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UNDER/ 456/7
SEC
14 JUL 1993
CENT SEC

FROM: G HARRISON (MISS)
CPL DIVISION
13 JULY 1993

ASST MH 28717
SEC 15 JUL 1993
CENT SEC

cc PS/Michael Ancram(L,B&DENI) -B
PS/PUS(L+B) -B
PS/Mr Fell -B
Mr Thomas -B
Mr Bell -B
Mr Watkins -B
Mr Williams -B
Mr Wood(L+B) -B
Mr Cooke -B
Mr Maccabe -B
Mr Bramley -B
Mr Adams -B
Ms Johnston -B
Ms Lodge -B
Mr Margetts -B

h h h h
Ms Margetts
I have seen
Brown early
today
16/7

1. Mr Brooker (Signed David Brooker 14/7)
2. PS/Secretary of State

SECRETARY OF STATE'S INTERVIEW WITH KAREN BROWN OF THE KANSAS CITY
STAR ON 16 JULY 1993

As requested, I attach briefing for use by the Secretary of State
when he is interviewed by Karen Brown of the Kansas City Star.

2. The material covers the questions Ms Brown supplied in
advance. She also indicated that she would be asking a civil rights
question but that the form would depend upon events at the time.
Therefore, briefing is included on the extradition cases currently
in progress in the USA, security and criminal justice issues as well
as Bill of Rights, the economy and fair employment.

(Signed)

G HARRISON (MISS)
CPL DIVISION
13 JULY 1993

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CPLHILL/14853

1/2. How would you assess the current political situation in the North? What are the prospects for the resumption of Talks?

Lines to take

- I have a rational hope that further Talks will take place.
- Both the British and the Irish Government believe that the objectives of the Talks process remain valid and achievable and, as stated following the Inter Governmental meeting on 8 July, "we will continue to make every effort to achieve them through direct discussions and negotiations between all the parties concerned."
- HMG is committed to the search for an agreed outcome. The Talks provide the best opportunity to achieve a lasting and substantive political accommodation across all three sets of relationships; those within Northern Ireland, within the island of Ireland and between the two Governments.
- Such a lasting settlement can only be delivered as a result of dialogue between political representatives. Any new institutions are more likely to be agreed to and to be workable if they emerge from direct negotiation between all those who will participate in them.
- It is too early to say when fresh Talks might start. There are understandable reasons why it has been difficult to focus minds since last November. There was a general election in the Republic on 26 November and the new Government was not appointed until January. In May we had the local government elections in Northern Ireland and this month sees the marching season and the beginning of the holiday period.

- I am maintaining contacts with the Irish Government and the leaders of the political parties. I have already had one round of meetings with Mr Molyneaux, Mr Hume and Dr Alderdice and Michael Ancram is engaged in a series of meetings with party members and leaders as part of his familiarisation process.

[On possible outcomes]

- It is premature for me to start making from predictions about what will emerge. Further constructive discussion is required. I remain very anxious to develop dialogue at the earliest opportunity, as soon as others are ready.

[On format]

- It is also premature to look forward to the precise format that might be followed in future Talks. These issues remain to be settled between the participants, though I have begun a preliminary round of discussions already.

3. What are the obstacles?

Lines to take

- There are a number of factors involved but which I believe can be resolved.
- The Unionists place particular importance on the removal of Articles 2 and 3 of the Irish Constitution which makes a territorial claim on Northern Ireland. I have described this claim as unhelpful. Any change in their status is a matter, in the first instance for the Irish Government. HMG has welcomed the Tanaiste's public comments that Articles 2 and 3 of the Irish Constitution are not "cast in bronze, incapable

of change". Both Mr Reynolds and Mr Spring have signalled their Government's readiness to initiate constitutional change in the context of an overall settlement.

- Mr Hume's talks with Mr Adams are also of concern to the other participants. So far as I am concerned, I do not presume to criticise Mr Hume, for doing what he believes to be right. But I am aware that this is creating difficulties for the Unionists - they are concerned that John Hume, if he is talking to Mr Adams, would be at the table as a kind of proxy for Sinn Fein. That is not a view I hold myself but that is the concern of the Unionists.

4. Would you comment on the report and recommendations of the Opsahl Commission?

Line to take

- The report provides a valuable record of the Commission's work, which clearly did much to stimulate the submission of views from a wide range of individuals and organisations. In addition, the Commission itself made a number of recommendations, a number of which are clearly controversial and have provoked dissenting comments. Its value in my view, lies principally in the way it has enlivened and developed public debate and offers an important source of ideas, both from the Commission itself and from the many submissions made to it.

