

FROM: G HARRISON
CPL DIVISION
19 JANUARY 1994

cc: Mrs Wilsdon
Mrs Rogers
Mrs McNally

MR BROOKER

PRIVATE MEMBERS' MOTION: 21 JANUARY 1994

I attach below:

- (i) the index to the briefing folder being prepared for the debate;
- (ii) those "lines to take" prepared by CPL. This includes material on NI Select Committee which may need expanding if you are aware of any recent developments.

Material from SPOB on Security and Mr Maxwell on economic prospects are also attached and will be included as supplementary briefing.

Briefing from SIL on the Joint Declaration is still awaited.

Gilla Harrison

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PRIVATE MEMBERS' MOTION: 21 JANUARY 1994

OPENING SPEECH

MAIN BRIEFS

FLAG NO

POLITICAL DEVELOPMENT

1. Political Talks: Bull Points

A

2. Notes for Supplementaries (O and A)

- | | |
|-------------------|----------------------------|
| Questions 1 - 10 | Political Talks |
| Questions 11 - 12 | Constitutional issues |
| Questions 13 - 15 | Alternatives to devolution |
| Question 14 | Deal with UUP? |
| Question 16 - 21 | NI Select Committee |
| Question 22 | Use of Orders in Council |
| Question 23 - 25 | Opsahl Report |
| Question 26 - 27 | Irish Government issues |

JOINT DECLARATION (including Sinn Féin Dossier)

B

SUPPLEMENTARY BRIEFS

Political

C

- Northern Ireland Select Committee
- Current Legislative Procedure
- Legislative Programme for NI
- Abortion law in Northern Ireland (including SACHR)

Security

1. Security Policy - general
2. Statistics, including successes
3. Internment
4. Loyalist Terrorism
5. Recent Terrorist Attacks
6. RUC Resources
7. Force Levels
8. Chief Constable's call for changes in the Law
9. Informers/Agent Handling
10. Terrorist Finance and the TFU
11. Anglo-Irish Agreement - Security Co-operation

D

NI Economic Prospects (peace dividend)

- Unemployment/Employment/Output
- Inward Investment
- Trade
- Working Days Lost
- Tourism
- Fair Employment
- Trade in Ireland
- Reduced Security Cost
- Immigration and the brain drain

E

5 January 1994

POLITICAL TALKS: BULL POINTS

- The Government has intensified its efforts to develop dialogue between the 2 Governments and the main constitutional parties.
- Private bilateral discussions are taking place with 3 of the 4 main constitutional parties to explore the basis upon which they might come together for further dialogue. (DUP have declined to participate). The aim is to establish areas of common agreement; explore areas of continued apprehension or disagreement and to try and identify the degree of flexibility which may be needed on all sides to resolve them.
- (A) - P.T.O.
- The present status of Northern Ireland as part of the United Kingdom will not change without the consent of a majority of the people who live there.
- HMG remains firmly committed to seeking a widely acceptable political accommodation which would take account of all three key sets of relationships: those within Northern Ireland, those within the island of Ireland and those between the British and Irish Governments.
- HMG has a rational hope that the Talks process will succeed. There is a unanimous acceptance that the status quo is not a viable option - everyone wants a settlement.
- It remains our objective to return to multilateral talks involving the two Governments and the four main constitutional parties at the appropriate point.
- No artificial time limits have been set and any further dialogue need not be in the same format as before. Talks are a means to an end and not an end in themselves.

Insert at (A)

At meetings with the UUP and Alliance Parties
over the past 10 days we have begun the process
of considering the potential elements of an agenda
to carry the process forward across all 3 strands;

(A)

- No question of imposing a solution; nothing will work without the support of those who will have to work any new arrangements, and the community at large. As the Prime Minister said on 1 November, "we should continue discussions to find the maximum amount of agreement that exists between the constitutional parties, and then focus on the areas of disagreement and see how we can eliminate them".
- HMG is in a position to offer a judgement on where convergence amongst the parties might be found. In that context the Government would be willing, if others would find it helpful, to bring forward proposals of its own in order to give focus and direction to the Talks once they have begun.
- HMG has no hidden agenda; we have ruled out no options or possibilities for a final outcome; there are two basic tests - are they workable and crucially can they attract widespread support throughout the Community.
- Peace and Talks are not rivals - it is not a case of either or. We seek both a permanent end to violence - and a political settlement. These objectives are complementary. But a lasting peace will take time, patience and commitment and will only be achieved through a political settlement which has broad consent among the people of Northern Ireland.
- Both Governments are fully committed to the Anglo-Irish Agreement, but would be prepared to consider a new and more broadly based agreement or structure if such an agreement can be arrived at through direct discussion and negotiation between all the parties concerned.
- The British and Irish Governments are both clear that Sinn Fein exclude themselves from the political Talks process by their continued support of violence.

Select Committee on Northern Ireland. The Government has now decided to undertake consultations with the parties, on foot of the Procedure Committee Report, on the basis that the time for a Select Committee has now arrived.

The consultations will focus on the questions of composition and remit.

The outcome of those consultations will be brought to the attention of the House of Commons in due course.

Q1. What if the DUP refuses to join Talks?

I hope they will participate; we want a process supported by all the main parties that follow constitutional politics. But, ultimately decisions are, of course, for the parties themselves.

