

START of file

*Minister of
State*

SECRET

ANGLO-IRISH SECTION

WEEKLY BRIEF

WEEK ENDING 9th NOVEMBER 1990

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AN ROINN GNÓTHAÍ EACHTRACHA
Department of Foreign Affairs



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CONFIDENTIAL

1 November 1990

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

Dear Assistant Secretary

Follow-Up to Conference of 25 October

I had a discussion with Mr Alston on the follow-up to the Conference in London last Friday and again in Belfast this week. I have already mentioned some of the points below by telephone last Friday; and I am writing separately on the discussion on political talks.

Date of Next Conference

It is understood on both sides that the next Conference will take place in Belfast on 30 November beginning at 10.30 am.

Stevens Report

We recalled the Minister's insistence on a meeting at official level. The British side said that Mr Brooke had instructed officials to consider the matter and report to him but I have no feeling that the British preference for a discussion of the matter in the Plenary of the Conference will change. In response to our pressure here, they have referred to the independent role of the Chief Constable and his responsibility for operational matters; in their view, only he can give a true judgement of the degree to which Stevens has dealt with collusion and the extent to which his recommendations have been implemented. We have described the situation as very unsatisfactory and argued that some preparation at official level for discussion at the next Conference is essential.

Accompaniment

We said we understood that the first six-monthly period under review ended in September and Mr Alston did not dispute this. We asked when we could expect to have a meeting to discuss the report. Mr Alston said the preparation of figures was at an advanced stage and he would return to the matter at our next full meeting of

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the Secretariat on Tuesday. I have insisted that we must have an opportunity to see and exchange views on this report in good time for the next Conference. We also expressed surprise at Mr Brooke's apparent lack of knowledge at the Conference of the representations made through the Secretariat in regard to claims by Eddie McGrady that accompaniment of the UDR is non-existent in South Down. We pointed out that this matter had been raised and logged on two occasions before the Conference on 18 September and 4 October. It had also been raised in our Note for the attention of the Committee on Relations between the Security Forces and the Community handed over on 18 October and, finally, the British side's attention had been drawn to the matter in preparatory discussions for the Conference which Mr Alston acknowledged.

With reference to your SF 308, I also drew attention to the statement by Michael Mates at the Political and Security Committee of the Anglo-Irish Parliamentary Body in London on 23 October when, apparently reading from a brief, he was heard to say that we were satisfied with the situation on accompaniment. I said this was far from being the case as was obvious from our constant raising of the matter in the Secretariat and in the Conference. Mr Alston acknowledged that this was so and said he did not know of Mr Mates' comments or what if any briefing had been given to him. He said he would enquire and, in this connection, I mentioned to him that Messrs Mates and Orme might approach the Secretary of State to ask if statistical data could be made available to members of the Committee. I also said that this matter could well come up at the Plenary Session of the Parliamentary Body in December. Mr Alston said the only conjecture he could make is that Mr Mates might have received briefing that new measures were in effect for the monitoring of accompaniment. I said I hoped no intimation had been made to Mr Mates that we were satisfied with the new measures granted especially that to date we had no product from them and no opportunity to exchange views on their value.

Emergency Provisions Bill

The Bill is to be introduced on November and I have written to you separately about this matter. I think that the reaction to the new measures in the Bill could well be controversial; and the introduction of new security measures at this stage could be associated in the public mind with the recent pessimistic noises in the media about the political initiative.

Progress Reports on Economic and Social Matters

Mr Alston agreed that joint progress reports were now expected for the next Conference. He wanted to leave the preparation of these entirely to the officials in the relevant Departments North and South. We pointed out, however, that our Departments had already provided three draft reports on INTERREG, transport and tourism through the Secretariat prior to the Conference, that these reflected discussion with the Departments in the North and that we now expected to see drafts through the British side of the Secretariat with any

amendments and updating considered necessary by the Northern side. It was agreed that Departments North and South should be asked to ensure that final drafts of the joint reports are made available at least one week before the next Conference.

Preparation of Issues for the Conference

Following the discussion on these individual matters, I made the point that the Minister for Foreign Affairs is increasingly unhappy with the manner of preparation for the Conference and, especially, that so many matters are coming directly to Plenary or to the tete-a-tete without adequate preparation, or, as in the case of Stevens and the new provisions in the Emergency Provisions Bill, without preparation of any kind. I said it was the job of the Secretariat to service the Conference on a continuing basis and the British approach in a number of matters recently had effectively prevented the Secretariat from performing that task. I added that constructive discussion could not be expected in areas which could be extremely technical, as is the case with the Emergency Provisions Bill, without preparation and that it was not in the interest of either side to conduct affairs in this way.

Mr Alston did not accept that there was any pattern to the recent approach by the British side but did accept that we were unhappy with it and agreed to discuss the matter with the Secretary of State and senior officials and see what could be done. He emphasised, however, that where the Chief Constable was concerned we had to recognise he had an independent constitutional position and that the Government could not interfere in the area of police operations: hence, the British approach on Stevens and accompaniment. In regard to Stevens, Mr Alston said that the Chief Constable was the best and sole judge of what could be said of the effectiveness of the Stevens Inquiry and the extent to which its recommendations have been implemented. I replied that even if there were some matters which only the Chief Constable could pronounce upon in the Conference, surely that should not prevent all preparation or discussion of the issues. Mr Alston again said he would feed this point into his system but he offered no encouragement to think that there would be a change of mind. Privately, I have pointed out to him that similar points were at issue in 1986 in regard to parades until the Minister at the time went public with a very strong statement. While there was no change of mind immediately, there had been subsequently and, in fact, we now received written briefing from the RUC and we had an opportunity to feed nationalist concerns on parades into the system. The decisions that were made were not always to our liking and there had been times when we had said so, but we did at least have a sense that we were being taken seriously in the matter and that some progress was being made.

Street Names in Irish

I said that Mr Brooke had expressed willingness to come back to these issues at the next Conference. Mr Alston cautioned that he might not be ready to do so as the current review might not be concluded. I

asked, nonetheless, for information as soon as possible reminding Mr Alston that the Minister had written to the Secretary of State on this matter getting on for three months ago.

Economic Issues for discussion at future Conferences

to the next conf.

The British side are disposed to discuss hazardous waste or an aspect of health at the next Conference. I said that we thought health might not be ready for the next Conference and that, in any event, the Minister did not think it necessary to discuss such an issue at every Conference although he was concerned to have regular discussion of economic and social matters. I said I would seek instructions as to whether we might be ready for the issue of hazardous waste at the next Conference or the following one.

Glor na nGael

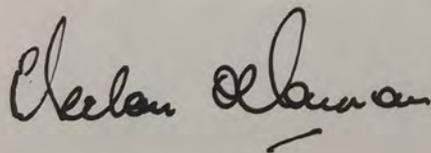
Mr Alston said that immediately after last Thursday's Conference, Mr Brooke had instructed officials to report to him as to whether information could be given to us on the decision to withdraw funding from the West Belfast Committee of Glor na nGael. He told his officials that the Minister had spoken very strongly at dinner and pointed out that information was being refused on this matter whilst, at the same time, intelligence sharing was being sought in security cooperation. Mr Brooke thought this a point to be considered and had asked that the matter be reviewed.

Again Mr Alston was not particularly encouraging about the result of this review but he did say it was at an advanced state. He said that one additional inhibiting factor was that proceedings had begun for judicial review of the issue and that a Court hearing would take place next week.

Energy

I understand there was little or no discussion of energy matters at dinner. It would be especially useful, therefore, to have a report from the Department of Energy on the discussion between Ministers Molloy and Needham.

Yours sincerely,



Declan O'Donovan
Joint Secretary

CONFIDENTIAL

2 November, 1990.

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

*cc RSCY
Mr Nally; JPR
Mr de Valera; H. T. O'Brien
Gallagher R1
H.T.O.*

Dear Assistant Secretary,

Follow-Up to Conference of 25 October: Political Talks

Mr Alston has told me that the outcome of the Conference insofar as the political talks were concerned was as anticipated on the British side. I would judge that the British side expect that we will simply repeat our well-established views in our reply to the paper they handed over at the Conference (which is itself basically a repetition of their line). The mood here is now pessimistic although officials still speak for the record that there can be a bridging of the gap; and the hope is nourished that there may yet be a twist in the story at political level on our side.

Mr Brooke has made no arrangements to seek a further meeting with the Unionists. You will have seen his public remark on Wednesday that his efforts are "on hold". This referred specifically to the Dail crisis this week but his position is also that he is waiting for our reaction to the British paper. I have said the paper is under consideration.

