

S
809

PREM 19/1285

~~SECRET~~

UK EYES A

Confidential Filing

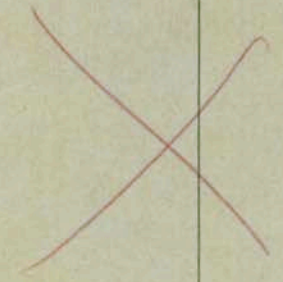
Situation in Northern Ireland

IRELAND

Force Levels

Part 1: May 197

Part 15: January 1

Referred to	Date	Referred to	Date	Referred to	Date	Referred to	Date
26.1.84		16.3.84					
31.1.84		30.3.84					
8.2.84		9.4.84					
9.2.84		13.4.84					
		30.3.84					
		- PART ENDS -					
13.2.84							
15.2.84							
16.2.84							
17.2.84							
29.2.84							
6.3.84							
7.3.84							
6.3.84							
12.3.84							
14.3.84							
15.3.84							

● PART 15 ends:-

Doublin Tel 007 30.3.84

PART 16 begins:-

SS/MO to Baroness Elles 10.4.84

Published Papers

The following published paper(s) enclosed on this file have been removed and destroyed. Copies may be found elsewhere in The National Archives.

House of Commons HANSARD, 15 March 1984, columns 941 to 962: Maze Prison: Hennessy Report

House of Commons HANSARD, 9 February 1984, columns 1042 to 1112: Maze Prison (Hennessy Report)

House of Commons HANSARD, 26 January 1984, columns 1053 to 1062: Maze Prison (Hennessy Report)

House of Commons HANSARD, 18 January 1984, columns 319 to 326: Kincora Children's Home

The Maze Escape – Report of an Inquiry by Sir James Hennessy published as H.C. 203 on 26 January 1984

Signed

J. Gray

Date

27/6/2013

PREM Records Team

IMMEDIATE

PS
PS/LADY YOUNG
PS/MR. WHITNEY

PS/S of S

SIR P WOODFIELD

PS/PUS

MR BRENNAN

SIR J BULLARD

MR ANGEL

MR JENKINS

MR BOYS SMITH

NIO

ED/RID

SIR R ARMSTRONG

ED/PUSD (2)

DIO

CABINET OFF.

ED INFO D

ED/NEWS D

PS/No 10 DOWNING STREET (3)

~~RESIDENT CLERK~~

GRS400

UNCLASSIFIED

FM DUBLIN 301130Z MAR 84

TO IMMEDIATE NIO LONDON

TELEGRAM NUMBER 007 OF 30 MARCH 1984

AND TO IMMEDIATE FCO

INFO PRIORITY: UKREP BRUSSELS NIO (B)

NORTHERN IRELAND: HAAGERUP REPORT

1. THE IRISH MINISTER FOR FOREIGN AFFAIRS, MR BARRY, ISSUED A STATEMENT YESTERDAY WELCOMING THE ADOPTION OF A RESOLUTION ON NORTHERN IRELAND BY THE EUROPEAN PARLIAMENT. HE SAID IT OFFERED NEW HOPE TO THE PEOPLE OF BOTH TRADITIONS IN NORTHERN IRELAND AND CLEAR ENCOURAGEMENT AND SUPPORT TO THE IRISH AND BRITISH GOVERNMENTS TO PROMOTE PEACE AND STABILITY.

2. MR BARRY WAS PARTICULARLY SATISFIED THAT THE PARLIAMENT FULLY RECOGNISED THE ROLE OF THE IRISH GOVERNMENT IN SEEKING AN ACCEPTABLE SOLUTION TO THE PROBLEM OF NORTHERN IRELAND. HE SAID THE RESOLUTION STRESSED THE NEED FOR THE IRISH AND BRITISH GOVERNMENTS TO EXPAND THEIR WORK TOGETHER TO BRING ABOUT

~~TRUTHFUL GOVERNMENTS TO EXPAND THEIR WORK TOGETHER TO BRING ABOUT~~
A POLITICAL SYSTEM TO ACCOMMODATE THE IDENTITIES OF THE TWO
TRADITIONS.

3. ON SECURITY, HE NOTED WITH SATISFACTION THAT THE EUROPEAN PARLIAMENT RECOGNISED THE VERY HIGH PROPORTIONATE COST BORNE BY THE REPUBLIC. HE WAS HAPPY THAT THE IRISH GOVERNMENT'S CONCERN OVER THE ALIENATION OF THE MINORITY WAS SHARED BY THE EUROPEAN PARLIAMENT AND NOTED THE IMPORTANCE ATTACHED BY THE PARLIAMENT TO MAINTAINING EFFORTS TO END RELIGIOUS DISCRIMINATION.

4. MR BARRY ADDED THAT THE IRISH GOVERNMENT LOOKS FORWARD TO THE PRESENTATION OF AN INTEGRATED DEVELOPMENT PLAN FOR NORTHERN IRELAND.

5. ALTHOUGH THE RESOLUTION WAS NOT PERFECT 'FROM THE IRISH NATIONALIST POINT OF VIEW', MR HAAGERUP'S APPROACH HAD BEEN 'SENSITIVE, FAIR AND GENEROUS'. THE PARTIES IN THE NEW IRELAND FORUM WERE IMBUED WITH A SENSE OF URGENCY ABOUT THE NEED TO END 'THIS TERRIBLE TRAGEDY SOON'. EVERYONE WHO WANTS TO SEE A PEACEFUL SOLUTION TO THE NORTHERN IRELAND CRISIS CAN ONLY BE ENCOURAGED BY THE EUROPEAN PARLIAMENT'S COMMITMENT TO RESOLVE IT.

GOODISON



CONFIDENTIAL

B.06709

MR COLES ✓

A & C. 3.
4
n.a.

c Sir Robert Armstrong

Mr Haughey and the British

I think you will find the attached article from the Irish "Sunday Tribune" of 25 March worth a glance. Although Vincent Browne, the newspaper's editor and presumed author of the piece, is well known for his IRA contacts and his judgements should accordingly be taken with a large pinch of salt, there is no reason to doubt the general picture which he presents of Mr Haughey's current attitude to Britain - which in turn reflects and influences the large nationalist element in the Irish electorate. The article is an instructive indication of the difficulties which Dr Fitzgerald will have to cope with in his efforts to make constructive use of the Forum's report.

David Goodall

A D S Goodall

29 March 1984

CONFIDENTIAL



British Embassy
33 Merrion Road Dublin 4
Telex 5296 Answer Back 5296 UKDB EI
Telephone 695211

RECEIVED IN REGISTRY NO. 75		
26 MAR 1984		
DESK OFFICER	REGISTRY	
INDEX	PA	When Taken

C D O Barrie Esq
Republic of Ireland Dept
F.C.O.
LONDON

CABINET OFFICE
B...677.....
29 MAR 1984
FILING INSTRUCTIONS
FILE No.

Your reference

Our reference

Date

26 March 1984

Dear David,

Pretty hair-raising.

- 1. cc Mr Jenkins
Mr Goodall, Cabinet Office
~~Mr P. ...~~
Mr McCormick, Research Dept.
- 2. NH
DD
GCos.

MR HAUGHEY AND THE BRITISH

1. You may be interested in the attached article from yesterday's "Sunday Tribune" which ties together the milk battle and the Forum in the person of Mr Haughey. It coincides with Fogarty's remarks to the Ambassador on the previous Saturday (reported in our telegram No.129 paragraph 7 not to NIO).
2. Paddy MacKernan commented that the article was probably based on a briefing from Martin Mansergh to Vincent Browne, the editor of the "Tribune", who we believe is "J J O'Molloy".
3. Seat-belts fastened for the Fianna Fail Ard Fheis!

DB
28/3

Y- ever,

David Tatham
D E Tatham

cc: R S Reeve Esq, NIO(B)
S Boys Smith Esq, NIO(L)

CHARLES HAUGHEY's fears of a British intelligence plot to destroy him may not be all that far-fetched. It is obvious that Anglo-Irish relations will take a sharp turn for the worse should he ever regain power. He has become frighteningly frank about his hostility to the Thatcher government. And he has now taken to using the bleakest nationalist rhetoric regarding eternally perfidious Albion.

Garret FitzGerald was visibly shaken by the Fianna Fail leader's Dail outburst: "Will you never learn? Will you never understand that no matter what soft words or protestations are used, the age-old reality prevails? Britain relentlessly and remorselessly pursues Britain's self-interest, no matter whom it hurts or affects. I hope this lesson will be fully understood in another context also."

There was more in the same vein from the shadow Taoiseach. Gestures of appeasement and compliance from FitzGerald to Thatcher in Brussels had gone coldly unreciprocated. She had led the pack against Ireland. It was time to deal with British blackmail, time for an end to sophistry, ambivalence and self-deception in face of such cold, harsh reality. "Ireland's interests are best defended by Irish men and women, and all the appeasement and platitudes and honeyed words mean nothing when the chips are down."

It went deeper than just misguided government. There was a naked Haughey attack upon the competence of the most senior diplomat of the Department of Foreign Affairs. He spoke with particular contempt of the concepts "oozing" out of Iveagh House where his old adversary Sean Donlon directs current strategy. There were repeated references to "appeasement" and failure to understand that the appearance of improved and friendly Anglo-Irish relations amounted to a pure illusion. They had been fooled into offering Thatcher support on the British budgetary problem. And their reward, apart from total rejection of the Irish superlewy position, was Thatcher's public condemnation of FitzGerald's walk-out from the council meeting and the final insult of being denied even the customary brief bilateral meeting between Taoiseach and prime minister on such occasions. Said Haughey: "It represents a complete failure of Irish diplomacy."

FitzGerald stared bleakly across at his adversary. Any lingering hopes he may have harboured for the outcome of the New Ireland Forum surely died then. He must also have realised this was no empty

Next Time Charlie Vows To Remember Perfidious Maggie

POLITICS/J.J. O'MOLLOY

rhetoric from Haughey. And it is vital for everyone else also to understand that. It is several years now since one of his firmest admirers allowed that his only reservation about the FF boss had to do with his gut Anglophobia. And this was even before that cosy era of teapot diplomacy came to an end.

IT was Churchill who observed that the reason for having diplomatic relations is not to confer a compliment but to secure a convenience. And it is a fact that alliances have no absolute virtues, whatever the sentiments on which they are based. But it should not be forgotten that CJ and Maggie, that most unlikely of pairings, went tantalisingly close to forming an historic liaison at Dublin Castle in December of 1980. Haughey had devoted a full year to the courtship. He had not only to overcome his own deep-seated prejudices but to skilfully circumvent the lady's ingrained loathing of the tribe that spawned the murderers of her friend Airey Neave and Earl Mountbatten.

Contrary to popular hindsight, he earned her grudging esteem. And the famous Georgian silver teapot, gift actually went down a treat. The prime minister probably does not yet fully realise what an implacable enemy she created when she eventually spurned him.

But Thatcher was in earnest at Dublin Castle. She came at the head of the biggest delegation from Britain to Ireland since the foundation of the state. Lord Carrington and Sir Geoffrey Howe helped put the finishing touches to a joint communiqué emphasising the "totality of relationships within these islands". The possibility of setting up new institutional structures between Ireland and Britain was described as "extremely significant". It was a personal triumph for Haughey and not even his subsequent indiscretions about the significance of what was achieved or Brian Lenihan's impetuosity

in insisting that "everything is now on the table" could alter that fundamental fact.

But Republican prisoners were already on hunger strike in the H-Blocks of Long Kesh. Ten days after the Dublin summit they ended their fast on the basis of British settlement proposals. Soon afterwards, however, they announced the British had reneged on their commitment and that they were forced to resume the hunger strike. Bobby Sands refused food on 1 March, 1981.

HAUGHEY will never forgive Thatcher for what followed. Sands, Francie Hughes, Ray McCreesh and Patsy O'Hara died during the course of an emotive general election campaign. All the while, Haughey resolutely refrained from any public criticism of Thatcher, confining himself to increasingly desperate behind-the-scenes pleas for flexibility. He nevertheless managed to win 78 Dail seats, a considerable achievement, but two short of the combined Fine Gael/Labour total. H-Block prisoners Kieran Doherty and Paddy Agnew made the difference in Cavan/Monaghan and Louth. FitzGerald became Taoiseach and immediately began to criticise openly Thatcher's handling of the hunger strike. That was the final straw for Haughey. Next time.

He had only to wait seven months for the restoration. Within days of resuming office, he was calling for British withdrawal from Northern Ireland. He scathingly rejected James Prior's creation of the new Northern Ireland Assembly and when Margaret Thatcher launched her Falklands armada he personally dictated the dramatic *volte face* from the position in which Ireland had agreed to EEC economic sanctions against Argentina and Noel Dorr had strongly condemned Argentina's breach of international law. After the British sank

Department of Social
On another occasion, Planning, or at least a separate has been held over.

the cruiser *General Belgrano*, he ordered Ireland's derogation from the EEC sanctions and instructed Dorr to make a *démarche* at the United Nations with a view to obtaining a ceasefire.

Whatever the rights and wrongs of that decision, it precipitated the worst crisis in Anglo-Irish relations since World War II. Then a few months later, already maintaining he was the target of an orchestrated British smear campaign, Haughey again lost power and FitzGerald took over with a promise to restore "normality" to Anglo-Irish relations.

FORMALITY? FitzGerald's misfortune is that his conciliatory softly-softly approach has met with precious little response from Downing Street. Indeed, Thatcher has dealt him one public rebuff after the other right across a range from the New Ireland Forum to the EEC. It is difficult to believe that the kind of provocative remarks made by Michael Heseltine and Prince Philip when visiting Northern Ireland are not symptoms of a prevailing British attitude.

FitzGerald has repeatedly warned Thatcher that the rise of Sinn Féin is no temporary phenomenon, that unless realistic concessions are made to the nationalists of the North the constitutional minority politicians will be engulfed in a Republic. She has sweetly complimented him on his enlightened attitude, his transcendence over the dreadful "Mr. Hockey" and his achievements in improving security co-operation along the Border. There is a nagging suspicion in some government quarters that all FitzGerald's painstaking propitiation is wasted on the lady.

Peter Barry tried to strike a balance at one stage. It is almost a year to the day since he said in Limerick: "I am an Irish nationalist. I resent the political division of this island and I regard the long-term British presence in Ireland as an obstacle to the reconciliation of the two Irish traditions and to the achievement of peace and stability in this island."

Soon afterwards, he was asked on RTE if he would be prepared to debate on Northern Ireland with Gerry Adams: "I think not at the moment, no; I think yes after the Forum. There wouldn't be much point at the moment because I don't want to sort of pre-empt any discussions that take place in the Forum, or any conclusions that it may come to. I shouldn't even be saying it on this programme, saying what may come out of it in the future. But after that, yes, I would. I'm quite convinced, you see, that

he represents virtually nobody. I represent virtually 80 per cent of the Irish people, my point of view." That was as much of the Barry iceberg as broke surface. He submerged immediately afterwards and the placatory FitzGerald influence again settled over the Irish Sea.

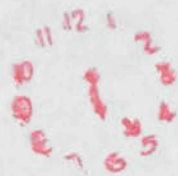
TWO considerations have dictated the hardline Haughey approach. He candidly admits that harsh experience was his first eye-opener. He says he now firmly believes that even if an Irish government were to fully comply with every cross-Channel request on the North, the British would never move until it suited their purposes; national self-interest dominates every other consideration for the British and, as he says, throwing steaks at the lion will not make it a vegetarian.

On a more quantifiable level, Haughey and his closest adviser Martin Mansergh believe southern Irish politicians cannot afford to disassociate themselves for hardening northern nationalist attitudes, even if they so wished. They maintain it had been the vaguely apologetic school of Irish diplomacy that drove the northern minority to vote so massively for Sinn Féin in the first instance and that an unbendingly adversary role to present British policy is the only way to stop the rot.

It would be a mistake to regard Haughey's outburst in the Dáil as mere bombast. Shortly before that speech, he had been ruled out of order after demanding to know why Dominic McGlinchey had been extradited before he could have been dealt with by the Irish courts. There is no doubt that, were CJ Haughey still Taoiseach, McGlinchey would have been tried in the Republic's jurisdiction. He remarked afterwards that all FitzGerald got in return for handing him to the Brits was a kick in the teeth at Brussels.

The report of the New Ireland Forum will eventually reflect this collapse of a bipartisan Irish approach to the northern problem. Hapless officials at Dublin Castle have been told to prepare a "dolly mixture" camouflaged with a coating of green icing. It will be launched with the greatest solemnity — even Fianna Fáil will ritually proclaim its consequence. And then it will be consigned to oblivion. Charles Haughey covets power in order to tackle the problem in a completely different way. And it is imperative to understand that his professed hostility and distrust of the British is a true reflection of his present political convictions.

29 MAR 1984



GRS 750
UNCLASSIFIED
FM UKDEL STRASBOURG 291800Z MAR 84
TO PRIORITY FCO
TELEGRAM NUMBER 48 OF 29 MARCH
AND TO PRIORITY UKREP BRUSSELS AND DUBLIN
INFO SAVING ALL OTHER EC POSTS AND WASHINGTON

FROM UKREP BRUSSELS

EUROPEAN PARLIAMENT : HAAGERUP REPORT ON NORTHERN IRELAND

SUMMARY

1. THE EUROPEAN PARLIAMENT ON 29 MARCH ADOPTED THE HAAGERUP REPORT ON NORTHERN IRELAND BY 124 VOTES TO 3 WITH 63 ABSTENTIONS. A LIVELY DEBATE WITH PAISLEY, BLANEY AND OTHERS MAKING PREDICTABLE INTERVENTIONS. THE COMMISSION SAID THAT A SPECIAL GROUP OF COMMISSIONERS WOULD CONSIDER MEASURES FOR IRELAND, IN PARTICULAR TRANS-FRONTIER PROJECTS.

2. THE ADOPTED RESOLUTION INCLUDED FEW AMENDMENTS. HAAGERUP'S OWN AMENDMENT "RECOGNISING THAT THE INFRINGEMENTS OF CIVIL AND HUMAN RIGHTS.....HAVE HAD A DEPLORABLE EFFECT ON THE SITUATION IN NORTHERN IRELAND" BUT "RECOGNISING THE EFFORTS OF SUCCESSIVE BRITISH GOVERNMENTS IN RECENT YEARS TO END THEM" WAS ADOPTED. AN AMENDMENT BY BLANEY CALLING FOR THE WITHDRAWAL OF BRITISH TROOPS WAS DEFEATED BY 126 VOTES TO 23. A FURTHER BLANEY AMENDMENT CALLING FOR "A PEACEFUL AND PROSPEROUS IRELAND ON THE BASIS OF SELF-DETERMINATION" WAS ALSO REJECTED BY 138 VOTES TO 21.

3. TEXT OF REPORT AS ADOPTED BY BAG TO ECD(1).

DETAIL

4. HAAGERUP SAID THE COMMUNITY'S AIM SHOULD BE TO CONTRIBUTE TO ALLEVIATING THE SERIOUS ECONOMIC SITUATION IN NORTHERN IRELAND, PARTICULARLY SOCIAL CONDITIONS WHICH WERE CHARACTERISED BY A HIGHER DEGREE OF UNEMPLOYMENT THAN IN ANY OTHER PART OF THE COMMUNITY. THERE WAS GOOD WILL BETWEEN THE UK AND IRISH GOVERNMENTS, INSTANCED RECENTLY IN THE SECURITY FIELD BY THE HANDING OVER OF MCGLINCHY. THE PARLIAMENT COULD NOT BE NEUTRAL ON VIOLENCE - "WE FIND NO JUSTIFICATION FOR TERRORISM IN WHATEVER FORM, AND I CAN REPORT TO THIS HOUSE THAT IN THIS CONDEMNATION OF VIOLENCE WE ARE ON THE SIDE OF NOT ONLY THE BRITISH AND IRISH GOVERNMENTS, BUT ALSO ON THE SIDE OF THE VERY LARGE MAJORITY OF THE PEOPLE OF NORTHERN IRELAND WHO WANT NOTHING BETTER THAN TO GO ABOUT THEIR DAILY LIVES IN PEACE".

5. VJOHN HUME (SOCIALIST GROUP) PRAISED THE HAAGERUP RESOLUTION. A MAJOR REAPPRAISAL WAS REQUIRED ON THE PART OF THE THREE PARTIES IN NORTHERN IRELAND: PROTESTANTS, NATIONALISTS AND THE BRITISH GOVERNMENT. THE BRITISH SEE THEMSELVES AS REFEREES BUT THEY ARE IN FACT A PART OF THE PROBLEM. THE LAND OF IRELAND WAS UNITED

3
/ BUT

BUT THE PEOPLE WERE DIVIDED : "YOU CANNOT UNITE PEOPLE AT THE POINT OF A GUN". FOR THE CHRISTIAN DEMOCRATS, PENDERS (NETHERLANDS) CONFIRMED THAT THE PARLIAMENT HAD NO COMPETENCE ON CONSTITUTIONAL MATTERS BUT COULD NOT IGNORE VIOLENCE IN ONE OF ITS MEMBER STATES. "THE COMMUNITY WAS BORN OUT OF THE RAVAGES OF HISTORICAL CONFLICT". HE APPEALED TO THE EDG TO SUPPORT THE RESOLUTION.

6. LADY ELLES (EDG) SAID THAT IT WAS NOT FOR THE PARLIAMENT TO STUDY THE POLITICAL, LEGAL AND CONSTITUTIONAL ASPECTS OF A MEMBER STATE. THE VAST MAJORITY OF THE PEOPLE IN NORTHERN IRELAND SOUGHT PEACE AND WANTED TO REMAIN IN THE UNITED KINGDOM. SHE DREW ATTENTION TO HAAGERUP'S CONCLUSION THAT AN IRISH UNITARY STATE COULD NOT BE ACHIEVED IN THE FORSEEABLE FUTURE AND A BRITISH WITHDRAWAL WOULD NOT LEAD TO PEACE. SHE PRAISED HAAGERUP FOR HIS REMARKABLE UNDERSTANDING OF A COMPLEX PROBLEM. DENIS (FRENCH COMMUNIST) CALLED FOR A REFERENCE TO HUMAN RIGHTS IN VIEW OF THE VIOLENCE WHICH HAD TAKEN PLACE. BANGEMANN (LIBERAL GROUPLÉADER) SAID THE PARLIAMENT'S ROLE WAS NOT TO PASS JUDGEMENTS BUT TO SHOW CONCERN. HE APPEALED STRONGLY TO THE EDG TO SUPPORT THE RESOLUTION TO DEMONSTRATE THAT THEY WERE A EUROPEAN PARTY. LALOR (FIANNA FAIL) DISAGREED WITH HAAGERUP'S PESSIMISM ABOUT A SOLUTION. IT WAS TRUE THAT AS LONG AS IRELAND WAS DIVIDED IT WOULD NEVER BE AT REST. HE APPEALED TO THE BRITISH TO STOP GIVING GUARANTEES FOR SOMETHING THEY DO NOT BELIEVE IN AND TO SET A DEADLINE FOR WITHDRAWAL.

7. PAISLEY SAID THE BORDER WAS RATIFIED BY THE HOUSE OF COMMONS, THE STORMONT PARLIAMENT AND THE IRISH PARLIAMENT. THE FEW THOUSAND BRITISH TROOPS COULD NOT HOLD DOWN THE PEOPLE OF NORTHERN IRELAND IF THEY DID NOT WISH TO REMAIN PART OF THE UK. HAAGERUP'S ANALYSIS WAS BIASED, RIDDLED WITH FALSEHOODS AND TOTALLY MISLEADING. IT WAS INSULTING TO DESCRIBE THE PROVINCE AS A CONSTITUTIONAL ODDITY. "THERE WOULD NEVER BE A DAY WHEN ULSTER WOULD BEND IT'S NECK UNDER THE HEEL OF A DUBLIN ADMINISTRATION". MCCARTIN (IRISH, CD) SAID THAT SUCCESSIVE BRITISH GOVERNMENTS, APART FROM MR HEATH HAD BEEN TOO RELUCTANT TO LOOK FOR NEW SOLUTIONS. THE COMMUNITY SHOULD USE ITS MORAL INFLUENCE AND ECONOMIC SUPPORT IN FAVOUR OF ALLEVIATING THE PROBLEMS. JOHN TAYLOR (NI, EDG) OPPOSED THE DEBATE. IT WAS NOT THE CONCERN OF THE EUROPEAN PARLIAMENT. 40% OF THE PEOPLE OF ULSTER ARE CATHOLICS BUT ONLY 25% WANTED A UNITED IRELAND. THE REPORT HOWEVER HAD SOME WELCOME FEATURES: CONDEMNATION OF THOSE WHO FINANCE TERRORISM, PARTICULARLY NORAIID, AND THE APPEAL FOR GREATER EC SUPPORT ON ECONOMIC MATTERS. T J MAHER (LIBERAL) PRAISED HAAGERUP'S REPORT VERY WARMLY. HE APPEALED TO THE EDG AND THE BRITISH GOVERNMENT TO SUPPORT THE PROPOSALS. NEIL BLANEY WELCOMED THAT THE PROBLEM OF NORTHERN IRELAND WAS BEING BROUGHT TO A WIDER AUDIENCE BUT THIS REPORT AMOUNTED TO PUSSY-FOOTING. THERE WOULD BE NO PEACE IN IRELAND AS LONG AS HIS COUNTRY WAS OCCUPIED BY BRITISH TROOPS. SIR FRED CATHERWOOD CONSIDERED HAAGERUP'S REPORT EXCELLENT BUT THE EDG FELT UNABLE TO VOTE FOR IT BECAUSE THEY REPRESENTED THE PARTY IN GOVERNMENT IN THE UK WHICH BORE A HEAVY RESPONSIBILITY IN MAINTAINING PUBLIC ORDER AND WHICH FELT THAT SUPPORT FOR THE REPORT COULD PREJUDICE THIS.

/8

8. REPLYING FOR THE COMMISSION, NATALI SAID THAT THE COMMISSION WAS NOT COMPETENT TO PASS POLITICAL JUDGEMENTS ON THE POLITICAL SITUATION IN NORTHERN IRELAND, BUT ENDORSED THE DESCRIBED COMMUNITY ECONOMIC AND SOCIAL ASSISTANCE. THE COMMUNITY WAS ALREADY PROVIDING AID FOR BELFAST AND WAS WILLING TO LOOK AT INTEGRATED PROPOSALS COVERING BORDER AREAS IN PARTICULAR, THOUGH SUCH A PLAN WOULD NEED THE FULL SUPPORT OF THE IRISH AND BRITISH GOVERNMENTS. THE PRESIDENT OF THE COMMISSION WOULD CALL A MEETING OF A SELECT GROUP OF COMMISSIONERS RESPONSIBLE FOR POLICIES HAVING A DIRECT IMPACT ON NORTHERN IRELAND.

FCO PLS PASS ALL

FCO ADVANCE TO :
NIO HILL

LUSH

THIS TELEGRAM
WAS NOT
ADVANCED

NORTHERN IRELAND

LIMITED

EC.D(1)

RID

NAD

INFO D

WED

MAED

NEWS D

FUSD

PS

PS/LADY YOUNG

PS/MR WHITNEY

PS/PUS

SIR J BULLARD

MR WRIGHT

LORD N GORDON LENNOX

SIR W HARDING

MR ADAMS

MR JENKINS

MR D C THOMAS

ADDITIONAL DISTRIBUTION

NORTHERN IRELAND

Subject

SECRET



21
CC MASTER

10 DOWNING STREET

From the Private Secretary

16 March, 1984.

Northern Ireland

Your Secretary of State called on the Prime Minister today to discuss a number of matters.

He said that the Governor of the Maze Prison had told him recently of his fears that there was a certain amount of collusion between the prison officers and prisoners in the Maze with the result that control of the prisoners was probably not effective. Mr. Prior had commented that this was the first report he had received of such collusion, and he took a very serious view of it. Action must be taken to ensure that control was effective. The Governor had replied that for that purpose more prison officers would be needed. But prison officers were now frightened of being attacked both in the prison and outside it. There was evidence that prisoners were supplying outside contacts with the names and addresses of prison officers.

Mr. Prior said that he had asked Mr. Andrew to investigate this situation and report back within 2 weeks.

The Governor of Armagh Prison had told your Secretary of State that he was now not able to visit his home for more than a few hours in any given week because he was such an obvious target for terrorist attacks.

The general security situation in Northern Ireland was going through a bad phase. There had been 17 murders this year.

There was also a possibility of another hunger strike timed to coincide with the visit of President Reagan to London and the European Elections. The present plan was for committal proceedings for the 3 members of INLA concerned to be held around Easter. Your Secretary of State was trying to ensure that the trial was brought forward to July.

John Lyon, Esq.,
Northern Ireland Office.

SECRET

SL



FIVE 811

10 DOWNING STREET

From the Private Secretary

16 March, 1984

Thank you for your letter of 15 March enclosing an advance text of the address by the Taoiseach, Dr. Garret FitzGerald, T.D., to the Joint Session of Congress in Washington on 15 March.

A. J. COLES

Richard Ryan, Esq.

807

AMBASÁID NA hÉIREANN, LONDAIN.



IRISH EMBASSY, LONDON.

17 Grosvenor Place
SW1X 7HR

cc BT (2)

Prime Minister.

See highlighted passages from page
5 onwards.

A.S.C. $\frac{15}{3}$

15 March 1984

Dear Private Secretary

Following upon our telephone conversation this morning, I
attach herewith an advance text of the address by the
Taoiseach, Dr Garret FitzGerald TD, to the Joint Session
of Congress in Washington which will be delivered today
at 4.00 pm (our time).

mt

Yours sincerely

Richard Ryan
Richard Ryan

Mr A J Coles
Private Secretary
to the Prime Minister
No. 10 Downing Street
London SW1

CHECK AGAINST DELIVERY

Address by the Taoiseach, Dr. Garret FitzGerald, T.D.,
to Joint Meeting of Congress, 15th March, 1984

Mr. Speaker, Mr. President, distinguished members of the Congress of the United States, with the Irish hospitality for which America is famous, you have been good enough to invite me to address you in the week of St. Patrick - Feile Phadraig in the language of the Gael. On behalf of the Irish people, close, as always, in feeling to their American cousins, I thank you for this honour.

This is the second time in eight years you have paid tribute in this way, by hearing from this dais the Head of an Irish Government, in celebration of the friendship and cousinship that binds our two peoples. The tradition is a long one, going back over a century to the year 1880, when you offered a platform to one of the first people from outside the United States ever permitted to address this Congress, the great Irish leader, Charles Stewart Parnell.

I have said that we are cousins; our countries are linked by a special relationship, not built on mutual calculations of interest, but on human links of kinship and friendship: a unique relationship founded primarily and profoundly on people. The family relationship between us extends to 44 million Irish Americans, but in this week of each year, the whole people of this great nation, our friends for 51 weeks in the year, become our cousins in spirit as we honour together Ireland's national Saint.

One of the great characteristics of the American people has always been your pride - your justified pride - in the achievements of the new nation that you have forged over several centuries in the land to which your forefathers came from the other continents of the world. That pride has sustained you in many troubles, many trials, many tragedies. It is founded on achievement and is sustained by an abiding faith in your capacity to face any challenge, and by a spirit of generous optimism.

We in Ireland also take pride in our country and in the achievements of our people. We are proud not only of the ancient origins of our race, of the survival of our people through so many struggles and hardships, of the cultural empire we have carved out in literature in the English language

complementing our own ancient Gaelic tradition: we are proud also of being a mother country, a people of 5 million in their own island, but with tens of millions of children scattered throughout the world, keeping fresh the memory of their homeland, most jubilantly on the occasion of this feast of St. Patrick.

An ancient nation, we are a modern State. Modern in the sense that the present Irish State took its place in the world community a bare sixty years ago; modern also in the sense that so much of our economic development and specifically our industrialisation, is new, created in recent decades, partly by our own native effort, but also in significant measure by investment from outside our shores. Pre-eminently, this external investment has come from the United States. Allied to the skills and dynamism of our youthful labour force, it has given us a place in the new technology of our European continent that is quite disproportionate to our size.

Our high technology industries - chemicals, electronics and, above all, computers, are the source of a dynamism which, even in the absence of export growth in other sectors, last year increased our total manufactured exports by 14% in the midst of world recession - the highest rate of export increase in Europe. Within twelve years during which two major oil crises

have stopped in its tracks world economic growth, we have doubled our share of the world market for manufactures.

An ancient nation, a modern State, and a youthful people: amongst all the developed countries of the world, Ireland has the youngest population, almost one third of the electorate being under 30. Within barely two decades the number of our young people in their twenties has virtually doubled.

There is, of course, another side to all this. Like so many other developed countries we face today a serious employment problem - the more acute because of our young population. The growth of our economy at home, as in so many other countries, has been halted by the recession of recent years - now perhaps coming to an end in response to the American recovery. For many of our people these problems have loomed large, seeming at times indeed to fill the horizon and to dim some of the hopes that the achievements of recent decades had aroused.

And there is another problem, one which constantly overshadows us - and has often touched us directly: the sombre tragedy of Northern Ireland. There is hardly a family on either side of the divided community in the North that has not known

insecurity, suffering and all too often, bereavement. This is a fact that must be remembered by all those from outside Northern Ireland who claim to apportion blame or to offer simplistic solutions.

Locked into a corner of our small island, in a piece of territory a hundred miles long and sixty miles across, live one-and-a-half million people, drawn from two different Irish traditions: the ancient Gaelic, Catholic tradition stretching back through several millennia, and the Protestant tradition of those who settled from Britain in much of the north-eastern corner of our island at the same time as compatriots of theirs were settling on the eastern edge of this great continent. These two traditions in Northern Ireland have maintained their distinct identities through the centuries. Their loyalties face in two different directions - the 40% Catholic nationalist minority looking south towards their kinsmen in the Irish State, and the 60% majority looking instead towards Britain, whence their ancestors came four centuries ago.

In passing I cannot help reflecting that here in the United States people from these two separate Irish backgrounds have without difficulty given their allegiance to a common flag and a single Constitution, while on their home ground the clash of their identities has remained undiminished by time. Thus has been created in Northern Ireland one of the most complex

political problems, in the world today: complex in its intensity and in the apparent irreconcilability of the two traditions within this small piece of territory. But a problem which, nevertheless, is too often viewed from outside in exceedingly simplistic terms; seen by all too many as involving no more than the end of British rule in Northern Ireland.

Would that this were indeed the only problem! Then the British and ourselves could have solved it in agreement long ago. But the real problem at the human level lies in the North itself - in the inter-relationship between the two traditions within that divided community.

Britain, with the responsibility for governing Northern Ireland, has not hitherto addressed this problem with the combination of determination and even-handedness that it requires. Nor has it given to it the priority which, as a great human tragedy, it demands. Britain has, moreover, hitherto seemed often to be preoccupied with the security symptoms of the problem, at the expense of its fundamentally political character.

But can we, for our part, in our Irish State - although we have had neither direct responsibility nor opportunity to solve this

problem - truthfully say that we have done all in our power to understand and face the realities of this tragedy? Have we sufficiently tried to reach out with sympathy and understanding to both sides in Northern Ireland?

The answer can only be that not one of us, in Britain or in Ireland, is free of some measure of guilt for what has been happening in Northern Ireland. None of us has a right to seek to shift the whole of the blame on to others. Both the London and Dublin Governments have a duty now to break out of ancient moulds and attitudes and to make the necessary imaginative leap of understanding.

This moral obligation, to put Northern Ireland, its people, and their interests first, imposes itself also, I believe, upon those in other lands, such as this great United States of America, who are concerned, as I know so many of you are concerned, with this problem. It is an obligation that can be fulfilled only by the most resolute support for peace and reconciliation amongst the people of Northern Ireland. It can be fulfilled only by a corresponding rejection of - revulsion against - the very idea of aid by way of money, or by way of weapons, or by way of moral support, to any of those who are engaged in the acts of horrific violence that are corrupting

and destroying the life of a whole community. And when I call for rejection of such "moral support", I necessarily include the act of making common cause for any purpose, however speciously well-meaning, with people who advocate, or condone, the use of violence in Ireland for political ends.

Let me tell you, for a few brief moments how the democratically based political parties of our State have been attempting, in conjunction with the constitutional nationalists of the SDLP Party in the North, led by John Hume, to take our responsibilities in seeking a resolution of this tragic problem. These four parties viz. the two parties in our Government (my own Fine Gael Party and the Labour Party) together with the Opposition Fianna Fail Party, and the SDLP in Northern Ireland have between them been elected by the votes of 90% of the nationalist people of the island of Ireland and consequently represent 70% of all its inhabitants nationalist and unionist. For nine months past, our parties - the parties which aspire to Irish unity achieved by peaceful means - have been working together within the framework of a New Ireland Forum, in search of ways of bringing peace and stability to Northern Ireland and, indeed, to the whole island of Ireland.

Week after week, the Forum has been in session. We four party leaders have already met either in Committee together, or in conjunction with our fellow-members in the Forum, no less than

sixty-nine times - setting aside our other differences and giving to this work our highest priority.

The Forum has been studying, and hearing personal evidence on, submissions made to us by a wide range of people and groups. These have included many that have been representative of aspects of the Protestant and Unionist tradition of Northern Ireland.

Finally, we have been seeking to find together ways by which political structures could be created in the future that would accommodate not only our own nationalist tradition which aspires to Irish unity achieved peacefully and by agreement, but also that of the unionist community in Northern Ireland.

It is our hope that we will find common ground amongst our four parties. We hope that this common ground might provide a basis upon which the Governments of Britain and Ireland, in conjunction with representatives of both sides of the community in Northern Ireland, could eventually construct a political solution. Such a solution would have to be one that would reconcile the conflicting rights and identities of unionists and nationalists: one that would render totally irrelevant those who are seeking to impose their tyranny of violence on the people of our island.

What we of the constitutional Irish nationalist tradition are attempting together is unique. It is our hope that it will find a response in Britain. There are indications already that responsible opinion in that neighbouring island has taken note of our initiative and is awaiting its outcome with growing interest. When our task is completed it will in turn be Britain's duty to do as we are doing; to review and revise its approach to the problem.

