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Northern Ireland Office
Parliament Buildings
Belfast BT4 3ST

The Right Hon the Lord Irvine of Lairg
The Lord Chancellor
Selborne House
54/60 Victoria Street
LONDON
SW1E 6QW

AL *cc PB*
+ file *AC*
26/2

23 February 1998

Dear Derm,

You will have seen my letter of 5 February to Ann Taylor about Sinn Fein and the Oath of Allegiance and the letter of 11 February from her office detailing the points made during a meeting we had on all this.

The purpose of this letter is to ask you to now consider putting this issue on the agenda of the Ministerial Committee on Constitutional Reform (CRP) which you chair.

Apart from the current presentational problems created by Sinn Fein milking publicity from what they can portray as a legitimate grievance, I am concerned that we should be well prepared to defend ourselves on this issue when Sinn Fein take the matter to the ECHR. They may have other preoccupations at the moment but I am sure they do not intend to let the question of the Westminster Oath drop from their agenda.

You will also have seen Jack Straw's letter of 18 February in which he expressed concern that any change to the Oath would simply serve to grant Sinn Fein the Westminster facilities they seek. I would like to stress that a change to the Oath of the kind I would like to see would not in itself result in

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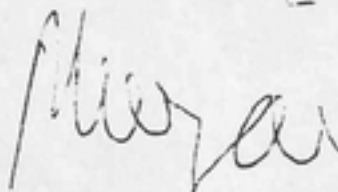
Sinn Fein gaining access to those facilities unless they were prepared to take their seats. What it would do is expose the fact that the withdrawal of facilities derived from their abstentionism and not from their adherence to Republican principles.

A separate but related point which CRP might also look at is the Oaths required of those elected to the devolved institutions in Scotland and Wales. The requirement to take an Oath to the Queen and the penalty for not taking a seat varies from the arrangements likely to be followed in Northern Ireland (which would probably be based on the arrangements put in place in 1973 - a "neutral" Oath and no penalty for not taking up a seat). It is possible that there will be pressure from Unionists for Northern Ireland to follow the Scottish and Welsh precedent. While I can see good reasons for having different arrangements for Northern Ireland, I think we must be ready to defend our stance. The CRP seems the ideal forum to develop our strategy on all this.

I am copying this letter to the Prime Minister, the Home Secretary, the Lord Privy Seal, the President of the Council, First Parliamentary Counsel and to Bill Jeffrey and Andrew Kennon of the Cabinet Office.

PS/SCS (L)
 PS MR Murphy (BWL)
 PS/PUS (BWL)
 PS MR Sapiro
 MR Thomas
 MR Stephens
 MR MR Custer

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 MARJORIE MOWLAM

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