[On the recommendations]

- It is not a Government report and we do not envisage offering a detailed critique of the proposals. We shall, however, take a close interest in any further public debate stimulated by the report.

[On the proposal to establish a Commission]

- The Government firmly believes that the Talks objectives remain valid and achievable. The Government is determined to promote further dialogue between the main constitutional political parties in Northern Ireland and the two Governments.

[On the Opsahl opinion poll]

- I am encouraged that the opinion poll shows a reassuring level of support for the Talks in all three jurisdictions (54% in NI; 60% in RoI and 73% in GB regarded the Talks as "very important") although tempered with only a modest expectation of success.

5. How would you interpret Sinn Fein's gains in the last election?

THE SINN FEIN VOTE: 1993 LOCAL GOVERNMENT ELECTIONS

Bull Points

- Rise in support for Sinn Fein a matter of concern given their position on the use of violence. However a vote for Sinn Fein is not necessarily a vote for violence or the IRA.
- Sinn Fein is traditionally strong in constituency work, with a network of advice centres. They can appeal to the disadvantaged in society as well as the republican vote (HMG has no difficulty with republicanism as a political philosophy provided it is pursued peacefully).
- The rise in support for Sinn Fein was not that great. The numbers of votes cast for them in May 1993 was less than in the 1992 General Election when they scored 10% of the vote.

Sinn Fein did better comparatively because they were able to get their vote out. No evidence of attracting any sizeable levels of new support. (The SDLP's share of the vote also rose when compared to the 1989 results.)

- Steady decline in Sinn Fein support since the mid 80s is background to this result. It is not clear whether it is a blip or a longer term change in voting patterns.

The factual position

Election	Votes	%
1993 Local Government	77,984	12.5
1992 General	78,291	10.0
1989 Local Government	69,031	11.3
1985 Local Government	75,686	11.8

6. Would you still say that Sinn Fein should be excluded from the Talks?

Line to take

- All the participants in the process are agreed that, by their refusal to condemn IRA violence and their association with a terrorist organisation, Sinn Fein exclude themselves from this process.

[If there is a ceasefire]

- There cannot be talks or negotiations with people who use or threaten violence to advance their arguments. Any party which seeks a place at the Talks table must show that it genuinely does not espouse violence.

7. Would you comment on President Robinson's June 18 appearance in West Belfast, especially her handshake with Gerry Adams?

- As has been made clear, President Robinson's visit to Northern Ireland on 18/19 December was in a private capacity.
- She did not visit as an official guest, or at the invitation of HMG.
- Our concerns about aspects of the planning of the visit were made clear at the highest level in the Irish Government.
- The lessons from the visit will be followed up. But that is a matter for private not public discussion.

Defensive

- [If asked whether the visit has set back the prospects for Talks.] It is not profitable to speculate. We remain firmly committed to carrying forward the Talks process. That aim is widely supported in Northern Ireland.
- [Boost for Sinn Fein?] We will not engage with Sinn Fein as though they were a normal democratic party while they continue to endorse violence. Nothing which happened in the course of the visit alters that.

8. Why is HMG against the idea of a PEACE ENVOY?

Line to take

- Greatly welcome the US Administration's continued support for the political Talks process. A resumption of that process, as quickly as possible, continues to be the priority.

- In his statement on St Patrick's Day President Clinton supported the Talks process, which was heartening. He stated that through that process comes the best possible hope for the future.
- As we have said before, we would welcome and give every reasonable facility to anyone coming to find out the facts for themselves, or better still, to see how they might contribute to economic regeneration.

Contact with Sinn Fein

- Visitors to Northern Ireland may speak with whoever they like.
- The Government's view is that it is unwise and undesirable to speak to people who use violence for political ends or who encourage that, but it would be unwise to lay down conditions on who should talk to whom.

Background Note

In a short press conference following President Clinton's St Patrick's Day meeting with the Taoiseach he condemned violence and expressed strong support for the Talks process. He also stated:

"I don't want to do anything that undermines the peace process".

"We are prepared to help in any way that we can. I think that it is important to say that the most significant thing I should be doing now is to encourage the resumption of the dialogue between the Irish and British Governments, which I think is a critical pre-condition to any establishment of a lasting peace. Our support for the International Fund for

Ireland is an important demonstration of our commitment to encourage investment and economic growth and to advance the cause of peace and tolerance".

In response to questions, President Clinton said he would leave open other options of a peace envoy or a fact-finding mission and pointed out that he would keep abreast of the situation and make decisions "at what seems to me the appropriate time". He said that he would continue to consult the British and Irish Governments.

