew attention to the fortunate decision of the CSCE in regard to European borders. He said he had even been informed by William Waldegrave (Minister of State at the Foreign Office) that Chancellor Kohl had just recently finally recognised the Oder-Neisse line. He said Waldegrave had also told him that "the Republic of Ireland is now the last country in Europe with revanchist claims". What answer had I to this? There then followed a discussion of Articles 2 and 3, their judicial interpretation since 1975 particularly the High Court decision in McGimpsey, the Anglo-Irish Agreement, the real importance for Unionists of Articles 2 and 3, what revanchism actually means, whether a political aspiration amounts to the same thing as a claim on lost territory (the Minister thought it did), whether minorities should not be satisfied with constitutional protection of their rights (they should), whether the Anglo-Irish Agreement is a significant development of the old doctrine of droit de regard (it was).

The Minister's net point was that it would be difficult to achieve much progress in Northern Ireland so long as the constitutional issue remained alive; and that every time it raised its head the job of Government in the North became next to impossible; he, therefore, advocated the removal of Articles 2 and 3.

American Investment

He was enthusiastic about the Derry-Boston initiative and spoke of a tour he will be undertaking in the United States in early March in collaboration with the SDLP to promote similar initiatives involving, for example, Philadelphia/Newry. (Note: Seamus Mallon has spoken to us about a visit at this time for this purpose but has not mentioned any participation by Richard Needham).

He spoke of the difficulty of attracting foreign investors to the North, noting the much higher rate of success of the South ("11,000 jobs a year compared to our 1,500") which he argued was obtained at the North's expense. ("You say all the problems are in the North ... you screw us to the wall"). I said it was a competitive situation but the North's relative lack of success could not credibly be laid at our door and, in any event, I understood that the IDB was not above misrepresentation of our position. (I did not mention Mr. Needham's personal exchanges on this point with Ambassador Ryan in Seoul, nor did he).

North/South Cooperation

Mr. Needham complained a little about lack of contact between Northern and Southern Ministers, although he mentioned that he had seen Minister O'Hanlon (when he was Minister at the DHSS here) and had seen Minister O'Malley briefly at a craft fair in Dublin recently. He said he was conscious of a difference in status; that his opposite numbers in the South were full Cabinet Ministers, whereas he was only a "pip-squeak". He thought our Ministers might regard the Secretaries of State

across the water as their natural opposite numbers. He argued nonetheless that if French and Spanish Ministers could get together for weekends every six weeks (sic) then surely it was time for more frequent contacts between Northern and Southern Ministers.

In reply, I drew attention to the Review document which speaks of widened Ministerial participation in the Conference and the encouragement of more structured discussion of a greater range of issues. The Minister said he was a strong supporter of the Anglo-Irish Agreement and hoped it would encourage better ministerial relations in the economic and social areas.

"Making Belfast Work"

He described his approach to development in West Belfast as basically "bottom-up" by which he meant that the very considerable talents of local people needed to be harnessed for their own benefit; and the private sector needed to be encouraged to invest. He freely admitted, however, the importance of the Government's role, not only in stimulating others, but in providing investment. He said he admired the Catholic Church's efforts in West Belfast but they were not enough. The immediate problem in attracting private sector interest had been the non-availability of land. Now that Mackie's were moving from the Albert Foundry site, about 80 acres of land would become available. It had taken over two years to bring things to the present point but he intended to proceed energetically and he would be having development plans drawn up in the next few months. This is not public knowledge and he requested our discretion because of the sensitivities of the workforce. He mentioned that he had briefed Bishop Cahal Daly a couple of days ago.

The Minister confirmed to me that the new Mackies plant would have an entrance on the Springfield Road. (If potential Catholics recruited to the plant had to go through the Woodvale area it would inhibit their application for employment).

I raised the Montupet factory which, although part of the "Making Belfast Work" Programme, has one plant employing mainly manual labour in Dunmurray (near the Catholic Twinbrook/Poleglass estate) but another high-skill plant at Mallusk to the North of Belfast. The Minister said briskly that he could not tell Montupet - or Bombardier - where to put their plants and went on to speak of the Castlecourt Centre on Royal Avenue which he regards as very much his own project in which he has "over a £100m tied up". He said he has nightmares about the possibility of a major Provo attack on the complex and he asked a little sharply why we had said nothing about the bomb attack on the Debenhams store at the weekend, given that Debenhams had been encouraged to attract Catholic workers in West Belfast. The IRA had also left a bomb in the car park in the complex. They seemed to be out to wreck the place and he felt it would be helpful if we were to say something about that. I said I would report his point and the discussion concluded on a cordial note.

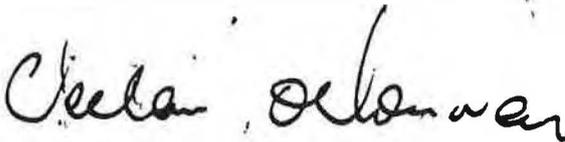
David Fell

I had a separate conversation with David Fell. He said he had not heard the Minister speak previously in the way he had spoken to me about his relations with Southern Ministers. He did think, however, that he had something of an inferiority complex because some of those who had come into Parliament with him had gone on to much greater things, notably John Major and Chris Patten who are now seen as potential Prime Ministers. Richard Needham, on the other hand, still languishes as a Parliamentary Under-Secretary and, in Fell's view, may be heading back to Peterborough (his constituency) in the next reshuffle.

Mr. Fell asked if we were aware that the Dublin and Belfast Chambers of Commerce had agreed to hold a joint session in Belfast on 20 March on 1992. It seems an initiative was taken by the Belfast Chamber. There is, however, a problem with a keynote speaker. It was hoped to have Leon Brittan but he had just declined. It is intended, on the Northern side, that there should be a subsequent joint session in Dublin.

Mr. Fell recalled that he would be meeting the Secretary of our Department of the Environment, Mr. John Loughrey, shortly. One of the principal items for discussion will be the question of an electricity connector. An examination was being made of whether there could be an alternative to the highly visible and vulnerable single connector which the IRA had made a target; this was unlikely to prove possible but they were looking at alternatives, for example, the provision of a half-dozen small less-visible connecting points. He mentioned the question of the gas connector but made no substantive remarks on that issue.

Yours sincerely



Declan O'Donovan
Joint Secretary

Telex

Confidential

6 February 1990

For: A/Sec Gallagher

From: Joint Secretary

Reference Mr. Gaffey's 101C and my 102C and our discussion concerning visits to Dublin this week by Minister Mawhinney and Minister Bottomley.

1. I called on Mr. Miles at Stormont at 1 p.m. I said that I had instructions to raise these visits with him. We noted that the visits were expected to include meetings, with the Tanaiste (to be confirmed), the Minister for Education, the Minister for the Environment, the Minister of State at the Department of Transport and Tourism (Mr. Lyons) and the Minister of State at the Department of Agriculture (Mr. Kirk). We were concerned that none of these visits had been proposed through the Secretariat.
2. By way of background I recalled that Article 3 of the Agreement established the Secretariat to service the Conference on a continuing basis in the Agreement and that Article 10 provides that the Conference shall be a framework for the promotion of cooperation between the two parts of Ireland concerning cross-border aspects of economic, social and cultural matters (until and unless devolution is achieved and sustained on a basis which secures widespread acceptance in Northern Ireland).
3. I drew attention also to paragraph 3 of the Review Document in which both Governments acknowledged the valuable contribution of the Secretariat in servicing the Conference and in providing a ready available and continuing channel of communication between the two governments on matters covered by the Agreement and also agreed that this is a role which both Governments will seek to develop. I drew attention also to Paragraph 5 of the Review Document in which both Governments agreed in principle that future Conference

meetings should provide for wider ministerial participation to encourage more structured discussion of a greater range of issues of common interest to both parts of Ireland.

4. I said that given this background it was regrettable that the British side had sought to arrange 5 ministerial meetings this week entirely without reference to the Secretariat.
5. I added on a personal basis that particular sensitivity was required at present in view of political developments and "pre-conditions" of the Unionist parties in regard to the Secretariat. It was especially important that care should be taken to avoid any situation which would have the potential for presentation of the Secretariat as having a diminished role.
6. Mr. Miles said in an initial reaction that there was no difference between us on the text on the Agreement and the Review and it was his Government's intention to implement both quite vigorously. He said he was aware of examples of ministerial visits in the past of which we had not been made aware. The situation in regard to Ministers Mawhinney and Bottomley was not an innovation and was not intended to channel work away from the Secretariat. He offered the personal view however that his side should look at the matter and if necessary make changes in the way things were being organised.
7. I said I was aware that there had been quite vigorous disputes in the Secretariat about what seemed to my predecessors to be efforts by the British side to do precisely what Mr. Miles was now saying his side had no intention of doing i. e. channelling work away from the Secretariat. The position was that proposals had been made for no less than 5 meetings with Irish ministers this week. Again on a personal basis, I said I personally had no wish

to channel every communication between ministers through the Secretariat. Private bilateral contacts could be valuable and we would certainly not wish to interfere in the simple exchange of courtesies between ministers. If however matters of business were proposed by the Northern side, I would expect the Secretariat to be informed by the authorities here and in relation to ministerial meetings I would expect that the formal proposal for such meetings would go through the secretariat as for example had been the case with the recent proposal for a ministerial meeting on security matters. Good sense would guide the application of the letter and spirit of the Agreement and Review in this regard.

