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Conclusions

CABINET

CONCLUSIONS of a Meeting of the Cabinet
held at 10 Downing Street on

THURSDAY 5 FEBRUARY 1987

at 10.30 am

P R E S E N T

The Rt Hon Margaret Thatcher MP
Prime Minister

The Rt Hon Viscount Whitelaw
Lord President of the Council

The Rt Hon Lord Hailsham of St Marylebone
Lord Chancellor

The Rt Hon Sir Geoffrey Howe QC MP
Secretary of State for Foreign and
Commonwealth Affairs

The Rt Hon Nigel Lawson MP
Chancellor of the Exchequer

The Rt Hon Douglas Hurd MP
Secretary of State for the Home Department

The Rt Hon George Younger MP
Secretary of State for Defence

The Rt Hon Nicholas Edwards MP
Secretary of State for Wales

The Rt Hon John Biffen MP
Lord Privy Seal

The Rt Hon Norman Fowler MP
Secretary of State for Social Services

The Rt Hon Norman Tebbit MP
Chancellor of the Duchy of Lancaster

The Rt Hon Tom King MP
Secretary of State for Northern Ireland

The Rt Hon Michael Jopling MP
Minister of Agriculture, Fisheries and Food

The Rt Hon Nicholas Ridley MP
Secretary of State for the Environment

The Rt Hon Lord Young of Graffham
Secretary of State for Employment

The Rt Hon Kenneth Baker MP
Secretary of State for Education and Science

The Rt Hon Kenneth Clarke QC MP
Paymaster General

The Rt Hon John MacGregor MP
Chief Secretary, Treasury

The Rt Hon Malcolm Rifkind QC MP
Secretary of State for Scotland

The Rt Hon Paul Channon MP
Secretary of State for Trade and Industry

The Rt Hon John Moore MP
Secretary of State for Transport

ALSO PRESENT

The Rt Hon John Wakeham MP
Parliamentary Secretary, Treasury

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SECRETARIAT

Mr D F Williamson
Mr C L G Mallaby (Items 3 and 4)
Mr A J Langdon (Items 1 and 2)
Mr J H Holroyd (Items 3 and 4)
Mr M J Eland (Items 1 and 2)

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PARLIAMENTARY
AFFAIRS

1. The Cabinet were informed of the business to be taken in the House of Commons in the following week.

Human Rights
Bill

THE LORD CHANCELLOR said that a report in "The Times" newspaper earlier in the week had suggested that he supported the Human Rights Bill introduced by Sir Edward Gardner MP. That report was a distortion. While he was well known to support the concept of incorporating the European Convention on Human Rights into United Kingdom law, he was mindful of the need to do so in a way which did not weaken the sovereignty of Parliament. "The Times" had reported comments he had made in support of an earlier Bill which avoided that pitfall, and had applied them to Sir Edward Gardner's Bill, which in fact took the wrong approach to the sovereignty issue.

Previous
Reference:
CC(87) 3.1

The Cabinet

Took note.

HOME
AFFAIRS

Lobbying
by Non-
Departmental
Public
Bodies

2. THE SECRETARY OF STATE FOR THE ENVIRONMENT said that it had come to his notice that the Sports Council were intending to write to the leaders of all political parties and to all Parliamentary candidates asking for a statement of their attitude to the future funding of sport. This was obviously an attempt to induce the various political parties to outbid each other in offers of support and, as such, should be resisted. It was questionable whether it was proper for a quasi-governmental body to engage in such blatant political lobbying.

THE PRIME MINISTER, summing up a short discussion, said that the growth of lobbying tactics of this kind could have an unhealthy impact on British political life. It was important that it was restricted from the outset. It was also important that a common line was adopted by all Conservative Party candidates approached in this way.