The Prime Minister was briefed last Friday on the results of the Conference and given the British paper. Mr. Alston told me that there was no exchange on Anglo-Irish matters between the Taoiseach and the Prime Minister in Rome but that Mr. Nally and Mr. Powell did have a short "corridor discussion".

In response to my comment that Mr Brooke seemed a bit distracted at the commencement of the Conference, Mr Alston confirmed that Mr Brooke had just arrived from a memorial service for a very old friend and had been affected by the occasion. I should say,

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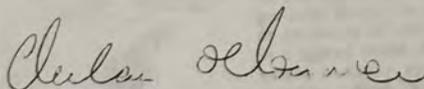
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however, that if Mr Brooke seemed difficult this time, he was not so difficult as his officials wanted him to be, to judge from information given to me here. The NIO put this down to a less than full absorption of his brief due to the memorial service.

Mr Alston said that the British side had observed that media coverage of the Conference in Ireland, North and South, had been more pessimistic than that in Britain and referred in particular to the attached story by Gerry Barry in the Sunday Tribune. I mentioned that there was a core of seasoned media observers of Northern politics, almost all of them based in Belfast, who had adopted a pessimistic view of late.

I understand that recent contact between the NIO and Northern Nationalists (not including John Hume since his recent car crash) has shown Nationalists in a "downbeat mood". Mr Alston asked for my assessment of their views at the present time, mentioning himself that the Glor na nGael decision seemed to have had a major impact. I said this decision had joined with other factors such as the perception that the Stevens Inquiry had not been effective, that no real progress was being made in regard to the UDR, and, notably, at the present time, that Mr Brooke seemed to have identified himself with the Unionist position on the political talks, a position which was widely seen by Nationalists as unreasonable and proving a fundamental unreadiness to engage in talks about the the three relationships. All these factors would be seen as encouragement for the IRA which had committed a spate of appalling atrocities recently and would account for a "downbeat mood" among constitutional Nationalists. I added that if Northern Nationalists knew of Mr Brooke's private suggestions to us that the Agreement would be damaged if the talks did not go ahead, the impact on them would be severe and it would certainly be manna to the IRA.

Yours Sincerely



Declan O' Donovan
Joint Secretary

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Members of the Royal Irish Rangers carry the coffin of IRA victim Cyril Donohoe in Carrington

Brooke initiative needs Unionists

By Gerald Barry
Political Correspondent

BARRING a last minute change of mind by the leaders of the North's unionist parties the Irish Government believe that Secretary of State Peter Brooke's six month initiative to get talks going is dead.

The unionists are still insisting that there would have to be 'substantial progress' in the talks between the Northern Ireland parties before there was any involvement by the Irish Government. This would appear to allow them decide when that stage had been reached.

Last Thursday night in London Foreign Affairs minister Gerry Collins told Peter Brooke flatly that such a position was unacceptable and that the Irish Government would not budge from that line.

He offered the Northern Secretary of State a number of options, the most important of which was to allow Mr Brooke himself decide at which point to involve the Irish Government. This, apparently, was not acceptable to the British minister who believed that he would not be able to sell the idea to the unionist leaders.

Recently, on RTE Radio, the deputy leader of the Democratic Unionist Party, Peter Robinson, said there would have to 'heads of agreement' on an internal Northern administration before the unionists would sit down and talk to representatives of the Government here.

In his House of Commons speech last July Mr Brooke indicated that he believed that the

Irish Government should be involved about half way through the process involving all sides (the British and Irish Governments and the Northern parties) and should a formulation is acceptable to the Government here. If Mr Brooke was prepared to formalise such a timetable it would be accepted in Dublin.

Earlier, in April, Mr Brooke had agreed with the Irish Government that they would become involved 'within days' of the internal Northern Ireland talks beginning. But, it became clear that the Unionists would not accept that and the Government agreed that they would allow a number of weeks to pass before they would become involved.

Mr Collins told Mr Brooke on Thursday that some form of definite timetable was their 'bottom line'. He pointed out to him that the unionists had accepted that the talks would have to involve all three elements and they could not accept the Irish dimension being merely a last minute adjunct. This was all the more critical since one of the aims had been to find an agreement which could 'transcend' the existing Anglo-Irish Agreement.

Irish Government participation is necessarily intrinsic to any such effort, and they have told Mr Brooke that they will not allow the agreement to wither and die.



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Don't forget to put the clock back

Winter-time began at one o'clock this morning and clocks and watches should have been put back one hour.

of the week to be cold and windy with some heavy showers.

The Met Office says that

this type of storm is not particularly unusual for this time of year. However, it says it is taking extra caution in warning people about its potential dangers in the light of the storm of October '87 in England which took the south east by surprise, knocking down trees and causing immense damage.

Winds are expected to be gale force six to eight, possibly reaching storm force ten in places. A Met Office spokesman says that people with boats exposed to north-west winds should harbour them in more sheltered areas. He also says that the general public should keep in touch with the weather forecast for possible warnings.

Gorbachev hopeful over Gulf

PRESIDENT Gorbachev said yesterday he believed Iraq could be softening its position on the Gulf conflict. "In recent days there have been signals that in the Iraqi leadership there is an understanding that a solution cannot be achieved through ultimatums," he said during a visit to Madrid.

He was speaking as his special envoy, Yevgeny Primakov prepared for his second visit to Iraq this month. Mr Primakov, said in Cairo that believed a peaceful solution could be found and that the Gulf crisis could be solved without recourse to military force.

SUNDAY TRIBUNE, 15 LOWER BAGGOT STREET, DUBLIN 2. TELEPHONE: 615555
NEWSAGENTS RING 9am to 1pm TO TOP UP ORDERS

SUNDAY TRIBUNE 28 October 1990

CONFIDENTIAL

*Ro**

7 November 1990

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

Dear Assistant Secretary

Mr Brooke's Speech on Friday and other matters

Mr. Alston spoke to me again this morning about the speech which Mr. Brooke intends to make in London at a lunch at the Whitbread Brewery on Friday. He confirmed that it was not Mr. Brooke's intention to refer to the political talks. He had attacked the IRA in his recent speech to the East Belfast Rotary Club; now, he wanted to address "the other side of the question", namely, why the British were in Northern Ireland. The speech would dwell on the problem of violence in Northern Ireland and the sense of Britishness of the Unionists; it would also set out the Government's policy referring, inter alia, to Article 1 of the Agreement. Mr. Alston said the speech was aimed at a British audience. Mr. Brooke wanted to respond to views suggesting British withdrawal which had been expressed recently in the British media, notably by the well-publicised Judge Pickles. We understand that the speech - which is still being drafted - is not likely to revert to the comments made by Mr. Brooke in his "100 days" interview last year or to the speech made by Ambassador Fenn to the Glenties Summer School stating that Britain had no economic or strategic motivation for staying in Northern Ireland (these comments were personally authorised by Mr. Brooke at the time). The NIO feeling is that the repetition of such comments in London at this time could be misinterpreted.

As you know, the Emergency Provisions Bill will be introduced tomorrow. The introduction is pro forma and there will be no speech in the Commons until the second reading which by convention does not occur until at least two weekends after the introduction; a speech and debate is likely towards end

November/early December. Mr. Brooke will, however, make a statement on security policy at a press conference tomorrow afternoon in London. It will seek to situate the introduction of the Emergency Provisions Bill against the Government's overall policy in Northern Ireland; it will restate the primacy of the civil power and will no doubt draw on points similar to those made by Mr. Brooke in his letter to the Minister of 6 November.

Mr. Alston thought neither statement would cause us any difficulty. This of course remains to be seen. We have been promised the texts of both statements in advance.

We also had a word about recent press coverage of the initiative. I pointed out again that there is a group of seasoned journalists, almost all of them based in Belfast, who have taken a gloomy view of the prospects for the initiative and who are heavily influencing the media view in general: these are mainly David McKittrick, Ed Gorman, David Hearst, Ed Moloney, Jim Dougal and of course Frankie Millar. I noted that Mark Brennock's article in Monday's Irish Times had drawn heavily from Ed Gorman's previous piece in the London Times suggesting that Mr. Brooke had identified himself with the Unionist position. Mr. Alston mentioned that Mr. Brooke had been highly irritated by the Brennock piece and he had taken to deliberately misnaming the journalist as Breaknock!

*is cartoon
set very
briefly*

I drew attention to Ed Maloney's piece in the last issue of the Sunday Tribune indicating that Mr. Brooke would give a public account of the initiative if it was not possible to move forward. Mr. Alston said that no thought had been given to such a public statement and that Mr. Brooke regarded himself as still in business on the question of political talks. Mr. Alston, however, did not rule out the giving of such a public account and I took the opportunity to say that it would, of course, be very important for the two Governments to co-ordinate on any public statements, adding that any suggestion such as Mr. Brooke had made privately to us, that the Agreement would be damaged, would have a devastating effect in the Nationalist community and would be manna for the IRA. In the event of not being able to move forward, the British side would naturally be thinking of ways of consolidating the progress made with Unionists, but it would be very important not to take the eye off possible reactions in the Nationalist community.