In thus telling you something of what the constitutional parties of nationalist Ireland are currently engaged upon, and of our hopes of an equally generous response from the British Government and political parties, I am frankly seeking to engage your interest in, and your commitment to, this process, which, we believe, offers a constructive alternative - the only constructive alternative - to the violence and terrorism in Northern Ireland.

I believe that you will be glad to hear a message of hope in respect of a problem which many of you must have been tempted to write off as insoluble. We know that in this Congress there are very many people whose affection for Ireland and concern for the welfare of our island and its people are deep and strong. I know that in speaking here today I am speaking to

friends of Ireland. We need the help and encouragement of our friends.

America's voice in the world is a strong one. It is a voice that is listened to. We call it in aid of our efforts, not in support of any narrow sectional interest but in support of a generous attempt to resolve once and for all the conflict of traditional identities in Ireland on a basis that will secure the interests and concerns of both sections of the Community in the North - in recognition of the equal validity of the two Irish traditions. And we ask our friends in the United States that, in the context of any agreement that might emerge from our present efforts, to secure peace and stability in Ireland, they would support in a practical way its implementation.

I have not come to the United States to speak only of this problem, although you will readily understand that it looms foremost in my mind, as it must in the mind of any Irishman who has political responsibilities. We have other common interests to pursue with you, the political leaders of the United States. When I meet your President tomorrow I shall be speaking to him not alone of Northern Ireland but also of other issues, including matters concerning the relationship between the United States and the European Community, the Presidency of

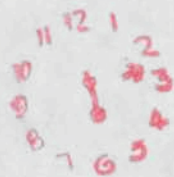
which Ireland will be assuming for the third time on 1st July next.

When, in January 1975, Ireland first undertook that Presidential responsibility in the Community, your Administration invited me as Minister for Foreign Affairs of Ireland to come to Washington to discuss together the common concerns at that time of the United States and the Community. This was, I think, the first full-scale consultation between the European Community and the United States in a new process that had been decided upon during the previous year. I was happy on that occasion to be able to play a part in bringing Europe and the United States closer together.

On this visit I shall be engaged once again upon a similar task - recognising that the common concerns of Europe and the United States are matched also by divergent interests in certain areas of commerce and finance - as also by somewhat different perceptions of the political situation in various parts of the world. It is well that together Europe and America should seek to reconcile these divergent interests and different perceptions, so far as we may be able to do so without doing violence to the legitimate interests, and the principles, of each of the partners in this relationship.

Let me revert for a moment to a festive note appropriate to the joint celebration of St. Patrick's Day by our two peoples. I know that we are two days ahead of time and such earliness is perhaps more an American than a European characteristic, exemplified perhaps by your addiction to breakfast television, and, as I have found to my cost, working breakfasts!. But I feel that no one in the United States would object if I propose that the celebration of St. Patrick's Day this year be a three-day affair, starting today, and culminating on Saturday - with Sunday as a very necessary day of rest before we all return to our humdrum daily activities next week!

5 MAR 1984



R U. to me 16 Sept.

M 14/3.

MR COLLES

Secretary of State for Northern Ireland

I mentioned to you yesterday that the Secretary of State for Northern Ireland had asked to see the Prime Minister this week. I have arranged this for 1500 on Friday, for up to half an hour.

John Lyon telephoned this morning to say that Mr Prior would like to cover three areas. First, he is increasingly concerned about the management of Northern Ireland prisons. He thinks it may be necessary for the Government to commit more resources now in order to avoid a crisis later. Secondly, he will want to report briefly on his meeting that day with Mr Barry, the Foreign Minister of the Irish Republic. Thirdly, he would like to discuss the ministerial workload in his Department in the light of the prolonged convalescence of Lord Mansfield.

DM

14 March 1984



NORTHERN IRELAND OFFICE
WHITEHALL
LONDON SW1A 2AZ

John Coles Esq
10 Downing Street
LONDON
SW1

13 March 1984

Prime Minister

A.S.C. 23/3

A.S.C. 26/3

Dear John

... I attach the submission to the Forum for a New Ireland which was submitted by Dr Tom Hadden and Professor Kevin Boyle. Dr Hadden is a lecturer in law at Queen's University Belfast and Professor Boyle is a professor of Law at Galway. The Secretary of State thought that the Prime Minister and Sir Robert Armstrong might wish to see this document, whose analysis of the problems in Northern Ireland and the proposals for action are of interest.

I am copying this letter with attachment to Richard Hatfield.

Yours ever

Devel

D A HILL

RESTRICTED

SUBMISSION TO

THE FORUM FOR A NEW IRELAND

by

Professor C. Kevin Boyle,
Professor of Law,
University College Galway.

and

Dr. Tom Hadden,
Lecturer in Law,
Queen's University Belfast.

RESTRICTED

C O N T E N T S

A. THE CONTEXT OF THE FORUM

1. The Objectives of the Forum.
2. Partition.
3. The Current Realities.
4. Legitimacy and Consent.
5. A Blueprint or a Process?

B. PROBLEMS WITHIN THE CURRENT CONSTITUTIONAL FRAMEWORK

6. Why Partition Failed.
7. The Mutuality of Unionism and Republicanism.
8. The Problem of Majority Rule.
9. The Problems of Power-Sharing.
10. The Problems of Federalism.
11. The Problems of Sovereignty.

C. A FRAMEWORK FOR ACTION

12. The Reflection of Realities.
13. The Recognition of Identities and Loyalties within Northern Ireland.
14. Relationships within these Islands.
15. Minority Participation in Government within Northern Ireland.
16. The Protection of Individual and Communal Rights.
17. Security.
18. Mode of Enactment.
19. Conclusion.

Forum Submission

A. THE CONTEXT OF THE FORUM

1. The Objectives of the Forum.

The stated purpose of the Forum is to seek a way in which lasting peace and stability can be achieved in a new Ireland through the democratic process. It is uncontestable that the current constitutional arrangements have not produced lasting peace and stability in Northern Ireland. In that sense, partition has failed. It does not follow that partition in itself was wrong or that it could have been avoided. Few people in the Republic now take the view that peace and stability can be achieved by the simple incorporation of Northern Ireland in the Republic, and the Forum has been considering various approaches which accept that Northern Ireland, however its boundaries are to be defined, must continue to be a separate unit for constitutional and governmental purposes. The purpose of this submission is to discuss some of the possibilities for constructive change in the current constitutional arrangements based upon an analysis of the realities of twentieth century Ireland without prior commitment either to a united Ireland or to the continued incorporation of Northern Ireland in the United Kingdom.

2. Partition.

Since it has long been a fundamental tenet of Irish nationalism that partition was and remains the fundamental problem, it is appropriate to begin by stating what actually happened and why it happened in the period from 1911 until 1921. The reality in crude terms is that both Northern Ireland and the Republic of Ireland were created by a combination of military force and popular will. The idea of partition was first seriously raised when it became clear that very large numbers of people in Ulster were prepared to fight in Carson's UVF against the imposition of Home Rule on an all-Ireland basis. The idea that the rest of Ireland must be granted a measure of independence was similarly accepted when it became clear that the IRA could not be defeated and that the vast majority of voters in the twenty-six counties supported the objectives of Sinn Fein. It is true that the British government made no attempt to coerce the Unionists and that it did its best to suppress the IRA. It is also true that the adoption of partition as a solution, however temporary, may be

directly related to other British political and defence concerns. Whatever view is taken of the merits of British policy in this period and of the way in which the border was drawn, it is essential to remember that the underlying reasons for partition were that the vast majority of the inhabitants in the two parts of Ireland had expressed incompatible loyalties and commitments and that very large numbers were prepared to fight for those commitments.

3. The Current Realities

(a) Population Balance: It is clear from the results of the 1981 census in Northern Ireland that not only has there been very little change in the proportions of the majority and minority communities in Northern Ireland but that despite the continuing higher birth rate among Catholics, it would be unrealistic to predict any rapid change in the balance of voting power within Northern Ireland. The work of Dr. Paul Compton on the demography of the two communities shows that differential emigration rates have continued to counterbalance the higher Catholic birth rate: his latest estimates indicate that Catholics represented only 37.5% of the total population in 1981 and that the net intercensal emigration of Catholics (about 14%) was more than double that of Protestants (about 6%):

	<u>Catholics</u>		<u>Protestants & Others</u>	
1971 estimate	562,000	36.8%	965,000	63.2%
natural increase	78,000		30,000	
net migration	76,500		53,500	
1981 estimate	563,000	37.5%	941,500	62.5%

(Source: Fortnight, Issue 192 Mar. 1983)

On the assumption that 'Catholic fertility and family size will continue to fall during the 1980s', Dr. Compton concludes that 'there can be no automatic assumption that present trends will remain unchanged and that Catholics will eventually become the majority population in the province'. It is noted that the Forum has received evidence which might, if accepted, change these figures but does not enhance greatly the likelihood of an ultimate Catholic majority.

(b) The Commitment of the Majority: It is equally clear that the commitment of the Protestant majority to the maintenance of the union with Britain is unchanged. In the last formal vote on the matter in March 1973, 58% of the voting population in Northern Ireland voted for the maintenance of the union, less than 1% voted for a united Ireland and 41% abstained. Allowing for the usual 20% to 25% of non-voters, it is clear that almost the whole of the Protestant community turned out to vote for the union. There is no evidence from recent opinion polls to suggest that a new Border Poll would produce a different result. Furthermore, very large numbers within the Protestant community are still prepared to use force to defend their position. There are currently ~~more than~~ ^{some} ~~84,000~~ ^{7,500} members of the Ulster Defence Regiment, ~~more than~~ ^{some} ~~14,000~~ ^{8,000} members of the Royal Ulster Constabulary and ~~more than~~ ^{some} ~~4,500~~ ^{4,500} members of the RUC Reserve. While these forces are officially non-sectarian, it is well-known that there are very few Catholic members of the UDR and that the proportion of Catholics in the RUC is well below 10%. All these forces are armed and at least in the case of the UDR have been constituted for the express purpose of the defence of the Northern Ireland state. There can be little doubt that in the event of a threatened British withdrawal, many more members of the majority community would be ready to join official or semi-official military or para-military organisations, as they did in the early 1920s, and that if it were not possible to defend the union, the defence of an independent Northern Ireland would be adopted as an alternative. It may also be relevant to note that the capacity and readiness of members of the majority community to defend Northern Ireland and resist its absorption in an all-Ireland state is almost certainly distinct from the question of the size and even the existence of a voting majority within the current boundaries of Northern Ireland, and that if at some time in the future there was a prospect of a Catholic voting majority within the six counties, it would be unwise to expect a peaceful resolution of the Northern Ireland problem on that ground alone. On the contrary, it seems likely that communal tensions and the risk of civil war would increase rather than decrease as the balance of the population became more equal. That has certainly been the experience in Lebanon.

(c) The Position of the Minority: The balance of the population within Northern Ireland and the strong commitment of the majority to maintaining their separate identity are not unrelated to the corresponding commitment of the minority. The commitment of the minority community to its Irish identity and culture is at least as strong as that of the majority to its British or non-Irish identity and culture. It has been sustained over the past sixty years notwithstanding efforts, formal and informal, to suppress it, both by continuing support from the Republic and by the existence of a highly segregated educational system within Northern Ireland. The resulting identification of communal and political identities, however imprecise, has exacerbated the social and economic differentiation between the communities. There is no doubt that under the Unionist regime, members of the minority community suffered a measure of political discrimination, notably in the drawing of local government constituency boundaries and in the delay in implementing British reforms in voting qualifications. Nor is there any doubt that the minority community has experienced consistently higher rates of unemployment and socio-economic deprivation than the majority community, and that emigration has been consistently higher as a result. It has been estimated that in 1971, the unemployment rate among Catholics was more than double that among Protestants (Fair Employment Agency, Research Paper 1, 1978) and there is clear evidence that the position had not changed in any significant degree by 1981 (T. Hadden, Fortnight, Issue 194). Whether this is due primarily to deliberate discrimination by members of the majority with a view to maintaining the balance of the population in spite of the higher Catholic birthrate or to underlying patterns of employment and education is an arguable point. But the belief within the minority community in the widespread practice of political and economic discrimination was sufficient to support a sustained civil rights campaign in the late 1960s. The refusal of most Unionists to accept any form of political 'power-sharing', the failure of the British Government under direct rule since 1972 to achieve any major change in the differential rates of unemployment and economic disadvantage and the fact that the worst effects of the troubles and of abuses by the security forces have been experienced by the minority have re-inforced their feelings of alienation from Britain and the majority community alike.

The resulting despair among political leaders of the minority community at the prospect of resolving their problems within a purely Northern Ireland or British context was the primary motivating force behind the establishment of the Forum.

4. Legitimacy and Consent

These unpleasant facts about the situation in Northern Ireland raise difficult issues about legitimacy and consent. It is undeniable that Northern Ireland can claim legitimacy in two important and internationally recognised senses: first, that a substantial majority of its citizens have consistently expressed their support for its current constitutional status; and second, that in the event of an armed conflict within its boundaries, it is almost certain that the majority community would be in a position to maintain an effective system of government. The first of these may be expressed as the international principle of self-determination. The second is tacitly accepted in international law in that the victors of an internal conflict or of a revolutionary coup d'etat are entitled to or are generally granted de facto and ultimately de jure recognition. On a broader conception of legitimacy, on the other hand, which requires the general acceptance of the state by substantially all of its citizens, Northern Ireland is not a legitimate state. Nor can it claim to have met the highest internationally accepted standards of civil and human rights in the treatment of its communal minority, though the same might be said of large numbers of other states whose legitimacy is not generally contested. The immediate difficulty which faces the Forum in pursuing this line of argument, however, is that there appears to be little realistic prospect of establishing a new all-Ireland state which would meet the first of these more demanding tests of legitimacy. This has generally been expressed in an Irish context by the concept of unity by consent. But the ambivalence of many who use that phrase is illustrated by the frequent reference to the need to eliminate, or at least to the desire to be able to ignore, the so-called Unionist veto. Whether or not a British Government at some time sees fit to repeal the provision of the Ireland Act, 1949 as amended, which states that Northern Ireland shall not cease to be part of the United Kingdom without the consent of the majority of its voters, the Protestant community in Northern Ireland has a continuing veto on any all-Ireland state which purports to be based on their consent.

The traditional Republican position rejects unity by consent as a policy in its full implications. The position taken is that the achievement of a majority vote for independence in 1919 by Sinn Fein was a mandate for both independence and unity. Independence was frustrated by the British although the reduced measure of Dominion status was endorsed by the majority. Unity was frustrated by both the British and the Northern Unionists, and, on the traditional view, neither had the right to do so. Had unity been defeated entirely by the British state, and the island partitioned against the wishes of both the Nationalist majority on the island and the Northern Unionist minority, the traditional republican view would clearly have full validity in international law. But those were not the facts as is well known. It is necessary for those who accept the consent principle to reject the traditional thesis which grants no legitimacy to the position taken by the Northern Ireland majority in the 1920s against being part of the original Republic or the Free State. Not to do so is to be distinguishable only from Provisional Sinn Fein and others through the rejection of violence, which such groups justify by reference to the traditional view of the origins of both states. The implications of the principle of consent for both the minority community in the North, the majority community and the Irish constitution is developed under Section C below.

A Blueprint or a Process?

The fact that the Protestant community in Northern Ireland is almost certain for the foreseeable future to reject any proposal for a change in its fundamental constitutional status creates a difficult dilemma for the Forum. It is tempting for those who seek a radical solution to prepare a blueprint for a new Ireland under which Northern Protestants might for instance be offered special guarantees and a measure of self-government in a federal all-Ireland state. The argument in favour of such an approach is that there is no hope of persuading Northern Protestants to join in a new Ireland unless the terms on which their consent is to be sought are spelled out in detail. The drawback is that there is no evidence whatsoever that Northern Protestants will give their consent to any such plan, and that any attempt to coerce them into doing so by economic or other sanctions would destroy the ideal of unity by consent. The alternative is for the Forum to contemplate a process of constitutional and legislative change which would help to produce peace and stability without threatening the constitutional position of Northern Ireland

as part of the United Kingdom. The arguments in favour of a gradual approach of this kind in which changes are introduced or recommended in their own right as likely to lead to peace and stability are essentially pragmatic.

B. PROBLEMS WITHIN THE CURRENT CONSTITUTIONAL FRAMEWORK

6. Why Partition Failed.

If any progress is to be made in moving towards peace and stability within the current constitutional framework, it is essential to identify what has gone wrong since partition was imposed in 1921. The problems may be analysed at a number of different levels. First, there is a need for a clear understanding both north and south of the border as to why the policies which were adopted in the Republic and in Northern Ireland alike did not produce peace and stability. Secondly, there is a need for a greater understanding of some of the more general constitutional principles of commitments, notably those of national sovereignty and majority rule, which have contributed to those policies. Finally, there is a need to understand why some of the solutions, notably those of power-sharing and federalism, which have been tried or proposed in recent years have not proved workable or acceptable.

7. The Mutuality of Unionism and Republicanism.

It is a commonplace that in the years following partition, Northern Ireland and the Republic were turned into sectarian states in which the interests of the respective minorities were largely ignored. In Northern Ireland, all effective power was reserved for members of the majority community. The justification or excuse for this was the reluctance of members of the minority to become involved in the institutions of a state which they rejected. But no efforts were made to encourage the participation of the minority. With hindsight, it can be seen that the exclusive attitude of the Unionists was shortsighted, even from their own narrow viewpoint, in that the continued existence of a disaffected minority of one-third almost certainly posed a greater danger to the stability of Northern Ireland than the slow growth in the proportion of Catholics which many of the discriminatory policies and practices which flourished under the Unionist regime were designed to avoid. The approach adopted in the Republic was not essentially different.

Though the minority of Protestants within the Republic was so small as not to pose any possible threat to the Catholic majority, no opportunity was missed to confirm the fears and prejudices of Protestants and to deter those in Northern Ireland from contemplating any form of unity or even mutual respect. The exclusive nature of the Republic was expressed in cultural terms by the emphasis on Gaelic and Catholic language and symbols in social terms by the laws on mixed marriages, divorce and contraception, and in political terms by the refusal to recognise the legitimacy of Northern Ireland. These attitudes and actions on both sides of the border are understandable. It was natural for a newly formed state like the Republic which had a highly homogeneous population to assert its non-British language and culture. It was equally natural for the Protestant community in Northern Ireland to fear the erosion of its majority by the natural increase in the Catholic population or by infiltration across the border from a state which since 1937 had laid formal constitutional claim to Northern Ireland and regularly asserted its desire to incorporate Northern Ireland, without taking any account of the views of the majority community. But the effect in both cases was to reinforce the alienation of their respective minorities. In so doing, the Unionists succeeded in underlining the instability of their state and the proponents of a united Ireland reinforced the determination of the Unionists to have nothing to do with the Republic. It is true that there were (and are) non-sectarian advocates of Unionism and Republicanism, but their voices have had little practical impact on how both states have developed, or on their relationships to date.

8. The Problem of Majority Rule.

Many of these problems are directly related to an identification of democracy with majority rule and the inadequacies of the British legal and constitutional tradition, from which both Northern Ireland and the Republic evolved. The notion of democracy as rule by the majority may function in a homogeneous society in which there are no fundamental differences in political objectives and in which there is a reasonable prospect of different political parties winning sufficient electoral support to form or participate in a majority government. It is wholly inappropriate in a communal society in which one group is in a position to exercise more or less permanent dominance over another and in which the political objectives of different communal groups are fundamentally oppositional. The

problems which this creates within Northern Ireland are well recognised. But they are likely to be equally serious within a new all-Ireland state in which about a quarter of the population shares a communal identity and an entirely different set of commitments and loyalties.

9. The Problems of Power-Sharing.

The solution to this problem which has been most widely advocated for Northern Ireland is generally known as 'power-sharing'. It is an attractive concept. But it is not usually very clearly defined. The short-lived Executive of 1974 was constituted under a formal provision which permitted the Secretary of State to choose an Executive from parties which appeared to him to command widespread support in the community (Northern Ireland Constitution Act, 1975, s. 2). The current provisions for 'rolling devolution' are essentially the same, in that powers may not be devolved to the Northern Ireland Assembly unless Parliament is satisfied that an order for the devolution of particular powers is likely to command widespread acceptance throughout the community (Northern Ireland Act, 1982, s. 2(2)). Provisions of this kind reserve the final decision on what is acceptable by way of power-sharing to the Government or Parliament in Westminster, and in so doing, create an obvious risk that parties in Northern Ireland will seek to hold out for the maximum advantage which they think they may be able to persuade the authorities in Westminster to concede. The alternative approach favoured by Fine Gael and the SDLP is rather more precise in that it would guarantee a place as of right in any Executive or Cabinet to representatives of all major parties on the basis of proportional representation. Those who refused to participate would thus forfeit the opportunity to participate in the government. The essential weakness of both these forms of power-sharing, however, is that neither provides a mechanism for the resolution of disputes within the Executive or Cabinet. If the principle of majority rule within the Executive or Cabinet is to be applied, then the representatives of the majority community will be able to maintain their domination by forming an internal cabal. If, on the other hand, there is a requirement of unanimity, it is not at all clear how differences of policy are to be resolved. Nor is there any provision under either system which makes it clear what is supposed to happen when a large section of the Executive or Cabinet resigns or when it otherwise becomes apparent or might be thought that it no longer commands

widespread acceptance throughout the community. Under the British statutes of 1973 and 1982, there was, and is, an obvious implication that the alternative to agreement is continued Direct Rule. But this, or its alternative under a new all-Ireland state or joint sovereignty cannot be regarded as a satisfactory method of resolving the kind of differences which regularly lead to the formation of new governments in other jurisdictions. In more general terms, it is hard to accept that a system of government which in effect requires everyone to agree all the time is suitable for a province in which there are very deep divisions on very many issues. Those in Britain and the Republic who favour such a system need only consider what their reaction would be to the imposition of a similar principle in their own jurisdictions or in a new all-Ireland state to realise that there are serious objections to a system under which a relatively small minority holds a permanent veto on every issue in the sense that their refusal to co-operate can bring down the government.

The Problems of Federalism.

It is perhaps significant that power-sharing has not been proposed as a means of meeting the assumed desire of Northern Protestants for a share in government in a new all-Ireland state. The alternative which has been most widely canvassed is a form of federalism under which a measure of self-government would be granted to a new provisional government in Northern Ireland, whether for the existing six counties or some larger or smaller unit. This might help to resolve some of the differences on matters of social legislation between the predominantly Protestant community in the North and the predominantly Catholic community in the rest of Ireland. But there are substantial difficulties. Federal systems of government depend on a basic level of agreement as to national objectives between the various units, which cannot be assumed to exist in the case of Northern Ireland. There would in addition be a fundamental imbalance in the constituent units of the federation, unless a new set of provincial governments were also established within the Republic. This difficulty has proved a major obstacle to proposals for a federation within the United Kingdom, given the huge disparity between the populations in England, Scotland and Wales and

the lack of any general desire for the creation of regional governments in England. Nor is it clear how the interests of the minority within a federal Northern Ireland are to be protected. This creates another difficult dilemma: the larger the proposed powers of a federal all-Ireland government, the less likely it is - though it is in any event highly unlikely - that Northern Protestants would agree to join; if the powers of the central federal government are severely restricted, on the other hand, the more necessary it is to create effective protections for the minority within Northern Ireland, thus raising the same problems which have proved so difficult to resolve within the current constitutional framework.

11. The Problems of Sovereignty.

For the Republic, the constitutional principle of national sovereignty is likely to prove almost as troublesome as that of majority rule. The notion of absolute sovereignty which developed with the creation of nation states seems increasingly inappropriate as a model for political and constitutional structures in a world in which the reality has become one of increasing economic, political and military interdependence. Both Britain and Ireland have already ceded a large measure of their internal sovereignty by joining the European Community, by their commitments to such regional international organisations as the Council of Europe and through participation in the United Nations Organisation. But there is still a considerable degree of commitment in both countries to the ideal of sovereignty. The assertion by the Republic of exclusive sovereignty over the whole island of Ireland in its constitution has long been a stumbling block to better relations with, let alone recognition of, the legitimacy of Northern Ireland. The corresponding assertion by the United Kingdom of its own sovereignty over Northern Ireland while it remains part of the United Kingdom has caused similar frustrations within the Republic, notably over lack of consultation on political and other initiatives in Northern Ireland. The very substantial differences between Britain and the Republic over communal defence policies and neutrality, most recently expressed over the Falklands, have made matters worse. It has even been argued that the commitment in the Republic to neutrality is as strong if not stronger than the commitment to the unification of Ireland. The assertion of absolute claims of this kind makes very little sense in relation to Northern Ireland in which both Britain and the Republic have an obvious interest and in which the two sections of the population can be assumed to share

the conflicting commitments of Britain and the Republic. Nor, if there were to be a federal Ireland, would it be easy to envisage a constituent part of the federation asserting a different stance from the rest of the country on matters of defence or neutrality. These considerations point strongly in the direction of some form of joint sovereignty over Northern Ireland. But that in itself is likely to prove a highly controversial conception which would involve a breach of the oft-repeated commitment of the British government over the status of Northern Ireland and might serve to exacerbate the relations between the two communities in Northern Ireland. Nor would it in any way help to resolve the long-standing problem of achieving some form of government within Northern Ireland which would secure the consent of both sections of the community. If similar results can be achieved in practical terms by making less fundamental constitutional changes, there are strong arguments for adopting the less radical approach. The complex inter-relationships between the two parts of Ireland, Britain and the rest of the E.E.C. can be better reflected by making ad hoc adjustments than by attempting to start with a clean slate on which new arrangements are to be spelled out in terms of an essentially outdated and wholly inappropriate concept like sovereignty. The goal should be to examine the need for constitutional, legal and other changes through the concept of interdependence of the peoples and states on these islands, rather than through the traditional assumptions of independence and the symbols or rhetoric of sovereignty. Change based on this concept permits co-operation at the level of policy and administration much more readily than demands for exclusive legal sovereignty with its inevitable claim for exclusive loyalty to one state or the other from the two Northern Ireland communities.

C. A FRAMEWORK FOR ACTION

12. The Reflection of Realities.

The basis of an approach to the Northern Ireland problem which rejects the practicality of any new blueprint for unity, whether on an all-Ireland or federal basis, or joint sovereignty, but accepts the need for significant changes in the current legal, administrative and constitutional framework is that new arrangements should reflect the realities of the relationships between the communities within Northern Ireland and between the peoples of Britain and Ireland as a whole. This will require a carefully prepared programme of action on a number of different levels:

- first, the acceptance and recognition by all parties of the differing identities and loyalties of the two communities within Northern Ireland;
- second, the extension of this acceptance and recognition in the context of relationships between the United Kingdom and the Republic;
- third, the protection of majority and minority rights on a political level within Northern Ireland;
- fourth, the protection of communal and cultural rights through law for both communities within Northern Ireland and the Republic;
- finally, the development of a formal and practical arrangement to deal with the problems of security before, during and after the implementation of any new set of arrangements.

13.. The Recognition of Identities and Loyalties within Northern Ireland.

The right of members of the minority in Northern Ireland to aspire to and assert their political support for a united Ireland has come to be accepted in British policy only in the last decade. This process can be dated from the Sunningdale Agreed Communique, (December, 1973) and is strongly expressed in the White Paper 'Framework for Devolution', (1982) which preceded the present Northern Ireland Assembly. The minority's nationalist aspirations had been recognised and supported by the Republic, but the refusal of Unionists to wholeheartedly accept and respect these ideals was mirrored by the Republic's resistance to acknowledging any legitimacy in the majority Unionist tradition in Northern Ireland. The Unionist attitude to the minority's aspiration was in a large measure the basis for popular support for the Republic's policy towards the Unionists over the years.

The Sunningdale Communique was the last formal government declaration of the position on Northern Ireland by the Republic and Britain. The two states made formal declarations in the following terms:

5. The Irish Government fully accepted and solemnly declared that there could be no change in the status of Northern Ireland until a majority of the people of Northern Ireland desired a change in that status.

The British Government solemnly declared that it was, and would remain, their policy to support the wishes of the majority of the people of Northern Ireland. The present status of Northern Ireland is that it is part of the United Kingdom. If in the future the majority of the people of Northern Ireland should indicate a wish to become part of a united Ireland, the British Government would support that wish.

6. The Conference agreed that a formal agreement incorporating the declarations of the British and Irish Governments would be signed at the formal stage of the Conference and registered at the United Nations.

The meaning and effect of these clauses was examined by the Supreme Court in Boland v. An Taoiseach (1974) I.R. This decision concluded that the clauses did not constitute an agreement "on fact or principle", and at most was a 'de facto' recognition of Northern Ireland's position within the United Kingdom, and not a de jure one. The Court appeared to take the view that the formal agreement referred to in Paragraph 6 above might offend the Constitution and particularly Articles 2 and 3. No formal agreement was ever concluded or lodged with the United Nations, because of subsequent developments.

What follows from this is that both states have failed to grapple at the level of binding agreements, or internal legislation with the rights to self-determination of the peoples of Northern Ireland. It has never been conceded by Unionist or British governments that the Nationalist minority were inadequately consulted as to the arrangements leading to partition and as to their incorporation within Northern Ireland as part of the partition settlement. If the principle of constitutional change by consent is properly to be provided for in new arrangements, it must extend not only to the majority community, but also to the minority in Northern Ireland. In international law, conflicts between peoples claiming

conflicting rights to self-determination are not unusual. The resolution of such conflicts distinguishing rights to internal and external self-determination are compatible with international law if they are based on the consent and agreement of the peoples and states involved. In particular, the formal concession of the right of the majority to self-determination cannot be absolute if the minority's right to self-determination is to be conceded also. It follows also that the minority's right to self-determination must be constrained and attention must focus on the combination of elements of internal and external self-determination which would offer a framework for the maximum flexible satisfaction of the entitlements of both communities. One dimension of internal self-determination for example relates to culture and identity. The right of the minority to assert Irish identity and culture has been denied or ignored in Northern Ireland. Attention should be focused on facilitating the tangible expression of identity short of incorporation of Northern Ireland into an all-Ireland state. In addition, at the constitutional level, the right of citizens of Northern Ireland to claim and exercise the rights of Irish citizenship which is already accorded them under the Irish Constitution and the Irish Nationality Act, 1956 without losing any rights within Northern Ireland should be recognised.

This would also involve the immediate repeal of the provision of the Electoral Law Act (Northern Ireland) 1962 which disqualified from voting in local elections in Northern Ireland all citizens of the Irish Republic not already on the register in 1949. Other surviving disabilities identified in the Anglo Irish Joint Discussion Documents should be removed. The current bar on joint membership of the British Parliament or Northern Ireland Assembly and the Parliament of the Republic, which caused such problems in the Mallon case, should be removed. The question whether any more formal arrangements should be made for the representation in the Oireachtas of those in Northern Ireland who assert their Irish identity would be a matter for the Republic. But the right of the Republic to make such arrangements and to hold any necessary elections within Northern Ireland should be formally recognised. On a more practical level, provision should be made for the

establishment of consular offices for Irish citizens in Belfast and other centres as thought appropriate. These arrangements by Britain would reflect acceptance that the original partition and the 1949 Act declaration of majority right had not taken account of the minority's position and its right to national identity.

In return for the acceptance of these tangible expressions of the right of members of the minority community to be Irish, the Government of the Republic would be required to grant full and explicit recognition of the constitutional status of Northern Ireland as part of the United Kingdom and thus to remove the ambiguous and controversial provisions of the Irish Constitution which appear to, but do not in practice, claim jurisdiction over Northern Ireland. These constitutional changes in the Republic would reflect acceptance that concern for the minority's rights in Northern Ireland and the aspiration of the Nation for unity had not adequately taken account of the Northern Unionists' right to national identity. The principle behind these various measures is that both the Republic and Britain should recognise the respective rights of the majority to determine the constitutional status of Northern Ireland and of the minority to express their Irish identity in ways which do not conflict with that status.

14. Relationships within these Islands.

A similar approach should be adopted within the wider framework of these islands as a whole. With the exception of the provisions of the Prevention of Terrorism Act, freedom of movement and settlement, and full voting rights are already granted within Britain to citizens of the Irish Republic, and legislation to grant equivalent rights to British citizens in the Republic are before the Dáil. Though these rights are anomalous, they give tangible recognition to the long historical association between the peoples of Great Britain and Ireland and the established patterns of movement and settlement. On a political level, the close relationships between the two countries have already been recognised by the establishment of the inter-governmental Anglo-Irish Council and its cultural counterpart, Anglo-Irish Encounter. It would clearly be appropriate for a representative parliamentary tier

to be added to give public expression to matters of joint concern between the two countries. Ideally, it would be desirable for such an inter-parliamentary council to include separate representation of both the minority and majority communities in Northern Ireland, based on their proportional strength in whatever parliamentary body is established there. The function of the parliamentary tier would be primarily that of debating and scrutinising the plans and performance of the various governments, though it might also be granted some executive, including appointing or funding, powers in respect of agreed joint agencies, such as the established Foyle Fisheries Commission and other bodies with cross-border functions, such as the Joint Commission for the Promotion of Human Rights, proposed below. A security function could also be envisaged for this tier. Objections to direct representation of this kind in the parliamentary tier from Unionists on constitutional grounds, notwithstanding the formal recognition of their status, should not be admissible. It bears repetition and should be a parallel axiom to that of the principle of consent for the Forum, that the peculiar circumstances of Northern Ireland do not permit of either population to exercise absolute rights to self-determination. Unionist objection, however, may for a period result in representation of that community being indirect.

15. Minority Participation in Government within Northern Ireland.

Arrangements for internal government within Northern Ireland are crucial to any settlement which is to produce peace and stability. As has been explained, it is all too readily assumed by those in London and Dublin that all that is required is agreement on some form of power-sharing in which all or most leading parties will participate in executive government without serious consideration of the mechanisms by which the disputes which will inevitably arise within any such structure are to be resolved. While a voluntary broad-based coalition of all parties for an initial period of reconstruction would be both desirable and perhaps attainable, neither the highly discretionary criteria adopted by successive British governments to assess whether there is widespread acceptance within the community of a particular

administration nor the more precise system of proportional representation proposed by Fine Gael and the SDLP is likely to prove workable in the longer term. A more practical approach would be to provide that both legislation and other governmental decisions requiring a formal administrative order (delegated legislation) should require a weighted majority of votes in respect of matters over which there are obvious communal interests, notably education, major industrial development and planning decisions, local government, policing and security, and all matters of a constitutional or electoral nature. It is not necessary that a similar weighted majority should be set for all these matters. A sixty per cent majority might reasonably be thought sufficient protection for certain matters and a seventy-five per cent majority for more fundamental matters. For all such matters where action is pursued by delegated legislation or statutory instrument, the affirmative vote procedure would be required. The concept that different decisions require different majorities is well established in constitutional law in other jurisdictions and in company law as the primary mechanism for the protection of minorities. In the Northern Ireland context, a structure of this kind linked with the generally agreed system for the appointment of scrutiny committees with wide powers and with chairmen and members drawn from all parties on a proportional basis would provide the best means of involving all parties in the process of government without requiring the unrealistic degree of consensus required in the power-sharing model. This structure would work best also without the establishment of formal structures for communal voting and communal representation, such as the provision for a President and Vice-President to be drawn from the majority and minority communities, which would be likely to entrench rather than help resolve inter-communal conflict.

16. The Protection of Individual and Communal Rights.

Apart from the right to participate in political processes, it also follows from the argument so far that further provision for the protection of both individual rights and freedoms and communal or group rights will need to be made. The recognition of collective or group rights particularly of minorities has been a relatively recent development at either the national or international level.

The protections available through law at present in both Northern Ireland and the Republic for minority rights are indirect and inadequate as compared with individual rights. Serious attention should, therefore, be paid to their direct expression and protection, notably those of language, religion and culture. In Northern Ireland, there is an obvious need for some direct protection of minority rights in such matters as communications, street names and the use of the Irish language where it can be established that there is a genuine communal desire within a defined area for such expressions of communal identity. There may also be a need for some direct expression of the right of parents to have their children educated in schools of an integrated as well as of a Protestant or Catholic character.

In the Republic of Ireland, it is appropriate to remark that minorities are not necessarily exhausted by reference to religious affiliation, and that apart from the issues of women's rights, there are sexual, racial and other minorities that require consideration. If protection of minorities is to be a central theme in the arrangements for a new Ireland, it is right that standards already common and in principle binding on both states derived from international law should be the basis for protection. These standards have evolved at the universal level under the aegis of the United Nations and at the regional international level through the Council of Europe. An initial step towards effective action should be the signing and ratification by the Republic of all of the major international instruments on human rights in addition to the European Convention on Human Rights, which it has already ratified. These instruments are:

The International Covenant on Economic Social and Cultural Rights,
The International Covenant on Civil and Political Rights,
Optional Protocol to the International Covenant on Civil
and Political Rights,

Declaration regarding Article 41 of the International Covenant on
Civil and Political Rights (concerning the competence of the
Human Rights Committee to receive communications by one State
Party against another),

International Convention on the Elimination of all Forms of
Racial Discrimination,

x Convention on the Elimination of all Forms of Discrimination
Against Women,

x Declaration on the Elimination of all Forms of Intolerance and
of Discrimination Based on Religion or Belief.

The bulk of these instruments have been ratified by the United Kingdom, and would, therefore, constitute positive obligations in international law with respect to their observance in Northern Ireland. The acceptance by both states of the various Declarations and Conventions and, in particular, the right of individuals or groups to complain to the agencies established to implement the Covenants on Civil and Political Rights, and Racial Discrimination would signal the wish and interest of both to uphold the highest international standards as well as their preparedness to submit human rights policies to international supervision. As will be known, the precedent already exists for this through the European Convention on Human Rights and the right of individual petition, which is increasingly having an impact on both Northern Ireland and the Republic.