8. Mr. Miles said that he thought the matter could be "handled". I thanked him for this and mentioned that the point would also be made to the British Embassy in Dublin which appeared to have had a role in the organisation of these meetings (Mr. Miles agreed that that was so).

9. As I said in my 102C, we have no wish to be intrusive especially where a meeting may be informal or a courtesy call. But if any of these meetings are substantive (the information we have on Mr. Bottomley's suggests his are), I feel the Secretariat should be present in accordance with established precedent. Moreover, we need to consider whether the Secretariat's absence at this particular junction is liable to misrepresentation. Mr. Collins is travelling to Dublin this evening and will be available to attend if required.

BÉALFEIRSTE

BELFAST

Confidential

7 February 1990

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

Dear Assistant Secretary -

Call on Dr Maurice Hayes

Dr. Hayes is the Northern Ireland Parliamentary Commissioner for Administration and the Commissioner for Complaints. He is a well-known GAA enthusiast and something of a phenomenon in Northern Ireland as a nationalist who has thrived in the civil service while strongly maintaining a nationalist identity. He has unrivalled knowledge of the system through years of service in Government Departments and previously in local Government (he was chief clerk of Downpatrick). I called on him on 6 February accompanied by the British Deputy Joint Secretary.

Complaints

The function of the Parliamentary Commissioner for Administration, as laid down in the Parliamentary Commissioner Act (NI) 1969, is to investigate complaints from persons who claim to have suffered injustice in consequence of maladministration by any Northern Ireland Department. The function of the Commissioner for Complaints as provided in the Commissioner for Complaints Act (NI) 1969, is to investigate complaints made to him by persons who claim that they have suffered injustice in consequence of maladministration by any local or public body specified in the Act.

Dr. Hayes succeeded Mr. Hugh Kernohan in both jobs when he retired from the position of Permanent Secretary of the DHSS a few years ago. In response to my questions, Dr. Hayes made the following points:

- There is considerable confusion about his two roles and he would prefer if they were integrated;
- There is also overlapping with other authorities, the FEC, Government Departments (for personnel matters) and industrial tribunals (trade union issues);

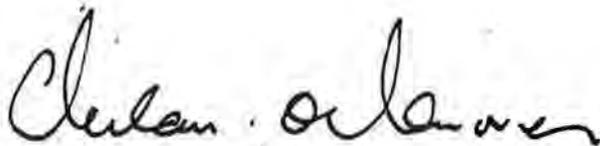
- Although his offices were established by Acts of the Stormont Parliament, he believes there is an argument for his being governed by Westminster legislation because the area of discrimination is a reserved area under the Northern Ireland Constitution Act 1973; he feels it is a disadvantage that he deals with local bodies in Northern Ireland under local legislation; if he were to operate under Westminster legislation he would have more clout;
- He receives some 500 complaints a year, the highest number (about a third) from persons complaining about maltreatment by the social security services; the next highest concern planning issues; personnel issues are the third big category.
- He was critical of the Fowler reforms which replace supplementary benefit with an income maintenance scheme and, he thinks, make it more difficult to supply the real needs of the people in Northern Ireland; he is conscious, but unapologetic, about the higher demand on health and social security services in Northern Ireland compared to Britain (he put the demand at three times the United Kingdom average); in his view, the traditional very high level of unemployment is the major reason for the difference.
- In regard to personnel issues, he frequently found himself in difficulty; he did not intervene where there was already an independent grievance procedure within the authority concerned; and he sometimes found himself faced with issues which were basically trade union demands, e.g. grade claims; he was entitled under the statute to receive these complaints but his practice was not to do so.
- His chief method of influence is to submit a report to Parliament criticising an authority for maladministration; it appears that this has never been done, but there is a present case in which there is a distinct possibility that it will happen (he did not specify).
- I suggested that actions by the Local Government Auditor General, in consequence of his reports, must also have an important effect; Dr. Hayes agreed, recalling, in particular, the fact that the Auditor General had surcharged unionist members of Craigavon District Council for damages rewarded to St. Peter's GAA club which had successfully complained about their treatment at the hands of the Council; he mentioned that in another case some years ago, a court had awarded £1,000 damages to a local tenants association which had successfully complained to his predecessor about the refusal of the District Council (Coleraine?) to give any reply to their representations; he mentioned that at present there was an issue involving the Carryduff GAA club which is complaining about its treatment by Newtownards District Council.

Kincora

He mentioned that the notorious Kincora Boys Home is now used for another purpose and it has been renamed the Helen Keller House presumably (and facetiously) on the grounds that only the blind and deaf could have overlooked the abuses there in the 1970's or the Army's dirty tricks campaign with which Kincora became associated. He said the Eastern Health Board had been seriously negligent in their duty to protect the boys and mentioned that he himself, as a senior official at the time in DHSS, organised a series of visits to various homes around Northern Ireland, in order to monitor their management by the Health Boards. Ironically, Kincora had been last on the list because it was in urban Belfast; the boys were close to relatives and, indeed, left the house for school every day. Greater priority had been attached to homes in isolated rural areas.

Dr. Hayes said he himself was convinced that the abuse which went on at Kincora was internal and had nothing to do with senior officials or politicians, in particular Paisley, as alleged.

Yours sincerely



Declan O'Donovan
Joint Secretary

7 February 1990

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

Dear Assistant Secretary

Emergency Provisions Acts

As you know, the Northern Ireland Emergency Provisions Acts expire in March 1992 and the British Government have asked Lord Colville - an eminent English Q.C. - to carry out a special review of the legislation. Lord Colville has been asked to examine, in particular, whether any of the provisions of the legislation could now be allowed to lapse.

Although the expiry of the legislation is some considerable way off, the British side, anticipating the need to draft and enact replacement legislation, have asked Lord Colville to complete his report as quickly as possible and it is expected that he will do so by Easter of this year.

We have arranged for Lord Colville to come to the Secretariat on Monday, 26 February for discussion followed by dinner that evening. We would, of course, appreciate attendance by the appropriate officer(s) from Anglo-Irish Division on that occasion.

On the assumption that, in the ordinary way, the Irish side will prepare a policy submission for presentation to Lord Colville, we thought it might be useful for the Secretariat to put together a brief paper on the issues - as a contribution to the preparation of such a submission - and, at the Joint Secretary's request, Sean Hughes has now prepared a note which I am enclosing.

Yours sincerely



Noel Ryan
Assistant Secretary

ENHANCED REVIEW OF THE NORTHERN IRELAND
(EMERGENCY PROVISIONS) ACTS 1978 AND 1987

1. The 1978 and 1987 Acts are both due to expire in March 1992. Lord Colville was appointed by the Secretary of State in September last to conduct, in addition to his usual annual review into the operation of the Acts, a special review of the changes which should be made when the Acts are being replaced. His full terms of reference are:

"to review the operation of the Northern Ireland (Emergency Provisions) Acts 1978 and 1987, and to consider -

(a) whether any of these temporary provisions can safely be allowed to lapse in 1990;

and taking into account the need to ensure that there are both effective powers to deal with terrorist violence and adequate safeguards for the individual,

(b) what changes to existing provisions should be made when the time comes to replace the two Acts;

and

(c) whether it would be appropriate to consolidate into new legislation applying only to Northern Ireland any of the provisions relating to Northern Ireland in the PTA 1989 (either in their present or some modified form);

and to report".

2. The Secretary of State's announcement of the special review by Lord Colville clearly envisages that the Emergency Provisions Acts will be replaced by further emergency legislation. We could advance the view that the Acts should simply be allowed to lapse without specific replacement on the basis, firstly, that the very existence of the special powers and, in particular, how they are operated, fuels political violence and, secondly, that

the Police and Criminal Evidence (Northern Ireland) Order 1988 provides the police with a comprehensive array of alternative powers. Realistically, however, it is most unlikely that the British authorities would go along with this approach and our task will be to see that the new legislation will represent an improvement, from our point of view, on the existing legislation. We have identified to the British side over recent years a number of features of the EP Acts which we find objectionable. The main points are set out in the following paragraphs together with some additional suggestions.

3. Bail

(1) Under s.2(2) of the 1978 Act (as substituted by s.1 of the 1987 Act) judges retain residual discretion to refuse bail even where the prosecution fails to show why bail should not be granted. The retention of this discretion is a fundamental weakness in the section and we have called for its removal. We could also press for a statutory presumption in favour of bail. The (English) Bail Act 1976 (c.63) created the right to bail for accused persons subject to certain conditions; however, the exceptions are so substantial that it is more usual to refer to a "presumption in favour of bail" rather than a "right to bail". The Baker report (1984) was undecided on the desirability of having a presumption in favour of bail (para. 81).

(2) We could also advocate having these bail applications heard by Resident Magistrates which would represent a return to normality. Colville refers to the matter in his 1988 Annual Review but does not make a firm recommendation one way or the other.

(3) Another point we could make is that provision should be made (as in the Bail Act 1976) that the Court must give its reasons for withholding bail or imposing conditions. An accused should be entitled to know in what respect he is considered unsuitable for bail.