The Irish Government's Position

During his tour of the USA in March 1993, the Taoiseach carefully avoided committing himself one way or the other on the proposal. He spoke at one point of the possibility of an initial fact-finding visit, whose recommendations might later lead to the appointment of a peace envoy. He was no doubt concerned not to offend Irish-Americans who had pushed the peace envoy proposal.

9. Are there any elements in the Talks equation that the British Government considers non-negotiable? If so, what are they, and why?

Line to take

- The basis for the Talks was set out in a statement by my predecessor, Peter Brooke, on 26 March 1991. That included a re-statement of HMG's commitment to the constitutional guarantee - that Northern Ireland's present status as part of the United Kingdom will not change without the consent of the majority of its people. This is enshrined in the Northern Ireland Constitution Act 1973 and is reflected in the Anglo Irish Agreement of 1985. This was accepted by all the participants.

- The March 1991 statement made it clear that was open to each of the parties to raise any aspects of the relationships (within Northern Ireland; within the island of Ireland and between the two Governments), including constitutional issues, or any other matter which it considers relevant.

[On a scheme]

- HMG has no "blue print" for new political institutions, but to aid any new talks, HMG is prepared to table some "proposals" as a basis for discussion, based upon the material already covered. I am happy to discuss in outline, and to share ideas about, the possible contents of this paper with all participants before it is finalised. It is not my intention though that this will be an "agreed" paper: it is HMG's responsibility alone.

[Liverpool Speech]

- I am already on the record (in my Liverpool speech) as indicating what a settlement is unlikely to include - this is not expressing an HMG preference, but only a view on what is likely to receive widespread agreement.

(a) agreement on a politically united Ireland - this would require the consent of a majority of the people of Northern Ireland and such a majority consent seems unlikely to emerge in the foreseeable future. Equally there is no prospect of an agreement precluding Irish unity in the future.

(b) any devolved institutions in NI are unlikely to operate on conventional lines of simple majority rule'

(c) Joint sovereignty (joint political authority between the British and Irish Governments) - because quite apart from the practicalities which such an arrangement would raise, I do not believe that such an outcome would be acceptable to public opinion in Northern Ireland.

10. Some Loyalists have expressed the fear that they are now the group most "at risk", that they are in danger of being cast aside by the British Government. How would you respond to that fear?

- Those that support the Union have nothing to fear from HMG. We are firmly committed to the constitutional guarantee that Northern Ireland's present status as part of the UK will not change without the consent of the majority of its people.
- HMG hopes that one of the outcomes of the Talks process will be a clearly expressed understanding of the relevant constitutional issues.
- The Talks were not about undermining the Union but about finding a way to give adequate expression to the three sets of key relationships (within Northern Ireland; within the island of Ireland and between the two Governments).
- While HMG seeks to be a facilitator in the Talks process, it is not neutral in its resolve to defeat terrorism; to defend the right of the people of Northern Ireland to democratic self-determination; and to bring about tranquillity; stability and reconciliation.
- HMG seeks to adopt an even handed approach to provide good government of all the people of Northern Ireland, irrespective of their aspirations. HMG's policy is to address Northern

Ireland' social, political and economic problems on their merits. In practice, this undoubtedly means that a number of programmes have to take specific account of problems in the minority community - because of their greater levels of disadvantage. But our policies are directed to wherever the need is greatest, whichever part of the community is affected.

11. If the people of the North do wish to vote on whether to remain a part of the United Kingdom, to unite with the Republic or to become a totally separate state, how would they go about getting this vote?

Line to take

- Under present legislation, the Northern Ireland Constitution Act 1973 empowers the Secretary of State to direct the holding of a border poll at intervals of no less than 10 years. In fact no poll has been held since March 1973 because it has not been considered necessary.

Background

A border poll was held in March 1973 when the people of Northern Ireland were asked whether they wished Northern Ireland to remain a part of the United Kingdom or to be joined with the Republic of Ireland outside the United Kingdom. The result was that an overwhelming majority of votes (591,820 to 6,463) and an absolute majority of those entitled to vote, voted that Northern Ireland should remain part of the United Kingdom. The SDLP urged a boycott both this poll and there was a massive Catholic abstention. No border polls have been held since but recent opinion polls give an indication of views:

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The 1991 British Social Attitudes Survey included a question about constitutional preferences which received the following answers:

Remain part of the UK	-	Protestant 92%; Catholic 35%
United Ireland	-	Protestant 4%; Catholic 53%
Didn't Know/no response	-	Protestant 4%; Catholic 12%

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CPLHILL/14853

Extradition Cases in Progress in the USA

There are three extradition cases currently in progress in the United States; James Joseph Smyth; Kevin Barry Artt and Paul Brennan.