It may be argued that the European Convention represents an adequate international supervision, without further action by the two States. But the duty to ratify these instruments arises from the United Nations Charter, and the obligation undertaken by both states through membership of the United Nations. It is relevant too that Ireland is among the last members of the European Community yet to ratify the major instruments cited - the United Nations "Bill of Rights", the Covenants on Civil and Political Rights and the Covenant on Economic Social and Cultural Rights. It is anomalous also that these instruments constitute standards of protection for Britain in relation to Northern Ireland at the international level, but do not constitute obligations for the Republic's government for the people on the rest of the island because of failure to ratify them. Given the Republic's concern about human rights issues in Northern Ireland, in its own right, without reference to new arrangements for the future, it seems odd that it has been excluded from the consideration of reports on Northern Ireland, made by the United Kingdom in international fora because of failure to participate in the relevant machinery. It is necessary to emphasise that the participation in such international structures for human rights protection does not supercede national legal protection. In all cases, these instruments are secondary to the national legal systems. Their functions are to provide 'outer' protection should no remedy be available at home, and to fuse with the national constitutional and legal protections,

so as to provide as much as can be achieved through law to secure the enjoyment of human rights by individuals and minorities. On the other hand, international supervision which will result from ratification of the U.N. instruments does represent a commitment. It is not an empty gesture. It entails obligations to bring domestic law into line with the international requirements, and it obligates the state party to submit comprehensive periodic reports as to how it is fulfilling obligations undertaken. Such periodic reports are all the more important if the entitlement of individuals or groups to petition is conceded.

There is one further recommendation to be made on this topic; the incorporation into the domestic law of both Northern Ireland and the Republic of the European Convention on Human Rights. The case for a Bill of Rights for Northern Ireland has been much discussed. To those arguments can be added the case for the Republic. In Northern Ireland, without devaluing the importance of the work of particular agencies, such as the Fair Employment Agency, or the increased scope for judicial review under the Constitution Act, 1973, the arguments for an enforceable and comprehensive Bill of Rights is persuasive. The Standing Advisory Commission on Human Rights in Northern Ireland advocated one, albeit on a United Kingdom wide basis. The Republic has a written constitution which includes fundamental rights clauses that have been effectively extended by the judiciary to offer to the Irish citizen the full panoply of rights expected in a democratic state. Nevertheless, the incorporation of the Convention (by parallel legislation for both parts of Ireland) would for the Republic achieve a number of important effects. In the first place, it would supply a convenient codification of the implied rights developed through constitutional interpretation of Bunreacht na hEireann, which by virtue of being implied, do not appear on the face of the document. Secondly, it would supply an additional source for human rights protection and interpretation of the constitution's guarantees. Thirdly, it would link the processes of protection of human rights by the courts in Ireland more closely to the organs of the European Convention in Strasbourg, the European Commission and European Court of Human Rights, which have shown worrying signs of disharmony in recent times. Without elaborating on the technical dimension of incorporation, it would be desirable that the Convention be incorporated by statute rather than constitutional amendment so as to achieve equal status in both parts of the island.

The incorporating statutes could include presumptions that the rights formulated should take precedence over subsequent legislation unless the respect legislatures intended clearly the contrary purpose. Further, the legislation could direct that courts in Northern Ireland and the Republic should take into consideration decisions on the interpretation of the parallel Act in the other jurisdiction as well as the jurisprudence of the Convention at Strasbourg, with a view to harmonisation of result. Joint legislation could allow for the Attorneys-General of both Northern Ireland and the Republic to appear in any litigation before the courts in either jurisdiction where general questions of importance on the interpretation of the incorporated Convention arose in litigation, again with the objective of harmonisation of interpretation and maximising the potential of the legislation for securing remedies for human rights violation.

To some, the step of incorporating the European Convention may appear either radical or inefficacious. It is worth noting, therefore, that the Convention has the status of domestic law in seven out of the ten European Community states and fourteen out of the twenty-one Council of Europe states. In some states, it has effective equality with the Constitution. The European Court of Human Rights now permits by its Rules, the intervention in a case involving one particular state party and an individual complainant, not only another state that may have an interest in the outcome, but non-governmental organisations.

The achievement of respect for human rights of individuals or groups is not alone a function of remedies and litigation. It requires education to instil values and to dispel prejudice. What little has been achieved to ensure understanding and respect for the traditions, identity and rights of others on this island is to the credit of non-governmental agencies including the Churches. It cannot be claimed that education in the field has been a central issue for governments over the years in either Northern Ireland or the Republic.

The Forum must recognise that apart from the clearly structural basis of the conflict, there is a direct connection between violence and the stereotypes rampant on the island through which the different communities view each other. By extension, similar points can be made about Great Britain. It is proposed that the parliamentary tier of the Anglo-Irish institutions should appoint a joint commission for the promotion of respect for human rights, with a mandate to develop programmes of education and information in co-operation with existing agencies, governmental and non-governmental, in both Northern Ireland and the Republic. The Commission might be established under the joint legislation to incorporate the Convention on Human Rights and that legislation might outline its functions. Apart from an educational function, it might have power to refer issues to the courts in the appropriate jurisdiction, as does the Fair Employment Agency in Northern Ireland, or the Consumer Affairs Office in the Republic. The legislation establishing the Commission ought to provide that the Commission's views are to be sought by both governments before submitting periodic reports to the relevant international agencies under the international instruments when these are ratified. The parliamentary tier envisaged should as a regular feature table and debate such reports submitted by the two governments. The proposal here is again hardly radical, since both states have in the last few years committed themselves by resolutions of the Committee of Ministers of the Council of Europe to promote human rights education and research. In looking for models for such a Commission, the Forum might consider the recently established Australian Human Rights Commission established at the federal level, and which is recognised to have been particularly successful and effective in its activities.

17. Security.

By its nature the topic of security is not one that can be comprehensively reviewed through the Forum. Rightly, discussions on day to day security policy and co-operation is confidential. However, it is necessary for the Forum to consider security at a more general level given that special security arrangements will continue to be necessary before and after the implementation of any new settlement of the kind which has been outlined. There is in the first place a link with the subject of human rights protection, in the preceding section. The use of exceptional powers in Northern Ireland and the Republic because of the emergency in public security requires to be considered against the international standards governing the use of such powers. All of the international instruments permit a temporary resort to emergency measures which involve derogation from certain rights, provided the derogations are strictly required by the exigencies of the situation. The common assumption that during an emergency, all rights can be set aside in the interests of security is incorrect, as has been emphasised by the Irish Supreme Court, as well as the European Court of Human Rights. In this connection, it may be noted that the emergency clause of the Irish Constitution, Article 28, is in principle incompatible with international standards, because it permits the Oireachtas and the Executive too wide powers to suspend all constitutional rights. Under the European Convention, and the U.N. international instruments, certain rights, for example, freedom from torture, and the prohibition on retrospective laws, may never be suspended. Since the standards governing the use of emergency measures are common North and South, and if in particular the European Convention's protections were to become part of the internal law in each jurisdiction, the proposed Human Rights Commission would be concerned centrally with the question of emergency powers and safeguards on their use. There is obvious scope in this context for the provision of mechanisms for the scrutiny and supervision of security policies

and performance by inter-governmental and inter-parliamentary bodies of the kind discussed above. The logic for this development derives not only from the fact of security co-operation across the Border, but from the obligations which devolve on both states under international law to ensure that emergency powers are subject to scrutiny and control.

In institutional terms, the machinery created by joint legislation for interjurisdictional trials in 1975 and 1976 has considerable potential for extension. The interaction between the Criminal Law Jurisdiction legislation and the Irish Extradition Act, 1965, particularly the provisions granting a privilege against being returned to Northern Ireland from the Republic where the arrestee claims that the offence is politically motivated is currently the subject of proceedings before the Supreme Court in the Republic. It would, therefore, be inappropriate to comment on the topic, beyond noting that the effect of the laws under discussion is that there is no immunity for anyone on the island who commits offences of violence anywhere on the island. Also, whatever may be done to prevent the abuse of the concept of the political offence by paramilitaries, the internationally recognised principle of the right to seek asylum from persecution should not be abandoned in the process.

The problems in coping with violent crime common to both jurisdictions relate to enforcement including detection and production of acceptable proof for courts of the involvement of persons in violence. These problems will decrease in the context of acceptable political changes but cannot be eradicated in the short or medium terms. The Forum should set its face against panaceas for security in the context of political resolution. Draconian measures and wide discretionary powers to the security forces have the potential of reversing all political achievements as the Northern Ireland example itself demonstrates. A better course would be to seek to harmonise criminal procedure laws in Northern Ireland and the Republic, including police powers. It is regrettable in that regard that the current Criminal Justice Bill before Dail Eireann did not take over the proposal of the 1967 Criminal Justice Bill to adopt the Northern Ireland classifications of offences and police powers. Any concept of joint policing that might develop cannot proceed without the

respective forces functioning on identical powers. The adoption of common power enables the adoption of common safeguards governing the arrest and questioning of suspects and would clearly be essential if there is to be an effective common monitoring of the use of such powers in Northern Ireland and the Republic. It cannot be ignored that the rights of suspects are better protected under United Kingdom law presently than in the Republic, and that the current Criminal Justice Bill in the Republic will give the Garda more extensive powers than are available to the R.U.C. in certain respects.

The technical and sensitive nature of many of these issues would prompt the suggestion that they require separate review. It is proposed that a further Law Enforcement Commission be established to review experiences since the first report in 1974, and to examine in the context of the aims of achieving acceptable policing systems and controlling violence, how the inter-jurisdictional machinery already established might be built upon. In the meantime, the Forum might consider recommending a review of the Offences Against the State Act, 1939, which has never been undertaken in its history and which as emergency legislation is much less economical in scope, and subject to fewer controls, legal and parliamentary, on its use than the Northern Ireland Emergency Provisions Act, 1978, its equivalent in Northern Ireland. The task of harmonising criminal law and procedure would not be a major task, since the essentials are already common, and could await the advice of the proposed Law Enforcement Commission.

18. Mode of Enactment.

The mode of enactment for the various measures which would form part of a general settlement along the lines outlined requires careful consideration. To achieve peace and stability, it is important that the highest degree of legitimacy be conferred in major elements in an initial settlement. In the Republic, some constitutional change is clearly required to remove the ambiguity of Articles 2 and 3 of the current Constitution and to amend Article 28 as noted. It would also be desirable to gain general popular consent to the creation of new inter-governmental and inter-parliamentary bodies. In Britain, there

is no obvious means of entrenching constitutional legislation which refers to an integral part of the United Kingdom as presently constituted. But a new comprehensive constitution for Northern Ireland, incorporating a Bill of Individual and Communal Rights, could eventually be enacted. Within Northern Ireland further legitimacy to any measures may be achieved by way of one or more referendums, for which there is already statutory provision. Consideration should be given on the inter-state level to the utility of adopting the changes proposed and establishing the structures recommended through a fresh Treaty.

19. Conclusion.

The European Court of Human Rights has defined the hallmark of a democratic society as requiring "pluralism, tolerance and broadmindedness". (Handyside, 1976). We believe in those values and seek to see them effective in both parts of Ireland. We believe that a package of measures along the lines set out in this submission offers the most realistic chance of moving towards peace and stability on the island based on those values.

25 November, 1983

Ireland Relays

4 MAR 1984



Prime Minister.

You will wish to decide whether to brief Cabinet - or to ask the Cabinet Secretary to do so - on the basis of paragraph 2 below.

A.S.C. 7/3

Ref. A084/739

PRIME MINISTER

Anglo-Irish Relations: Northern Ireland

As forecast in my minute of 5 March, Mr Michael Lillis called on Mr Goodall on that day to give us the Taoiseach's initial response to the ideas which I put to Mr Nally in Dublin on the Cabinet's instructions on 1 March. I attach a copy of Mr Goodall's report.

2. This confirms and amplifies, but does not substantially change, the impressions which Mr Goodall and I formed in Dublin: namely, that the Taoiseach is heavily preoccupied with bringing the Forum to a successful conclusion (ie a consensus report) and that, partly in consequence of that preoccupation, the Irish side were taken somewhat by surprise by our approach; that they welcome a number of elements in it, but have serious difficulty with the idea of a border strip which would incorporate territory on the Republic's side of the border; and that, although the Taoiseach stands by the "basic equation" which the Irish side had adumbrated to us earlier, he still has no clear ideas of his own on how to give it practical effect. In short, the Irish want to keep us in play while they do their own homework. The ball is now firmly in the Irish court.

3. If you agree, we will now await the considered presentation of the Irish Government's ideas which we have been promised within the next three to four weeks; and in the meantime Mr Goodall will convene the same restricted group as before to assess the preliminary Irish response and to examine the additional elements in a possible package which the Irish side suggested to us in Dublin (incorporation of the European Human Rights Convention into Northern Ireland legislation, the idea of a "double guarantee", and the possibility of developing some form of "Parliamentary Tier" either inside or outside the framework of the Anglo-Irish Intergovernmental Council: see paragraph 6 of my minute of 5 March).

4. You may wish to make a brief report to Cabinet on the lines of paragraph 2 above, stressing the continuing need to maintain absolute secrecy in regard to our contacts with the Irish and the ideas which we have floated with them.

5. I am sending copies of this minute, with copies of Mr Goodall's report, to the Foreign and Commonwealth Secretary, the Secretary of State for Northern Ireland, Sir Antony Acland and Mr Robert Andrew.

RA

ROBERT ARMSTRONG

7 March 1984

h * or you could ask me to do so, if you preferred.

SECRET AND PERSONAL

B.06988

^{RA}
SIR ROBERT ARMSTRONG

Anglo-Irish Relations: Northern Ireland

1. Mr Michael Lillis came to see me yesterday on the Taoiseach's instructions to give us an "authoritative but very preliminary" reaction to the ideas which you floated with Mr Nally and his colleagues on 1 March. Mr Lillis emphasised that what he had to say had been discussed and agreed with the Taoiseach in several conversations over the weekend.
2. Reading with ex tempore explanatory interjections from a speaking note which he said had been cleared with the Taoiseach personally, Mr Lillis said that the Irish side welcomed our approach: it had, however, taken them somewhat by surprise since they had been assuming, in the light of the Prime Minister's firmly expressed wish to avoid secret talks for the time being, that there would be no substantive dialogue between the two governments until after the Forum report had been published. Because of this, and also because of the extreme sensitivity of the whole subject in Irish political terms, their own thinking on the elements in a possible package (as distinct from the general principles on which it should be based) had not been carried much further than the very tentative thoughts voiced to me by Mr Lillis before the Prime Minister's meeting with the Taoiseach last November; and the Irish side had been geared to talk to us on 1 March about the Forum rather than about the possible elements of a new approach. But Mr Lillis reiterated that our approach had been welcomed and that the Irish were glad that, contrary to their expectations, we had made it in time for it to be taken into account in their handling of the Forum's report.

SECRET AND PERSONAL

3. Mr Lillis said that the Taoiseach was relieved and encouraged that the Prime Minister had taken account of his analysis of the situation in Northern Ireland and that we were actively examining ways of addressing the dangerous situation which he saw developing there. He strongly endorsed the Prime Minister's view that it would be dangerous to do nothing; and he shared her wish that the two governments should join in the process of finding a way to bring peace to Northern Ireland and should act together in the matter. Meanwhile, he wished to stress again that Mr Barry was the only Irish Minister who was privy to the exchanges with us, and that he wanted to continue to handle the matter on this very restricted basis for the time being. At some point it would be necessary for him to consult other colleagues but he would not propose to do this at least until after he had talked to the Prime Minister. Even then he would not wish to brief the Irish Cabinet collectively: his idea would be to speak individually, and on a basis of strict confidentiality, only to the members of the Cabinet Security Committee. Meanwhile any leak either of the fact that contacts were taking place or of the sort of ideas which were under consideration would be highly damaging. (I said that this was consistent with the Prime Minister's view that our talks were strictly exploratory and confidential and that it was of the greatest importance that they should remain so.)

4. Mr Lillis went on to say that the Taoiseach was particularly pleased that British Ministers shared his perception of the danger of a sharp deterioration in the political situation in Northern Ireland, and consequently in the security situation there, over the next fifteen months; that we were actively working to find a way forward; and that our ideas focussed on joint action by the two governments. The Irish also welcomed the British recognition of the importance of "symbols" in Northern Ireland as indicating a common awareness of the political nature of the problem. They were

SECRET AND PERSONAL

interested in our ideas on harmonisation of the law and joint courts, although they recognised that these were at an early stage of development, but they were not sure that they had correctly understood them; and certain aspects of our ideas on joint policing arrangements, in particular the idea of a "band" or area on both sides of the border to which such arrangements might apply, caused them serious concern.

5. More generally, Mr Lillis said that the Irish agreed with us in principle on the nature of the "basic equation" and on the need to look for a balanced approach which took due account of the concerns of all parties to the problem. At the same time, however, they thought that our ideas were politically inadequate; and they questioned the nature of the balance which they reflected. It was essential to realise that the present crisis in Northern Ireland stemmed from a fundamental imbalance. All the cards - constitutional, identity, politics - were now stacked on one side. Hence the problem and the alienation of the minority. In the Irish view therefore it was not enough to seek to transform the existing balance into a new one which would be weighted on each side proportionately as at present; the task was to establish a proper balance for the first time. The most secure way forward would be for the two governments to seek to agree on a number of general principles and priorities, including an agreed definition of the problem, which would give both sides room for manoeuvre while, at the same time, providing a coherent framework for progress. This was the rationale underlying the Taoiseach's strategy in the Forum.

6. Mr Lillis stressed that, from the Irish nationalist point of view, even the concept of joint sovereignty would represent a major psychological shift. But because of its constitutional implications the Taoiseach had taken pains to ensure that the term "joint sovereignty" should not publicly be used and had arranged for its removal from all

SECRET AND PERSONAL

the internal papers of the Forum as well as those which might be published. This had not been easy. He had successfully insisted that only the term "joint authority" should be used, which carried no constitutional implications.

7. The outcome of the Forum was still in the balance. But if, as the Taoiseach hoped and intended, its report contained the statement of principles or "realities" which had already been described to us, together with a set of illustrative models which included "joint authority", this would represent a remarkable breakthrough in terms of nationalist opinion. The Taoiseach was still hopeful that all four parties to the Forum would subscribe to a report on these lines; but even if Fianna Fail declined to do so they would find it very difficult in practice to reject conclusions which had the backing of the SDLP as well as Fine Gael and the Labour Party. At the same time it was important not to underestimate the extent to which such a report, by virtue of the process by which it would have been arrived at, would constitute a limiting factor on the Irish Government's room for manoeuvre. (I commented that this was fully understood here: hence our doubts about the Taoiseach's keen-ness to achieve a consensus.)

8. Turning to our ideas on joint security arrangements, Mr Lillis said that these appeared to the Irish side as lacking in political balance and likely to prove counter-productive in practice. The participation of Irish security forces in joint security operations in Northern Ireland, unless such operations were formally set in a wider context of joint authority, would quickly be represented by nationalist critics as contributing purely to the maintenance of British sovereignty and British constitutional arrangements in Northern Ireland, thus fuelling the present confrontation which was the cause of the minority's alienation. The Irish Government would in effect be adding to the present imbalance in the British and unionist favour with damaging

SECRET AND PERSONAL

consequences for stability and order in the Republic. The present Irish Government would be prepared to contemplate taking such a risk but only if the whole operation were to be seen in the wider context of joint authority.

9. The Irish Government could not however contemplate compounding this risk by having joint operations in contiguous areas along both sides of the border which would form a single "band" of territory because:

(a) it would involve two borders instead of one, which one or other set of security forces would not be able to cross;

(b) British or Northern Ireland security forces were not needed south of the border;

(c) much of the strip would become a no-go area such as already existed in much of South Armagh which could not normally be patrolled on the ground; and neither British nor Irish forces could adequately control such a greatly extended no-go area;

(d) the authority and acceptability of the Irish security forces would be undermined both in the North and the South; and

(e) a territorial limitation on the operations of Irish forces under otherwise acceptable arrangements in the North would be impracticable from a security point of view in that it would involve the establishment of new operational borders within Northern Ireland.

Mr Lillis explained at this point that the Irish recognised that under any conceivable arrangements their forces would in practice expect to operate only in certain limited areas of Northern Ireland; but they believed that the formal demarcation of those areas would present acute difficulties

SECRET AND PERSONAL

in terms of safe havens, hot pursuit and so on. As to any "safe haven" enjoyed by terrorists in the Republic, the effect of the "band" would simply be to push that safe haven a little further to the South.

10. In conclusion, Mr Lillis repeated that the Taoiseach welcomed our approach. The Irish side would like to explore with us further our ideas on joint law enforcement and the harmonisation of the criminal law and they hoped that these ideas could be extended to take account of human rights considerations. They also welcomed our readiness to discuss "symbols". These were all areas in which they now needed urgently to clarify their own thinking. The Taoiseach fully recognised the need to take account of the British dimension in Northern Ireland and of the unionist identity, but he believed that it would be unrealistic for the British and Irish Governments to contemplate joint action in limited security areas without taking account of the rest of the political life in Northern Ireland. The central problem, and the problem to which as the Irish understood it the British ideas were directed, was that of the acceptability of public authority in the Province. This was why they thought that the two governments should jointly seek to agree on the nature of the problem and, if possible, on common definitions and common priorities. The optimum would be if both governments could agree on some joint public statement of principles; but an alternative might be for the British Government to issue its own equivalent of the Forum report's section on "realities", perhaps as a White Paper. It was within a framework of agreed principles that it should be possible to work out practical and enduring proposals which would reassure both the majority and minority communities in the North and avoid creating instability in the Republic.

SECRET AND PERSONAL

11. When Mr Lillis had finished, I reminded him that all the ideas we had floated were posited on the assumption that the Irish side would be willing and able to deliver a formal commitment to accept the union. This was our essential starting point. Mr Lillis confirmed that the Irish side fully recognised this. I then went through our ideas as summarised in paragraph 15 of the paper by officials attached to your minute to the Prime Minister of 7 February, in broadly the same terms as you had done in Dublin, but allowing Mr Lillis to take notes. He said that this usefully clarified a number of points of misunderstanding on the Irish side.

12. On the Irish wish to reach agreement with us on principles, I questioned whether it was realistic to look for what would amount to an agreed statement of long term objectives (especially one to which Mr Haughey was prepared to subscribe while in opposition). I pointed out that it was comparatively easy for the Irish to reach agreement on principles among themselves, since they shared the common objective of ultimate Irish unification. It was precisely because no British Government could commit itself to such an objective that we thought it more profitable to adopt a pragmatic, step-by-step approach to the problems of the North. Nor could we accept the contention that our ideas would have the effect of strengthening an existing imbalance against the nationalist community. From our point of view we would for the first time be admitting a visible and substantial "Irish dimension" in Northern Ireland in return for no more than formal Irish acknowledgement of what was already the case - i.e. that Northern Ireland was part of the United Kingdom and would remain so until a majority of its inhabitants wish otherwise. In British terms this would be a very substantial "breakthrough" indeed, and one in which the balance of advantage would be in favour of Irish aspirations. Mr Lillis indicated recognition of this. But he added that it was incorrect to assume that

SECRET AND PERSONAL

the Irish Government would be looking for arrangements which would represent a step towards Irish unification. There was a strong element of "partitionism" in the structures and attitudes of the State in the South. He emphasised that the arrangements which the Taoiseach was looking for were to be complete and durable in their own right - as he believed that the arrangements worked out at Sunningdale would have been if they had been fully implemented. For this to be achieved however it was essential that the identity of the minority should be allowed adequate political expression. He emphasised that, although the Irish had not yet worked out in detail what they meant by "joint authority", the concept was expressly intended not to conflict with continued British sovereignty over Northern Ireland. He also mentioned the Irish belief that governmental reform in Northern Ireland (unspecified) might have an important part to play in contributing to arrangements which would satisfy the minority community. I said that this too could be discussed.

13. On our ideas on joint law enforcement and the border strip, I asked whether the stumbling block for the Irish lay in the practical and security difficulties (of which we were well aware) inherent in the concept of a defined border strip outside which the joint security arrangements would not apply, or in the fact that the proposed strip would include an area on the Republic's side of the border. Mr Lillis confirmed that it was the latter aspect which the Irish could not swallow. In this connection I reminded him of the tentative nature of our proposals and said that although the principle of reciprocity was of crucial importance to us, we would not necessarily expect in practice that the strip would be established on the basis of territorial symmetry - i.e. we did not exclude the possibility that it would cover a larger area of territory in the North than in the South. These

SECRET AND PERSONAL

would all be matters for discussion, and it would be the task of the proposed joint security and joint law enforcement commissions to examine all the practical problems and make agreed recommendations.

14. In general I reminded Mr Lillis that our ideas were not a take it or leave it package: they had been approved by Ministers as an acceptable basis for exploring possible elements of a new approach with the Irish Government. If the Irish side had alternative suggestions to make we should, of course, be ready to consider them. But it was important that the Irish should spell out exactly what their suggestions would amount to in practical terms on the ground and not confine themselves to principles and generalities. In particular, we needed to know how the Irish side proposed that their recognition of the union should be expressed, and what practical arrangements they would regard as adequately reflecting their concept of "joint authority". If leaks were to be avoided, it was also important to conduct the exploratory exchanges quickly: if it turned out that there was no basis for agreement it would be better to establish this soon and for both sides then to disengage rather than to embark on a protracted process of shadow-boxing about principles which would raise expectations and suspicions all round and make the situation worse to no purpose. But it would be quite unrealistic to expect us to start modifying, rethinking or expanding the ideas we had put on the table until we had been given a correspondingly clear and detailed indication of Irish thinking on these points.

15. Mr Lillis acknowledged the justice of this and said that the Irish side would now clarify their ideas as a matter of urgency. He hoped that they would be able to come back to us within the next three or four weeks. Meanwhile, he was instructed to express once again the Taoiseach's hope

SECRET AND PERSONAL

that he would be able to have reasonably substantial private talks with the Prime Minister in the margins of the next two European Council meetings and that, if the Taoiseach came to London in the course of the next few months to fulfil a private speaking engagement (e.g. to address the Middle Temple), he would be able to meet the Prime Minister at the same time. The Taoiseach would not be looking for a formal meeting with the Prime Minister (i.e. another Anglo-Irish Summit) until both sides were in a position to go public on the elements of a possible new approach to the Irish question.

David Goodall

A D S Goodall

6 March 1984



File
18

10 DOWNING STREET

From the Private Secretary

SIR ROBERT ARMSTRONG

ANGLO/IRISH RELATIONS: NORTHERN IRELAND

The Prime Minister has noted the contents of your minute of 5 March reporting the outcome of your informal and exploratory talk with the Secretary of the Irish Government.

With regard to your paragraph 8, the Prime Minister is prepared to meet the Taoiseach in the margins of the European Council in Brussels on 19/20 March. I do not think that we can, at this stage, commit the Prime Minister to a meeting of one hour in length. I suggest that you tell Mr. Nally that we will make arrangements in the usual way - i.e. that there should be contact between the staffs of the Prime Minister and the Taoiseach on arrival in Brussels.

I am copying this minute to Brian Fall (Foreign and Commonwealth Office) and John Lyon (Northern Ireland Office).

A. J. COLES

6 March 1984

SECRET AND PERSONAL

E.R.

CONFIDENTIAL

x ref

NOTE OF A MEETING BETWEEN THE SECRETARY OF STATE AND MR ENOCH POWELL
IN NORTHERN IRELAND OFFICE, LONDON ON 29 FEBRUARY 1984

The Secretary of State met Mr Enoch Powell in London on 29 February. Mr Powell called at short notice at his own request. Mr Lyon was present.

Mr Powell said that he had asked to see the Secretary of State in case he had not had an accurate account of the Ulster Unionist Party's Executive Meeting on 24 February. The Meeting had been a considerable success for Mr Molyneaux. Mr Molyneaux had given one of his most hard hitting speeches, making quite clear that party policy was to boycott the Assembly and that the Party depended on unity behind its leader. This had been very well received. Mr Ferguson had spoken in defence of his decision to rejoin the Assembly, and perhaps one other speaker had expressed sympathy. The rest had roundly condemned the rebels and had urged them to reconsider their decision.

Mr Powell noted that the Council would be meeting on 3 March. There might be some changes in office holders, but no significance should be attached to that. Mr Molyneaux might also elaborate a little on the alternatives to the Assembly. Mr Powell's view was that there was no prospect of any other members of the Unionist Party returning to the Assembly. It was possible that some of the rebels might change their minds and rejoin the boycott. While he himself did not advocate this course, he thought that if any other members came under pressure, Unionist Assembly Members might decide to resign their seats.

Mr Powell said that the messages which the Secretary of State had put out over recent months had been clearly understood. The Unionist MPs could "read the small print", and were no longer terrified of their constituents. He hoped that no

.. attempt

CONFIDENTIAL

E.R.

CONFIDENTIAL

attempt would be made to introduce change in one large step. While he recognised the need for Mr Molyneaux to maintain unity in the Party, he was not himself in favour of regional councils. Nor did he believe in the immediate abolition of the 1974 Act. A number of small steps might in due course, however, lead to that legislation being no longer necessary.

The Secretary of State said that the reports he had received of the Unionist Executive Meeting had been very similar to those described by Mr Powell. He recognised Mr Molyneaux's position, but he had found it difficult that Mr Molyneaux had suggested that he was having fruitful if private talks with the SDLP on some form of regional government tier when all the other evidence suggested that the SDLP saw no prospect of progress on this front.

J. M. Lyon

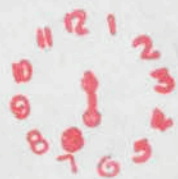
J M LYON
Private Secretary

24^e February 1984

cc PS/SofS (L&B) - M
PS/PUS (L&B) - M
Mr Brennan
Mr Angel
Mr Merifield - M
Mr Abbott
Mr Reeve - M
Mr Bickham

-2-
CONFIDENTIAL

1 - MAR 1984



CONFIDENTIAL

20932 - 1

DD 171100Z DUBLIN
GRS 367
CONFIDENTIAL
DESKBY 171100Z FEB
FM FCO 170930Z FEBRUARY 84
TO IMMEDIATE DUBLIN
TELEGRAM NUMBER 27 OF 17 FEBRUARY
YOUR TELNO 69: BORDER ROAD CLOSURES

1. GRATEFUL IF YOU WOULD ARRANGE FOR FOLLOWING REPLY FROM MR PRIOR TO MR BARRY TO BE DELIVERED AS SOON AS POSSIBLE. SIGNED ORIGINAL FOLLOWS BY BAG ON 20 FEBRUARY.

BEGINS:

THANK YOU FOR YOUR LETTER ABOUT THE CLOSING OF CROSS-BORDER ROADS, WHICH I RECEIVED THROUGH NOEL DORR ON 14 FEBRUARY.

I APPRECIATE YOUR CONCERN. AS IT HAPPENED OUR SECURITY FORCES MOVED EARLY THAT DAY IN PURSUANCE OF A DECISION TAKEN SOMETIME BEFORE, TO BLOCK THREE SMALL ROADS TO THE NORTH-EAST OF ROSSLEA IN CO FERMANAGH PREVIOUSLY CLOSED BY CRATERINGS WHICH HAD BEEN FILLED IN. THE CLOSING OF ONE OF THE ROADS WAS DELAYED BY A SUSPECTED EXPLOSIVE DEVICE. WE HAVE HAD NO REASON TO BELIEVE THAT THESE CLOSURES WOULD PROVE CONTROVERSIAL, AND THE DECISION WAS ONLY TAKEN AFTER CONSULTATION OF THE GARDA SIOCHANA BY THE RUC ACCORDING TO THEIR NORMAL PROCEDURES.

OUR SECURITY FORCES HAVE SEPARATELY BEEN MAKING A THOROUGH SURVEY OF CROSSING POINTS ON THE BORDER, CONSPICUOUSLY THOSE ON THE CO ARMAGH SIDE, WHERE FEARS AND TENSIONS HAVE BEEN AT A HIGH PITCH RECENTLY, FOR REASONS OF WHICH YOU WILL BE WELL AWARE. I AM NOW AWAITING A REPORT OF THIS SURVEY. I REALISE THAT ANY CLOSING OF ROADS MAY BE A SENSITIVE MATTER ON YOUR SIDE OF THE BORDER - INDEED ON BOTH SIDES, WHERE TRADITIONS OF FREE PASSAGE EXIST AMONG THE LOCAL PEOPLE. BUT THERE ARE STRONG FEELINGS TOO IN FAVOUR OF DENYING AVENUES OF FLIGHT TO THE PERPETRATORS OF TERRORIST CRIME, AND I MUST TAKE SOME ACCOUNT OF THEM TOO. THE OPERATIONAL METHODS OF OUR SECURITY FORCE COMMANDERS ARE A COMPLEX OF DIFFERENT TECHNIQUES AND ACTIVITIES, IN WHICH THE CLOSING OF ROADS INEVITABLY HAS A PLACE. IF I RECEIVE A FIRM

1

CONFIDENTIAL

CONFIDENTIAL

20932 - 1

RECOMMENDATION, WHICH WILL ALWAYS HAVE BEEN DISCUSSED WITH THE
GARDA SIOCHANA BEFOREHAND, IT IS DIFFICULT - GIVEN THE CHANCE THAT
LIVES MAY BE SAVED - TO TURN IT DOWN.

I AM EXPECTING THE RESULTS OF THE SURVEY SHORTLY, BUT
REALISING THE PRESSURES THAT YOU ARE UNDER FOR YOUR PART TOO, I
SHOULD BE GLAD TO TALK THE ISSUES OVER WITH YOU BEFORE I MAKE UP
MY MIND ON ANY RECOMMENDATIONS THAT MAY THEN BE PUT TO ME.
ENDS.

HOWE

NORTHERN IRELAND
LIMITED

RID
KAD
INFO D
WED
MAED
NEWS D
FUSD
PS
PS/LADY YOUNG

PS/MR WHITNEY
PS/PUS
SIR J BULLARD
MR WRIGHT
LORD N GORDON LENNOX
SIR W HARDING
MR ADAMS
MR JENKINS
MR D C THOMAS

ADDITIONAL DISTRIBUTION
NORTHERN IRELAND

CONFIDENTIAL



15

Ref. A084/539

PRIME MINISTER

Northern Ireland

--- In accordance with the conclusions reached at your meeting on 10 February with the Foreign and Commonwealth Secretary and the Secretary of State for Northern Ireland, I submit a speaking note for you to use at the beginning of Cabinet tomorrow.

RA

ROBERT ARMSTRONG

15 February 1984

DRAFT SPEAKING NOTENorthern Ireland

I told Cabinet on 22 December that consideration needed to be given to the wider aspects of the Irish question and the possibility of finding new approaches to it; and I would be discussing this over the Christmas Recess with those colleagues most directly concerned.

2. My discussions with the Foreign and Commonwealth Secretary and the Secretary of State for Northern Ireland have led us to the conclusion that we do now need to consider the possibility of a new approach to the Irish question. Not least among the reasons for this are the growing political strength of Provisional Sinn Fein and the continuing lack of confidence on the part of the minority community in the forces of law and order in the Province. Unless we can offer the minority some reassurance, particularly on the security side, there is a real risk that by the time of the local elections in 1985 Provisional Sinn Fein will overtake the SDLP as the party representing the majority of the nationalist community. This would enable them to claim a greater degree of political legitimacy for their objectives and greater justification for the use of terrorism in pursuing them. We know that the Irish Government is seriously concerned about this possibility. I myself believe



that, after 15 years of casualties to the security forces in Northern Ireland, we should be wrong on both security and economic grounds to allow the present situation in Northern Ireland to continue indefinitely.

3. A further factor in the situation is the impending report of the "Forum for a New Ireland", which is now expected to present its report early next month. Although we do not know what the report will say, it is clear that it will contain proposals about Northern Ireland to which we shall be obliged to make some response. What that response should be has to be considered both from the point of view of the security situation in the Province, and also from the international perspective (our relations with the United States as well as with the Republic).

4. Against this background, my discussion with the two Secretaries of State has concentrated on possible ways of improving security in co-operation with the Republic and of going some way to meeting the concerns of the minority community in the North. We have considered among other things the possibility of joint policing in a defined area along both sides of the Irish border, and harmonisation of law enforcement procedures as between Northern Ireland and the Republic. But it is clear that we could contemplate measures of this kind only if we receive a firm indication from



Dublin that the Republic would be prepared in return formally to recognise the continuing existence of the union (at least for the foreseeable future) and to waive the territorial claim on the North embodied in Articles 2 and 3 of the Irish Constitution.

5. Although there is no hard information about the Irish Government's attitude, there are indications from Dublin to suggest that, whatever solutions the Forum may advocate, the Taoiseach himself wants priority given to improving the security situation in the North by strengthening the confidence of the minority in the forces of law and order there; and that he would like to explore with us ways of reassuring unionist opinion about Northern Ireland's place in the United Kingdom in return for arrangements which would associate the Republic in some visible way with law enforcement in the Province.

6. Without obtaining a much clearer idea than we have at present of the thinking of the Dublin Government, it is impossible to judge whether there is any realistic prospect of making progress along these lines, or to try to work out the details of a possible package. Subject to the views of the Cabinet, therefore, I propose to ask the Secretary of the Cabinet to make an informal, confidential and strictly exploratory approach to the Secretary of the Irish Government, Mr Dermot Nally. The object



of this approach would be simply to sound out the Irish position without any commitment on either side and to signal to the Taoiseach in advance of the Forum's report that the British Government is thinking constructively about the problem.

7. The fact that we are making this approach, which could itself constitute a major development in the Government's position on the Irish question, would clearly be of the greatest sensitivity. We think that the Taoiseach and Mr Nally would do their best to keep it secret, at least as long as the discussions were purely exploratory in character. But we should make it clear to the Irish from the outset that everything was dependent on their being willing and able to deliver an acceptably binding commitment to waive their territorial claim and acknowledge the union, at least for the foreseeable future. So long as we could truthfully say that any exploratory discussions were being conducted on this premise, and with the aim of improving the security situation, the fact of such discussions taking place - if it did become known - would be publicly defensible.

8. If the Cabinet agrees that we should proceed as proposed, we shall consider the matter again in the light of the Irish Government's response; and the Cabinet will, of course, be fully consulted before any firm or detailed proposals are put to the Irish Government.



FILE

13

10 DOWNING STREET

From the Private Secretary

MR GOODALL
CABINET OFFICE

NORTHERN IRELAND

Thank you for your minute of 10 February (B.06973) with which you forwarded a draft record of the meeting on 10 February.

The Prime Minister agrees that copies of your record may be sent to the Foreign and Commonwealth Secretary, the Secretary of State for Northern Ireland, Sir Antony Acland and Mr. Andrew.

