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[As covering
submission plus
Mr Kirk/Mr Kirk only]

DRAFT LETTER FOR SIGNATURE BY: PS/SECRETARY OF STATE

REPORT OF POLITICALLY SENSITIVE ISSUES

I attach the usual forecast of politically sensitive matters
relating to Northern Ireland.

A meeting of the Anglo-Irish Intergovernmental Conference is likely
to take place in the period covered by this report.

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REPORT FOR NO. 10 (30 JANUARY - 12 FEBRUARY, 1989)

EVENT	DATE	REASONS FOR SENSITIVITY	SPEAKING NOTES
<u>Continuing efforts to bring about discussions between the NI political parties.</u> Speech by Mr King planned.	Early February	Current interest in NI in political progress.	<u>Political Progress.</u> Clearly <u>important that we should discuss the prospects for political progress</u> with the NI <u>constitutional</u> political parties. The Northern Ireland Secretary has made it clear that he believes the next step is <u>inter-party dialogue</u> about the future arrangements for Government in NI. Such dialogue is <u>essential</u> if there is to be any lasting peace in the Province.
<u>Article 11 Review</u> of workings of Intergovernmental Conference (IC).	Submissions on the review were requested by 31 December.	Unionist hostility to Agreement and IC could be revived by the review and reduce prospects for political progress.	<u>Article 11 Review.</u> A thorough and serious review. The political parties and others who have views have been invited to contribute to the <u>review of the workings of the Anglo-Irish Agreement.</u> Hope they will <u>use the opportunity constructively</u> , particularly those who have complained of <u>lack of consultation</u> in the past.

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<p><u>"Stalker/Sampson Inquests"</u> Inquests into deaths of James McKerr, Eugene Toman and Sean Burns on 11 November 1982.</p>	<p>Continuing interest.</p>	<p>On 20 December the Court of Appeal ruled that a new inquest will be necessary and that the policemen who fired the fatal shots should give evidence in person.</p>	<p>Government has sought leave to appeal to the House of Lords.</p>
<p><u>ECHR Brogan</u> ECHR decision in Brogan case.</p>	<p>Continuing interest.</p>	<p>ECHR has ruled <u>against</u> HMG and directed that terrorist suspects should not be held for more than 4 days without judicial intervention. (Current maximum period under 1984 PTA is 7 days). HMG has, as an interim measure, derogated from the ECHR.</p>	<p>Important case. Further reflection necessary before HMG can form a final view. Remains HMG's wish to introduce a judicial element into detention. In the meantime, to safeguard this important power against terrorism, notices of derogation have been entered.</p>

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Publication of Lord Colville's report on the operation in 1988 of the Emergency Provisions Acts.	Early February.	Powers in Acts controversial and likely to be criticised by Opposition.	Powers in Emergency Provisions Acts remain essential if security forces are to be able to deal with terrorism.
Publication of draft Guide on exercise of emergency powers in NI.	Early February.	Non-statutory nature of Guide may cause public criticism.	Guide is intended to help in interpretation of the law. Not appropriate for it to be statutory.

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<u>Extradition</u> a) Irish pressure to make more use of extra territorial route in dealing with fugitive offenders.	Continuing.	Current sensitivities over, and political symbolism of, extradition.	Mutual aim of Irish and HMG is to put fugitive terrorists behind bars. <u>Will use the most effective route in any given case.</u>
b) Attorney General's decision whether to invite Irish to proceed extra territorially against Patrick Ryan.	Mid-January		Clearly disappointed at Irish decision not to extradite. Have made views known and are working through Intergovernmental Conference to make arrangements more effective. Decision on an extra territorial prosecution (and only 2 of the 4 charges will be covered) depends critically on availability of witnesses to travel to Republic.

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Prospective privatisation of Harland & Wolff and Shorts.	Continuing interest. Shorts sales information memorandum issued on 10 January.	Government has announced its intention to seek offers from the private sector. Negotiations with interested parties are continuing. Disposal to the private sector seen by many in Northern Ireland as inappropriate given the weak state of the local economy, and as evidence of economic withdrawal.	Government very much aware of concern felt for future of companies. But public ownership no guarantee of survival. Government is unwilling to continue to bear significant losses. Return to the disciplines of the private sector offers best prospect for future.