James Joseph Smyth

2. Mr Smyth, who was born in 1954 was convicted in 1978 of a number of offences including the attempted murder of a prison officer in Belfast, and was sentenced to 20 years' imprisonment. He spent five years in HM Prison the Maze before escaping in the mass break-out in 1983. The UK now seeks his extradition from California to serve the remainder of his sentence in Northern Ireland.

3. Mr Smyth's Attorney has asked for the disclosure by the Government of a large number and wide range of documents. A substantial amount of these have been disclosed by the Government, but a minority have been withheld on grounds of irrelevance and sensitivity. As a result the Judge has made two "rebuttable presumptions" against the Government alleging, in effect, direct participation or collusion by the security forces in a systematic campaign of retribution against republicans accused or convicted of offences against security force or prison service personnel. Since the case is still before the Court, it is anticipated that the Secretary of State will wish to confine his remarks to a firm rejection of these "presumptions".

4. The trial hearing is scheduled to begin on September 27 and to last for four weeks. The court will consider a bail application by Mr Smyth in the next few weeks.

Kevin Barry Artt

5. Mr Artt was convicted of the murder of a prison officer on 4 August 1983 and was sentenced to life imprisonment. In September 1983, he escaped in the mass break-out from HM Prison the Maze. At that point he had lodged an appeal against his conviction, but his escape meant that the Court of Appeal never had the opportunity to consider his case.

6. In June 1992, the American authorities arrested Mr Artt, who was living in California under an assumed name. He remains in custody there, and the Government is seeking his extradition to Northern Ireland so that he may serve the remainder of his sentence.

Paul Brennan

7. Paul Anthony Brennan was convicted in 1977 in Belfast of possessing a 23lb bomb, complete with detonator and timer unit. He was sentenced to 16 years' imprisonment, and escaped in the mass break-out from HM Prison the Maze in September 1983.

8. He fled to the USA under an assumed name, and was arrested by the American authorities in California. He was charged with US passport offences. He now faces extradition proceedings to return him to Northern Ireland.

9. It is anticipated that Smyth's extradition hearing will be dealt with first, and that the consolidated cases of Artt and Brennan will be heard subsequently.

POLICE AND SECURITY MATTERS

Lines to take on a number of topical issues are attached

1. Security statistics
2. Exclusion of John Matthews
3. Controversial shootings
4. Allegations that police met the UDA
5. Emergency powers
6. Video recording
7. Complaints/Independent Assessor
8. Internment
9. Inquests
10. Treatment of terrorist suspects/Independent Commissioner
11. Use of force
12. Accompaniment
13. Chief Constable's recommendations
14. Beechmount Five

1. STATISTICS: [Summary]

- [as at 30 June] [37] people have been killed this year, including [29] civilians and [3] RUC officers and [5] soldiers (1 member of 2 Royal Fusiliers, 1 member Royal Scots and 2 members of the Royal Irish Regiment). The figure for the same period last year was 48 (44 civil, 4 SF).
- 85 people were killed in NI last year as a result of the security situation, including 76 civilians, 6 soldiers and 3 RUC officers. (CF 94 killed in 1991 and 76 in 1990.)
- To 27 June there have been 247 shooting incidents, compared to 231 in the same period last year. There have been 106 bombing incidents compared to 184 in the same period last year - a reduction of over one-third.
- As at 27 June this year 182 people have been charged with terrorist related offences, including 42 with murder or attempted murder.
- In 1992 405 people were charged with terrorist related offences including 101 with murder or attempted murder. In 1991 397 were charged, and 380 in 1990.
- Last year 38 people were charged with murder. In 1991 the figure was also 38 - the joint highest figures since 1984.
- In 1992 194 firearms and 49 rocket/mortar launchers were recovered;
- In 1992 over 2,100 kgs of explosives were found;

- As at 1 July this year, 110 firearms and 27 rocket/mortar launchers have been recovered, compared to 95 and 20 in the same period last year).
- 317 kgs of explosives have been found and 1,413 kgs neutralised.
- Recovery of weapons and explosives continues. Recent significant finds include four shotguns, two rifles, three pistols, two bombs comprising 3-4 kgs of HME each and a hand grenade recovered in and around Belfast and three handguns recovered in Maghera together with 1635 kgs of explosives, intercepted near Newtownhamilton.