Q2. What are new Talks likely to produce?

Should the two Governments and the parties reach agreement across all three sets of relationships, the outcome could include new locally accountable institutions in Northern Ireland that provide an appropriate role for representatives of both main parts of the community; new arrangements for contact and co-operation within the island of Ireland; arrangements to reflect a continuing close relationship between the two Governments; and a clearly expressed understanding of the relevant constitutional issues.

Q3. Is the Government going to propose a 'blueprint' for a settlement?

The Government does not have a "blueprint" as such but it is in a position to offer a judgement on where convergence amongst the parties might be found. In that context the Government is willing, if others would find it helpful, to bring forward proposals to give focus and direction to new multilateral Talks once they begin.

NOTES FOR SUPPLEMENTARIES

Political Talks

Q1. What are the prospects for Talks?

The Government is currently continuing its private bilateral discussions with the NI parties, which began last autumn, to explore the basis on which they can come together for further dialogue. We are also in discussion with the Irish Government on the third strand of relationships between our two Governments. ~~[It is too early to say what will emerge.]~~

At recent meetings we have moved on to consider the potential elements of an agenda for taking the process forward across all 3 strands.

Q2. What if the DUP refuses to join Talks?

I hope they will participate; we want a process supported by all the main parties that follow constitutional politics. But, ultimately decisions are, of course, for the parties themselves.

Q3. What are new Talks likely to produce?

Should the two Governments and the parties reach agreement across all three sets of relationships, the outcome could include new locally accountable institutions in Northern Ireland that provide an appropriate role for representatives of both main parts of the community; new arrangements for contact and co-operation within the island of Ireland; arrangements to reflect a continuing close relationship between the two Governments; and a clearly expressed understanding of the relevant constitutional issues.

Q4. Is the Government going to propose a "blueprint" for a settlement?

The Government does not have a "blueprint" as such but it is in a position to offer a judgement on where convergence amongst the parties might be found. In that context the Government is willing, if others would find it helpful, to bring forward proposals to give focus and direction to new multilateral Talks once they begin.

Q5. A united Ireland as a result of Talks?

Agreement as a result of further Talks on a politically united Ireland is unlikely. This would require the consent of a majority of the people of Northern Ireland and such consent seems unlikely to emerge in the foreseeable future.

Q6. Just a return to Unionist majority rule?

No. Any devolved institutions in Northern Ireland are unlikely to operate on conventional lines of simple majority rule as such an outcome is unlikely to be widely acceptable.

Q7. Joint sovereignty/authority

Apart from questions of practicability, I do not believe any agreed outcome from further Talks would embrace any sharing by the two Governments of political responsibility for Northern Ireland. [Nor does the Government wish to share that responsibility.]

Q8. As time has passed, can you not now give a fuller account of the talks?

In my statement to the House on 11 November 1992 I gave an outline account of the ground covered during the three "Strands" of talks; more than that I cannot say. In the present circumstances where we hope, after consultations, to find a way forward to further dialogue it would be premature and potentially damaging for me to give account of the discussions which are as yet incomplete.

Q9. Is it not time for the Government to impose a solution? Implement the agreed Strand I framework?

There is no question of an imposed solution. HMG is committed to the search for an agreed outcome. For any new structures to work, the arrangements must command the widest possible support and

allegiance in Northern Ireland. [The possible outline structures considered in Strand I were not universally agreed and could not be implemented without wider support.] In any event, all the Talks participants have objectives which can only be met by addressing the whole of the agenda set out in my predecessor's statement of 26 March 1991.

Q10. Sir Ninian Stephen - future role?

All talks participants have paid sincere and well earned tributes to Sir Ninian Stephen and his Private Secretary [Mr George Thompson]. It is too early to say whether our consultations will lead to an agreement that any further formal talks would be facilitated by the appointment of an Independent chairman. If they were to do so, Sir Ninian would obviously be an outstanding candidate.

Constitutional Issues

Q11. Is the Government more committed to the Union of Great Britain than the Union of Great Britain and Northern Ireland?

No. The only circumstances in which Northern Ireland might leave the Union is on the basis that that was the will of a majority of the people who live there. Equally, the Prime Minister has made it clear in respect of Scotland that no nation could be held irrevocably in a Union against its will.

Q12. Why is devolution appropriate for Northern Ireland but not for Scotland?

The history and circumstances of NI mean that any generally acceptable form of government for Northern Ireland is likely to be very different from that which is appropriate for Scotland. The need to achieve a functioning political accommodation between the two main parts of the community, the identity which a large minority of the Northern Ireland community shares with the Republic of Ireland, the very different administrative history and structures,

the essentially regional based NI party structure are all relevant factors. In Scotland, as the White Paper explains, the best approach is to strengthen Parliamentary accountability, devolve further powers to the Secretary of State for Scotland and give increased powers to institutions outside central government and to the people of Scotland.

Pursue Alternatives to Devolution

Q13. What about integration?

If any particular policy is to work in Northern Ireland it should be capable of passing two basic tests; it should be workable and widely acceptable throughout the community. I doubt whether what is usually meant by "integration" would meet those tests.

Q14. What about local government reform in Northern Ireland, the same as in England, Wales and Scotland?