Testing for
AIDS

THE SECRETARY OF STATE FOR SOCIAL SERVICES said that a number of press reports that morning had suggested that the Government was contemplating introducing a system of testing all blood samples taken from those admitted to hospital, for whatever reason, to establish which were carriers of the AIDS virus. The suggestion was that such tests would be carried out without the knowledge or consent of the patients, and that the results would be anonymised and that there would thus be no way of informing patients of the result. The intention of such tests would simply be to build up a better body of information. In fact, this was a proposal put forward by the British Medical Association in their evidence to the Social Services Select Committee which was currently

engaged in a study of AIDS. There were arguments both for and against such a system, and it had been identified as an issue which the Ministerial Committee on Home and Social Affairs Sub-Committee on AIDS should consider in due course, though it had not yet done so.

The Cabinet -

Took note.

Lenient
Sentences

THE HOME SECRETARY said that there had been a general public outcry at the lenient sentences passed by Mr Justice Leonard earlier that week on the perpetrators of a particularly horrifying multiple rape, and at the insensitive remarks made by the Judge in passing sentence. Pressure was now building up for stern measures including minimum sentences for rape and a prosecution right of appeal against lenient sentences. These ideas had far-reaching implications and it would clearly be wrong for policy on them to be precipitately changed in the heat of the moment. The Government still proposed that the best course on the problem of lenient sentences was to take power for the Attorney General to refer a lenient sentence to the Court of Appeal to enable a judicial pronouncement to be made on the appropriate sentence for a case of that kind. This arrangement would not place the individual defendant in jeopardy of his sentence being increased, but it would go far to remedy the imbalance in the present system, which only provided for sentences to be reviewed by the higher courts when they were allegedly too severe. The provision in the Criminal Justice Bill that embodied these proposals was to be debated in Standing Committee in the House of Commons the following week. It was a central component of the Government's criminal justice policies, and it was important that it should not be frustrated by the House of Lords, who had rejected an earlier version of the proposal during the passage of the Prosecution of Offences Act.

THE PRIME MINISTER, summing up a short discussion, said that the public reaction to the sentences passed that week emphasised, if that were needed, the importance of enacting the Government's proposals to remedy the manifest lacuna in the present law in respect of lenient sentences. It was to be hoped that the House of Lords would now drop their objections, and the Lord President of the Council and the Lord Chancellor should make every effort to see that they did. Meanwhile, the public might be reminded that it had been the deliberately adopted policy of the Labour and Liberal Parties to oppose the Government's proposal for machinery to refer lenient sentences to the Court of Appeal when it had been before Parliament during the passage of the Prosecution of Offences Act.

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The Cabinet -

2. Took note, with approval, of the Prime Minister's summing up of the discussion and invited the Lord President of the Council and the Lord Chancellor to proceed accordingly.

FOREIGN
AFFAIRS

Lebanon

Previous

Reference:

CC(87) 3.3

3. THE FOREIGN AND COMMONWEALTH SECRETARY said that there was still no hard news about the fate of the Archbishop of Canterbury's Special Representative, Mr Terry Waite, who had disappeared in Lebanon some two weeks previously. Indications were emerging from various sources that Mr Waite might have been detained because he had failed to produce money or undertakings about further arms deliveries to Iran, which apparently had been expected by his interlocutors in return for the release of hostages. These stories seemed plausible, although it would be quite wrong to assume that Mr Waite would have had anything to do with arms deliveries to Iran. The Archbishop of Canterbury had written to the Speaker of the Iranian Parliament, Hojjatoleslam Rafsanjani, and to the spiritual leader of the Shia community in Lebanon. The Government were maintaining close touch with Lambeth Palace. But he remained convinced that the Government should not become involved in representations on behalf of Mr Waite, since that would enhance his importance in the eyes of his captors.

