

SECRET

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Renewal of N.I. Emergency Provisions Act 1978 (EPA).  
Consideration of section 12 (Detention.)

IRELAND

June 1980

Referred to	Date	Referred to	Date	Referred to	Date	Referred to	Date
<del>30.6.80</del>							
<del>2.7.80</del>							
<del>4.6.81</del>							
<del>23.8.82</del>							
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<del>8.4.83</del>							
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<del>9.6.84</del>							
<del>7.6.90</del>							
8.11.90							

PREM 19/3052

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KK



bc PC

10 DOWNING STREET  
LONDON SW1A 2AA

*From the Private Secretary*

8 November 1990

*Dear Tony,*

**NORTHERN IRELAND SECURITY POLICY: PRESENTATION**

The Prime Minister has considered the Northern Ireland Secretary's minute of 5 November in which he proposes to make a formal statement on the general principles underlying the Government's security policy in Northern Ireland. She is content for Mr. Brooke to do this, subject to two minor amendments to the text attached to his minute. The last sentence of paragraph one should be recast to read: "majority desire for a change in status clearly does not exist at present. There is no reason to expect this to alter in the foreseeable future". In paragraph five she thinks it better to speak of terrorism being "defeated" in Northern Ireland rather than "eradicated from".

I am copying this letter to the Private Secretaries to the Foreign Secretary, the Home Secretary, the Defence Secretary, the Attorney General and to Sir Robin Butler.

*Yours sincerely,*

(C. D. POWELL)

Tony Pawson, Esq.,  
Northern Ireland Office.

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RW

copy (1)



Prime Minister

PRIME MINISTER

*ms*

I am not sure the statement adds much, but equally it's not objectionable. I have suggested two amendments.

**NORTHERN IRELAND SECURITY POLICY: PRESENTATION**

The Emergency Provisions Bill, which will replace earlier legislation and bring together all anti-terrorist provisions which apply uniquely to Northern Ireland, is being published on 8 November. In parallel with this, I intend to make a formal statement of the general principles underlying the Government's security policy in Northern Ireland. This would be a restatement of existing policy which seeks to put our views across in a structured and comprehensive way. It would take the form of a written statement, of which I attach the proposed text. I plan to hold a Press Conference on 8 November to publicise this and to explain the rationale behind the Bill.

Context?

CBP  
6/xi

*yes*

I see two main advantages in this approach. First, there is the strong argument of principle for the Government issuing such statements from time to time, so as to ensure that there is a clear and authoritative statement of our aims and objectives on the public record. Second, such a declaration would help set the wider context in which the Bill should be considered, thus reducing the risk that the various different interest groups would be able to focus only on those selected portions of the legislation which suit their purposes.

I am also making a series of substantial speeches addressing different aspects of the situation in Northern Ireland. The first of these was the attack on the IRA and its activities on 16 October, which was widely reported in the media. I intend to follow this up on 9 November with a speech in my constituency, in which I will counter the IRA's political agenda by addressing in particular the nature of and reasons for the British presence in Northern Ireland.



In doing this I shall emphasise both the reality of the Unionist sense of Britishness and the commitment, as set out in the Anglo-Irish Agreement, that change in the status of Northern Ireland could come about only with the consent of a majority of its people. I shall also cover the validity of the tradition of peaceful nationalism in order to capitalise on recent signs of a nationalist resentment of IRA violence, thereby eroding their position in their own community, and encouraging nationalist thinking about political development. I believe this is a timely moment for such a speech coming as it does just before Remembrance Sunday and following both my earlier speech on the IRA and the publication of the EPA Bill.

I am copying this minute and attachment to Douglas Hurd, David Waddington, Tom King, and Patrick Mayhew, and to Sir Robin Butler.

P.B.

PB

5 November 1990

THE GOVERNMENT'S SECURITY POLICY IN NORTHERN IRELAND

Constitutional Position

1. Northern Ireland is part of the United Kingdom because that is the will of the majority of people who live there. It will not cease to be a part of the UK unless that situation changes. Majority desire for a change in status clearly does not exist at present, and seems unlikely in the foreseeable future.

*There is no reason for this to alter*

Aims and Objectives

2. The Government's aims are:

- a. to maintain the rule of law;
- b. to ensure that all the people of Northern Ireland are free to express their political opinions without inhibition, fear of discrimination or reprisal;
- c. to defend the democratically expressed wishes of the people of Northern Ireland against those who try to promote political objectives, including a change in the status of Northern Ireland, by violence or the threat of violence;
- d. to create in Northern Ireland the conditions for a just, peaceful and prosperous society in which local people can exercise greater control over their own affairs.

3. So that these aims can be achieved, it is the first priority of the Government in Northern Ireland to eradicate terrorism, from whichever section of the community it comes. There is no acceptable level of violence and, for so long as violence continues, it will be met with a firm and resolute response.

Strategy

4. To this end, the Government will:

- a. ensure that the police, supported by the Armed Forces, have the resources they need to undertake their difficult and dangerous work on behalf of the whole community;
- b. provide a legal framework within which the security forces can act to defeat terrorism;
- c. co-operate closely on security with the Government of the Republic of Ireland;
- d. seek to isolate the terrorists from the communities within which they operate.

5. The Government will implement this strategy with total commitment until terrorism has been finally eradicated from Northern Ireland, and the rest of the United Kingdom.

*will it ever be?  
Perhaps "defeated" is better.*

6. In parallel, the Government will implement effective measures in the political, social and economic fields, designed to promote equality of treatment, economic well-being and stable democratic institutions. These measures will help create a climate in Northern Ireland in which peaceful political development can take place, thereby complementing and reinforcing the Government's security strategy.

7. In accordance with this strategy, which is endorsed by the Chief Constable of the Royal Ulster Constabulary and the General Officer Commanding the Armed Forces in Northern Ireland:

- a. the Government is determined that terrorism will be defeated through the evenhanded and energetic enforcement of the criminal law.

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- b. The police will continue to take primary responsibility for the prevention, investigation and securing evidence for the prosecution of crime, including terrorist crime. The Armed Forces will act in support of the police, but only where and when the security situation makes it necessary.
- c. Wherever and whenever possible, the police will operate without military support, in accordance with the goal of restoring normality, and with the ultimate aim that all military support to the police should be dispensed with when the security situation permits.
- d. Anti-terrorist legislation will be kept under review, to ensure that it is appropriate to the prevailing security threat. It will continue to strike a balance between providing the RUC and Armed Forces with the legal means they need in order to protect the community effectively, and at the same time providing appropriate safeguards for individuals. When the need for a particular provision no longer exists, it will be repealed or allowed to lapse, as a step towards greater reliance on the ordinary criminal law.
- e. The police and Armed Forces will continue to be governed by the legal principle of using only such force as is reasonable in the circumstances in preventing crime and arresting offenders.
- f. Members of the police and Armed Forces, like all other citizens, will continue to be subject to the law. If members of the security forces break the law they will themselves be liable to prosecution.
- g. The public have a right to expect the highest standards of behaviour from police officers and members of HM forces. Activity or actions falling short of those standards will never be condoned. The Government hopes

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that anyone who believes that they have a genuine cause for complaint about the conduct of a police officer or member of the Armed Forces will use the procedures which exist for the investigation of such complaints.

8. The Government recognises that, to be fully effective, the actions of the police and Armed Forces against terrorism in Northern Ireland require the support of all sides of the community. The actions of the security forces must, therefore, at all times be such as to create and maintain confidence in their integrity and professionalism, as well as in their operational effectiveness.

9. The Government calls on men and women of goodwill from both traditions in Northern Ireland to co-operate with the security forces as they carry out their duty to protect the community. Such co-operation may include accepting the inconvenience which may result from security force operations against terrorists and reporting crime, including terrorist crime, to the police.

10. The Government believes that confidence between the community and the police and Armed Forces can best be achieved if both traditions are properly represented in the locally recruited forces. Hence the Government believes that all those who recognise the importance of building and retaining that confidence have a duty to encourage members of both traditions to co-operate with and to join those forces.



*CPR*



HOUSE OF LORDS,  
LONDON SW1A 0PW

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25 June 1990

*eg 7/6*

*Dear Peter,*

Lord Colville's Review of the Northern Ireland  
(Emergency Provisions) Acts 1978 and 1987

Thank you for copying to me your letter of 7 June to Geoffrey Howe.

I note that you propose to have Lord Colville's Review published shortly as a Command Paper. I am pleased to note that the Report is generally supportive of the Diplock Courts.

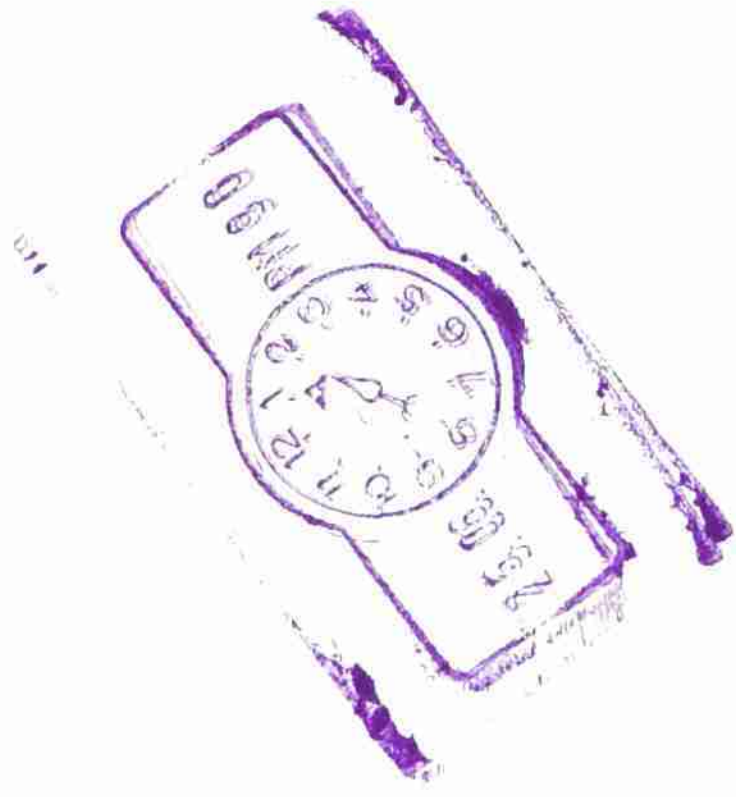
We shall have an opportunity to discuss the legislative implications of the Report within H Committee on Tuesday (26th June).

I am copying this letter to the Prime Minister, Geoffrey Howe, Douglas Hurd, David Waddington, Tom King, Patrick Mayhew and Tim Renton and to Sir Robin Butler.

*Yours ever,*  
*Jan.*

The Right Honourable  
Peter Brooke MP  
Secretary of State for Northern Ireland

IRELAND: Emergency  
for Feb 80



✓

ccp  
(2)



NORTHERN IRELAND OFFICE  
WHITEHALL  
LONDON SW1A 2AZ

SECRETARY OF STATE  
FOR  
NORTHERN IRELAND

The Rt Hon Sir Geoffrey Howe QC MP  
Lord President and Leader of the House  
Privy Council Office  
Whitehall  
LONDON  
SW1A 2AT

Prime Minister  
You should just  
be aware of this.  
7 June 1990  
No need to read  
the report.  
CBM  
11/6.

Dear Geoffrey,

LORD COLVILLE'S REVIEW OF THE NORTHERN IRELAND (EMERGENCY PROVISIONS) ACTS 1978 AND 1987

Lord Colville's review will form the basis of our Emergency Provisions Bill in the new Session. I propose, with your agreement, to have it published in the middle of this month, as a Command paper. In the meantime, we are already drawing on it to work up proposals for the Emergency Provisions Bill which I will be seeking to clear with H Committee as early as possible this month.

I have also been considering the handling of the Report. It is, on the whole, a positive one and I see no difficulty in giving it a general welcome. It is not entirely uncontroversial: Lord Colville has recommended that the provisions which allow for executive detention should not be replaced in the new legislation, and he has also pressed again for interviews with terrorist suspects to be recorded on video. Both these recommendations will attract interest in Parliament and beyond but, should we choose to dissent from them, there are strong counter-arguments that can be mounted in defence of the status quo. I will be considering both of these issues in more detail as I formulate my proposals to H Committee.

Otherwise, as I say, the Report is generally supportive both on the Diplock Courts and the extra powers that are needed by the police and armed forces during the emergency. As it is a long Report I attach a list of the principal findings and conclusions.