The Government wishes to see greater power and responsibility in the hands of locally accountable representatives. But for any such arrangement to be stable and desirable, it must enjoy widespread acceptance and operate within a framework of stable relationships. We believe that the best way of achieving this lies with the Talks process.

Q15. What about the Government's deal with the Ulster Unionists?

There is no deal with the UUP. The Prime Minister made it clear that nothing was asked for, nothing was offered and nothing was given.

Select Committee for Northern Ireland

Q16. What about a Committee for Ireland?

It was announced last month that, following the recent report by the Procedure Committee, the Government was embarking on consultations

with other parties on the basis that the time for a Northern Ireland Select Committee has now come.

Q17. What will the consultations be about?

The consultations will focus on questions of composition and remit.

Q.18 When will the Government announce a decision

These consultations will take place over the next few weeks and the outcome will be announced in due course.

Q.19 What if not all the parties support a Committee for Northern Ireland?

I would like all the parties to support the new Committee; it stands to benefit all the people of Northern Ireland, from both sides of the community.

I was encouraged by Dr Hendron's remark that if there is to be a Committee there is no reason why the political parties in Northern Ireland, including the SDLP, should not participate in it.

Q20. Is this the price that the Government is having to pay for the Unionist community support for the Joint Declaration?

The Government isn't paying a price to anyone for anything. The Joint Declaration was concerned with creating the conditions for peace in Northern Ireland; the case for a Select Committee stands on its merits, as is clear from reports of the Procedure Committee going back many years.

Q21. Won't a Select Committee for Northern Ireland pre-judge the outcome of the Talks process?

I do not see why. All the participants to the Strand I talks agreed that a Select Committee was a matter for Westminster. It would not

prejudice the outcome of political talks. Other Select Committees can, and do consider Northern Ireland issues. A Select Committee would increase democratic accountability to the benefit of both sides of the community.

There is a clear sense from the Committee's reports in 1978 and 1990 that a Select Committee is overdue.

Q22. Will the Government end the use of unamendable Orders in Council?

Successive governments have long recognised that the Orders in Council procedure is less than ideal. The fact that Orders in Council are the established mechanism for making primary legislation for Northern Ireland, on a wide range of issues, reflects the pragmatic view that, during direct rule, Westminster could not do the work of two Parliaments. Nevertheless, a number of Northern Ireland matters are already dealt with by Bill and, where good sense dictates, I am content to see a degree of flexibility as between the use of Bills or Orders in Council. I should also add that one of the substantial benefits of securing an agreed outcome to the Talks process, if we succeed in that ambitious aim, would be to put on an agreed footing the arrangements for passing legislation for Northern Ireland. I have no pre-conceptions about what an overall settlement might contain but it is certainly within the realms of possibility that local political institutions in Northern Ireland might again assume responsibilities for a substantial proportion of Northern Ireland legislation.

Opsahl Report

Q23. As Talks have failed what about the Opsahl Report?

I discussed their report with the Commission in November. The Talks have not failed. The Opsahl Commission was established to encourage a public debate. It undertook the unique and valuable task of canvassing the views of a wide range of people and organisations in Northern Ireland. The lengthy and detailed report provides an

interesting record of the Commission's work. While the Government shall naturally take a close interest in any such discussion, it believes that the Talks process remains valid and provides the best chance of reaching a widely acceptable political accommodation.

Q24. Will the Government be considering the Report's recommendations?

We have been doing so, in the context of the public reactions stimulated by the report. I discussed their report with the Commission in November.

Q25. What about the proposal to establish a Commission to review the situation and make recommendations for further consultations?

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.

Irish Government Issues

Q26. Irish Government attitude to Talks

Both Governments have made it clear that the Joint Declaration is an initiative which complements the Talks process rather than competes with it. The Taoiseach said, on 10 January, that he "would like to see an early restart to the wider talks process, in order to pursue agreement, that would represent the most fruitful way forward". I wholly concur.

Q27. Irish Government's willingness to amend Articles 2 and 3?

The Joint Declaration is quite explicit in this point. The Taoiseach confirmed that "in the event of an overall settlement, the

Irish Government will, as part of a balanced constitutional accommodation, put forward and support proposals for change in the Irish Constitution which would fully reflect the principle of consent in Northern Ireland".

It was announced last month that, following the recent report by the Procedure Committee, the Government was embarking on consultations with other parties on the basis that the time for a Northern Ireland Select Committee has now come. The outcome of the consultations, which will focus on questions of composition and remit, will be announced in due course.

All Party Support

The establishment of a Select Committee should benefit all the people of Northern Ireland. It will provide opportunity for Parliament to scrutinise the administration of Northern Ireland under direct rule, and this must be in everybody's interests. I hope, therefore, that all parties will see the benefit of participating in it.

'Deal' with the Unionists for support for the Joint Declaration

The Government isn't paying a price to anyone for anything. The Joint Declaration was concerned with creating the conditions for peace in Northern Ireland; the case for a Select Committee stands on its merits, as is clear from reports of the Procedure Committee going back many years.

Select Committee and the talks

I do not see why. All the participants to the Strand 1 talks agreed that a Select Committee was a matter for Westminster. It would not prejudice the outcome of political talks. Other Select Committees can, and do consider Northern Ireland issues. A Select Committee

NORTHERN IRELAND SELECT COMMITTEE

Line to take

It was announced last month that, following the recent report by the Procedure Committee, the Government was embarking on consultations with other parties on the basis that the time for a Northern Ireland Select Committee has now come. The outcome of the consultations, which will focus on questions of composition and remit, will be announced in due course.