4. Certifying of cases for trial by Diplock Courts

(1) We have argued that it would be preferable to have a change of emphasis towards scheduling or certifying of cases for trial by the Diplock Courts rather than the present system of certifying cases out of the Diplock Courts. We saw this as having beneficial effects in stressing that trial by jury is the norm and as underlying the principle that unless an offence has a direct and clear terrorist element it should not be tried under the Diplock Court system. Colville favours this approach (Annual Review 1988).

(2) The role of the DPP (NI) in regard to certifying cases for the Diplock Courts merits examination. The Baker report recommended that the EPA be amended to give the DPP power to certify cases out of the Diplock Courts in view of his power to direct summary trial without reference to the Attorney General. His recommendation was not followed up, however.

5. Confessions

Section 8 of the 1978 Act (as substituted by s.5 of the 1987 Act) should be replaced by a provision which would be more protective of the interests of the accused by having statements excluded on a less severe test than is provided for in s.8. We have argued this point previously stressing that any statement obtained by torture, inhuman treatment etc. should be inadmissible irrespective of whether the intention of the person inflicting it was to induce the accused to make such a statement.

6. Codes of Practice

(1) We have advocated that the Guide to the exercise of emergency powers under the EPA should be put on a statutory basis. Apart from giving the Guide an enhanced status, an important consequence would be that provision could be made that failure to comply with the Guide would be a disciplinary offence. Colville noted in his 1988 review that the PACE codes

of practice carry an automatic police disciplinary offence for failure to comply, whereas no such formal sanction can be incorporated in the Guide - though in practice he expected discipline to be enforced on the basis of the Guide.

(2) We have also stressed that suspects and persons in custody in terrorist cases should have no less protection than suspects and persons in custody in other criminal cases and saw a statutory unified Code of Practice as the best method of ensuring such protection. We have pointed out that in Britain the PACE codes extend to the operation of the powers in the PTA.

7. Use of lethal force

(1) We have mentioned previously to Lord Colville the need for a more fully drawn provision on the use of lethal force than presently obtains in s.3 of the Criminal Justice (Northern Ireland) Act 1967 which simply provides that a person may use such force as is reasonable in the circumstances.

(2) A recommendation of Lord Colville which is worthy of support is the introduction of legislation to allow for a conviction of manslaughter where a member of the security forces is tried for murder. He was attracted to a Australian case (Viro, 1978) where the Court was prepared to direct a jury that, where the necessary criminal intent was proved and the issue revolved on the validity of the assertion of self-defence (which if successful means that the killing was not unlawful at all), the jury could consider whether the self-defence reaction involved an excessive use of force. Although that decision was reversed in 1987 (the Zecevic case), Colville describes it as a case of "throwing out the baby with the bathwater". Smith and Hogan 5th ed. refers, in generally favourable terms, to another Australian case (McKay, 1987) which established the doctrine that killing by excessive force, even where there is no mistake of fact, should be manslaughter and not murder, if some force was justified. It is mentioned in Political Violence and the Law in Ireland (Hogan and Walker, 1989) that the application

of the Australian doctrine would bring the law in Northern Ireland closer to that in the Republic (People (AG) v Dwyer [1972] IR 416).

8. Primacy of civilian power

A point which has also come up before is the desirability of reflecting explicitly in future legislation that the Army's powers of arrest, stopping and questioning etc. are exercised under the direction of the civilian power. We have said that the primacy of the police is of the utmost importance and they should therefore be seen to be responsible for the actions of the Army (and in particular the UDR).

9. Diplock Courts

The Colville review affords another opportunity to advocate 3 Judge Courts in trials on indictment of scheduled offences. We could consider whether we should go further and press for a return to full jury trial in these cases. (For arguments in favour, see chapter entitled "A Return to Trial by Jury" by Greer and White in "Justice under Fire" (ed. Jennings). The continued existence of our Special Criminal Court would seem an insurmountable obstacle to this line of approach, however.

10. Section 13 of 1978 Act

This provision should be allowed to lapse as recommended by Lord Colville (1988 Review). The section, which is rarely used, enables the police to arrest a person suspected on reasonable grounds of a scheduled offence and also gives powers of search and seizure of property. Colville points to provisions in the PTA and PACE (NI) which embrace the scope of s.13.

11. Section 14 of 1978 Act

Under this section a soldier may arrest and detain for up to four hours a person reasonably suspected of committing any offence. As noted by the Baker report (para 348), the reference

to any offence is too wide. The provision could be narrowed by referring to "any scheduled offence or offence under the Act" or by using the formulation suggested by Baker.

12. Section 18 of 1978 Act

This section enables the police and army to stop and question persons. It is drawn in very broad terms (e.g. no suspicion is required and there is no limit specified to the period of detention) and should be narrowed.

4
4 February 1990

3

CONFIDENTIAL

Conversations with Hume, Mallon and General Secretary of SDLP

John Hume

1. Hume in recent days has been extremely agitated about reports/rumours that the Secretary of State may be considering offering Unionists a possible suspension of the Conference and some concession on the Secretariat. He doubts if all that Brooke has in mind is a limited gap between two Conference meetings, since the NIO must be aware that Paisley is very unlikely to accept such a formula.
2. Hume went on to say that the SDLP at grassroots level are becoming very concerned about a situation developing where the Agreement could, albeit inadvertently, end up being undermined. He said he is determined therefore to tell the British that, if suspension or any interference with the Secretariat is in question, the SDLP will not be prepared to enter into talks. He fully realises the public opinion dangers of such a stance, particularly given his developing suspicion that a number of prominent political figures in the South believe that the SDLP attitude is now a major obstacle to talks getting underway - and that the party is seeking to influence the Government here into adopting a similar approach. (Note: While Hume's concern is entirely genuine, I would think it unlikely that, in the event, he will state his position in quite such blunt terms to the Secretary of State).
3. He is also apprehensive and perplexed about the sense of urgency being shown by the NIO. They, for instance, have been putting extreme pressure on him to meet the Secretary of State on Friday week (16th February). This will presumably be after Brooke's planned meeting with Paisley and Molyneaux. Hume believes that the British are moving forward without any clear idea of where they are going and, even more importantly, any sense or understanding of core

Unionist thinking. As of now, Hume intends putting off the meeting with Brooke for as long as possible. He wants to avoid a situation where - as with the Convention some years ago - the Northern parties could find themselves tied up with "six months of nonsense", and with no possibility of progress being achieved.

Seamus Mallon

4. Mallon, whom I met in Armagh on Tuesday evening, is equally suspicious and worried about British intentions. He emphasised that there was no possibility of devolved Government being achieved in the North within the next five or perhaps even ten years. The Unionists were simply not prepared to make the concessions necessary to allow progress to be made. But even if they were, it was impossible to see how devolution could be sustained against a background where the security forces - including the police - had next to no credibility, or legitimacy, in nationalist eyes. Security in short was, in his view, the fundamental obstacle to any attempt to establish devolution. (Note: Despite Mallon's private view, he is on the record in Westminster at the end of November making what could be construed - and is being so construed, and indeed widely quoted, by the British - as a strong statement in favour of devolution; relevant extracts from the statement are attached).

Patsy McGlone

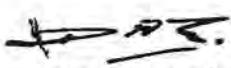
5. As reported previously, McGlone, the General Secretary of the SDLP, has recently had a number of discussions with his Unionist opposite number, Jim Wilson. At a meeting earlier this week, Wilson gave the following summary of Molyneaux's present thinking about the prospects for talks:

- there was no question of inter-party talks (in

particular at leadership level) being "around the corner"; much more work would need to be done before these could be envisaged; and

- part of this preliminary work could take the form of inter-party cooperation on issues such as Shorts and the European Community; such cooperation would, in Molyneaux's view, be helpful in conditioning people into accepting that the party leaders might get together at a later stage.

6. Finally, Wilson said that Jim Molyneaux hoped the SDLP would become involved in the work of the Association of Local Authorities in Northern Ireland (Molyneaux's thinking here is that, by showing the British that there can be close cooperation across party lines between Councillors, London might be tempted to go along with Unionist proposals for the extension of Local Government powers. In Molyneaux's eyes, this would be a far more welcome and safer development than devolved central Government). The SDLP however are extremely wary of this approach, both because of the behaviour of many Unionist controlled Councils - especially Belfast - and the general perception in the North that increased local authority powers would constitute a significant step on the road to integration.


Dermot Gallagher,
8 February, 1990.

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

Extracts from Mallon's Speech, House of Commons,

22 November 1989

... At present we have a system where others decide whether more or less power should be given to the North of Ireland. Others determine what economic policies will be pursued in the Province and under what type of economic restraints it will operate. Others decide who will close schools and factories and cut social security benefits. That is not an enticing scenario as many will testify. Others decide what is expedient and just and in many ways, what is life and what is death. Others decide what we shall or shall not get and what we shall not give, especially in terms of the EEC.

The political parties from the North of Ireland should enter into proper substantial negotiations and face with courage the reality that our economic and environmental problems and the violence in the North of Ireland will not be solved in this House. We are and we shall remain optional extras here. We have it within our power to get to grips with that problem. ... We should start to negotiate.

