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24 JUN 1994
CENT SEC

FROM : JONATHAN MARGETTS
INTERNATIONAL UNIT
24 JUNE 1994

cc Mr Haire, DED
Mr Bramley
Mr Powell, Washington

- M

MR MAXWELL - B

FIRST DAY BRIEFS

As you know - Linda Roger's minute of 22 June - we are revising our First Day Briefs. I have dug out the "US and Other International Issues" brief and, having seen that we enlisted Central Secretariat's aid when it was last revised, I come to you again for assistance.

2. I should be grateful if you would pass the brief to DFP to look at the IFI bit (paragraph 9) and if you would look at the NI Bureau (paragraphs 6 and 7). Paragraph 5 (i) and the Annex is about the MacBride Campaign and is obviously for DED to review and I have, to save time (I hope) mufaxed a copy of all this to Will Haire.

3. I am also copying this to Jonathan Powell in Washington, for his help in up-dating paragraphs 1-4 and to Steven Bramley for the extradition and Doherty bits in paragraph 5(ii) and (iii) respectively.

4. As you know I need to get this back to CPL by 30 June(!)

(signed)

JONATHAN MARGETTS
INTERNATIONAL UNIT
OAB EXT 6826
24 JUNE 1994

Mrs Keyes Mrs Murphy
could you pl.
obtain updates
for paras 6, 7
+ g (Mr Alexander
+ Mr Todd).
mb
27/6

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US AND OTHER INTERNATIONAL ISSUES

USA - GENERAL

1. There are said to be around 40 million Americans (there are differing estimates of the actual figure) who claim Irish ancestry, a majority of whom, in varying degrees, are sympathetic to the idea of Irish reunification. There is not, however, wide knowledge of the contemporary facts - people tend towards a romanticized, and rather simplistic, view of history which suggests that the problem in Northern Ireland is colonial, stemming from the British presence and ignoring the position and strength of Unionism. Most Irish-Americans reject violence, but there is an active minority who support the aims and methods of the IRA, and are vehemently anti-British. There are also in the USA many other people (often Protestants) with more distant ancestry from the island of Ireland but who think of themselves as Americans and give little weight to their family origins.

2. The importance of Congressional and Administration attitudes towards the UK ensures that American perceptions and public opinion continue to be a factor in Northern Ireland policy. Since the US also remains the largest overseas source of inward investment their views are also economically significant. Within domestic US politics the leaders of the Irish-American community wield influence which no politician (even the President) will ignore. For some leading politicians, mostly Democrats, with an eye to national politics on Capitol Hill or in States with large Irish-American populations, their support is particularly crucial. Whatever the force of our arguments, positions going well beyond what, for instance, John Hume of the SDLP would regard as acceptable will continue to be endorsed in areas such as New York by US politicians dependent on Irish American votes.

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3. There is little prospect of influencing the views of the extreme members of the Irish-American community. But effort directed towards opinion-formers and politicians listened to by the moderate - or largely uninterested - members of the Irish-American community can usefully increase understanding of our policies. The influential Speaker of the House of Representatives, Tom Foley, takes a close and constructive interest in Northern Ireland, and during the last two years he has on three occasions taken the unusual step of leaving the chair to address the House directly on the issue - once to condemn the murder of Ian Gow MP, then to abhor the IRA's "human bomb" attacks, and again to express his horror at the mortar attack on No 10. We can continue to draw on American hostility to terrorism, especially if the terrorists have extreme left ideologies or links with international - particularly Arab - terrorist movements. The NIO works closely with the FCO and posts in the United States to build on our efforts in this area. The Bush Administration is generally helpful over Northern Ireland, calling for an end to violence and for increased inward investment while re-iterating that the US has no direct role to play.