E. J. COLES

13 February, 1984

SECRET & PERSONAL



12

Prime Minister

SECRET AND PERSONAL

Agree that the record

should also be sent to

Mr. Ivier, Sir Geoffrey Howe,

Sir Antony Ireland and Mr.

Robert Andrew ?

B.06973

MR COLES

c Sir Robert Armstrong

Northern Ireland

A.D.C. $\frac{10}{2}$

1. I submit a draft record of this morning's meeting.

2. If we follow the precedent of the record of the meeting on 4 January it would be copied only to you and to Sir Robert Armstrong. The Prime Minister may, however, consider that on this occasion copies should be sent also (on a Secret and Personal basis) to the ^{two} Secretaries of State, and to the Permanent Under Secretaries who attended the meeting.

Yes
not

David Goodall

A D S Goodall

10 February 1984

SECRET AND PERSONAL

DRAFT NOTE FOR THE RECORD

NORTHERN IRELAND

1. The Prime Minister held a meeting at 10 Downing Street on 10 February to discuss Northern Ireland. Those present were the Foreign and Commonwealth Secretary, the Secretary of State for Northern Ireland, Sir Robert Armstrong, Sir Antony Acland, Mr Alan Goodison, Mr Robert Andrew, Sir Philip Woodfield, Mr David Goodall, Mr Robin Butler and Mr John Coles. The meeting had before it a minute by the Secretary of the Cabinet to the Prime Minister dated 7 February covering a paper by officials of the same date examining a range of proposals on Northern Ireland.

2. In discussion it was recalled that agreement had been reached in principle at a Ministerial meeting at Chequers on 4 January that a political initiative on Northern Ireland was desirable which, by helping to isolate and neutralise the terrorists and their supporters, would promote law and order in the Province and would at the same time provide the Government with a means of responding effectively to any proposals which the Irish Government might put forward following the report of the Forum for a New Ireland. Any initiative which had attractions for the nationalists was bound to evoke strong unionist opposition and to

SECRET AND PERSONAL

involve practical and political difficulties. But these should not be allowed to stand in the way of action to improve the present situation.

3. A crucial precondition for any package of measures must be the Irish Government's willingness - and ability - to deliver an acceptably formal and binding commitment to waive the Republic's territorial claim to the North and to acknowledge the union for the foreseeable future; and it was difficult to see how this could be done except by a revision of Articles 2 and 3 of the Irish Constitution. Provided the Irish Government could enter into an appropriately binding commitment of this kind, it would be feasible to consider introducing arrangements for joint policing and joint law enforcement in Northern Ireland on the lines summarised in paragraph 15 of the officials' paper. Although measures on these lines might in the short-term lead to some increase in terrorist activity, they would offer a real prospect of isolating the terrorists from the rest of the nationalist community and in the longer term ought thereby to lead to a significant improvement in the security situation. Although the SDLP in particular might be tempted to press for a revocation of the British Government's "guarantee" that Northern Ireland would not cease to be part of the United Kingdom without the consent of the majority of its inhabitants, this did not appear to be central to the Irish Government's present thinking

SECRET

nor would it be consistent with Dr Fitzgerald's apparent readiness to consider abandoning the Republic's territorial claim and to proceed only with the consent of the majority of the population of the Province.

4. Proposals for local government reform in Northern Ireland were likely to be of less interest to the Irish than proposals for joint law enforcement, but would nevertheless be worth including in any package: the most promising possibility in this field would be to give the Assembly local government powers, allocating the chairmanship of certain committees to representatives of the minority. It was agreed that although there were evident risks in making any approach however informal to the Irish Government on the lines discussed in the officials' paper, it would be necessary to explore the possibilities with them on a tentative and informal basis in order to obtain a clearer idea of what might be negotiable. Only then would it be possible to formulate detailed proposals. Provided such exploration was undertaken on the clear understanding that ~~it was predicated~~ *any agreement would be dependent* on the Irish side being willing and able to deliver a formal commitment to abandon the Republic's territorial claim and to acknowledge the union, at least for the foreseeable future, the Government's position should command a wide measure of public support. It would be desirable to ensure that Dr Fitzgerald was aware, before the Forum's report was published, that the British Government were prepared to

SECRET AND PERSONAL

approach the problem constructively; and it would therefore be appropriate to begin exploratory discussions with the Irish in the near future. In the first instance, these discussions could best be conducted on a personal and confidential basis between the Secretary of the Cabinet and the Secretary of the Irish Government, Mr Nally, who had been shown to be a trustworthy interlocutor.

5. The Prime Minister, summing up the discussion, said that the meeting agreed in principle that the proposals summarised in paragraph 15 of the officials' paper of 7 February constituted an acceptable basis from which to begin a tentative and confidential exploration of the Irish position. It would, however, be essential to have Cabinet approval for the main elements of the proposed approach before any contact was made with the Irish. She would therefore inform the Cabinet in general terms of what was proposed at its meeting on 16 February. Subject to Cabinet agreement, it would then be for the Secretary of the Cabinet to make an informal, personal and confidential approach to the Secretary of the Irish Government.

The meeting -

1. Noted that the Prime Minister would proceed as indicated in her summing up.

2. ^{Invited} ~~Invited~~ the Secretary of the Cabinet, to prepare a speaking note for the Prime Minister's use in Cabinet.

in consultation with the Foreign and Commonwealth Secretary and the Secretary of State for Northern Ireland,

SECRET

SUBJECT
C. MASTER SET

A.J.C. $\frac{10}{2}$

h.a.

NOTE OF A MEETING BETWEEN THE PRIME MINISTER AND MR JOHN HUME MP AT 6.00 P.M. ON THURSDAY 9TH FEBRUARY 1984

John Hume talked to the Prime Minister about three separate topics:-

1. He sought to emphasise the importance which the SDLP attached to the New Ireland Forum. John Hume regarded the Forum as the proper alternative to the SDLP's joining and participating in the Northern Ireland Assembly. The SDLP were boycotting the Assembly because they were convinced that the Protestant community in Northern Ireland would set their views resolutely and unmoveably against any power sharing. They had done this in the context of the debacle of the Sunningdale conference; in the context also of the Northern Ireland convention; and in the context of the proposals put forward in the early 1980s under Humphrey Atkins' leadership. The SDLP believe that they would lose all electoral credibility if they went along with the new Assembly after so many rebuffs in the past. Hence their negative attitude towards it and the positive enthusiasm with which they now embraced the New Ireland Forum. Referring to the latter, John Hume expected it to come up with some realistic proposals for the future constitutional development of Ireland, not necessarily based upon the essential pre-requisite of a unitary state. Various alternatives, including two separate centres of government, might well emerge from the Forum.
2. John Hume spoke about his misgivings concerning what he described as the "disintegration" of the Catholic community. As an example he sited his own town of Londonderry, which before the struggle started in 1968,

had the lowest crime rate in the United Kingdom, despite then having the highest unemployment rate. But things were now different. For example a new generation of 18 year olds, who were only 4 in 1968, had now come of age knowing only a background of violence. Law and Order had, in his view, to be based on a willing consensus within the population. But no such consensus existed in the Roman Catholic community, and no voice of constitutional loyalty was available to them.

3. John Hume commented briefly on the prospects for provisional Sinn Fein in response to a question from the Prime Minister. It remained strong on motivation, fuelled by the hunger strike deaths, the general lack of political movement and the apparent success of violence. But in John Hume's view, it suffered from sharp internal contradictions which were likely, increasingly, to cripple its development. The main contradiction was the dual attempt to seek and to evaluate work and jobs and economic progress in Northern Ireland whilst at the same time tacitly supporting and endorsing the violent bombing campaign which damaged and destroyed jobs and the economy.

MICHAEL ALISON
10th February 1984

SECRET UK EYES A.



10 DOWNING STREET

Prime Minister.

If you have time to read it
the assessment of the Provisionals,
and their likely impact on the
SDLP, is relevant to the
Friday meeting on Northern Ireland.

A.J.C. $\frac{9}{2}$.



MR COLES

I attach an advance copy of
the JIC assessment on "The Strategy
of the Provisionals" which will be
contained in tomorrow's WSI.

Copies have also gone to the
FCO, NIO, Sir R. Armstrong and
Mr. Goodall.

Bill Savage

T.W. SAVAGE

9/2/84.

THE STRATEGY OF THE PROVISIONALS

The Provisionals' Aims

1. The aim of the Provisional Republican movement, embracing both its political wing, Sinn Fein, and the Provisional IRA (PIRA), remains that of forcing the withdrawal of the British from Northern Ireland by means of a dual strategy involving both political action and terrorism, and thereafter bringing about a new "socialist republic" of all Ireland.

Developments since the General Election

2. Since June 1983*, the Provisional leadership's dual strategy of political activity and terrorism has remained generally on course. Political activity has continued. In late June 1983 Sinn Fein won a council seat in West Belfast in a by-election contest with the SDLP. In its first political intervention for some time in the Republic, Sinn Fein won a respectable 7 per cent of the vote in a parliamentary by-election in central Dublin in November 1983, more than was achieved by the Labour Party. Local community activity on social and economic issues in strongly nationalist areas has continued: Sinn Fein now runs 28 advice centres in Northern Ireland and has begun to open similar centres in the Republic.

3. The Provisionals' annual conference, the Ard Fheis, in November 1983 saw significant developments in consolidating the leadership position of Adams and his supporters who strongly advocate the dual political/terrorist strategy, and also in opening the way for greater political activity. In a departure from the spirit of previous Provisional policy, it was agreed that Sinn Fein candidates who were successful in the European elections

*JIC(83)(N) 110 dated 30 June 1983

could take their seats, thus making them more attractive to voters; and that a greater political effort should be made in the Republic. Meanwhile, Sinn Fein's efforts to cultivate elements of the Labour Party in Britain continued, as well as propaganda efforts in the United States. Sinn Fein will hope to turn the 1984 Presidential election campaign to its advantage.

4. Terrorism remains the major component of Provisional strategy. It has produced mixed results. In 1983 PIRA was hard put to maintain even the limited campaign to which it has been reduced in recent years. At one point during the late summer, repeated Security Force successes reduced PIRA to a low ebb and it was preoccupied with its own problems, especially its internal security and logistics. PIRA was unable to achieve its ambitious objective of escalating terrorism and employing more sophisticated weaponry, and its campaign was restricted to occasional flurries of violent activity. Even Adams was only able to characterise the "military" situation as one of "a stalemate between republican and British forces". The boost to morale provided by the escape from HMP Maze, and the retraction of damaging evidence by a major converted terrorist nevertheless helped PIRA to recover before the end of the year. PIRA remains capable of maintaining a level of violence, and of raising that level occasionally for comparatively short periods. The public perception in the United Kingdom of the level of terrorist violence is high.

5. The Provisional leadership has faced strains in reconciling the political and terrorist elements in its strategy. There have been signs of discontent among PIRA rank and file over lack of sufficient terrorist activity and over political constraints. At the same time PIRA activity has sometimes prejudiced Provisional political objectives. These problems emerged with particular starkness in

December 1983 with the civilian deaths, including one American, caused by the car bomb outside Harrods, and the killing by PIRA of two members of the Republic's Security Forces during the rescue by the latter of a kidnapped businessman, Mr Tidey. These events threatened the Provisionals' position in the Republic, set back Adams' careful efforts to cultivate more moderate political opinion in Britain, and harmed the Provisionals' image internationally, especially in the United States. In addition, Adams' subsequent efforts to repair the propaganda damage risked alienating rank and file PIRA, who were little concerned with political considerations. Adams has nevertheless succeeded in riding out this particular crisis, and there is at present no serious threat to the leadership and its current policies.

Prospects for the European Parliament Election

6. There is little sign that the Harrods bomb and the Tidey affair have done much to harm Sinn Fein's political prospects in the Province. PIRA's terrorist campaign can therefore be expected to continue in the period up to the European election, with possibly a very short lull immediately before polling day. The Security Forces, especially those locally recruited, will continue to bear the main brunt of PIRA's attacks. In further attempts to maintain an atmosphere of political and economic insecurity, there will also be continuing attacks on the judiciary and prominent figures in political and official life, and on commercial premises. Attacks on "military" and "official" targets on the mainland will not be excluded. The effectiveness of the Security Forces will nevertheless continue to limit the impact of PIRA's campaign.

SECRET - UK EYES A

7. Sinn Fein has been preparing energetically both in the Republic and in Northern Ireland for the European elections, including setting up special party structures, very careful registration of entitled voters and raising money. However, these elections present the Provisionals with greater problems than did their earlier political forays. Although the leadership sees the European elections as less decisive than the May 1985 Northern Ireland local government elections, it is important from their point of view that the momentum of Sinn Fein's political advance should be seen to be maintained. Adams has said publicly that he believes that the Sinn Fein vote can be increased and the SDLP's position further eroded. Privately the Provisionals have talked about increasing their vote by as much as 25,000 to 50,000, by attracting some of the middle class Catholic vote, and of depriving the SDLP candidate, John Hume, of his seat.

8. This will not be easy to achieve. Now that expectations about Sinn Fein's performance have been raised, it will be harder for the Provisionals either to achieve the same political impact or to keep up the enthusiasm engendered for the 1982 Assembly and 1983 General elections. The European Parliament election in Northern Ireland will be for three members in a single Province-wide constituency on the basis of proportional representation. Two seats are certain to go to Unionist candidates. The contest for the third, presently Nationalist seat will be seen as a straight fight between John Hume and the Sinn Fein candidate, Danny Morrison. Hume is a strong candidate, who polled well both in the last European elections when he received 140,000 first preference votes, and against a strong Sinn Fein challenge in the Foyle constituency in the General Election. Morrison has less

SECRET - UK EYES A

charisma than Adams, and indeed is not popular in sections of the Republican movement. The selection of Morrison rather than Adams as the Sinn Fein candidate in this election reflects some nervousness among the Provisionals about their prospects.

9. To some extent the outcome will be influenced by events nearer the elections; in particular the outcome of the Forum for a New Ireland, in which the SDLP and Hume personally have invested a great deal of prestige. At this stage, however, another view expressed by Adams, that Sinn Fein would be satisfied with holding on to its 100,000 first preference votes in the General Election, looks realistic. Even achievement of this goal will need extensive use of personation and the other abuses of the electoral system used at the General Election and there are already signs of preparations by Sinn Fein, such as false registration. The Provisionals will also be standing in the European elections in the Republic, but more with the hope of building up their political organisation than of polling a large vote. Their candidates are little known outside their own areas and finance is having to be provided locally. This could lead to criminal activities to raise the necessary sums.

10. There are widespread doubts within the Province about the longer term viability of the SDLP. On present evidence it appears unlikely that Sinn Fein will defeat Hume in the European Parliament election, but it may make sufficient inroads into the nationalist vote to reduce the impact of Hume's victory. It is just possible that a split Nationalist vote could let in a third Unionist, but this is very unlikely. Equally, there seems little prospect that Sinn Fein will perform so poorly as to constitute a serious setback to the current dual political/terrorist strategy.

The 1985 Northern Ireland Local Government Elections

11. In the period up to the 1985 local government elections, we expect to see an increase in the problems which the Provisional leadership has already been experiencing, but it can be expected to hold to its dual strategy, including a terrorist campaign at as high a level as PIRA can achieve. At the Ard Fheis in autumn 1984 the leadership is likely to carry forward its policy of even greater political activity. As well as further moves in a socialist direction, this will include pursuing the question of taking up seats in the Dail. This would be a major departure from traditional Provisional policy, and it was this question which contributed to the breakup of the IRA in the 1960s. If the issue is pressed, there is a strong possibility of creating a significant split in the movement. Even without this, the Provisionals' goal of developing their political movement in the Republic is likely to make slow progress at best. The Provisionals will also fear the possibility of measures being taken to restrict their activities in the Republic, especially if there are further incidents like the clash with the security forces following the Tidey kidnapping last December.

12. At the 1985 Northern Ireland local government elections Sinn Fein will hope finally to overtake the SDLP in terms of votes, and to secure wide representation on local government councils in the Province, giving it a considerable say in several traditionally Nationalist councils. It would then claim to opinion in Britain, the Republic and overseas that it was the representative of the minority community. In that event, we judge that the Provisional leadership would be likely to maintain its successful dual strategy and continue to work towards the withdrawal of the British from Northern Ireland. Terrorism could be expected to continue. Only a British

declaration of intent to withdraw would lead to a formal "ceasefire" by PIRA. The British government could expect to be faced with problems over whether to deal with elected representatives of Sinn Fein who would not be prepared to condemn the use of violence.

13. If Sinn Fein were to become the majority party amongst the minority community in the North, the Irish government would be faced with even greater problems. They would find it difficult to continue to present themselves internationally as spokesmen of the minority community in the North. They would also be acutely worried about the immediate implications for Northern Ireland and, in the longer term, for Ireland as a whole. In particular, they would be afraid that HM Government might feel obliged to enter into a dialogue with Sinn Fein, thereby giving a further boost to its morale and credibility. The Irish Government would also be concerned about the possible implications of any attempt by Sinn Fein to extend its political campaign to the Republic where it might have the effect of radicalising public opinion. It is difficult to predict how Fianna Fail, the main opposition party led by Mr Haughey, would behave in these circumstances. An effective political campaign by Sinn Fein would probably represent a greater threat to Fianna Fail than to the coalition parties, since Fianna Fail at present enjoys an almost total monopoly of the hardline nationalist vote. Sinn Fein, which has already declared* that its long term aim is to replace the Irish government with a new "Socialist Republic", might feel sufficiently emboldened to step up its activity in the republic, perhaps with a view to intimidating the government.

* JIC(83)(N) 177 dated 28 October 1983

SECRET - UK EYES A

14. It is not clear that Sinn Fein will succeed in displacing the SDLP as the leading party of the minority in Northern Ireland in 1985. Security Force activity, changes in the electoral law and the verdict of the polls may set back its ambitions; there will be continuing difficulty in reconciling the political and terrorist strains in policy; and the SDLP and the Irish government, will be hoping for much from the Forum, though it is hard to see how this can help the SDLP if its principal call is seen to be for unrealistic action by the United Kingdom government. It is hard, therefore, to predict what strategy Sinn Fein might follow if it were to overtake the SDLP in popular votes this year, or in 1985. But consistent with its long term aims, Sinn Fein would be unlikely in that event to renounce, or even lower the level of terrorism. Indeed, it might increase it, in the hope of provoking a backlash amongst the Unionists and hence increasing the pressures both on the United Kingdom and on the Irish government.

SECRET - UK EYES A

520

Debate on the Hennessy Report
on the escape from the
Maze Prison in Northern Ireland.

Thursday, 9th February 1984

CONTENTS

1. Introduction: the Hennessy Report and Government action on it.
2. Questions and Answers on contentious points in the Hennessy Report.
3. Ministerial Responsibility.

SECTION IINTRODUCTION

The Full Story. The Hennessy Report describes in detail and with great candour the very grave flaws in the management and day-to-day administration of the Maze Prison, which enabled 38 imprisoned terrorists to escape on 25th September last year. The facts are laid out in full, except for those which have to remain confidential for security reasons. The Report makes clear the great lengths to which Sir James Hennessy and his team went (with the full co-operation of the Government) to establish the exact truth about this incident which Mr Prior has described as 'the blackest day in the troubled history of the Northern Ireland prison service'. There has, quite patently, been no cover-up.

Incompetence and Mismanagement. The Report sets out the blunders committed by certain prison officers, and shows how a number of lax security procedures which had been allowed to persist unchecked contributed to the escape. For example:

- there were no sniffer dogs to detect explosives;
- professional visitors such as lawyers were not always subject to searches;
- fresh vegetables were delivered without prior inspection straight from vans to the prison kitchens;
- five pistols were smuggled in;
- two senior members of the IRA deeply implicated in planning the escape had been given key jobs as prison orderlies, providing them with considerable freedom of movement.

The Report heavily censured the Governor of the Maze (who resigned as soon as the Report was published) and some of his senior colleagues, including the prison's Principal Officer for Security with whom day-to-day responsibility for security lay. Commenting on the role of the latter, the Report states: 'we found that the performance of the Security P.O. fell markedly below an acceptable standard. The Security Information Centre was poorly organised and did not record, analyse or process information as it should have done. Nor did the Security P.O. have a proper grasp of security procedures... He had taken no interest in some aspects of the establishment with a special security significance.. In short, the Security Department (in the prison) was not up to the task it was required to perform and its failures allowed the poor security environment to develop unchecked' (Para 8.23).

The Report also laid some criticisms at the door of the Prison Department of the Northern Ireland Office. It concluded that there had been 'administrative deficiencies' (Para 9.07) and that the Division's Director of Operations 'must be held responsible for some of the shortcomings at the Maze' (Para 10.16).

The Unique Situation at the Maze. The Report fully acknowledges the extraordinary difficulties and dangers that those responsible for running the Maze constantly face. It describes the Maze as:

'A prison without parallel in the United Kingdom, unique in size and in the continuity and tenacity of its protests and disturbances. In no other prison that we have seen have the problems faced by the authorities been so great. When terrorists are few in number they can be dispersed into small, secure pockets and absorbed into the general prison population. But when they are many the best solution is usually to be found in removing them from the area of conflict and incarcerating them in a fortress prison surrounded by armed guards. In Northern Ireland neither course is feasible.

'The Prison is unique, too, in its population, which is totally dissimilar to the usual criminal recidivist population to be found in the nearest equivalent establishment in England and Wales. It consists almost entirely of prisoners convicted of offences connected with terrorist activities, united in their determination to be treated as political prisoners, resisting prison discipline even if it means starving themselves to death, and retaining their para-military structure and allegiances even when inside' (Paras 10.01 and 10.02).

The Achievements of the Northern Ireland Prison Service. While severely criticising the errors and shortcomings of some prison staff, and the totally inadequate security procedures which had been allowed to continue, the Report also draws attention to the dedicated and conscientious work carried out by many members of the Northern Ireland Prison Service.

Of the Governor, the Report writes:

'His public service deserves full acknowledgement. At the Maze much of his time has been taken up with the various crises that have struck the prison from time to time. He has shown sensitivity and understanding in his handling of them. He is conscientious and hard-working, and we believe that he did his best. His achievements should not be underestimated' (Para 10.13).

As regards the general performance of the prison staff, the Report states:

'Effective security depends on the constant alertness of staff and the consistent application of routine procedures... Staff who are punctilious in their work and use their intuition and initiative help security prosper; staff who are careless and unconcerned cause the breaches in security which lead to failure.

'At the Maze we met staff in all grades and branches who fell into the first of these categories: conscientious men, professional in their outlook and not prepared to give less than their best in their every day work. The Northern Ireland Prison Service is fortunate to number such men in its ranks' (Paras 8.01 and 8.02).

The Report also lays stress upon the lack of experience of many prison officers who form part of a Service which has increased tenfold in ten years;

'The Maze staff numbers about 1,000 of whom 929 were in the prison officer grades in September 1983. Only 4% of the latter had ten or more years service, while almost 50% had served for less than 4 years. The high proportion of relatively inexperienced staff

is a characteristic of the Northern Ireland Prison Service and results from the rapid increase in the size of the service - from 300 to 3,000 in less than 15 years' (Para 1.13).

The Basic Soundness of the Maze Regime. It is quite clear from the Report that the regime at the Maze in no way impaired the security of the prison. If that regime had been properly administered, the mass escape could not have occurred. Sir James Hennessy examined with particular care the changes in the regime which have been made in recent years with a view to establishing whether they had 'fundamentally weakened security in the prison' (Para 9.20). He concluded that 'none of the changes which were introduced need have affected the security of the prison in any significant way or in a way which made the escape on 25th September easier to accomplish' (Para 9.26).

Prompt Action by the Government. The report contains 73 recommendations designed to rectify all the very serious problems at the Maze which Sir James Hennessy has identified. The changes proposed in the report will lead to:

- enhanced physical security within the prison (i.e. making each communications room in the various H-blocks totally secure)
- improved security procedures (i.e. random strip-searching of prisoners; thorough searching of all professional visitors; and random searching of prison staff)
- enhanced training for prison staff
- detailed investigations to establish clearly the case for disciplinary action against certain members of the prison staff

The Government has accepted both the conclusions reached by Sir James Hennessy and all the recommendations he made. Mr Prior told the House of Commons on 26th January:

'The most urgent measures were implemented at once ... 21 recommendations have already been put into effect. 38 will be carried out as soon as possible. And the remaining 14, as the report proposes, will be the subject of urgent review'.

The Effects of the Government's Swift Action. Mr Prior also told the House on 26th January how the main changes would dramatically improve security at the Maze. He said:

'As a result of the action taken, the control room in each H-block has been made secure against armed attack; an electric lock has been installed at the main gate; a control point secure from armed attack is in place and other security improvements have been made. Plans for a new main gate complex with a remote control locking system are being drawn up. A study of closed-circuit television linkage between each H-block and the main control room has been commissioned. Changes in the security procedures, most notably searching, have already been implemented and action will follow in other areas.'

As regards the Prison Department of the Northern Ireland Office (some of whose operations have been criticised in the report), Mr Prior said:

'The report is critical of the oversight of security arrangements at the prison by the Prison Department of the Northern Ireland Office and recommends the strengthening of its staffing. This is being done. A team has also been set up dedicated solely to the urgent implementation of each of the recommendations. I have instructed them to report to me on the progress being made.'

SECTION II

QUESTIONS AND ANSWERS ON THE HENNESSY REPORT

1. Q: What were the main failings identified by Sir James Hennessy which led to the escape?

A: As the Secretary of State told the House of Commons on January 26: "The Report points to three main areas where security was inadequate. First, physical weaknesses, in particular in the communications rooms in the H Blocks and at the main gate. Second, poor security procedures, in particular inadequate searching, unsatisfactory control of visits, and flaws in the control of prisoner movements, in the selection of orderlies, and in the arrangements for responding to alarms. And third, failures by individuals who were negligent or who did not carry out their duties."

Indeed, it is clear from the Report that if all the existing rules and procedures relating to the running of the prison and the conduct of the staff had been properly observed the escape could not have taken place .

2. Q: Did policy changes made in recent years, especially those made after the hunger strike contribute to the escape?

A: Sir James Hennessy's team considered this matter in detail and concluded that 'none of the changes which were introduced need have affected the security of the prison in any significant way or in a way which made the escape of 25 September easier to accomplish.' (Para 9.26). The questions of requiring prisoners to work and allowing them to wear civilian clothes are considered below. The privilege of extra parcels and visitors for prisoners should not, in the view of Sir James Hennessy, have strained the security capability in the prison, and inter-wing association had been discontinued before the escape after a number of cases of assault and intimidation.

3. Q:: Were the Maze Prison and the Northern Ireland Prison Service adequately resourced?

A: The Report examined this question and concluded that in the areas of finance and personnel the Prison Service had been reasonably well treated. In the two year period prior to the escape the prison population did not expand but resources increased from £61.9 million to £70.9 million, and staff increased by 13%.

4. Q: Did the policy decision to allow prisoners to wear their own clothes contribute to the escape?

A: No. During the escape clothing was not a relevant consideration until prisoners had breached the main gate because up to that point the only visible escapers were dressed in prison officers' uniforms. It was also not the difficulty of identifying prisoners which weighed most heavily with the sentry in the watch-tower in deciding whether to open fire. The Report concludes: 'while the decision to allow prisoners to wear civilian clothes might have increased the risk to security, it did not, in our view, amount to a substantial one and did not in any event contribute significantly, if at all, to the success of the escape.'

5. Q: Didn't the Government's 'concessions' in the aftermath of the hunger strike make prison officers believe that they should adopt a laxer approach and this contributed to the poor morale on the part of the staff?

A: The Government through several statements of policy made it clear that the changes made to prison life in relation to matters like prisoners' clothing and visitors were not 'concessions' to the central demands of the Republican prisoners for 'political status'. The Report affirms that in the view of the Hennessy team those prison officers who claimed that the policy changes gave them reason to believe that they should be less strict and diligent had no legitimate basis for drawing that conclusion (para 9.27 and 9.28). Indeed the Report in its conclusions notes: 'the determination of the government not to give into the terrorists' political demands; the determination to treat terrorists like all other prisoners - with all that implies in terms of regime and privileges'; while striking a balance with 'the determination to avoid, in the wider interests of peace, those measures which, although beneficial in security terms, might provoke further destruction, further protest on further conflict and loss of life' (para 10.04).

The Government had carefully tried to explain their intentions in making changes to aspects of prison life and cannot be held responsible if some individuals continued to misunderstand the policy objectives being pursued. Another question relevant to morale, however, was the Prison Officers' demands for more money on top of their £13,000 annual average salary. Indeed the POA even went so far, on 29th August 1983, as to 'abandon the prison in support of a claim to a travelling time allowance leaving it to the police to man the prison' (para 10.06). However, this dissatisfaction on the part of the POA does not mean that it would have automatically been right to grant the Prison Officers' demands in this respect.

However, it is also legitimate to question whether morale was as low as has subsequently been made out. Certainly, the very gallant behaviour of a large number of prison officers in the main guard block in trying to prevent the escape to the extent that Officer Ferris was murdered and five of his colleagues seriously wounded, does not suggest complete demoralisation or a lack of commitment to their jobs on the part of a substantial number of prison officers.

6. Q: The Prison Governors' Association argue that there was frequent political interference in the running of the prisons and that a directive to give work to all Republican prisoners, regardless of how dangerous they were contributed to the escape. How do Ministers respond to this?

A: The Governors' Association's recent statement makes clear that the Governors are not seeking ministerial, or other, resignations. Ministers have, of course, been closely involved at various times with aspects of the prison regime such as those matters under dispute at the time of the hunger strike. However, the Hennessy Report endorses this involvement: 'We believe that the balance of advantage lay in the government doing what it could to reduce conflict in the prisons - and thus the difficulties that staff were experiencing in controlling the prisons' (para 9.17).

On the specific point made by the Governors that the escape became possible through their having to find work for all formerly protesting Republican prisoners like Brendan McFarlane this is dealt with by the Report in paragraph 3.11. In commenting on the misjudgement in allowing dangerous prisoners like McFarlane to work as orderlies it says: 'The Governor had been instructed at the end of the most recent hunger strike to provide employment for all prisoners ending their protest. Because the capacity of the workshops and training courses was insufficient to provide employment for all, the Governor felt there was no alternative but to create additional orderly posts in the H Blocks. It would, in our view, have been prudent to have sought the advice of Prison Department, who were unaware of the difficulties, before doing so.' The Government policy direction had been explicit in instructing the Governor to allocate ex-protesters to prison industries and the onus was on the Governor to find ways of implementing the direction or to draw the Department's attention to the difficulties which he faced.

7. Q: What are the particular difficulties of running the Maze Prison and the other prisons in Northern Ireland?

A: First, although the Report singles out negligence and carelessness on the part of prison staff, Mr Prior made a particular point of praising the work of the majority of prison officers in Northern Ireland who have an extremely difficult job to do. Twenty-two members of the Prison Service have lost their lives through terrorist action - including a Deputy Governor of the Maze. As the Hennessy Report notes: H M Prison Maze is; 'a prison without parallel in the United Kingdom, unique in size, and in the continuity and tenacity of its protests and disturbances. In no other prison that we have seen have the problems faced by the authorities been so great ... Nowhere else in the United Kingdom have there been such prolonged and widescale protests of so horrendous a nature'. (Paras 10.01 and .03)

In England and Wales there are 250 high-risk (Category A) prisoners dispersed around the prison system. They represent a 1/3% of the total population. In Northern Ireland out of 2,500 prisoners about 1,000 (40%) would, if they were in England, be classed as high-risk Category A.

The Northern Ireland Prison Service has also had to undergo an unprecedented expansion. In 1969 there were 3 prisons holding about 600 inmates most of whom were petty criminals. Fifteen years later with the number of prisoners having more than quadrupled, 75% of the prison population have been convicted of offences connected with terrorism. This necessitated an almost ten fold increase in the size of the Prison Service at high speed and H M Chief Inspector of Prisons comments in his Report: 'it is clear that there are men in the Northern Ireland Prison Service now who lack the abilities required of a prison officer and the leadership qualities necessary for the more senior grade appointments - as well as men who are over-concerned with high earnings. While such men may not be typical, they are nevertheless a factor of which the Prison Service must take account.' (para 8.09)

8. Q: What was done following the escape to tighten security at the Maze Prison?

A: Action was taken immediately to tighten various security procedures, including searching. Among the other changes made are: the control room in each H Block has been made secure against attack; an electric lock has been installed at the main gate and a control point secure from armed attack is in place; the movement of orderlies has been restricted; professional visitors are subject to a thorough search; a Quick Reaction Force has been set up and there have been important structural improvements made to the armoury.

9. Q: Does the Government accept Sir James Hennessy's recommendations for the future security of the prison?

A: Mr Prior reported to the House of Commons in the following terms on 26 January: 'The Report makes 73 recommendations covering: enhanced physical security measures; improved security procedures; enhanced training and investigations with a view to possible disciplinary action ... I accept the analysis and all of the recommendations. The most urgent measures were implemented at once - 21 recommendations have already been put into effect. 38 will be carried out as soon as possible. And the remaining 14, as the Report proposes, will be the subject of urgent review'. As matters of priority: plans for a new main gate complex will be drawn up; a study of closed circuit television linkage between H Blocks and the main control room has been commissioned; and a special team has been set up to supervise the implementation of the Report's recommendations and with a remit to report progress to the Secretary of State.

10. Q: To what extent did flaws in the Northern Ireland Office Prison Department contribute to the escape?

A: As the Secretary of State told the House: 'the Report is critical of the oversight of security arrangements at the prison by the Prison Department of the NIO and recommends the strengthening of its staffing.' The Report, while praising his abilities, criticises the Director of Operations of the Security and Operations Division; suggests that a system of establishment inspections should be instituted and is critical of the Department for not processing more expeditiously an application for modifications to the main gate. However, the Under-Secretary responsible for the Prisons Department is cleared of any blame for the escape. The staffing of the Department is to be strengthened so that it is better able to handle the extraordinary circumstances which arise from time to time in Northern Ireland prisons (eg the 'blanket' and 'dirty' protests, the hunger strike and the industrial action taken by the Prison Officers' Association). The Hennessy Report notes that despite the difficulties in the Prisons Department: 'The Governor told us that he never found himself without advice on any urgent operational matters.' (para 9.03)

Some have suggested that the N10 Prisons Department should have accepted a larger slice of the blame for the escape, but their responsibility was much less direct for the normal administration of the prison and operated at one remove. The Report shows that if the existing rules and procedures in the prison had been followed properly then it would not have been possible for the prisoners to have escaped. That is why responsibility must rest primarily with those in the Prison who failed to follow these directions.

11. Q: Why has the Governor resigned and what disciplinary action is intended to be taken against other prison staff found to have been negligent?

A: The Governor resigned after 34 years distinguished service because the Report concluded that negligence and carelessness were: 'so widespread, we must conclude that management must bear part of the responsibility for allowing such practices to continue unchecked. It is, of course, the Governor who carries the ultimate responsibility for the state of the prison and the general malaise that was apparent ... The extent of the deficiencies in management and in the prison's physical defences amounted to a major failure in security for which the Governor must be held accountable. He should have been aware of the deficiencies and should have taken action to remedy them. There were, of course, some areas, particularly those areas associated with the construction and design of the prison, that were beyond his authority and resources to correct, but he neither reported them nor sought authority to take the necessary remedial action. We have no doubt - and the Governor confirmed this - that had he done so, his request would have been sympathetically received and carefully considered.' (para 10.12)

The Assistant Governor responsible for security and the Security Principal Officer have both been moved, and disciplinary action will be taken where appropriate against officers found to have been negligent at the time of the escape. However, each of these cases will have to be considered afresh by a team under a Governor from Headquarters, the testimony for the Hennessy Report having been collected on the basis that it would not be used in disciplinary proceedings. It is disappointing that the Prison Officers Association has refused to allow its members to co-operate with this investigation team.

General Questions

12. Q: Did the escape appreciably affect the general security situation in Northern Ireland?

A: It is impossible to give a categorical answer to this question. The successful escape of 19 convicted terrorists was, in the Secretary of State's words 'a setback to law enforcement in Northern Ireland, at a time when terrorist organisations have been under increasing pressure' (24 October, Hansard, col 20). The chief impact was, however, probably on the Provisional IRA's morale rather than on their immediate operational capability. Despite the setback of the Maze escape, however, the level of violence in 1983 was at its lowest, with the exception of 1980, since 1971. There were 77 deaths resulting from terrorism in 1983, 20 fewer than the previous two years and comparing with 467 in 1972 and 297 in 1976.

SECTION III

MINISTERIAL RESPONSIBILITY

The Secretary of State, Mr James Prior told the House on 24th October:

'If I had felt that ministerial responsibility was such that in this case I should have resigned, I certainly should have done so. It would be a matter for resignation if the Report of the Hennessy Inquiry showed that what happened was the result of some act of policy that was my responsibility, or that I failed to implement something that I had been asked to implement, or should have implemented. In that case, I should resign. The IRA may have had something of a success to relate about the escape but I would be as nothing compared with the success which it would have to relate if it forced the resignation of the Secretary of State under such circumstances' (Hansard, Col 23-4).

Mr Prior was not seeking to limit ministerial responsibility to matters of policy. Although the conventions surrounding individual ministerial responsibility have been somewhat blurred by the convention surrounding collective responsibility it is quite clear that Ministers 'are responsible' to the House for all the omissions and commissions of their departments. The issue in doubt is the meaning of the word 'responsible' in this context.

Although in the case of the Crichel Down affair (1954) Sir Thomas Dugdale accepted responsibility for actions by his officials of which he had no knowledge and would have profoundly disapproved, and resigned, this is adjudged by the majority of constitutionalists to have been an exceptional act. Indeed S A de Smith comments: 'Sir Thomas Dugdale's personal decision to resign because of the exposure of maladministration by senior officials (of which he had no knowledge) in the over-celebrated Crichel Down affair was not demanded by convention. Other Ministers have not sought to emulate him and it would be unrealistic to do so, particularly if wide decision-making powers had been delegated to the officials concerned' (4th Edition 'Constitutional and Administrative Law').