... The elected representatives of the people of the North of Ireland must be asked what powers we should like to operate on behalf of the people of the North of Ireland. We must ask for a fiscal relationship between the North of Ireland and Great Britain which will allow us to implement the type of rejuvenation programmes that are needed by a society which has been through the trauma of in effect 20 years of war. We must be allowed to decide what structure is suitable for a unique political situation, rather than ape unsuitable structures. Above all, we must be allowed to take on board the whole problem of security, policing, violence and justice.

The people of the North of Ireland will need the courage and will-power to take on and examine those four areas closely and

talk them through. The people of the North of Ireland must stand on their own feet and show that we can be sturdy, independent Ulstermen, rather than whinge to Ministers for a little more when we are getting a little less. We should start to take action to resolve the problems, instead of whingeing that nobody will do it for us.

... The solution is for the political parties in the North of Ireland to start to talk and then to have their own forum, administration and means of making decisions rather than going through the present subterfuge of pursuing integration while running away from the reality that we could have our administration

4

Note on Sinn Féin Ard Fheis, 2-4 February, 1990.

1. This year's Ard Fheis was held against the background of another poor year for the party electorally; they lost almost a third of their seats in the local elections in Northern Ireland in May, saw their vote drop by almost a half in the European Elections in Northern Ireland in June and on the same day in the South had their share of the vote in the General Elections cut from 1.9% to roughly 1.2%.
2. Concern about these results was reflected in many contributions to the Ard Fheis. A "political report" prepared for the Ard Fheis by the party's Ard Comhairle seemed to imply that IRA operations which had "gone wrong" were a contributory factor to Sinn Féin's poor electoral performance. Although this aspect of the issue was undoubtedly on delegates' minds (particularly as the Ard Fheis was taking place within days of the Charles Love killing in Derry), the theme was, for the most part, no more than touched upon by contributors to the various debates.
3. There was a repeated emphasis on the need to expand the party's base. But the difficulties of achieving that in practice were highlighted by Jim Gibney, of the Ard Comhairle, who pointed out that "there is a fear among people established in community or political organisations to align themselves publicly with Sinn Féin, a fear they will be labelled as crypto-Provos". Other delegates laid the blame more squarely at the party's own door; John McCluskey of Donegal, said; "There is something seriously wrong both with the party and the intended direction we're heading. We need to get involved in politics. It is as simple as that".
4. As at previous Ard Fheiseanna, the importance of a better base in the South was stressed. A spokesman on behalf of the Ard Comhairle said that "our political objective can't be achieved without a political base in the 26 Counties. Elections are won between elections, not in the three-week

election campaign". There were few concrete ideas, however, as to how advances could be made by the party North or South.

5. In his main address, party President Gerry Adams said that the priorities for Sinn Féin in the year ahead were to develop and strengthen the party organisation, to improve its publicity output and to overcome the effects of censorship. (The deep concern at the impact of censorship was echoed by many speakers over the weekend). Adams revealed that he had discussions in recent months with "some Protestants in the Six Counties" and that it was his intention to "continue with these discussions with as wide a spectrum of Unionist opinion as possible". He referred to this dialogue as "part of our search for peace in our country and among our people".
6. Referring to Mr. Brooke's "100 days interview", Adams said that it represented a "clear acceptance that the British forces are fighting and dying in a lost cause". He added that the "British Government knows that if the conflict in Ireland is to be resolved talks (with Sinn Féin) are essential and inevitable". He accused the British Government of lacking the "moral courage to confront the political conditions which exist in Northern Ireland". Instead, British strategy aims to "psych us out, to convince us of the futility of our efforts and to demoralise our supporters. In many ways it seeks also to use the length of the struggle against us".
7. Reiterating the theme of "relevance", to which he has referred frequently in the past, Adams said that "failure to maintain and strengthen our dialogue with the base will have serious consequences for our struggle. Time and time again in the last 20 years our movement and struggle was and is

seen by huge sections of Irish people as of vital importance to them. It is the responsibility of Sinn Féin to build on such moments. We can not do this unless we are part of them".

8. There was much speculation before the Conference as to what line Adams would take on IRA "mistakes" and their impact on Sinn Féin. In the event, he included only a brief and veiled reference to the issue in his speech when he said that the "justness of our cause speaks for itself and must be guarded jealously. It must never be undermined by any Republican actions".

Comment

9. Much of the média coverage of the Ard Fheis referred to its subdued, low-key tone and highlighted the difficulties facing the party in the wake of its poor electoral performances in recent years. The party is undoubtedly in the throes of a serious crisis. Essentially it has failed to maintain the momentum of the early eighties. The inherent contradictions of the twin-track approach of "an armalite in one hand and a ballot box in the other" have been becoming more and more apparent. By embracing democracy, if only "with one hand", Sinn Féin has made itself accountable. The result has been that the whole "democratisation" process has in a sense been "turned around" and used against Sinn Féin itself, a dock where it can be called to account for the atrocities and "mistakes" of the IRA, rather than a platform from which it could expand and strengthen its own political base. Moreover, the process of formulating and expounding policies on unemployment and other economic and social issues has looked increasingly incongruous when placed side by side with an IRA campaign which persists with the bombing of commercial targets and putting people out of work.

10. Without a "big" issue like the hunger-strike, Sinn Féin has therefore floundered and made no real impact beyond the base achieved by the mid-eighties. Even that has begun to contract and during the last few years the party appears to be sliding slowly backwards again towards its core support. (An important question, of course, is whether there is in fact an irreducible core support for Sinn Féin and, if so, what is its size?) As of now the party seems at a loss as to how to halt the drift. Adams' prescription of the "long hard slog on the small issues" has seemed neither palatable nor realistic to many at rank-and-file level within an organisation which has no tradition of involvement in those issues. The fundamental conundrum facing the party is that with the IRA "on their backs" they appear to be going nowhere electorally, but without the IRA they risk being just another small party on the margins of political life in Ireland.
11. Against that background, it is scarcely surprising that there has been much speculation about an "internal debate" on the future direction of the movement. For obvious reasons there was little evidence of such a debate during the public sessions at the Ard Fheis and Adams' main address was along predictably defiant and we-shall-overcome lines. He was considerably more forthcoming however, in an interesting interview with David Hearst of the "Guardian", published the day the Ard Fheis began. Pressed by Hearst as to whether he would not prefer to lead a party which had no ties to a campaign of violence, Adams replied "Would I like to continue in tandem with the IRA? The answer intellectually and emotionally is no. It would be far better if you could develop some other way. But the hard, Republican, political reality is that you can't".
12. Adams claimed that the IRA campaign had succeeded in thwarting British policy in Northern Ireland. "What it has

failed to do", he added, however, "is to convert latent Republican opposition into a movement which will persuade successive British Governments that Britain has to leave". Hearst went on to ask him for his reaction to a possible arrangement which would involve a power-sharing administration in Northern Ireland and a link with Dublin. Adams responded by admitting "that the movement is facing the biggest challenge in its history" and that he could see "this big boxing glove of pacification heading rapidly towards us". In elaboration, he went on to make the following intriguing remark: "If you believe in a gradualist scenario with Dublin taking up more and more responsibility and the British influence slowly waning, you end up with a situation which may be very bad for the very specific Republican organisation, or base or struggle but becomes good for the overall cause".

13. The implication of this unprecedented remark appears to be that Adams considers that the present process (the Agreement etc) could lead ultimately to a marginalisation of the British role in the North and that when it is eventually achieved there is every danger from Sinn Féin's point of view that they will not be in the "final frame". If this is an accurate reflection of Adams' true thinking - and we should perhaps be careful about reading too much into one interview - it means, in effect, that he accepts the "conundrum definition" of Sinn Féin's present position and by extension the fundamental nature of the choices now facing the party. If that is so, last weekend's Ard Fheis, as the first of the new decade, may have been the prelude to a very crucial period in the party's history.

T. O' Connor

9 February, 1990.

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

Meeting with Eddie McGrady

5 February 1990

I met Eddie McGrady in Downpatrick on 5 February. Among the points of interest in our discussion were:

Political situation:

- McGrady is deeply concerned at what he sees as a slow but steady transfer of control of Northern Ireland affairs to London. ("creeping integration") and angry at the cursory treatment of Northern Ireland issues in Westminster; however, in contrast with his mood during some previous conversations, I found him on this occasion more conscious of the 'risks' that might be incurred in trying to make political progress than of the benefits that might accrue.
- As of now, he is not encouraging us towards any cosmetic concessions that might meet Unionist pre-conditions for talks; on the contrary, McGrady seemed reassured by confirmation that no such gestures were being contemplated on our side.
- He has carefully analysed the comments of Unionist spokesman over the past few weeks and is convinced that their position is toughening rather than softening. (By way of example, he said that, a few weeks ago, Jack Allen told him privately that he saw no difficulty with the continued operation of the Secretariat during inter-party talks; Molyneaux has now firmly reined him in and Allen is no longer talking in these terms). McGrady's conclusion is that if Unionist leaders get any hint of flexibility on the part of the two Governments they will continually "up the ante".

He is uneasy about a sense that "the British are trying to play me off against John Hume". He feels that Hume is being unfairly criticised by the British and by some media commentators for lack of flexibility; he plans to make a major speech shortly in which he will dwell on Unionist intransigence - the primary purpose of the speech will be to take the pressure off Hume.

