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3 October 1990

Mr Dermot Gallagher
Assistant Secretary
Department of Foreign Affairs

Dear Assistant Secretary

LABOUR PARTY CONFERENCE
Blackpool, 30 September - 5 October

General

The Ambassador, Mr Hayes and I attended the Labour Party conference in Blackpool last week. The Ambassador hosted a dinner for Kevin McNamara, his front-bench colleagues and other leading Labour personalities with an interest in Irish affairs.

In a separate report, Mr Hayes is providing a general overview of the conference. The following report deals with the Anglo-Irish matters which arose there.

Anglo-Irish matters

There were three main issues of Irish interest during the week.

The prospects for talks in NI arose at a fringe meeting on 1 October organised by the Parliamentary Labour Party. The Birmingham Six and other miscarriages of justice arose both on the floor of the conference and at a number of fringe meetings. A proposal for Labour representation in NI was debated at a fringe meeting and decisively rejected by a Conference vote on 5 October.

(1) Prospects for talks in NI

The fringe meeting organised by the PLP was addressed by Seamus Mallon, Kevin McNamara and Chris Mullin.

Mallon's basic theme was that the NI problem cannot be effectively tackled unless the "coalition of interests" who are directly concerned with it (the two Governments, the SDLP and the Unionists) are fully involved. He underlined the SDLP's desire to get into substantive negotiations as soon as possible. He pressed Peter Brooke to start again with "a clean slate", putting aside the documents from last July which had encouraged the Unionists to "lob in" constant new preconditions.

Recalling the history of Brooke's initiative, Mallon said that it came to a standstill last July for various reasons, not least because of the artificial deadline imposed by Brooke's insistence on a Parliamentary statement. The Irish Government, he went on, must be involved as the central and pivotal factor in the search for a solution. No settlement is possible in a purely NI context and most people now recognise this. While some contest Dublin's right to interfere in NI's internal affairs, the fact is that there is no such thing as NI's "internal affairs". To those who argue that Dublin should play a secondary role in the search for a solution, Mallon's response is that such an approach is misguided and inadequate to the situation. Neither the SDLP nor the Irish Government will accept an arrangement whereby a central element in the process must "sit outside the door" until the NI parties have reached some kind of limited agreement among themselves.

Mallon then reiterated the "important and constructive" concessions made by Dublin and the SDLP to the Unionists earlier this year. The Unionists' response was to add two further preconditions (the "substantial progress" stipulation and the linkage to Articles Two and Three). The SDLP told Brooke that negotiations could never take place with the Unionists if the latter kept adding fresh preconditions. He should therefore "tear up" the July documents and start with "a clean slate", from the very important concessions made by Dublin and the SDLP. The ball, he observed, is in Brooke's court.

Stressing the SDLP's desire to get negotiations underway, Mallon said that these negotiations would have to go to the heart of the problems in Ireland. Difficult questions would be asked of all parties and they must be answered. New political structures must be found which would be adequate to the challenge. The problems of social deprivation, of confidence in the security forces and the judicial system (or the lack of it) and of adequate financing for NI (in both the British and EC contexts) would all have to be tackled.

// In conclusion, Mallon criticised the notion that devolution, even on an equitable basis, will solve the NI problem. As past experience has shown, it cannot work on its own. Situating a future NI administration within a European framework of diminishing national sovereignties, he hoped that it would be one which could negotiate properly in Brussels on behalf of NI and, furthermore, which would not have to depend on an outside Army or an unacceptable police service.

Kevin McNamara underlined Labour's support for Brooke's initiative. Until such time as an alternative agreement is achieved, however, Labour stands squarely behind the A-I Agreement. McNamara noted in this respect Neil Kinnock's identification of the Agreement (in a pre-Conference

interview) as Mrs Thatcher's single creditable achievement. He went on to make a lengthy plea for a Bill of Rights in NI (a copy of his speech has been forwarded).

In the subsequent question-and-answer session, Mallon was urged to acknowledge Unionist concerns about Articles Two and Three. He made the following points in reply. The SDLP has no control over these articles. He does not believe that any Irish Government would succeed in having them removed by referendum. Any attempt to do so, in fact, could "unleash the Civil War all over again". The British Constitution, he noted, is one of the most sectarian in existence: no Catholic, for example, can ever become King of England. If the Unionists wish to discuss Articles Two and Three with the Irish Government, let them go to Dublin and do so. If an entirely new agreement is reached for the whole of Ireland, this would, of course, have constitutional implications.

Asked to elaborate on his objections to devolution, Mallon criticised the master/servant relationship implicit in the term. The "overall context" must be changed and a quantum leap must be made into the unknown. He suggested that, instead of structures being imposed from the outside (as happened in the Sunningdale agreement), the negotiations which are now in prospect might of themselves yield up new structures adequate to the problem.

In private conversations before and after the meeting, Mallon told me that he is very happy with the position which the Irish Government has taken throughout this process. As he sees it, it is now up to officials on both sides (he specified John Chilcot and yourself) to see whether agreement is possible on the issues of a timetable and framework for talks. He remains deeply sceptical of the Unionists' commitment to the process. In this respect, he mentioned a suggestion he has heard to the effect that, at their meeting with Brooke, the Unionist leaders would make any agreement reached about talks conditional on the Irish Government taking action in relation to Articles Two and Three.