A case which is adjudged to be more in the mainstream of the conventions surrounding the meaning of ministerial responsibility, and whether it should lead to loss of office for failures of administration, is the Ferranti case (1964). In his Report for the year 1962-3 The Comptroller and Auditor-General drew attention to the fact that the amount allowed for direct labour and overheads in a guided missile contract (for the 'Bloodhound') between the Ministry of Aviation and Ferranti Ltd exceeded the actual cost by 70% or £2.7 million even though the figures relating to the actual costs were in the hands of the Ministry's accountants at the time prices were fixed. A committee of investigation was set up under Sir John Lang which produced a Report highly critical of the Department. The Minister of Aviation, Mr Julian Amery (who was not the Minister responsible for placing the contract) took remedial action to ensure that no recurrence could take place and reported to the House in the following terms:

'Sir John shows clearly where our organisation went wrong. He does not show so clearly why it went wrong...I have started a stringent investigation into the question of personal responsibility for all this...and we would not hesitate to take disciplinary action if it were proved to be necessary. I come now to the question of ministerial responsibilities. I think that it would be wholly unsuitable in a matter of this kind

where the taxpayers' interest as has been proved, has been adequately defended, to make any charge against any Minister...I have studied carefully the records of resignations in matters of various kinds over the last 30 years...I freely admit that mistakes have been made by my Department but I am sure that the House will recognise that the task of the Contracts Division is an immensely difficult one'. (Hansard, 30th July 1964).

This approach has also been followed in other celebrated cases such as that of Hola Camp (1959), the Devlin Report on disturbances in Nyasaland (1958), the death of Commander Crabb (1956) and the collapse of Vehicle and General Insurance (1971). Other serious failures involving Government departments which have not, because of a lack of direct ministerial culpability, led to resignations have included the Aberfan disaster, the escape of George Blake, the Crown Agents scandal, the near collapse of the British economy and the resort to the IMF in 1976, the Prime case and the associated laxity found at GCHQ and the cases of maladministration under the last Labour Government involving the illegal collection of higher BBC licence fees, the attempt to prevent Laker's Skytrain from competing freely on the North Atlantic route and the attempt to force Tameside to adopt comprehensive education.

The resignations of Lord Carrington, Mr Humphrey Atkins and Mr Richard Luce after the Argentine invasion of the Falklands was prompted by what they perceived to be failures of policy and, hence, this raises rather different questions from those of the Hennessy Report which clears Ministers of any blame flowing from policy decisions or lack of resources.

Above all the only coherent factor which seems to run through the decisions made by Ministers as to whether or not to remain in office has been the wholly pragmatic one summarised in a standard work on the Constitution by Marshall and Moodie as follows: 'Ministers, it is said, are responsible to Parliament as individuals for the work of their Departments and the sanction for mismanagement is the House's demand for the resignation of the Minister. Yet when resignations do occur, the determining factor is in practice the alienation by a Minister of his Party colleagues rather than the operation of a constitutional principle' (Some Problems of the Constitution, 1971).

In an article published in the journal Public Administration in 1956 Professor S E Finer considered these questions and concluded:

'A convention, in Dicey's sense, is a rule which is not enforced by the Courts. The important word is "rule" ... In its first sense that the Minister alone speaks for his civil servants to the House, the convention of ministerial responsibility has both the proleptic and the compulsive features of a "rule". But in the sense that the Minister may be punished, through loss of office for all the misdeeds and neglects of his civil servants which he cannot prove to have been outside all possibility of his cognisance and control, the proposition does not seem to be a rule at all'.

HL

8 February 1984

Thank you for your letter of 3 February enclosing a copy of a booklet giving the names, addresses and telephone numbers of members of the Northern Ireland Assembly. I have noted the restrictions referred to in your second paragraph.

JOHN COLES

T. Whiteside, Esq.

285

Prime Minister.

9

Thankyou Mr,

A.I.C. - $\frac{2}{2}$

Ref.A084/436

PRIME MINISTER

Northern Ireland

Mr Goodall visited Dublin on 3 February on the business of the Anglo-Irish Intergovernmental Council. In the margins of that meeting he had a private talk with Mr Lillis, the Taoiseach's adviser on Anglo-Irish and Northern Ireland affairs. Before your meeting on 10 February you should see Mr Goodall's note of his talk, which I attach.

2. I have not sent copies of this minute to the Foreign and Commonwealth Secretary or the Secretary of State for Northern Ireland.

CONQUEROR

RA

ROBERT ARMSTRONG

8.2.84.

SECRET AND PERSONAL

B.06967

SIR ROBERT ARMSTRONG

Northern Ireland: The Forum

1. As you know, I visited Dublin on 3 February to discuss AIIC business with the Irish co-Chairman of the Co-ordinating Committee, Mr Michael Lillis. Before the official meeting (of which HM Embassy at Dublin will be supplying a record) Mr Lillis took me aside for a private talk. He said that affairs in the Forum had taken a turn for the better and that it was now virtually certain that its final report would be on the lines he had described to me in London last month (my minute to you of 16 January, copied only to Mr Coles): i.e. there would be three parts, the first analysing the attitudes of the various parties to the problem; the second identifying a number of principles or criteria which any settlement must satisfy; and the third examining an illustrative list of possible models for a solution. In the view of the Irish Government the crucial section would be the second. On this there had been an important development two days earlier. Mr Haughey had withdrawn his objection to the inclusion of a section on principles/criteria and the draft of this section had been agreed between the leaders of the four parties (Fine Gael, Fianna Fail, Labour and SDLP). Mr Lillis said that the Taoiseach had instructed him to give me a copy of the text for the Prime Minister's eyes only. (This is attached.) He said that no record would be taken on the Irish side of this transaction and the Taoiseach was particularly anxious that the text should at this stage be shown to no one on the British side except the Prime Minister. The Irish Ambassador, who was seeing the Northern Ireland Secretary that day, had however been instructed to give him the gist of its contents without

SECRET AND PERSONAL

showing him the document itself. (At my request Mr Lillis agreed that I might show the document to Mr Goodison on a strictly personal basis and on the understanding that he would make no reference to it in his reporting. This I subsequently did.)

2. Mr Lillis asked if I had any immediate comments on the text. I said we would obviously need to study and reflect on it. My only immediate comment related to Principle No 6, which states that "a fundamental criterion of any proposed arrangement must be that it will provide immediate stability for the people of Northern Ireland....". It seemed to me that there was no action which any one could take which could provide "immediate" stability and that this criterion was therefore unrealistic. It would be a pity if the inclusion of one unrealistic provision cast doubt on the value of the whole text. Mr Lillis conceded this but said that the word "immediate" was a political imperative for the SDLP as conveying the requirement for early movement towards security arrangements designed to counter the alienation of the minority community. This should not be taken literally.

3. Mr Lillis went on to say that the Taoiseach was particularly anxious to get across to the Prime Minister that he was looking forward to a serious dialogue with the British side when the British Government was ready for it; that he had no wish to put the Prime Minister under any time pressure for this; and that he wanted her to recognise that he (the Taoiseach) would "play no funny games" either with such a dialogue or with the Forum report. He would welcome advice on how best to handle the report from the British point of view. I said that I was entirely without instructions about this. But my strictly personal reaction was that the Irish Government should refrain from any form of public exploitation of the report, either at home or

SECRET AND PERSONAL

overseas, until the Prime Minister herself had seen it. I wondered if consideration was being given to the possibility of the Taoiseach sending her an advance copy under cover of a personal message explaining what he (Dr Fitzgerald) thought was important in it and what should be disregarded; how he proposed to handle it; and what he hoped it might lead to. Once the report got into the public domain there would be all sorts of interpretations and misinterpretations of the Irish Government's intentions and I thought it would be helpful if the Prime Minister had received an authoritative account in advance from the Taoiseach himself of how the Irish Government wanted to play it. Mr Lillis said that it was already the intention that we should be given an advance copy of the report through HM Ambassador at Dublin; but the idea of a personal message was a helpful one which the Taoiseach might well want to act on.

4. I asked Mr Lillis how Mr Haughey had come to change his mind about the structure and content of the report. Mr Lillis said that this had largely been the result of Mr John Hume's advocacy. The decisive consideration appeared to have been the appearance of the draft of the final section (on illustrative models). This spelt out the pros and cons of each of the models examined. In particular, it showed that the economic disadvantages of the "unitary state" solution were so overwhelming that it would be difficult for Fianna Fail to endorse it without qualification. It was also relevant that Mr Haughey was experiencing difficulties (unspecified) within his own party which might have the effect of once again calling his leadership into question.

5. On timing, Mr Lillis said that he was still hopeful that the report would appear by the end of February. The oral submission now to be made by the Irish hierarchy was unlikely to involve amendments of substance or to lead to

SECRET AND PERSONAL

delay. The Taoiseach would be in Washington for St Patrick's Day when he would be seeing President Reagan; and there had been earlier indications that Mr Haughey would like to deny him the advantage of having the Forum's report available by then. But it now seemed less likely that Mr Haughey would press his point on this. I said that I hoped the Taoiseach would not be tempted to use his interview with President Reagan to enlist the latter's support for the Forum report as a means of putting pressure on the British or of creating the impression that the United States Government were being given the first opportunity of any foreign government to be informed of the Forum's conclusions. Mr Lillis said that this point was well taken: the Taoiseach was determined to avoid creating any such impression. His primary concern was to ensure a sympathetic response from the Prime Minister.

6. In conclusion, Mr Lillis said there was one aspect of the handling of the report on which the Irish would welcome our specific advice. Consideration was being given to the possibility of sending a copy of the report, under a covering letter (although he did not say by whom the covering letter would be signed), to every person on the voters' list in Northern Ireland. The report would not be a long document and it would be desirable to try to ensure that as many people as possible in Northern Ireland were given the opportunity of reading it in full rather than having to rely on the inevitably distorted or simplified reports which would appear in the press. I said that I could understand the thinking behind this idea. But it was one of evident sensitivity from our point of view. I would therefore like to consult about it on my return to London and let him have a considered reaction later. I am pursuing this point separately with the Northern Ireland Office and the Foreign and Commonwealth Office.

David Goodall

6 February 1984

A D S Goodall

REALITIES

The Forum has identified the following realities that must be accommodated in a new Ireland.

1. Existing or past policies have failed to provide either peace or stability in Northern Ireland.
2. The nationalist identity and ethos comprise a sense of a separate national Irish identity and a democratically founded desire to have that identity fully institutionalised in a sovereign united Ireland.
3. The Loyalist identity and ethos comprise a sense of British identity allied to a unique sense of Irishness (itself different from the nationalist sense of Irishness) and a sense of the Protestant ethos being under threat from a Catholic ethos which is perceived as comprising different and irreconcilable values.
4. Acceptance of the equal validity of the two traditions: both of these traditions must each have secure, adequate and durable political and administrative expression and protection of their identities.
5. ~~Clear~~ rejection of the principle and practice of domination or threat of domination of one tradition by an other.
6. Stability and Security: A fundamental criterion of any proposed arrangement must be that it will provide immediate stability for the people of Northern Ireland through a system of security which, in particular, takes account of the deep and growing alienation of the nationalist section of the community and which will enhance the stability of the island as a whole.

7. Urgency: Britain owes a moral duty to the people of Northern Ireland to act now by joining in a process that will lead to the accommodation of these realities in order to ensure that these people are not condemned to yet another generation of violence and sterility. The parties in the Forum commit themselves to join in a process directed towards that end.

Articles 2 and 3 of the Irish Constitution

In an address to the Irish Senate on 9 October 1981, Dr Fitzgerald as Taoiseach said that repeal of Articles 2 and 3 would "reduce pressures that give rise to their [Unionist] siege mentality and open up the possibility of easier dialogue between them and the Nationalists in Northern Ireland."

In 1966 an informal All-Party Committee set up by the then Taoiseach, Mr Lemass, to review the Constitution agreed that Article 3 should be amended and replaced with the following:

"The Irish nation hereby proclaims its firm will that its national territories are re-united in harmony and brotherly affection between all Irishmen."



SECRET

ANNEX A

Joint Policing of a Border Zone

Definition

1. The border between Northern Ireland and the Republic curls about for 300 miles. Although most of the border area is sparsely populated, especially on the Irish side, there are significant towns (including Londonderry, Strabane, Armagh and Newry in Northern Ireland, and Dundalk and Monaghan in the Republic) which would be within a five miles strip on either side of the border.

2. Defining the boundaries of the new border zone in terms of a specified distance (5, 10 or 20 miles) each side of the existing border would not take account of any natural geographical boundaries or features or of population units. It would replicate twice over the arbitrary twists and turns of the existing border. It would be a major exercise to mark it or for those concerned to be sure which side of the line they were. A long narrow strip would make a difficult policing unit.

3. For Northern Ireland a better approach might be to define the border zone as comprising the police sub-divisions contiguous to the border. Police sub-divisions have recently been re-drawn to follow local government boundaries fairly closely: defining the Northern Ireland part of the border zone in terms of local government units would therefore produce a similar result. The map (annexed) shows that the Northern Ireland border zone thus defined would range up to 20 miles wide. It would include a substantial area.

Manpower

4. The 7 RUC sub-divisions whose areas are on the border have a total strength (including full-time RUC reserve) of around 1,200. In addition there are approximately 15 Divisional Mobile Support Units of 30 men each which operate


SECRET

in these areas. The police total of 1,650 takes no account of back-up in terms of police common services which would need to be supplied in some way. The UDR strength in these areas is approximately 1,000 permanent cadre and 1,300 part-timers. The army strength includes the South Armagh roulement battalion (over 600 men) and companies (each of 120 men) allocated to East Fermanagh and Londonderry. Though not allocated on a permanent basis, a high proportion of the army contribution to Northern Ireland security is directed to the border areas and the bulk of army effort (9,500 in all) to border areas and West Belfast.

5. The Republic is divided, for policing purposes, into Divisions and sub-districts. The sub-districts are the equivalent of RUC sub-divisions, and sub-districts adjacent to the border might form the Irish part of the joint zone. We have not risked arousing suspicion by making enquiries about the number and numerical strength of Garda sub-districts adjoining the border. The numbers are likely to be less than RUC manpower (the total strength of the Garda is 10,000) and the total manpower of our security force commitment on the UK side of the border strip is likely to be very substantially more than that on the Irish side.

6. If much the greater part of the manpower of a joint force came from Northern Ireland that would have implications for the nationality of the chief and senior officers and the public perception of the force.

Functions

7. The new joint border force could be solely responsible for all policing functions in the border zone. It might in addition be expected to undertake the operations in support of the police now performed by the army, including the UDR. An alternative approach would be for the new force to



SECRET

concentrate on counter-terrorist functions with the RUC and Garda continuing to perform other police duties (traffic, ordinary crime).

8. British, and Irish, policing has been on the principle of one police force in one area. The Continental practice of functional rather than geographica division is seen as leading to confusion, rivalry and even policemen shooting each other by mistake. Counter-terrorism is much the most important policing function in the border area. To split it off would leave only a rump function for the RUC and Garda. There is no precise dividing line between terrorism and ordinary crime either in fact or in law (e.g. a robbery may be ordinary crime or to raise funds for the IRA). Effectiveness against terrorism should grow from local knowledge gained from ordinary police work. Those in the Republic who argue that joint policing would help win public acceptance among the minority for the security forces would want maximum direct public access to the joint force and a minimal requirement for the minority in the border zone to have dealings with the RUC.

9. Nevertheless, several European countries and the United States have several police forces in any area. Leaving the existing forces to cope with routine functions would reduce the range of law and police practice which would have to be harmonised for the international joint force to operate.

Command and Control

10. If the new joint force were to be effectively independent of the Garda and RUC, it would have its own chief officer, presumably appointed jointly by the UK and Republic; its own recruitment and career structure with, at least, a core of permanent police personnel; its own finance, presumably made available by the two Governments,



SECRET

and administered by a joint police authority, equal numbers of which would be nominated by each government. The police authority could also make the senior appointments to the force. Full independence would follow from such direct control of resources. Arrangements providing a measure of operational independence without setting up a separate force are discussed in paragraph 20 below.

11. Difficult questions arise as to the new force's answerability to Ministers and Parliament. Although the chief officer of a UK police force has direct responsibility for operational decisions, the Secretary of State is answerable to Parliament for broader policy. The Secretary of State may also have to account to Parliament for police action or inaction in incidents causing exceptional public interest. One could make the chief officer of the new force report to Ministers in two governments and Parliaments. If, for example, a Southern member of the joint force shot a Protestant in Northern Ireland questions might be asked in Parliament by the Unionist MP for the area and in the Dail by the TD from whose constituency the policeman came. The chief officer might well be subject to different and conflicting pressures from the two Ministers and the accounts given in the two Parliaments might differ. Ministerial answerability is important as the expression of the public responsibility of the police force to the people. Joint arrangements which compromised the answerability of Ministers in the UK Parliament for the policing of part of Northern Ireland would be represented, with some justice, as compromising the sovereignty of that Parliament over that part of Northern Ireland. The objection will be that local people would find themselves policed by foreigners whom they do not trust, under arrangements they did not want, and with their elected representatives unable to exercise the degree of influence on their behalf which applies elsewhere in the UK. These objections would be expressed as strongly in the



SECRET

Republic as in Northern Ireland. One could avoid the criticism that a chief officer cannot answer to two Parliaments by giving responsibilities to a joint parliamentary body established to complement the AIIC. Such a structure would make the proposals much more attractive to the Irish. It would however expose more clearly the implications of joint policing for sovereignty and increase criticism among Unionist opinion. One might try to minimise the Parliamentary and Ministerial overlap by agreeing that the joint force should answer to the Minister and Parliament of the police officers concerned in each incident or of the area in which an incident occurred. Such demarcation would be difficult to operate in practice; it would go against the "jointness" concept; and those aggrieved would complain about force policy.

Organisation of Joint Forces

12. One would need to attract experienced officers to the new force. Those already serving in the RUC and Garda in the areas to be covered might be transferred to it. But many might prefer to stay with the Garda or RUC. The prospect of indefinite service in border areas would be unlikely to attract many current members of the RUC. And the Garda, who are now mostly unarmed and operate in the Republic without being targets for the IRA, might need strong inducements to exchange relaxed rural policing for the new joint force. Special pay inducements might be necessary to attract volunteers elsewhere in the Garda, RUC and perhaps British police officers. There might be advantage in having policing serving in the joint force for a few years and then going back to the Garda and RUC. One might even question whether all recruits must have a professional police background, especially if the range of functions included work now done in border areas by the



SECRET

army and UDR. If the new police force replaced the UDR in border areas there would be political attractions for the South. The new force would then be further removed from police traditions and more of a para-military organisation. The question would arise of whether to present it as a police force or as a police/army hybrid frontier guard.

13. The senior officers would come from the Garda and RUC: presumably the chief officer from one force and deputy from the other, though British or other nationalities could be considered.

14. Appointments, pay, conditions of service would have to be established, probably by the new police authority. The compromises between RUC and Garda practice would probably lean substantially to the higher and more expensive RUC standards. The new force would presumably take over the equipment and buildings possessed by the police now operating in its area. If it took over army functions it would need much extra equipment, including helicopters. It would need resources for command structure and common services. It would need training facilities of its own or arrangements as a common service with the RUC and Garda: the RUC training centre at Inniskillen would be within the area of the joint force. It would be likely to need its own special branch rather than rely on the Garda and RUC and this raises questions concerning availability of intelligence.

15. The delicate question of uniform design might be passed to the police authority. The establishment of a police Federation for the new force could be entrusted to the police representative bodies in the Garda and RUC. Inspection would be tricky since the Republic has no equivalent to the UK system of inspection and might not take happily to inspection of the joint force by HM Inspectorate of Constabulary.



SECRET

16. The arrangements for complaints and discipline would be particularly sensitive. Unionists will be quick to complain about the conduct of "foreign" members of the joint force, as would Republicans about ex-RUC officers in the South. The Republic has no formal police complaints arrangements and no Police Complaints Board. We should need a special Police Complaints Board for the joint force or perhaps a single Board to cover all three forces in the island of Ireland. Any serious complaint against a police officer is likely to involve allegation of a criminal offence. Hence the Director of Public Prosecutions is inevitably involved in complaints procedures. A joint force would require a single Director of Public Prosecutions or the closest harmony between the two Directors and their offices.

Relations between the 3 forces

17. The practical test for the new force will be whether it would reduce the scope for terrorists to exploit the border. The danger is that the problems would be compounded: three forces instead of two and three border lines instead of one. Liaison arrangements between separate forces rarely work as effectively as a single command structure. Flexibility of movement could be some compensation. Even if members of the joint force tended to operate mostly among their own nationals, any member would be entitled to act as a police officer throughout the joint force area. There would need also to be flexibility to cross the zone boundaries, certainly in hot pursuit and desirably to make enquiries. Similarly, Garda and RUC officers would need to be able to go into the zone without difficulty. The legislation establishing the joint force would therefore need to give its members the powers of a constable throughout the zone and also outside the zone when pursuing operations or enquiries from the zone. It would be difficult to define in the legislation constabulary powers outside the zone in limited terms; one might have to provide powers at large with understandings about the circumstances in which

SECRET

zone constables would act outside the zone. Similarly, members of the Garda and RUC would need constabulary powers in the foreign half of the zone when pursuing operations or enquiries from their own territory. The Irish might have reservations about former RUC members of the joint force appearing in Dublin or well away from the border. At the last election Mr Haughey made much of his allegations that Dr Fitzgerald's ideas could lead to the RUC operating in the South.

Belfast

18. Including part of Belfast in the joint police area would make it clear that the objective was political rather than cross-border co-operation. Questions of sovereignty would be more obvious. The several, separate Catholic areas in Belfast could not be brought together into a single zone without including some strongly Protestant areas. A Belfast segment of some of the Catholic population, together with a border zone would not form a natural unit and boundary problems with the RUC would be increased.

Army

19. The RUC are unable by themselves to police much of the border area and West Belfast effectively. They depend on army support. The argument that a new joint force would not accord with ordinary police practice is therefore weaker in that ordinary police practice is demonstrably of very limited effectiveness in the prevailing special conditions. If the new force were to attempt to dispense with that army support, it would need a wide range of equipment, training and double or triple the manpower requirement. If it proved possible for the joint force to win acceptability not available to the RUC, the army role could be reduced.

Border Crime Squads

20. Instead of an entirely separate force for the border zone, one might establish special co-operative arrangements between the two forces within an area either side of the border.


SECRET

The analogy of regional crime squads operating across force boundaries within Britain could justify international border crime squads. The Divisional Mobile Support Units of the RUC and the Garda special task forces could be reconstituted as joint units operating under a single command structure but accountable to the two chief officers of police. The legal, constitutional, and financial implications would be more manageable as would boundary problems. The practical benefits could be as great or greater. Though it would be natural for a joint crime squad to concentrate its attention on cross-border activity and the border area, its zone of operation need not be precisely defined and could be varied without elaborate formality. For example, involvement in Belfast might be slender and occasional at the outset, but develop substantially if the cross-border work went well. A wider Belfast involvement might then be defended on operational rather than political grounds: making use of the squads' wider experience and, perhaps, greater acceptability wherever such qualities were most likely to be of value and where the problem of terrorism was greatest. The Republic might, however, find informal arrangements with the joint crime squad answerable in Northern Ireland to the Chief Constable of the RUC politically unattractive, even if they were supported by special liaison arrangements at Ministerial level.

Anglo-Irish Joint Security Council

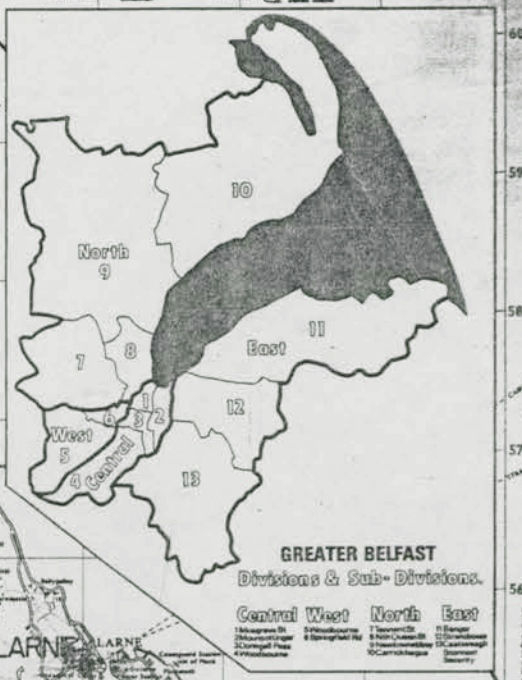
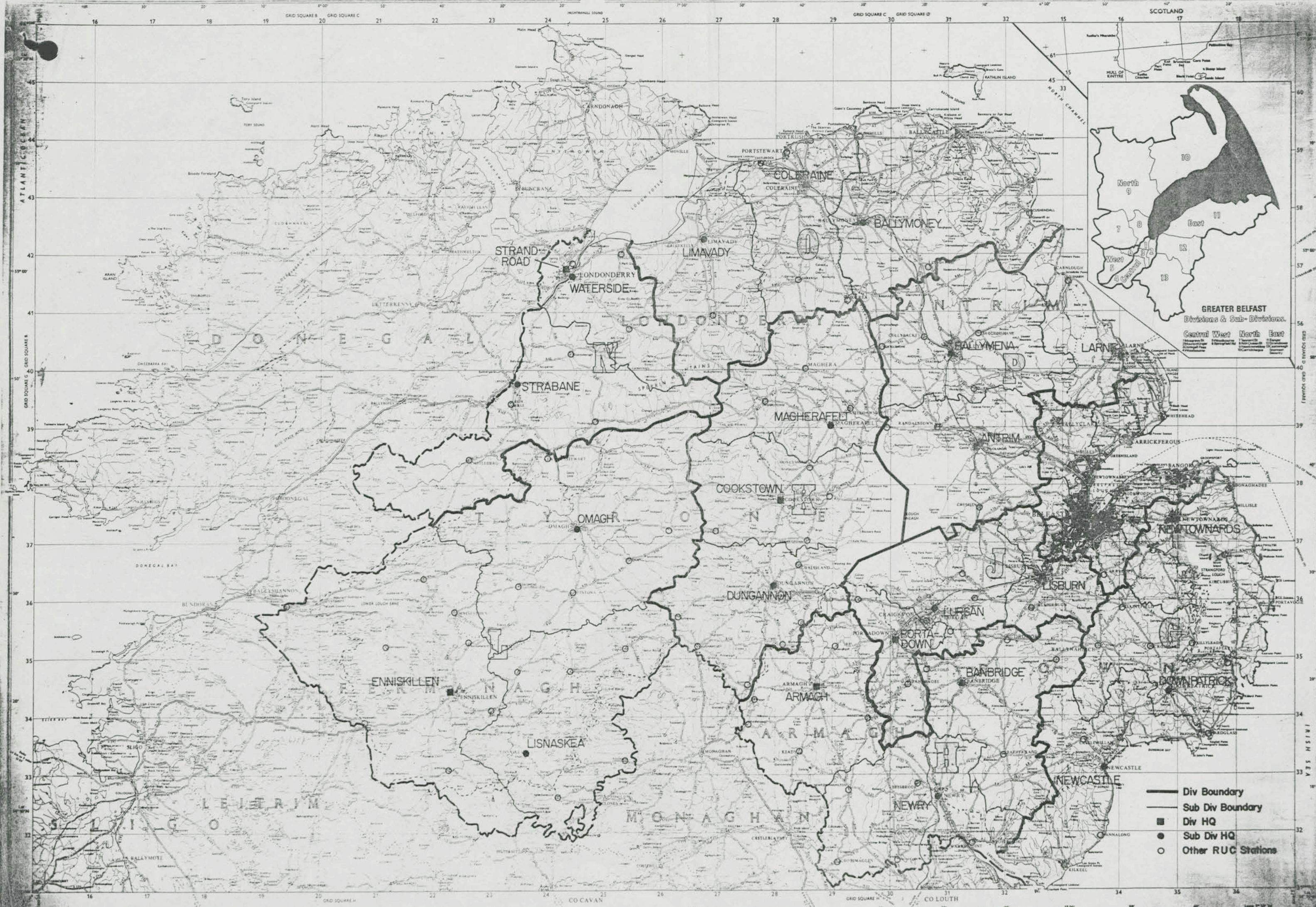
21. Arrangements for joint policing of a border zone would require substantial intensification of co-operation between the two governments on security matters - beyond as well as within the border area. The joint policing zone could be seen as one form of that intensified co-operation. The precise arrangements for policing the border area would require detailed discussion between the two governments as well as with national interests (RUC, D of PP, UDR) having a direct concern. The attitudes of the Republic are not easy to forecast. The way forward may be for the



SECRET

two governments to agree first on their objective of strengthening security co-operation and winning the widest possible acceptance and public support throughout the island of Ireland for the security forces and to establish a joint security council to work out practical arrangements to achieve that objective; the Secretary of State and the Irish Minister of Justice could be joint Chairmen; the Council's first task could be to work out arrangements for joint policing of a border zone.

CONQUEROR



- Div Boundary
- Sub Div Boundary
- Div HQ
- Sub Div HQ
- Other RUC Stations

ELEVATIONS IN METRES
(CONTOUR INTERVAL 80 METRES)

Joint Criminal Jurisdiction in a Border Zone

This note examines the proposition that, in a jointly policed area straddling the Border between Northern Ireland and the Republic of Ireland, there should be unified arrangements for the administration of criminal justice.

2. The enforcement of the criminal law requires the performance of four inter-dependent functions. It is necessary to consider the proposition in relation to each of them. The functions are:

1. Investigation
2. Prosecution
3. Trial
4. Enforcement of Sanctions.

Investigation

3. The principal investigative agency, for the purposes of criminal law enforcement, is the police. The proposition assumes that satisfactory joint policing arrangements would have been made. It is, however, worth noting that the police are not the sole relevant investigating agency. Of particular relevance, in relation to a border zone, are Customs and Excise and the DHSS (for example in relation to social security frauds by those who "moonlight" over the border). In addition, a wide range of agencies, including local authorities, are concerned in the investigation of regulatory offences of the kind mentioned in Annex C. There is no clear advantage to be gained from unifying the activities of non-police investigative agencies within the border zone, and it might be best to leave them undisturbed. But, in that event, it would be necessary to decide how far their activities should be brought within the ambit of, for example, any joint arrangements for prosecution and trial. These are matters of detail which might best be resolved, in consultation with the agencies concerned, if and when the outline of a police related scheme was in place.

Prosecution

4. It would be necessary to establish whether, within the border zone, there was to be a single prosecution authority or whether, according to some criteria, cases should be allocated between the existing authorities in, respectively, the Republic and Northern Ireland. If there were a unified criminal law, the case for a single prosecution authority would be strong; presumably it would be formed of officers allocated by the existing prosecutors in the two countries. The disadvantage, if there were a unified criminal law, of preserving two separate prosecution systems would be that they might operate different prosecution policies so that inequities and anomalies resulted. However, if there were no unified criminal law (and the difficulties of achieving it are discussed in Annex C), a possible arrangement would be for cases to be referred to the appropriate prosecuting authority (ie that of the Republic or of Northern Ireland) according to the territory in which the alleged offence had been committed. The distribution of cases on such a basis seems plainly preferable to an allocation according to the nationality of the suspect which would offend the principle of territoriality. There might, of course, be cases involving multiple suspects in which some of the offences had been committed on one side of the Border and some on the other. A unified prosecution system would simplify the handling of these; but, in essence, they would be no different from cases of the kind which may already arise and would require the two countries to take independent action.

Trial

5. The idea for examination is that there should be a zonal court or courts, staffed jointly by the Republic and the United Kingdom, and exercising jurisdiction over all or some of the alleged offences committed in the zone.

6. Perhaps among the more simple matters would be to determine the jurisdiction, and physical arrangements for the sitting, of the zonal court(s). Presumably the court would at a minimum, have jurisdiction over offences (in the agreed categories)

committed in the zonal area. In addition, it might be desirable to make arrangements for the court, perhaps with the agreement of the appropriate court outside the zone, to try offences committed outside its jurisdiction where this was desirable to achieve a coherent trial either of a principal or of a principal and accomplices. As to the physical arrangements, these would inevitably depend on the width of the border zone, and the extent to which it included centres of population. At this stage, it is possible to do no more than suggest that there might, notionally, be a single court for the zone with a capacity to sit either in different locations within the zone or outside of it. A possible model (which might avoid problems of providing additional court buildings and staff) might be for selected existing courts, whether in the Republic or Northern Ireland, to sit as "zonal courts" as appropriate with the judges or assessor from the other jurisdiction being brought in as necessary. It should however be noted that, whatever political attractions mixed courts might have in the South, they are not a necessary adjunct of the concept of a border zone with a criminal jurisdiction. It would be theoretically possible for trials within the zone to be shared between exclusively Republican and Northern Irish courts each exercising the zonal jurisdiction. Whether or not the courts were "mixed", criteria for allocating cases among courts centres would have to be worked out; but it is assumed that, in principle, any zonal court would have jurisdiction over any "zonal" case, so that, for example, an offence committed in Crossmaglen (if that were within the border zone) would be triable by a zonal court sitting in the Republic. (It is worth noting that the Criminal Jurisdiction Act 1975 and the corresponding legislation in the Republic already provide for the extra-territorial enforcement of terrorist offences, which have been broadly reconciled, without a common criminal jurisdiction being necessary.) It should also be noted that some difficult legal and technical questions would arise about the surrender for trial within the zone of offenders found outside its jurisdiction.

7. The notion that there might be "mixed" courts raises problems of its own. The working assumption must be that, for the

foreseeable future, all or most of the cases tried by the zonal courts would be cases tried without a jury. This argues, so that deadlocked courts should be avoided, for mixed courts of three judges. Leaving aside the scope for argument about the balance between court members from the North and South, if they were all professional judges, this would be expansive in terms of scarce judicial manpower. On the other hand (given, in particular, the absence in Ireland of a lay magistracy) there are manifest difficulties in involving lay assessors in the judicial process; and, in the circumstances of a border zone, it would give rise to a substantial security problem. The best approach may be to envisage a panel of professional zonal judges, drawn from both countries, who would sit singly, and might be allocated to any zonal court irrespective of the Border.

8. A modern system of criminal trial is underpinned by a number of branches of procedural/administrative criminal law which, like the criminal law relating to specific offences, differ between the Republic and Northern Ireland. (Although it should be noted that no serious study of the extent of these differences has yet been made.) Before a common system of trial could be operated, it would be necessary to determine the law that was to be applied zonally in the following areas. The list may well not be exhaustive:

1. Arrest and charge
2. Preliminary hearings; committal for trial
3. Remand and bail
4. Legal aid; costs
5. Forms of process; indictments
6. Trial procedure
7. Law of evidence
8. Sentencing powers
9. Criminal appeal.

9. It is arguable that what was nominally a zonal court could accommodate differences in the substantive criminal laws of the two countries (particularly if they were more of form than substance), eg by enforcing the substantive law of the country

in which it happened to be sitting or which matched that of the accused person. Anomalies of various kinds would have to be accepted; indeed, would be unavoidable if it were desired to establish a zonal court before the long process of establishing a unified substantive criminal law had been completed. But a unified "zonal" police force could hardly apply two different sets of powers relating to arrest, search, detention, lawful use of force, etc; and for a unified court to attempt to conduct trials according to two different systems of law, perhaps with divergent treatment of co-defendants, would expose the concept as flawed. Before zonal courts could be launched, it would be necessary to agree upon a unified body of law that was to be applied by them. To the extent that the courts were given jurisdiction over only a limited range of offences, the task of settling agreed provisions of substantive law might not prove too formidable, although the Parliamentary hurdles noted in paragraph 9 of Annex C would remain. But it would still be necessary to find a way through the other difficulties mentioned in that Annex (for example, reconciling differences in judge-made law in the two countries); and reaching agreement on the procedural/administrative areas listed above would be a lengthy task.

Enforcement of Sanctions

10. This links with the question of sentencing powers mentioned above. The maximum sentences for particular offences which are provided in Irish law may not coincide with those for Northern Ireland and the countries may not have identical provisions relating to the imposition of fines, use of probation, use of absolute and conditional discharge, suspended sentence, etc. It would seem essential that a common code of penal sanctions should be agreed. It would then remain to ensure that there were satisfactory mutual arrangements for enforcing the penalties imposed. For example, would a prison sentence imposed anywhere in the zone be servable either in the North or in the Republic; would a fine imposed in the zone be enforceable in either jurisdiction; similarly, with probation orders? Of particular relevance would be the question of where jurisdiction would lie to release prisoners subject to life sentences. Should a release

require the agreement of the responsible authorities in both countries, or should the decision lie with the country in whose jurisdiction the sentence is being served? The latter approach might encourage the view that each country should take its "zonal" offenders. These are details to which answers need not be found at this stage; but the questions would have to answered before any scheme which transcended national jurisdiction took effect.

General

11. Finally, it should be remembered that in considering any arrangements for the joint administration of criminal justice, the Republic is constrained by the provisions of its Constitution and by the extent to which it is able to deliver any constitutional amendments that it is willing to make. The constitutional constraints would not only limit the scope for making unified laws, they would also mean that, in relation to arrests, trials, etc., in the Republic's part of the border zone, questions of constitutionality would be liable to arise.

Comments and Conclusions

12. This Annex deals with the problems of creating a unified criminal jurisdiction in a limited area. Since they are complementary to the idea of a joint policing zone discussed in Annex A, it might be possible to link developments to the progress made on joint policing. But we could not get far without the need for legislation which is likely to be controversial.