One issue which I need to address is whether there should be a Parliamentary debate on the Report. The Opposition have already made it clear that they regard such a debate as necessary. During the renewal debate on the Emergency Provisions Acts on 12 March, Mr McNamara said that -

C O N F I D E N T I A L

"We expect that when (Lord Colville's) Report is published, the Government will give us time to have a full discussion of it before they embark on any of their own proposals for dealing with and changing the Act". (Column 37).

Such a debate, perhaps in the first half of July, could also be useful to Government. It would set the seal on the major public consultation exercise which has been undertaken in connection with the review of the current legislation and would allow us to gauge ~~to~~ the strength of feeling on sensitive issues like detention. It would also allow us to say that the House had been given an opportunity to consider Lord Colville's findings before the new legislation was brought forward.

I do, however, fully recognise the acute pressure on the Parliamentary timetable and that, by the end of the Session, Northern Ireland issues will already have been given a fair airing. But I should still welcome your views on whether time might also be set aside for a half-day on Lord Colville's Report.

I am copying this letter to the Prime Minister, the Lord Chancellor, Douglas Hurd, David Waddington, Tom King, Patrick Mayhew, Tim Renton and to Sir Robin Butler.

*L. even*

*Pr*

PB

C O N F I D E N T I A L

## LORD COLVILLE: SUMMARY OF PRINCIPAL CONCLUSIONS AND RECOMMENDATIONS

Context for the Review

21.1. Widely differing views of emergency laws remain, reflecting continuing community divisions. Deviation from the normal law should occur only where it is clearly justified in each case.

21.2. Consideration should be given to a commencement order procedure for any new legislation, so that no decision need be taken on its desirability until the last moment.

Stop, Search and Arrest Powers

21.3. The array of search and arrest powers requires simplification. EPA Section 17 should be amalgamated with Section 15, and Section 11 with PTA Sections 14 and 15. Part of Section 13(1) and all of Section 13(2) have been superseded. Other powers should be left as they are.

21.4. The case for additional search powers in association with "hot pursuit" under Section 14 has not been made.

21.5. No legal provision appears to allow for a speculative search through documents in a house or car, except as a by-product of the PACE Order and we should await the courts' interpretation of the PACE provisions to see whether the position on searches of documents is clarified.

21.6. A new offence, comparable to "going equipped for theft", should be introduced to cover the use of household or everyday items for terrorist purposes. It may assist with the problems of 4 and 5 above.

21.7. The additional powers of the police and Army under the emergency legislation remain necessary, despite the introduction of PACE; and they cannot be safely relinquished.

Access to family and solicitors

21.8. The provisions on access to family and solicitors are equivalent to those in GB.

21.9. The Probation Board might be used as a bridge between a suspect and his family after his initial arrest.

21.10. The advent of the Criminal Evidence (Northern Ireland) Order 1988 does not require any counter-balancing measures in terrorist-type cases.

21.11. While a duty solicitor scheme may be impractical in Northern Ireland, it is desirable that lists of solicitors should be posted in the holding centres, as in "designated police stations" under PACE.

Video and tape-recording of interviews

21.12. Video-recording of interviews with terrorist suspects would allow allegations of brutality to be controverted and would enhance public confidence in the police. It should be introduced in the holding centres. Some repositioning of existing monitors would be required.

21.13. Tape-recording of interviews presents greater difficulties, in relation to the co-operation of terrorist suspects with the police and the disclosure of sensitive intelligence information. Consideration should be given to trials in tape-recording summaries of interviews as in England and Wales.

Complaints

21.14. Effective complaints procedures are essential so long as emergency laws are in force; although the police and Army make considerable efforts to deal with complaints swiftly and effectively, there is a widespread feeling that very few complaints are satisfactorily resolved, especially in terms of the receipt of an apology.

21.15. Consideration should be given to extending the lay visitors scheme to the holding centres; and to appointing an ombudsman-like figure to appraise the effectiveness of complaints systems on a continuing basis.

Codes of Practice

21.16. The new legislation should contain an enabling power to make one or more statutory Code of Practice.

Bail, remand, preliminary inquiries

21.17. Bail hearings should continue to be heard before the High Court, since the terrorist threat to magistrates remains. The bail provisions work well. Persons charged with a mixture of scheduled and non-scheduled offences should be capable of being remanded for 28 days.

21.18. A new provision should be introduced relating to remand of soldiers into military custody; and to allow remand of suspects into police custody during extended questioning under the PTA.

21.19. The right of the defence to have the prosecution case tested at the preliminary investigation should remain.

21.20. The powers of the Secretary of State to set time limits in relation to preliminary procedures for scheduled offences should be retained.

Scheduled offences

21.21. The procedures for certifying offences, and amending Schedule 4, work satisfactorily. Although there are cases where non-terrorist robberies and armed burglaries are tried before 'Diplock' Courts an alternative criterion for scheduling is difficult to establish.

21.22. There is continued support for a change to "certifying in" offences, although the change would be largely one of perception and would have a number of procedural implications which would need to be fully considered. Racketeering offences may make "certifying in" a more attractive proposition.

Diplock Courts

21.23. There is a general recognition that the no-jury system remains necessary for terrorist-type offences. There is a continuing risk of intimidation to jurors: the statutory basis of 'Diplock' Courts remains necessary. A change to multi-judge courts would have implications for the Appeal process and dissenting judgements would need to be prohibited. The arguments about the merits of multi-judge courts have been fully rehearsed elsewhere.

Trial procedures

21.24. The law on admissibility of confessions (Section 8) in scheduled cases is well established; the PACE provisions are much less certain in their effect on the validity of confessions. An enabling power to transfer to the PACE standard, if it becomes appropriate to do so, should however be made.

21.25. The effect of the provisions of the Criminal Evidence (NI) Order 1988 on the conduct of trials is not wholly novel. The case for additional safeguards for the accused has not been established.



21.26. The provisions on the burden of proof in cases involving the possession of firearms and explosives (Section 9) are confined to a single function, to require the accused to testify. They should be retained.

21.27. A judge's discretion to order a new trial, or to proceed with the trial, after hearing evidence which he has ruled inadmissible, should be retained; but a pre-trial review to determine issues of admissibility should, where possible, be adopted, with some more public indication when such a review should be held.

Detention (internment)

21.28. The provisions relating to detention without trial have not been in use since 1975, and the practice is widely condemned in other countries. The provisions should not be re-enacted.

Explosives Inspectors

21.29. Section 16 of the EPA 1978, from which the Civilian Search Unit derives its powers to stop and search vehicles, should be retained.

Interference with rights of property and highways

21.30. The powers to close roads, requisition property etc, in Section 19 of the 1978 Act remain an essential part of the security forces' armoury against terrorism and should be retained.

Unlawful collection of information

21.31. The offences relating to collecting information (Section 22 EPA 1978) should be amended to enable the list of categories of potential targets to be specified by regulations.

Proscribed organisations

21.32. The proscription provisions remain valuable; decisions on proscribing or de-proscribing particular organisations are properly for Government.

Miscellaneous

21.33. - The power to make supplementary public order regulations should be retained.

- The power to disperse crowds (Section 24 EPA 1978) has been superseded and should not be re-enacted.

- Offences relating to training in the making and use of firearms and explosives should be retained.

- The Magistrates' Courts (NI) Order 1981 should be amended to bring the law on the copying of written exhibits into line with England and Wales.

- An amendment is necessary to allow a provision equivalent to Section 15(1) of the PTA, relating to fingerprinting, to apply in Northern Ireland.

- The provision in Section 29 of the EPA 1978, which requires the DPP's consent to prosecutions under the Act, should be retained.

Anti-racketeering measures

21.34. The provisions concerning the regulation of security guard services (Part III of the 1987 Act) should be amended to tighten up the offences of deliberately giving misleading information, or failing to supply information, and to widen the kind of employee covered by the scheme. More general strengthening of the scheme may be justified.

Compensation

21.38. There is a case for compensating traders and owners of private property where loss of earnings or blight has occurred as a result of security measures. Existing compensation law in GB suggests two possible models for consequential loss.

Duration and reviews

21.39. New legislation should have a life of five years, with annual renewals of its operation. A permanent body, such as the Standing Advisory Commission on Human Rights, might be suited to this latter task.

Consolidation and duration

21.40. New legislation should consolidate those emergency provisions that are being retained, with PTA arrest and detention powers and parts of PTA Part VI.

## TIMETABLE FOR LEGISLATION

<u>Stage</u>	<u>Date for completion</u>
Policy clearance from 'H' Committee	early June
Colville Review published	mid June
Parliamentary debate on Review	late June/early July
Instructions to Parliamentary Counsel worked up	late June/early July
Final instructions to Counsel	mid July
Bill drafted	August - October
'L' Committee clearance for introduction of Bill	early November
Notes on Clauses prepared	mid November
Bill introduced into Parliament	mid/end November
Commons Second Reading	early December
Commons Committee stage	January/early February 1991
Lords Stages	
Royal Assent	May/April 1991?

From: THE PRIVATE SECRETARY



NORTHERN IRELAND OFFICE  
WHITEHALL  
LONDON SW1A 2AZ

Tim Flesher Esq  
Prime Minister's Office  
10 Downing Street  
LONDON  
SW1

9<sup>th</sup> April 1984

*Dear Tim,*

*Dr 10/4*

I am writing to let you know that Sir George Baker's Report on his review of the Northern Ireland (Emergency Provisions) Act 1978 is to be published tomorrow 10 April at 3.30 pm. We intend to lay this Report before Parliament as a Command Paper (Cmnd 9222). *filed in useful docs.*

I understand your Press Office are aware of these arrangements, but in view of the degree of interest this report is likely to attract, I should be glad to know formally whether you are content with this timetable. I am very sorry that we have not given you more notice.

*Yours ever,*

*John*

J M LYON

## Northern Ireland (Emergency Provisions)

7.8 pm

**The Secretary of State for Northern Ireland (Mr. James Prior):** I beg to move,

That the draft Northern Ireland (Emergency Provisions) Act 1978 (Continuance) (No. 2) Order 1983, which was laid before this House on 24th November, be approved.

I invite the House, at a sombre moment, to agree to the renewal of the provisions of the Emergency Provisions Act. I believe that the House would wish me to say something about the current security situation in Northern Ireland, as that will inevitably colour our debate and the judgment that we reach on the order.

My hon. Friend the Minister of State expressed to the House yesterday the Government's horror at the murder of Edgar Graham, and I was able to voice my feelings during Question Time this afternoon. His death, coming so soon after the murders at Darkley, brings home to us all the needless suffering and waste that the terrorists inflict in Northern Ireland. It underlines, too, the callous hypocrisy of those who at one and the same time seek to take part in the democratic process and yet support the use of violence in the way that they do.

I should like to make a personal comment on this matter. When I was recently in the United States, I found myself unknowingly having to take part not in a debate but in a meeting at Harvard at which Mr. Morrison was present. Just as I started, Mr. Morrison said that I had no right to speak for Northern Ireland and that only he had a right to do so because he was an elected representative and I was not. I made it perfectly plain to Mr. Morrison, as I do to all members of Provisional Sinn Fein, that if they expect to take part in democratic institutions they must use the ballot box and the power of persuasion to convince people of their cause. What they cannot and must not do is use the excuse of the ballot box and at the same time commit themselves to the use of violence and the Armalite rifle.

I wish to get that point home firmly to those people. When they say that they represent their constituents and seek to deal with their constituents' problems they are, in fact, condemning their constituents to lives of destruction, fear and poverty. It is the very policies that they pursue that cause this poverty and fear, yet they go around trying to say that they are helping their constituents. This is complete hypocrisy and should be shown up and seen for what it is. They must choose whether they are committed to the gun or to the ballot box; they cannot have it both ways.

In the past few weeks there have been a number of extremely serious incidents in Northern Ireland.

**Mr. James Molyneux (Lagan Valley):** I apologise to the right hon. Gentleman for intervening so early in his speech. To assist Government Departments and the right hon. Gentleman's junior Ministers—I am putting this in a constructive way—in drawing up the dividing line, the right hon. Gentleman has put the challenge that Sinn Fein must choose between the ballot box and the gun. Would it be possible to draw the line in such a way that Ministers and agents of the Government do not deal with Sinn Fein? I do not put that as a challenge to the right hon. Gentleman

tonight, but is he prepared to think about it and perhaps come to a decision and convey it to the House on a future occasion?

**Mr. Prior:** Yes. It is a perfectly fair point for the hon. Gentleman to make. I am thinking about it. I shall think about it very seriously indeed. I have always tried to bend over backwards to help those who are moving towards democracy, but, because of what we have experienced over the past few weeks, I think that the time has come to give this matter much deeper and further consideration, and that I intend to do.