Mr. Alston expressed agreement with these comments and pointed out himself that Mr. Brooke had already indicated a desire to discuss the question of damage limitation with us if political talks could not begin.

Lastly, I drew your attention earlier this week to the vote in Belfast City Council continuing the ban on Ministers attending the Remembrance Service at the Cenotaph at Belfast City Hall.

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The recorded vote was 19 to 17. Ministers here are disappointed with the result because the NIO hoped, as I mentioned in my letter of 21 October, that the ban would be lifted. Mr. Alston said they had drawn encouragement, however, from the fact that the lifting of the ban had been proposed by the General Purposes Committee of the Council and that the reversal of the recommendation in the Council had had a lot to do with personalities, in this case irritation with Councillor Frank Millar who chairs the General Purposes Committee. The Ministers also drew comfort from Nigel Dodds' comments on Radio Ulster on Tuesday morning which dwelt more on deficiencies in the Government's security policy than on the Agreement.

Yours sincerely

Declan O'Donovan

Declan O'Donovan
Joint Secretary

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SECURE FAX NO. 452

cc PSW
M. N. N. / P. P.
G. G. N. /
R. R.

6 November 1990

TO: H.Q. FROM: Belfast
FOR: Asst. Sec. Gallagher FROM: Joint Secretary

NIO Ministers banned from Remembrance Services

You may recall (letter of 22 October 1990) that the NIO hoped that their relations with Unionists had advanced sufficiently to permit Ministers to attend this year's Remembrance Services at the Cenotaph at Belfast City Hall. However, last night the ban was maintained by Belfast City Council by a vote of 19 to 17. The SDLP joined Independent Unionists and the Alliance in the minority.

The ban has existed since the Agreement. It is possible because the Cenotaph is on City Council property.

You might wish to note that the Ulster Clubs were given permission to hold a Remembrance Service themselves at the Cenotaph on 15 November which Alliance Councillor Steve McBride described as "offensive and scandalous".

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OIFIG AN AIRE GNOTHAÍ EACHTRACHA
OFFICE OF THE MINISTER FOR FOREIGN AFFAIRS

BAILE ATHA CLIAH 2
DUBLIN 2

2 November, 1990.

The Rt. Hon. Peter Brooke, M.P.,
Secretary of State for Northern Ireland,
Stormont Castle,
Belfast BT4 3ST.

Dear Peter,

At the Conference meeting in London on 25 October you gave me a first indication of the measures which you are proposing to include in the forthcoming Emergency Provisions Bill. Since then there has been a meeting of officials at which more information was given to us, including a brief paper summarising the Bill's contents as they stand at present but not, to our disappointment, the text of the measures themselves.

We have a shared interest in, and a commitment under the Agreement, to improving relations between the security forces and the community and strengthening public confidence in the administration of justice. My initial reaction is that the new measures to be included in the Bill will have the opposite effect and are likely to cause further alienation of nationalist opinion - something which will immediately be seized on and exploited by the paramilitaries and their supporters for propaganda purposes.

I believe that there will be widespread disappointment with the overall thrust of the Bill when it is realised that all the present powers in the EPA have been retained, while no new measures have been introduced to control the exercise of these powers by the security forces; neither has there been any move towards greater reliance on the ordinary law which has been much strengthened by the Police and Criminal Evidence Order (NI) 1989.

I cannot of course properly assess the implications of the Bill until I have seen the full text but, in the meantime, I would wish to make the following comments on the areas of greatest concern to us:

- the proposal to give the armed forces new powers of seizure is, I understand, designed to allow the army to seize and retain equipment used in the re-closure of border roads. The whole issue of closed cross-border roads is already a highly sensitive area and one which is being exploited with some success by Sinn Féin. I would be afraid that this new measure will exacerbate the situation.
- likewise, the proposal to give the security forces new powers to examine documents and other recorded data will, in

my view, be seen as provocative and intrusive. Private papers are often highly confidential; to give the security forces the power to rummage through such papers at checkpoints and elsewhere would inevitably upset and antagonise members of the general public. I can also foresee particular problems with privileged documents such as those carried by legal advisers and clergymen, and with journalists' notes and tapes.

- there are also very clear dangers with the creation of a proposed new offence of possession of items intended for terrorist purposes, particularly given the wide scope of the offence.

As well as being concerned about the likely impact of these new measures, I am disappointed at the omissions from the Bill. We understand, for example, that there are no plans for video recording of interviews with suspected persons, no change in the practice of certifying cases out of Diplock courts, no commitment to make a statutory code of practice to govern the exercise of the emergency powers, and no changes in the procedures for dealing with complaints against members of the security forces.

The absence of safeguards of this kind, combined with the proposed new and increased powers for the security forces, will inevitably give rise to renewed concern about the balance between the need for adequate safeguards for the rights of the individual and the need for the security forces to be able to deal effectively with the terrorist threat.

We will be handing over a paper on the new Bill very shortly, which will set out our views at greater length. We would indeed have wished to have let you have our detailed thinking at a much earlier date but, in the absence of any draft text of your proposals, this would have been academic. At this stage however, and as I understand that you intend to introduce the Bill on 8 November, I felt that you should be aware of my very real concern about some of the new measures proposed and the effect which they are likely to have on public opinion. I hope that, even at this late stage, it will prove possible to reexamine the position and take our views into account.

Yours Sincerely,



Gerard Collins T. D.,
Minister for Foreign Affairs

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AN RÚNAÍOCHT ANGLA-ÉIREANNACH

BÉAL FEIRSTE

ANGLO-IRISH SECRETARIAT

BELFAST

CONFIDENTIAL

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

7 November 1990

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

Dermot,

Thank you for your letter of 3 November in which you were kind enough to give me your first reactions to the measures I am

proposing to include in my forthcoming Emergency Provisions Bill.

Dear Dermot

I enclose the text of Mr. Brooke's letter to the Minister on the forthcoming Emergency Provisions Bill. A copy has already been faxed to you.

While the contents of what is a major Bill, officials have, as you say,

Yours sincerely

already been on much of the ground; and I look forward to discussing the issues with you myself when the paper you have in preparation is to hand. I do, however, want you to know that

through the necessarily short gestation of this Bill (which has had to be completed within a far more exacting timescale than was the case with the 1987 Act), we have been very much aware

Declan O'Donovan
Joint Secretary

of your views on many of the issues with which it is concerned. We have taken fully into account views which your officials put to Lord Colville when carrying out his Review, as well as those which were put to my own officials more directly.

That said, it may be helpful if I explain very briefly my approach to this Bill. It starts from my appreciation of the threat now posed to security in Northern Ireland by terrorist organisations both to the sides of the community. I think that we can both agree that this threat is certainly no less than when the 1987 legislation was enacted. Against that background, I have concluded that we cannot safely dispense with any of our existing powers - although it

cc PS 41
Mr. Walsh; PLE; M. Smith
Mr. Mather; Mr. P.
Gardner H1
6 Nov 1990
Bob,

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Northern Ireland Office
Stormont Castle
Belfast BT4 3ST

Mr Gerard Collins TD
Minister for Foreign Affairs
Office of the Minister for Foreign Affairs
DUBLIN 2

6 November 1990

Dear Gerry,

Thank you for your letter of 2 November in which you were kind enough to give me your first reactions to the measures I am proposing to include in my forthcoming Emergency Provisions Bill.

While I do not seek in this letter to offer a detailed rationale for the contents of what is a major Bill, officials have, as you say, already gone over much of the ground; and I look forward to discussing the issues with you myself when the paper you have in preparation is to hand. I do, however, want you to know that throughout the necessarily short gestation of this Bill (which has had to be prepared within a far more exacting timescale than was the case, for instance, with the 1987 Act), we have been very much aware of your Government's views on many of the issues with which it is concerned, and that we have taken fully into account views which your officials put to Lord Colville when carrying out his Review, as well as those which were put to my own officials more directly.

That said, it may be helpful if I explain very briefly my approach to this Bill. It starts from my appreciation of the threat now posed to security in Northern Ireland by terrorist organisations from both sides of the community. I think that we can both agree that this threat is certainly no less than when the 1987 legislation was enacted. Against that background, I have concluded that we cannot safely dispense with any of our existing powers - although it

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will remain the Government's intention to repeal, or allow to lapse, powers which the situation no longer requires. I have an overriding duty to ensure that the police, supported by the Armed Forces, have the legal resources they need to protect the community as a whole and to deal effectively with a terrorist threat. But I have sought to do this in a way which also is proportionate to the current threat and which also provides appropriate safeguards for those affected by the legislation. I judge that in the proposals which I shall shortly be bringing forward we have got the balance about right. You may be sure that if I believed that the net effect of my proposals would be to drive people into the arms of the paramilitaries - as opposed to helping bring them to justice - I would not be asking Parliament to approve them.