US IRISH ORGANISATIONS

4. There are many groups in the USA which concern themselves with Irish matters. The three most significant politically are:

i) The Congressional Friends of Ireland

Founded in 1977 by the "Four Horsemen" (the then Speaker O'Neill, Governor Carey, Senator Kennedy and Moynihan), the Friends of Ireland now includes Senators Kennedy, Moynihan and Dodd, Speaker Foley and Congressman Frank McCloskey as Chairman. In general, they take their line from John Hume and the SDLP, and the Irish Government. They strongly oppose violence, and support in the

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nited States for violence, but favour Irish unity as a long-term goal. They issue an annual statement on St Patrick's Day, which usually contains a mixture of condemnation of violence, support for the Anglo-Irish Agreement and process, obeisance to the goal of long term Irish unity, support for the International Fund for Ireland, and criticism of supposed lapses by the British Government in the areas of security policy and human rights. The Friends also usually offer hospitality to prominent visitors from Ireland, North and South.

ii) The Ad Hoc Committee on Irish Affairs

This is far less active than it was in the days when it was chaired by Congressman Mario Biaggi, and has a number of co-chairmen, including Congressman Ben Gilman (R-New York). Congressman Joe Kennedy is an influential member. It is often critical of the British Government, and takes an Irish Republican line which stops just short of espousing violence. Many of its members are not of Irish origin, but are keen to solicit Irish votes. The Committee also issues a statement on St Patrick's Day which is largely ignored. It has in recent years become somewhat more moderate.

iii) Irish Northern Aid Committee (NORAID or INAC)

In 1981 the Justice Department forced NORAID to register as the agent in the United States of the Provisional IRA. Although NORAID's ostensible main purpose is to raise money for the dependants of Irish Republican Prisoners, it is transforming itself into a political action organisation which campaigns against the International Fund for Ireland, and for the MacBride Principles. Its weekly newspaper, the Irish People, which reproduces much of the text and photographs from An Phoblacht, has a circulation of about 5,000. NORAID's six monthly returns to the Justice Department suggest that it sends about \$300,000 back to

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Ireland each year, but the actual figure, including funds sent in cash, is probably slightly larger. NORAIID enjoys little support in Congress and works closely with Sinn Fein and the Provisional IRA. It appears to be going through a particularly difficult phase at the moment.

iv) Other Groups

Among other Irish American organisations are several with close links to NORAIID, including the Irish American Unity Conference, the Irish American Political Education Committee and the Council of Presidents of Major Irish American Organisations, all of which share most of NORAIID's aims and views (and often personnel) without the stigma of its name. The Irish National Caucus (INC), under the leadership of Father Sean McManus (a NORAIID supporter) remains active, particularly on MacBride and more recently Linfield football club, although it seems to have lost some of its original impetus and support. Much larger than these, and generally more moderate, is the Ancient Order of Hibernians (known as ancient, orderly and Hibernian), which has chapters right across the United States, and has generally eschewed politics, while remaining sympathetic to Irish Republicanism. A moderate and better informed group, active in Washington and Boston, is the Committee for a New Ireland, which has close links to the SDLP.

CURRENT ISSUES IN USA

5. These include the following:

i) The MacBride Principles

A major campaign aimed at forcing US companies operating in Northern Ireland to apply a code known as the MacBride Principles to their employment practices there. While the campaign ostensibly aims to redress sectarian imbalances in employment,

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me of their sponsors (eg., the INC and NORAIID) seem more concerned to embarrass HMG and worsen the climate for US investment. HMG does accept that there remains discrimination in employment in Northern Ireland - the Fair Employment (Northern Ireland) Act 1989 is now working effectively to combat it - but it opposes the Principles as both unnecessary and counter-productive.

Although 12 states already have MacBride laws on their statute books no new state has been added to the list since May 1989. The emphasis of the campaign has shifted somewhat in recent years towards contract compliance legislation in key cities. A fuller description of the MacBride campaign (which has focused on the promotion of statues in state legislatures and city councils linking investment in US firms operating in Northern Ireland with the firms' acceptance of the Principles) is at Annex A.

ii) The UK/US Supplementary Extradition Treaty was ratified in December 1986, following lengthy negotiations. The Treaty means that those fugitives accused or convicted of a wide range of serious offences should no longer be able to avoid extradition by claiming that their crimes were politically motivated. However "humanitarian safeguard" was inserted into the Treaty during its passage through the Senate. Under it fugitives can avoid extradition if they can prove that the request was made with the intent of persecuting them. The precise effect of this safeguard in terrorist cases remains untested.