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would increase democratic accountability to the benefit of both sides of the community.

There is a clear sense from the Committee's reports in 1978 and 1990 that a Select Committee is overdue.

The Secretary of State will be aware that the Procedure Committee in favour of establishing a Northern Ireland Select Committee on the ground that on the basis of replies from the then Secretary of State, the Leader of the House and their Shadow Cabinet counterparts, establishment might cause difficulties for the political talks initiative. However the Committee said that they would keep the matter under review noting that the Government "cannot postpone dealing with this matter for very much longer" (paragraph 279 of the Report).

2. The Government in its formal response of May 1991 to the Report agreed with the Committee that the time was not appropriate for establishing a Northern Ireland Select Committee but said it would continue to keep all aspects of the matter under review.

3. However the Government was careful not to suggest that the political talks were the cause of its stance. The response simply referred to the need to consider further the desirability and practicability of a Select Committee and the extent to which its establishment would be supported by elected representatives from both sides of the community in Northern Ireland.

4. Further consideration was given by the Procedure Committee, and in December 1993 they published their conclusion that it would be appropriate to set up a Select Committee with 13 - 15 members. The Government announced on 16 December that it would embark upon consultations with other parties about the remit and composition of a Select Committee.

BACKGROUND NOTE

The Secretary of State will be aware that the Procedure Committee discussed the issue of a Select Committee on Northern Ireland affairs in 1990 as part of its review of the working of the Select Committee system. The Committee concluded against a recommendation in favour of establishing a Northern Ireland Select Committee on the ground that on the basis of replies from the then Secretary of State, the Leader of the House and their Shadow Cabinet counterparts, establishment might cause difficulties for the political talks initiative. However the Committee said that they would keep the matter under review noting that the Government "cannot postpone dealing with this matter for very much longer" (paragraph 278 of the Report).

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CURRENT LEGISLATIVE PROCEDURES

(i) Use of the Order in Council procedure

- The Government is always willing to listen to suggestions for improving legislative procedures but there are good reasons why Orders in Councils are used for Northern Ireland and any changes could have substantial implications, not least for the House.

(ii) Consultation on Northern Ireland Orders in Council

(a) Public Consultation

- Present arrangements allow for consideration with interested parties by publication of Proposals for draft Orders in Council. These are effectively mock ups of draft Orders.

(b) Parliamentary consultation

- Northern Ireland MPs can seek to have Proposals for draft Orders discussed by the Parliamentary Northern Ireland Committee. This consists of all Northern Ireland MPs and 25 others nominated by House of Commons Committee of Selection.
- It is a standing Committee of the House able to discuss any subject relating exclusively to Northern Ireland referred to it by House.
- Procedure was used in case of proposed Northern Ireland Electricity privatisation legislation and legislation amending Fair Employment Acts.

(iii) Parliamentary debate of draft Northern Ireland legislation

- Not always possible given pressure of Parliamentary business to give time one ideally might wish to debate draft Orders in Council but arrangements can and have been made to allow extended debates on important draft Orders.

(iv) Use of Negative Resolution procedure to extend provisions of a GB Bill to Northern Ireland

- This clause provides a corresponding Order in Council under the Northern Ireland Act 1974 shall be subject to negative rather than the normal affirmative procedure. This provision will be familiar to hon Members who take an interest in Northern Ireland legislation. The clause is a device which gives advance warning on the face of the Bill that corresponding provisions will be enacted in Northern Ireland and ensures immediate parity for the people there. It means that hon gentlemen from Northern Ireland can take part in debate of the Bill's substantive provisions in the knowledge that any changes made to its substance will be reflected later in parallel Northern Ireland legislation.

(v) Use of Northern Ireland only Bills

- Bills place a heavy drain on legislative time, particularly time on the floor of the House. Matters which in NI terms are "transferred" are not generally taken by Bill but by Order in Council.

(vi) Extending GB Bills directly to NI

- GB Bills can be extended directly to NI where the law is identical throughout the UK, or the matter needs to be administered on a UK wide basis. The fact that Orders in Council are the established mechanism for making

primary legislation for Northern Ireland, on a wide range of issues, reflects the pragmatic view that, during the direct rule, Westminster could not do the work of two Parliaments. Nevertheless, a number of Northern Ireland matters are already dealt with by Bill, and where good sense dictates, I am content to see a degree of flexibility as between the use of Bills or Orders in Council.

(vii) The Northern Ireland Committee

Standing Orders provide for the convening of a Northern Ireland Committee to consider any matter relating exclusively to Northern Ireland. The Secretary of State has frequently reminded NI MPs of his willingness to use that Committee to debate draft legislation. The Committee met yesterday to discuss Health Service matters, and a further meeting is planned to discuss the Children (NI) Order.

- b) the Order in Council procedure allows to preserve an attractively large corpus of powers which would be readily available for transfer to new political institutions in Northern Ireland; and
- c) the present arrangements incorporate extensive provision for consultation within Northern Ireland on the basis of proposals for draft Orders in Council (effectively making up all draft Orders).