I should like to turn briefly to some of the specific issues which you raise in your letter.

I accept that the proposal to give the Armed Forces a new power, comparable to that already enjoyed by the police, to seize equipment used in the reclosure of border roads may occasionally be controversial in its application. But I have had very much in mind the alternative to closing this loophole: this would have been to leave the advantage with those seeking to flout the law and, in general, to make it easier for terrorists to exploit the border to kill and maim and put many people in fear in the North.

As to the other two new provisions which you mention, I thought very carefully indeed about the pros and cons before deciding that it would be right both to give the security forces new powers to examine documents or other records they may come across in the course of an already authorised search, and to create the new offence of possessing items intended for terrorist purposes. The intention is that both the new power and the new offence should be used with circumspection; and I do not believe that in practice they

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will give any genuine grounds for concern. But a power to examine papers or records should make it more feasible for the security forces to secure much needed hard evidence necessary to secure convictions. And, as regards the new possession offence, terrorists are using and adapting a range of everyday articles for use as components in their improvised weapons and bombs. It happens not infrequently that known terrorists are caught in possession of these things in highly suspicious circumstances, but under the law as it now stands they can usually escape prosecution. We hope that this new offence will remedy that very unsatisfactory situation.

On safeguards, I would hope that, on reflection, you would welcome the proposed power to enact Codes of Practice. Although, for the reasons well set out by Lord Colville, I do not believe it would be appropriate to use the power before we have had some time to assess the effects of the recently published Guide to the Emergency Powers, I agree with him that it would be right to take the opportunity presented by this Bill to take the necessary power. In effect, we have opened a door through which we may, at some future time, wish to pass. On video recording, as my officials explained to yours, it is not necessary to legislate to create a power to introduce this. I considered most carefully Lord Colville's repeated recommendation that we should do so, but I have not yet been persuaded that this would be a sensible move. My overriding concern is not to jeopardise the usefulness of the interview process, which remains crucial to the police in their efforts to deal with terrorism effectively. My officials have offered to explain my concerns to yours in more detail. They will also be able to explain the considerations which led me to conclude against making any change in the present arrangements for 'certifying out' scheduled offences.

The Bill will be published on Thursday 8 November. The need to respect Parliamentary privilege means that I cannot send you a text of the Bill before then. However, I have made arrangements for it

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to be available in the Secretariat on the morning of 8 November
(although it will be embargoed until 2.30pm on that day).

I look forward to receiving further views when you have had a chance
to study the actual text of the Bill.

L
sincerely
PM Brundee

PB

9 November 1990

*e.e. PSM, Mr. Nally,
PSS, Mr. Matthews,
Mr. Brogan, Counselor
Box.*

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SECURE FAX

To Belfast

From H. Q.

For Joint Secretary

From R. Murphy

Subject: Low Level of UDR Accompaniment in South Down

In the light of the Minister's raising of the lack of accompaniment in South Down at the last Conference, we spoke with Margaret Ritchie of Eddie McGrady's office on 18 October about the issue. You will recall that the British said at the Conference that they had had no complaints about accompaniment from McGrady.

As a result of our meeting with Ms Ritchie, she has prepared the attached 4 page report of complaints of harassment/lack of accompaniment which McGrady raised in recent months with the British. You will note that McGrady in his covering letter to the text again makes the point that accompaniment in his constituency is minimal; it is noteworthy that the relationship between accompaniment and harassment is clear from the enclosed report in that many of the complaints of harassment relate to incidents involving the army where the RUC were not present.

McGrady also makes the important additional point that, whenever accompaniment does take place, the RUC frequently adopt a low-key and background role. This indeed is a point which we have made on a number of occasions in the past -viz. that the situation is unsatisfactory not alone is the quantity of accompaniment in terms of the % of army patrols which are accompanied; but also in those cases where army patrols are accompanied, the quality of that accompaniment is deficient. It is often the case that the RUC officer assigned to the task lurks in the background, while the army personnel interface with the public.

I believe our common understanding of accompaniment is that it is a manifestation on the ground of the principle of police primacy, that it is the army's role to provide support for the police officer doing his/her job. However, from consistent reports from nationalist sources, the pattern highlighted by McGrady - where the RUC adopt a background role vis a vis the army - tends on many occasions to be the norm.



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LONDON SW1A 0AA

Downpatrick 612882

Ref: AJ/C/MCG/90

2 November 1990

Mr Brendan McMahon
Anglo-Irish Division
Department of Foreign Affairs
Iveagh House
St Stephen's Green
DUBLIN 2

Dear *Brenda*

re: Report on Police Accompaniment in South Down

I refer to the above-named subject matter.

Further to your interview with Miss Margaret Ritchie from my constituency office on Thursday 18 October 1990, I am writing to enclose a report on police accompaniment in South Down.

I would contend that police accompaniment in the constituency of South Down is minimal and whenever it does take place, the RUC personnel adopt a background role.

Perhaps you could provide me with an update on this particular matter?

I await a reply in due course.

Yours sincerely

Eddie

EDDIE MCGRADY MP

Enc

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- (iv) The description of each document: Confidential police report
- (v) Reason(s) why the part has been abstracted for retention: Section 8 (4) (b) and (c)

Clare Hanratty

Name: Clare Hanratty

Grade: CO

Department: *Foreign Affairs*

Date: 24/11/2020

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Police Accompaniment of UDR and Regular Army Patrols in South Down

Under the Anglo-Irish Agreement which was signed on 15 November 1985, it was decided that all British Army patrols and UDR patrols should be accompanied at check-points by members of the RUC. It was also agreed that the RUC personnel should have a 'front' role in the questioning.

In the last five years, it has transpired that the majority of patrols are not accompanied by the RUC in South Down. In fact, those where the patrols are accompanied by the RUC, police personnel take a background role. They do interview the constituent, they simply look on or are standing behind a vehicle - therefore they assume a 'disguised role'.

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Confidential

Discussion with Seamus Mallon

1. I talked to Mr. Mallon on 2 November at his office in Newry and afterwards over lunch. Most of the conversation was on security-related topics.

New Emergency Legislation

2. We discussed the Emergency Provisions Bill which is to be introduced this week at Westminster. Mallon expressed concern at the prospect of the security forces being given more far-reaching powers under the new legislation. They already have extensive powers and some of the provisions which are apparently envisaged would be extremely "open ended". An example is the possibility that the security forces would be given the power to examine and seize private documents. It is already common practice, Mallon said, for soldiers to look at papers in a car which they have stopped; it is another matter entirely to give them a specific power to examine papers which were, say, in a briefcase. He could see how he, as an M.P., would have documents in a briefcase in his car which he would not want the security forces to see. Soon he could find himself in the position of breaking the law if he refused to show a UDR man the contents of his briefcase. He could also foresee problems with the seizure of machinery used in reopening border roads, not least the likelihood that the IRA would booby trap equipment which they knew would be seized.

3. Mallon is ready and willing to fight for changes in the legislation at Westminster but he will need help. He said that we should be aware of what we were up against. When a Bill goes to committee, the government come in with a battery of legal advisers who oppose every proposed amendment. He has some legal contacts whom he will be calling on but he cannot match the government's firepower. The EPA is a highly complex piece of legislation which overlaps and interweaves with the PTA. Mallon would appreciate all the help we can give, including suggested amendments. He expects Kevin MacNamara and the Labour Party to

*1. agree. We
are close
with the
rest (of
the
Government)
D → 5/4.*

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- (iii) The date of each such document: 05/11/1990
- (iv) The description of each document: Report of harassment of private individual
- (v) Reason(s) why the part has been abstracted for retention: Section 8 (4) (b) and (c)

Clare Hanratty

Name: Clare Hanratty

Grade: CO

Department: *Foreign Affairs*

Date: 24/11/2020

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be active in committee and to have their own legal people but his feeling is that Labour will from now on have one eye out for the possibility that they will be forming the next government, and that was a factor which we should bear in mind. (He commented that at Westminster the Thatcher government had "the smell of death" about it.) When it gets to the committee stage - and that could be in a matter of weeks - he would need to be in a position to propose specific amendments.

4. Mallon said that, based on his experience with previous draft legislation, he was not too hopeful of getting many changes made, and he recalled that when the Emergency Provisions Bill was being considered in 1986 the British had tacked on extra measures at the end without warning. At the same time it was very valuable for him to table amendments so as to put certain concerns on record and to draw public attention to them.