The only current case under this treaty, that of Peter McMullen (who is sought in GB for the bombing of an army barracks in Yorkshire in 1974) has run into difficulty for quite different reasons.

On 17 July 1991 Judge Robert Ward of the District Court for Southern New York granted McMullen's writ for habeas corpus on the ground that the UK's request for his extradition is

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unconstitutional, insofar as it is caught by the US constitution's prohibition of Bills of Attainder. The Court decided that the Supplementary Treaty 1986 constituted a "Bill of Attainder" in that the Executive, in concluding the Treaty, specifically targeted it at McMullen and other individuals.

The US Attorney appealed this decision. On 7 January 1992 the High Court upheld the District Court ruling that the US Supplementary Treaty, as applied to McMullen, constituted a Bill of Attainder. The US Government may yet appeal again.

iii) Joseph Doherty

Doherty was deported to the UK on Wednesday 19 February 1992; this follows an 8¹/₂ year fight against extradition and deportation.

Doherty was a member of the so-called 'M60 Gang' involved, with three others, in the murder of SAS Captain Westmacott in 1980. He escaped from remand in HMP Belfast in 1981, and was convicted and sentenced for the murder in absentia two days following his escape.

He fled to the United States where he was arrested in 1982; lengthy deportation and extradition proceedings ensued. In 1984 the US courts refused his extradition on the grounds that his offence was political. The US authorities resumed efforts to have Doherty deported. Doherty attempted to reopen a claim for political asylum, having earlier conceded deportability. However, this was rejected by the US Attorney General, Thornburgh. A series of appeals and counter appeals followed which culminated in a recent decision by the Supreme Court upholding the US Attorney-General's decision not to reopen Doherty's political asylum case.

The case of Doherty became something of a 'cause célèbre' over the past 8¹/₂ years. Those campaigning for the re-opening of a

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political asylum appeal included 130 members of Congress and prominent Irish American clergy, including Cardinal John O'Connor. A street corner in New York was renamed Joe Doherty corner at the behest of its Mayor David Dinkins.

Northern Ireland Bureau

6. The Northern Ireland Bureau was established in July 1990, initially on a two year trial basis, in Washington. Staffed by two officials from Northern Ireland (initially a Grade 7 and an SEO equivalent) the Bureau's remit is to develop a network of contacts in the USA, in particular in the Irish American community, with a view to creating more sympathy for and interest in Northern Ireland, and, where possible, to translate that into inward investment, tourism, and other economic benefits. The Bureau is located in the Embassy, but has its own clear and distinct Northern Ireland identity. Since July 1990 the Bureau has been successful in identifying and developing key contacts for Northern Ireland in a wide variety of economic activities in over 20 states in the US.

7. Following an interim review of the activities of the Bureau to date it was decided that the Bureau's experimental period should be extended to the Summer of 1993, and that its staffing should be upgraded to Assistant Secretary (Grade 5) and Principal (Grade 7).

OTHER COUNTRIES

8. The level of interest in Northern Ireland in countries other than the USA is sporadic. It is greatest in countries where a significant element of the population claims Irish descent - Australia, New Zealand, Canada (although links in the latter are as much with the Northern Protestant community) - or where "human rights" issues attract particular interest (for example the

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Scandinavian countries, the Netherlands). In addition the Holy See follows events in the Province carefully. Europe as a whole is, however, becoming increasingly important in our overseas information effort. There is an active Irish terrorist threat in a number of European countries, including Germany, the Netherlands, Belgium and France. HMG has submitted an extradition request for Gerard Hanratty, currently in custody in Germany. HE is wanted in Northern Ireland for offences against the Firearms (NI) Order together with Terence McGeough (for whom an extradition request has not been submitted). Both men are facing serious charges in Germany and it is unlikely that either will be returned to Northern Ireland in the near future.