I return to the extremely serious incidents of the past few weeks. In addition to the deaths at Darkley and the assassination of Edgar Graham, there have been other killings, by terrorists from both sides of the community. There is undoubtedly and understandably a high degree of tension in the Province. A sense of insecurity has been engendered in the border area, where a number of recent attacks have been carried out, as well as in other parts of Northern Ireland.

I want to leave the House in no doubt that the security forces are acting with firmness, determination, and the utmost professionalism to meet this situation. Our security policy is clear and resolute and I want it to be understood by all. It is to do everything that we can to put an end to terrorism: not to contain it, not to say that there is an acceptable level of violence, but to defeat terrorism and put an end to it. I make only one proviso—it is one which I must make to the House and one in which I believe passionately. We have to do it by means that are within the law. I must make that absolutely plain. I know of the temptations and of the concern that there is at times that perhaps the law fetters people from doing what they otherwise would do. I understand that, particularly at this time, but we must not fall into the trap of acting in any way which at any time would be against the law and the rule of law as we accept it in this House, and which we are proud to uphold in the whole of the United Kingdom.

**Mr. Clive Soley (Hammersmith):** I am sorry to intervene, but I think that this is important. Does the Secretary of State agree that one of the aims of paramilitary groups is to force the democratic state to behave in a way that is outside the law and so plays into their hands?

**Mr. Prior:** Of course, and I have absolutely no doubt that that is one of their main aims. Were we to fall in any way from the high standards that we have always set ourselves, we should certainly be giving them the greatest stick and achievement that they could have. I believe that our policy commands the support of the whole House and should command—I think that it does—the support of all the constitutional political parties in Northern Ireland.

**Mr. John Wilkinson (Ruislip-Northwood):** Does my right hon. Friend agree that what he has enunciated is extremely important and is worth reiterating? The implication is surely that henceforth and unequivocally the defeat of the Irish Republican Army and the Irish National Liberation Army is the top priority of Her Majesty's Government. That needs to be said and that objective must be maintained until it is secured.

**Mr. Prior:** It has always been the top priority of the British Government, but I thought it absolutely essential that tonight, perhaps of all nights, I should spell it out in this particular form.

views on gift horses. There are quite a lot of these gift horses about because end-of-year flexibility applies already to all departments throughout the United Kingdom. It applies to up to 5 per cent. of cash-limited capital expenditure. The carry forward from 1983-84 to 1984-85 will not be known until we know the 1983-84 outturn. But, whatever the amount, it will be reflected in the autumn Supplementary Estimates this time next year. The scheme will of course add to my right hon. Friend's flexibility in managing public expenditure.

The hon. Member for Belfast, South referred to the death grant, mobility allowance and home helps. I appreciate his concern about the present level of death grant, a concern that he has expressed on other occasions. My right hon. and hon. Friends who are responsible for social security in Great Britain have been giving the matter close and earnest attention, and I shall bring his views to their notice.

There is no connection between expenditure on home helps and expenditure on mobility allowance or other benefits; they come under separate programmes and a saving on one cannot be used to finance an increase in another. Reductions in home help hours arise not because of a reduction in the money available for the home help service—it has been increasing in real terms—but because some districts have found that their spending is exceeding the budget that is available, and, like the rest of us, they must live within their budgets.

Overall, however, as I said today at Question Time, there has been a steady increase in home help provision. There was an increase of 91 per cent. in expenditure on the service between 1978-79 and 1982-83. The number of home helps expressed in whole time equivalent terms has increased modestly, from 3,167 in September 1980 to 3,453 in September 1983.

We have set up a joint review team between the Department and boards to see how we can make the best use of the home help provision that is available. I am keen that that team should report as rapidly as possible. I appreciate the concern of a number of hon. Members about the subject and I assure them that I am aware of the substantial increase in the number of clients for the service. I am equally aware of the increase in the number of home helps, the increase in the number of hours worked per week, the increase in the amount of funds expended on the service and the number of home helps per 1,000 of the population over 65. That figure is 19.4 per 1,000 in Northern Ireland, which is about two and a half times the English figure.

**Rev. Martin Smyth:** Will the Minister accept from me that, although in cash terms there may be no connection, people writing to hon. Members on the subject draw a connection and point out that people are in receipt of other benefits?

**Mr. Patten:** I will look into any cases that the hon. Gentleman brings to my attention. What has sometimes confused the argument is the assumption that going beyond one's budget, even when it is an increased budget, and then being told that one should not do so is a savage

Government cut. It is not that at all; it is the difficult but important job of trying to manage Health Service resources as competently as possible.

**Mr. J. Enoch Powell:** When the Minister considers the results of the review, will he bear in mind the special factor that where there has been a home help allocation to a household, even a household into which sums in respect of attendance allowance are being paid, that household settles into not just a routine but a degree of dependency which can be brutally interfered with if there is a sharp reduction in the hours of home help?

**Mr. Patten:** I understand that, and it is a point which the review team will have to consider. A difficulty that we face is whether the resources should be spread as widely as possible, in which case they are spread rather thinly, or concentrated on cases of great need. But moving rapidly from a position in which one of those is being done to a position in which the other is done, whichever way round it is done, undoubtedly creates the sort of personal problems to which the right hon. Gentleman referred.

I noted what the hon. Member for Antrim, East said about skilled boners. I shall have to draw the attention of my noble Friend to his remarks, as I shall with some of the other points to which I have referred.

**Mr. Butler:** That is for me.

**Mr. Patten:** I am corrected by my hon. Friend the Minister of State; it is a point for him and I am delighted that he will be dealing with it as rapidly as his intervention in my remarks suggests. If something can be done to increase the speed at which skilled men can be trained, that would obviously make a significant contribution to the meat processing industry. The House will be interested to know that this year Northern Ireland will export to the European Community and further abroad 45,000 tonnes of beef out of a United Kingdom total of 180,000 tonnes.

The hon. Member for Antrim, East also referred to married women still being excluded from benefit under the invalid care allowance scheme. I understand his concern, but he will appreciate that many improvements could be made to social security schemes, some of which would be extremely expensive but none of which lies within my gift. I would hazard a guess that the change that he suggests would come into the expensive category, desirable though it may be. Nevertheless, I welcome the views of the hon. Gentleman and others on such matters and will bear them in mind when improvements are being considered at national level.

I have answered most, if not all, of the questions that were raised in the debate. Those that I have not answered will be dealt with, as always, in correspondence later. I hope that I have said enough to commend the order to the House and that we can proceed on this occasion—unlike on my first outing at the Dispatch Box—without dividing.

*Question put and agreed to.*

*Resolved,*

That the draft Appropriation (No. 3) (Northern Ireland) Order 1983, which was laid before this House on 23rd November, be approved.

It is for the security forces to implement this policy. It is their job to take the necessary action to meet the present threat, and as the threat changes so does the deployment of the security forces. As hon. Members will know, it is not a simple matter. It does not admit of a simple easy answer. As the House may know, the GOC and Chief Constable are today again assessing, as they regularly do, the deployment throughout the Province of their forces, to ensure not just that they react but that they continue to act on the best available information about the threat which the peaceful community in Northern Ireland now faces, as it has faced in different ways for too many years.

I saw the Chief Constable and the GOC last night and both assured me that, for the present, they had all the resources they required to take the action which they believe necessary. They know very well that if they require more they need not hesitate to come and ask me for it. I am certainly that they will.

**Rev. Ian Paisley** (Antrim, North): I fail to understand how on the one hand, the police go to a minister of a congregation and tell him that they can no longer keep the high profile that they have had on his place of worship in the previous two weeks because they lack the manpower, and, on the other, how the right hon. Gentleman can tell the House that the police authorities are saying that they have the manpower and have everything that they require.

**Mr. Prior:** I can tell the hon. Gentleman that the Chief Constable has not asked me for additional manpower. One must accept that in the circumstances in Northern Ireland—and this is perfectly understandable—it is not possible to guard everything the whole time. We cannot do that. Therefore, we must deploy our resources in the best possible way.

If the Chief Constable feels that he cannot do what he needs to do, he will come to me and the Police Authority to ask for additional resources. It is only in the past week or two that the regular police have come up to the new establishment. There are still a number of full-time reservists to be recruited to bring them up to the strength which I announced some time ago. If the Chief Constable believes that he requires further additions to the police force, he will come again and ask us. If he does so, I shall have the difficult task of seeking to persuade the Treasury to find the necessary money.

On today of all days we need to be clear about the distinction between security policy and security operations. I do not think that hon. Members would expect me, or would think that it was right for me, to dictate security to the security forces and to lay down the operations which they should carry out. My task and my responsibility to the House is to set the policy, to do my best to defend it and to answer for it. Once I have done that, I must leave it to the professional chiefs to use their own judgment to the best of their ability in carrying out their work.

The professional chiefs have my absolute confidence. Despite all our setbacks and all that goes wrong, I believe that we have in Northern Ireland the best anti-terrorist police force and Army in the Western world. We need to recognise that more, and we need to understand the difficulties under which they operate, given the policy decisions that we lay down. We must recognise that they do an exceptional job.

I wish to tell the House a little about what goes on. The professional chiefs have increased greatly the visibility of

their forces in border areas and in other parts of the Province, to provide more reassurance to the community. There is a difficult balance to keep. They know—this is the tenor of all their advice to me—that the best means of deterring, capturing and dealing with terrorists is the undercover operation. However, we know that in the light of events of the past few weeks there has to be an overt presence if there is to be the confidence which the local population needs. In the past few weeks senior commanders have been moved to take charge of operations in key border areas. More police and UDR reservists have been called upon and other necessarily unpublicised actions will continue to develop.

There has been a threat in South Armagh for some while, and right hon. and hon. Members have drawn it to my attention. I took this up with the GOC at once. He told me that even before I had taken it up with him he had carried out 25 operations at company strength in South Armagh during the six weeks after 1 October. Those operations had been carried out in addition to the ordinary duties that were being performed. I do not believe that anyone knew that the 25 operations at company strength had been carried out or were being carried out. The operations were all carried out during the six weeks from 1 October to 14 November. It is important to realise that these things are going on even though we may not see them going on. I should not want anyone to believe that we are not making every possible effort.

We criticise when things go wrong, but there have been many occasions in the past few months when attacks have been frustrated. There have been great successes, but they go pretty well unmentioned. I do not want it to be forgotten how many arrests have been made and how many attacks have been frustrated. By not recognising the successes we sometimes undermine the resolution and courage of our security forces. I am certain that no one in the House wishes to do that.

**Mr. Ken Maginnis** (Fermanagh and South Tyrone): Will the right hon. Gentleman elaborate on the 25 company operations which took place in South Armagh? I am sure he recognises, as I do, that it is not possible in that part of Northern Ireland to deploy a company of regular soldiers once, let alone 25 times, without the people knowing what is going on. Covert operations at that strength are not possible. I know the people who live in the area. I know that they are dedicated terrorists, and I say that without wishing to accord them any aggrandisement. They will not allow company operations to be carried out 25 times in that area without some reaction. I do not believe that the operations were covert. I do not know what one means by a company operation. Is that a four-hour, eight-hour or 12-hour helicopter operation? Is it a three-day operation or is it a seven-day operation? Operations that exceed 24 hours take a great deal of planning and expertise—

**Mr. Deputy Speaker (Mr. Paul Dean):** Order. The hon. Gentleman's intervention is developing into a speech. I hope that he will be brief.

**Mr. Maginnis:** I shall resume my place.

**Mr. Prior:** I have already said that I do not interfere with the operations that are carried out by the GOC. He tells me when I ask him whether he is satisfied with the position in South Armagh. He says that while he is not



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satisfied, he has done this, that or the other. I do not ask him whether helicopter operations continued for eight hours or 12 hours. When a general officer commanding troops in Northern Ireland tells me that he is carrying out these operations, I consider that he is doing what he considers to be best and right for those operations. Surely that is a reasonable point of view.

I know that the hon. Member for Fermanagh and South Tyrone (Mr. Maginnis) takes these matters seriously and takes them to heart. Of course he has a right to question me about them. However, I hope he will realise that there are others who think that they have knowledge of the area which he represents and of how to conduct operations. He must not think that he is the only expert. I do not pretend to be an expert. I accept that the hon. Gentleman has special knowledge, but I hope he will take it from me that we are trying to make progress. I leave to the judgment of the GOC whether operations should be covert, or whether some should be overt and some covert. I am reporting on what happened in South Armagh during a period of six weeks.

**Mr. James Nicholson** (Newry and Armagh): I have no doubt that the right hon. Gentleman is aware that I represent the area under discussion. I could even be said to live in it. There are many who pontificate upon the area, and that perhaps exacerbates the troubles within it. If 25 company operations have taken place, I say to the Secretary of State that I have spoken to people who live in the border areas who have not seen a soldier for four months. Where were those soldiers?