However the decision to use an Order in Council is not a foregone conclusion. Each proposal for legislation in GB is considered - in the light of the benefits and disadvantages in terms of timing, administration, policy and practicality of including provisions covering Northern Ireland.

BACKGROUND NOTE

Legislative Procedure for Northern Ireland

As the Secretary of State and Ministers will be aware, there is considerable criticism of the present procedure whereby Northern Ireland legislation is mainly dealt with in the Parliament by unamendable Order in Council. Much of the criticism is politically motivated by those amongst the Unionists who are seeking the full integration of Northern Ireland with the rest of the United Kingdom but general dissatisfaction has been expressed from all sides of the House, including the SDLP and the official Opposition.

The Government's main arguments for the present procedure are:

- a) the present arrangements are an unavoidable feature of "direct rule" and have to remain in the absence of any alternative arrangements for legislation for Northern Ireland. There are [20 - 25] pieces of Northern Ireland primary legislation each year. The Scottish Office rarely secures more than one Bill a year.
- b) the Order in Council procedure allows us to preserve an attractively large corpus of powers which would be readily available for transfer to new political institutions in Northern Ireland; and
- c) the present arrangements incorporate extensive provision for consultation within Northern Ireland on the basis of Proposals for draft Orders in Council (effectively mock ups of draft Orders).

However the decision to use an Order in Council is not a foregone conclusion. Each proposal for legislation in GB is considered - in the light of the benefits and disadvantages in terms of timing, administration, policy and practicality of including provisions covering Northern Ireland.

NI LEGISLATIVE PROGRAMME

Line to take

As the Secretary of State will be aware, a submission detailing the legislative programme and a draft letter to NI party leaders and opposition spokesmen is normally submitted about a week before the start of each Parliamentary term. However, this session, My Ministerial colleagues and I intend to bring forward a full programme of legislation for Northern Ireland during the current Parliamentary Session. I shall be writing to NI party leaders and opposition spokesmen with details in due course.

Background Note

As the Secretary of State will be aware, a submission detailing progress on the legislative programme and a draft letter to NI party leaders and opposition spokesmen is normally submitted about a week before the start of each Parliamentary term. However, this Session, the Secretary of State decided to delay sending out the letter pending further discussions between himself and Mr Molyneaux. The letter has not yet gone out.

The consultation ended on 1 December and I understand that the Commission proposes, in due course, to formulate alternative legislative ways forward which will then be offered to the Secretary of State for consideration.

The Government welcomes the consultation initiated by the Commission as a helpful contribution to informing public debate on what is clearly a very important and sensitive issue.

RACHR remit

The Commission was established to advise the Secretary of State on the adequacy and effectiveness of the law on discrimination. Over the years it has undertaken a large and varied workload which has promoted the effective protection of human rights in Northern Ireland. Successive Secretaries of State have acknowledged the value of its doing so.

RACHR is an independent statutory body. It would not be appropriate for the Government to specify in detail the issues which the Commission should consider. The Commission's independent role is greatly valued, and we shall continue to look to it for advice on human rights matters generally.

ABORTION LAW IN NORTHERN IRELAND

Background

1. In Northern Ireland abortions are illegal unless carried out in good faith to preserve the life of the mother, or to prevent serious damage to her physical or mental health.
2. In Great Britain abortions may be legally carried out on much wider grounds, including where there is a substantial risk of the child being born seriously handicapped, and where there is a risk of injury to the physical or mental health or any existing children of the family.

Government View

3. The Government has consistently held to the view that legislation should not be introduced to reform Northern Ireland abortion laws unless it is likely to command broad support within the Province. While concluding that such support did not exist, the Government has in the past undertaken to keep the matter under review and be prepared to modify its policy to take account of any significant shift in public opinion which may occur.

SACHR

4. The Standing Advisory Commission on Human Rights (SACHR) issued on 25 June 1993 a paper for consultation on abortion law in Northern Ireland. The paper, which has been prepared by a Member of the Commission, Professor Simon Lee of the Faculty of Law, Queen's University, argues that the law is uncertain and falls short of the standards of international human rights law.

5. The Commission has invited a wide variety of bodies and individuals, including the main churches, political parties, and district councils, to respond with recommendations (by December 1993) as to the ways in which clearer law on abortion could be drafted.
6. The aim of the consultation is to contribute to informed debate on the issues and to help SACHR provide the Secretary of State with advice on alternative legislative ways forward.
7. The paper has also been included in the form of an annex to SACHR's 18th Annual Report which was published on 1 July. The Secretary of State's formal response to the Annual Report welcomes the publication of Professor Lee's paper for further consultation and expects it to "make a constructive contribution to informed public debate on what is clearly a very important and sensitive issue"

SACHR Remit

8. The Commission's decision to issue a consultative paper on abortion has been questioned on the grounds that it exceeds their remit under the Northern Ireland Constitution Act 1973. This is to advise the Secretary of State on:-

"The adequacy and effectiveness of the law ... [on] discrimination on the grounds of religious belief or political opinion"
9. Over the years SACHR has considered a wide range of matters, many of which go beyond its statutory remit. Successive Secretaries of State have endorsed this board approach, which is seen as contributing to the protection of human rights generally.

