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SECRET

ANGLO-IRISH SECTION

WEEKLY BRIEF

FORTNIGHT ENDING 20th APRIL 1990

C O N T E N T S

1. Reports from Anglo-Irish Secretariat
 - Telex and Report on Meeting in Dublin 6 April
 - Report regarding Conference in London 19 April

2. Contact and Information Work
 - Discussions regarding Alleged Incident at Cappagh and Castlederg Explosion

3. Reports from Embassy London.
 - Hume, Maginnis and Robinson on Devolution
 - Lunch with Philip Johnston, The Daily Telegraph
 - Lunch with Richard Ford, The Times

To: HQ
For: A/Sec Gallagher
5 April 1990

From: Belfast
From: Joint Secretary

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Immediate

1. Mr. Alston has mentioned to me that the Secretary of State is likely to raise the recent McGimpsey judgement with the Minister tomorrow. He said that Unionists (Molyneaux) were praying the judgement in aid as a delaying tactic in regard to Mr. Brooke's efforts to arrange political talks and Mr. Brooke would want to discuss the possibility of the issue of a public re-statement by both Governments of Article 1 of the Agreement, perhaps after the next conference on 19 April.
2. I said that in his statement to the UUP Council last month Molyneaux seemed to us to be making amendments of Articles 2 and 3 of the Constitution a further condition of entering talks, i.e. that it was not simply a delaying tactic. Mr. Alston said that the British side had received signals from within the UUP and DUP not to take Molyneaux's statement as the end of the matter. Mr. Brooke did not see himself at the end of the road.
3. Mr. Brooke is also likely to "share his concerns" about the judgments of the Supreme Court in the case of Finnuane and Clarke and to broach in a preliminary way issues raised in the judgments with a view to fuller discussion at the next Conference. Mr. Brooke is also conscious that the Carron Judgement is due tomorrow morning and he has asked if an indication of the content could be made available to him as soon as it is known. You will know from previous reports that we have ourselves expressed concern about certain of the language in Commons statements by the Prime Minister, Mr. Brooke and Mr. Cope on the Finnuane/Clarke judgments ("unacceptable slur" on the prison service/"might give some people the impression that terrorists will have a safe haven in the Republic").

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:
840/3869

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

(iii) The date of each such document: 06/04/1990

(iv) The description of each document: Information regarding informal call and meeting with
Taoiseach and Minister for Foreign Affairs

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



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Grade: Archivist

Department: *Foreign Affairs*

Date: 07/12/2020

CONFIDENTIAL

12 April 1990

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

*cc RSG; AG
 Mr. Neill; R/S
 Mr. Alton; Mr. Stevens
 Connelly/AI
 Box*

Dear Assistant Secretary

Conference of 19 April

The British Joint Secretary, Mr. Alston, attended a briefing session in London yesterday and saw me today to "set the scene", as he put it, for next week's Conference for which I attach a revised draft agenda.

He said the British side saw the Conference as a major one. There were important individual agenda items but the Conference was important also in a broad sense. Mr. Alston said there is now on his side "a considerable sense of unease about the totality of the relationship" between the two Governments. This was not just a "marking of the score card" although his side had reviewed the state of progress on a number of issues and were unhappy with their findings. The wider political reality was that both within Northern Ireland and and at Westminster, Ministers were coming under increasing pressure about the absence of progress on a range of issues. There were matters which were outside the control of our Ministers but there were others on which it was within their power to "make progress". Mr. Alston referred in particular to the views expressed at the recent conference of the Alliance Party in Northern Ireland. He also said that David Owen had told Ministers he had now "crossed a watershed" in his assessment of the Agreement. In summary, a substantial Conference was needed which would do more than "simply review events".

The present position on extradition following the Supreme Court judgements in Finucane/Clarke and Carron was seriously worrying. Ministers were concerned that progress had been "so slow" across a range of issues in security co-operation. Our language on economic co-operation was positive but we had not been able to translate that language into action. Mr. Alston referred here to a meeting of officials in Brussels on 6 April concerning our joint submission to the Commission and described

it as "disappointing". He hoped that we will be in a position to let them have before the Conference our paper on the implications of 1992 for the whole island of Ireland which is to be published shortly.