Prospects for talks

- Responding to speculation that the British may be envisaging a "natural gap" in Conference meetings around Easter, McGrady expressed the view that this would be too early for any realistic expectation of progress; he felt that the target of five Conference meetings should be met by the end of May and, if desired, a "natural gap" of three months could then arise until the end of August.

- He feels the British have very little idea of where they are going following Brooke's Bangor speech and is critical of their presentation of themselves as simply passive "facilitators".

- In terms of what Unionists are prepared to give, he is convinced that what the Unionist leadership wants is essentially a return to Stormont with some minimal window-dressing to suggest things have changed. He sees the Irish government as the only guarantor of genuine change and is therefore extremely wary of any new arrangement that might result in any diminution of the Irish government role.

- Speculating as to what SDLP reaction might be to a possible outcome of talks which offered something akin to power-sharing, but at the price of a reduced role for Dublin, McGrady predicted that this "would lead to a major row within the party". Some would feel that any such outcome would be a poor bargain, which would leave the SDLP further boxed in, while others would see it as offering a worthwhile improvement on the present situation.

Dilemma for Constitutional Nationalists

- On a more philosophic note, McGrady said he is troubled by the thought that the Republican tradition which he is handing on is less strong than that transmitted by the previous generation of nationalists. For years there has been a reticence on the part of constitutional nationalists about any forthright statement of

republicanism (largely because the Republican ideal has been sullied over the past twenty years by crimes committed in its name). But because the vocabulary of constitutional nationalism has changed, the British have assumed a change in the basic aspiration.

- Applying this general concern to the present situation, McGrady said that the NIO essentially believes that the SDLP will settle for a Six County solution with some add-on relationship with Dublin; they consistently underestimate the SDLP insistence on an all-island approach.

Unionist/Dublin Relations

- McGrady is emphatic in his view that neither Molyneaux nor Paisley will ever come to Dublin for talks; they may throw out hints or half-promises from time to time, but will never deliver on them. He is concerned that at some stage a concession on substance might be made with the object of wooing the Unionists to Dublin. (I reassured him that we are not in the business of conceding substance for half-promises).

- He feels that it would be fundamentally mistaken to see Molyneaux or Paisley as endowed, even potentially, with any sort of statesmanlike qualities. Their view will always be the narrow one - and they will always come to the conclusion there is nothing in it for them to go to Dublin for talks.

Other Issues

Cross-Border Submission for Structural Fund Support

- McGrady is extremely enthusiastic about this initiative and has drawn up proposals in relation to his own constituency; he is anxious to be kept informed of developments.

IDB

- McGrady has consistently been among the most trenchant critics of the Industrial Development Board; he has now put down a

number of P.Q.'s on Board activities (the replies should be helpful to us in our efforts to draw up an analytical paper on alleged bias in IDB activities).

International Fund

- He remains unhappy with aspects of the Fund (in particular, the definition of disadvantaged areas and grant allocations under the Urban Development Programme); he will meet the Chairman, John McGuckian, on 19 February and the Joint Directors General on the 21st.

Inter-Parliamentary Body

- He is an "Associate Member" of the Body (Mallon is the SDLP member) and has only a vague idea as to what this involves. (I promised to provide clarification). He is anxious to promote co-operation between the SDLP members of the Body and the Dublin members.

Fair Employment

- He remains keenly interested in this area and wants us to support him in urging the Fair Employment Commission to do a study of consultancies in the Royal Victoria Hospital in Belfast.

Public Appointments

- I told him we were pressing ahead with a further submission in the Secretariat but we needed a better range of credible candidates if our success rate was to improve; McGrady said he was very conscious that the SDLP needed to get its act together in this area.

Anne Anderson

A Anderson

7 February 1990

W4213

c.c. P.S.S.
Mr. Gallagher
Counsellors AI
Secretariat
Ra

Meeting with Cardinal O Fiaich

2 February 1990

In the course of a meeting with Cardinal O Fiaich at his residence in Armagh on 2 February 1990, the following points of interest arose;

General Political Situation

The Cardinal felt that there was something to the suggestion that the Provos may be moving to end violence. He himself felt that Adams was trying to get "off the hook" and several of Adam's remarks over the last year were suggestive of this approach. He felt that the campaign was getting tired and there had been a lot of mistakes. The Bloody Sunday bombing in Derry was a disaster (it was not good either for the Birmingham Six).

He saw no reason why it should not be possible to get the main political parties to talks. This was one thing but achieving an outcome seemed very unlikely to him. While there were several voices in Unionism he thought that the OUP could not and the DUP would not accept anything like power sharing. The SDLP would be destroyed by Provisional Sinn Fein if they accepted anything less than power sharing. The Brooke speech had given the matter a bit of a push and there was no harm in this.

He was astonished by the controversy that surrounded the remarks that he made in the course of an interview on the Mater Hospital Radio before Christmas when he said that the British should say that they were not going to stay in Ireland for all time. He felt that this was a media generated story. He said nothing that he had not said previously. While he said that he normally attracts a considerable amount of hate mail as a result of stories of this nature on this occasion he was surprised at how

little reaction the story generated. In all, he said he got only three letters critical of his comments.

The Birmingham Six and other Prison issues

The Cardinal said that he found all of the Birmingham Six with the exception of Paddy Hill in very good form. He said that he had found Hill in good physical shape but was concerned about his mental state. During the visit Hill was extremely agitated and high pitched and shouted quite a lot. He only heard subsequently that Hill had been punished for some misdemeanour the previous weekend and that this might have given rise to his behaviour. (In fact he is reported as having been placed in solitary confinement the previous weekend for an incident involving his glasses and tobacco pouch which were taken from him). Still he found the Hill's situation worrisome and wondered whether there were underlying symptoms. His visit also included other Irish prisoners who were prepared to or wished to meet with him. He met several women prisoners including Judith Ward. He was accompanied throughout by Fr Raymond Murray.

He was enthusiastic about the Christmas Prison Release Programme in the South. One of those released, Liam Townson (convicted for the murder of Robert Niarac) had sought to contact him while on release but because of the Christmas period they kept missing one another. He didn't know what Townson's concern was. He also mentioned that Townson had visited Northern Ireland and that this had not given rise to any difficulties with the RUC, who were alerted in advance. He hoped that the programme would be renewed next year. He had no particular comments to make on the prison system in Northern Ireland. He had not been following it too closely in the last year. In general, however, he sensed a more sensitive hand at play. Maghaberry Prison was working well and the atmosphere there was obviously good. He felt that the Long Kesh Regime was still a bit stern. It contrasted poorly

with the atmosphere that existed even in some of the British prisons that he visited in the previous week. (I mentioned to him the case of Hugh Feeney about whom he has enquired previously. I told him that our information was that the matter was with the Home Office but that Secretary of State Brooke had made a decision to release Feeney).

The UDR Four

He referred to the case of the UDR Four and suggested that we might like to follow up any interest that we might have with the local Methodist Minister called Hamilton Skillon, who was actively pursuing their case. He himself was sceptical. He was not convinced that they were all innocent. There might be a doubt in one or two cases but not in respect of all Four. He had been approached by the families but on balance he saw little dividend in becoming involved in the case.

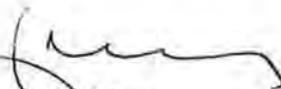
Visit to the United States

He mentioned that he will be visiting New York, California and Boston in mid-February. The purpose of the visit was immigration issues and particularly an assessment of how the clergy appointed to look after this issue in New York and Boston were faring. He was concerned about the McBride Principles and determined not to go off side with Irish Americans on this point. He was conscious of the difficulties that Bishop Daly had run into. He was also conscious, of course, of the need not to switch off American investment. He had taken soundings from several persons in the States including the likes of Tommy Makem who saw nothing wrong with the Principles. He will have contact with both CGs in New York and Boston. He will be staying with Cardinal O'Connor while in New York.

Visit of President Hillery to Northern Ireland

He said that he had invited President Hillery to Armagh for St.

Patrick's Day. The President said that another event had arisen and he would not be able to attend. He was anxious for the President to visit Armagh later in the year, and in any event before his term of Office expired.



M Collins

7 February 1990

cc A/Sec Gallagher
Counsellors AI
Box

W4195

Confidential

Meeting with Mr. Patrick Fahy, Solicitor, Omagh,
6 February, 1990.

1. Mr. Fahy runs a large practice in Omagh. Although now retired from active politics - he had been prominent locally in the Irish Independence Party until the mid-eighties - he retains a close interest in the political scene.

Sinn Féin

2. He has extensive contacts in Sinn Féin and said that there is deep embarrassment in the party about the Charles Love killing in Derry last week. Privately, a number of Sinn Féin Councillors in the Omagh area have been complaining to him about the amount of "flak" that they are getting locally about the incident. He agreed that "accountability" - whereby Sinn Féin Councillors have to carry the can for IRA atrocities - is becoming more and more a difficulty for Sinn Féin.
3. However, he cautioned against any belief that the process was having any impact on Sinn Féin's core support. What it was affecting was their capacity to expand their base. He said that it was clear from remarks at the Ard Fheis last weekend by several speakers that the party itself was fully conscious of this. Moreover, they appeared to be at a loss as to how to resolve the dilemma.
4. I drew Mr. Fahy's attention to Gerry Adams' remark in his interview with David Hearst in "The Guardian" of 2 February in which he said that if "you believe in a gradualist scenario with Dublin taking up more and more responsibility and the British influence slowly waning, you end up with a situation that may be very bad for the very specific Republican organisation or base or struggle, but becomes good for the overall cause". Mr. Fahy had not been aware of Adams' comment, which he described as "very interesting". He was clearly surprised by it and found it intriguing that

Adams' thinking could possibly be going in that direction.