**Mr. Prior:** It is possible to carry out covert operations without the local population necessarily knowing that that is being done. I cannot go further than that. It is a good sign that many of those operations are carried out without people knowing about them. I do not think that that takes anything away from my point.

**Mr. Michael McNair-Wilson** (Newbury): Is it not clear that the IRA loses no opportunity to publicise what it does, even to the extent of using the funerals of its supporters for that purpose? The funerals of both IRA supporters who were recently killed were shown in ITN two days ago. In such conditions, is it wise for the security forces to feel that they do not need a higher profile as well?

There has been a debate about policing, and we have heard the expression about getting the bobby on to the beat so that people can see the police. Why should we think that Northern Ireland is different? How can we resist the criticism of many people in Northern Ireland, who are worried that security is not being treated sufficiently seriously, if, according to my right hon. Friend's own statement, they are not aware that what he told the House today has happened.

**Mr. Prior:** My hon. Friend makes a fair point. It is a question of trying to balance what is necessary for public reassurances, which is an important part of the matter, with what is best from the point of view of dealing with terrorism. We want to keep that balance. That is why I wanted to give as an illustration of the work that goes on the fact that those operations were carried out.

**Mr. Peter Robinson** (Belfast, East) *rose*—

**Mr. Prior:** I shall continue with a little more of my speech. I dare say that there will be another opportunity to give way to the hon. Gentleman.

Responsibility does not lie with the security forces alone. It is up to me, as the Secretary of State, the House and Northern Ireland politicians to give a political lead. The Northern Ireland community and the security forces are clear about where I stand. I shall not give way to terrorism, either by acceding to the political demands of the terrorists, which would undermine democracy not only in the United Kingdom but in the Republic of Ireland and beyond, or by sanctioning illegal and destructive behaviour in Northern Ireland, which would only cause the cancer of terrorism to spread still further.

There is much that others can and must do in the battle against terrorism. We must not play into the terrorists' hands by taking action or making statements that escalate tension and terrorism, because that would make the security forces' job even more dangerous and difficult and encourage sectarianism and revenge.

I understand and fully share the concern, anger and outrage about terrorism. The Government are dedicated and determined to bring it to an end. I shall take all the action necessary both in terms of providing support and resources to the security forces and on the political front to reduce the violence that has so afflicted Northern Ireland during the past 4 years and find, I hope, a way to make political progress.

**Mr. Peter Robinson:** The right hon. Gentleman has slightly left my point. When he has meetings with the Chief Constable and the General Officer Commanding, surely, as someone who claims not to have their expertise, he would inquire about the fruits that they are receiving from their labours. What was gained from those 25 operations in the South Armagh area?

**Mr. Prior:** The difficulty about that argument is that, regrettably, in waging a campaign against terrorism there will be many occasions when we do not actually "get" a terrorist. There will be many occasions when the police or military presence deters terrorists and when attacks are frustrated. We can look at the record of the RUC and the other security forces this year. As I said in the House this afternoon, more than 550 people were charged with terrorist offences this year, a large number of them for murder and attempted murder. We have been more successful, although not as successful as we would like, in bringing terrorists to charge and then to conviction.

As the House knows—especially Northern Ireland Members—we have our ups and downs. Only a short while ago some people were saying that we were getting on top of the terrorist problem, but I never took that view, for the reasons that I have given. Nothing encourages a terrorist more than false hopes about the successes that one has had, but it is still possible to witness and believe the fruits of the efforts made by the security forces.

**Mr. Eldon Griffiths** (Bury St. Edmunds): Before my right hon. Friend goes on to discuss the technical details of the order, I put a question to him, and he knows why I put it. No hon. Member could do anything other than give my right hon. Friend, the Royal Ulster Constabulary and the Chief Constable the fullest support. Is my right hon. Friend satisfied with the morale of the ranks of the Royal Ulster Constabulary? Why is it, after so long and patient a time of waiting, he still will not allow the representative

body of the Royal Ulster Constabulary, the Northern Ireland Police Federation, which was set up by the House, to attend meetings of the Police Authority? Why has he not so far thought it right to have further outside inspection of the force's size, morale and equipment?

**Mr. Prior:** I have taken a considerable interest in that subject. My hon. Friend knows that I have no power to direct the Police Authority on this matter. I can only ask the authority whether it will accede to this request. It has strong views on the subject. My hon. Friend knows that so far the Police Authority has felt unable to accede to the request. That was why I asked Lord Plowden, who was a member of the original commission that reported on this matter, to come to the Province to consult interested parties to see whether he could find a way forward. I am extremely grateful to him for his trouble. He was not able to see a way forward for the moment. With that in mind, we shall have further talks in the near future to ascertain whether we can make any change. I cannot force the Police Authority to do this. It has strong views, and there is a good deal of support behind the authority for its attitudes.

I am grateful for what my hon. Friend said about the police force and for his support. I believe that the morale of the Royal Ulster Constabulary is very high. Not long ago I attended a passing-out parade of new recruits and was most impressed by their standards. Yesterday the GOC attended a passing-out parade, and he told me that he was equally impressed by the high standard and morale of the young men entering the service. Generally speaking, when I mention the RUC in any part of the United Kingdom, particularly in police circles, it is greeted with enormous respect for its courage and the quality of its professional approach.

The emergency powers are, of course, exceptional. We must recognise, notwithstanding recent events, that such departures from the ordinary procedure of the law are not an end in themselves. They are one element, but only one, in our continuing effort to create the conditions for a long-term end to terrorist violence in the Province—in other words, for a return to the situation where those powers are no longer needed.

For the present, however, we must ensure that the security forces have the powers that they need to carry out their duties effectively, just as they should also have the resources. Neither the Government nor the House have been timorous in that task, nor should we be. At the same time, I believe that the exceptional powers contained in the Act should remain only so long as they are strictly necessary. If we are to sustain confidence in the rule of law, it is imperative that there is confidence in the organs of government and the principles by which they operate.

The House will know that I have established an independent review of the Northern Ireland (Emergency Provisions) Act, which is presently being conducted by Sir George Baker. I cannot commit him to any particular time scale, but I believe that he may be able to report in about two or three months' time. In those circumstances, I do not think that hon. Members will wish to examine either the detailed provisions of the Act or the strategy that it embodies. The Government will, of course, consider Sir George's recommendations extremely carefully. Naturally, there will be time for the House to debate the report and therefore the balance that the Act and Sir George's proposals strike. I should not, therefore, wish to propose to the House in advance of Sir George's report that

there should be any change in the provisions in force. Accordingly, I believe that the powers in the Northern Ireland (Emergency Provisions) Act currently in force should be allowed to continue for a further six months by virtue of the draft order.

Before I end, I should like to make some personal remarks. I recognise the anger and strong feelings of hon. Members, particularly at this time. I realise that they may well wish to say some pretty hard things about me, the Government and what we are seeking to do. Sometimes I can give out a bit of punishment myself as well as receive punishment from others. I bear no grudge against Northern Ireland Members, because I recognise that they have an enormous sense of duty and courage, which everyone in the House should recognise. It is a difficult job to be a Northern Ireland Member. I shall always defend that democracy, which enables hon. Members to express their views, however strongly put.

I believe that the British people are steadfast and unmoved by terrorism. They expect me, whether this side of the Irish Channel or the other side, to work for peace in every way possible. Tonight I can only express my sorrow at the events of the past few weeks and my determination to do all that I can to bring peace to Northern Ireland. I urge the House to accept the order and to give a backing to all those who seek to help in what is undoubtedly one of the oldest and most difficult problems that this country faces.

7.44 pm

**Mr. Clive Soley (Hammersmith):** It is just two years since I spoke for the Labour party on matters relating to Northern Ireland. It seems that every debate begins within too easy memory of another horror. After a while, words become inadequate. I can say nothing more than what was said by the Secretary of State. The whole House shares the horror at what has happened recently.

I said in an intervention to the Secretary of State that terror poses a challenge to the democratic state. That is one of the reasons why we always need to look carefully at the powers that we take in what is rightly called the Northern Ireland (Emergency Provisions) Act. It is a mistake to name just one or two of the organisations involved in paramilitary killing or in the political back-up to paramilitary activities. I know of organisations on both sides of the divide that are involved in killing and are within the law inasmuch as they are set up politically, yet they support killing.

Whether we are talking about the Protestant Action Force, the Provisional IRA, INLA, Provisional Sin Fein or some of the groups and individuals on the Unionist side that give overt and covert support to violence, we must be clear that we are condemning all of them. Otherwise, the message that is picked up in Northern Ireland is simply that the British condemn the paramilitaries on the Republican side but do not condemn those on the Unionist side. We must remember that only recently two motor cyclists rode up to some Catholics who were walking to get their dole, shot one of them dead and injured others. There are other such examples.

**Mr. Molyneux:** Will the hon. Gentleman give way?

**Mr. Soley:** I shall give way on this important point, but I do not intend to give way much because the Secretary of State took a considerable time. I do not complain about

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that. He was absolutely right to give way as many times as he did. It would be less correct for me to do so. If I did so, I would take up too much time.

**Mr. Molyneux:** I am sure that the hon. Gentleman will have noticed that the murder at Newtownabbey of the chap drawing his unemployment benefit, to which the hon. Gentleman referred, was instantly condemned publicly by my hon. Friends the Members for Antrim, South (Mr. Forsythe) and Antrim, East (Mr. Beggs).

**Mr. Soley:** I did not claim for one moment that members of parties in the House have not condemned such killings. I have discussed the matter with members of the parties represented here. However, the right hon. Gentleman will know that in Northern Ireland legitimate groups have justified the violence. They did so recently. I could give the name of one organisation. I hope that Conservative Members will visit it. There are photographs round the walls of its party headquarters of its paramilitaries killed in action. I am not saying that members of the Democratic Unionist party and the Official Unionist party are not condemning the killings, because they are. I respect the right hon. Gentleman's intervention.

However, if we are not clear in our condemnation of the political and paramilitary activity on both sides, the message to the people of Northern Ireland will be that the British care only about condemning the Republican side, not the Unionist paramilitary groups. Much of the killing since 1969 came from the Unionist side. That is why we must condemn them all.

**Rev. Ian Paisley:** We do condemn them all.

**Mr. Soley:** That is what I am asking for. I want to hear it loud and clear on both sides and at all times. Otherwise we shall do more damage to our cause than we need. Terror is a challenge to our democratic state. There is no doubt that the aim of the paramilitaries is to present themselves as the protectors of their communities—on both sides—and to undermine the legitimacy of the state. That is why we must always question and examine the need for Acts of Parliament.

In 1981 the Labour party said that the Northern Ireland (Emergency Provisions) Act 1978 needed to be reviewed. We welcome the review by Sir George Baker. I also welcome the statement by the Secretary of State that a debate will take place.

The emergency powers legislation has been with us since the early 1970s, when it superseded the measure that introduced special powers. The emergency has lasted for 14 years—a long time. Why have we had such an emergency on our hands? We all know that the problem ultimately is political. The Government recognise that fact both explicitly and implicitly.

The problem is as it has always been—that Britain is unsure how to respond. I well understand how successive Governments responded to what was a major crisis in Northern Ireland, which seemed to blow from side to side day by day. We thought that the best solution to the problem would be for the people of Northern Ireland to get together and work together and somehow solve the problem in that way. That is not enough. Britain must have a clear view of the position and make a statement. The British Government must decide what they want in

Northern Ireland. Do we want a United Ireland? Should Northern Ireland be integrated into the United Kingdom? Do we want an alternative status? Those are the only three options that can be considered.

Before any hon. Member says, "Even to talk about this is to give in to the IRA", I say that there are many ways of giving in to terrorism. One of the best ways is to allow the terrorists to dictate the terms of the debate. I shall never do that; nor will any of my hon. Friends. A real need exists to debate the alternatives.

Until we face the fact that Britain has not taken on board where it wants the borders to be positioned, we shall continue to duck the problem. The British Government are not giving a clear statement as to where they wish to have the border. Do the Government wish the border to remain in its present position? If so, we must say so.

Perhaps we should follow the point made with infinite clarity by the Official Unionist party, that Northern Ireland should be treated as part of the United Kingdom. We all know that it has never been treated as part of the United Kingdom by the Labour party, the Conservative party or any other party. We have all treated it differently from the rest of the United Kingdom. Until we face that fact, I say with infinite sadness that the violence and discrimination will ebb and flow as it has done since the order was introduced.

Meanwhile, we have our so-called emergency and temporary legislation. What happens? The emergency and temporary legislation puts down deep roots within the democratic state, our democratic forums and the body of our civil rights. It becomes a cancer—a parasite—in our society. Civil liberties are slowly eroded. Each time it happens, it is justified by a specific and horrific example. The result is immense danger to democracy.