Above all, political progress was central. Mr. Alston said the British side hoped that the way the Taoiseach's visit had gone yesterday - they saw it as a great success - will have influenced our position on Mr. Brooke's efforts to secure political progress. The British side's view was that the development of the political process was an imperative and that doing nothing was simply not an option. In relation to our judgement of the Unionist position, Mr. Alston said we should not underestimate the difficulty that Unionist leaders have in breaking away from their attitude to the Agreement; they needed help.

Following on the meeting between the Minister and Mr. Brooke last week, the British side would like to have the McGimpsey judgement as a full item (previously we had taken it that the judgement would be discussed under the heading of political developments).

The Chief Constable was prepared to make a substantial presentation on the question of accompaniment of the UDR in the restricted session and might also say something about the Stevens Report in that session. As you know, the Chief Constable received the Stevens Report recently and is now considering it. Mr. Alston cautioned that the Chief Constable would probably not be in a position to say very much. It was not expected that he would have submitted a report to Ministers by 19 April.

In regard to petrol smuggling, the Secretary of State was personally anxious that progress should be made on the issue and he hoped to be able to be "helpful" in discussion at the Conference. It appears that Mr. Brooke will indicate preparedness to bring in necessary legislation on our side and will suggest a joint study of what is required by the Customs authorities. Legislation will take a year to accomplish. However, the British side suggest that we may be able to amend our Finance Bill, as we wish to do, in anticipation of the legislative change on the British side. his

In regard to the 48-Hour Rule for cross-border shopping which the British side have put on the agenda, Mr. Alston did not anticipate any very substantial discussion. He expected that Mr. Brooke will express the hope that, if the European Court upholds the decision of the Advocate-General against the Rule, we will not seek alternative ways of accomplishing the same purpose.

Comment

Mr. Alston expressed himself in his usual polite and careful way. It is nonetheless obvious from the content of his message and from comments made to us by other officials that the NIO

has worked itself into a state about what they see as lack of progress from their point of view in the Conference. The combined effect of the McGimpsey judgement, the extradition judgements in Finucane/Clarke and Carron, the murders of the UDR soldiers on Monday, the apparent ability of the IRA to strike at will which was shown in that attack and by several major attacks recently on RUC stations at Castlederg, Sion Mills and elsewhere (if a 1000lb bomb placed at Musgrave Street RUC station in Belfast on Monday had gone off there would have been devastation) has put the British Government under pressure and they are turning to us to help them out.

It is recognised of course that our courts are independent, but there is a strong feeling that the recent judgements have had a powerful impact on political opinion here and at Westminster. As you know from previous reports, Mr. Brooke may seek a public restatement by both Governments of Article 1 of the Agreement in the Joint Communique after the Conference. He may also broach some proposals on the question of extradition.

In regard to matters where the British side believe the Government have it within their power to "make progress", the greatest anxiety is to have positive responses to a number of requests in the security co-operation area, most notably those on night overflights and surveillance at a number of points along the border (Carrickarnon, Kilnasaggart and Aughnacloy).

In response to all of this, we have strongly urged the British side to look at matters in perspective. We have taken them over the extradition and security co-operation issues in particular, drawing to their attention the major progress that has been made in these areas. We have referred them to the Taoiseach's remarks to the Press here yesterday on extradition; we have pointed to the misunderstandings expressed sometimes on their side about extradition decisions; and we have drawn particular attention to the fact that our Government kept its promise to ratify the Convention on the Suppression of Terrorism, that we did so without reservation, and that recent court decisions arose from warrants issued before the 1987 legislation implementing the Convention. We have pointed out that, in contrast, we have had serious doubts about the real efforts of their side to deliver on a number of issues that were identified in 1985 as important to us, notably the question of accompaniment of the UDR.

While we have not sought to minimise the combined impact of recent events on political opinion here and at Westminster, we have urged the British side to look at issues calmly and on their individual merits; we have pointed out that the Alliance Party's support for the Agreement was always conditional, as John Alderdice has himself said, and that David Owen has been hostile from the beginning.

I have noted that the questions of accompaniment and the Stevens Report are political or "confidence" issues in our eyes and we might have reservations about dealing with the matter

substantively in the restricted session which was set up to deal with security co-operation issues and is composed accordingly. It appears from conversations here that the British side see the restricted session increasingly as the session for "the Chief Constable's business".