2. EXCLUSION OF JOHN MATTHEWS

- The decision to exclude John Matthews from Great Britain was taken by the Home Secretary and is a matter for him.
- (Why not exclude from the UK as a whole?)
There is no power to exclude a British citizen from the United Kingdom (as far as I am aware Mr Matthews is a British citizen).
 - (Why not exclude from NI as well as GB?) - This would be tantamount to exclusion from the UK and (see above).
 - (No right of appeal)
There is an established procedure under the legislation for making representations, which can include, at the excludee's request, an interview with an Independent Adviser. This represents an effective method of appeal.

- (Why no judicial involvement?)

Exclusion orders are made on the basis of intelligence information (that the person concerned is involved in terrorism). The sensitivity of the material is such that if the matter were to go to court the person could not be told any details of the case. There would thus be no proper representation and no effective means of appeal and the judge would, therefore, be assuming an executive rather than judicial role. In the circumstances it is felt that the Secretary of State should take the decision.

3. CONTROVERSIAL SHOOTINGS

General

- The police and Army are required to operate at all times within the law.
- There is an investigation by the police following all incidents involving the use of force by the security forces. (If the police were involved then the Independent Commission for Police Complaints would ordinarily be involved and has an important role.)
- The police report will be referred to the independent Director of Public Prosecutions who will decide whether further enquiries are necessary and whether there should be prosecutions.
- Security policy has not changed and will not change in this area: terrorism must be dealt with within the law.
- 3 PARA - Lenadoon Joyriders (30 September 1990)

The two soldiers convicted in connection with this incident may appeal and it would not, therefore, be appropriate for me to comment on the case.

4. ALLEGATION THAT THE POLICE MET THE UDA IN THE SHANKILL

(Background - During disturbances over the weekend 2-4 July in the Shankill area of Belfast, the police were invited to a meeting to discuss the situation with Dr Paisley and Unionist councillors in a house in the Shankill. A man arrived at this and 'loyalist' paramilitaries claim he represented the UDA and spoke to the police).

- As the police statement made clear, "there was no question ... of a sit down discussion with this man. It was a brief, stand-up encounter and the man then left ... [The police] would not have been present had they known in advance that there was any likelihood of such an encounter".

5. EMERGENCY POWERS

Line to Take

- It is clearly right that we should justify the retention of Emergency Legislation as a supplement to the ordinary criminal law. That is why an independent rapporteur is employed to review the operation of the Act, and why the Act has a fixed five year life.
- Regrettably, however, the current situation in Northern Ireland is such that the entire Act remains a fundamental part of our effort to defeat terrorism.

6. VIDEO-RECORDING [IF RAISED]

Line to Take

- I am concerned that the introduction of video-recording would undermine the fight against terrorism - which is our first priority.

- I do not believe the introduction of silent video recording would be appropriate for Northern Ireland in the present circumstances.
- Terrorists are under strict instructions from their organisation not to co-operate with the authorities and are trained to disrupt the interview process.

Background

1. The RUC still hold strongly to the view that the introduction of video recording would drastically inhibit the gathering of intelligence and the securing of evidence to convict dangerous terrorists.
2. They believe tapes would eventually find their way into the legal system and this would have grave repercussions as, those in custody would have knowledge of this and would be fearful of disobeying the instructions of their organisation.

7. COMPLAINTS (ARMY)/INDEPENDENT ASSESSOR

Line to Take

- The public are entitled to expect the highest standard of behaviour from members of the armed forces and nothing short of those standards is acceptable.
- Where there is anything to suggest that members of the security forces have acted outside the law, the circumstances will always be fully investigated.
- The introduction of a new complaints leaflet to explain how a complaint should be made and of Patrol Identification Cards to increase accountability were announced in 1992 by the Secretary of State for Defence.

- David Hewitt (a local lawyer) was appointed Independent Assessor of Military Complaints Procedures under Section 60 of the NI(Emergency Provisions) Act 1991. He will review the Army's procedures for investigating non-criminal complaints against the armed forces.

Background

David Hewitt was appointed Independent Assessor 15 December 1992. The Assessor's role is to review Army procedures for investigating non-criminal complaints against the armed forces, to investigate representations received concerning such complaints, to investigate how the procedures work in relation to a particular complaint or group of complaints and to make recommendations to the GOC where inadequacies are identified.

8. INTERNMENT

Line to Take

- This is not an option which I would give up while the terrorist threat remains so acute.
- I feel it would be neither sensible nor desirable to speculate on how or when this power would be used.