Security Situation Generally

5. Asked to evaluate the present situation, Mallon said that he thought relations between nationalists and the security forces were worse now than they had been before. There is an attitude of "sullen resignation". Complaints tend not to be followed up because people feel "what's the point?" Everywhere he goes he hears complaints about harassment, especially of young people. This harassment does not necessarily drive young people to join the Provos but it gives them grounds for thinking that there is justification for the Provos' existence. Complaints about the UDR's behaviour in the Coalisland area are very common at the moment - the UDR simply should not be there.

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Newry Bombing

6. The bombings of the checkpoints in Newry and Derry had sickened people but Mallon believes that the IRA's hardcore supporters will be able to justify them to themselves. Mallon is not a believer in PVCs; they do not trap the terrorists and they annoy local people. He had hoped that the Army would recognise this and remove the Newry checkpoint but after the bombing there will be no question of that for the foreseeable future.

Closure of Dublin Road

7. I sat in on a meeting which Mallon had with 2 representatives of the traders who have businesses on the Dublin Road between Newry and the border. The shops and petrol station along this stretch of road have seen their takings greatly reduced over the past year because of closures of the road following bombings, extraditions, hijacking of vehicles etc. Sometimes there have been good reasons for closure, such as after the Newry checkpoint bomb, but the traders feel that in many instances there is an element of harassment involved. They link this with the signs which stand at either end of the Control Zone saying "Don't blame the security forces, blame the terrorists". They pointed out that the road has been closed for 35 days so far this year. As an example of what they regard as unnecessary delay they cited a closure over last Christmas which lasted for 13 days. They also mentioned the burnt-out minivan which was allowed to stand on the road for 10 days in August even though traffic was allowed to pass within a few yards of it. A related complaint is that the phonelines in the area are often knocked out by army diggers in their clearance and building operations and again there is a feeling that they are left out of order for longer than is warranted.

8. Mallon invited the security Minister, John Cope, to visit the area some months ago and Cope promised to see if there was any possibility of a once-off compensation payment but nothing came

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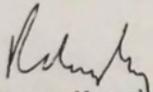
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of that. The traders are less interested in compensation than in having the road promptly cleared.

Brooke Initiative

9. In Mallon's view, the talks are "definitely dead". Brooke has not been straight, he said. He started from a certain point and then he went back on that under pressure from the Unionists. The suggestion that has been mentioned that Brooke might set out his own position seemed to Mallon to be "pointless".



Ronan Murphy

5 November, 1990.

c.c. PSM, AG Mr. Nally PSS. Mr. Matthews.
Mr. Brogan Councillors A-I.

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Very useful report.

cc PST; PSUC;
Mr. North; RLP
Mr. McHugh; Mr. Tamm
Carruthers (A)
J. R. O'K.

Meeting with Eddie McGrady
2 November 1990

1. I met Eddie McGrady in Downpatrick on 2 November to update him on where matters stand in relation to the talks process. (We also discussed a number of other issues which are being followed up separately.)

Political Talks

2. McGrady was anxious to hear about developments in the interval since the SDLP meeting with Mr. Brooke on 28 September. I briefed him on the thrust of discussions at official level and at the Conference on 25 October; I also conveyed a general sense of the latest British text given to us at the Conference.

3. McGrady's reaction was decisive - indeed uncharacteristically vehement. He is convinced that the Government should hold out for certainty on the opening of North-South talks. In his view, it would be foolish to put our trust either in the "logic of the process" or in any assurances (short of a totally unequivocal commitment) which Mr. Brooke might give us. Without a cast-iron guarantee, he said, the British "will sell us down the river" - "they have done it before and will do it again."

4. He referred to reports he has heard (mainly from journalists) that the British tend to quote "the McGrady wing of the SDLP" as being pro-devolution. Firstly, he said, there is no such thing as a "McGrady wing" of the party; secondly, he has repeatedly argued that devolution will never work in isolation and can only be envisaged as part of an island-wide arrangement; thirdly, he resents the implication that, because he is profoundly concerned about the drift towards integration, he would "sell his soul" on devolution.

5. McGrady feels that Dublin has in fact a very strong argument in principle to be present at the internal talks - the Anglo-Irish Agreement gave us a role in the internal affairs of Northern Ireland and there must be no retreat from that.

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

Clare Hanratty

Name: Clare Hanratty

Grade: CO

Department: *Foreign Affairs*

Date: 24/11/2020

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North/South co-operation, no matter how extensive, cannot substitute for a role for Dublin within Northern Ireland. He fears that, if talks got underway, the Unionists, supported by the British, would try to differentiate the agenda of the internal and the North/South strands so that the former would deal with devolutionary structures and the latter would be essentially concerned with "good neighbourly" relations between North and South. He is adamant that this must be resisted - the agenda for North/South talks must be wide enough to allow Dublin to have its say on all the issues that are under discussion in the internal talks.

6. Despite McGrady's conviction that the basis for talks currently being proposed is unacceptable to nationalists, he is deeply depressed at what he fears will be - at best - a sterile period ahead. In the aftermath of the failure of the Brooke initiative, the British will be extremely "bloody-minded"; their sympathies will be with the Unionists and they will blame Dublin and the SDLP for the failure to make progress. According to McGrady, Molyneaux is already smugly anticipating that the Select Committee he has so long been seeking will at last fall into his lap. (McGrady mentioned with some concern the report of the Westminster Committee on Procedures which he had just seen.)

A. Anderson
6 November, 1990.

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Confidential

Nationalist Views in Co. Fermanagh

1. In the course of a visit to Fermanagh on 1 November I met with a number of SDLP activists, also the former Independent Nationalist M. P., Frank Mc Manus and Gerry Burns, the Chief Clerk of Fermanagh District Council.

SDLP VIEWS

2. In separate meetings with Cllr Fergus Mc Quillan, Cllr John O' Kane, Anne Mc Quillan of the SDLP National Executive, and Rosemary Flanagan, Chairperson of the SDLP in Enniskillen, reference was made to the relatively good relations on Fermanagh District Council and the positive role played by the Unionist Chairman of the Council, Raymond Ferguson. However, all those to whom I spoke mentioned Ferguson's relative lack of interest in local politics and Cllr Mc Quillan suggested that there were two or three hardline Unionists in the background who would see themselves as potential challengers to his position.

3. While the atmosphere on Fermanagh District Council might be positive, this did not mean that the Unionists were ready to share power. Last year the Unionists had chosen to do a deal with the Workers Party and an Independent. They had come to rue this arrangement and were harassed by the Workers Party demand to be given access to all information of a financial nature.

4. Concern was expressed at the difficulty in getting candidates to stand for election. As a result, in 1989, the SDLP had not been able to maximise its vote. There is a real sense in which people do not wish to be seen to be involved in politics. A particular worry was the fact that very few young people are joining the SDLP. Many of the more motivated have moved towards the action orientated approach of Sinn Fein. There was talk of the establishment of a youth wing of the SDLP which could attract the sort of candidates needed for the future. The present

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situation is regarded, in part, as a feature of the absence of normal political life. It was remarked that the same phenomena could be seen in the local unionist community. Those with whom I met saw no evidence of a younger, more pragmatic generation of unionists emerging in Fermanagh.

5. There was opposition, in present circumstances, to increased local government powers. It was felt that, should Fermanagh Council be given real powers, the SDLP might well be forced into a coalition with Sinn Fein as an alternative to acquiescing in the exercise of real power by unionists.

6. All referred to the decline of Sinn Fein support in the area apart from among the younger age group. The view was expressed that the Workers Party might pick up some of this support due, in no small part, to the indefatigable constituency work of the local councillor. The latter's involvement in community development projects has given him ready access to energetic constituency workers and familiarity with local grant schemes.

The Talks

7. There was little interest locally in the talks process allied to a sense that there was little prospect of a successful outcome to it. All confirmed the absence of pressure in the nationalist community to make any further concessions to the unionists and concern at any attempt to "fiddle" with the Agreement. The Agreement had allowed Catholics to "walk tall" and given them the feeling that at last Dublin was interested in their position. The main concern was that the situation should not go back to the old Stormont days. The view was repeatedly expressed that those who supported a devolved administration in Northern Ireland were a small minority within the SDLP. Cllr O' Kane stated that he did not worry about creeping integration with Britain and felt that it could also be argued that there was a process of creeping integration with the Republic. In this context he referred to the increasing number of meetings between Ministers, North and South.

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Conversation with Frank Mc Manus, former Independent Nationalist MP

8. Frank Mc Manus mentioned the growing lack of interest in politics amongst the local population. Sinn Fein was clearly losing interest in Council politics. It had been split over its active role in the Council in the past. However, he believed that younger people continued to be attracted to Sinn Fein, not least because of the attitude and actions of the police and army. The army had no sense of attempting to win the "hearts and minds" of the younger generation. The RUC would never be accepted in the border areas of Fermanagh. Sinn Fein support came not only from traditional republican families, but also from the children of "Hibernians".