Mr. Ryan is reporting in detail to the Department of Justice on the security co-operation issues. In that area, we have taken NIO officials over the issues, pointing out the progress that has been made and asking them to consider the possibility that not all their requests would represent "progress" if conceded.

The major issue will be political progress and, as I indicated in my letter of 5 April, Mr. Brooke will attach the greatest importance to a positive signal from our side that he can "go to the end of the road" in his talks with the political parties.

Yours sincerely

A handwritten signature in cursive script, reading "Declan O'Donovan".

Declan O'Donovan
Joint Secretary

REVISED DRAFT AGENDA FOR CONFERENCE OF 19 APRIL

Tete-a-tete

Restricted Security
Session

Plenary

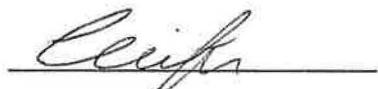
- 1 Political Developments
- 2 McGimpsey Judgement
- 3 Recent Extradition Judgements (Finucane, Clarke and Carron)
- 4 Economic/Social Matters
 - (i) Follow-up to Review commitment on widened cross-border economic cooperation. The Secretariat will report on a possible programme for participation of other Ministers in discussion of social/economic areas in the Conference)
 - (ii) Take note of discussion at Brussels on 6 April on a joint submission for a cross-border programme under the E.C. Structural Funds.
 - (iii) Proposed Irish paper on implications of 1992 for the whole island of Ireland.
- 5 Confidence Issues
 - (i) Accompaniment
 - (ii) Stevens Report
 - (iii) Inquests

National Archives Act, 1986, Regulations, 1988

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



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Date: 07/12/2020



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3

cc PST / PST
Mr. Kelly; AG
Mr. Kelly; Mr. P...
Cannell's A1
P...

Confidential

// April 1990

Mr. Dermot Gallagher
Assistant Secretary
Anglo-Irish Division

Dear Assistant Secretary

Hume, Maginnis and Robinson on devolution

John Hume, Ken Maginnis and Peter Robinson took part in a seminar organised yesterday by the Foreign Press Association on the subject of "The Chances for Devolution in Northern Ireland". The following is a summary note on the seminar, which broke little new ground.

John Hume opened the proceedings by suggesting that the term "devolution" is used too freely. Devolution, he noted, already exists in NI at District Council level. Two previous attempts to devise a solution to the NI problem (in 1921 and 1973-4) involved devolutionary arrangements and both failed. The reason in both instances was the Unionist distrust of the people living in the rest of Ireland. Until this relationship is sorted out to everybody's satisfaction, no solution will be found.

The SDLP's basic proposal to Unionists is that talks should take place from which no subject could be excluded and which would, for the first time, attempt to define the problem rather than to prescribe the solution. Outlining the three crucial sets of relationships, Hume identified that between Unionists and the rest of Ireland as the central one. Prior to any talks, there should be an understanding that any agreement reached would be submitted to referenda North and South for popular endorsement and that, if it failed to achieve a majority in either referendum, it would be dropped. The position of the Provisional IRA would be undermined because, for the first time ever, the people of Ireland North and South would be expressing their preferences on this fundamental issue.

In putting his case for devolution, Peter Robinson emphasized the frustrations felt by NI MPs in relation to the handling of NI business at Westminster. There is a clear need for more responsibility to be given

to local politicians. Under the Agreement, however, it is the Dublin Government, rather than local politicians, who are given an increased role. Devolution would improve the present circumstances of the NI people, though it would not resolve their basic problem. Robinson agreed with Hume that several relationships must be addressed: (i) ways in which the people of NI can live together; (ii) the relationships they have with those with whom they share the island; (iii) the relations between NI and the rest of the UK; even (iv) NI's relationship with the rest of Europe. Agreeing with Hume that (i) and (ii) are the key relationships, he differed from him in the priority to be given to each. The major problem lies within NI and that is where the resolution must come first. When the NI people reach a solution with which they can live comfortably, it should be easier for them to work out their relations with the Republic. It is unlikely that the Unionists will agree on the form of their relations with the Republic until they know what internal devolutionary structures are to be agreed for NI. As John Hume would see things the other way round, it is clear that both sides will have to work "in tandem".