There was continuous speculation in the media about movements of United States forces in the Eastern Mediterranean, with the inference that the United States might be considering military action in Lebanon. The Government were doing everything possible to stay abreast of United States intentions. There were in fact no signs of preparations for military action; such moves of forces as had taken place had been routine ones. It was, moreover, hard to see what type of military operation in relation to hostages held in Lebanon would be feasible. There had meanwhile been rumours that the Federal Republic of Germany might be considering an exchange of German hostages in Lebanon for Arabs in prison in the Federal Republic. The Government had made representations to the Federal Government in support of the agreed policy of the member states of the European Community (EC) that no concessions would be made under duress. It seemed that the Federal Government would allow the normal processes of the law with regard to Arabs held in the Federal Republic to take their course, and there was no reason at present to expect the Federal Republic to abandon the common policy of the EC countries.

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Falkland
Island
Fisheries

Previous
Reference:
CC(86) 36.3

THE FOREIGN AND COMMONWEALTH SECRETARY said that the Falkland Islands Interim Conservation and Management Zone (FICZ) had come into force on 1 February. Some of the statements of the Argentine Government on the matter had been truculent, but these had apparently been intended for domestic purposes. The signs were that Argentina was in fact observing a ten mile buffer zone along the western side of the FICZ and was thus likely to accept the FICZ de facto. Licences to fish in the FICZ would bring to the Falkland Islands Government sums which would be significant in terms of that Government's finances. There had meanwhile been press reports that Argentina might be seeking through indirect contacts to arrange talks with the United Kingdom on fisheries matters. It was true that indications had been received of possible Argentine willingness to discuss a modus vivendi regarding fishing in the area, without insisting that the questions of sovereignty should be raised. The Government's reactions via the United States Government had so far been cast in interrogative terms. It was necessary to handle press enquiries on this guardedly. The leaders of the community in the Falkland Islands were being informed.

Iran/Iraq
War

Previous
Reference:
CC(87) 3.3

THE FOREIGN AND COMMONWEALTH SECRETARY said that Iraq in the past week had achieved some successes in the fighting, which would raise morale on her side. This reinforced his opinion that Iran was probably unlikely to be able to enter Basra or to isolate it. The Islamic Conference had taken place in Kuwait, without Iranian attendance, and appeared to have made no progress in the search for peace in the war. The Secretary General of the United Nations, Senor Perez de Cuellar, was continuing his activity in this cause. Overall, no major change concerning the war was in early prospect, but the deterioration of the situation seemed for the moment to have halted.

The
Philippines

Previous
Reference:
CC(87) 3.3

THE FOREIGN AND COMMONWEALTH SECRETARY said that the results of the constitutional referendum in the Philippines on 2 February had strengthened the position of the President, Mrs Corazon Aquino. Some 75-80 per cent of a total turnout of 80 per cent had voted for the constitution, though votes against it had come from some of the major military bases. The internal situation in the Philippines remained uncertain.

Comprehensive
Test Ban

In discussion, it was noted that the Soviet Union had exploited a planned pause in its programme of nuclear testing in order to declare a unilateral moratorium and to gain propaganda advantage. In the past two days, Soviet representatives had spoken effectively on this matter on British radio. The Government's public position was that the United Kingdom was seeking progress towards a comprehensive test ban (CTB) but

that verification of such a ban presented a major obstacle. The public position of the United States Administration had been that nuclear tests would be needed so long as nuclear weapons were needed. But it had been agreed in principle, at the meeting of the United States and Soviet leaders in Reykjavik in October 1986, that step by step progress towards a CTB should be sought, involving the bringing into force of the unratified Soviet/United States treaties on a threshold test ban and on peaceful nuclear explosions. This development should make it easier to align the public positions of the United Kingdom and United States Governments regarding the approach towards a CTB.

It was agreed that the Government should do more to advocate their position in public, making inter alia the point, of which some of the public might not be aware, that the United Kingdom and the United States only undertook nuclear tests underground.

The Cabinet -

Took note.

COMMUNITY
AFFAIRS

Meeting
with
President
of the
Commission

4. THE PRIME MINISTER said that she would be meeting the President of the Commission, Monsieur Delors, after Cabinet to discuss his ideas on the future financing of the European Community. She would be taking a firm line on Community expenditure.

The Cabinet -

Took note.

Cabinet Office

5 February 1987