Some of the legislation finds its way into other legislation that we are considering. One need only look as far as the Police and Criminal Evidence Bill to realise that such legislation, which has previously been held to be satisfactory only within the Northern Ireland (Emergency Provisions) Act 1978 and the Prevention of Terrorism (Temporary Provisions) Act 1976 is now permissible. The Police and Criminal Evidence Bill, when enacted, will be permanent, and it will apply throughout the United Kingdom. I emphasise that the danger to democracy in Britain, Northern Ireland and Eire is immense.

"Temporary" begins to mean "semi-permanent" and "emergency" also begins to mean "semi-permanent". Such Acts of Parliament alienate the community and undermine respect for law and order. I might even get the support of the Democratic Unionist party by saying that informers, or super-grasses as they are more generally called, have undermined respect for the law. That is what happens to both sides of the community. The emergency provisions legislation undermines the confidence of the minority community in British justice more than it does that of the majority community, although it dangerously affects it, too.

That is why I believe that direct rule—however much I recognise that it is the best alternative in the short term—will in the long term undermine the position of both the unionists and the republicans.

I shall not ask the Government to respond in detail to the points that I am about to put—it would be wrong to do so, as Sir George Baker has yet to make his report and

the House has then to debate it—but they must be put on record, considered in Sir George Baker's report and dealt with by the House.

About 90 per cent. of those arrested under the emergency provisions legislation during the period January to October 1980 were released without charge. That is an example of the way in which we can alienate those whom we are attempting to win over. The exercise of the legislation has become almost a way of life in some parts of the minority community in Northern Ireland, and I understand why. I also understand some of the problems underlying such an attitude. I must emphasise that we are losing the fight as long as that position continues. Most of the 90 per cent. who were arrested were fingerprinted and photographed. That fact gives substance to the argument that we are facing an erosion of our civil liberties. Prior to the fingerprinting or photographing of people, would we in the United Kingdom have accepted such a procedure into our legal system for people who were not to be charged or who were not to appear in court? Only the nature of the emergency that we are facing makes us tolerate such behaviour.

Mr. Dermot Walsh has carried out some useful research in this sphere. One of his findings was that more than 70 per cent. of those released without charge were not questioned about their involvement in specific incidents. If that is correct, we must bear in mind what I have just said about the Prevention of Terrorism (Temporary Provisions) Act 1976. We are involved in the collection of information. We would be acting in a more open and honest way if we said that such Acts were "Collection of Information Acts", because that is what they are. That is the reality of the position. We must not hide behind other words. The word "exclusion" means a form of internal exile, but it is given a different meaning to make it sound respectable.

We must also understand that while the Acts are methods of gathering information, if careful checks are not made, they can become a form of intimidation.

I do not suggest, and have never believed, that the powers can be swept away overnight. The House must challenge the Acts because of the length of time they have been on the statute book. We must also constantly question them in detail. Otherwise, they will become a permanent part of our law — a parasite on our society and democracy. Their roots will go very deep and it will take years to eliminate them.

The Bennett report recommended that suspects should have the right to see a solicitor, and that the right should be respected prior to 48 hours elapsing. I hope that the House and Sir George Baker will consider that suggestion. Mr. Dermot Walsh found evidence that Bennett's recommendations were not always being followed.

A confession in Britain is admissible in court only if the prosecution can prove that it was given voluntarily. Under section 8 of the Northern Ireland (Emergency Provisions) Act 1978, confessions are admissible unless the suspect can prove torture, inhuman or degrading treatment. That again is a major problem. Section 11, and probably sections 12 and 13 as well, could be thought to be in direct conflict with article 5 of the European Convention on Human Rights.

I think that Sir George Baker will be considering the case-hardening of judges who have to sit in Diplock courts. We all recognise that it must be incredibly difficult for any judge to undertake that task. However it is

important to look at the acquittal rates, because acquittal rates in contested cases—and my figures relate solely to them—show whether there is a problem in that regard.

**Sir John Biggs-Davison** (Epping Forest): In all fairness, will not the hon. Gentleman agree that as a result of the Bennett report and the action taken on it, suspects are, in some respects, more protected in Northern Ireland than they are in England?

**Mr. Soley:** I recognise that the Bennett report gave several very important recommendations. However, I hope that the House will forgive me if I do not go into too much detail, as I am aware that many other hon. Members wish to speak. Much as I should like to expand on the problem, it would be wrong to do so.

In 1973, 57 per cent. of those involved in contested cases in Diplock courts were acquitted. In 1976, the figure had fallen to 35 per cent., and in 1981 to 33 per cent. One possible explanation for that is that the judges may have become case-hardened. Acquittal rates in contested cases that are held before juries are quite different. In 1974, the acquittal rate was 38 per cent. In 1977, the figure was 61 per cent. and in 1979 it was 59 per cent.

I do not draw any great conclusions from my next point, because I am not quite sure what to conclude. However, it is worthy of consideration. Of the cases that Dermot Walsh looked at in 1981, no Loyalists who pleaded not guilty were acquitted. However, 50 per cent. of Republicans were acquitted. That could imply several things. For example, it could imply that cases against Republicans were likely to be pursued more frequently than cases against Loyalists, or that judges were being harsher on the Loyalists. There are several possibilities. However, we must consider that point, as the figures must be telling us something. The difference is too great for it to be a matter of chance.

The Labour party recognises—and it is in our policy document—that the security forces have a very difficult task. I do not in any way criticise them, because I recognise how difficult their task is. I should not like to do it. However, for all the reasons that I have given, and that have been mentioned by the Secretary of State and others, the onus on the democratic state is to ensure that minimum standards are maintained at all times. There have been no prosecutions of security forces' personnel in connection with deaths from plastic baton rounds. That is worrying. Children aged between 11 and 13 years have been killed by plastic bullets which clearly, on the medical evidence available, had been fired from within the restricted area. That can only have an alienating effect on the minority community. I cannot sufficiently emphasise the importance of that.

A relative of one of those children came to see me here. He quite openly said that he thought that the Unionists were fair-minded people but that he wanted justice done in his case. He did not understand why no action had followed a child being killed by a plastic baton round that was known to have been fired within the range limit set down in the guidelines. We must pay attention to that. If we do not, we shall lose the argument in the minority community. That is why I emphasise that I am not making an attack on the security forces. I recognise that their job is difficult, but we must ask them to do it to the highest possible standards. That is the only way to defeat the

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paramilitaries. I wholeheartedly agree with the Secretary of State that we cannot do that by going outside the law, however tempting that may be from time to time.

Similarly, coroner inquests sometimes trouble me. They are hamstrung by the inability to express an opinion on criminal or civil liability. There are often long delays before inquests are held on disputed killings. Sometimes those delays are due to an application by someone who seeks to present his case to the coroner himself. However, in other cases that is not so. Again, I must mention the danger of alienation, which is central to my argument.

**Rev. William McCrea (Mid-Ulster):** I have listened carefully to the hon. Gentleman's speech, and I have not heard one word about the innocent in Ulster. He has spent almost all of the time talking about alienation and the minority community. What about the alienation of the widows and the children who are left without their fathers simply because they had the Queen's uniform on their backs?

**Mr. Soley:** The hon. Gentleman has not listened carefully to my speech. Perhaps he will read my remarks tomorrow. He will find that I identified myself with the remarks made by the Secretary of State about people being killed and that I remarked on having to comment frequently on that in the House. The hon. Gentleman will also see that the underlying thread of my argument is that we must defeat violence and the paramilitary groups. That is our aim. Given that, I should be failing to fulfil my task if I did not say how that should be done.

It would be all too easy to make a speech condemning paramilitary activity and killings. However, the words in themselves would not stop anything. The tragedy is that such words cannot achieve that aim, however deeply we may feel. I took a growing interest in the problems of Northern Ireland, because I was horrified by the effect that they had on the people there, and on civil liberties. That is what drove me to take a deep interest in the matter. I would not be here if I did not have those feelings. Such feelings are not unique to the hon. Gentleman. We all experience them, but our task is to find a solution to the problems, and not simply to make statements which, however attractive and sympathetic will not change things.

We must also consider descheduling offences. At the moment we obviously cannot return to jury trials. However, Dermot Walsh found that between January and March 1981, about 40 per cent. of cases involved ordinary offences. I do not have all the figures with me. I shall want to look at them more closely before drawing any conclusions. However, we need to be more flexible about descheduling offences. Perhaps more cases could be tried in ordinary courts. Perhaps we should say that all cases should be tried in ordinary courts unless the Director of Public Prosecutions or the Attorney-General decides otherwise. We should draw attention to the Standing Advisory Commission on Human Rights, which has suggested that an immediate reform should be a reduction of penalties for certain scheduled offences, so that they can be dealt with in magistrates' courts.

The commission points out that in 1982, about 47 per cent. of those convicted of the less serious offences were given non-custodial sentences. If so, perhaps we should normalise the law once more and stop the drift towards the Diplock courts. A return to jury trials is important, even

if difficult at present. If we are to deal with the problem properly, we may have to consider more carefully the question of using informers at non-jury trials. Perhaps we should make jury trials available for cases involving informers. The hon. Member for Mid-Ulster (Rev. William McCrea) should agree with me about alienation, because the danger is that people will lose their respect for law and order. As that disrespect grows, it undermines the whole concept of the state.

I have said elsewhere on a number of occasions—and I made the point in a question to the Secretary of State this afternoon—that an important and useful way forward would be to discuss with the Dublin Government the possibilities of an all-Ireland court and an all-Ireland police force. That is not simply a throw away remark, and I am not thinking just in terms of the Labour party's policy of achieving a united Ireland by consent.

Like many other hon. Members, I have always regarded the paper guarantee as worthless, in a sense—or not worth worrying about. We all prefer to be governed by consent, but we all know, as do the parties in the South, that 1 million people cannot be persuaded to live with another 4 million without consent.

There is a strong case for making flexible, innovative and constitutional changes that do not force the Unionists, into a united Ireland. The guarantee, as the Labour party understands it, is that the Unionists not only should not, but cannot, be forced in to a united Ireland without their consent. However, the important corollary is that they must not have a veto on political developments. It is our task to show the people of Northern Ireland that the all-Ireland solution offers a better alternative, and that that solution can provide peace and prosperity for all.

I sense a growing change in the political climate of the Conservative party. Some years ago the Conservative party would not have considered it, but there are now signs of a recognition of the need for an all-Ireland dimension. That is suggested by, among other things, the fact that the Official Unionist party and, perhaps to a lesser extent, the Democratic Unionist party suspect the Secretary of State of selling them out. I do not suspect the Secretary of State of selling them out. What I suspect—or what I think—is that current Tory policy is inevitably leaning towards a united Ireland. It does not follow that the Secretary of State is being dishonest.

There is real scope now for political leadership from Britain, and that leadership could well be given in relation to the all-Ireland court.

**Mr. Eldon Griffiths:** I am sorry to interrupt the hon. Gentleman's concluding remarks, but would he briefly explain what he means by an all-Ireland police force? He knows that there is much support for cross-border policing, but that is a very different matter from taking the next step to an all-Ireland service.

**Mr. Soley:** The hon. Gentleman has anticipated my conclusion. I have a little more to say. I do not want to spell out in great detail what I have in mind. One cannot reasonably do that before there have been full negotiations and discussions not only with Dublin but with the parties in the North. A number of Unionists in the North would welcome this move. I am thinking perhaps not about the parties represented here, but about ordinary members of the Unionist community. They know that in certain circumstances, and with changes to the institutions, their lives could be safer.

What we have in mind is a recognition that certain offences, both terrorist and non-terrorist, could be tried in an all-Ireland court. I have always talked about eventual federal solutions, and what we have in mind would not be dissimilar to a federal system. A number of options would be available. One could include only terrorist offences, for example, or all offences defined as serious. The court would be one way of getting back to the jury system somewhat more quickly. That is an important point to bear in mind.

I have made no hard and fast decisions about an all-Ireland police force. It would be inappropriate to do so now. However, the time is ripe for exploring the two areas. There is the possibility of recruiting and training a force on both sides of the border in common training institutes set up on both sides of the border. The force would have a separate identity and would be able to operate in areas agreed by the British and Irish Governments.

While moving towards that arrangement, we could usefully consider the exchange of personnel between the forces of both sides. One of the ideas that keeps some of the Republican paramilitary groups going is the belief that they are shooting occupying forces. Let us put them on the spot. Let us make it plain that we are thinking of an all-Ireland solution in certain areas. Let us make it plain that we recognise the fact that the Unionists cannot be forced into a united Ireland without their consent, but that we are determined to go ahead with flexible, innovative and constitutional changes which take into account the legitimate interests of both the dominant cultures in Northern Ireland.