North/South relations

5. We had a long discussion about the relationship between the South and Northern Nationalists. He said that many Northern Nationalists had felt a deep sense of abandonment over the decades. This was now lessening somewhat but had by no means disappeared - the "plague-on-both-your-houses" mentality which continued to be articulated by some Southern commentators was regarded as particularly hurtful. I made the point that this was certainly not the attitude of successive Irish Governments nor indeed of the large majority of people in the South. He accepted this; however, he argued that Irish Governments over the years had been too restrained in their pursuit of unification and that a more robust approach would have yielded greater dividends.

The Agreement

6. Instinctively, he tends to be critical of the Agreement, on the basis that there is a danger that it "lets the British off the hook" and merely serves to perpetuate their presence in Ireland. I put it to Mr. Fahy, however, that whatever his misgivings about the Agreement he would have to agree that it appeared to be (albeit slowly) fulfilling its "function" as an inducement to Unionists to do some serious new thinking about their situation. In that context, I drew his attention to Frank Millar's interesting article in the "Irish Times" on Tuesday (in which, inter alia, he seemed to imply acceptance (a) of the view that if IRA violence were to cease, an entirely new situation would open up and (b) that the British were neutral on the constitutional future of Northern Ireland). Mr. Fahy was taken by Millar's piece and accepted that if it were indeed indicative of new thinking among some elements of Unionism at least, that was undoubtedly of significance. Against that background he agreed that there was a logic about a "gradualist" approach

from an Irish Government's point of view and that it might well indeed have the potential to be ultimately effective.

7. He cautioned, however, against over-optimism about a change of heart by the Provos in the foreseeable future. He said that they regarded themselves as direct heirs to the struggles of 1916 and 1919 and had the capacity and will - and support - to continue for a long time yet ("simply because they're going round in circles is not sufficient reason in itself for them to stop")

dsc

T. O' Connor

9 February, 1990.

cc Mr. Gallagher
Counsellors A-I
Secretariat
Section
Box

Confidential

Conversation With Brid Rogers, Lurgan, 7 February, 1990.

Political Issues

She said that Harold McCusker's condition continues to deteriorate. The Mayor of Craigavon, James McCammick, is regarded by many as McCusker's likely successor.

Like many of her SDLP colleagues she is sceptical of any real change in Unionist attitudes and she feels that their main preoccupation is getting rid of the Agreement, even though at local level their supporters are beginning to be more dismissive of the Agreement as an issue. She thinks that the SDLP must proceed with great caution in the present delicate situation and not allow themselves to be manoeuvred into a situation where the Unionists can accuse them of being the intransigent obstacles to progress.

At the local level, the Official Unionist majority in Craigavon Council has made no real concession to the nationalist community apart from places on some committees. She has noted the more magnanimous behaviour by the Official Unionists in some other councils but she suspects that they are merely putting a good face on things in the hope of bringing the British around to restoring more powers to the local councils.

Policing

The Police Authority recently met with Craigavon Council to promote the setting up of Police Liaison Committees and she said that the SDLP had come under a lot of criticism from the Unionists and the Police Authority for refusing to go along with the proposal. She insisted however that the SDLP will not participate in these committees because the nationalist community is still not happy that a fair and impartial system of policing is being operated. She said that she had strong words in private with Ms. Jean Murray, a Catholic appointee to the Police Authority, and a critic of SDLP policy with regard to the Liaison Committees. Murray argues that these Committees are likely to go ahead anyway, and that if the SDLP do not get involved at the

outset they will be left out in the cold.

In the Craigavon area, the SDLP has good liaison already with the RUC and Rogers sees little need for change. She finds the idea of SDLP representatives discussing sensitive policing matters with the RUC in the company of unionist politicians to be completely unacceptable.

With regard to policing in the Craigavon area she said that there have been very few complaints of late and mentioned the fact that she had not yet met with the local Superintendent who was appointed a few months ago as "a sign of the times". There are far fewer UDR patrols in nationalist areas recently, and she has noticed that there are more 'all RUC' patrols than accompanied UDR patrols. She wondered how the RUC can find the manpower to mount full patrols of their own and yet claim that they do not have the manpower to accompany more UDR patrols.

UDR

While the reduction of the UDR presence in nationalist areas is very welcome she expressed concern at the recent tendency of the UDR to set up checkpoints on the access roads to nationalist areas. These checkpoints often operate late at night and she considers that UDR patrols operating in such circumstances should be a priority for accompaniment by the RUC.

Stevens Inquiry

With regard to the Stevens Inquiry, she said that there was a growing sense of deja vu in the nationalist community at the way it appears to be going. Apart from incidents such as the fire and the tipping off in advance of loyalist suspects, she thought it very disturbing that, so far, the arrests have nearly all been of recipients of leaked documents and there have been no arrests of the really serious culprits: the members of the RUC, UDR and the Army who are the leakers security material.

J Farrell
Anglo-Irish Section
9 February, 1990

CC A/Sec Gallagher, Counsellors AI, Secretariat, Box.

National Archives Act, 1986, Regulations, 1988

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

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

(i) Reference number of the separate cover under which the abstracted part has been filed:
840/3875

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

(iii) The date of each such document: 05/02/90

(iv) The description of each document: Report of a conversation with Gareth Pierce on the Birmingham Six

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

Mary Doyle

Name: Mary Doyle

Grade: CO

Department: *Foreign Affairs*

Date: 24/11/20



IRISH EMBASSY, LONDON

*NR P2 RP
Paddy Hill*

17, GROSVENOR PLACE,
SW1X 7HR

Telephone: 01-235 2171

TELEX: 916104

CONFIDENTIAL

*cc PST : P2
Mr Walsh ; PPT -
Mr Walker ; Mr Puer
Coyler A1
P2*

5 February 1990

Mr Dermot Gallagher
Assistant Secretary
Anglo Irish Division
Dublin

Dear Assistant Secretary,

CONVERSATION WITH GARETH PIERCE ON THE BIRMINGHAM SIX

I had a call today from Ms Gareth Pierce, solicitor for the Birmingham Six. She was anxious to be filled in on any recent moves at the political and diplomatic levels in relation to the Six. I told her in on the Minister's meetings with Home Secretary Waddington and Secretary of State Brooke, taking care at the same time not to betray any confidences. She was concerned that the police had not been making any moves to interview witnesses on foot of the new evidence she had submitted late last year, though the few indications she had had of official reaction had been positive.

New Evidence

Ms Pierce was anxious for an indication as to whether she should attempt to present further evidence at this point. In the Guildford Four case, when she had been made aware that the Home Secretary was about to take an negative decision, she had been able to submit new evidence which turned the situation around. She had some further, "marginal", leads in this case but following up would involve a lot of travelling. One, for example, concerned Mr Noel Walsh, the former landlord of the Crossways pub, who revealed last month that he had been dissuaded from giving character evidence in favour of John Walker at the original trial. Further to what he told the media, he has stated to Ms Pierce that police frequenting the pub in the period leading up to the trial spoke of the men having "fallen down the stairs" in a meaningful way. This, of course, is hearsay and would not be admissible as evidence but the Home Office might be willing to take it into account in reassessing the case. Ms Pierce said that she will write to the Home Office, stating that she has some potential new evidence and will decide on follow-up on the basis of the reaction.

I spoke to Mr Baxter, the Head of the relevant Division at the Home Office regarding the new evidence. He said that it had been considered by the Home Secretary who had asked for clarification of a number of items. These were being pursued but, as it involved examining the trial and appeal transcripts among other things, it was a slow process. Also, the same people were involved in the Sir John May Enquiry. May had set a deadline of 31st January, which had proved impossible to meet, and so it would clearly be some time before the Home Secretary would look at the material again. He promised to keep me informed.

Paul Murray

Paul Murray
First Secretary



IRISH EMBASSY, LONDON

17 Grosvenor Place,
London SW1X 7HR.

cc Mr. Mates
[Signature]

7 February, 1990.

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

The Wallace Affair:
Conversations with Martin O'Neill MP, Kevin McNamara MP
and Michael Mates MP

Dear Assistant Secretary,

Conversations with Government and Opposition MPs in the last few days have provided some interesting perspectives on the Wallace affair.

Michael Mates, Chairman of the Defence Select Committee told me that he had been briefed privately by Tom King some days before the written reply from Armed Forces Minister Archie Hamilton sparked off the controversy. According to Mates the Defence Secretary told him that the internal enquiry into Wallace's dismissal was initiated by him and not, as conventional wisdom at Westminster has it, by his Permanent Secretary Sir Michael Quinlan. The story, as told by Mates, is that Tom King in the course of a letter-signing session in his private office remarked on the fact that a letter to Wallace used exactly the same language as previous correspondence. On enquiring why the format remained the same King learned that the Ministry had been using the same stone-walling formula over the years in responding to successive letters from Wallace on the basis that the Ministry had nothing to say on the subject of Wallace's allegations of unfair dismissal. It was this obdurate attitude on the part of his department which, according to Mates, had prompted King to ask his Permanent Secretary to personally examine all the files.