Background

Section 34 and Schedule 3 of the EPA are the statutory basis for executive detention. They are 'lapsed' by virtue of Section 69(4) of the Act. Whilst the provisions remain on the statute book, they are dormant, but may be brought into force at any time by order of the Secretary of State.

9. INQUESTS

Line to Take

- Coroners courts and inquests are the responsibility of the Lord Chancellor's Department.
- Inquests are fact finding enquiries and are not concerned with expressing opinions on matters of criminal liability. The system in Northern Ireland is consistent with that purpose.
- I cannot comment on individual inquests.

10. TREATMENT OF TERRORIST SUSPECTS

Line to Take

- Any ill-treatment of terrorists suspects is totally unacceptable. Improper behaviour by any police officer is likely to attract criminal charges or disciplinary proceedings.
- There are a formidable range of statutory and non-statutory safeguards already in place to protect the rights of suspects arrested under Emergency legislation.

These include:

- (i) the right to have a family member or friend notified of their arrest.
- (ii) regular access to a medical practitioner

(iii)

continuous monitoring of all interviews by uniformed officers on closed circuit TV cameras.

(iv) maintenance of detailed and contemporaneous custody and interview records.

- Sir Louis Blom-Cooper has been appointed to the post of Independent Commissioner for the Holding Centres [16 December 92]. His main functions as Commissioner are to observe, comment and report upon the conditions under which suspects are detained in the Holding Centres and to ensure that both statutory and administrative safeguards are being applied properly. His visits to the Holding Centres are frequent and unannounced.
- Codes of Practice admissible in civil and criminal proceedings governing the detention, treatment, questioning and identification of terrorist suspects in police custody have been drawn up under Section 61 of the EPA. They resemble, with some modification, the existing codes of practice under PACE. It is hoped they will be laid before Parliament in the near future.
- Access to solicitors may be delayed on security grounds for up to 48 hours. Criteria governing such a delay is laid out in section 45 of the Northern Ireland (Emergency Provisions) Act 1991. This power of delay is also available under the Police and Criminal Evidence Act. In his recent review Lord Colville found no reason to question the use of this power.
- Admissibility of Confessions: I am satisfied that the standard of proof for confession evidence is fully

appropriate for the present conditions in Northern Ireland. The judge retains a wide discretion, protected under statute, to exclude any confession.

[NASH] - I was disappointed by the findings in the case. However, it shows that the safeguards in place are fully effective.

Diplock Courts: The continuing risk of intimidation to jurors means that the jury system remains unsuitable for terrorist type offences.

11. USE OF FORCE

Line to Take

- There has never been and never will be a shoot to kill policy by the security forces in Northern Ireland.
- The only shoot to kill policy operated in Northern Ireland is by the terrorists.
- Members of the security forces are subject to the same law as everyone else: they have no immunity from the law. Wherever the action of the security forces result in injury or death the police have a duty to investigate.

12. ACCOMPANIMENT

Line to Take

- We remain committed to the policy of accompaniment were appropriate.

- It remains the case that accompaniment for all patrols cannot be guaranteed. There are for example, times when the security situation on the ground demands that patrolling levels are raised suddenly.

[Why not 100% accompaniment?]

- There are logistical resources and practical restraints which make it impossible to guarantee 100% accompaniment.

13. CHIEF CONSTABLE'S RECOMMENDATIONS

Line to Take

- It is up to us to do all that we possibly can to protect the citizens of Northern Ireland from those who would impose their will by the use of violence - it is necessary therefore to keep the legal powers with which we fight terrorism under continuous review.
- I am committed to this policy, as are my colleagues; that is why we are constantly considering possible amendments to the corpus of anti-terrorist legislation.
- The Northern Ireland (Emergency Provisions) Act 1991 introduced new powers to fight terrorism, including major new powers to fight terrorist funding and further measures to strike at those involved in or planning terrorist operations - these powers have been very effective.
- I do not wish to comment on the Chief Constable's recommendations in detail at this time, as they are being considered in parallel with those of the Runciman Commission. What I will say is that before proposing any

new law I would want to be satisfied that it would be effective in fighting terrorism, and proportionate to the aim in view.

14. BEECHMOUNT FIVE [IF RAISED]

Line to Take

- All five suspects were cleared of murdering Sergeant Gillespie. Four pleaded guilty to a lesser charge of passing information useful to terrorist organisations and were sentenced to four years imprisonment.

The fifth was acquitted of all charges due to medical evidence put forward.

IF RAISED:

- [DELAY IN CASE COMING TO COURT?] This is of course a matter for the Lord Chancellors Department.
- [REASON FOR LESSER CHARGE?] I of course have no knowledge of the charging in this case. This is a matter for the Attorney General. The DPP is an independent figure who is only answerable to the Attorney General and not myself.