An essential part of the relationship with the Republic, Robinson continued, concerns Articles Two and Three of the Irish Constitution. Taking up Hume's call for referenda North and South, he called for a referendum in the Republic on Articles Two and Three.

Ken Maginnis "basically agreed" with the approach of resolving problems within NI prior to cementing relationships outside NI. Describing himself as an "arch-devolutionist", he said that he favours responsibility-sharing. He agreed with Robinson and Hume that the problem would first have to be defined before the solution to it could be sought. Referring to the recent McGimpsey judgement, he made much of a remark by Counsel for the Irish Government to the effect that care was taken in the Agreement not to define NI's status. While one of John Hume's "preconditions" for talks is that relations with the Republic must be defined, the McGimpsey judgement has shown that, for the Republic, nothing supersedes the importance of the territorial claim. The recent extradition decisions, furthermore, suggest that there is now a constitutional obligation on the courts not to extradite. If the Unionists are to reach a relationship with the Republic, some way round the obstacle posed by Articles Two and Three must be found.

In the ensuing question-and-answer session, Robinson was asked what conditions the Unionists were now attaching to talks. He replied that the climate in NI must be conducive to dialogue. Each side must know precisely what it is about and, if talks get underway, there must be "no surprises" (other than those inflicted by terrorists). Rather than seeking the scrapping of the Agreement, the two Unionist leaders accept it as a reality but want talks which would produce a better Agreement. For the period of such talks, they want "a suspension of activity" in relation to the Anglo-Irish process, at both the Conference and Secretariat levels.

In response to a similar question, Hume emphasized that the SDLP has no preconditions for talks. It has merely put to the other parties its view of what should be discussed in the talks. He noted substantial agreement between himself, Robinson and Maginnis on the three sets of relationships which the talks should address. They disagreed merely on the priority to be assigned to each. He would have no problems, however, with sitting down to talks with the Unionists "tomorrow morning". He rejected the points made by Maginnis about Articles Two and Three, arguing for a more forward-looking referendum on the lines he had suggested. In any event, changes to the Irish Constitution could well be an eventual consequence of the kind of agreement he envisaged.

There followed an intervention from Peter Jennings (of the Catholic weekly paper, the Sunday Visitor), who attacked all three speakers for failing to acknowledge in any way Peter Brooke's current efforts to stimulate dialogue. Welcoming what the Taoiseach said at the FF Ard-Fheis about possible new structures in the future which would entail a new Constitution, he asked Maginnis why he had not gone to see the Taoiseach, as he had earlier indicated. He found it extraordinary that the Unionists were refusing to go to Dublin and that Paisley was at the same time trying to prevent the Taoiseach being welcomed in Belfast.

In a subsequent acrimonious exchange, Maginnis and Robinson drew attention to the paper which Jennings represented and criticised him for partisan bias. In relation to the visit to Dublin, Maginnis said he had indicated that he was willing, and would still be willing, to go to see the Taoiseach. His intention was to speak "fundamentally" to him about terrorism and about Articles Two and Three. However, in view of the Taoiseach's indication in the Dail that he would consider talking to the Unionists but not about Articles Two and Three, Maginnis saw no point in going. John Hume intervened to describe this as "nonsense". (In private conversation afterwards, Hume was scathing about Maginnis' posturing in relation to this matter).

The remainder of the seminar was devoted to a discussion of the Conservatives' prospects in NI, on which the three speakers had no difficulty in agreeing; to a discussion of the implications of 1992 (which Robinson, while welcoming the business opportunities, did not expect to bring about "any major political change"); and to a discussion of Sinn Fein (with Hume suggesting that an internal debate is indeed in progress at present but that he does not know whether it is a serious one or merely a political ploy).

Yours sincerely



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Press and Information Officer



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Confidential

11 April 1990

Mr. Dermot Gallagher
Assistant Secretary
Anglo-Irish Division

Dear Assistant Secretary

Lunch with Philip Johnston, The Daily Telegraph

Johnston, who is the paper's Political Correspondent, covers Anglo-Irish affairs at Westminster for the Telegraph.

