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NOTE OF A MEETING AT NETHERLEIGH ON MONDAY 26 JANUARY 1987 TO REVIEW HMG'S  
POLICY ON THE MACBRIDE PRINCIPLES

Present: D Fell (Chairman)  
J McAllister (part only)  
E Mayne  
P Bell  
R Wilson  
D McCartney  
C Gowdy  
J Wolstencroft  
J McConnell  
D Dewberry  
N Sheinwald  
L Nesbitt  
P Taggart  
P Thompson

1. The meeting commenced with reports from Mr Fell (on his US visit), Mr Sheinwald (on the current legislative position in the US) and from Mr Gowdy (on the company position).
2. It was clear that the legislative pressure in the US would continue. On the investment side the potential for damage as a result of the MacBride campaign was very great with GM, Ford and the Ball Corporation expressing particular concern. There was a need for close co-ordination within Government to ensure that the companies received consistent advice and support. Mr Gowdy and Mr McConnell were to liaise in respect of a proposed visit to NI of the personnel manager, Ford UK.

Action:

Mr Gowdy/

Mr McConnell

Policy

3. Government's existing stance was discussed, with particular reference to the legality of the Principles, bearing in mind the passage of legislation in Massachusetts and New York State and the American Brand ruling. It was agreed that Government should continue to resist the Principles focusing primarily on Government's own actions and majoring on the unnecessary and counter-productive part of the existing presentation. The difference of legal opinion and the prospect of conflict with the law should be registered but we should not overplay our hand on this. To all intents and purposes therefore the Feb 1986 statement was still valid. The presentation of HMG's opposition needed to be flexible depending on the circumstances prevailing but should be consistent in policy terms.

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State Legislatures

4. US legislative proposals endorsing MacBride should continue to be resisted by arguing the Government's case as in para 3 above. In extremis, ie where legislation looked increasingly certain, two fall-back positions were agreed. First, replacement of the Principles by the requirements in the draft Declaration of Practice in the Consultative Paper and second, qualification of the MacBride Principles by the requirement that they be "operated in a manner compatible with the law in NI." The impracticability of the Principle dealing with security of workers should also be pointed out.
5. The difficulties in respect of New Jersey and Connecticut were recognised and it was agreed that whilst continuing to press HMG's case as vigorously as possible the fall-back positions described in para 4 should be deployed as necessary.

Companies

6. It was agreed that we must continue to encourage companies to resist MacBride resolutions. We should not, however, baldly describe the Principles as illegal but it was legitimate, and presentationally desirable, to say that their legality was disputed (there were differing legal views on the matter) and that in giving effect to the Principles companies could find themselves in conflict with the law. We should continue to refer to the FEA's views. If under extreme pressure companies could be alerted to the draft Declaration of Practice in the Consultative Document as the basis for a possible alternative statement of company policy in this area. Subject to GM's agreement companies might also be referred to GM's Declaration if, in the event, it is adopted by the Corporation.
7. With regard to GM it was agreed that a letter should issue pointing out possible problems with the company's draft Declaration and that a meeting should be offered (Mr Mayne was to visit the US in February). An alternative was for DED to offer amendments to the company's draft Declaration although Mr McCartney pointed out some of the dangers. The arguments were finally balanced however and it was accepted that a specific draft might be provided if judged necessary. An approach would be made to the company to determine if they were agreeable to their Declaration, if adopted, being made known to other companies who found themselves in similar circumstances. The GM Declaration would not, however, be given to Legislatures.

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Monitoring

8. The view was taken that any monitoring of employment practices of US companies as a consequence of State legislation was best left to the companies (either directly or through consultants) and that monitoring by politically motivated bodies was not an option which HMG could endorse. Broader political opinion in the US would be embarrassed at the prospects of checks being carried out on HMG.

Briefing for the US

9. On advice from Mr Sheinwald it was decided that there was no need for a greyband at the present time. The immediate requirement was a short, punchy, glossy document with pictures for general issue. The core items should be housing, education/recreational provision and employment opportunities, and the objective should be to give an impression of life in Northern Ireland at home and at work. Diplock courts and terrorism should not be covered. Mr Bell undertook to produce a further outline draft.

Action:

**Mr Bell**

Enlisting positive support

10. It was generally agreed that there was little hope of a public statement against the MacBride Principles issuing from the Roman Catholic hierarchy, the SDLP or the ROI Government in the foreseeable future. However it was considered that there would even be merit in their putting forward arguments against disinvestment. Mr McConnell would ensure that the MacBride Principles were included in the SoS's discussion with Cardinal O'Fiaich. An approach would be made to Mr Carlin to enlist support and also to ask him to request support from the TUC. The TUC might also be approached through the FCO Overseas Labour Adviser.

Action:

**Mr Fell/**

**Mr Wilson**

Additional US post

11. A trawl was being circulated and it was understood that a Board would be convened in mid-February. Mr Fell expressed the strong conviction that the appointee should have experience of Northern Ireland.

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Mr Eccles

Action:

Mr Wilson/

Mr Gowdy

12. It was not considered that there was likely to be any difficulty about Government officials following up Mr Eccles' contacts but Mr Wilson and Mr Gowdy would discuss this at a later date.

Consultancy Review

Action:

Mr Mayne

13. Mr Sheinwald indicated that he would need to seek the Ambassador's view on a possible review on the lines proposed. He did not consider that a consultancy review would yield useful information. He suggested that a report of the question of HMG's case in the US could be adequately met from existing specialist resources within the FCO. Mr Mayne will explore this aspect further when he visits the US.

Visits

Action:

Mr Sheinwald

14. Mr Mayne and Mr Gilliland were both expected to visit the US towards the end of February. Mr Fell confirmed that he regarded Mr Mayne's visit as important.

Mr Mayne proposed to visit Bishop May (on whom further information will be provided from the US) who has been appointed by the Conference of Bishops in Washington to look into the MacBride Principles.

Cardinal Law will be visiting Cardinal O'Fiaich in March. Mr Eccles was involved in the invitation.

US/NI Company Fair Employment Practices

Action:

Mr Gowdy

15. Mr Gowdy advised that companies were uneasy about providing details of their employment practices including a breakdown of employment figures. However he undertook to write a low key letter to them seeking defensive information. He did not consider that he was likely to get a uniformly helpful response.

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Ministerial Approval

16. Consideration was to be given to whether the decisions taken at the meeting were within existing Ministerial approvals or required specific Ministerial endorsement.\*

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\* It was subsequently confirmed that the decisions were consistent with existing approvals.

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