9. West of the Bann unionists may show signs of changing attitudes. East of the Bann they would never compromise and he could understand their position. They had a deep ignorance and fear of Catholics.

10. Mc Manus could not see any significant changes which had been brought about by the Agreement. As he sees it, there are four parties to the conflict - the unionists and nationalists in Northern Ireland and the Irish and British Governments. Of the four, only the British Government has room for flexibility of action.

Conversation with Gerry Burns, Chief Executive Officer, Fermanagh District Council

11. My meeting with Gerry Burns took place at the Council Offices. Burns confirmed that the Council was working well under the chairmanship of Raymond Ferguson though the SDLP could be more active. For the younger generation, Sinn Fein is where the action is. When Sinn Fein took over the Council in 1985 there was a sense of the fall of the Bastille. In the event, however, the Sinn Fein Councillors had started to work the system though

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they realised after some time that there was not much real power at local level.

12. Since then Sinn Fein has been losing interest in the Council. The party had been riven with disputes and this was responsible, in part, for the downward trend of its support. Burns believed also that its organisational abilities had been badly affected by the removal from the scene of Danny Morrison. The local Bobby Sands centre, opened amidst great fanfare, was now practically derelict. The Workers Party might well pick up a lot of former Sinn Fein support.

13. Burns said he would like to see local authority powers increased. This would be one way of attracting a younger more able generation into politics. He felt that there should be enabling legislation which would indicate powers which, in certain circumstances, could be devolved to local councils. An example of this, he suggested, would be responsibility for Rural Development Schemes.

14. In relation to the Northern Ireland Civil Service, Burns mentioned that Sir Kenneth Bloomfield would be very difficult to replace. He believes that David Fell, the Permanent Secretary of the Department of Economic Development, is likely to become the new Head of the Service - he personally does not find Fell impressive.

Mary Whelan

November 6, 1990

c. c. Asst Sec Gallagher, Counsellors A-I, Secretariat, Box.

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REPORT ON DUNGANNON COUNCIL BY-ELECTION, 2 NOVEMBER 1990

1. Sinn Fein retained its seat in the Torrent Ward by-election by seven votes. The by-election arose from the disqualification of Martin Mc Caughey due to his non attendance at Council meetings. Mc Caughey was later shot dead by the British Army in an incident at Loughgall in October.

2. The election results were as follows -

	First Count		Second Count
Sinn Fein	2524 (42.35%)		2539 (42.61%)
SDLP	2033 (34.12%)		2532 (42.49%)
OUP	1297 (21.77%)		
Workers Party	104 (1.76%)		

3. A comparison with previous elections in Torrent Ward shows -

	<u>1990</u>	<u>1989</u>	<u>1985</u>
valid poll	5958	6250	6268
% turnout	68%	74.9%	79.1%
First Prefer			
Sinn Fein	2524(42.35%)	2037(32.59%)	2373(37.86%)
SDLP	2033(34.12%)	1254(20.06%)	1159(18.49%)
Ind Nat	-	1626(26.02%)	1516(24.19%)
OUP	1297(21.77%)	1333(21.33%)	1220(19.46%)
Workers Party	104(1.76%)	-	-

4. An analysis of the poll demonstrates that both the SDLP and Sinn Fein increased their share of the vote due to the absence from the contest of Independent Nationalist, Jim Canning. In 1989, 78.15% of Canning's second preferences went to the SDLP and 21% to Sinn Fein. On the present figures it would appear that there was a lower turn-out of Canning supporters and that there may have been a slight increase in support for Sinn Fein from that source. In 1989, 32.06% of the OUP vote transferred to the SDLP; the transfer rate held up on this occasion.

Factors in Sinn Fein Success

5. A number of factors can be adduced to account for the Sinn Fein success. These include the following -

(i) The campaign took place against the background of the shooting dead of the previous incumbent.

(ii) The successful candidate Francie Molloy, who had previously served on the Council, is well regarded locally.

(iii) The significant level of support for Sinn Fein from the 18 - 25 age group in the Garbally - Cappagh area which arises in no small part from the constant level of harassment by the security forces

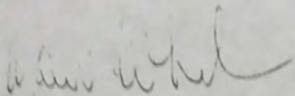
(iv) According to local SDLP sources a significant proportion of the middle class section of the Nationalist community no longer comes out to vote.

(v) Unionist transfers could have kept the seat from Sinn Fein and there was active SDLP canvassing in Unionist areas. The local OUP Councillor advised against transfers as he would see little to choose between SDLP and Sinn Fein. There is some bitterness locally that Ken Maginnis did not advise Unionists to use their vote to keep Sinn Fein out.

(vi) Denis Haughey, the SDLP Mid-Ulster representative, remarked that constitutional politicians have little to show for their efforts. The glitter of the Anglo-Irish Agreement is beginning to wear off and it is perceived as having delivered very little especially on the question of harassment.

6. It should also be noted that the power sharing arrangement on Dungannon Council is showing signs of strain. The vote earlier in the year against openly advertising the post of Works Manager, when the trawl through existing local government employees produced 17 Protestant applicants for the post, continues to

rankle with SDLP Councillors. Sinn Fein and the Independent Nationalist voted with the Unionists against outside advertising. A highly qualified local Catholic is bringing a case to the Fair Employment Commission alleging discrimination and has a good chance of success. It appears that a similar problem may arise in relation to the appointment of a Recreation Officer. Local SDLP councillors feel that such a situation will lead to calls for them to withdraw from the power sharing arrangement with Unionists.



Mary Whelan
November 9, 19901



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*cc PPS
Gardner RS
JSS*

Confidential

7 November 1990

Mr. Dermot Gallagher
Assistant Secretary
Anglo-Irish Division

Dear Assistant Secretary

Lunch with Richard Norton-Taylor, The Guardian

Norton-Taylor covers home affairs, security and intelligence matters for the Guardian.

The following points of interest arose:

The Birmingham Six

- Today's Guardian story indicating that the Devon and Cornwall report will not be completed until next March came from the DPP's Office.
- Norton-Taylor, who was told some weeks ago that no decision should be expected from the DPP before "the New Year at the earliest", was not surprised by this development. (Another media contact has been told that "nothing will happen before next Easter").
- While the initial warning from the DPP's Office was to the effect that the process of reaching a decision could take up to a year, there is nonetheless considerable disappointment within the campaign with the delay. Norton-Taylor has been unable so far to establish why Devon and Cornwall require so much time. His own guess is that they may have judged it necessary to reinterview all the police officers in the case and that resistance from the legal representatives of the officers concerned is making this a laborious and time-consuming exercise.
- It is also possible that the connection with the West Midlands Serious Crimes Squad investigation is holding things up. In this regard, Norton-Taylor was interested to note Lord Lane's recent acknowledgement (in relation to the Parchment case) that there could

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"...while we fully accept our commitments under the treaties and wish to cooperate more closely with other countries in the European Community, we are determined to retain our fundamental ability to govern ourselves through Parliament. I believe that that is the wish of this House and we on this side will do our best to see that it is fulfilled".

They will hope also, as the new Leader of the House, John McGregor, has said, to get agreement on the tone and tactics. There is an implicit recognition in statements such as this, and in Mr Baker's immediate reactions to the exchange of letters between Mrs Thatcher and her Deputy, that the Prime Minister's off-the-cuff responses in the Commons, in contrast to her formal report on the Summit, were unnecessarily trenchant and divisive.

Indeed, her most strident denunciation of European proposals (No, No, No!) was addressed to remarks by Delors at a press conference that he wanted the European Parliament to be the democratic body of the Community, the Commission to be the Executive and the Council of Ministers to be the Senate - proposals which nobody believes to be remotely likely to be on the table as serious issues.

We will have a clearer view of the possible implications of this latest European row on the leadership of the Conservative Party and on their prospects when we have seen the response, particularly from the Conservative backbenches, to the Queen's Speech later this week.

The Cabinet hope to achieve a closing of ranks and a moderation of Mrs Thatcher's tone. If they succeed, their problem on European Affairs in the run-up to the General Election would clearly be greatly eased by a willingness on the part of the other member States to proceed towards EMU and EPU in a pragmatic and step-by-step way and, perhaps, by stringing out the IGCs into the second half of 1991; on the other hand insistence on qualitative moves involving greater supra-national powers for Community institutions would ensure a recurrence of crisis in the party. In either case, given dissatisfaction with domestic policies (poll tax, education, NHS) and the poor economic prospects, including high inflation and interest rates and growing unemployment, Tory electoral prospects are increasingly dismal.