The following were the main points of interest which arose:

The extradition controversy

- In the course of a detailed conversation, Johnston underlined the depth of feeling among Tory back-benchers on this subject. In addition to Gow and Stanbrook, whose stances on extradition are well known, a number of Tories who usually take a more balanced view of Irish affairs are beginning to question Dublin's good faith. Asked to accept that the Finucane/Clarke decision related to a particular set of circumstances and carried no implications for future cases, they find that, within a couple of weeks, the "political exemption" is being applied once again by the Supreme Court. While the Taoiseach has indicated that future cases are likely to be covered by the 1987 Act, they cannot help being sceptical - "what is to stop Dublin moving the goal-posts once again?"
- I pointed out that the Irish Government has amply demonstrated its good faith. The Extradition Amendment Act was pushed through the Dail, despite its considerable domestic unpopularity, and has been implemented ever since by the Government. Decisions on extradition requests are, however, a matter for the courts, as in Britain, and the Government has absolutely no control over them. Respecting the independence of the judiciary, the Government does not pass comment

on individual court decisions. It is, however, possible to forecast that a number of forthcoming cases may be covered by the 1987 Act, in contrast to the three most recent cases.

- Johnston wondered whether, in order to defuse tensions on this side of the water, the Government might indicate a readiness to bring in legislation to close loop-holes which have apparently arisen. I replied that the Government has on many occasions underlined its commitment to achieving effective extradition arrangements and that it would no doubt keep all possibilities under review.
- Johnson also suggested that tensions would be defused by a reminder of the major contribution made by the Irish security forces to combatting terrorism. In this connection, I drew his attention to further arms finds made by the Garda Siochana last week and to a subsequent statement by the Minister for Justice.
- I commented that greater restraint on the Prime Minister's part would also help to defuse tensions. Johnston agreed that the measured reaction by Peter Brooke to the Finucane/Clarke decision was helpful and that the Prime Minister's reactions both to that and to the Carron decision were "irresponsible". He went on to observe, however, that Mrs Thatcher sees her role as closer to that of a President than to that of Head of Government. Not unlike former President Reagan, she feels a need to articulate popular sentiment, rather than the considered views of her Government, on particular issues. Her instinct is to speak for "the man-in-the-street" and to leave the formulation of official policy to her Ministers.
- The Prime Minister's approach to extradition, Johnston commented, is coloured by her general views on terrorism (which in turn owe much to her Brighton experience). Thus, in replying to PQs (planted or otherwise) on extradition, she does not enter into the intricacies of extradition policy (which the man-in-the-street would not understand) but prefers to run straight into a blunt attack on terrorism and on any Government which, in her view, is insufficiently committed to eradicating it. "Extradition doesn't interest many people - but terrorism does".

Michael Heseltine

- Johnston has taken soundings following reports that Heseltine recently reassured right-wing Tories about his views on European federalism and Northern Ireland.
- The right-wing MPs, it seems, sought assurances from Heseltine about his views on NI because they feared that his commitment to European federalism might, if he became Prime Minister, place a question-mark over Northern Ireland's constitutional future. He apparently satisfied them of his personal commitment to the Union. In an article in the Telegraph last week, furthermore, he made clear that his approach to European federalism remains very cautious.

European political union

- In the course of a briefing on the prospects for the forthcoming Dublin summit, Johnston remarked that the "Irish dimension" to the goal of European political union, now being spearheaded by the Taoiseach, has not escaped notice at Westminster. One or two MPs commented to him that, as the Taoiseach no doubt hopes to achieve his objective of Irish unity within the context of a European federation, his zeal in promoting European political union (irrespective of the support he has for it elsewhere in Europe) comes as no surprise.

Yours sincerely



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Confidential

9 April 1990

Mr. Dermot Gallagher
Assistant Secretary
Anglo-Irish Division

Dear Assistant Secretary

Lunch with Richard Ford, The Times

Ford covers Anglo-Irish affairs at Westminster for the Times.