(2) The Birmingham Six and other miscarriages of justice

Chris Mullin also addressed the PLP fringe meeting.

He predicted that the Birmingham Six will be released, probably within a few weeks and certainly within the next few months. A Guildford-type decision by the DPP seems likely, perhaps towards the end of October. Noting that a whispering campaign has sought to cast doubt on the innocence of the Guildford Four, he warned that any such campaign in relation to the B6 should be immediately resisted.

NT // In a private conversation which Mr Hayes and I had with him on the following day, Mullin said that people close to the case (though not the DPP's Office) expect a decision to come at the end of October or in the first two weeks of November. The decision will not be made until the DPP has received a final report from Devon and Cornwall. He infers the likelihood of a final report from a letter he received recently from the Chief Constable of Devon and Cornwall, in which the latter indicated

that they might yet need to interview Mullin. (When requested on a previous occasion to travel to Exeter for the same purpose, Mullin asked to be interviewed in London instead; the interview did not take place).

On the subject of a bail application for the B6, Mullin was initially in favour but now opposes it. The Six want a public exit similar to Gerry Conlon's and bail would enable the authorities to "slip them quietly out the back-door".

On the recent BBC report claiming that senior West Midlands officers advised their Chief Constable against contesting the appeal, Mullin understands that this arose from a tape of a high-level conversation within the force which was made available to a BBC researcher. The BBC, he indicated, may have exaggerated its significance. It is, however, true that many senior officers in the force are unhappy with the case and wish to dissociate themselves from it.

Mullin brought up the Danny McNamee case with us. (A leaflet asserting McNamee's innocence had been circulating at the conference). He has been asked to attend the appeal hearing, which opens on 12 November. While the incriminating material in the case has not escaped him (notably McNamee's fingerprints on bombing equipment), he is concerned nonetheless with certain aspects of the conduct of the case and plans to attend the appeal. We subsequently had a word with Seamus Mallon, who will also be attending. Mallon's view, expressed very privately, is that McNamee is "guilty as hell" but that, as the conduct of the case indeed causes concern, he must be present for the appeal (as he was for the initial trial).

At a fringe meeting on legal reforms to deal with miscarriages of justice, Mr Hayes and I met Michael Mansfield QC. Mansfield did not share Mullin's optimism about an early decision in the B6 case and recalled the DPP's indication that it could take up to a year. He felt that the Six's legal team might indeed consider a bail application for them, possibly next month.

Following a very short debate on 4 October, the Conference voted unanimously in favour of a motion which (i) noted with increasing concern "the mounting evidence suggesting that the B6 may have victims of a miscarriage of justice"; and (ii) committed a future Labour Government to instituting an independent inquiry into "all the events and allegations surrounding the conviction of the men". It also adopted a motion calling for an independent inquiry into the West Midlands police, which would also cover the period during which the B6 were convicted.

(3) Labour representation in NI

As usual, supporters of this campaign heckled the PLP fringe meeting. They also had a well-attended fringe meeting of their own. For the first time, a motion proposing Labour representation in NI was accepted for debate at the conference itself. In private, however, the party leadership made clear its disapproval of this campaign and, when the motion came to be debated on 5 October, it was overwhelmingly defeated. The issue has, therefore, been buried for the time being.

The arguments advanced by supporters of the campaign, at various fringe meetings and in private lobbying, may be summarised as follows. First, it is basically unjust that NI citizens are not free to join, or vote for, a party capable of forming the next government in Britain. Second, the party's long-term policy on NI does not necessarily preclude this move in the interim. Third, the SDLP is a nationalist and mainly Catholic party and an inadequate receptacle for a non-denominational, socialist vote.

Kate Hoey, the only MP who has become associated with this campaign, argued these points forcefully throughout the week. (From earlier reports by Mr Hayes, you will be familiar with her high profile on this issue; Ms Hoey comes from Antrim, has "Alliance-type" views and feels bitter about Labour's unavailability as an alternative in NI). Her lobbying of individual unions in recent months was probably responsible for getting this issue onto the conference floor for the first time. Significantly, however, no other MP has joined the cause. Even more significantly, Charles Clarke, Neil Kinnock's political adviser, has made it clear to Ms Hoey that her continued attachment to this campaign, which runs counter to the party's clearly stated commitment to Irish unity, will not help her political advancement. In private conversation with Mr Hayes, she indicated that, even if her campaign did not succeed on this occasion, the publicity won for it has been valuable in itself.

When the motion was debated on Friday morning, Ms Hoey was not called to speak. The leadership also decided that, in order to play down the issue, Kevin McNamara should not speak. Perhaps the most telling feature of the short debate was the spontaneous round of applause around the hall which greeted the first reference to the party's policy of Irish unity.

In a private conversation afterwards, John Cole of the BBC (who is related to Kate Hoey and agrees with her campaign) complained about "strong-arm tactics" being applied by Charles Clarke. While he was not sure to what extent the Labour Party thinks seriously about Ireland, the Irish-Catholic element is still very much in the ascendant and this would explain the clear vote against the move (and, implicitly, in favour of Irish unity). He was struck by the contrast between Labour's constant demands for more Government investment in Scotland and its almost complete silence on such matters in relation to NI. Even though the next Labour Government will find itself governing NI, there seems to be a "semi-detached" attitude towards Ireland within the party.

Yours sincerely



David Donoghue
Press and Information Officer