Bill of Rights
The Economy
Fair Employment

BILL OF RIGHTS

Line to Take

- Receptive to ideas which will enhance the protection of human rights. Need to weigh the specific and varied proposals being aired, and assess the practical contribution they might make.
- Recognise symbolic value of explicit commitment to standards testable in an impartial forum; might help to cement a political settlement; question whether it would itself be a building block in a settlement and question whether formal and elaborate underwriting of ECHR (most favoured option) would have significant effect in practice, given existing commitment to Convention and availability of right of petition.
- Would certainly welcome in political discussion and in public attitudes the development of a human rights culture which allowed balanced discussion of problems of protecting rights at the same time as protecting people from those whose violence and intimidation is the major abuse of human rights.
- Realistically, a Bill of Rights would only contribute gradually to the shaping of community attitudes; it would not be substitute for effective democracy.
- Note broad support among parties, pressure groups and others, but need to look at specific ideas about scope and content in order to assess practicality and value.

- Advocates of Bill of Rights agree on need to cover emergency legislation; some put emphasis on constitutional rights. Parties need to think through their own priorities: it might be more effective to continue process of patient tackling of specific problems, as shown by fair employment and other anti-discrimination measures.
- Need to have regard to likely UK-wide impact of Bill of Rights: attempt to confine application to Northern Ireland may be impracticable, for example if legislation within scope of Bill is identical to legislation in Great Britain.
- Westminster colleagues would certainly wish to consider implications for judiciary and for constraints on Parliamentary sovereignty.
- Ready to listen to and examine any further ideas in context of talks or elsewhere.
- Not ruling anything out; but need to be aware of issues and consequences and to consider alternative ways forward.
- [If asked specifically about CAJ Bill of Rights] CAJ proposals have the same basic attractions as other attempts to underpin the protection of human rights, but comprehensive and ambitious lists of desired rights are no substitute for an effective democracy built on respect for others' views and confidence that a government must and will protect its people as well as protecting specific rights.
- [If asked about further SACHR plans] Understand that SACHR have it in mind to further sound out the parties about their views on possible workable provisions, having recognised in their private discussions that ECHR incorporation alone is insufficient. Not expecting any immediate initiative from SACHR.

CAJ BILL OF RIGHTS

Summary of Provisions

1. Right to life.
2. Ban on torture.
3. Rights relating to deaths or injury.
4. Economic, environmental, health and home-owning rights.
5. Education.
6. Rights of the child.
7. Privacy.
8. Marriage and Divorce.
9. Freedom of conscience and religion.
10. Freedom of expression, information and cultural life.
11. Assembly and association, and employment rights.
12. Participation in public affairs and elections.
13. Liberty, detention and security.
14. Rights when in custody and in court, and rights of appeal.
15. Access to legal remedies, representation and evidence.
16. Anti-discrimination measure.
17. Limitation clause.
18. Interpretation and entrenchment.
19. Class actions.
20. Amendment by referendum.

NORTHERN IRELAND ECONOMY

- Not escaped the recession, but main indicators suggest that local economy has fared better than other regions of the UK and is well placed to share in the recovery.
- Although employment in NI fell by around 4600 in the year ending December 1992, this decline of 0.8% in the number of employees was smaller than the fall of 2.8% experienced in GB.
- All other regions of the UK experienced larger percentage falls in employment in 1992. Losses ranged from 1.1% (East Midlands) to 3.8% (North).
- Unemployment has grown more slowly in NI than in any other UK region. Between April 1990 and April 1993 the number unemployed in GB has risen by 89.5%; the equivalent figure for NI is 8.0% with the next best region Scotland (20%). (For information: April 1993 rate 14.1%, June figure published next week will show further fall - this latter information not to be used.)
- Growth of output in Northern Ireland of 3% in 1992 compares favourably with modest growth of 0.4% for UK as a whole.
- Recent (1993) Surveys of Economic Prospects favourable
 - CBI (May): business confidence favourable, market demand rising, export demand favourable, capital and other investment intentions positive.
 - First Trust Bank (June): underlying economic conditions "markedly" different in NI than in GB. House prices remained relatively stable. GDP growth of 1.5% expected next year.

- PA Management Consultants (June): investment expected to rise by 16% over the next year. Employment expected to remain stable.
- CBI (May/June): suggested that worst of recession may now be over.