The following points of interest arose:

Taoiseach's visit to Belfast

- While Unionists could be expected to step up pressure on the Institute of Directors following not merely the Carron decision but also the killing of four UDR soldiers, Ford felt that it would be "an absolute disgrace" if the Institute were to succumb to this pressure and withdraw the invitation to the Taoiseach.
- From his six years as Belfast correspondent, Ford is familiar with the Institute and its director, John Gorman. He is certain that the overwhelming majority of its membership would want the Taoiseach to address them. Those who belong to the IOD in Northern Ireland (which, like its parent organisation, has a Thatcherite flavour, emphasizing private enterprise and initiative) are deeply concerned about Northern Ireland's isolation, both within Britain and within Europe. They see themselves as "way out on the fringes", trying to create business opportunities under local conditions which are not conducive to investment and with a central Government which is hostile to the most likely source of investment, Europe. They appreciate the possibilities offered by 1992, including the scope for greater North/South business cooperation in Ireland, and they are determined to make full use of them.
- For these various reasons, the invitation to the Taoiseach makes complete sense and it would be a shame, Ford commented, if the Institute backed down under political pressure.

cc Mr. Nygh, RFE
Coffey AS
Kearney

The Carron decision

- While the fact that Parliament has risen for the Easter recess should help to contain the controversy, there is no doubt that the Carron decision has damaged Anglo-Irish relations. For many Tories at Westminster, Carron is a particular hate-figure because of his association with Bobby Sands and his relatively high profile within Sinn Fein. Critics such as Gow and Stanbrook may be expected to exploit the hostility he arouses, irrespective of the sound legal case which the Supreme Court had for not extraditing him.

Michael Heseltine

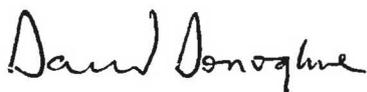
- In the course of a discussion about the current political situation in Britain, Ford mentioned that he spent yesterday following up a Sunday Telegraph story which suggested that a secret understanding was reached recently between Michael Heseltine and some right-wing MPs on two issues, European federalism and Northern Ireland.
- Ford contacted Heseltine, who told him that he has reached no "secret deals" with anyone but that his views are clear on these two issues. He wishes to see Britain play a more active role in Europe but is not enthusiastic about the concept of an eventual "United States of Europe". In relation to Northern Ireland, he has always been, and will remain, committed to the Union.
- Ford observed that Heseltine has spoken out very rarely on Irish issues. He could recall, in fact, only one controversial remark: as Defence Secretary, Heseltine made a critical reference to Irish neutrality during a visit to Belfast.
- In the course of a fifteen-minute phone conversation with Ford yesterday, Heseltine reviewed in considerable detail the problems facing the Tories at present - yet without conveying even the slightest hint of personal disloyalty to the Prime Minister. He was contemptuous of Labour and claimed that, in contrast to 1964 when Labour profited from a distinct shift in the public mood (towards the managerial revolution, new technology, etc.), there is no such momentum at present which could propel Labour into power.
- In his conversations yesterday with various right-wing MPs, Ford was struck by the support which they voiced for Heseltine. He put this down to a growing panic in Tory ranks about their prospects in marginal seats at the next election with Mrs Thatcher still at the helm. Without scrutinising too closely what exactly Heseltine stands for, they perceive him as a vote-getter who can best assure their own survival. Asked, for example, what they thought of Heseltine's position on Hong Kong, they all compared him favourably with Norman Tebbit, the supposed standard-bearer for the right whom, however, they accused of having "gone too far" on this issue.

Unionists

- Finally, noting reports that John Taylor is threatening official Unionist defections on the Hong Kong issue, Ford speculated that the Unionists will begin to remind the Government, as the next election approaches, that their support on key issues cannot be taken for granted. Their stance on Hong Kong is clearly opportunistic - last December, they were entirely behind the Government.

- Molyneaux, Ford believes, has no interest in Brooke's current efforts to stimulate dialogue in NI and is simply waiting for them to collapse. With an eye to the Unionists' middle-class vote in Upper Bann, he will feign temporarily a willingness to pursue political progress in NI. However, once the bye-election has been safely won, and once Parliament resumes next autumn, he and his colleagues will settle into a Westminster strategy of "playing the general election card". They will do all possible, in Ford's view, to alarm the Tories and woo Labour with a view to maximising the opportunities available to them in the event of a hung Parliament.

Yours sincerely



David Donoghue
Press and Information Officer

END of file