The Unionists cannot dominate the Republicans and the Republicans cannot dominate the Unionists, but they can kill each other. They can resist all progress. They can dig in and refuse to move. If the British Government do not take a lead, in conjunction with the Dublin Government, we shall be holding similar debates in 10, 20 or 30 years time. By then it will be too late to save the many lives that Government Members are as concerned about as we are. It will be too late to protect the body of our civil liberties, which will have been seriously eroded. That is the essence of our case.

8.16 pm

**Rev. Ian Paisley** (Antrim, North): No Loyalists in Northern Ireland tonight will derive any comfort from the speech of the hon. Member for Hammersmith (Mr. Soley). We meet tonight under a dark shadow, and no one should think that it is the last shadow that will fall. Some hon. Members could well be making their last speech in this House. We from Northern Ireland know that only too well. In the Northern Ireland Assembly a few days ago, I said that there would be vacant benches, and so there are.

The Assembly Member Edgar Graham, whose family are constituents of mine in Ballymena and who was himself a fellow townsman of mine, was brutally done to death by an IRA murder gang at Queen's University yesterday. He was a young man of brilliant academic performance, a young man with a good and strong political future, a young man who would probably have become a leader of the Official Unionist party. He was shot down in cold blood and then gloried over by those who did it. Shortly afterwards, a book table was set up in the precincts of the university to sell the literature of the murderers. What is more, that university has had a repetition of deeds

of blood. There was an attempt upon the life of a noble Lord from this side of the water who came to deliver a lecture. The Lord Chief Justice of Northern Ireland was almost assassinated. There was an attempt upon the life of a police officer who was continuing his studies. Now Edgar Graham, an Assembly Member, has been done to death.

There is a Member of this House who does not attend the House—the hon. Member for Belfast, West (Mr. Adams). We have been told tonight about alienation and reconciliation and trying to get together to solve Northern Ireland's problems. Recently the hon. Member for Belfast, West, who is now president of Sinn Féin, addressed a commemoration service at Kilmichael, in the Irish Republic. He spoke clearly and plainly.

The Secretary of State, who spoke with strength and feeling tonight, told us that these people had to make a choice. They have already made their choice. What are we waiting for? What do they say?

The hon. Member for Belfast, West said that Mr. Charles Armstrong was a legitimate target. He was the chairman of Armagh district council, a respected member of his community who served as a major in the Ulster Defence Regiment. An elected member of this House said that he was a legitimate target. He said that Mr. Armstrong was killed by "freedom fighters". "Freedom fighters" put him to death.

There will be no coming together of the people I represent and Mr. Adams. Let no one in the House suggest that there could be a reconciliation between a man with those principles and views and those whom I represent in the House. He talks about his willingness to kill:

"In my role lay within the IRA and within an armed struggle, I would have no compunction at all."

He felt that he was doing a good enough job. He was further asked whether he would welcome young people into the IRA and he said, "of course." He would welcome young people into a murder gang. He said:

"the people engaged in the IRA, whether men or women, are freedom fighters and the people who are commemorated today (at Kilmichael) were freedom fighters."

The Secretary of State and his Ministers must make a decision. Is that the type of man who is to be welcomed to the table in the Stormont discussion room to discuss so-called constituency matters? How can Ministers sit down with a man who has declared that he encourages people to commit these acts of blood and violence?

**Mr. Soley:** The point that I was trying to make is that, as I understand it, the deputy Lord mayor of Belfast—if I am wrong perhaps I will be corrected—holds that post partly as a result of a vote by the Democratic Unionist party. He stated clearly that the red hand commandoes in the Ulster Volunteer Force are necessary. He has photographs of the paramilitary all round his room.

**Rev. Ian Paisley:** The man to whom the hon. Gentleman refers is not a member of the party that I lead nor is he a member of the parties represented on the Opposition Benches. If the deputy lord mayor of Belfast said what the hon. Member for Belfast, West has said, I would equally condemn him, and well he knows it.

The hon. Member for Belfast, West has said, "Go on with your murder." How can one sit in the council chamber with a person who says, "You are legitimate targets"?

The people of Northern Ireland are telling the Secretary of State that he must make the decision immediately to

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outlaw Sinn Fein. I take the view that we should press for outlawing Sinn Fein now. That is the message I received from the people of Northern Ireland.

How in the name of goodness can I return to my constituents and tell them "Everything is all right. Do not worry. The Secretary of State has made a strong statement, and all is well." In a few days another leader of Ulster society will be murdered. Another promising young man will be cut down.

Those people are the enemies of democracy and of elected representatives, who are doing their job. They boycott the chambers to which they are elected, because they do not believe in the democratic process. They are in business to destroy the leadership of the two Unionist parties. I have told the police that there are six or seven cells of them at work and that five or six members of the Assembly have been appointed as targets. One of those targets was Edgar Graham. In Dublin on the night before poor Edgar Graham was murdered, those in Republican circles talked about his murder.

It is no wonder that the hon. Member for Belfast, South (Rev. Martin Smyth) said what he did in the House yesterday. The police have a serious responsibility in these matters and they must act. Opposition Members talked about the credibility of and reliance and confidence in the police. The people of Northern Ireland need to have confidence in the police. I have confidence in the rank and file of the Royal Ulster Constabulary and of the Ulster Defence Regiment, and I have always backed them. On previous occasions I have spoken in the Chamber when every hon. Member opposed me, and I would be failing in my duty if today I did not say that, across the board, there is no confidence in the Chief Constable of the Royal Ulster Constabulary. Let no one delude himself. The Police Federation was displeased with the Chief Constable. It met and proposed taking stronger measures. A vote was taken, and although it did not go against the Chief Constable, there was only one vote in it. Where are the men who dared to raise their voices against the Chief Constable now? They have been shifted by the man who does not believe in democracy in the police.

Why does not the Police Authority admit the representatives of the federation? A former elder in my church was on the Police Authority. He told me that the Chief Constable said, "I cannot have men in the Police Authority who would tell me what to do. I would not tolerate that." But that is not the purpose of their representation. They should tell the Police Authority what the ordinary rank and file man is saying. That is democracy, and we need it in the Royal Ulster Constabulary.

The Chief Constable does not have the confidence of the people or of the political leaders of Northern Ireland because we cannot speak to him. Never before has there been an inspector general or a chief constable who did not meet the elected representatives of the people. He has closed himself up in his ivory tower and has refused to meet us. How can he expect us to understand his policies when he will not explain what he is doing or grant us an interview? Today I received a letter from the Police Authority saying that in a month's time the Chief Constable may be prepared to meet the elected representatives of the people, but that he will meet them in the presence of the Police Authority. All questions must

be given in advance in writing. I must tell the House that in a month's time some people will not be around to put questions to the Chief Constable. We must see him now and tell him what the people of Northern Ireland think.

No one should deny that there is a difference between the Chief Constable and the Commissioner in Dublin. There is no use in papering over that crack. We know what happened to the former commissioner in Dublin. Let it be said here clearly that the Chief Constable, by his actions, has forfeited the confidence of the political leaders of Northern Ireland. We heard tonight about the great morale of the RUC. I accept that the young men who put on the uniform and who go about their business have courage, resolve and dedication. I salute them, as should every right-thinking person. However, they have serious misgivings about what has happened. Moreover, the higher ranks of the RUC — including some assistant chief constables — have misgivings. If the Chief Constable does not have the full confidence of his men, how can this battle be fought effectively?

No one in the House says that the RUC should operate outside the law. No hon. Member has ever advocated that, but we urge that every step must be taken within the law to defeat terrorism. There were strong words from the Secretary of State tonight, but the people of Northern Ireland do not wish to hear strong words. They want to see action on the ground. His words will be weighed against the action taken.

It is no wonder that several Members on the Opposition Benches asked about south Armagh and the border. A deputation from my party visited the man in charge of the border—the deputy chief constable, Mr. Rogers—and two assistant chief constables, Mr. Crutchley and Mr. Cushley, and talked to them for three hours. They admitted that the border could be sealed, not by placing men along it but by closing the vital road intersections. That is how it was done in the past. Where do the bombs, bomb materials, guns and bullets come from? They come from the Republic. If we could stop the flow of weapons, we would get on top of the situation. But the border is wide open, and I invite hon. Members to visit it. A Member of the European Parliament who visited it said that there was more security on the border between his country and another friendly nation, than there was on the Irish border.

The border may be crossed at any time of the day or night without challenge, which is why the Darkley killings were so easy. The House may not know that a woman who intended to go to the Darkley service that evening was stopped by the terrorists on the road and told not to go to the hall that night, but to go home. The terrorists control the area. I do not know where the security operations took place, but I know that on many parts of the border there is no security. The woman who buried her husband, Mrs. Brown, told me, "This is the first time for months that I have seen a police officer or a soldier here." It was a bit late for them to appear at her husband's funeral.

The border is the source of the problem and must be dealt with. Terrorism will never be defeated until the border is sealed. It can be sealed; that is what the police officers said. We told them what we wanted and argued our case. We will go back, but what is the news from the border now? It is that manpower is not available and that the high profile around certain churches in the border area will have to be lowered. We put it to the police that we did not think the way to guard these churches was to have a police presence outside each one but that the approaches

and vital intersections should be guarded. This could be done with less manpower than putting a static guard outside each church door. That is how it must be done. However, we are told that after Christmas they will have to revert to what they had before. What does that mean? It means that the people in the border area feel that they are being abandoned.

People are almost denied the right to defend themselves. I remember stating in the House that these people had an alienable right to defend themselves and I was strongly criticised for saying so. I am glad that a former Secretary of State for Northern Ireland, the right hon. Member for Morley and Leeds, South (Mr. Rees), who is not in the House tonight, has changed his tune completely. What did he say the other day? He said that if he was in that area he would apply for a gun to defend his wife and family.

What about the people who live along the border and who have applied for weapons but who have not been granted them by the RUC? They have no weapons to defend themselves if they are attacked. How do they feel tonight? It is all right for us sitting here in the quiet, comfort and security of this House, but what about the people along the border?

The House should face up realistically to the facts. There is no such thing as reconciliation with Gerry Adams or the IRA. I have read about a plan that is to be put before the Dublin forum of two flags, two ideas of keeping Sunday, two oaths of allegiance, representatives coming here and going to Dublin, two police forces, two armies, two Governments and so on. The suggestion is joint sovereignty. It is absolute nonsense.

The hon. Member for Hammersmith (Mr. Soley) talked about a united police college and about people joining from the North and the South. Does he not realise that those people would be prime targets for the gunmen who would say, "Look what we have now. We are having an invasion from the North. The RUC, the dreaded, black RUC, are now walking our streets." This would be a recipe for the biggest blood bath that the emerald isle has ever had. Let us face up to reality. Unless the Government deal properly with terrorism there will be Armageddon. Let no one be fooled about it. I am amazed more and more by what happens.

In regard to what the hon. Member for Belfast, South said about his friend, I know how he must have felt. The police were fed certain information about that young man being in danger. I and many people in Northern Ireland knew that Edgar Graham was in danger. I should have thought that police intelligence would have known that. According to the *Newsletter* this morning, his Member of Parliament went to the police and told them that. The young man got protection for one night. Then there is a statement from the police authorities that he did not ask for a bodyguard. Every hon. Member knows that nobody asks for a bodyguard. One cannot go to the police and ask for one. The Secretary of State made it clear today that Mr. Graham could not have asked for a bodyguard, and yet the police headquarters issued that statement. It is no wonder that the hon. Member for Belfast, South described it in the *Newsletter* as a half truth to cover a whole lie. Is it any wonder that there are people in Belfast who say tonight that Edgar Graham would have been alive if the police had protected him?

There is one person sitting in this House, my hon. Friend the Member for Mid-Ulster (Rev. William

McCrea), about whom I worry. He walks a knife edge. Why? Because his constituency could be won at a by-election by the Sinn Fein and it has its eyes on it. I worry about his protection, and I wonder whether the police really take any notice of it. That is what we worry about. I wonder what I shall say to his widow when she asks me why certain things were not done. Hon. Members may smile, but we have to face the widows and we have to hear the children cry and ask, "Why did my daddy die?"

I have a responsibility to say to the authorities and to Sir John Hermon—I know that he has no love for me or my party—that he has a duty to do as Chief Constable, and he should not take out his spite on members of my party who are public representatives. I could continue on that line, but I shall not pursue it. However, if my hon. Friend is murdered I shall say that I told the House about it and put it on the record.