INWARD INVESTMENT

Positive Locational Factors

- Integral part of the European Community.
- Workforce which is hardworking, highly productive and well-educated.
- Wages costs are competitive and productivity is high.
- Availability (through IDB) of one of the most flexible packages of assistance in Europe.
- Excellent labour relations record.
- First class research and development facilities.
- Top quality transportation and telecommunications infrastructure.
- Excellent quality of life (low housing costs, healthy environment, low density of traffic, numerous golf courses etc).

Recent Examples of Inward Investment (since July 1992)

Company	Origin	Location	Jobs	Investment
				£
Fruit of the Loom	US	Londonderry	409	38.0
CFM Group	GB	Belfast	150	7.5
Texmaco	Indonesia	Antrim	900	95.0
Seagate	US	Londonderry	250	43.3
			rising to 500	

* over and above £60m in investment, 500 jobs announced in 1990.

Carmen Electronics, Dungannon

- South Korea's largest manufacturer of in-car entertainment equipment.
- Will employ 257 people in Dungannon by 1996 making car stereos.
- £5.5m investment backed by IDB.
- Example of "how cohesive local involvement (power-sharing District Council) can assist economic development, as councillors and other community representatives from this area, working in partnership with IDB, were an important factor in Carmen's decision to come to Dungannon" - Mr Atkins.
- Mr K H Cho, President of Carmen) said at press launch:
 - "selected NI as our European manufacturing centre because it provides an ideal springboard from which to expand sales and base";

- "Northern Ireland was the most cost-effective base from which to expand our business";
- "Northern Ireland's advantages include a highly efficient transport infrastructure and the availability of well-educated people who are easily motivated and keen to develop their skills. It gives the feeling of vibrancy and success";
- "In addition operating costs are lower than elsewhere in Europe";
- "Carmen is pleased to be part of Northern Ireland's recent inward investment success."

FAIR EMPLOYMENT

Positive Points

- British Government fully committed to eliminating all forms of discrimination in employment in Northern Ireland, either political or religious.
- Also anxious to promote fair participation in the workforce by both Protestants and Catholics.
- Fair Employment Act of 1989 is working well.
- Two new institutions set up by the Act - Fair Employment Commission and the Fair Employment Tribunal - are operating smoothly and effectively.
- Over 400 firms registered with the FEC: small number of who have failed to submit monitoring returns have been prosecuted and all have ultimately complied.

- At 30 April 1993 815 complaints of alleged discrimination had been received by the Fair Employment Tribunal. Of these, 19 cases had been allowed, 24 settled, 82 dismissed, and 285 withdrawn. Of the remaining 405 cases, likely that up to 70% will be concluded without the need for a full Tribunal hearing.
- Government is making additional resources available to enable Tribunal to deal with the large number of cases awaiting hearing.
- Examples of Tribunal awards: Catholic laundry worker discriminated against by a large public body awarded £25,000; settlement of £30,000 for case brought by a Catholic worker against a public body.
- Effectiveness of Fair Employment law to be formally reviewed by the Government in 1995.

Aide-Memoire

Fair Employment Act 1989 provides:

- All firms with more than 10 employees must: (i) register with the Commission; (ii) monitor their workforce composition annually; and (iii) formally review their employment practices every three years.
- Firms must take affirmative action (where necessary) to ensure fair participation in their work forces by both Catholics and Protestants. Firms are encouraged to set goals and timetables (but not quotas which are unlawful).
- Strong enforcement powers are vested in the Commission, the Tribunal and the courts. Firms which do not comply with the

law are liable to criminal penalties (fines and/or imprisonment) and economic sanctions (disqualification from receipt of Government grants and contracts).

- Both direct and indirect discrimination are unlawful.

Defensive Points ("Unfinished Business:)

Background

"Unfinished Business" was broadcast by Channel 4 on Monday 7 June 1993. Its purpose was to highlight the problem of religious discrimination in employment in Northern Ireland. The re-current theme was that since 1921 any steps taken by the Government have not only been totally ineffective but have been designed to be ineffective. The argument put forward was that the Protestant/Unionist majority did not intend to give economic power to the Catholic/Nationalist minority because that would put the minority in a position where they might be able to change the structures of the State. There were many inaccuracies in the programme and generally it gave a very negative view of Northern Ireland.

Bull Points

- "Unfinished Business" presented a very negative and one-sided view of NI as it is today.
- Discrimination in employment has been a problem in the past and the Government recognises that.
- But strong measures - in the form of the Fair Employment (NI) Act 1989 - have been taken to deal with it.

CONFIDENTIAL

- Fair Employment legislation will have most effect if it is complemented by new inward investment and the creation of more jobs.
- McBride campaign has not created a single job in NI.

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