110255

KID for onward transmission please

cc PS
LH 11/1.

Letter Faxed 11/1. original by bag on 24/1
DS

(30)

10 DOWNING STREET
LONDON SW1A 2AA

9

THE PRIME MINISTER

10 January 1994

Mr George cc PS/PUS
Sir T. David
Mr Hallett Q91
PS/SOSNI
PS/PUS NIO
Mr Thomas
Mr Bell
Mr Brookes
Mr Daniell
NI
11/1

Dear Albert,

Thank you for your letter of 30 December, and for your kind wishes for 1994. I warmly reciprocate these. Thank you, too, for your generous words regarding my adoption of the Joint Declaration. In my turn, I warmly acknowledge the significance and statesmanship of your explicit recognition, in particular, of Unionist fears and perceptions.

With you, I have found the width of the warm public response to the Declaration encouraging, and although the actions of the Provisional IRA since the ending of their Christmas cease-fire have been inexcusably murderous, and enormously costly in their consequences, the restraint of our own reaction has reflected an understanding of the delicate psychology involved in the exercise to which both our Governments are committed.

We must guard against arbitrary deadlines but you will readily understand that the limit of what it is possible for us to tolerate, in the sense of keeping the door open, is now being approached. Only by a combination of luck and professionalism have the security forces, and also civilians, been spared further fatalities. We cannot count on this continuing. For our part we shall, as long as is practicable, continue to be measured in our response to further attempts to

kill people in Northern Ireland, or to destroy their businesses and jobs. We shall go on presenting the Declaration as a fair and balanced document which safeguards the vital interests of both main parts of the community and which is a victory for nothing but common sense and democracy. We shall emphasise that it postulates no specific outcome in the general agreement which the two Governments are seeking.

We shall also emphasise that business continues as usual, particularly as far as the Talks process is concerned - indeed one of the aims of the Declaration was to provide renewed impetus for that process. All four constitutional parties have said they are prepared to talk, on the basis of the statement of 26 March 1991, and Patrick Mayhew has written to each leader inviting his party's participation in further bilateral discussions with Michael Ancram as early as next week. Patrick has also written to Dick Spring emphasising the urgent need to make progress on the work which the two Governments commissioned, on 10 September, on an illustrative outcome of the Talks process.

I believe that an intensification of the Talks process will demonstrate to the constitutional parties that we will <u>not</u> allow a political vacuum to develop while we await reaction to the Joint Declaration. It will also remind Sinn Fein that the political situation will not stand still while they decide their reaction. So I very much hope you will continue to give the Talks process - and the work involving our two Governments which is crucial to carrying it forward - your personal support and encouragement.

I fully agree that neither Government should appear to threaten, bribe or try to humiliate Sinn Fein. We shall both soon, for example, face political

decisions on the future of our respective broadcasting restrictions. It has always been helpful that we have stood together on this issue. Continuing to do so is all the more vital at this critical time. I fear that relaxing the restrictions in the Republic in advance of an ending of the violence would be interpreted as a bribe to Sinn Fein. So I hope our officials can discuss the issues before decisions are reached.

In the event that the IRA may not abandon violence within a reasonable time, you have yourself suggested that this may have consequences for security measures. We would like to discuss this aspect as well.

I must, however, take issue with what you said about the judgment of the Lord Chief Justice of Northern Ireland in the Caraher case, especially your reference to 'verdicts which tend almost automatically to exonerate the security forces'. Sir Brian Hutton's judgment extends to 70 pages of typescript, and no conceivable reading of its recital of the evidence, or its consideration and application of the relevant law, can justify such a grave imputation. I attach a copy.

Unhappily your observation reflects newspaper reports that 'Government circles in Dublin' had apparently viewed the judgment before the transcript had even been seen - as 'not helping the peace process'. The dangerous implication of such comments is that the judiciary ought to be influenced, when trying a case of murder, by considerations affecting a political process. This must be totally unacceptable, as would any notion that the timing of such a judgment could properly be similarly influenced. As you say, I do not control the courts any more than you do.

The record of the judiciary of Northern Ireland for impartiality and independence over the last 25 years has rightly been accorded very great admiration and praise. We ourselves believe it right to make no criticism of any judicial or quasi-judicial decision made in any jurisdiction (including of course the Irish jurisdiction) in which the rule of law is upheld, however unwelcome a particular decision may be to us. So I cannot agree that there will be anything to discuss concerning the Caraher judgment itself at the next Inter Governmental Conference. We remain, of course, very content to discuss general questions on the law concerning the use of force which, as you know, is currently under review.

The next IGC will be a timely opportunity to review reaction to the Declaration, as well as to give added impetus to the Talks process. I know you agree that the sensitive endeavour in which we are both engaged benefits from the closest co-operation between us.

Yours Ever, John

Albert Reynolds Esq TD