Critical reactions

10. Early Day Motion No 2253 in the name of Mrs Ann Winterton expressed opposition to any relaxation of the laws on abortion; denounced SACHR's interest; and described it as devious and an attempt to manipulate opinion. She asked a series of PQ's on 5 July and written representations have been made to the Secretary of State by Rev Martin Smyth and others.

11. Rev Smyth questioned both the justification for and the propriety of SACHR taking an interest in abortion law, suggesting that SACHR's interest might be a matter for the Public Accounts Committee. Responses to his representations have stressed SACHR's independence. Producing the consultation paper will have absorbed only a tiny share of SACHR's resources.

SECURITY POINTS - LINES TO TAKE

CONTENTS

1. SECURITY POLICY
2. STATISTICS INCLUDING SUCCESSES
3. INTERNMENT
4. LOYALIST TERRORISM
5. RECENT TERRORIST ATTACKS
6. RUC RESOURCES
7. FORCE LEVELS
8. CC'S CALLS FOR CHANGES TO THE LAW
9. INFORMERS/AGENT HANDLING
10. TERRORIST FINANCES AND THE TFU
11. ANGLO-IRISH AGREEMENT - SECURITY CO-OPERATION

SECURITY POINTS - LINES TO TAKE

1. SECURITY POLICY

- Government will not shirk its responsibilities to deal with terrorism. There is no acceptable level of violence: and Government is responsible for ensuring that the law effectively protects its citizens rights - including the right to life.
- First priority is to bring terrorism to a permanent end. This must be done within the rule of law. That principle cannot be set aside.
- First task of Government is to ensure all arms of the security forces enjoy necessary moral, legal and material support.
- Will consider any workable new measures within the law. Draconian measures are likely to be self-defeating.
- Considerable resources are already given to the security forces, however, extra resources are made available, when this is judged to be an appropriate and effective response.
- Work of the security forces must be and is complemented and reinforced by effective political, economic and social policies.
- (Clampdown on Security): Government's security policy is unequivocal: terrorism will be met with stern and unyielding opposition no matter which side of the community it comes.
- The police and army, acting always within the law, conduct operations designed both to prevent terrorist attacks, and where crimes have been committed, to track the perpetrators down and bring them before the courts.

- The policy is kept under review: security force operations and resources, and the legislative framework, are adjusted where necessary to take account of the changing threat.

2. STATISTICS INCLUDING SUCCESSES:

Background

- (as at 17 Jan] [0] people have been killed this year (cf 4 at the same stage in 1993).
- So far this year (as at 16 January) 14 people have been charged with serious terrorist offences, including 2 with attempted murder and 4 with firearms offences (cf 10 in 1993)
- 84 people were killed in NI last year as a result of the security situation, including 70 civilians, 8 soldiers and 6 RUC officers. (CF 85 killed in 1992 and 94 in 1991.)
- Last year there were 474 shooting incidents, compared to 506 in 1992. There were 256 bombing incidents compared to 318 in 1992.
- Last year 366 people were charged with terrorist related offences, including 60 with murder or attempted murder.
- In 1992 410 people were charged with terrorist related offences including 102 with murder or attempted murder. In 1991 397 were charged, and 380 in 1990.
- Last year 196 firearms and 59 rocket/mortar launchers were recovered;
- Last year over 3945 kgs of explosives were found and 6560 neutralised;

(Security Force Successes)

- The security force are achieving very significant successes. As a direct result of their professionalism and dedication many lives have been saved, much terrorist weaponry recovered, and many terrorist criminals apprehended and their activities disrupted.
- In recent months the security forces have had considerable success. These include 11 people who have so far been charged in connection with 21 murders committed in September/October. A number of individuals have also been charged in connection with recent atrocities, including a mortar attack on a police station in Co Tyrone, a landmine in Londonderry and a gun attack on the security forces in Belfast.
- Recovery of weapons and explosives continues; for example, these include within the last [4] weeks the recovery of a Mk 15 mortar believed to be intended for attack on a police station; 11 rifles, 2 pistols and 1000 rounds of ammunition in Rathcoole; and a bomb comprising approximately 250 kgs of HME and a quantity of ammunition in Londonderry.
- Last year 366 people were charged with terrorist related offences, including 60 with murder or attempted murder.
- Last year, 196 firearms and 59 rocket/mortar launchers have been recovered, compared to 194 and 49 in the same period in 1992).
- Last year, 3945 kgs of explosives have been found and 6560 kgs neutralised compared to 2167 kgs and 4142 kgs in 1992.

RECENT TERRORIST ATTACKS

Government utterly condemns all terrorist attacks whether against people or property.

3. INTERNMENT

- Internment is an option which the Government believes it must retain while the terrorist threat remains active, and the possibility of reintroducing it is kept under review. It would be a very serious and difficult step, which would only be taken after very careful consideration and in particular circumstances. I am not prepared to discuss what these might be.

4. LOYALIST TERRORISM

- The police, supported by the Army, seek to bring all terrorists no matter what their organisation, to justice. The statistics for charges bring this out clearly.
- (If pressed) Of course there is concern about attacks by co-called Loyalist terrorists; these are as vigorously investigated as any others. The Government and security forces are determined to bring all terrorism to an end, without favour.
- (UDA 'Doomsday' Plan) Any suggestion that the future of Northern Ireland lies down the road of violence is evil and wicked.
- The security forces will continue to protect the people of Northern Ireland from the terrorist threat, from wherever it emanates.
- (Threat against pan Nationalist front) Threats against everyone are taken seriously. The police are taking steps - with Army support where necessary - to counter this particular threat.

