

FROI PS/MICHAEL ANCRAM
12 January 1994

ASST
SEC 156/1
Mr Murphy

669/93

cc PS/Sir John Wheeler (DFP,B&L) - B
PS/Michael Ancram (DENI,B&L) - B
PS/PUS (B&L) - B
PS/Mr Fell - B
Mr Thomas - B
Mr Legge - B
Mr Williams - B
Mr Bell - B
Mr Steele - B
Mr Watkins - B
Mr MacCabe - B
Mr Brooker - B
Mr Bramley - B
Mr Daniell - B
Mr Quinn - B
Mr Kyle - B
Mr Rodell - B
Mr West - B
Mr Archer, RID - B

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12 JAN 1994
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PS/Secretary of State (B&L) - B

Mr Kyle

SECTION 31 OF THE BROADCASTING ACT

Michael Ancram has seen Mr Kyle's 'note for information' of 11 January and has commented that he regrets the Irish Government's decision, and hopes that we will not be influenced by this at this time.

Signed

KEITH JAGELMAN
PS/Michael Ancram

BB/MOFS/6289

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INFO DESKBY 111900Z NIO(L), NIO(B)
INFO IMMEDIATE WASHINGTON, BIS NEW YORK, SNUFFBOX, ACTOR

IRISH BROADCASTING BAN ON SINN FEIN ETC

Summary

1. Ban to expire on 19 January. Some controls still in place. Uncertainty over practical effect.

Detail

2. The Government announced today, 11 January, that it had decided to allow the broadcasting ban under Section 31 of the Broadcasting Authority Act (which forbids broadcasts by Sinn Fein and others connected with violence) to lapse when it expires on 19 January. RTE and independent broadcasters would still have to observe Section 18 of the Act, which prohibits broadcasts of "anything which may reasonably be regarded as being likely to promote, or incite to, crime or as tending to undermine the authority of the state." RTE would operate guidelines already communicated to the government: these would be kept under close review.
3. The DFA have given us a copy of the RTE guidelines (by fax to RID and NIO) in strict confidence (which please must be respected). They provide that:
 - a) broadcasts involving members of proscribed organisations north and south (ie not including Sinn Fein) will be permitted only in "wholly exceptional circumstances", and with the express approval of the (RTE) Director-General;
 - b) factual reporting of eg statements will continue to be permitted.
 - c) As regards Sinn Fein, proposals to include contributions by them must be referred to the RTE Divisional Head and where appropriate pre-recorded to ensure compliance with Section 18.

d) Editors/Producers must be "vigilant" to ensure that live broadcasts do not infringe Section 18 - and if necessary pull the plug.

Other interviews and election broadcasts must be referred to RTE Divisional Heads in advance. In all cases, Section 18 provisions are to be observed, even when in conflict with "normal broadcasting practice.

4. The DFA (O'hUiginn) have apologised for their failure to give us advance notice, as I had requested: the decision had been taken only just before the announcement.

Comment

5. The responsible Minister (Higgins) has long favoured lifting the Section 31 ban because he opposes censorship. Other Labour Ministers tend to support him, claiming that the Section 18 provisions should suffice. Some Fianna Fail Ministers, in particular Geoghegan-Quinn (Justice), have spoken privately for retention. The Opposition favour retention too, and have strongly attacked the Government's decision. One factor in the decision, perhaps the key one, is a wish to send a signal to Sinn Fein while it makes up its mind on the Downing Street Declaration. We have argued with the Irish that the signal is the wrong one. They disagree.

"6. It is difficult to judge how section 18 and the new RTE guidelines will work in practice. They will certainly impose constraints on Sinn Fein. The Chairman and Director General of RTE told me some months ago that they would find it awkward to operate consistently without the Section 31 ban. Neither is particularly tough and I suspect they will err on the side of caution in applying the new rules. Even so, there is plenty of scope for disagreements between the Government and RTE, and perhaps for legal challenges.

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MY TELNO 015: IRISH REACTIONS TO NON-RENEWAL OF BROADCASTING BAN AFFECTING SINN FEIN

SUMMARY

1. Strong opposition criticism of Government's decision to lift ban. Much scepticism over government claim that decision not linked to peace process. Irish press reactions divided.

DETAIL

2. The main opposition parties have continued strong attacks on the Government's decision to allow the order under Section 31 of the Broadcasting Act to lapse on 19 January. A statement from a Government spokesman that the issue was 'considered in the wider context, not in relation to the peace process at all; it was judged on its own merits' has cut little ice. Opposition focusses firmly on the decision as a concession to Sinn Fein while they consider their reaction to the Downing Street Declaration, and violence continues.

3. Bruton, Fine Gael leader, reacted angrily saying that giving IRA spokespersons the right to appear on television was wrong. 'The Cabinet should not have done this without democratic debate in the Dail. If this is part of some hidden agenda, that should have been openly explained.' McDowell, PD spokesman on Northern Ireland, described the decision as 'an error'. The Section 31 order was not a censorship order but 'a prohibition on the IRA or its proxies, including Sinn Fein, using state-licensed broadcasting to propagate their murder campaign to gather support and to justify atrocities it has committed.'

4. Media reaction is mixed. The Irish Times and the Irish Press support the decision. The Irish Times says 'the Cabinet has decided wisely to remove the prohibitions imposed under Section 31 of the Broadcasting Act. Even if accusations of censorship had never been raised, the ban on Sinn Fein - and on proscribed organisations engaged in or supporting violence - was becoming increasingly counter-productive. It served in equal measure to frustrate broadcasters, embarrass the Government and provide Sinn Fein with a sense of grievance bordering on martyrdom.' The Irish Press says that 'despite the risks, the decision is the right one' although it recognises that the Cabinet 'has taken a big gamble'.

5 But the Irish Independent in an editorial argues that
"freedom to use the airwaves is being given to an organisation
that supports murder and destruction. The timing of the
Government's bad decision is also inexplicable," and suggests
that it is quite likely now that Sinn Fein and the IRA will
refuse to talk on the basis of the Downing Street Declaration.
The Cork Examiner also sees the decision as "entirely an open
gesture of appeasement to the Republican paramilitaries" and
argues that "the only outcome which will justify this
Government concession, seen by some as a sign of weakness and
division between London and Dublin, is the announcement of a
permanent ceasefire by the IRA."