Yours sincerely



Andrew O'Rourke
Ambassador

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

c.c. Mr T Barrington

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S. Toon

Confidential

5 November 1990

Mr. Dermot Gallagher
Assistant Secretary
Anglo-Irish Division

*PST: DSM
M. Walsh; PPS
Responsibilities A1
J.R.K.*

Sir Geoffrey Howe's resignation: the immediate aftermath

Dear Assistant Secretary

With hindsight Sir Geoffrey's friends at Westminster acknowledge that deteriorating personal relations between himself and the Prime Minister provided an unhappy backdrop to the ideological chasm which separated them on European issues. Sir Antony Buck, his principal campaign manager in the 1975 leadership election campaign, told me on Wednesday that Howe was finding it increasingly difficult on a personal level to cope with the PM's stridency and single mindedness. That morning for example at a Cabinet meeting she had been sharply impatient and dismissive of his presentation on the management of the heavy legislative programme for the up-coming session of Parliament. He had also, Buck noted, been the focus for some time past of "a whispering campaign" inspired by Downing Street designed to reinforce the image of a politician past his prime, out of tune with the Prime Minister and a weak performer as leader of the House summed up in the malicious appellation attributed to Bernard Ingham describing Sir Geoffrey as "the day before yesterday's man".

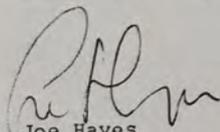
His resignation nonetheless took everyone by surprise, including the Prime Minister. The widespread dismay and unease which it caused among all but the most radical right wing cannot be underestimated. On Friday, as the party hierarchy sought to hunker down and put the best face on it, behind the scenes MPs of all hues were predicting difficult times ahead. Among those to whom I spoke were David Trippier and David Tredinnick, one a long-serving right wing junior Minister, the other a centrist 1987 backbencher. Both from different perspectives arrived at the same broad conclusion. With a general election within eighteen months, Howe's resignation, taken together with the worsening state of the economy, the divisions over Europe, the loss of Eastbourne and the prospect of further electoral gloom in the 8 November bye elections in Bradford and Bootle, could not be explained away in Kenneth Baker's emollient cliches.

In the event the Cabinet's attempts to play down the significance of Sir Geoffrey's abrupt departure were rendered futile by the devastating intervention on Saturday afternoon of Michael Heseltine. From conversations during the Party Conference it seemed clear that Heseltine's strategy was to bide his time until after the next election. Howe's resignation, however, changed the goalposts. Whatever about the annoyingly equivocal nature of his joust at the leadership earlier this year Saturday's open letter to his constituency chairman is a forthright endorsement of Howe's position complete with an appeal to that most vulnerable section of the parliamentary party - those with marginal seats.

It is still of course far from certain that Heseltine's challenge will materialise. He could not beat her in a straight ballot and he continues to deny in public that his letter is the opening shot of a leadership challenge. In the short term several factors are likely to determine what happens; the public response of the Cabinet especially of the Prime Minister in her reply to the Queen's speech on 7 November and the tone and content of speeches by the Foreign Secretary and Chancellor also scheduled for this week; the expected public statement by Howe explaining more fully the reasons for his resignation; the outcome of the bye-elections in Bootle and Bradford - especially the latter where the Liberal Democrats are seeking to push the Tories into second place; and the response over the coming days of the back-bench MPs to Heseltine's letter.

A few MPs persist in seeing Howe's resignation letter as a personal manifesto for an eventual leadership challenge. This seems unlikely since it has always been recognised, even by those closest to him, that Geoffrey Howe's stake in the succession rested more on the health of the PM and her husband than on the strength of any independent claim by him. Even, however, if he himself is no longer a contender the most immediate impact of his departure has been to resurrect the succession as a direct and pressing issue. Party rules stipulate that contests for party offices, including the Prime Ministership, should take place within a month of the Queen's Speech on 7 November. A year after the PM saw off the derisory challenge of the hapless Sir Anthony Meyer the same difficult ground looks as though it may be trodden again. This time, however, if it comes to a contest, the political topography is dangerously different and the outcome for the Prime Minister and the party is considerably less certain.

Yours sincerely


Joe Hayes
Counsellor

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Confidential

6 November 1990

Mr. Dermot Gallagher
Assistant Secretary
Anglo-Irish Division

Sir Geoffrey Howe's resignation: the Cabinet re-shuffle

Dear Assistant Secretary

For a brief period in the immediate aftermath of Sir Geoffrey Howe's resignation Peter Brooke's name was among those mentioned in speculation on the identity of his successor as Leader of the House. Since the job requires an ability to manage and direct the business of the House it was inevitable that attention would turn to those with previous experience of high office within the Tory party. For this reason both Kenneth Baker, the current party Chairman and his predecessor, Peter Brooke, were mentioned as possible contenders.

It became quickly apparent, however, that apart from logic these rumours had little to commend them politically. MPs to whom I spoke on Friday were quick to point out that if there were to be any benefits for the PM from the abrupt loss of Sir Geoffrey Howe they lay in the opportunity it afforded her to make a politically expedient re-shuffle. It was an opportunity which was not wasted.

By moving her consensus seeking Secretary of State for Education and replacing him with her abrasive and determined Secretary of State for Health she seized the chance to recapture the high ground from Labour in the vital education debate and press forward more vigorously and robustly with the Government's education programme.

The new Leader of the House

The new Leader does not carry the additional title of Deputy Prime Minister. This largely symbolic title carried over from Willie Whitelaw was given to Sir Geoffrey Howe to sweeten the pill of his removal from the FCO although the PM made it clear at the time that she did not need a Deputy.

cc Brook
Handwritten: Brook
Gallagher A1
Brook

John MacGregor, the new Leader of the House, visited Dublin on a number of occasions in his former role as Minister of State for Agriculture from 1983 to 85 and as Minister for Agriculture from 1987 to 1989. Officials in Agriculture recall that at a time when there were difficult and significant differences between us arising from the review of the CAP and the imposition of milk quotas MacGregor established an excellent personal rapport with his then opposite number on our side. His last visit to Dublin was as Secretary of State for Agriculture in 1989 in a highly successful official visit as guest of the present Minister.

As Secretary of State for Education he has met Minister O'Rourke on a number of occasions at official meetings in London, Paris and Brussels. At these meetings MacGregor has reinforced his image of an extremely pleasant genial Scot well in command of his brief but always prepared to listen and understand the opposing point of view.

Apart from these official contacts, however, he has no other points of political or personal contact with Irish issues. It is too early to say whether or not he will travel to Dublin for the forthcoming meeting of the Inter-Parliamentary Body. Sir Geoffrey Howe was from the outset a strong supporter of the Body and his active involvement at the inaugural and his decision to travel to Dublin for the second meeting were a reflection of this and of his friendship with Peter Temple Morris. The new Leader may not be prepared, so soon after taking on the new job, to absent himself from the House mid-way through what promises to be a difficult and busy first session.

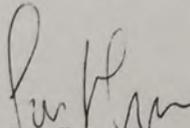
*is now
seems likely
to travel*

Edward Leigh

To complete the picture, mention should be made of the elevation to junior ministerial rank of Edward Leigh. Leigh, a bright young member of the right-wing "no turning back group" is a former joint secretary (with Henry Bellingham) of the NI backbench committee. He becomes a Minister of State at the Department of Trade and Industry. Earlier this year on becoming a Home Office PPS he resigned his position with the back bench committee but he continues to maintain an informed and broadly supportive stance on Anglo-Irish issues.

Attached is a complete list of the Cabinet changes for your information.

Yours sincerely


Joe Hayes
Counsellor

	From	To
John MacGregor	Education Secretary	Leader of the House of Commons
Kenneth Clarke	Health Secretary	Education Secretary
William Waldegrave	Foreign Office Minister of State	Health Secretary
Douglas Hogg	Trade and Industry Minister of State	Foreign Office Minister of State
John Redwood	Junior Trade and Industry Minister	Trade and Industry Minister of State
Edward Leigh	Backbenches	Junior Trade and Industry Minister

National Archives Act, 1986, Regulations, 1988

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

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- (ii) How many documents have been abstracted: 1
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- (iv) The description of each document: Correspondence relating to legal issue
- (v) Reason(s) why the part has been abstracted for retention: Section 8 (4) (c)

Clare Hanratty

Name: Clare Hanratty

Grade: CO

Department: *Foreign Affairs*

Date: 24/11/2020

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:
840/3896
- (ii) How many documents have been abstracted: 1
- (iii) The date of each such document: 17/11/1990
- (iv) The description of each document: Confidential report relating to media report
- (v) Reason(s) why the part has been abstracted for retention: Section 8 (4) (b) and (c)

Clare Hanratty

Name: Clare Hanratty

Grade: CO

Department: *Foreign Affairs*

Date: 24/11/2020

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Confidential

cc PSW
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✓ Coulter AI
JSA

6 November 1990

Mr. Dermot Gallagher
Assistant Secretary
Department of Foreign Affairs
Dublin

Conversation with Kevin McNamara MP

Dear Assistant Secretary

With a view to briefing him for his interview with Frank Millar, scheduled for 6 November, Mr. Donoghue and I had a lengthy meeting with Kevin McNamara and his research assistant, Tom Lyne, on 31 October.