INTERNATIONAL FUND FOR IRELAND

9. A constructive international approach to the problems of Northern Ireland has been demonstrated by the International Fund for Ireland, an international organisation established under the Anglo-Irish agreement by the British and Irish governments (but independent of them) with the objective of promoting economic and social advance and through this, reconciliation throughout Ireland. The US has donated \$170m to date, and a Congressional Committee has agreed further funding of \$20m for 1992. The EC has provided a contribution of ECU 15m per annum for the three year period 1989-1991 and proposals are in hand for the EC to provide similar contributions for the period 1992-94. Canada has promised up to Can \$10m (over 10 years) of which Can \$3m has been received to date. New Zealand which made a single contribution of NZ \$300,000 in 1987 recently agreed a second similar tranche in 1992.

OTHER INTERNATIONAL ORGANISATIONS

10. In addition to foreign countries, several international organisations are interested in Northern Ireland and the

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Government continues to demonstrate to responsible international organisations its commitment to human rights in the Province. Ministers have had meetings with the Red Cross (which undertake full visits to Northern Ireland prisons every three years and interim visits in between times) and (in 1989) with Amnesty International (who have in the past voiced concern about allegations of a "shoot to kill" policy, the shootings in Gibraltar and more recently inspired a letter-writing campaign on certain Northern Ireland related matters including allegations of ill-treatment and lethal force. In early 1991 a delegation from Helsinki Watch, the well-respected, US based human rights group, visited the United Kingdom and the Republic of Ireland; their report, Human Rights in Northern Ireland which was published in October 1991, contained inter alia criticism of human rights abuses by paramilitary organisations. The Government's response will issue shortly.

11. Despite previous UK efforts to dissuade it, on the grounds that internal political affairs are outside the scope of the Treaty of Rome, the European Parliament takes an interest from time to time in Northern Ireland questions. Dr Paisley (DUP - Independent Group) has also used the Parliament as a forum for political demonstrations. The two other NI MEPs are Mr John Hume (SDLP - Socialist Group) and Jim Nicholson (UUP-Christian Democrat Group). Nicholson succeeded John Taylor (UUP).

INFORMATION POLICY OVERSEAS

12. The NIO and FCO work closely together on the presentation of Northern Ireland issues overseas. The Northern Ireland Overseas Information Committee (NIOIC) is a joint NIO/FCO committee chaired by an NIO Minister, which meets annually to review, and give strategic directions to, our overseas information effort. At working level, coordination is handled by a monthly liaison committee chaired by the FCO, with an overview provided by a quarterly liaison committee chaired by the NIO.

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THE MACBRIDE PRINCIPLES

1. Since late 1984 US companies with NI plants have been under pressure to adopt a set of declarations on fair employment known as the MacBride Principles (after Sean MacBride, ex-IRA Chief of State, Irish Foreign Minister for a period in the 1940's and Nobel Peace Laureate) whose declared purpose is to increase minority (Catholic) representation in employment. The main proponents of the Principles in the US are the Irish National Caucus, the Ancient Order of Hibernians, NORAID and the office of the Comptroller of New York City. (The Principles are said to have been written by one of the Comptroller's political aides, Pat Doherty, who remained in office when Comptroller Harrison Goldin was replaced in Nov 1989 by former Brooklyn Attorney General and US Congresswoman Elizabeth Holtzman). The Fair Employment Trust and Equality: the Campaign for Economic Equality (NI pressure groups with a decidedly nationalist flavour) and Sinn Fein are all active in promoting the Principles in Northern Ireland and abroad. The campaign has in the past focused on the employment position at Shorts which has contracts with the US Air Force and Boeing and whose owner, Bombardier, has substantial transportation contracts with New York City.

2. Companies have been pressurised by shareholder resolutions, City ordinances and State legislation, which require the monitoring of adherence to the Principles - though one law actually calls for disinvestment - and product boycotts (in the cases of, for example, Ford, Timex and Coca Cola), and proposed Federal legislation, which would link adherence to the MacBride Principles to business deals with US companies with operations in Northern Ireland.