Mates told me that he had asked King the question which all MPs were pondering earlier this week - "why re-open this politically damaging Pandora's box?" King told Mates he had no option. There was clearly evidence of an injustice, albeit a relatively minor one. He was also under pressure from a senior Tory backbencher, Michael Marshall - who is Wallace's MP. The official view, according to Mates, was that the whole thing would fade away after the initial storm simply because there was nothing there to support allegations of wider wrongdoing by the security services. Mates conceded however that there is, at senior level, a residual worry that the Calcutt enquiry will recommend a fresh hearing on Wallace's dismissal thereby sparking off a further round of controversy.

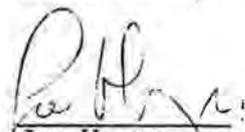
Mates knows Wallace from his final tour of duty in Northern Ireland. According to Mates, Wallace is "mentally unstable" although Mates admitted that he had done a "tremendous job" for the Army in Northern Ireland. According to Mates, Wallace had leaked the classified document - the subject of his dismissal - to Bob Fisk to avenge in some way his relocation from Northern Ireland which, Mates hinted, was due to some unspecified sexual impropriety.

Mates contended that allegations of a smear campaign against mainland British politicians were "rubbish". He remarked however that it was fortunate that the focus of attention was on this aspect rather than on Wallace's activities in Northern Ireland where, according to Mates, it would come "as no surprise to anyone who served there" if evidence were uncovered showing that local politicians on all sides had been tainted by the disinformation campaign. It was no secret that such a campaign existed. Mates could recall from his time at least two instances where IRA members were killed as a result of skilful use of disinformation. One such case, as recounted by Mates, involved the execution of an important member of the IRA by his colleagues following the circulation of a rumour that he was having an affair with the wife of a senior colleague who was serving a prison sentence.

From the outset the Labour Party has concentrated on the broader implications of Wallace's allegations. This strategy was mapped out at the Shadow Cabinet meeting on 30 January when it was decided to request the Speaker to refer the matter to the Committee on Procedure and Privileges. The brief to pursue it in the Commons was handed to Martin O'Neill, the Party's Defence spokesman. Kevin McNamara's input has, as a result, been largely ignored despite his efforts to try and re-focus attention on Wallace's activities in Northern Ireland. To this extent McNamara echoes Mates' sense of the affair and feels that as long as the debate is led by the Defence Secretary and his opposite number on the Opposition benches, the full facts will never be uncovered.

At time of writing interest in the affair appears to be waning. Labour are hoping that the Speaker will press for a further statement from the Prime Minister - a scenario which appears highly unlikely or refer the matter to the committee on procedure and privileges. It is more likely that the matter will be referred to the Defence Select Committee thereby continuing to limit the principal focus of attention to the terms of reference of the Calcutt enquiry. From an opposition point of view, in any event, it is increasingly clear that the Government may have weathered this particular storm, at least for the time being. That fact that Tony Benn raised the matter on last night's (6 February) adjournment is a telling sign that the whole affair is slipping increasingly to the margins of public interest.

Yours sincerely,


Joe Hayes
Counsellor



IRISH EMBASSY, LONDON

17 Grosvenor Place,
London SW1X 7HR.

7 February, 1990.

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

Inter-Parliamentary Body
Conversation with Peter Temple-Morris M.P.

Dear Assistant Secretary,

I had a conversation on 5 February with Peter Temple-Morris M.P. in the course of which he reflected on the outcome of the Inter-Parliamentary body steering committee meeting of 1 February and looked ahead to the inaugural meeting at the end of the month.

He expressed himself as very pleased with the Steering Committee meeting. It had helped focus attention on the vital question of the agenda for the inaugural. The composition, structure and ordering of the agenda was, he felt, the key to the success of the first meeting. It was something which would require careful handling. He was deeply appreciative of the Leas Ceann Comhairle's "good sense and understanding" and he felt his experience would be greatly needed to ensure a smooth running of the business of the inaugural.

He was, he said, annoyed at Stuart Bell's approach at the Steering Committee meeting. Throughout the meeting Bell had doggedly pursued detailed drafting points in the Rules of Procedure and in the discussion on the agenda made it very clear that he was in favour of the absolute right of every member to raise any point he wished irrespective of any wider sensitivities. Temple-Morris predicted that we could expect what he described as Bell's "macho approach" to surface again at the inaugural where more than most he would "have an eye to the media". In this connection Temple-Morris expressed dismay at Stuart Bell's insistence on being present for the Irish media briefing.

cc Mr. Miller, R.P.P.
C. J. H. P.
J.P.P.

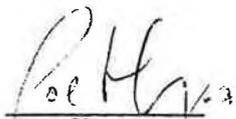
I should add that the views of Temple-Morris on this subject are mild indeed compared with those of Kevin McNamara who holds Bell personally responsible for his exclusion from the Inter-Parliamentary Body and is increasingly of the view that Bell will use the Body as a platform for publicising his views on Anglo-Irish affairs thereby undercutting McNamara's role as official spokesman.

Temple-Morris was very pleased to learn that the Tanaiste would be attending the inaugural. On their side, Geoffrey Howe was consistently supportive as was Peter Brooke and Douglas Hurd. Temple-Morris was concerned that Mr. Brooke's intention to be present at the dinner at Lancaster House, hosted by Sir Geoffrey Howe should not be misconstrued. (During the course of the Steering Committee meeting, Deputy Barry, in particular, had expressed the view that it would be inappropriate for Mr. Brooke in his capacity as Secretary of State to address the guests at this dinner since this would require a response from the Irish side and in the absence of our Minister there would be no appropriate respondent.) The compromise agreed by the meeting was that Mr. Brooke might be called on by Sir Geoffrey Howe to welcome the members of the Body in his capacity as the MP for Westminster. On reflection Temple-Morris wondered whether this approach would devalue the presence of the Secretary of State.

He was impressed with our attention to the press arrangements. The IPB have retained the services of a PR agency - Westminster Consultants - but he doubted whether they would be able to deliver the type of media massaging which was required to stimulate an interest among the lobby. It was his intention to personally take charge of most of the arrangements since, apart from any shortcomings on the part of Westminster Consultants, he sensed that the Secretariat on their side were excessively reticent in encouraging media interest.

He was optimistic that the inaugural would go well. The Body promised something which was historically and constitutionally unique and with a margin of good will and common sense he felt that it could deliver at least what was expected and, with a fair wind, a good deal more.

Yours sincerely,


Joe Hayes
Counsellor



IRISH EMBASSY, LONDON

17, GROSVENOR PLACE,
SW1X 7HR

Telephone: 01-235 2171

TELEX: 916104

Confidential

Handwritten notes:
He will be...
He will be...
Cecilia...
Pope

7 February 1990

Mr. Dermot Gallagher
Assistant Secretary
Anglo-Irish Division

Dear Assistant Secretary

Lunch with Simon O'Dwyer-Russell, The Sunday Telegraph

Formerly the Sunday Telegraph's Defence Editor, O'Dwyer-Russell has recently become the paper's Diplomatic Editor. Like a number of other Telegraph journalists recruited by Max Hastings, he has an Army background and has very good contacts in Army and MOD circles.

The following points of particular interest arose:

The Whiterock killings

- A senior MOD source told O'Dwyer-Russell some days ago that the soldier who killed the driver of the car in this incident is about to be prosecuted. The view has been taken that this killing was completely unjustified as the man kept his hands on his lap and gave no sign of having a gun.
- As regards the second soldier, however, the indications are that he will not be prosecuted. In his debriefing to the RUC, he claimed that he only opened fire as a consequence of his colleague having shot the driver. On hearing the latter shots, he assumed that the gang must be armed and, seeing the other members emerge with weapons, opened fire in order to protect himself and his colleague.
- This account, O'Dwyer-Russell observed to me, did not explain why the soldier continued to fire at the raiders on the pavement long after they would have been immobilised. The discovery of an empty magazine for the soldier's Heckler and Koch weapon suggests that, having

discharged the 25 rounds from that magazine, he then reloaded with a further magazine (from O'Dwyer-Russell's experience, a particularly laborious procedure in the case of this gun) and continued shooting.

- On the subject of "coup de grace" killings, O'Dwyer-Russell recalled that, after the Loughgall incident, SAS contacts told him that the SAS had been instructed to finish off their victims in this fashion in order to make the faces unrecognizable. This, it was hoped, would have a strong deterrent effect on the families. When O'Dwyer-Russell reported this in the Sunday Telegraph, the then Defence Secretary (George Younger) complained strongly to Peregrine Worsthorne (the paper's then Editor) and asked for O'Dwyer-Russell's dismissal. Worsthorne refused.
- O'Dwyer-Russell, who has friends in the SAS, said that he has often heard from the latter that, if a SAS soldier once opens fire at a target, his colleagues feel automatically obliged to keep firing at the same target until it has been definitively eliminated. There was a private complaint among the SAS soldiers involved in the Gibraltar killings that the precipitate action of one of their number in opening fire on the three automatically forced the rest of them to follow suit.
- As regards the background to the Whiterock killings, a friend who belongs to 14 Intelligence Company told O'Dwyer-Russell that the two soldiers were SAS-trained and had SAS weapons (the Heckler and Koch gun, not usually issued to the other security forces) but that they had never been involved in an incident of this kind before. They were going off duty at the time, handing over to two soldiers (one male, one female) who were in the other car. They had been cooped up on reconnaissance duty in various buildings in West Belfast for some time previously and may well have been in a restless frame of mind which lent itself to spur-of-the-moment decisions. There was probably also a large element of machismo in their decision to intervene.
- O'Dwyer-Russell also understands that, in the course of their debriefing, the soldiers claimed that senior Army officers had recently been urging units to "let them know who is boss" in West Belfast. Separately, O'Dwyer-Russell has heard that General Waters has been privately exhorting his officers to "keep worrying the Provos" in West Belfast, even if this means open confrontation with them, in order to assert the Army's control of the situation and to deprive the Provos of the initiative.