A Common Criminal Law for Ireland

1. There is already a large measure of commonality in the criminal law of both jurisdictions, and both have the same tradition of the common law. This Annex examines the proposition that we should aim to establish a unified criminal law for the island of Ireland.
2. Criminal law may be substantive or "general" and procedural. The substantive criminal law covers an enormous range of conduct. Much of it is now statutory but the common law still plays an important role: neither jurisdiction has a "criminal code" which could serve as a starting point for a harmonisation exercise. The law has expanded, and is still expanding, whether through the creation of new statutory offences or judicial interpretation of the common law, to meet the conditions of modern society and modern expectations of government. It is not only that the so-called "regulatory" offences have proliferated: the law has had to adapt to opportunities for serious criminal activity which were not available to previous generations. A total harmonisation of all the criminal offences which have evolved in the two independent jurisdictions would not be practicable.
3. Turning therefore to selective harmonisation, one approach would be to attempt to tackle the "classical" criminal law, i.e. the body of offences substantially founded on the common law: offences against the person; sexual offences; theft; criminal damage and so on. Further selectivity could concentrate on the criminal laws most relevant to terrorist activity, or most likely to come before any Anglo-Irish joint court. This approach would avoid the difficult task of harmonising laws such as those relating to homosexuality or abortion. It would however be necessary to go beyond offences arising from the common law in order to cover e.g. offences relating to the control of explosives. One could start by drawing up with the Irish a list of offences relevant to terrorism, on which there seemed to be a realistic prospect of harmonisation and practical gains. There are various "guides" which would provide the British side with a starting point: for example, the "scheduled offences"

in the Criminal Jurisdiction Act 1975 or in the Northern Ireland (Emergency Provisions) Act 1978, or, more broadly, offences of the nature identified in Article 1 of the European Convention on the Suppression of Terrorism. It is worth noting that some harmonisation of the relevant substantive laws was a concomitant to the Criminal Jurisdiction Act 1975 which followed Sunningdale. The Appendix to this Annex offers some illustrative comparisons of the two bodies of criminal law as they now stand. Because much criminal law is case law, an initial harmonisation of statutory laws would be subject to divergencies if the judicial systems of the two countries remained separate, and they did not share a common jurisprudence. The extent to which this matters would depend on how ambitious the project was.

4. The so-called "general part" of the criminal law covers such matters as the mental element in crime; burden and onus of proof; inchoate offences (attempts, conspiracy, etc.) and general defences. A comprehensive harmonisation project would have to embrace all of this, and a wide range of procedural matters such as the law relating to juries, legal aid, the conduct of a trial and appeals. But in these areas harmonisation could be concentrated on such aspects of general and procedural law as seemed capable of reconciliation, and had major relevance to the trial of terrorists. But, as indicated in Annex B, any proposal for the joint administration of the criminal law in, for example, a border zone would inevitably raise the question of harmonisation across the whole range of general and procedural matters.

5. However ambitious or restricted the project, questions arise about the manner of bringing it to fruition with two sovereign Parliaments. Machinery could, no doubt, be devised for producing legislative proposals that had been agreed between the two governments; but there could be no guarantee that the products emerging from the two Parliaments would be identical. Experience of criminal law reform in England and Wales has demonstrated how extensively

criminal law reform measures may be amended in both Houses of Parliament. It would be for consideration whether the risk of "disharmonisation" at the parliamentary stage could be minimised by the establishment of some form of joint parliamentary procedure to consider the projects in question.

6. Machinery would be needed to determine how differences between the laws of the two countries should be resolved. In the general field of codification and modernisation, we are further advanced than the Irish are, but they would not necessarily be willing to resolve differences by bringing their laws into line with ours. Moreover, the terms of the Irish Constitution might in some circumstances circumscribe that Government's freedom of action. It would be necessary to consider on each topic how far a concession to Irish views would involve a departure from what we have regarded as the desirable state of the criminal law in the United Kingdom, and how far it would be acceptable to pay a price of disharmonisation of laws between Northern Ireland and Great Britain, recognising that Northern Ireland law already departs from that of Great Britain in a number of ways.

7. The machinery for achieving harmonisation would no doubt depend on the scale of the project. If it was desired to embark initially on harmonisation of the greater part of the substantive criminal law, some Irish standing joint commission would probably be needed and would be occupied for a period of many years. It would be for consideration whether such a body could sensibly ignore the work of the Great Britain Law Commissions. But if the undertaking were confined initially to comparatively specialised areas of criminal law, it might be possible to confine it to relevant groups of officials at least until the stage when proposals that might form a basis for public consultation had been formulated.

Comparison of Law of the Republic with Law of Northern Ireland

Much of the old statute law is similar - see list of extra-territorial offences in Sch 1 to 1975 Act and CL (J) Act 1976 in the Republic.

2. The Republic has common law - so offences such as murder, manslaughter, kidnapping are offences there.

3. The reciprocal legislation in 1975-76 achieved a certain amount of assimilation, eg -

- (a) Explosives - ss 2 and 3 of the Explosive Substances Act 1883 were amended in identical ways in both jurisdictions so as to extend them extra-territorially with respect to both the United Kingdom and the Republic.
- (b) Firearms - ss 8 and 9 of the 1976 Act (R) inserted two new offences of having firearms in suspicious circumstances and with intent to commit indictable offence. This brought law of the Republic into line with that of Northern Ireland in these respects. S 8 of the 1975 Act increased penalty for having a firearm in suspicious circumstances to five years so that the penalty was the same in both jurisdictions.
- (c) Hijacking of vehicles and ships - s 2 of 1975 Act and s 10 of 1975 Act created new, identical, offences of hijacking vehicles or ships punishable with 15 years.
- (d) Escaping from custody - the broad effect of s 3 of 1975 Act and s 3 of 1976 Act is that it is an offence under the law of both jurisdictions to escape from custody in either the Republic or Northern Ireland if the escaper has been charged or convicted of one of the listed offences, on whichever side of the border the offence was committed.
- (e) Theft - ss 5, 6 and 7 of the Republic's Act amended the Larceny Act 1916 so as to create new offences of robbery, burglary and aggravated burglary and brought the law (in these respects) exactly into line with that of England and Wales in the Theft Act 1968 and Northern Ireland in the Theft Act (NI) 1969.

4. Superficially, one might conclude that the substantive law in both jurisdictions, in the area of terrorist activity, is much the same since much of the statute law pre-dates 1922, both jurisdictions apply the common law and (as mentioned above), in some respects, the law of both jurisdictions was assimilated by the reciprocal legislation of 1975-76. But there must be a number of qualifications -

- (a) It is doubtful whether criminal law reform in the Republic has proceeded at the same pace as in the United Kingdom although Northern Ireland itself is usually behind England - examples, replacement of Malicious Damage Act 1861 by Criminal Damage legislation, codification of law on conspiracy and attempts.
- (b) Much of the criminal law depends heavily on case law, which may diverge substantially in the two jurisdictions, particularly where case law has developed since 1922.
- (c) The Republic has a written constitution. In relation to this, note -
 - (i) Art 39 defines treason (seems much the same as our offence.
 - (ii) Art 40(4) enshrines habeas corpus.
 - (iii) Art 40(5) declares every citizen's dwelling to be inviolable and prohibits forcible entry save in accordance with law.
 - (iv) Art 40(6) contains rights of free expression, free assembly, free association, subject to wide qualifications.

5. What is said above relates to the substantive law. There may be substantial differences in evidential law and procedure.

Possible Forms of Devolved Local Government in Northern Ireland

The Appendices to this Annex describe a range of possible local government units of various sizes, beginning with a single council for the whole province, with the boundaries and the likely political balance in each unit. A single regional council could be based on the existing Assembly. It would either be unionist controlled or could have a committee system with chairmanships shared between the parties. Other possible groupings of areas which could either be in substitution for or in addition to a single council area as follows.

2. A four-unit model would follow the boundaries of existing Health and Social Services Board; a five-unit model would follow the boundaries of the Education and Library Boards. If more units are required one could revert to the old six counties plus Belfast, though the population in some of the counties would be very small. Splitting Belfast could certainly produce a nationalist and a unionist area, though dividing a single natural unit in two would seem odd.

3. However one varies the size of the units, boundaries and political balance, the following difficulties remain:

(a) Sinn Fein

The council or councils with a nationalist majority would not provide a majority for the SDLP alone. Even if Sinn Fein were not the largest party, the SDLP would have to come to terms with it, if the natural nationalist majority in population were to be reflected in control of the council. The price Sinn Fein would exact from its pivotal position would be unpleasant for the SDLP and the United Kingdom Government. A possible outcome would be the SDLP and Sinn Fein co-operating to prevent the Unionists running the council but not to run it themselves. If Sinn Fein's political advance continued so that it became the dominant group it might use the council to try to introduce measures coming close to de facto secession.



(b) Functions

It is easier to state in general terms the desirability of fuller local government powers in Northern Ireland than to identify functions which could appropriately and safely be transferred to local government units of the kind discussed. Education and housing are the more important functions in Britain. In Northern Ireland both have a history of sectarianism. The Housing Executive has painfully established confidence among the population that allocation of houses is fair and has markedly improved the housing stock in the province. Roads, water, sewerage, fire, planning and social services offer less obvious scope for sectarianism but could all be administered, or be perceived as being administered, unfairly.

(c) Disruption

Despite the troubles and divisions, local services are recognised as being run in Northern Ireland to a standard of efficiency and fairness which bears comparison with the rest of the United Kingdom. There has been much reorganisation in recent years, following the MaCrory report reforms and introduction of direct rule. Splitting up again amalgamated structures which have only recently settled down to smooth working would be costly in terms of finance, morale, and efficiency.

4. Such objections would be outweighed if the arrangements satisfied the aspirations of the two sides of the Northern Ireland community in any substantial degree. But the probability is that the SDLP and the Irish Government would be hostile. Unionist opinion may be more sympathetic; but the unionists will be concerned at the large areas of Northern Ireland which would become liable to nationalist control. The structures seem more likely to encourage unionists and nationalists to exploit their majority positions to the full in the councils they control than to move towards co-operation.

Upper Tier of Local Government comprising 1 Regional Council

i)	<u>Area</u>	Whole of Northern Ireland	
ii)	<u>Population</u>		
	Total population	: 1,555,000	
	Catholics	: 592,000	(38.1%)
	Non-Catholics	: 963,000	(61.9%)
iii)	<u>Political control</u>	: Unionist. (UUP and DUP have over 60% of Assembly seats.)	

Note:

In view of the high level of non-response (18.5%) to the religious question in the 1981 Census, the figures at (ii) above (which are used throughout this paper) rest on two assumptions. First, the estimated total of non-enumerated persons (74,000) is all assigned to the Catholic group. (This seems reasonable since the anti-Census movement formed part of the Republican pro-hunger strike campaign.) Second, the 275,000 who did not answer the religious question are allocated pro rata between the Catholic and non-Catholic groups. (Source: PPRU)

Upper Tier of Local Government comprising 3 Regional CouncilsI Border Council

- i) Area : Local government areas of:
Limavady, Londonderry, Strabane,
Omagh, Fermanagh, Cookstown, Dungannon,
Armagh, Banbridge, Newry and Mourne,
Down.
- ii) Population
- | | | | |
|------------------|---|---------|---|
| Total population | : | 533,000 | (34.3% of Province total) |
| Catholics | : | 295,830 | (55.5% of Border Council population; 50% of Catholics in Province). |
| Non-Catholics | : | 237,170 | (44.5% of Border Council population). |
- iii) Political control : Probably nationalist.

II North Eastern Council

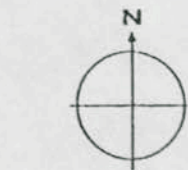
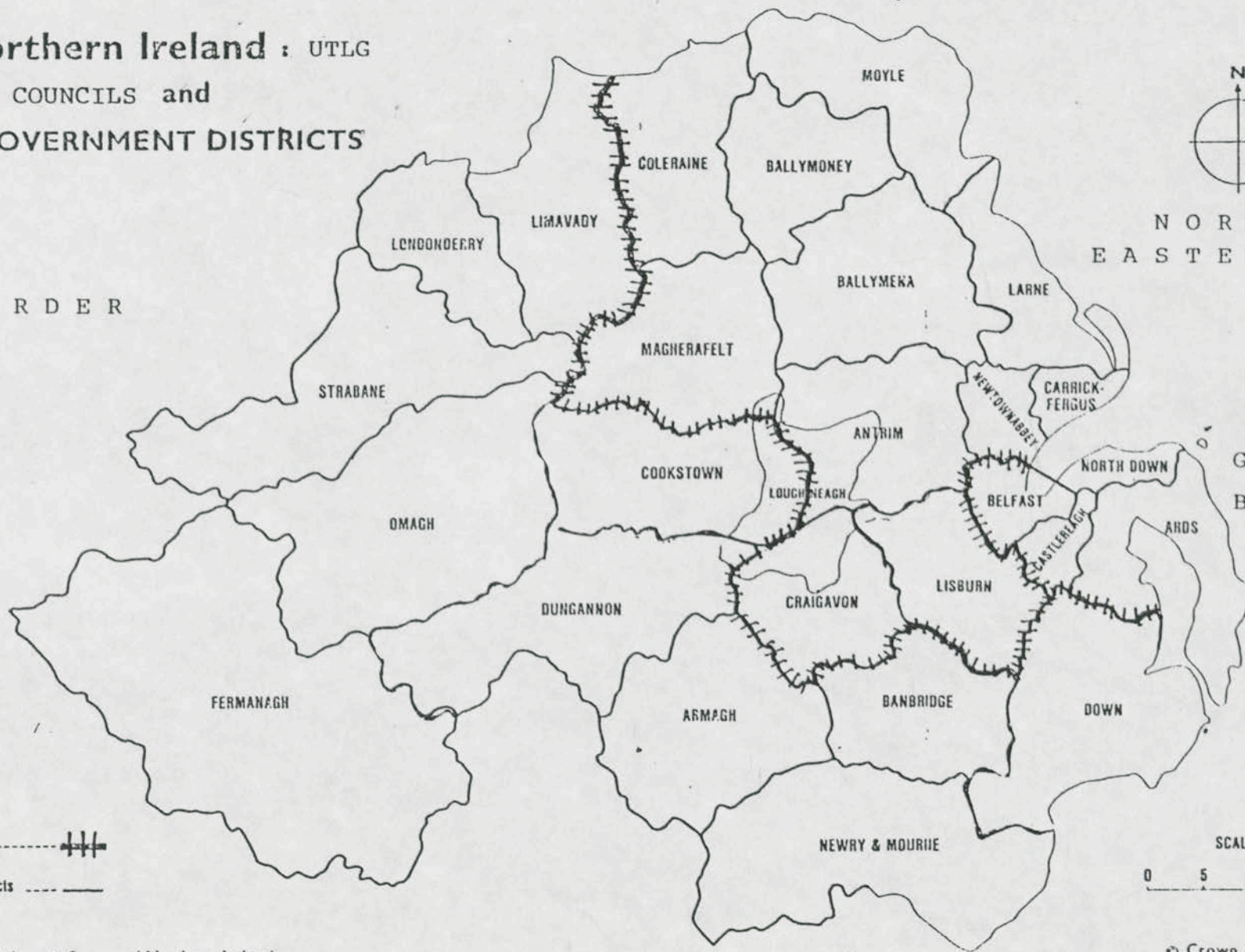
- i) Area : Local government areas of:
Magherafelt, Coleraine, Ballymoney,
Moyle, Ballymena, Larne, Carrickfergus,
Newtownabbey, Antrim, Lisburn, Craigavon.
- ii) Population
- | | | | |
|------------------|---|---------|---|
| Total population | : | 519,740 | (33.42% of Province total) |
| Catholics | : | 153,920 | (29.6% of NE Council population; 26% Catholics in Province) |
| Non-Catholics | : | 365,820 | (70.4% of NE Council population) |
- iii) Political control : Unionist

III Greater Belfast Council

- i) Area : Local government areas of:
Belfast, Castlereagh, North Down,
Ards.
- ii) Population
- | | | | |
|------------------|---|---------|--|
| Total population | : | 502,260 | (32.28% of Province total). |
| Catholics | : | 142,250 | (28.3% of GB Council total; 24% of Catholics in Province). |
| Non-Catholics | : | 360,010 | (71.7% of GB Council population). |
- iii) Political control : Unionist

Northern Ireland : UTLG
REGIONAL COUNCILS and
LOCAL GOVERNMENT DISTRICTS

BORDER

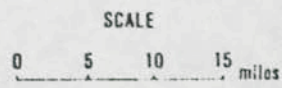


NORTH
EASTERN

GREATER
BELFAST

KEY

- Regions ----- + + +
- Local Government Districts -----



Produced by the Ordnance Survey of Northern Ireland.

© Crown Copyright 1983

Upper Tier of Local Government comprising 4 Regional Councils

I Eastern

- i) Area : Eastern HSSB area - i.e. local government areas of Ards, Belfast, Castlereagh, Down, Lisburn, North Down.
- ii) Population
 - Total population : 632,650 (40.7% of Province total)
 - Catholics : 182,580 (28.9% of Eastern population;
30.8% of Catholics in Province)
 - Non-Catholics : 450,070 (71.1% of Eastern population).
- iii) Political control : Unionist

II Northern

- i) Area : Northern HSSB area - i.e. local government areas of Antrim, Ballymena, Ballymoney, Carrickfergus, Coleraine, Cookstown, Larne, Magherafelt, Moyle, Newtownabbey.
- ii) Population
 - Total population : 386,900 (24.9% of Province total)
 - Catholics : 114,890 (29.7% of Northern population;
19.4% of Catholics in Province.)
 - Non-Catholics : 272,010 (70.3% of Northern population).
- iii) Political control : Unionist

III Southern

i) Area : Southern HSSB area - i.e. local government areas of Armagh, Banbridge, Craigavon, Dungannon, Newry and Mourne.

ii) Population

Total population	:	280,270	(18% of Province total)
Catholics	:	142,500	(50.8% of Southern population; 24.1% of Catholics in Province.)
Non-Catholics	:	137,770	(49.2% of Southern population).

iii) Political control : Finely balanced.

More efficient transfer of votes between parties in the unionist bloc, together with the fact that the proportion of Catholics in the voting (18+) age group is lower than in the population as a whole, could give the unionists control.

IV Western

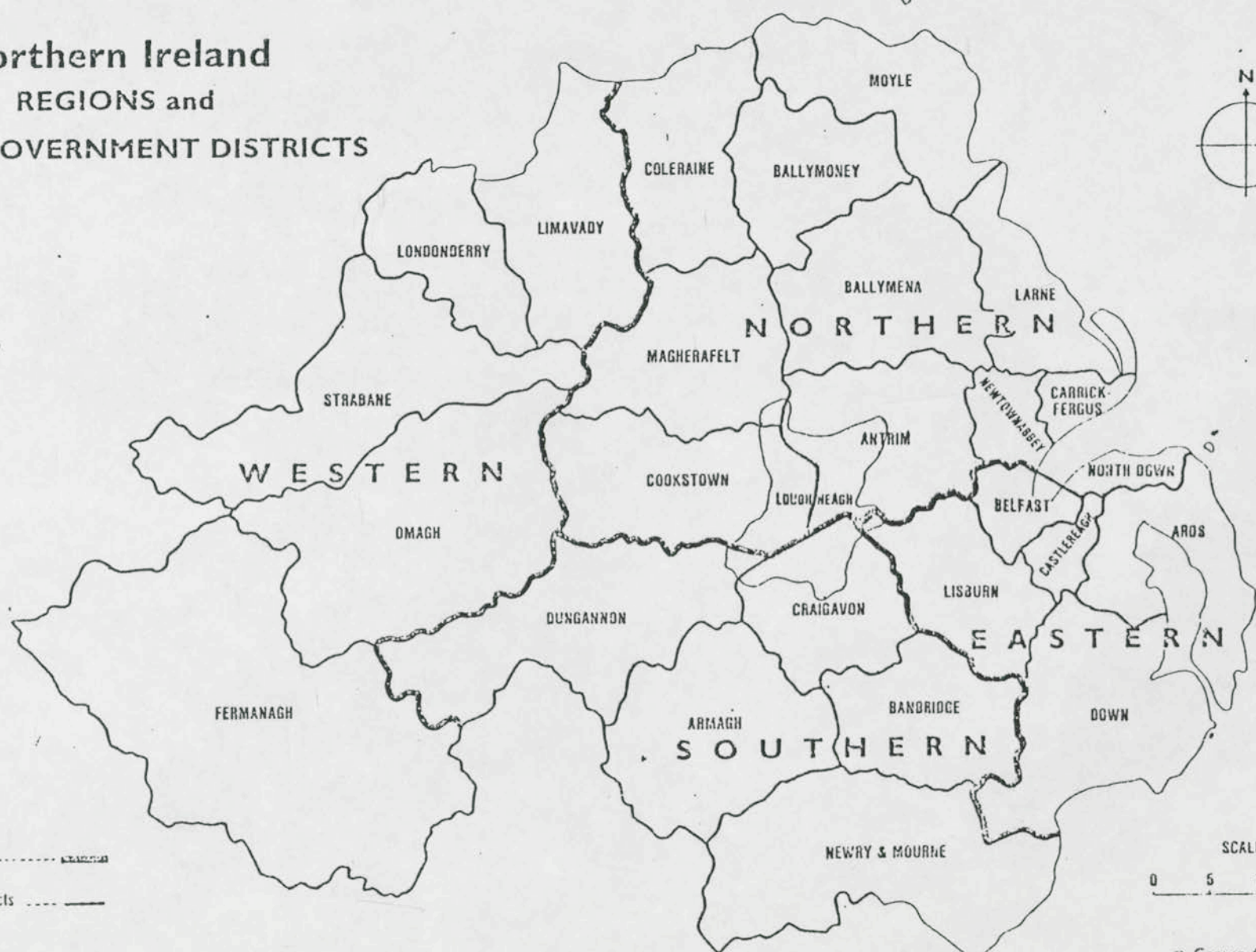
i) Area : Western HSSB area - i.e. local government areas of Fermanagh, Limavady, Londonderry, Omagh, Strabane.

ii) Population

Total population	:	255,180	(16.4% of Province total)
Catholics	:	152,030	(59.6% of Western population; 25.7% of Catholics in Province).
Non-Catholics	:	103,150	(40.4% of Western population)

iii) Political control : Nationalist

Northern Ireland REGIONS and LOCAL GOVERNMENT DISTRICTS



KEY
Regions - - - - -
Local Government Districts - - - - -

SCALE
0 5 10 15 miles

Upper Tier of Local Government comprising 5 Regional CouncilsI Belfast

- i) Area : Belfast E & LB area - i.e. Belfast City Council area.
- ii) Population
- | | | | |
|------------------|---|---------|---|
| Total population | : | 309,750 | (19.9% of Province total) |
| Catholics | : | 112,100 | (36.2% of Belfast population;
18.9% of Catholics in Province.) |
| Non-Catholics | : | 197,650 | (63.8% of Belfast population) |
- iii) Political control : Unionist

Note:

It has been suggested that Belfast might be divided into two Councils. Since published Census results on religious affiliation are not broken down below the Council area as a whole (although the material necessary to produce a breakdown by religion to ward level is available to PPRU) it is not possible to calculate the religious profile of a dual Council model from the Census. However a broad assessment can be made from the results of the June 1983 General Election (the Parliamentary boundaries largely coincide with the City Council boundary). The following totals of votes were cast in Belfast West and North (Gerry Fitt's votes are divided equally between nationalist and unionist, since there is evidence that, exceptionally, he received significant support from loyalist voters):

Sinn Fein	21830
SDLP	16878
WP	4305
Fitt (50%)	5163
<u>Nationalist total</u>	<u>48176</u>
UUP	17774
DUP	10659
Fitt (50%)	5163
Miscellaneous	1134
<u>Unionist total</u>	<u>34730</u>
Alliance	3879

A West/North Council would therefore clearly be under nationalist control, with Sinn Fein dominant. Correspondingly an East/South Council would have an overwhelming unionist majority.

II South-Eastern

- i) Area : South Eastern E & LB area - i.e. local government areas of Ards, Castle-reagh, Down, Lisburn, North Down.
- ii) Population
- | | | | |
|------------------|---|---------|---|
| Total population | : | 322,900 | (20.8% of Province total) |
| Catholics | : | 70,480 | (21.8% of South-Eastern population;
11.9% of Catholics in Province.) |
| Non-Catholics | : | 252,420 | (78.2% of South-Eastern population) |
- iii) Political control : Unionist

III Southern

- i) Area : Southern E & LB - i.e. local government areas of Armagh, Banbridge, Cookstown, Craigavon, Dungannon, Newry and Mourne.
- ii) Population
- | | | | |
|------------------|---|---------|--|
| Total population | : | 308,210 | (19.8% of Province total) |
| Catholics | : | 156,980 | (50.9% of Southern population;
26.5% of Catholics in Province.) |
| Non-Catholics | : | 151,230 | (49.1% of Southern population). |
- iii) Political control : Finely balanced.

This area is identical with the Southern area in the 4 Council model (annex CIII) save that Cookstown is added, which slightly increases nationalist chances.

IV Western

Identical with Western Council in 4-unit model (annex CIV)

V. North-Eastern

- i) Area : North Eastern E & LB area - i.e.
local government areas of Antrim,
Ballymena, Ballymoney, Carrickfergus,
Coleraine, Larne, Magherafelt, Moyle,
Newtownabbey.
- ii) Population
- | | | | |
|------------------|---|---------|---|
| Total population | : | 358,960 | (23.1% of Province total) |
| Catholics | : | 100,410 | (28% of North-Eastern
population;
17% of Catholics in
Province.) |
| Non-Catholics | : | 258,550 | (72% of North-Eastern
population) |
- iii) Political control : Unionist.

Upper Tier of Local Government comprising 6 County Councils and Belfast

The boundaries of the 26 local government areas (on which the Census information is based) deviate significantly from the boundaries of the six counties, and it is therefore not possible to derive a meaningful population profile for the counties from the published Census material. However, the 1971 Census figures (which were collected on a county basis) are an indication of the sort of result which might be obtained from a detailed study of the results at ward level: there are unlikely to have been major changes in balance since 1971.

1971 Census	Total	Catholic	Non-Catholic	Not stated
Antrim	352,599	83,345	238,658	30,596
Armagh	132,678	57,710	62,967	12,001
Down	308,910	74,298	208,997	25,615
Fermanagh	49,935	23,738	21,864	4,336
Londonderry (inc. city of Londonderry)	180,530	82,040	79,969	18,521
Tyrone	138,158	65,370	57,836	14,952

Belfast is not included in these figures; for present estimates, see annex DI.

DIVIDING BELFAST

1. A wedge-shaped area running from Twinbrook (just outside the city's south-west boundary) to the Divis Flats in the centre - incorporating Poleglass, Lenadoon, Suffolk, Ladybrook, Riverdale, Andersonstown, Turf Lodge, New Barnsley, Ballymurphy, Whiterock, Beechmount, Springfield, Clonard, Distillery and the Lower Falls - would have a population profile roughly as follows:

Total	<u>70,000</u>	(22.6% of total population of 310,000)
Catholics	<u>63,000</u>	(56.2% of 112,000 Catholics in Belfast)
Non-Catholics	7,000	(3.5% of 198,000 non-Catholics in Belfast)

There would only be one significant concentration of non-Catholic population: the Blacks Road enclave south of the Stewartstown Road. This is unavoidable.

2. Significant Catholic ghetto areas excluded from this wedge would be:

<u>North Belfast</u>	<u>Catholic population</u>
Ardoyne	4,500 approx
Ligoniel	1,500 approx
New Lodge	4,000 approx
Cliftonville	4,000 approx
 <u>South Belfast</u>	
Markets	1,500 approx
 <u>East Belfast</u>	
Short Strand	<u>2,000 approx</u>
<u>Total</u>	<u><u>17,500 approx</u></u>

The residue of the Catholic population in the city (ie something between 30 and 35,000) live in mixed or predominantly Protestant (and generally more middle-class) areas.

3. Such a division would have no basis in existing constituency or ward boundaries. Any larger area (eg based on Westminster constituencies) would bring in strong Protestant areas (eg Shankhill is in West Belfast)
4. Giving local government powers to two separate Belfast Councils, one of which had a population of less than a quarter of the total, would be criticised both for dividing a city which forms a natural unit and for giving powers to a unit which has too small a population base to operate them effectively.
5. The limited powers now available to the Belfast Council might be divided without great pain (at present Catholic and Protestant dustmen tend to work from depots in the areas where they live, rarely switching to other parts of the city). Planning, transport, roads, water, sewerage and fire are classic wide area services requiring a substantial base, resources and staff. Personal social services (health, social work, education, libraries) do not need such a broad base. Housing allocation and management need not require large resources, though building and policy may be more demanding.
6. Whatever the arithmetic and theory, one must be apprehensive at the political reaction if the effect were to hand over control of part of Belfast to Sinn Fein. The heartlands of Protestant paramilitarism adjoin the Catholic area.

Recognition of the Sense of Irish Identity in Northern Ireland

The SDLP and the Republic have advocated formal opportunities for the minority to express their Irish identity in the institutions of Northern Ireland. The idea is vague. On citizenship, the Republic gives an entitlement to its citizenship to anyone born in Northern Ireland or whose parent or grandparent was born in Northern Ireland. Many nationalists in Northern Ireland use Irish passports. The United Kingdom makes no difficulty about dual nationality. There is already elaborate legislation in Northern Ireland against discrimination. It is more difficult for the state to provide express scope for the political expression of Irish identity in terms of loyalty to a foreign state. The issues discussed below are regarded by the minority in terms of "discrimination" and by unionists in terms of "loyalty". None are of more than symbolic importance but changes could contribute to the "green" part of any package.

Repeal the Flags and Emblems (Display) Act (Northern Ireland) 1954

2. The Act makes it a criminal offence to display the tricolour in circumstances likely to lead to a breach of the peace. The Act has little, if any, practical value to the police. They do not use it now. Even if the 1954 Act provision were repealed, flying the Irish flag would still be an offence if it were done in circumstances likely to lead to a breach of the peace. The specific provision is a cause of resentment and misunderstanding on both sides of the community. The minority object to a specific provision referring to the Irish flag. Although the 1954 Act does not prohibit flying the Irish flag - only prohibits its display in circumstances likely to lead to a breach of the peace - the provision is resented as if it were a total ban and is sometimes defied accordingly. Unionists sometimes chose to interpret it as if it were a total ban and complain that the RUC are not enforcing it with sufficient vigour.



3. The only reason the provision has not been repealed earlier has been that such a move would provoke a row amongst the unionist community which might well be greater than any feelings of satisfaction on the part of the minority. It has therefore been saved up as an ingredient offering minor satisfaction to the minority in any general package. The change can be made by Order in Council without primary legislation at Westminster.

Votes for Irish Citizens in Northern Ireland Local Government Elections

4. Irish citizens resident in Britain can vote in local government as well as Parliamentary elections. Irish citizens resident in Northern Ireland can vote in Parliamentary elections but, unless they were born in Northern Ireland, not in local government or Assembly elections unless they have been continuously resident in the United Kingdom for seven years. A change bringing the Northern Ireland practice into line with that in the rest of the United Kingdom would mean that between five and six thousand people would be enfranchised at local government elections. The change would be unlikely to make any great difference to councils as at present constituted, though any increase in the probable nationalist vote is naturally unwelcome to unionists. They would counter the argument that United Kingdom electoral practice should be uniform with the argument that there is no logical reason why Irish citizens should vote in our country and that the anomaly matters more in Northern Ireland than in Britain. A possible compromise might be for Irish citizens to get the vote in local elections if they had been resident for say three years in Northern Ireland. One does not want Sinn Fein to organise their people to cross over, or claim to have crossed over, in order to be present on registration day.

5. Until recently the Irish Government were in no position to complain since their legislation allowed British citizens in Ireland no vote at all. They have recently introduced legislation giving United Kingdom citizens resident in the Republic the vote there in all elections. They have accordingly raised in the AIIC



the question of whether we will bring Northern Ireland practice into line with British and their practice. A change would require legislation at Westminster.

Recruitment to the Northern Ireland Civil Service

6. Irish citizens are eligible for recruitment to the United Kingdom Civil Service but not to the Northern Ireland Civil Service. It is arguable that the entitlement of Irish citizens to join our Civil Service is an anomaly, particularly in current employment conditions. Nevertheless, there is presentable argument for bringing the Northern Ireland Civil Service into line with the United Kingdom Civil Service. The practical difference is unlikely to be substantial. The change could be made without primary legislation. It would require regulations made by the Northern Ireland Civil Service Commissioners.

Simultaneous Membership of British and Irish Parliaments or Assembly

7. Mr Mallon's disqualification from membership of the Northern Ireland Assembly on account of his membership of the Irish Senate created a furor. The nationalists saw that disqualification as "discriminatory" and indicating a reluctance to accept the "Irish identity" of the Northern Ireland minority. The counter argument is that membership of a foreign legislature is not compatible with membership of the British House of Commons or even the Assembly. The objections to simultaneous membership of two sovereign Parliaments are rather stronger than to membership of both the Northern Ireland Assembly and the Irish Parliament.

Primary legislation would however be required to make any change. Legislation to allow simultaneous membership of the Assembly and an Irish Parliament would raise the question of simultaneous membership of both Parliaments.



SECRET

Action by the Republic to accept the Union

1. A key element in the ideas which the Irish floated with us informally prior to the November 1983 Summit is the thought that, in return for appropriate concessions from HMG, the Irish Government might be prepared formally to recognise that Northern Ireland was, and would remain, part of the United Kingdom. For this purpose it has been suggested that the Irish Government might be willing to seek to amend the territorial provisions (Articles 2 and 3) of the Irish Constitution so as to remove the territorial claim and substitute a long-term "aspiration" to Irish unity (a copy of Articles 2 and 3 is attached). Alternatively, it has been suggested that, rather than amending the Constitution, it might be possible to build on Article 3 by means of a "declaratory statement".

2. The removal or dilution of the territorial claim contained in Article 2 of the Irish Constitution would represent for the Irish a concession of the greatest symbolic significance and one which could be crucial in securing the acquiescence of the Unionist community in any package of measures which had the effect of strengthening the links between Northern Ireland and the Republic. But it is important to recognise how difficult the Irish Government would find it to deliver such a concession. Although the idea of amending the territorial provisions of the Constitution has from time to time been actively canvassed in the Republic in recent years, it has always been rejected and any Irish Government which advocated it would face a head-on confrontation with nationalist sentiment throughout the country.

3. It may be helpful to consider the steps which the Irish Government would have to take if they were to give a formal and binding commitment to accept the union for



SECRET

the foreseeable future. They would presumably need to enter into some form of formal agreement with HMG providing recognition of the union and might also need to secure the acceptance of an Act to the same effect in the Irish Parliament. But either an agreement or an Act of Parliament giving effect to recognition of the union would be likely to be challenged as being unconstitutional and might well be rejected by the Supreme Court. The most certain way of avoiding this risk would be for the Irish Government to amend or delete Articles 2 and 3 of the Constitution. This would require two steps:

- (i) the passage of a Bill proposing the amendment(s);
- (ii) the holding of a referendum.

Provided the proposed amendment(s) secured a simple majority of votes cast in the referendum the amendment(s) would be adopted.

4. It can be assumed that any attempt by the Irish Government to amend substantially (or simply delete) Articles 2 and 3 of the Constitution would arouse fierce opposition. Quite possibly this opposition would extend beyond the ranks of Fianna Fail (the single largest party in the Dail with 75 seats) to some of the more traditional elements within the coalition parties, including Dr Fitzgerald's own party, Fine Gael. It is therefore possible that even if the Irish Government decided to press for constitutional amendment, they might fail to pass the first test: passage of a Bill through Parliament. The effect of such a failure could well be to bring down Dr Fitzgerald's Government.

5. It is very difficult to predict the outcome of a referendum. Much would depend on the precise form of the amendment, the nature of the agreement with HMG of which it would form part, the size of turn-out, the attitudes of



SECRET

the political parties and so on. But failure to secure adoption of any amendment would again seriously threaten the existence of the Government.

6. We have therefore examined the possibility of the Irish Government recognising the union in a less formal and binding fashion, for example, by means of a "declaratory statement" building on the qualifications already contained in Article 3. (In December 1973 the then Irish Government agreed to the inclusion in the Sunningdale communique of a statement that it "fully accepted and solemnly declared that there could be no change in the status of Northern Ireland until a majority of the people of Northern Ireland desired a change in that status". This statement was subsequently challenged in the Supreme Court, and the challenge failed on the grounds that a de facto statement of policy by the Government of the day could not put it in breach of its constitutional obligations. But the President of the Court added that "an acknowledgement by the Government that the state does not claim to be entitled as of right to jurisdiction over Northern Ireland would.... clearly not be within the competence of the Government having regard to the terms of the Constitution".) Even leaving aside the constitutional difficulty, a declaratory statement would clearly be less satisfactory than a formal and binding commitment reflected in an amended Constitution. The Unionists would be bound to argue that it would not tie the hands of any future Irish Government and might even be withdrawn by Dr Fitzgerald himself if he were dissatisfied with the implementation of any agreement reached with HMG. But, depending on its terms, it could nevertheless be a valuable element in any package if the constitutional difficulty could be overcome.

7. It is unlikely that the Irish Government would be prepared to run the risk of seeking amendments to the Constitution or even the lesser risk of making a declaratory

SECRET

statement (which would itself be highly controversial in Irish political terms) unless the other measures agreed with the British Government could be presented in Ireland as giving the Republic a new and significant role in Northern Irish affairs and hence as a British acknowledgment of the "all-Ireland dimension". Without exploratory discussion with the Irish, it is impossible to judge how much the British Government would need to offer and in what areas for the Irish Government to think it worth running all the risks which even a declaratory statement would involve. The right course would seem to be to invite the Irish to explain their own ideas for a "formal and binding commitment"; to press them hard to accept the need for constitutional amendment; but as a fall-back position to be ready to discuss with them the terms of a possible declaratory statement on certain clear understandings. These would be that (a) such a statement would have to go significantly beyond the terms of the Sunningdale communique; (b) the statement could be sure of majority backing in the Dail; and (c) the Irish Government would take steps to pre-empt or defeat any attempt to have the statement invalidated on constitutional grounds. It would be for the Irish to decide how best to achieve this.

8. If these conditions could be met - and it would have to be made clear to the Irish from the outset that implementation of the rest of the package would be dependent on the Irish Government's ability to meet them - it might be possible for the British Government to accept a solemn declaration by the Irish Government to the effect that Articles 2 and 3 of the Irish Constitution reflected an aspiration and not a territorial claim; that although the Republic remained committed to realising that aspiration, it recognised that it could not be realised without the full and free consent of a majority of the people of



SECRET

Northern Ireland; and that the Republic accepted that, until such time as that consent might be forthcoming, Northern Ireland was and would remain a part of the United Kingdom.