The murder gangs have got their first victim, and if something is not done they will get their sixth victim. What is it for? It is to destroy the Unionist leadership and to bring the country into anarchy, and when they have that they will have a field day. Mr. Adams has changed his tune, and has said that they are not now against the South and they do not want any problems there. He said that it is now the North that they want to take over. They used to want to bring down the Dublin Government as well, but now they are concentrating on the North. The House must face up to that.

I understand the Secretary of State's position. He talks about giving out punishment. I have no harsh words for him or the Chief Constable, but both of them must go. I must be honest. I said that outside the House and I say it again now. They have failed the people of Northern Ireland. That is what my constituents say to me, and I would not be a man if I did not stand up and say it in the House. The Secretary of State knows that when I speak to him I speak bluntly and clearly, as he does to me, and rightly so. I can take punishment as well as anybody else in the House. I have a hide like a rhinoceros. That is why I tell the House that that is my constituents' view, and why I put it plain and clear that that is how the people of Northern Ireland feel.

People have said to me, "But you are for the Assembly and Mr. Prior brought the Assembly into being." The security of my people is more important to me than any British Minister in the British or any other Cabinet. My people are the people of Northern Ireland.

I ask the House to consider where in the United Kingdom there would be a chief constable who, in an hour of crisis, was not prepared to meet the Members of Parliament from his area. If any other chief constable had done that, what a row there would be in the House. Yet now we have the wheeling and dealing and the trying to make arrangements to meet. Some might say that we could have had a meeting, and point out that the Secretary of State wrote to me. We have heard a lot about the letter which was delivered to my house by hand. I replied immediately by hand. I got a reply to my reply only today, conveniently and purposely because this debate was to take place.

To try to set up a meeting as the Secretary of State for Northern Ireland attempted to do was asking the leaders of the people of Northern Ireland to do something that they could not do, and I will tell the House why. If the leaders of the people of Northern Ireland are to meet the Secretary of State and the GOC and the Chief Constable, we must



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meet as individual parties because our viewpoints are entirely diverse. The leader of the SDLP is in the House and he knows my view on the subject. His party, by a resolution in conference, does not support the Royal Ulster Constabulary.

**Mr. John Hume** (Foyle): That is not true.

**Rev. Ian Paisley:** The hon. Member appeared in a television programme with the right hon. Member for Lagan Valley (Mr. Molyneux) and me during the election. We asked him whether he would call in his people to join the RUC, and he said "Definitely not". He knows that, while his party may say that it supports the RUC, it does not support the RUC as the police force of Northern Ireland.

**Mr. Hume:** My party has made its position clear on many occasions. We fully and unequivocally support the security forces in Northern Ireland in impartially seeking out anybody who commits a crime. I suggest that that is a much more responsible position than the position of those who, when they are dissatisfied with the performance of the security forces, threaten to form their own forces or who, indeed, consort openly with the paramilitary on occasion when it suits them to overthrow the democratically elected systems of government of Northern Ireland.

**Rev. Ian Paisley:** I hear that equivocation, that they will support the security forces when they impartially carry out the law.

The resolution was passed and a prominent member of the hon. Member's party in north Belfast left his party over this very issue. But if the hon. Gentleman is to have a Damascus road experience and calls upon the SDLP supporters to join the RUC, nobody would welcome it more than I would, and he knows that. When he speaks, perhaps he will come a little further and say that he will join them and help them impartially to execute the law in Northern Ireland. That will be the day, and a happy day for the people of Northern Ireland and for those who support the Royal Ulster Constabulary.

The hon. Gentleman knows perfectly well that I would not—I have made it clear to him personally—sit down with him to talk about security when our views are entirely diverse. As he views the situation, as everybody knows, the only solution is a united Ireland. Ulster is a failed entity and there is no future except in a united Ireland. I believe the exact opposite. Between those two constitutional viewpoints there is no reconciliation. One cannot reconcile Republicanism with Unionism. He knows that, and I know it. That is why I cannot sit down with him in such a meeting.

Why did the Secretary of State, if he was so keen for us to have such a meeting, not invite us individually? We are still waiting for that invitation. Now the situation has changed. I am prepared to sit down with the Secretary of State and the Chief Constable and the GOC at any time. I have no criticism to pass on the GOC because the Chief Constable has said that he gives the GOC his orders and the Army does exactly as he orders it to do. The man who gives the orders is the man who must bear responsibility for what is happening in Northern Ireland.

As a party we have made submissions to Sir George Baker. I do not wish to speak at length on the content of

those submissions. I think that changes need to be made. I am in favour of jury trials. I am sorry that it is not possible to return to jury trials. They should not have been done away with. I made my views clear in the House when I voted on the question. I believe in the de-scheduling of certain crimes. Something should be done to get people into court more quickly to be tried for their offences.

The other day a young man who had been accused of a crime and kept in prison for over a year was declared not guilty. What happened to his home, his work, his marriage and his family in the course of that year? The process of getting people into the courts needs to be speeded-up.

I am not against informers. If a person turns Queen's evidence, well and good, but the rule that applies in the rest of the United Kingdom should apply in Northern Ireland. In the rest of the United Kingdom, when a person informs, he is tried in the courts and what he has done is kept in mind. But in our country a person who informs has two great incentives. "I will get out of gaol and I will have a comfortable life in future," he tells himself.

These people are criminals. Indeed, they would be no good as informers if they were not deep-dyed criminals. The Chief Constable refers to them as converted terrorists. I do not. These men have the greatest of all motives—to get out—so they must tell a good story. What is more, they get out with money in their hands.

Consider one case involving a supergrass. It was proved beyond a shadow of doubt that he was a perjurer and liar, but on his evidence alone men tonight are behind bars. That system will bring Northern Ireland into disrepute, not only throughout the United Kingdom but eventually in Strasbourg, and when the European Court considers it the chickens will come home to roost.

We think of the old quasi legal appendices to internment; a man stood behind a blanket and gave evidence against somebody whom, he said, should be interned. It was nonsense. It was an insult to common decency and civil rights. I am totally opposed to murderers and criminals receiving large sums of money and a free life in Australia, New Zealand or elsewhere for putting people behind bars.

A senior police officer was mentioned by one of these informers, but that policeman did not stand in the dock. The evidence that was to have put everybody else away was dropped in his case, for he was able to prove that it was a set-up and that he was not guilty. I have seen the affidavit that was sworn by the individual concerned. That is why I say that it is a dangerous practice. Let us revert to the practice that applies in the rest of the United Kingdom. Let there be no deviation.

The Chief Constable says that that is the only way to win the war. That shows that his operations on the ground are suspect. If that is the only way to win the war against terrorism, the war will never be won. I look forward to a full debate when Sir George Baker reports, and there are other matters which my hon. Friends will no doubt bring to the attention of the House.

There is a resolve among Northern Ireland people that the IRA or any other terrorist group shall not deter them from holding on to their heritage and keeping within the United Kingdom. I say that loud and clear. The hon. Member for Foyle (Mr. Hume) talked about not condemning paramilitaries. Protestant paramilitaries fired bullets into my home. If one looks up back numbers of the *Belfast Telegraph*, one can read how they said that they were out to get me. I condemn those who kill, no matter

what their religion, and I have often said that a Protestant who takes up a gun and commits murder is a disgrace to Protestantism and a disgrace to the Protestant ethos, and I repeat that.

One cannot take away from people their inalienable right to defend themselves if the authorities of the Crown say, "We cannot defend you." Indeed, police officers have visited people in Northern Ireland and said just that. An Assembly man, a member of my party, had a gunman at his door but fortunately escaped that murder attempt. The other day policemen arrived at his home and said, "Watch yourself," and left him. What should that man do? He has only one thing left to him to do, which is to defend himself. That is not outside the law; that is his inalienable right. If that was happening in Britain, every hon. Member would be up on his feet saying, "Yes, he should be permitted in those circumstances to practise that inalienable right." That is all we are asking for. We are not asking to be allowed to go outside the law.

8.55 pm

**Mr. J. Enoch Powell** (Down, South): I can offer some little reassurance to other hon. Members representing constituencies in Northern Ireland who have been told that they may not be here for the next debate, for I remember the same hon. Member, the hon. Member for Antrim, North (Rev. Ian Paisley), standing in the same place last May and saying that I should not be here in this Parliament.

Other of these biannual debates have taken place in years when much heavier casualties, numerically, were being inflicted in Northern Ireland by terrorism, but we all know that this is the most sombre debate yet in the series. It takes place under the impression of very recent events, but also of the accumulation and iteration of similar outrages over the weeks. It takes place therefore in an atmosphere, not only in this House, of bewilderment and frustration. In Northern Ireland the people whom we represent say, "We must have more security"; and those whom they send here to speak for them take up the words and say, "There must be more security." The Secretary of State, in all sincerity and with the most evident sense of his personal responsibility, stands at the Dispatch Box and reports to the House and then challenges us saying, "What more can I do?"

Not just for myself, but for my right hon. and hon. Friends, I want to say that the cause of this tragedy, this continuing tragedy, of this bewilderment and this frustration, is twofold. It lies in a fundamental misinterpretation of the nature of terrorism in the Province—a misinterpretation which is much more common in Great Britain than it is in the Province itself—and in a fundamental error of policy on the part of Her Majesty's Government.

The misinterpretation to which I refer is the common assumption—not common in Northern Ireland where people understand and see, but common in parlance and the media, and popular here in Great Britain—that, essentially, this is a civil conflict, an internecine conflict between people who cannot get on with one another, who cannot be reconciled to one another, who murder one another, that it is a sectarian.

That theory will not survive the most cursory examination of the scene in this year, 1983. There have been some murders which can be properly classified as sectarian—merely killing a man of another faith because

he is of another faith—but, overwhelmingly, the murders which have taken place, the outrages which have taken place, have not originated from within Northern Ireland. They are not the phenomenon of an irreconcilable community which is tearing itself apart.

What was one of the most striking impressions which Darkley made even upon people here a fortnight ago. They saw whence came that fearful deed—from a mile away across the frontier. I remember that in the interchange which followed in the House there was reference to the Dundalk trail, the murder route which leads from the Republic into the heart of the Province. Even yesterday, when Graham was struck down, that presence, that factor, was not absent.

In essence, terrorism is maintained and continues in Northern Ireland from a base in the adjacent Republic; it comes from across the frontier. That is its nature and its intractability. Its terror derives from that fact. It is in the face of that fact that the Government have pursued a radically misconceived policy towards the Irish Republic.

The Secretary of State twice said that he would speak personally. May I speak personally across the Floor of the House to him? In no criticism of that policy that I make—which is of much longer duration than his occupation of his present office—do I cast any aspersion either upon his honour and sincerity or upon his deep sense of responsibility, something which no one in the House could possibly mistake.

I shall explain how this misconceived policy arose and of what it consists, because the beginning of salvation is to analyse our danger. I am indebted to the former permanent secretary at the Northern Ireland Office, Sir Kenneth Stowe, for a most important indication of its nature. When I asked him—It must have been early in 1981—to account for the continual series of political initiatives in Northern Ireland, all of which were predictably flawed and predictably doomed to disappointment and collapse, and to say how it was possible not merely for Ministers to follow through such a series but to be advised that they could do so, he answered me—and it came like a flash of lightning—"It all stems from a meeting in October 1979. At that meeting were laid down the lines of everything which has followed since." The meeting to which he referred was the last of a series of meetings which began, or were initiated, immediately after the murder of Lord Mountbatten.

I have in my hands a copy of *The Guardian* of 31 August 1979. One article began:

"The Irish Prime Minister, Mr. . . . Lynch, will meet Mrs. Thatcher next week to review security policy in Ireland"; but it continued that Mr. Lynch "hopes to broaden the agenda for the prime ministerial meeting to include the possibility of a British political initiative in Northern Ireland."

When he was asked at a press conference whether he thought that a murder would postpone a British initiative—the report is on the same page—he replied:

"I should imagine that, rather than postpone it, it may well be accelerated."

It so happened—accidents happen, and I am content to believe that this was an accident—that the communiqué of the meeting on 5 October 1979, which was the culmination and crystallisation of what had flowed between the officials—and, no doubt, between the Ministers—of the two Governments from the time of Mountbatten's murder, was never placed in the Library nor published in full in the press. I am content to believe

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that that was one of those accidents; but the communiqué was not available until last year, when the Prime Minister instructed that it be placed in the Library. Accompanying it, in the terms of the written answer, was her statement that it was the communiqué of a meeting held on 5 October "in the aftermath of the murder of Mountbatten."

I must trouble the House with a sentence or two from the crucial and significant paragraph of that communiqué. It runs as follows:

"The Ministers also discussed the prospects for political progress in Northern Ireland."