The Wallace affair

- A senior MOD source told O'Dwyer-Russell some days ago that the affair "has only just begun" and that "there is a lot more to come out".

- His own view is that, in addition to the diligence and integrity of officials like Sir Michael Quinlan, there must be some other factor to explain the Government's sudden action on this case. Some additional pressure (a further, more serious scandal as yet undisclosed?) must be weighing on Ministers.
- Quinlan, of course, is a potent factor in his own right. He is a committed Catholic of Irish background. (His grandfather came from Clonakilty and his mother came from Ardboe, Co. Tyrone - which, he observed wryly to a journalist recently, is "IRA territory"). He is known to believe firmly in "right and wrong" and to be determined that, under his administration, the MOD will not be accused of malpractice.
- (As related to another journalist this week by Nicholas Scott, who knows Quinlan well, Quinlan first examined the papers in the Wallace case in April of this year. He then instituted a search for further documents. In September, he contacted Sir Robin Butler, the Cabinet Secretary, and briefed him on the implications of the new discoveries, including the need to correct misinformation given to Parliament. Butler gave him the go-ahead to prepare Ministerial statements).
- It is also possible, O'Dwyer-Russell suggested, that Tom King has taken a personal interest in the matter. O'Dwyer-Russell's MOD source has told him that, even in his new job, King still spends an extraordinary amount of time on matters related to Northern Ireland (e.g., how the Army is performing there). The Wallace affair, O'Dwyer-Russell speculated, may well be a matter in which King took an interest as Secretary of State for NI and about which, as Defence Secretary, he is now able to do something.
- David Calcutt, QC, who is to conduct the inquiry into Wallace's dismissal, has also been examining, at the Government's request, the question of compensation for the Guildford Four. (Rumour has it that he will recommend payments of roughly £100,000 to each of the Four). He also conducted the inquiry into the Cyprus secrets case. What is less well-known is that, at the Government's request, he has also carried out a number of internal inquiries in the security services. He is therefore evidently considered "safe" on delicate matters of this kind and a cynic, O'Dwyer-Russell commented, might well conclude that Calcutt was deliberately chosen in order to ensure that the scope of the inquiry remains strictly limited.

Yours sincerely

David Donoghue

David Donoghue
Press and Information Officer



IRISH EMBASSY, LONDON

Confidential

7 February 1990

Mr. Dermot Gallagher
Assistant Secretary
Anglo-Irish Division

*PST
The Weekly i P/A
Candice P/1
JFK*

Dear Assistant Secretary

Unionist media briefing at Westminster

Two Unionist MPs, Martin Smyth and Willie Ross, gave an off-the-record briefing at Westminster last week to selected journalists. So far, only one piece has appeared (in the Times) as a result of this briefing, believed to be the first of its kind since the signature of the Agreement in 1985. I asked some of those present for an account of the briefing.

Those invited by the two MPs were representatives of the Times, Financial Times, UTV and PA - a total of five journalists. The absence of representatives from any other media (e.g. the Independent, Guardian or Telegraph) suggested to my contacts that the MPs had simply approached a handful of journalists whom they already knew and had not bothered to extend this circle. It is likely, my contacts speculated, that Molyneaux, who is notoriously averse to organised media briefings and confines his contacts with journalists to "a word in the corridor", asked the two MPs to arrange this briefing (and possibly future briefings of this kind). The Official Unionists are probably anxious to raise their profile at Westminster with a view to countering, in particular, the threat which they now face from the Conservatives in NI.

In terms of substance, however, there was virtually nothing of interest in the briefing - hence the almost total lack of response from the media. Smyth and Ross predicted that there would be no inter-party talks for quite some time and certainly not before the end of this year. They ruled out power-sharing and made it clear that all the Official Unionists are prepared to offer at present is something on the lines of the Airey Neave proposals of 1979 for a system of regional councils. Asked for their ideas on relations with Dublin, they indicated vaguely that they had no objections to talks with the Irish Government about matters of common concern such as the electricity inter-connector. However, they would not contemplate any institutional links between North and South.

My contacts have heard separately that the relations between a number of senior OUP figures are strained at present. At a recent meeting of the OUP's Parliamentary Party, a serious row broke out between Smyth and Ken Maginnis (to the extent that Molyneaux had to intervene to adjourn the meeting) after Maginnis had challenged Smyth's thinking on future strategy. Maginnis is believed to take a jaundiced view of Westminster these days and his prolonged absence from the Commons in recent months has been noted. John Taylor, in turn, is viewed with considerable suspicion by his party colleagues, who interpret his every move as part of a campaign to replace Molyneaux as leader.

Yours sincerely

David Donoghue

David Donoghue
Press and Information Officer

2 February, 1990

TO : HQ FROM : Washington

FOR : Asst. Sec. D. Gallagher FROM : B. Scannell

Subject : Airlie House/George Mason University Seminar on
Europe 1992.

-
1. The Ambassador informed the Department in Cl9 of 31 January that the Airlie House/George Mason University were holding a Conference on Europe 1992 which Sean Farren and Denis Haughey of the SDLP, together with Ken Maginnis, OUP, and Peter Robinson and Gregory Campbell of the DUP were attending.
 2. Denis Haughey asked me late yesterday if I would be available to attend a private dinner that evening at which only the DUP, OUP and SDLP members would attend. Peter Robinson had indicated that he had no problems with such an arrangement.
 3. The dinner was informal and took place in a public restaurant. Peter Robinson, while courteous, was careful not to take the lead in talking points during the dinner. Our discussions ranged broadly over the McBride principles campaign in North America, the role of Irish American Organisations and American politics generally.
 4. Robinson, though reticent throughout, loosened up somewhat during the dinner at Maginnis's prodding and allowed a little more insight into his thinking on Anglo-Irish relations. In one telling remark addressed to Sean Farren and Ken Maginnis he said that the OUP have been in power for

over 50 years while the SDLP have been in a privileged position for the last five years while his own party had always been "in opposition". Robinson sketched out the dilution of the Unionist position since the Anglo-Irish Agreement came into force. Unionists, at the outset, demanded that the Agreement be scrapped. Their position modified from this outright demand to a proposal for the Agreement to "be suspended". The Unionist position was further modified whereby "a suspension of the working of the Agreement" would suffice. Their present position was for "a partial suspension" of the Agreement and they were prepared to make a distinction between the Conference and the Secretariat. In return the best offer they had received was a suggestion during the week by the SDLP to the "sensitive operation" of the Agreement should talks get off the ground.

5. Robinson remarked on the Taoiseach's political astuteness. While he could live with the Taoiseach's statement of 22 January on the possibility of talks with Unionists, his own expectations had been higher given the tenor of the Taoiseach's initial remarks on the Sunday. Without elaborating, Robinson said that the more formal statement on 22 January had left "Ian off the hook".

6. Maginnis and Robinson recognised that their ability to manoeuvre was limited because of Paisley and Molyneux and in a tongue-in-cheek comment, Robinson said that it would be helpful if peerages could be arranged for both of them and they would thus have one up on Enoch Powell. Maginnis, in his comment was openly hostile to John Taylor and said it was inevitable that Taylor would succeed Molyneux. Robinson, when questioned by Sean Farren stated his political base was firm and instanced the fact that he could disagree openly with the DUP leader and still not suffer a dilution of his base.

7. A certain frustration was clearly evident in Robinson's remarks and he did not try to conceal his desire to be involved more in the political mainstream. Robinson in particular was critical of the way Northern Ireland matters were dealt with in Westminster. He contrasted the role of the SDLP with their ready access not alone in Dublin but also Westminster and indeed Europe.

8. Robinson criticised the Irish Court system claiming that he had been harshly treated over the Clontibret incident in 1986. He said that he would gladly have gone to jail and the only reason that stopped him then was that he would have been disqualified from his parliamentary seat after one year in prison. Robinson said that his Attorney, Desmond Boal, had settled on a deal too quickly with the prosecution. I got the impression that should the opportunity present itself he would not be averse to talking to an appropriate interlocutor. He mentioned that he had recently met Dermot Gallagher at a lunch in Dublin. I was seated between Robinson and Gregory Campbell during the dinner. Campbell said very little but clearly was in broad agreement with the overall tenor of Robinson's remarks.

9. Ken Maginnis said he was returning to Dublin for the rugby international on Saturday. He remarked that Harold McCukser's condition had deteriorated considerably in the last few weeks.

END of file