CONQUEROR

THE IRISH CONSTITUTION (EXTRACT)

4

THE NATION.

Article 1.

The Irish nation hereby affirms its inalienable, indefeasible, and sovereign right to choose its own form of Government, to determine its relations with other nations, and to develop its life, political, economic and cultural, in accordance with its own genius and traditions.

Article 2.

The national territory consists of the whole island of Ireland, its islands and the territorial seas.

Article 3.

Pending the re-integration of the national territory, and without prejudice to the right of the Parliament and Government established by this Constitution to exercise jurisdiction over the whole of that territory, the laws enacted by that Parliament shall have the like area and extent of application as the laws of Saorstát Éireann and the like extra-territorial effect.

THE STATE.

Article 4.

The name of the State is Éire, or in the English language, *Ireland*.

5

AN NÁISIÚN.

Airteagal 1.

Deimhníonn náisiún na hÉireann leis seo a gceart doshannta, dochloíte, ceannasach chun cibé cineál Rialtais is rogha leo féin a bhunú, chun a gcaidreamh le náisiúin eile a chinneadh, agus chun a saol polaitíochta is gilleagair is saíochta a chur ar aghaidh de réir dhúchais is gnás a sinsear.

Airteagal 2.

Is é oileán na hÉireann go hiomlán, maille lena oileáin agus a fharraigí teorann, na críocha náisiúnta.

Airteagal 3.

Go dtí go ndéantar athchomhlánú ar na críocha náisiúnta, agus gan dochar do cheart na Parlaiminte is an Rialtais a bhunaítear leis an mBunreacht seo chun dlínse a oibriú sna críocha náisiúnta uile, bainfidh na dlíthe a achtófar ag an bParlaimint sin leis an limistéar céanna lena bhain dlíthe Shaorstát Éireann, agus beidh an éifeacht chéanna acu taobh amuigh den limistéar sin a bhí ag dlíthe Shaorstát Éireann.

AN STÁT.

Airteagal 4.

Éire is ainm don Stát nó, sa Sacs-Bhéarla, *Ireland*.

CONFIDENTIAL

GRS 310
CONFIDENTIAL
FM DUBLIN 061045Z FEB 84
TO IMMEDIATE NIO (LONDON)
TELEGRAM NUMBER 5 OF 6 FEBRUARY 1984
INFO ROUTINE FCO AND NIO (BELFAST)

MS

FOLLOWING FOR PRIVATE SECRETARY TO MR NICHOLAS SCOTT

NEW IRELAND FORUM

1. ON 4 FEBRUARY, AFTER MR NICHOLAS SCOTT HAD DISCUSSED THE DUKE OF EDINBURGH'S VISIT TO NORTHERN IRELAND WITH HIM, THE TAOISEACH SAID HE WAS VERY PLEASED WITH THE PROGRESS IN AGREEING THE DRAFT OF THE FORUM REPORT AMONG THE PARTIES PARTICIPATING. A MAJOR BREAKTHROUGH HAD BEEN MADE ON 2 FEBRUARY.
2. THE REPORT WAS TO BE IN THREE PARTS. THE FIRST WOULD BE MERELY HISTORICAL AND DESCRIPTIVE. THE SECOND WOULD BE A LIST OF PRINCIPLES TO BE TAKEN INTO ACCOUNT IN ANY CONSIDERATION OF NORTHERN IRELAND. THE THIRD WOULD EXAMINE POSSIBLE PRESCRIPTIONS.
3. ON 2 FEBRUARY THE LIST OF PRINCIPLES HAD BEEN AGREED IN TERMS WHICH HE THOUGHT WOULD BE ACCEPTABLE TO HMG AND WHICH TOOK FULL ACCOUNT OF THE POSITION OF THE ULSTER UNIONISTS AND THEIR DESIRE TO BE BRITISH. HE BELIEVED THIS WAS A VERY IMPORTANT STEP TOWARDS A CONSTRUCTIVE DISCUSSION WITH US.
4. HE WAS LESS CLEAR ABOUT THE THIRD PART. HE SAID IT WOULD PUT UNITY FIRST. MR SCOTT TRIED BUT DID NOT SUCCEED IN GETTING HIM TO BE MORE PRECISE, NO DOUBT BECAUSE THE DRAFT HAS NOT YET BEEN CONSIDERED. (AT ONE POINT HE DESCRIBED UNITY AS AN AIM. HE DID NOT USE THE WORD ASPIRATION.) BUT THEN, HE SAID THE REPORT WOULD GO ON TO CONSIDER ALTERNATIVES. FOR ALL OF THESE, INCLUDING UNITY, THE REPORT WOULD SET OUT THE ADVANTAGES AND DISADVANTAGES.
5. MR SCOTT ADVISED HIM NOT TO SET HIS SIGHTS TOO HIGH. DR FITZGERALD DID NOT SUGGEST AT ANY POINT THAT RESENTMENT AT THE DUKE OF EDINBURGH'S VISIT TO DRUMADD WOULD AFFECT THE REPORT.
6. FCO PLEASE COPY IMMEDIATE TO GOODALL, CABINET OFFICE.

GOODISON

NORTHERN IRELAND

LIMITED

RID
NAD
INFO D
WED
MAED
NEWS D
PUSD
PS
PS/LADY YOUNG

PS/MR WHITNEY
PS/PUS
SIR J BULLARD
MR WRIGHT
LORD N GORDON LENNOX
SIR W HARDING
MR ADAMS
MR JENKINS
MR URE

ADDITIONAL DISTRIBUTION

NORTHERN IRELAND

REPEATED AS REQUESTED

CONFIDENTIAL



PARLIAMENT BUILDINGS,
STORMONT,
BELFAST BT4 3SY

3 February 1984

Dear Sir/Madam

I have pleasure in enclosing a copy of a handy reference booklet giving the names, addresses and telephone numbers of Members of the Northern Ireland Assembly.

The Speaker and Services Committee of the Assembly have asked me to advise you that this booklet is for official use and for obvious security reasons, its contents should not be used to answer enquiries from the public or any other source.

Yours faithfully

T Whiteside

T WHITESIDE
Clerk Assistant (Administration)

ENC

BR

NORTHERN IRELAND ASSEMBLY MEMBERS

JANUARY 1984

NAME AND ADDRESS

CONSTITUENCY

TELEPHONE

ADAMS
GERRY MP
183 WHITEROCK ROAD
BELFAST
BT12 7FW

BELFAST WEST

AGNEW
WILLIAM ALEXANDER FRASER
AMIET MIOB MSAAT MPA
1 KNOCKVIEW CRESCENT
NEWTOWNABBEY
CO ANTRIM
BT36 6UD

SOUTH ANTRIM

GLENGORMLEY
(83) 6994

ALLEN
JOHN ALEXANDER MPA
"AVONMORE"
1 CLOONEY PARK EAST
LONDONDERRY
BT47 1JZ

LONDONDERRY

LONDONDERRY
(0504) 42400

NAME AND ADDRESS	CONSTITUENCY	TELEPHONE
ALLISTER JAMES HUGH BARRISTER-AT-LAW 4 BYRESTOWN ROAD KELLS BALLYMENA CO ANTRIM BT42 3JB	NORTH ANTRIM	KELLS (0266) 891886
BEATTIE COUNCILLOR REV WILLIAM JOHN MPA 38 RICHMOND PARK LISBURN CO ANTRIM BT28 2BH	SOUTH ANTRIM	LISBURN (92) 82129
BEGGS JOHN ROBERT MP 9 CARNDUFF ROAD BALLYVERNSTOWN LARNE CO ANTRIM BT40 3NJ	NORTH ANTRIM *East Antrim * UK Parliamentary Constituency	LARNE (0574) 3258

NAME AND ADDRESS	CONSTITUENCY	TELEPHONE
BELL WILLIAM BRADSHAW BROOKMOUNT 39 BALLINDERRY ROAD LISBURN CO ANTRIM BT28 2QT	SOUTH ANTRIM	
BLEAKES WILLIAM GEORGE LIOCB Dip.Ed., MPA THE COTTAGE 8 DRUMBEG ROAD BALLYAUGHLIS LISBURN CO ANTRIM BT27 5TR	NORTH DOWN	DRUMBO (826) 480
BROWN COUNCILLOR WILLIAM MPA 16 EDENDARRIFF ROAD BALLYNAHINCH CO DOWN BT24 8QF	SOUTH DOWN	BALLYNAHINCH (9) 562750

NAME AND ADDRESS	CONSTITUENCY	TELEPHONE
BURCHILL DAVID JEREMY MICHAEL MPA 37 EDGCUMBE GARDENS BELFAST BT4 2EG	BELFAST EAST	BELFAST 652432
CALVERT DAVID NORMAN MPA 10 CORBY DRIVE LURGAN CO ARMAGH BT66 7AF	ARMAGH	LURGAN (07622) 5707
CAMPBELL GREGORY LLOYD MPA 10 MELROSE TERRACE WATERSIDE LONDONDERRY BT47 1DR	LONDONDERRY	LONDONDERRY (0504) 48640
CARRON OWEN GERARD DRUMBROCHAS MACKEN ENNISKILLEN CO FERMANAGH	FERMANAGH AND SOUTH TYRONE	

NAME AND ADDRESS	CONSTITUENCY	TELEPHONE
CARSON JOHN CBE MPA 20 CARDY ROAD GREYABBEY NEWTOWNARDS CO DOWN BT22 2LT	BELFAST NORTH	GREYABBEY (024 774) 410
CLOSE SEAMUS ANTHONY Dip.BS FAAI MPA 48 SAINTFIELD ROAD LISBURN CO ANTRIM BT27 5BE	SOUTH ANTRIM	LISBURN (92) 70639
COOK DAVID SOMERVILLE MA MPA 31 RUGBY ROAD BELFAST BT17 1PT	BELFAST SOUTH	BELFAST 246212

NAME AND ADDRESS	CONSTITUENCY	TELEPHONE
<p>COUSLEY CECIL JAMES MPA THE CROSS 138 BANN ROAD BALLYMONEY CO ANTRIM BT53 7PD</p>	<p>NORTH ANTRIM</p>	<p>BALLYMONEY (026 56) 63351</p>
<p>CURRIE JOSEPH AUSTIN BA 35 TULLYCULLION ROAD TULLYDRAW DONAGHMORE CO TYRONE BT70 3LY</p>	<p>FERMANAGH AND SOUTH TYRONE</p>	
<p>CUSHNAHAN JOHN WALLS MPA 681 ANTRIM ROAD BELFAST BT15 4EG</p>	<p>NORTH DOWN</p>	<p>BELFAST 770702</p>

NAME AND ADDRESS	CONSTITUENCY	TELEPHONE
<p>DAVIS ALDERMAN IVAN MPA 29 ROSEVILLE PARK LISBURN CO ANTRIM BT27 4XT</p>	<p>SOUTH ANTRIM</p>	<p>LISBURN (92) 78164</p>
<p>DOUGLAS WILLIAM ALBERT BOYD 281 DRUMRANE ROAD ARDINARIFF DUNGIVEN CO LONDONDERRY BT47 4NL</p>	<p>LONDONDERRY</p>	<p>DUNGIVEN (050 47) 41258</p>
<p>DUNLEATH Col. The Rt. Hon The Lord TD CBIM DL MPA BALLYWALTER PARK NEWTOWNARDS CO DOWN BT22 2PP</p>	<p>NORTH DOWN</p>	<p>BALLYWALTER (024 775) 203</p>

NAME AND ADDRESS	CONSTITUENCY	TELEPHONE
DUNLOP COUNCILLOR MRS DOROTHY BA MPA 9 KNOCKDENE PARK NORTH BELFAST BT5 7AA	BELFAST EAST	BELFAST 656076
FARREN SEAN NIAL 30 STATION ROAD PORTSTEWART CO LONDONDERRY BT55 7DA	NORTH ANTRIM	
FEELY FRANK BA HDip. Ed. 26 CARRIVE CRESCENT NEWRY CO DOWN BT35 8NZ	SOUTH DOWN	
FERGUSON RAYMOND MPA KILLYVILLY ENNISKILLEN CO FERMANAGH	FERMANAGH AND SOUTH TYRONE	

NAME AND ADDRESS	CONSTITUENCY	TELEPHONE
FORSYTHE COUNCILLOR CLIFFORD JAMES MP 15 BALLYCLARE ROAD TEMPLEPATRICK BALLYCLARE CO ANTRIM BT39 08H	SOUTH ANTRIM	TEMPLEPATRICK (94) 32571
FOSTER REV THOMAS JAMES IVAN MPA 51 OLD JUNCTION ROAD KILSKEERY TRILICK CO TYRONE BT78 3RN	FERMANAGH AND SOUTH TYRONE	TRILICK (036 555) 564
GASTON JOSEPH ALEXANDER MPA 99 KILLAGAN ROAD GLARRYFORD BALLYMENA CO ANTRIM BT44 9PS	NORTH ANTRIM	GLARRYFORD (0266) 85274

NAME AND ADDRESS	CONSTITUENCY	TELEPHONE
KIRKPATRICK THOMAS JAMES MPA 58 HARBERTON PARK MALONE ROAD BELFAST BT9 6TT	BELFAST SOUTH	BELFAST 660654
LOGUE HUGH ANTHONY TAMNAGH LODGE CLAUDY CO LONDONDERRY	LONDONDERRY	
McALLISTER JAMES 33 ST PATRICK'S PARK CULLYHANNA NEWRY CO DOWN BT35 0JL	ARMAGH	

NAME AND ADDRESS	CONSTITUENCY	TELEPHONE
McCARTNEY ROBERT LAW QC ST CATHERINE'S CIRCULAR ROAD EAST CULTRA HOLYWOOD CO DOWN BT18 0HA	NORTH DOWN	HOLYWOOD (87) 4689
McCLURE ALDERMAN WILLIAM JAMES MPA 56 BUSHMILLS ROAD COLERAINE CO LONDONDERRY BT52 2BP	LONDONDERRY	
McCREA RAYMOND STUART MPA 44 EARL HAIG PARK BELFAST BT6 8NR	BELFAST SOUTH	BELFAST 50368

NAME AND ADDRESS	CONSTITUENCY	TELEPHONE
McCREA REV ROBERT THOMAS WILLIAM MP MPA THE MANSE 10 HIGHFIELD ROAD MAGHERAFELT CO LONDONDERRY BT45 5JD	MID ULSTER	MAGHERAFELT (0648) 32664
McCULLOUGH ROBERT RAYMOND MPA 19 TIERKELLY HILL ROAD BALLYRONEY BANBRIDGE CO DOWN BT32 5EW	SOUTH DOWN	BANBRIDGE (08206) 30455
McCUSKER JAMES HAROLD MP 33 SEAGOE ROAD PORTADOWN CRAIGAVON CO ARMAGH BT63 5HW	ARMAGH *Upper Bann * UK Parliamentary Constituency	PORTADOWN (0762) 333876

NAME AND ADDRESS	CONSTITUENCY	TELEPHONE
McDONALD JIM 6 MOYTOWN ROAD AGHAGALLON LURGAN CO ARMAGH BT67 0BA	SOUTH ANTRIM	
McGRADY EDWARD K MPA SAUL BRAE DOWNPATRICK CO DOWN	SOUTH DOWN	
McGUINNESS JAMES MARTIN 1 GLENDARA LONDONDERRY BT48 6LF	LONDONDERRY	
McKEE JOHN MPA 88 SHANLEA DRIVE CRAIGYHILL LARNE CO ANTRIM BT40 2JE	NORTH ANTRIM	LARNE (0574) 5720

NAME AND ADDRESS	CONSTITUENCY	TELEPHONE
McSORLEY Ms MARY KATHERINE 65 DERRYNOYD ROAD DRAPERSTOWN MAGHERAFELT CO LONDONDERRY BT45 7DW	MID ULSTER	
MAGINNIS KENNETH WIGGINS MP 10 SPRINGFIELD LANE MULLAGHMORE DUNGANNON CO TYRONE BT70 1GX	FERMANAGH AND SOUTH TYRONE	DUNGANNON (086 87) 23265
MAGUIRE PAUL 81 WOODGRANGE ROAD DOWNPATRICK CO DOWN BT30 8JH	BELFAST NORTH	DOWNPATRICK (0396) 4123
MAWHINNEY GORDON HUGH MPA 23 LISMOYNE PARK BELFAST BT15 5HE	SOUTH ANTRIM	BELFAST 778471

NAME AND ADDRESS	CONSTITUENCY	TELEPHONE
MILLAR FRANK MPA 50 NORTHWOOD DRIVE BELFAST BT15 3QP	BELFAST NORTH	BELFAST 770929
MOLYNEAUX THE RT HON JAMES HENRY MP JP 41 BALLYNADRENTAGH ROAD ALDERGROVE CRUMLIN CO ANTRIM BT29 4AR	SOUTH ANTRIM *Lagan Valley	CRUMLIN (94) 52545
MORRISON DANIEL GERARD 51 FALLS ROAD BELFAST BT12 4PD	MID ULSTER	
MORROW ADAM JAMES MPA 38 BALLYHANWOOD ROAD BELFAST BT5 7SN	BELFAST EAST * UK Parliamentary Constituency	DUNDONALD (88) 3244

NAME AND ADDRESS	CONSTITUENCY	TELEPHONE
NAPIER OLIVER JOHN MPA 83 VICTORIA ROAD HOLYWOOD CO DOWN BT18 9BG	BELFAST EAST	HOLYWOOD (87) 5986
NEESON JOHN LAWRENCE MPA 44 MILEBUSH PARK CARRICKFERGUS CO ANTRIM BT38 7QR	NORTH ANTRIM	CARRICKFERGUS (93) 64105
NEWS HUGH Ph.C ST JOHN'S WOOD 10 WOODVILLE AVENUE LURGAN CO ARMAGH BT66 6JP	ARMAGH	
NICHOLSON JAMES FREDERICK MP 147 KEADY ROAD BALLYARDS ARMAGH BT60 3AE	ARMAGH *Newry and Armagh * UK Parliamentary Constituency	ARMAGH (0861) 523307

NAME AND ADDRESS	CONSTITUENCY	TELEPHONE
O'DONOGHUE PATRICK 8 PARK LANE NEWCASTLE CO DOWN BT33 0AR	SOUTH DOWN	NEWCASTLE (03967) 23319
O'HARE PASCHAL JOSEPH 587 ANTRIM ROAD BELFAST BT15 4DX	BELFAST NORTH	
PAISLEY REV DR IAN RICHARD KYLE MP THE PARSONAGE 17 CYPRUS AVENUE BELFAST BT5 5NT	NORTH ANTRIM	
PASSMORE THOMAS JP MPA 21 WEST CIRCULAR CRESCENT BELFAST BT13 3QP	BELFAST WEST	BELFAST 717055

NAME AND ADDRESS	CONSTITUENCY	TELEPHONE
PENTLAND JOHN WESLEY M.Inst. TT MPA 8 FINCHLEY GARDENS BELFAST BT4 2JB	NORTH DOWN	BELFAST 760101
ROBINSON ALDERMAN PETER DAVID MP MPA 16 COONEEN WAY CREGAGH BELFAST BT6 0EE	BELFAST EAST	BELFAST 56418/9
SEAWRIGHT GEORGE MPA 20G FORTRIVER ROAD BELFAST BT13 3SH	BELFAST NORTH	BELFAST 717608
SIMPSON ALDERMAN MRS MARY MPA 60 KILLYCOMAIN ROAD PORTADOWN CRAIGAVON CO ARMAGH BT63 5JH	ARMAGH	PORTADOWN (0762) 333483

NAME AND ADDRESS	CONSTITUENCY	TELEPHONE
SMYTH REV WILLIAM MARTIN MP 6 MORNINGTON ANNADALE AVENUE BELFAST BT 7 3JS	BELFAST SOUTH	BELFAST 57009 - Office
SPEERS JAMES ALEXANDER MPA 21 HILLSIDE AVENUE HAMILTONSBAWN CO ARMAGH BT61 9SD	ARMAGH	RICH HILL (0762) 871597
TAYLOR THE RT HON JOHN DAVID B.Sc C.Eng MP MEP MPA MULLINURE ARMAGH BT61 9EL	NORTH DOWN *Strangford	ARMAGH (0861) 522409
THOMPSON ROY MPA 21 GREENHILL ROAD BALLYUTOAG BELFAST BT14 8SH	SOUTH ANTRIM * UK Parliamentary Constituency	DUNDROD (825) 272

NAME AND ADDRESS	CONSTITUENCY	TELEPHONE
THOMPSON WILLIAM JOHN DONAGHANIE POST OFFICE BERAGH CO TYRONE BT79 0XE	MID ULSTER	BERAGH (066 272) 214 - Home OMAGH (0662) 47953) - Office
VITTY DENNY MPA 1009 UPPER NEWTOWARDS ROAD DUNDONALD CO DOWN BT16 0RN	BELFAST EAST	DUNDONALD (88) 89873
WELLS JAMES HENRY BA Dip.TCP DC IAM MPA 15 SMEATON PARK BACKWOOD ROAD MOIRA LURGAN CO ARMAGH BT67 0NS	SOUTH DOWN	MOIRA (9) 612072 - Home BELFAST 58597 - Office

NORTHERN IRELAND ASSEMBLY, PARLIAMENT BUILDINGS - 63210

	Ext
Agriculture Committee Clerk	2073
Economic Development Committee Clerk	2263
Education Committee Clerk	2570
Environment Committee Clerk	2584
Finance and Personnel Committee Clerk	2056
Health and Social Services Committee Clerk	2077
Alliance Party Office	2415/2233
Democratic Unionist Party Office	2259/2580
Official Unionist Party Office	2581/2574

Northern Ireland Assembly, Parliament Buildings	0232-63210
House of Commons, Westminster	01-219-3000
Department of Agriculture, Dundonald House	0232-650111
Department of Economic Development, Netherleigh	0232-63244
Department of Education, Rathgael House	0247-66311
Department of Environment, Parliament Buildings	0232-63210
Department of Finance and Personnel, Rosepark House	02318-4567
Department of Health and Social Services Dundonald House	0232-650111
Northern Ireland Office, Stormont Castle	0232-63011

CONFIDENTIAL

FILING.

PRIME MINISTER'S MEETING WITH JOHN HUME
ON THURSDAY, 9 FEBRUARY

The Secretary of State for Northern Ireland is now unable to attend. John Coles is looking into the prospect of having another Northern Ireland Minister present. He may prefer to do the meeting alone.

CR

2 February 1984

file 500

MR. SHIPLEY

I attach a copy of the reply which I have sent to [redacted] letter. Despite very considerable experience in military intelligence and in the private sector, the experts detected in his letter signs that he knew little about the methods by which we gather intelligence about the IRA. Thank you, however, for passing his letter on.

CLOSED UNDER THE
FREEDOM OF INFORMATION
ACT 2000

31 January 1984



10 DOWNING STREET

From the Principal Private Secretary

31 January 1984

CLOSED UNDER THE
FREEDOM OF INFORMATION
ACT 2000

The Prime Minister has asked me to thank you very much for your letter of 30 December about the destruction of the IRA which Peter Shipley delivered.

As you know, the Government is wholly committed to a firm response to terrorism wherever it manifests itself. By their very nature, as you will understand better than most, it is counter-productive to be specific about the measures that we are taking. But I can certainly say that a considerable intelligence effort is directed at Irish terrorism. Over the years Irish terrorist organisations have become more sophisticated and our own intelligence effort has had to adapt to the changes in tactics. For terrorist activity in Great Britain, liaison with the security authorities in Northern Ireland and in the Republic of Ireland is central to our strategy. In addition, of course, police forces make every effort to prevent easy passage between Great Britain and the island of Ireland through special units established at each port. These units use the powers specially provided by Parliament in the Prevention of Terrorism (Temporary Provisions) Act 1976 and continued by the Government's own Bill which is just about to be introduced in the House of Lords after its passage through the House of Commons.

The Prime Minister does not therefore accept your premise that present security policies operate in a defensive posture.

/but she

But she is determined that our approach to countering terrorism should not become complacent or fixed in traditional patterns and she was grateful to you for passing on the suggestions in your letter.

Yours sincerely,

Robin Butler

CLOSED UNDER THE
FREEDOM OF INFORMATION
ACT 2000

7



SECRET

Pl. type attached
draft for my
signature.

HOME OFFICE
QUEEN ANNE'S GATE LONDON SW1H 9AT

30 January 1984

CLOSED UNDER THE
FREEDOM OF INFORMATION

FERS

31.1.

ACT 2000

Richard Hatfield wrote to me on 26 January to ask us to let you have a draft letter which you might send on the Prime Minister's behalf in reply to letter of 30 December. I attach a draft reply.

Despite very considerable experience in military intelligence and in the private sector, he clearly knows little or nothing about our security and intelligence agencies or about the Metropolitan Police Special Branch. His misunderstanding is betrayed, for example, by the reference to "a plain-clothes extension of the SAS" to feed the police or military authorities with high-grade intelligence. The SAS have many roles but they have never aimed to acquire and supply high-grade intelligence by agent running or by technical means. If they did, they would be a different organisation. In preparing a draft reply we have been in the usual difficulty that it is impossible to go beyond bland generalisations in an unclassified letter.

The responsibility for acquiring and assessing intelligence about Irish Republican extremism and terrorism in Great Britain rests with the Metropolitan Police Special Branch, who were founded for this very purpose just over 100 years ago. Obviously intelligence directed at targets in Great Britain are important, but at least as crucial are their contacts with the Garda and the RUC. The collaboration between the three forces during the Tidey kidnapping and subsequently illustrates that these can and do reach a very high level. Of course, there are real difficulties about security liaison with the Irish Republic but in recent years it has been productive. In the last two weeks, for example, the police have made two highly significant finds, one in a wood near Hucknall in Nottinghamshire and one in a wood near Hackleton in Northamptonshire. In Nottinghamshire they found 80lbs of commercial explosive buried in two small plastic barrels. The search was a joint police/military exercise. In Northamptonshire the police found a variety of terrorist equipment buried in a plastic dustbin, including three grenades, two sub-machine guns, a Lugar pistol, three revolvers, timing devices, switches, detonators and radio receivers.

So far the Northamptonshire operation has not become public knowledge. Until it does, the police have made arrangements to detain any terrorists who visit the site. In the present context the significance of these operations is that information was supplied to the Metropolitan Police Special Branch by the Garda about a PIRA courier who was believed to be travelling to England from the Republic. The combination of this intelligence and highly effective surveillance by police officers led the police over a period of days to the two woods. It goes without saying that the police are following up these leads with every means at their disposal, including forensic examination.

I am copying this letter to John Lyon (Northern Ireland Office) and to Richard Hatfield (Cabinet Office).

Yours (NW), Hugh

H. H. TAYLOR

F.E.R. Butler, Esq.

DRAFT LETTER

ADDRESSEE'S REFERENCE

TO	ENCLOSURES	COPIES TO BE SENT TO
<p style="text-align: center;">CLOSED UNDER THE FREEDOM OF INFORMATION ACT 2000</p> <p style="text-align: center;">(FULL POSTAL ADDRESS)</p>		<p style="text-align: center;">(FULL ADDRESSES, IF NECESSARY)</p>

LETTER DRAFTED FOR SIGNATURE BY PS/Prime Minister
(NAME OF SIGNATORY)

The Prime Minister has asked me to thank you very much for your letter of 30 December about the destruction of the IRA.

As you know the Government is wholly committed to a firm response to terrorism wherever it manifests itself. By their very nature, as you will understand better than most, it is counter-productive to be specific about the measures that we are taking. But I can certainly say that a considerable intelligence effort is directed at Irish terrorism. Over the years Irish terrorist organisations have become more sophisticated and our own intelligence effort has had to adapt to the changes in tactics. For terrorist activity in Great Britain, liaison with the security authorities in Northern Ireland and in the Republic of Ireland is central to our strategy. In addition, of course, police forces make every effort to prevent easy passage between Great Britain and the island of Ireland through special units established at each port. These units use the powers specially provided by Parliament in the Prevention of Terrorism (Temporary Provisions) Act 1976 and continued by the Government's own Bill which is just about to be introduced in the House of Lords after its passage through the House of Commons.

does not therefore accept your premise that present security policies operate in a defensive posture. But she
The Prime Minister ^{and} is determined that our approach to countering terrorism should not become complacent or fixed in traditional patterns. ^{Styger Lane} She was particularly grateful to you, ~~therefore~~, for passing on the ~~same~~ ^{Styger Lane} thinking contained in your letter.

H.O. EST. 112

FINAL VERSION

STATEMENT BY SECRETARY OF STATE ON HENNESSY REPORT

I shall, with permission Mr Speaker, make a statement on the Report, published today, by Her Majesty's Chief Inspector of Prisons, Sir James Hennessy, on his inquiry into security arrangements at HM Prison Maze bearing on the escape on Sunday 25 September 1983, and on action I have taken following that Report.

2. I should like first to record my gratitude to Sir James Hennessy and his colleagues for the way they undertook their inquiry and for their thorough and comprehensive report. I am publishing it in full save for a small number of deletions which are clearly marked, and which have been made for security reasons only.

3. The Maze Prison holds the largest concentration of terrorists anywhere in Western Europe. It is, in Sir James' words "a prison without parallel in the United Kingdom, unique in size, and in the continuity and tenacity of its protests and disturbances." "In no other prison that we have seen" he said, "have the problems faced by the authorities been so great". Sir James goes on to point out that its population is unlike that of any other prison, and he says that "nowhere else in the United Kingdom have there been such prolonged and wide scale protests of so horrendous a nature". He records that 22 members of the prison service have lost their lives through terrorist action, including a Deputy Governor and others from the Maze. I know the House will join

/....

with me in paying tribute to them. As we consider the lessons to be learnt from the blackest day in the troubled history of the Northern Ireland prison service, let us not forget the unique demands which we put on the service.

4. The report describes the escape from the Maze in detail. The broad outline which I gave the House on 24 October stands. The report draws attention to the careful planning of a small group of prisoners and to the outside help they received, particularly through the smuggling in of five guns. It also shows the ruthlessness of the prisoners, who stabbed one prison officer to death and seriously injured five others.

5. The Report is extremely critical of many aspects of security at the Maze. The House will regard these failings with the utmost seriousness. The Report points to three main areas where security was inadequate. First, physical weaknesses, in particular in the communications rooms in the H Blocks and at the main gate. Second, poor security procedures, in particular inadequate searching, unsatisfactory control of visits, and flaws in the control of prisoner movement, in the selection of orderlies, and in the arrangements for responding to alarms. And third, failures by individuals who were negligent or who did not carry out their duties. The report shows that staff at the Maze were complacent about security and that there was widespread laxness and carelessness in the performance of duties at both supervisory and other levels. This conclusion is a matter of the greatest concern.

6. There is one other specific point that I would draw to the attention of the House. The Report records that before the escape a Probation Officer seconded to the Maze Prison in January 1983 had admitted to being a member of the Provisional IRA in the early 1970s. He has since been dismissed from the Probation Service. Following investigations by the RUC, Sir James says there is no evidence that he had any involvement in the escape.

7. The report makes 73 recommendations covering each of the three areas to which I have referred:- enhanced physical security measures; improved security procedures; enhanced training and investigations with a view to possible disciplinary action in the cases of certain members of staff. I accept the analysis and all of the recommendations. The most urgent measures were implemented at once, as I informed the House on 24 October. Twenty-one recommendations have already been put into effect. Thirty-eight will be carried out as soon as possible. And the remaining fourteen, as the report proposes, will be the subject of urgent review.

8. As a result of the action taken, the control room in each H Block has been made secure against armed attack; an electric lock has been installed at the main gate; a control point secure from armed attack is in place and other security improvements have been made. Plans for a new main gate complex with a remote control locking system are being drawn up. A study of closed-circuit television linkage between each H Block and the main control room has been commissioned. Changes in the security

procedures, most notably searching, have already been implemented and action will follow in other areas. Discussions are being held this afternoon between my officials and representatives of both the Prison Officers Association and the Governors Association in Northern Ireland about the Report.

9. The report analyses the policy changes made at the end of the hunger strike and on other occasions and concludes that, taken singly or together, they played no significant rôle in facilitating the escape.

10. The report is critical of the oversight of security arrangements at the prison by the Prison Department of the Northern Ireland Office and recommends the strengthening of its staffing. This is being done. A team has also been set up dedicated solely to the urgent implementation of each of the recommendations. I have instructed it to report to me on the progress being made.

11. While recognising the enormous difficulties involved in running an establishment as large and complex as the Maze, the report concludes that the extent of the deficiencies in management and in the prison's physical defences amounted to a major failure in security for which the Governor who carries the ultimate responsibility for the state of the prison must be held accountable. In the light of the Report's observations the Governor has resigned and his successor is taking up his duties today. The Governor has served 34 years in the prison service with dedication and courage and that should not go unremarked;

I pay tribute to it. The Assistant Governor in charge of security has been moved today, and the Principal Officer concerned with security was replaced shortly after the escape. A Governor from headquarters has been appointed to investigate the actions of officers named in the Report, including the Assistant Governor and Principal Officer, and disciplinary measures will be taken if they are found to be justified.

12. Sir James' strictures do not extend to all staff at the Maze. As he says, the Service contains many men of ability and courage who respond well in a crisis and who are ready to risk their lives in doing their duty. A number of such officers, including Officer Ferris who lost his life, are specifically commended by Sir James Hennessy. Though for reasons of personal safety it is not right to publish their names I can assure the House that I have noted Sir James's comments and will be taking appropriate action.

13. As I said to the House in October, the escape of so many prisoners represents a considerable set-back to law enforcement in Northern Ireland. It is also a blot on the distinguished reputation of the prison service. This thorough report has uncovered a number of serious shortcomings and some grave operational mistakes for which the highest price has been paid. The recommendations are designed as far as possible to ensure that the shortcomings are rectified. I am determined to take them forward with urgency and resolution. The Northern Ireland Prison Service has an enormously difficult task but it is of the greatest importance to the community at large that it maintains

the highest standards of professionalism and discipline which will enable it to carry out its essential role in the maintenance of law and order in the Province. I commend Sir James' Report to the House.

CONFIDENTIAL



Pl-hold with
previous papers

70 WHITEHALL, LONDON SW1A 2AS

01-233 8319

From the Secretary of the Cabinet and Head of the Home Civil Service

Sir Robert Armstrong GCB CVO

Ref.A084/299

26 January 1984

Dear Hugh,

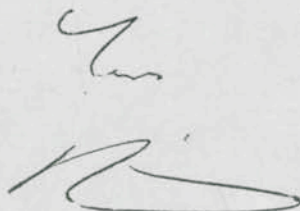
Destruction of the IRA

_____ a security consultant, has written to the Prime Minister with proposals for new security arrangements for destroying the IRA and, in particular, its ability to strike on the mainland of the United Kingdom. I enclose a copy of his letter (dated 30 December but only recently passed to us).

Since responsibility for countering terrorism on the mainland of Great Britain is principally with the Home Office, I would be grateful if you could provide Robin Butler with a draft reply which he might send on the Prime Minister's behalf, in consultation with the Northern Ireland Office.

I am copying this letter to Jim Lyon in the Northern Ireland Office and to Robin Butler at No 10.

CLOSED UNDER THE
FREEDOM OF INFORMATION
ACT 2000


(R P Hatfield)
Private Secretary

H H Taylor Esq

CONFIDENTIAL

30th December, 1983.

The Rt.Hon. Margaret Thatcher, MA, MP,
The Prime Minister,
10 Downing Street, London, S.W.1.

Dear Prime Minister,

Destruction of the IRA

I write this letter following discussion with Peter Shipley about ways of destroying the IRA, and in particular its ability to strike at us on the mainland. Present security policies appear to operate on a defensive posture. There seems to be no plan to seize the initiative.

I believe it is time that there was some new thinking on the subject. It seems to me monstrous that we have made so little progress in a situation in which we have a population overwhelmingly sympathetic to law and order and as much force as we need. The only lack is intelligence, without which our forces are blind.

I believe the first step is to target the IRA in this country and create a machine which is entirely devoted to crushing them. This should be under the direct control of yourself or the cabinet office to ensure that the necessary resources are immediately available. A very small team would not only be economic, but efficient. The whole of my intelligence experience tells me this. Possibly it could be a plain-clothes extension of the SAS, but with a specialist role. It should be an intelligence organisation and would not, in my view, need to have police powers. Its job would be to feed the police or military authorities with high-grade intelligence so that terrorists and their supporters could be brought to justice.

To ensure the requisite new thinking, I suggest that a small group of people not at present directly involved should meet for two or three days and have a brain-storming session which would result in positive proposals. Such a group should also consider a range of administrative and security measures as back-up, e.g., the issue of identity cards and tenants' registration.

For the group I have in mind such persons as Professor Paul Wilkinson, Sir Dick White, Sir Frank Kitson and Lord

The Rt.Hon. Margaret Thatcher, MA, MP 30th December, 1983.

Chalfont, together with a practical administrator.

A primary object of any plan should be to make the IRA feel hunted. Surely this would do much to reassure our own people.

Yours truly,

CLOSED UNDER THE
FREEDOM OF INFORMATION
ACT 2000



The National Archives

LETTERCODE/SERIES <i>PREM 19</i>	Date and sign
PIECE/ITEM <i>1285</i> (one piece/item number)	
Extract/Item details: <i>Attachment to letter to PM dated 30 Dec. 1983</i>	
CLOSED FOR <i>40</i> YEARS UNDER FOI EXEMPTION	<i>27/6/2013</i> <i>J. Gray</i>
RETAINED UNDER SECTION 3(4) OF THE PUBLIC RECORDS ACT 1958	
TEMPORARILY RETAINED	
MISSING ON TRANSFER	
MISSING	
NUMBER NOT USED	

Instructions for completion of Dummy Card

Use **Black Pen** to complete form

Use the card for one piece/item number only

Enter the Lettercode, Series and Piece/Item references clearly
e.g.

LETTERCODE/SERIES <i>GRA 168</i>
PIECE/ITEM <i>49</i> (ONE PIECE/ITEM NUMBER ONLY)

Please Sign and Date in the box adjacent to the description that applies to the document being replaced by the Dummy Card

If the document is Closed under a FOI exemption, enter the number of years closed. See the TNA guidance *Preparation of records for transfer to The National Archives*, section 18.2

The box described as 'Missing' is for TNA use only (it will apply to a document that is not in its proper place after it has been transferred to TNA)

E.R.