Labour front bench team

McNamara received 50 votes in this week's Shadow Cabinet election. A minimum of 80 votes is needed to ensure a place, something which has always eluded Kevin who has never done particularly well in Labour's annual political beauty contest. He had hoped on this occasion, on the basis of promises received, for something in the region of 75 votes.

Kinnock has nonetheless reconfirmed him in his role as Shadow Spokesman, Jim Marshall and Roger Stott remain as his deputies. Kinnock had asked him if he was satisfied to keep the same team. McNamara assured him he was, although he told him, not perhaps without a hint of irony, that he would not stand in the way of their promotion if such were forthcoming.

He excused Marshall's low profile on the grounds that he has to defend one of Labour's slimmest majorities in his difficult Leicester constituency. Stott he commended for his enthusiasm, noting, however, that "Roger still has a lot to learn".

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Talks about talks

McNamara reminded us that he had been sceptical from the beginning of Unionist commitment to the talks process. Labour had nevertheless from the outset supported Brooke in the House and Kinnock had given McNamara his full support for this bipartisan approach. The OUP, according to McNamara, are not ready to commit themselves and Molyneaux in his opinion, was never prepared to seriously work for devolution.

Molyneaux's current strategy, he contended, was dictated by his hope that the next General Election would produce an outcome where the Unionist vote influenced the balance of power. If the Conservatives won, it was likely to be by the narrowest of margins and with a right wing mandate. In such circumstances, Molyneaux's three tier integrationist agenda of a select committee, abolition of the Order in Council and more local government powers could become a realisable objective.

McNamara conceded for the first time that in the event of Labour requiring to reach an accommodation with the Unionists, he could not expect to be Secretary of State. In such a scenario, he felt that Kinnock would offer him something else - perhaps Defence - and appoint someone more palatable to Unionist susceptibilities to the Northern Ireland portfolio.

McNamara detected in recent weeks an increasing openness at Westminster towards the Unionists. To some extent, he echoed here Peter Bottomley's views to the effect that Unionist willingness to engage in talks had added a positive dimension to their profile at Westminster. The other important factor was the growing realisation that they might have a role to play, however slight, after the next election.

He had little to say on Frank Millar's analysis of how Peter Brooke might now proceed. A decision to make the positions of the parties public was the prerogative of the Secretary of State. McNamara doubted however if Brooke would do anything dramatic and certainly he was unlikely to move forward without the agreement of the parties and certainly not without informing them.

The EPA

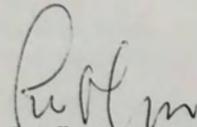
McNamara feels the Bill is likely to come up for Second Reading sometime in the week beginning December 3rd and in any case before the Inter-Parliamentary Body meeting in Dublin. There were three or four dates between then and Christmas for the Committee stage. The opposition would not get the draft Bill until four hours before publication. Labour envisage only one significant departure from existing legislation viz. the introduction of the heading "going equipped for a terrorist offence". They were disposed to oppose this. Not so much on legal grounds but because of its potential for general harassment. Their response to the internment provision would depend very much on how Peter Brooke chooses to present it. In overall terms, they were likely to offer a reasoned amendment and then vote against the Bill as a whole.

The EPA presents Labour with a similar dilemma to the PTA where the Government equate their opposition as a fatal weakness on the terrorism issue. Roy Hattersley and other senior figures make no secret of their concern to avoid this damaging equation and it is likely that they will tread warily in opposing the EPA.

The Inter-Parliamentary Body

McNamara is still smarting about what he continues to see as his unjustified exclusion from the Body. I have, I believe, persuaded him not to burden us with a repeat of his disgruntled performance at the inaugural meeting where he lurked disaffectedly on the fringes of every session. He will travel to Dublin, he said, but only for the dinner on the British side adopting on this occasion what he describes, only half jokingly, as "a statesmanlike attitude appropriate to a Secretary of State in waiting".

Yours sincerely


Joe Hayes
Counsellor



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Confidential

November 1, 1990

Mr. Dermot Gallagher
Assistant Secretary
Anglo Irish

Irish American Partnership - Visit to Ireland - 20 - 27 Oct. 1990

On his return from Ireland I talked with Joe Leary, Executive Director of the IAP who made the following comments on their trip to the North 21-22 October 1990.

At the NIO they met with Messrs Bloomfield and McNeil who gave them an overview of the N.I. situation. Sir Kenneth Bloomfield was very up-beat about the political developments and told them they expected that the British Government would be able to get a political agreement on devolution within 3 to 4 months. He said that the Irish Government would be brought into the picture after the others had worked out a solution.

In contrast to the above when they met Secretary of State Brooke he was hesitant about prospects for talks and would not be engaged on them. His address at dinner was also bland and contained nothing which would indicate an early breakthrough. He detected a great deal less optimism in the Secretary of State than when he had met him some months ago.

He said that all their arrangements in the North were controlled by the NIO, who had someone accompany them at every stage during their trip. The itinerary was looked after through the IAP office in Dublin.

Sir Kenneth Bloomfield told them that the British Government would welcome a continuation of U.S. funding for the International Fund. However both officials did not appear to be very knowledgeable about its working and McNeil believed that Australia had made a large contribution.

While the group were pleased with their visit to the North they felt the NIO side were transparently Unionist. The IAP group were not satisfied with their explanation on fair employment and security, and they felt that West Belfast was obviously neglected and over patrolled by the British army.



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this*

The IAP who have already given some money to the ailing Marathon Sox in West Belfast would like to find a more suitable recipient for their funding. They are keen to help West Belfast even if their contribution must for the moment be rather small.

Other:

Loretta McLaughlin, a Boston Globe assistant editor was with the IAP on the trip and was responsible for the very positive attached editorial which appeared yesterday in the Globe. When I spoke to her she said she was very impressed at the way the country had changed around in the past few years. She said she would possibly do at least one follow up editorial on Ireland.

Liam Canniffe
Liam Canniffe
Consul General

LC/cad

cc Ambassador, Washington
Mr. Brendan Scannell, Washington

Ireland's forward focus

Although Northern Ireland still erupts in sporadic violence, great progress is being made south of the border in the Republic of Ireland. Animosities of the past are being put aside; the future is what concerns the republic.

So changed are attitudes - and so direct are actions to expand education and attract business - that the United States could take a page from Ireland's book on how to improve its economy. Ireland has tightened its fiscal belt, has economized on many fronts, and is focusing on what counts - new jobs and a trained work force to fill them.

Dirty old Dublin did far more than put on a coat of paint as it primed for the city's 1,000th anniversary in 1988. In Dublin and other cities across the country, the economy is being transformed. Huge new office and industrial complexes, hotels and shopping centers, along with tax and trade exemptions, are available to investors.

Irish workers have more job opportunities than they have had for decades; 30,000 jobs were created in 1989-1990, and Europe clamors for the disciplined and educated Irish worker.

Though joblessness is still high in some inner-city neighborhoods, overall the nation's unemployment rate is falling. Only a few years ago, nearly 25 percent of Ireland's workers were unemployed; today, the figure is around 16 percent.

To achieve a decline in unemployment is no small task since Ireland has the largest number of

young people in Europe. More than half its population is under 28, and thousands of workers pour onto the job market every year.

This young population, however, is now adding to the nation's appeal because most of the other nations in Europe - and soon to be co-nations in the Common Market - are short of young workers because of declining populations.

But it is in education that Ireland is making a massive push. Each year since 1984, the number of young persons going on to college has risen; it now stands at one of every three.

Equally significant is the shift in emphasis within education. Three avenues of education are expanding: catering, to raise the quality of food preparation in local hotels and restaurants to a European standard; music and drama, to reflect Ireland's tradition in the theater and the performing arts; and the full range of modern technology and science, coupled with foreign languages.

As a delegation of the Irish-American Partnership, a Boston-based philanthropy concerned with improving educational and development opportunities in Ireland, recently learned, a vitality has taken hold in the Republic of Ireland. "We have stopped looking backward and stopped looking inward," said a spokesman for the government-sponsored Shannon Development Corporation. "This is modern Ireland, and we are looking forward to the technology world of the next century."



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