5. RECENT TERRORIST ATTACKS

- Government utterly condemns all terrorist attacks whether against people or property.

- As recent attacks evidence, the level of threat in Northern Ireland and the mainland remains high from terrorists on both sides of the community. The Government is determined to bring terrorism to an end and will continue to provide the security forces with all necessary resources to achieve this aim.

- Those responsible for crimes are pursued by the police, who are carrying out comprehensive investigations into recent attacks. Steps are being taken to make even more effective the measures already in place to prevent such attacks. These measures have led to the capture of terrorists; to the disruption of planned attacks; and to the saving of life, livelihoods and property. They will continue.

- Measures to protect security force bases - A range of measures are already taken to provide protection for bases and these are kept under close review. It would not be appropriate for me to elaborate.

6. RUC RESOURCES

- The Government provides the Police Authority with financial resources to ensure the provision of an efficient police service.

- The Police Authority grant for 93/94 amounted to nearly £590 m. Additional financial provision of almost £11 m has been sought in supplementary estimates. PES provision for 94/95 is £623.7 m.

- The decisions on priorities within the Police Authority Grant are a matter for that Authority, and the Chief Constable.

- If additional resources are required, then it is open to the Police Authority to request these; any such request will be considered, but must be justified, to ensure that public money is used to greatest effect and not wasted.

7. FORCE LEVELS

- The Force levels available to the Chief Constable and the General Officer Commanding are kept under frequent review.
- The Prime Minister has made it quite clear that the Government (will) continue to devote all resources necessary to security.
- The protection of UK citizens and property from attack is of the highest priority for this Government.
- Withdrawal/Further Battalions
- I am not prepared to speculate about future changes. Force levels are kept under careful review.
- Current Force Levels
(As at 31 October) 13,079 members of the RUC (including 4,577 RUC (Reserve)) and 17,506 soldiers are in Northern Ireland (including 5,427 home service RIR).
- Running down the part-time element of the Royal Irish Regiment/Hidden Agenda:
- The Royal Irish including the part-time element have an important role to play in supporting the RUC in the fight against terrorism in NI.
- The Government recognises that the trend in the strength of the part-time element of the Royal Irish Regiment has been slowly downwards. The Government fully recognises the important role of the part-timers - I have no hesitation in praising their excellent service - and I know that work is ongoing to improve both recruitment and retention.

- (Structural matters - eg bases amalgamation) These are a matter for my rt hon Friend, the Secretary of State for Defence on the advice of the GOC.

8. CHIEF CONSTABLE'S CALLS FOR CHANGES IN THE LAW

- The Government and the RUC keep the effectiveness of the law in combating terrorism continually under review. The suggestions made by the Chief Constable are receiving the fullest consideration in that context. There is always a careful and sensitive balance to be struck between measures intended to secure the conviction of the guilty and measures which in practice may increase the likelihood of innocent people being convicted.

- The consequences for the character and reputation of the criminal justice system in Northern Ireland must also be considered at a time when the support of sensible and decent people is as important as the duty to support the RUC, assisted by the Army, in eradicating terrorism by bringing terrorists to justice.

- We do not shirk the responsibility of amending the law against terrorism when necessary and desirable. The Northern Ireland (Emergency Provisions) Act 1991 introduced several new provisions including a number directed against the evils of terrorist racketeering. The recently enacted Criminal Justice Act 1993 added further to this body of legislation. The content and balance of the criminal law are kept under continual review.

- (Defensive). There is no question of any RUC proposals being "blocked" by the Northern Ireland Office. All proposals, whether from the Chief Constable or anyone else, are considered carefully and sensibly. It is all too easy to legislate in haste and repent at leisure; this is something we must avoid at all costs.

9. INFORMERS/AGENT HANDLING

- Lives would be lost in Northern Ireland if the security forces were unable to receive information from informants. It is the duty of a police force to protect the community from terrorist violence by every lawful means. This includes the recruitment of and use of informants within terrorist organisations.
- The RUC Chief Constable has made clear that the RUC will not allow any life to be taken to protect the intelligence system.
- There is no immunity from prosecution for informants who commit crime. It is an offence to incite any individual to commit crime.
- [Provision of Guidelines on Agent Handling]. The consideration of the issues is continuing.

10. TERRORIST FINANCE AND THE TFU

- Government is totally committed to the defeat of terrorism, and the ending of terrorist fund-raising.
- Government has ensured that the law provides for the investigation and detection of terrorist financial activity, and that the courts have the powers to deal with it severely, including by confiscation of property.
- Government is confident that the combination of professional police work and effective legislation, supported by the community as a whole, will prevail and the racketeers will be defeated.

11. SECURITY CO-OPERATION

- Cross border co-operation is vital to the safety of citizens not only of Northern Ireland, but of the Republic.