CONFIDENTIAL

Prime Minister
The latest draft of Mr. Prior's statement.

2
Passages included
since 3rd draft
are underlined

FKCB
25.1

Much better
balance now

C. Press

SIXTH DRAFT

STATEMENT BY SECRETARY OF STATE ON HENNESSY REPORT

1. I shall, with permission Mr Speaker, make a statement on the Report, published today, by Her Majesty's Chief Inspector of Prisons, Sir James Hennessy, on his inquiry into security arrangements at HM Prison Maze bearing on the escape on Sunday 25 September 1983, and on action I have taken following that Report.

Combination
of paras
2 and 3

2. I should like first to record my gratitude to Sir James Hennessy and his colleagues for the way they undertook their inquiry and for their comprehensive report. I am publishing it in full save for a small number of deletions which are clearly marked, and which have been made for security reasons only.

3. The Maze Prison holds the largest concentration of terrorists anywhere in Western Europe. It is, in Sir James' words "a prison without parallel in the United Kingdom, unique in size, and in the continuity and tenacity of its protests and disturbances. In no other prison that we have seen "he said" have the problems faced by the authorities been so great". Sir James goes on to point out that its population is unlike that of any other prison, and he says that "nowhere else in the United Kingdom have there been such prolonged and wide scale protests of so horrendous a nature". He records that 22 members of the prison service have lost their lives through terrorist action, including a Deputy Governor and others from the Maze. I know the House will join with me in paying tribute to them.

CONFIDENTIAL

CONFIDENTIAL

E.R.

Let us not forget the unique demands which we put on the service as we consider the lessons to be learnt from the blackest day in the troubled history of the Northern Ireland prison service.

4. The report describes the escape from the Maze in detail. The broad outline which I gave the House on 24 October stands. The report draws attention to the careful planning of a small group of prisoners and to the outside help they received, particularly through the smuggling in of five guns. It also shows the ruthlessness of the prisoners, who stabbed one prison officer to death and seriously injured five others.

5. The Report is extremely critical of many aspects of security at the Maze. The House will regard these failings with the utmost seriousness. The Report points to three main areas where security was inadequate. First, physical weaknesses, in particular in the communications rooms in the H Blocks and at the main gate. Second, poor security procedures, in particular inadequate searching, unsatisfactory control of visits, and flaws in the control of prisoner movement, in the selection of orderlies, and in the arrangements for responding to alarms. And third, failures by individuals who were negligent or who did not carry out their duties. The report shows that staff at the Maze were complacent about security and that there was widespread laxness and carelessness in the performance of duties at both supervisory and other levels. This conclusion is a matter of the greatest concern.

Previously
in para
12

Previously
para 11

6. There is one other specific point that I would draw to the attention of the House. It was discovered that a Probation Officer seconded to the Maze Prison in January 1983 had been a member of the Provisional IRA in the early 1970s. He has since been dismissed from the Probation Service. Sir James says there is no evidence that he had any involvement in the escape.

CONFIDENTIAL

7. The report makes 73 recommendations covering each of the three areas to which I have referred:- by enhanced physical security measures, by improved security procedures; by enhanced training and by investigations with a view to possible disciplinary action in the cases of certain members of staff. I accept the analysis and all of the recommendations. The most urgent measures were implemented at once, as I informed the House on 24 October. 21 recommendations have already been put into effect. 38 will be carried out as soon as possible. And the remaining 14, as the report proposes, will be the subject of urgent review.

8. As a result of the action taken the control room in each H Block is being made secure against armed attack; an electric lock has been installed at the main gate; a control point secure from armed attack is in place and other security improvements have been made. Plans for a new main gate complex with a remote control locking system are being drawn up. A study of closed-circuit television linkage between each H Block and the main control room has been commissioned. Changes in the security procedures, most notably searching, have already been implemented and action will follow in other areas. Discussions are being held this afternoon between my officials and representatives of both the Prison Officers Association and the Governors Association in Northern Ireland about the Report.

9. The report analyses the policy changes made at the end of the hunger strike and on other occasions and concludes that, taken singly or together, they played no significant role in facilitating the escape.

10. The report is critical of the oversight of security arrangements at the prison by the Prison Department of the Northern Ireland Office and recommends the strengthening of its staffing. This is being done. A team has also been set up dedicated solely to the urgent implementation of each of the recommendations. I have instructed it to report regularly to me on the progress being made.

11. In the light of the Report's observations the Governor has resigned and his successor is taking up his duties today. The Governor has served 34 years in the prison service with dedication and courage and it should not go unremarked; I pay tribute to it.

The Assistant Governor in charge of security has been moved today, and the Principal Officer concerned with security was replaced shortly after the escape. A Governor from headquarters has been appointed to investigate the actions of officers named in the Report, including the Assistant Governor and Principal Officer, and disciplinary measures will be taken if they are found to be justified.

12. Sir James' strictures do not extend to all staff at the Maze. As he says, the Service contains many men of ability and courage who respond well in a crisis and who are ready to risk their lives in doing their duty. A number of such officers including Officer Ferris who lost his life are specifically commended by Sir James Hennessy. Though for reasons of personal safety it is not right to publish their names I can assure the House that I have noted Sir James's comments and will be taking appropriate action.

CONFIDENTIAL

13. As I said to the House in October, the escape of so many prisoners represents a considerable set-back to law enforcement in Northern Ireland. It is also a blot on the distinguished reputation of the prison service. This thorough report has uncovered a number of serious shortcomings and some grave operational mistakes for which the highest price has been paid. The recommendations are designed as far as possible to ensure that the shortcomings are rectified. I am determined to take them forward with urgency and resolution. The Northern Ireland Prison Service has an enormously difficult task but it is of the greatest importance to the community at large that it maintains the highest standards of professionalism and discipline which will enable it to carry out its essential role in the maintenance of law and order in the Province. I fully commend Sir James' recommendations to the House.

CONFIDENTIAL

✓ FERB
B1



Prime Minister

NORTHERN IRELAND OFFICE

WHITEHALL

LONDON SW1A 2AZ

This is a comprehensive and serious statement. The question is whether it does enough to disarm criticism of Mr. Prior and Mr. Scott. Would you like me to show it to the hard President tomorrow morning and get his view?

Tim Flesher Esq
10 Downing Street
LONDON SW1

24 January 1984

Dear Tim
Yes please.
mf
FERB
24.1

THE HENNESSY REPORT

I sent over copies of Sir James Hennessy's report into the Maze escape last September to Robin Butler yesterday. I now attach the first draft of a statement which Mr Prior proposes to make on Thursday 26 January. It is intended that the report should also be published (with some small deletions in the interests of security) on Thursday afternoon.

I should be grateful for your confirmation that the Prime Minister is content with these proposals.

I am sending a copy of this letter and its enclosures to the Private Secretaries to the Home Secretary, Secretary of State for Defence, Lord Privy Seal, the Chief Whips in both Houses and Sir Robert Armstrong.

Yours ever

Dech

D A HILL

CONFIDENTIAL

DRAFT STATEMENT BY SECRETARY OF STATE ON HENNESSY REPORT

I shall, with permission Mr Speaker, make a statement on the Report, published today, by Her Majesty's Chief Inspector of Prisons, Sir James Hennessy, on his inquiry into security arrangements at HM Prison Maze bearing on the escape on Sunday 25 September 1983, and on action I have taken following that Report.

2. A small number of deletions which are clearly marked, have been made from the published report for security reasons only - to avoid identification of individual members of the Prison Service for reasons of personal safety; to protect the future security of the prison; and to remove certain detailed references to security vetting procedures.

3. I should like to record my gratitude to Sir James Hennessy and his colleagues for the way they undertook their inquiry and for their comprehensive report.

4. Sir James draws attention to the fact that the Maze Prison holds the largest concentration of terrorists in Western Europe. It is in his words "a prison without parallel in the United Kingdom, unique in size, and in the continuity and tenacity of its protests and disturbances. In no other prison that we have seen have the problems faced by the authorities been so great". He goes on to point out that its population is unlike that of any other prison, and says that "nowhere else in the United Kingdom have there been such prolonged and wide scale protests of so horrendous a nature". He records that 22 members of the prison service have lost their lives through terrorist action, including a Deputy Governor and others from the Maze.

5. The report describes the escape in detail. The broad outline which I gave the House on 24 October stands. The report draws attention to the careful planning of a group of prisoners and to the outside help they received, particularly through the smuggling in of five guns. It also shows the ruthlessness of

CONFIDENTIAL

of the prisoners, who stabbed one prison officer to death and injured five others. Only by good fortune and skilled medical attention did 3 of these survive.

Ambiguous: does this mean that 2 of the 5 died?
It is ambiguous - 1 of the 5.

6. The House will take this report very seriously. It is extremely critical of security at the Maze and exposes a number of deep seated failures. It points to three main areas where security was inadequate. First, physical weaknesses, in particular in the communications rooms of the H Blocks and at the main gate. Second, poor security procedures, in particular inadequate searching, unsatisfactory control of visits, and flaws in the control of prisoner movement, in the selection of orderlies, and in the arrangements for responding to alarms. And third, failures by individuals who were negligent or did not carry out their duties.

7. The report makes [73] recommendations covering each of these three areas: by enhanced physical security measures; by improved security procedures; and by investigations with a view to possible disciplinary action in the cases of certain members of staff. I accept the analysis and all the recommendations. The most urgent measures were implemented at once, as I informed the House in October. [] recommendations have already been put into effect. [] will be carried out straight away. And the remaining [], as the report proposes, will be the subject of urgent review.

8. As a result of the action taken work is in hand to make the control room in each H Block secure against armed attack; an electric lock has been installed at the main gate; a control point secure from armed attack is in place and other security improvements have been made. Plans for a new main gate complex with a remote control locking system are being drawn up. A study of closed-circuit television linkage between each H Block and the main control room has been commissioned. Changes in the security procedures, most notably searching, have already been implemented and action will follow in other areas. Discussions are being held this afternoon between my officials and representatives of both the Prison Officers Association and the Governors Association in Northern Ireland about the Report.

9. The report analyses the policy changes made at the end of the hunger strike and on other occasions and concludes that none played a significant role in the escape.

10. The report is critical of the oversight of security arrangements at the prison by the Prison Department of the Northern Ireland Office and recommends the strengthening of its staffing. This is being done. A team has also been set up to carry the recommendations forward urgently. I have instructed it to report to the Minister responsible for prisons and to me on the progress being made.

Does His sentence point a finger at Nick Scott?

It does lead to. It could be better put.

11. The report also refers to a specific and serious vetting failure. A Probation Officer seconded to the Maze Prison in January 1983 had been a member of the Provisional IRA in the early 1970s. Though he admitted his membership to a senior colleague in the Probation Service a month before the escape, it was not until after that the prison authorities were told. Sir James Hennessy says there is no evidence that he had any involvement in the escape and he has since been dismissed from the Probation Service.

12. The report shows that staff at the Maze were complacent about security and that there was widespread laxness and casualness in the performance of duties at both supervisory and other levels. This conclusion is a matter of the greatest concern. In the light of the Report's observations the Governor has resigned and his successor is taking up his duties today. I should like to take this opportunity to pay tribute to the Governor's contribution to the Prison Service over very many years. The Assistant Governor in charge of security has been redeployed today, and the Principal Officer concerned with security has already been redeployed. The supervision of security at the Maze is therefore now the responsibility of different people. A Governor from Headquarters has been appointed to investigate the actions of named officers, including the Assistant Governor and Principal Officer, and disciplinary measures will be taken if that is appropriate.

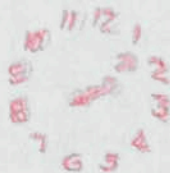
CONFIDENTIAL

13. Sir James Hennessy recognises that the weaknesses and failings he has identified to some extent derive from the recent history of the Northern Ireland Prison Service. Before the troubles it dealt with some 600 mainly petty criminals. Now, as he points out, it holds some 2,500, three quarters associated with terrorism. The expansion of the service from 300 to the present 3,000 in just over 10 years is without precedent anywhere. Staff had to be recruited quickly and in consequence standards were drastically reduced. Many inexperienced officers had to be promoted. This is not a criticism of those in charge at the time. There was no alternative. Neither is it a wholesale criticism of the Northern Ireland Prison Service today. As Sir James Hennessy says, the Service contains many men of ability and courage who respond well in a crisis and who are ready to risk their lives in doing their duty. A number of such officers are specifically commended by Sir James Hennessy. Though for reasons of personal safety it is not right to publish their names and actions I can assure the House that I have noted Sir James's comments and will be taking appropriate action.

14. As I said to the House in October, the escape of so many prisoners represents a considerable set-back to law enforcement in Northern Ireland. This thorough report indicates a number of serious shortcomings and grave operational mistakes. I am determined to take it forward with urgency and resolution. The Northern Ireland Prison Service has an enormously difficult job to do but it is of the greatest importance to the community at large that it maintains the highest standards of professionalism and discipline which will enable it to carry out its essential role in the maintenance of law and order in the Province.

CONFIDENTIAL

24 JAN 1984



MR. ALISON

I have arranged for John Hume and the Secretary of State for Northern Ireland to see the Prime Minister in her room at the House on Thursday 9 February at 1545 hours.

Would you like, as a matter of courtesy, to write to John Hume confirming this arrangement? Perhaps you might apologise for having to change his time from Wednesday, 1 February.

19 January 1984



Northern Ireland Office

Whitehall, London SW1A 2AZ

Telephone: Direct Dialling 01-273
Exchange 01-273 3000

*This statement will
be repeated in the
House of Lords.*

With Compliments

of the

Parliamentary Clerk

18 January 1984

KINCORA CHILDREN'S HOME - STATEMENT BY THE SECRETARY OF STATE
FOR NORTHERN IRELAND

DS 8/1

With permission, Mr Speaker, I should like to make a statement on the further action I propose to take over the Kincora affair, about which I previously reported to the House on 18 February 1982.

2. In 1981 five people who had held positions of responsibility in homes and hostels for children and young people in Northern Ireland were sentenced to imprisonment for sexual offences against those in their care. Following these convictions the police continued their investigations into a number of outstanding matters. And the Chief Constable of the Royal Ulster Constabulary asked Sir George Terry, then Chief Constable of Sussex, to investigate allegations about the way in which the police had conducted their enquiries and to have a general oversight of the continuing investigations.

3. The RUC have completed their investigations. Sir George Terry's inquiry has also been completed. He has concluded that the RUC were justified in not mounting a full investigation before they did, in 1980; that there had been no concealment of evidence of a homosexual ring involving residents of the homes or others, nor evidence of homosexual practices by officials or police officers; but that there were shortcomings as regards the administration of the child welfare services. The Director of Public Prosecutions has considered all the papers and concluded that no ground existed which would justify any further prosecutions connected with the affair.

The . /...

3. The convictions in 1981 together with others in 1982 and the events surrounding these cases, have been the subject in Northern Ireland of allegations of misconduct and of widespread disquiet. No other inquiry could be pursued without the risk that it would have rendered further prosecutions impossible. Sir George Terry's inquiry has been thorough, and his conclusions, as they bear on some of the wider allegations, are clear.

5. Although the extensive investigations which have been conducted have produced no evidence that would justify my asking the House to approve an inquiry under the Tribunals of Inquiry (Evidence) Act 1921, the House will share my wish to be satisfied that every possible step has been taken to ensure that there is no repetition of these unhappy events. I propose accordingly to establish a public inquiry under the powers contained in Article 54 of the Health and Personal Social Services (Northern Ireland) Order 1972. His Honour Judge Hughes, a retired circuit Judge, has agreed to chair this inquiry. The names of the other members of the committee of inquiry will be announced as soon as possible.

6. I shall circulate the full terms of reference in the Official Report. They will enable the inquiry to examine the administration of children's homes and young persons' hostels whose residents were subjected to homosexual offences which led to convictions or where homosexual misconduct led to disciplinary action against members of staff; the extent to which those responsible for residential care could have prevented the commission of such acts or detected their occurrence; the implications for present procedures and practices within the system of residential care; and to make recommendations

with a view to promoting the welfare of such children and young persons and preventing any future malpractices.

7. The Committee of inquiry will be able to consider what more should be done. It will be for the committee to determine its mode of operations and from whom it will seek evidence. It will be able to sit in public if it wishes. Those who give evidence in good faith will as a matter of law have protection in proceedings for defamation. Although the enquiries by the RUC and Sir George Terry, taken with the decision of the Director of Public Prosecutions, mean it is exceedingly unlikely that fresh evidence justifying prosecution will emerge, my Rt hon and learned Friend the Attorney General has undertaken to give immunity from prosecution for evidence which would incriminate a witness in respect of offences involving homosexual relations between males and related offences such as counselling, procuring or soliciting. The inquiry will have power to subpoena evidence in Northern Ireland and its report will be published.

8. I believe that this inquiry will enable such lessons as there are to be learnt and acted upon, and provide the best basis on which there can be confidence in the future in the provision made in homes and hostels for children and young persons.

TERMS OF REFERENCE

Following:

- (i) the investigations of the Royal Ulster Constabulary into possible homosexual offences related to children's homes and young persons' hostels in Northern Ireland;
- (ii) the investigation by the former Chief Constable of Sussex, Sir George Terry CBE, QPM, DL, and the publication of his conclusions and recommendations; and
- (iii) the report of the team of child-care experts made available by the Secretary of State for Social Services to consider the ways in which the Department of Health and Social Services (NI) carries out its role in relation to the supervision and management of homes and hostels for children and young persons,

the Department of Health and Social Services for Northern Ireland, in pursuance of the powers conferred on it by Article 54 of Schedule 8 to the Health and Personal Social Services (NI) Order 1972, hereby appoints the following persons (names of chairman and members) to:

- (a) inquire into the administration of children's homes and young persons' hostels who residents were subjected to homosexual offences which led to convictions by the Courts or where homosexual misconduct led to disciplinary action against members of the staff,

and into the extent to which those responsible for the provision of residential care for children and young persons could have prevented the commission of such acts or detected their occurrence at an earlier stage;

- (b) consider the implications for present procedures and practices within the system of residential care, including in particular the adequacy and effectiveness of arrangements for the supervision and protection of children and young persons in residential care; and
- (c) make recommendations with a view to promoting the welfare of such children and young persons and preventing and future malpractice;

and to report thereon to the Department of Health and Social Services for Northern Ireland.



David Heyhoe Esq
Private Secretary to
Lord Privy Seal
Whitehall
LONDON
SW1

NORTHERN IRELAND OFFICE
WHITEHALL

LONDON SW1A 2AZ

- Mr. Butler
- Mr. Fletcher
- 1) Mr. Tumbell

- 2) Mrs Lyder *ch*
- 3) Miss Dover: please
show to G Rad CS

Mr. Barclay - for 17 January 1984
any further action necessary.

DMS
18/1

A.J.C. 18/1

Dear David

MINISTERIAL DEALINGS WITH SINN FEIN MEMBERS

I wrote to you on 1 August last year offering detailed advice on relations with Sinn Fein elected representatives, bearing in mind that, following last year's general election, Sinn Fein now has an MP.

In the light of further terrorist violence by the Provisional IRA and the attitude to this violence voiced by Sinn Fein representatives, Mr Prior has recently announced that Ministers will have no further contact with Sinn Fein representatives. We have, therefore, refined our policy on dealing with Sinn Fein members whether they are MPs, Assembly Members, councillors or have any other explicit links with Sinn Fein. In these circumstances you may find it helpful to have the following revised guidance although, as before, in cases of doubt or difficulty we suggest that departments speak to us before taking any action.

Our advice on 1 August was that Ministers in other Government Departments should decline any requests for meetings with Sinn Fein representatives. But under those arrangements there was a theoretical possibility that a Junior NIO Minister could do so. In present circumstances, however, Mr Prior has decided that no Northern Ireland Office Minister will meet any Sinn Fein MP or Assembly Member, or receive a local councillor or any other person with explicit links with Sinn Fein whether or not they are part of a larger delegation with other parties. In the light of this, we should like to confirm our advice on 1 August that any request by a Sinn Fein representative for a meeting with a Government Minister should be declined and the matter dealt with by correspondence (see below). As before, we should be grateful if departments would inform us of any requests for meetings with Ministers.

In developing policy towards Sinn Fein, Mr Prior believes it important not to give that organisation grounds for alleging maladministration or bringing an action for discrimination on account of political opinion under Section 19 of the Northern Ireland Constitution Act 1973. Given that Sinn Fein is not proscribed, some reply has to be given to letters, particularly if constituents are not to be neglected. But in the light of the Government's general

attitude to Sinn Fein it would plainly be wrong for Ministers to reply personally. We therefore suggest that a letter addressed to a Minister which is clearly from a Sinn Fein representative should invariably receive a curt, formal and short Private Secretary reply, while still dealing adequately with the interests of the constituent.

.... I attach for information a copy of a revised note on this subject which has been sent to Private Offices in the Northern Ireland Departments.

I am copying this letter to the Private Secretary to the Prime Minister, and to the Private Secretaries to other Ministers in charge of Government Departments.

Yours ever

Dave

D A HILL

R.

To: Private Office Staff

APPROACHES TO GOVERNMENT BY MEMBERS OF SINN FEIN

1. Mr Russell's note of 26 July 1983 gave advice (supplementary to Central Secretariat Circular 5/83) to Private Office staff on the handling of approaches from Sinn Fein MPs and Assembly Members. This note develops present policy on Government contact with Sinn Fein in the light of the Secretary of State's recent public announcements: it is NOT for general distribution. It does not affect the question of access by Sinn Fein members to prisons and prisoners where the policy is unchanged. This note supersedes Mr Russell's note of 26 July.

Meetings with Ministers

2. Any request for a meeting between a Northern Ireland Office Minister and a Sinn Fein MP, Assembly Member or Councillor, (even if part of a larger delegation with other parties) should be refused and the enquirer asked to put his views in writing. A request for a meeting with anyone else with links with Sinn Fein should be referred for advice to the Secretary of State's Office who would consult Central Secretariat as necessary. You should expect such a request to be refused and you should therefore give no indication that the request is likely to be granted: you should aim to steer the matter towards correspondence. Ministers should not be advised to avoid visiting councils on their home territory simply because they include Sinn Fein councillors. But where such a visit is in prospect, Ministers should be warned of any possibility that Sinn Fein councillors might be present, and the Secretary of State's Office should be consulted in advance. If the visit takes place the Minister should be fully briefed and care should be taken to eliminate the risk of Sinn Fein making political capital out of such an event, eg a photograph of the Minister shaking hands with the Sinn Fein councillor.

Letters to Ministers

3. Letters from Sinn Fein MPs, Assemblymen and councillors addressed to Ministers should not receive Ministerial replies but

CONFIDENTIAL

L.R.

should receive curt, formal and short Private Secretary replies (as should a letter from unelected spokesmen and party officers). Letters to Ministers raising constituents' problems must be dealt with adequately in the interests of the constituent, but should be brief and formal, avoiding any appearances of friendliness (eg phrases such as "thank you" for your letter of ..., or "I regret" that I am unable to grant your request, should be avoided). You need not be reluctant to give a negative answer when a negative answer is justified. For some letters (eg a brief covering letter to a document which has been widely circulated or a particularly abusive letter) a one sentence acknowledgement by a Private Secretary would be appropriate. You should pay particular attention to the style, substance and possible political implications of the replies (especially with letters dealing with broad policy issues). If you have any doubt about the content or tone of a letter, you should consult Central Secretariat.

Approaches to Officials

4. The normal response to telephone enquiries to Private Offices from Sinn Fein Members (or those claiming to speak on their behalf) should be to ask them to put the point in writing. In exceptional cases when the request cannot reasonably be dealt with in correspondence, eg an urgent request for compassionate parole to see a dying relative, Private Offices should refer for advice to the Secretary of State's Private Secretary who will consult Central Secretariat as necessary.

5. Policy is unchanged on approaches from Sinn Fein members to local offices, etc, concerning purely constituency matters which do not appear to raise wider questions of policy. These will be dealt with at local level in the same way as similar approaches from other MPs or Assemblymen. Staff have been instructed that if these approaches to go wider or if they have any doubts, they should refer them to their Minister's Private Office. You should in turn consult senior officials in your Department and Central Secretariat.

Whitehall Departments

6. United Kingdom Ministers outside the Northern Ireland Office may receive correspondence from members of Sinn Fein (whether an

L.R.

MP, Assembly Member, councillor or in any other capacity with explicit links with Sinn Fein). Where the Sinn Fein connection is apparent, the appropriate response should be a curt, formal and short Private Secretary reply as in the case of NIO Private Offices, and Ministers in charge of Whitehall Departments have been advised accordingly.

Central Secretariat

January 1984

CONFIDENTIAL

Inland: S.F. PT 14



18 JAN 1984



SECRET AND PERSONAL

B.06940

SIR ROBERT ARMSTRONG

6
A J.C. 24
1
h-a.

Call by Mr Michael Lillis

1. In my minute of today's date to Mr Colvin I have recorded what passed between Mr Lillis and me at our meeting on 13 January on Co-ordinating Committee business and the Nangle affair. On other matters, Mr Lillis exercised visible self-restraint. But he said that he had discussed his visit to London with the Taoiseach the previous evening and had one or two things to say in consequence of that conversation. There were two clear messages which the Taoiseach had carried away from his tête-à-tête with the Prime Minister at the last Summit. Firstly, that her mind was not closed to new ideas; but secondly that she did not want any secret talks. The Taoiseach was anxious to respect the Prime Minister's wishes in this regard. He (Mr Lillis) had however been instructed to make it clear to us that the Irish Government's thinking was still along the lines which he had explained to me in our confidential talks during the run up to the November Summit. He hoped we had not been misled in this respect by anything Mr Barry had said to Mr Prior. (I took this to be a reference to Mr Barry's initial rejection of the possibility of amending the territorial provisions of the Irish Constitution.) The Taoiseach was also concerned about the impact which the Forum's report would have in London. He hoped that the Prime Minister would understand that the report was bound to take account of Mr Haughey's views and, in particular, of Fianna Fail's position on a unitary Irish State. This simply could not be avoided if there was to be any hope of getting Mr Haughey's acquiescence in the report, (which Mr Lillis was confident would appear before the end of February). No one knew exactly how the report would come out: but if things went as the Irish Government hoped, it would be in three parts. The first part would analyse the attitudes of the various parties to the problem with particular emphasis on Unionist preoccupations, which would be presented as fully and sympathetically as possible. The second part would identify a number of principles or criteria which any settlement of the problem must satisfy. These would include principles designed to take account of Unionist and British concerns - as well of course as Irish and

SECRET AND PERSONAL

Nationalist ones. Finally, there would be a third part which looked at a number of possible models for a solution. Mr Lillis emphasised that these would be strictly illustrative and that it would be made clear that the list was in no sense exhaustive. On present form it looked as if the models examined would be a unitary state; a federal or confederal state; and some form of governmental co-operation or joint administration in Northern Ireland. Mr Lillis asked whether a report in this form was likely to cause difficulties in London.

2. I did not attempt to probe Mr Lillis on what might be meant by "joint administration" in case this got us on to sensitive ground. I confined myself to saying that I was glad the Taoiseach had taken note of the Prime Minister's wish to avoid secret talks. The fact that we were averse to secret talks did not mean that we were not thinking hard about the problem. So it was helpful to know that the Irish Government's ideas were still broadly on the lines Mr Lillis had described to me last year. As regards the Forum's report, my own personal and off-the-cuff view was that the structure which Mr Lillis described seemed sensible. Provided that the analysis of the British/Unionist dimension was reasonably full and objective, and the "principles" were defined in a way which took reasonable account of British and Unionist concerns, the first two parts of the report would meet with an understanding reception here. The third part would obviously be tricky; but provided it was made quite clear that the models discussed were purely illustrative and that other solutions or approaches to the problem were not excluded, I thought that the impact here would not be hostile or dismissive. I wondered however whether Mr Haughey would not attach some tag to the 'unitary state' solution, to the effect that this was the only solution which he and Fianna Fail would be prepared to accept. Mr Lillis conceded that there was a risk of this but said that the SDLP (with the exception of Mr Mallon) were very much against it and he was still hopeful that Mr Haughey would be prepared to accept some sort of consensual report in order to avoid undermining the credibility of the SDLP. (I am very sceptical about this: but that is what Mr Lillis said.) I also said that it was important that we should have as much forewarning as possible

SECRET AND PERSONAL

of what the report would in fact say. Mr Lillis said that this was fully recognised and that everything possible would be done to get an advance copy of the report to us through HM Ambassador at Dublin.

3. Mr Lillis said that he had also been asked to express concern to me privately at reports that some British Ministers (possibly including the Prime Minister) were inclined to welcome what they saw as a move by Sinn Fein towards political activity and away from violence. The Irish Government's information was that Sinn Fein's attempts to create such an impression were purely tactical. Their objective was to secure more than 50 per cent of the Nationalist vote in the May 1985 local elections. Once they had done this they would be able to claim that their policy of seeking a solution by violence had been legitimised at the polls. This would put Mr Haughey and Fianna Fail over a barrel, since they would be extremely reluctant to continue dissociating themselves from those who could claim to be the legitimate spokesmen of the Nationalist minority in the North. The Irish Government's efforts to prevent Sinn Fein and the IRA attracting support in the United States would also be undermined. At the same time the Sinn Fein/IRA campaign of violence would be redoubled in the hope of stimulating a Protestant backlash and provoking a violent confrontation in the North from which they believed that the Dublin Government would not be able to hold aloof. Mr Lillis said that, although this belief was mistaken, the Irish Government would be put in an acutely difficult situation and the consequences for stability in the Republic would be grave.

4. I said that this provided a more plausible scenario for the Irish Government's anxieties than I had heard before. I realised that it was a recurring Irish anxiety that the British Government might be tempted into a dialogue with Sinn Fein. If Sinn Fein were formally to renounce violence (of which there seemed to be no sign) that would of course be seen in London as a welcome development and Sinn Fein's position as a possible political interlocutor would have to be looked at again. (Mr Lillis said that the same would be true in Dublin.) But as long as Sinn Fein remained committed to a policy of violence, I could assure him from my own knowledge that there was absolutely no disposition on

SECRET AND PERSONAL

the part of any British Minister, least of all the Prime Minister,
to come to any sort of accommodation with it.

5. I propose, if you agree, to copy this minute only to Mr Coles
at No 10.

David Goodall

A D S Goodall

16 January 1984

1/2/84

✓ Spoke to John Hume
this date OK

16th January 1984

The Prime Minister would welcome the chance of a talk with you and Jim Prior together. I am writing to ask whether you would be able to come to see her for a drink in her room at the House at 6.30 p.m. on Wednesday 1st February. Perhaps you would be kind enough to let me know if this is convenient for you by asking your secretary to ring mine, (Mrs Tessa Gaisman) on 930 433.

MICHAEL ALISON

John Hume Esq MP

B/F 16/1/84

MR. ALISON

The Prime Minister has said that she would like to have a general talk with Mr. John Hume, MP some time this month. She would like to do this in the House one evening and would like the Northern Ireland Secretary to be present. Mr. Prior is aware of all this but will need to be told when the meeting is to be.

Could you kindly arrange?

A. J. C.

~~Sugd 6.00 pm~~
~~Thurs. 19th ?~~ JPear's do.

12 January 1984

PRIME MINISTER

The Northern Ireland Secretary has asked whether you would be prepared to receive John Hume. There would be advantage in doing this before the Chequers discussion of the other day is resumed. Mr. Prior would like to be present.

Would you like Michael Alison to arrange for John Hume to see you in the House one evening when you are there?

Yes Mr.

A.J.C.

12 January 1984

SECRET

GRS 110
SECRET
FM DUBLIN 121240Z JAN 84
TO IMMEDIATE FCO
TELEGRAM NUMBER 14 OF 12 JANUARY 1984
INFO IMMEDIATE OTTAWA

A. J. C. $\frac{13}{1}$

MT

YOUR TELNO 03: PIRA THREAT TO WESTON SUPERMARKET CHAIN

1. LILLIS GAVE ME A SUBSTANTIAL ACCOUNT OF THIS THREAT ON 10 JANUARY WHICH I DID NOT THEN REPORT SINCE I WAS AWARE THAT DR FITZGERALD HAD ALREADY INFORMED THE PRIME MINISTER AND MR NOONAN HAD SPOKEN TO MR PRIOR ABOUT IT. I HOPE THE PRIME MINISTER WILL KEEP CLOSELY IN TOUCH WITH DR FITZGERALD, EITHER BY TELEPHONE OR THROUGH ME. HE IS CLEARLY PERSONALLY VERY CONCERNED. THE DISCUSSIONS WITH THE IRISH DEPARTMENT OF JUSTICE ON 6 AND 10 JANUARY HAVE LEFT ME IN NO DOUBT OF THE IRISH ANXIETY TO ENSURE BY ALL POSSIBLE MEANS THAT MONEY DOES NOT PASS TO PIRA.

GOODISON

LIMITED
HD/RID -
" NAD
" MAED
" NEWS D
PS
PS/PUS
MR JENKINS

COPIES TO
MR CAPIE
PUSD
PS/SMS NORTHERN IRELAND
OFFICE
PS/PUS " " "
MR BOYS-SMITH " " "
MR BUTLER
NO 10 DOWNING STREET
MR PARTRIDGE
HOME OFFICE

SECRET

1

PRIME MINISTER

I understand that the Secretary of State for Northern Ireland is hoping to see Sir James Hennessey before Cabinet tomorrow morning and might wish to give the Cabinet an oral report on the findings of the Hennessey Report on the Maze escape. Are you content for him to do so?

—

Yes mb TJ

11 January 1984

Tim: I've told NIO.

D
12/1

SECRET

file

ERC

From
Secret
a MAILED



4

10 DOWNING STREET

From the Private Secretary

11 January 1984

PIRA THREAT TO SUPERMARKET CHAIN

Your Secretary of State called on the Prime Minister this evening to brief her on the latest situation, following a conversation he had had with Mr. Garfield Weston.

Mr. Prior said that he had known Mr. Weston for some time. Although he was a tough character, he was very severely shaken by the present threat. The PIRA had threatened to assassinate four people namely Mr. Weston himself and his brother and two other members of the firm who had been involved in the Tidey affair. In addition there was a threat to kidnap or possibly assassinate senior executives of the firm and to bomb the firm's properties in both the North and South of Ireland.

Mr. Prior had put to Mr. Weston all the arguments against giving in to blackmail. Mr. Weston was instinctively sympathetic to the arguments and was not concerned about his own safety, but he believed that the current situation could make it impossible for him to continue to operate a business in the North and the South. Moreover, he could quickly lose senior executives who were extremely frightened. Some members of his staff, including Mr. Tidey, were advising him to yield.

The PIRA were demanding £2m at this stage. They had said that if this demand was not met they would assassinate and kidnap others and any kidnap would be accompanied by a demand for £5m within 48 hours.

The original threat had been delivered one week ago and the time given to meet the demand would expire tonight. There had been no contact with the PIRA during the week and the intermediary had now departed. Mr. Weston was waiting for the PIRA to make further contact.

Your Secretary of State offered immediate protection for two of the named individuals and said he believed that the Canadian authorities and the Garda would give protection to the two members of the firm who were in Canada and the Irish Republic respectively. The Permanent Under Secretary, Northern Ireland Office,

/ would be visiting

SECRET

STH

would be visiting Belfast tomorrow and would seek the Chief Constable's advice on the threat. Mr. Weston had said that he did not want further protection now since he believed that this would escalate things. But he promised to keep in touch with Mr. Prior about developments.

Mr. Prior had stressed to him that he was speaking to him both on the Prime Minister's behalf and as a friend. By buying off one threat, he could create another. At a moment when the PIRA were short of money, a windfall of £2m would be extremely useful to them. By yielding to blackmail, the lives of others might be put at risk.

Mr. Prior said that his impression was that Mr. Weston would reflect further before deciding what to do. Some members of his staff would continue to urge that he pay the sum demanded. Mr. Weston was torn between the issue of principle and loyalty to his firm and his colleagues. He confirmed, in answer to Mr. Prior's questions, that not only had he paid no money to the PIRA but he had made no agreement to pay money.

The Prime Minister agreed with Mr. Prior that the Government had no alternative but to stick to the advice which it had given to Mr. Weston.

I am not copying this letter elsewhere since much of the information in it is not new. Should you wish to copy it to others for essential operational reasons, I should be grateful if you would first consult me.

A. J. COLES

John Lyon, Esq.,
Northern Ireland Office

VC



10 DOWNING STREET

cc MARRER

Subject: Ireland: Sit. Pt 4

From the Principal Private Secretary

10 January 1984

Dear Derek,

As I reported to Mr. Andrew on the telephone this afternoon, the Taoiseach spoke to the Prime Minister shortly before 4 o'clock on the telephone. He referred to "the matter reported to the Home Secretary by Scotland Yard at lunchtime today", which was clearly the threat to Mr. Garfield Weston and Associated Foods. He said that, if Mr. Weston were minded to yield to this threat, it would not only be a tragedy for Mr. Weston and his company, but would open the way to a series of other threats on the same lines. The Prime Minister told the Taoiseach that the British Government shared his concern and took the same view: a senior member of the Government would be in touch with Mr. Weston to underline these points.

I am copying this letter to Hugh Taylor (Home Office) and Brian Fall (Foreign and Commonwealth Office).

Yours sincerely,

Robin Butler

Derek Hill, Esq.,
Northern Ireland Office.



FILE da
bc CR
2

10 DOWNING STREET

From the Private Secretary

MR. GOODALL
CABINET OFFICE

The Prime Minister has decided that the meeting to follow up the meeting held at Chequers on 4 January should be held on Friday, 10 February. I should be grateful if you could bring this to the attention of all concerned. Venue and other details will be fixed later.

A. J. COLES

6 January 1984

SECRET AND PERSONAL

65



PART 14 ends:-

AJC to PM 13.12.83.

PART 15 begins:-

RTA: Note for Record (A084/78) 6.1.84.

KODAK Q-60 Color Input Target

C M Y



IT8.7/2-1993
2007:03

<FTP://FTP.KODAK.COM/GASTDS/Q60DATA>

Q-60R2 Target for
KODAK
Professional Papers