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3. MacBride related legislation has been passed in 12 states to date. These are Massachusetts, New York State, Connecticut, New Jersey, Rhode Island, Maine, Minnesota, Florida, Illinois, Michigan, New Hampshire and Vermont. So far, in 1992 Bills have emerged in 8 states, Arizona, Massachusetts, Missouri, New York, Ohio, Oklahoma, Pennsylvania and Virginia, (where the legislation died in committee). At Federal level 2 bills introduced in 1991 linking MacBride to imports to the US and disbursements from the International Fund for Ireland respectively, have been carried over into the 1992 session. Movement on these Bills (especially in a US election year) seems unlikely.

4. The UK Government has in the past resisted the MacBride campaign, in part because of the hostile political objectives of those promoting it, and also because of the adverse consequences of the campaign for investment and fair employment generally in Northern Ireland. The concern has been that, by placing unreasonable burdens of US firms and subjecting them to monitoring from a multiplicity of sources, the campaign discourages investment by companies already in Northern Ireland and by potential new investors. (There are 28 US manufacturing firms in Northern Ireland employing over 9,000 people - this represents 10% of those employed in manufacturing industry). Recently, for the first time, 2 companies have made it known that the pressures of the MacBride Campaign negatively affected investment decisions. TRW's corporate secretary said that the company sold its Northern Ireland subsidiary in 1988 after to MacBride pressure. Another (unnamed) company decided against an equity investment in a new Northern Ireland operation for the same reason. Depending on the manner of implementation, the Principles could bring companies into conflict with Northern Ireland law (though legal opinion is divided on this aspect). The companies concerned, while considering themselves fair employers, object to subscribing to MacBride and all have so far resisted adopting the Principles. In

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In the past few years, however, the New York City Comptroller's Office has offered to withdraw shareholder Resolutions if companies will agree to make "all possible lawful" efforts to implement the fair employment standards embodied in the MacBride Principles. So far, 17 companies have made such an agreement.

5. The US administration has been supportive of HMG's stance but the Irish Republic has been somewhat reserved. The Garret FitzGerald administration regarded the Principles as acceptable but opposed the disinvestment aspects of the campaign. The Haughey administration was sympathetic to the MacBride campaign but was pressed through the Inter-Governmental Conference to support HMG's opposition to the campaign and our own fair employment legislation. The approach of the Reynolds administration is not yet known. Whilst not opposing the Principles per se, John Hume (SDLP leader) has been outspoken in his criticism of the disinvestment impact of the MacBride campaign. Trade Unions through the NIC/ICTU and the all-Ireland ICTU Executive have refused to endorse the campaign, and the Chairman of the former Fair Employment Agency (FEA) has been critical of the MacBride Principles as likely to bring companies into conflict with NI law and has in the past lobbied in the US to this effect.

6. There is close liaison between DED, NIO and FCO in handling the MacBride campaign. This is a time-consuming business centering on lobbying, and the production of independent Northern Ireland witnesses, at State legislatures and City Councils, to put the true facts on the record and oppose the pressure which the local legislators come under from the MacBride side's proponents. IT also involves visits by American politicians to Northern Ireland, media briefings and the production of publicity material. This activity has had some success, both in terms of weakening MacBride legislation and in getting it turned down. Ludicrous claims by MacBride activists about the amount of money

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That the Government has spent on all this - their highest estimate is £15 million - is perhaps a sign of frustration that all is not going their way. In fact, the true cost (of the lobbying including assistance to witnesses), of the six year counter-campaign is just over £750,000. The last figure made public (in response to a Parliamentary Question, made some time ago) was under £400,000.

7. There are some signs, after 7 years, that the MacBride campaign is beginning to lose momentum. But so far 1992 is proving another busy year. Most of its successes in State legislatures were scored in 1987 and 1988, and its proponents may be finding less fertile ground as they move further away from the heartland of East Coast Irish America. The Fair Employment Act of 1989 which came into law on 1 January 1990, has certainly taken some of the steam out of the campaign, causing its moderate supporters to lose interest in it and leaving the extremists isolated. However the recent disclosure of monitoring information on individual companies will undoubtedly give the Irish National Caucus (INC) further opportunity to target individual companies. There are no grounds for believing that the pressure of the campaign will subside to any degree in the foreseeable future.

8. Officials can provide further advice on options for handling the campaign in the future.

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