- Security co-operation with the ROI has never been better - there is of course still more that can be done.
- Both Governments recognise the importance of keeping existing measures under review, and of making further improvements wherever practicable.
- Progress has been made in a number of areas, including improved communications, technical co-operation, liaison structures and joint threat assessment.
- There have been a number of significant finds by the Garda in recent months. These include, in September, a substantial quantity of weapons, at a training camp for terrorists (Co Louth); 4 finds of weapons, explosives and ammunition in October (Co Louth); a find of more than a quarter ton of home-made explosives in October (Co Donegal); and the recovery of 4 MK15 mortars in December (Co Donegal).
- At the inter-governmental conference on 3 November 1993, both Governments welcomed the successes of the security forces in both jurisdictions since the 10 September 1993 conference and discussed practical ways of increasing still further the very valuable and effective co-operation that already exists.
- In addition to significant finds, the Garda and RUC have also liaised closely in a number of operations.
- (If pressed on allegations of failure of security co-operation with ROI): There are a number of examples of operations where there has been close liaison between the Garda/Irish Army, including in May of last year two operations resulting in the seizure of documents and videos, and in October the RUC and Garda carried out co-ordinated searches in County Armagh in Northern Ireland and in Counties Monaghan and Cavan in the Republic of Ireland.

NORTHERN IRELAND: ECONOMIC PROSPECTS: POSITIVE BULL POINTS

**Unemployment/
Employment/Output:**

Unemployment fell during the 12 months to December 1993 by over 4,000. The adjusted unemployment total for December 1993 was 99,947; the last time the unadjusted total was under 100,000 was June 1991. Employment rose by 2,330 in the year to September 1993, while output rose by 5% over the year.

Line to Take:

It has been estimated that a gross 35/45,000 jobs have been lost over the last 25 years due to violence. A cessation of violence could enable us to aspire to GB levels of unemployment; this could yield 15/30,000 jobs.

Inward Investment:

1992/93 was a successful year for inward investment for the Industrial Development Board (IDB) ie 10 projects offering almost 2,000 jobs. 59 investment projects were also negotiated with established companies, and over 2,000 new jobs were created during 1992/93 in client companies which received selective financial assistance in previous years.

Recent examples of major inward investments in Northern Ireland are:-

	Total investment involved in the project	Jobs promised by the project
Seagate Technology:		
Factory	£45m	500
R & D Centre	£15m	46

	Total investment involved in the project	Jobs promised by the project
Valence Technology	£76m	660
CCA Electronics	£9.5m	257
Pan European Textiles	£95m	900

Line to Take:

NI is already doing well, but a period of stability would mean that it would make it easier to persuade inward investors to go to areas of greatest need which have been subject to high levels of violence in the past.

[Note: 1992 figures show that inward investment to NI already compares well with other UK regions and ROI (pro rata)]

Trade:

Latest survey by Chamber of Commerce (published 18 January 1994) is the most positive survey for seven years: it shows that Province is leading the UK in winning orders and delivering the goods. Rises in deliveries of 27% and orders of 28% indicate that the NI economy is growing steadily with performance of medium sized companies (20-199 employees) being particularly impressive. Service sector companies and manufacturers export deliveries also reported substantial increases.

Line to Take:

An end to violence will give a boost to Northern Ireland Exporters. Overseas buyers will not be deterred by a threat of disruption to supplies and buyers will be more willing to trade to Northern Ireland.

Working Days Lost: Northern Ireland has an excellent industrial relations record with, in recent years, the number of working days lost through stoppages being less than GB, the Republic of Ireland and many other EC Member States.

Tourism: 1992 figures (latest available) showed increase of 6% on 1991 ie 1.255 million producing £162 million revenue for NI - the 4th consecutive record year for visitors.

Line to Take: A tranquil Northern Ireland would attract tourists from all over the world, and tourism could be expected to rise substantially creating in the short term (2-3 years) up to 3,000 jobs and in the longer term over 20,000 additional jobs.

OTHER POSITIVE FACTORS

Fair Employment: The creation of new jobs is essential to securing more balanced participation in employment by the two communities and will enable us to secure fair employment targets more quickly.

Trade in Ireland: An end to violence would facilitate movement and trade in Ireland generally. Cross Border roads opened; improved rail system more reliable. The estimates of benefits of greater North/South trade suggest at least 7,500 extra jobs.

Reduced Security Costs:

Would in part free Government resources to be re-directed to other areas eg Health and Education.

Immigration and the brain drain:

An end to violence could be expected to lead to a return to the Province of some of the best entrepreneurial minds who have left over the years and who have been successful in industry in GB, the USA and other fields. It will also stop the current loss of some of the brightest young people. Only 10% of those who go to GB universities (around 4,250 per year) return to NI on graduating.

Mr Archer, RID

PS/Secretary of State(L-8)

COUCHMAN DEBATE - WEDNESDAY 21 JANUARY: SECRETARY OF STATE'S SPEECH

I attach a fresh draft of the speech, building on the points made during the Secretary of State's meeting last evening and on other comments that I have received from copy recipients.

1. The overall message is simple: that the Government has a clear and consistent policy focused on the twin objectives of a desire for peace and an agreed political settlement. The text then goes on to rehearse the key points of the Joint Declaration and the three stranded talks process. It echoes many of the points set out in Mr Daniell's script for inclusion in the Secretary of State's speech tomorrow to the alumni of Trinity College.

2. I have not, at the time of writing it, seen the text of the Minister's speech today on self-determination.

(Signed)

D. BRIDGES