Those who know the code language know the meaning of the term "political progress". The communiqué continues:

"They noted that the Secretary of State"—  
that is the predecessor of the present Secretary of State—  
"was engaged in continuing private talks with political leaders in Northern Ireland, and that in the light of these, the British Government hoped before long to be in a position to put forward positive proposals for political development."

This sentence follows:

"The Irish Ministers emphasised the importance of an early initiative leading to acceptable political institutions which both sections of the community in Northern Ireland could support and sustain."

That then was the communiqué at the end of a series of meetings about security and what assistance could be expected from the Irish Republic in the context of security, following the horrific events of 27 August 1979—the murder not only of Mountbatten, but of 18 soldiers—committed either in or from the territory of the Republic.

At what point began the sequence of political initiatives that have occupied the years in between? Those years were also punctuated by a series of outrages which did not bear the ordinary hallmark of the historic campaign of the IRA against the forces of the Crown, but which had a peculiarly personal and pointed significance—like the murder yesterday of Edgar Graham, which is the last in that series—and stand out like figures in the dark when we look back over those years.

The Minister of State did not catch my drift yesterday when I asked him in a supplementary question what message that murder was intended to convey and to whom the message was addressed. I shall answer my question now. The message was addressed to Her Majesty's Government in the United Kingdom, and it ran as follows: no turning back now, carry on. Again using the words of the communiqué, the message was to

"emphasise the importance of an early initiative"—  
or, if the Government might not call it an "initiative", of carrying on along the route that had been laid down.

Since 1979 we have been on a ratchet, whereby outrage has repeatedly been applied as an argument by the Irish Republic to the Government. The Irish Republic says, "Of course, you need our co-operation, for the terror comes from our own territory. Well, here are the conditions on which you can have our co-operation."

**Mr. Hume:** The right hon. Gentleman keeps on making the point that the terror comes from the Republic of Ireland. He has produced no evidence of that charge. All the evidence available suggests that 97 per cent. of those convicted of terrorist crimes in Northern Ireland come from Northern Ireland.

**Mr. Powell:** That is not inconsistent with anything that I have said. Those who commit these deeds are, in the great majority of cases, people born in Ulster. That is

right, but it is in no way in conflict with the statement that these deeds would not and could not be committed if there were not in adjacent territory a base from which they could be committed.

**Mr. Hume:** Will the right hon. Gentleman give way?

**Mr. Powell:** By all means, but before the hon. Gentleman intervenes I should like to say how glad I am that he is in his rightful place in the House, where he can put questions and receive answers.

**Mr. Hume:** I thank the right hon. Gentleman for giving way again. Do not the figures of conviction suggest that there must also be substantial bases in Northern Ireland?

**Mr. Powell:** I am willing to rest upon the phenomena of the outrages that will be present to the minds of the House, the outrages experienced in the past six or nine months, and ask how few of those outrages were practicable or had any meaning, apart from the possibility of transit with weapons and resources from the Republic into Northern Ireland.

Another branch of the Dundalk trail passes through my constituency. The hon. Gentleman can say that those who actually fire the fatal shot live in certain places—I shall not name them. The hon. Gentleman knows them, as I do—nevertheless, it is the line of communication and the base from which the operation is nurtured.

So for all these years we have been upon a ratchet. A continuation of violence has seemed to the Government to force them more irrevocably into the political stance that they have taken up. Until almost the most recent past the Prime Minister, with reference to her periodic meetings with her opposite numbers in the Republic, would appeal to us and say, "Do we not need the friendship of the Irish Republic?" I desire that we should be at peace with all other nations; but it is not only we who have been placed upon a ratchet in the past four years. The Government of the Irish Republic have also been placed upon that ratchet. The interlocking between the policy of Her Majesty's Government and the situation of the Irish Republic has imprisoned the Irish Republic and its Government in a similar nightmarish progression to our own. It is necessary to escape from it if we are ever to bring an end to the story that we are contemplating tonight.

What we have to say to the Irish Republic, and the only words that will free it from its predicament, as well as ourselves, is, "Make no mistake. Nothing will alter the status of Northern Ireland as part of the United Kingdom. Misunderstand nothing that we do. Misunderstand no word or action of ours. Understand that for this generation, for the next generation, for the foreseeable future, the United Kingdom will be as the United Kingdom is now. Do not therefore imagine that you are set upon a course that offers you political prizes to be secured for you—no doubt involuntarily and regrettably—by the repeated influence and impact of a terrorism based upon your territory. Understand only that that will get us both deeper into the darkness. The United Kingdom will not be broken, and the place of Ulster in the United Kingdom will not be broken. We shall henceforth do nothing that can even be misunderstood as expressing a desire on our part to co-operate in what is the political objective of the Irish state."

That might seem to be a recommendation or a recipe for more conflict. There lies the misunderstanding. It is the only way in which the series can be broken, the only way

in which we can escape from the sickening iteration of blackmail which began with the death of Airey Neave—an hon. Member of the House. He is also in the series, and very clear was the effect of his murder upon the policies of the Government.

We who sit here are duty bound to declare what we believe should be the policy that Her Majesty's Government should pursue. I have done so.

9.16 pm

**Mr. A. Cecil Walker** (Belfast, North): I address the House at a time when everyone is especially aware of the scourge of terrorism which is afflicting our beleaguered Province. The foul murder of my friend and colleague Edgar Graham yesterday clearly illustrates that fact. Several hon. Members have spoken about Edgar Graham. I support fully what has been said and offer condolences and sympathy to his family.

The security aspect in my constituency has had a traumatic effect on my constituents. We have had our share of the troubles which have beset the Province in the past 14 years. As a result of the bombings, murders and numerous arson attempts my constituency has become the most deprived area in Northern Ireland.

I have listened to the Secretary of State referring to an acceptable level of violence.—[*Interruption.*]—I was referring to the context in which the right hon. Gentleman made the remark. I believe that Ulster is being asked to accept an acceptable level of violence as part of our daily existence. Would it be acceptable for the constituents of hon. Members to be brutally murdered while attending their religious Sunday service or blown to pieces while having a quiet drink with their friends or for young children to see their mother widowed by the bomb attached to their father's car?

The house has recently discussed the effect of video nasties on our population. Although I agree that that is a worthwhile exercise in the protection of our young people, I respectfully say that Ulster has real life situations which make some of the contents of the video tapes seem tame by comparison.

The right hon. Member for Mansfield (Mr. Concannon), who was the Labour Government's Northern Ireland Minister, was well respected for his dedication to the job. When we last debated this matter, he stressed that the achievement of peace in Northern Ireland involved not only the people of the province but those of Great Britain and the Irish Republic, but to be realistic in that belief necessitates full co-operation in order to defeat the efforts of those who are opposed to a peaceful solution of the problem.

The Dublin Government are not subscribing all that they should in order to destroy the terrorist cells that undoubtedly exist in the 26 counties. In the 1956 to 1962 IRA campaign, the Dublin Government were very quick to act to intern all those suspected of terrorist activities and that, in conjunction with the general co-operation of the forces of law and order on both sides of the border, effectively isolated the majority of the population in Northern Ireland from the hideous acts of violence which were being planned for them. There is evidence—and I noticed it in the newspaper the other day—that the Garda in the Republic are now becoming concerned. However, I would point out that the fiasco of police officers losing their uniforms to Ireland's most wanted

terrorist gives scant confidence about their ability adequately to police their country, particularly in the border area.

One of the issues that looms large over Northern Ireland is the commitment of Opposition parties to a united Ireland on the basis of consent. Time and again it has been shown at the ballot box that such consent will not be forthcoming. Such a policy feeds Loyalist fears and encourages those who would seek to hasten the objective by the bomb and the bullet.

I pay tribute to the forces of law and order in the province. I have the greatest respect and admiration for our army, which performs an extremely difficult task in an extremely difficult situation. The RUC has now been restructure and, we hope, rejuvenated, and is trusted by everyone to do its job impartially. However, as the hon. Member for Antrim, North (Rev. Ian Paisley) said, many of us in Northern Ireland are not happy about the Chief Constable and the role that he has played. There is a lot of dissension in the force's rank and file, as I think the hon. Gentleman pointed out. I am sure from what my constituents say that that dissension exists, and something should be done about it.

I utterly condemn the recent criticism of our Ulster Defence Regiment, and wholeheartedly support its role in the Province. I see the recent irresponsible statements from pro-Republican elements as the beginning of a campaign to destroy a legitimate and deeply respected local defence force. No one can condone the actions of misguided people in any organisation, but that does not, by any stretch of the imagination, allow for a general condemnation of the total force. I hope that the House will recognise those accusations for what they are and whence they come.

The thoughts of many of the members of the UDR were summed up recently. An officer was reported in one of our local newspapers as saying:

"The Ulster contribution in almost every war that Great Britain has fought has been massive." He went on to say that if he and his colleagues could address the Prime Minister, they would tell her:

"We have given our dead for safekeeping—they are not sleeping and never will they until you put right the many injustices and show the resolution we know you possess and you must also take decisive action to end the agonies of this battered Province."

In making my first speech to the House I find myself, through the support of my constituents, in a new and completely different political sphere—a sphere in which I take great pride. I trust that during my time in the House I will do all that I can to uphold the dignity of this revered institution and to represent all the people of Belfast, North to the best of my ability.

I am reading a very interesting book by the hon. Member for Great Grimsby (Mr. Mitchell). It is giving me much advice on certain matters, and much pleasure, but one of the most enlightening things that I have read in it is that most Members of Parliament are just ordinary human beings like myself. That makes me feel much better. I am sure that I will eventually be able to adjust to my new life in the House of Commons.

In view of the complexity of the many and varied problems that face the Province of Ulster, I am concerned about the fact that the Government have seemed to double up on some of the portfolios for which Ministers are responsible. I have the greatest admiration and respect for our new Ministers, who have shown a dedicated interest in their various Departments, and for the tremendous

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energy that they devote to their seemingly endless workload. Their enthusiasm should be acknowledged. However, concentrated effort applied continually can impair the most efficient people to the detriment of the cause that they espouse.

I wish to pay a sincere compliment to my predecessor, John McQuade—Johnny McQuade, as he is known in north Belfast. He and I were both born and reared in north Belfast and we share the same concern for its problems. He confided to me a long time ago his ambition to be a Member of the Mother of Parliaments. I was his opponent in the election that brought him here, but I did not begrudge him that honour, and I wish him every health and happiness in his retirement from mainstream politics.

9.28 pm

**Sir John Biggs-Davison** (Epping Forest): This is a sombre debate in which to make a maiden speech. I have the privilege of complimenting the hon. Member for Belfast, North (Mr. Walker) on acquitting himself so well tonight. The hon. Gentleman told us that he has lost a friend in Edgar Graham. Unionism, Ulster and the United Kingdom have lost a fine man who would have done great things for us all.

As is right on these occasions, the hon. Gentleman referred to his predecessor. We, too, miss Johnny McQuade, who was a gallant soldier and a man of the people, in the best sense of those words.

The hon. Gentleman spoke with fluency, clarity and a spice of humour. I still tremble when I rise to address the House, but the hon. Gentleman spoke with such assurance that I was surprised when he referred to entering a new sphere and embarking on a new life. He might have been here all his life. We shall listen to his counsel with interest at all times. The people of north Belfast are fortunate in their Member.

I support the renewal of the emergency powers pending Sir George Baker's report. When the report is received and discussed in the House, we will examine the emergency powers with the greatest care to see in what way they should be changed, reduced or, it might be, added to in the interest of law and order and the liberty of the subject. Let no hon. Gentleman think that those of us on this side care less about the liberties of the subject and regret any less than they the inroads that have been made upon them as a result of terrorism.

Even the hon. Member for Foyle (Mr. Hume), despite his exchange with the right hon. Member for Down, South (Mr. Powell), will agree that the frontier is important in the defeat of terrorism and that co-operation from the Republic is vital. That was the burden of my question to my right hon. Friend the Secretary of State earlier today. There was one part of my question to which my right hon. Friend's reply was, I thought, incomplete. That was when I said that there might have been a diminution in the co-operation between the security forces on the two sides of the border. I referred to the relations between the Garda Síochána and the Royal Ulster Constabulary. When I read press reports that the Baldonnell panels of superintendents from the two forces are being revived, does that suggest that the Baldonnell panels of superintendents from the two forces are being revived, does that suggest that there has

been a lessening of co-operation, whether or not as a result of the McGovan affair which has thrown a certain shadow over the Royal Ulster Constabulary?

It would clear the air if the Minister would say something about that matter when he replies, because it is not healthy or happy that such reflections should be cast in this Chamber upon Sir John Hermon and that there should not be a proper reply. We want to know whether good relations now obtain between the Chief Constable and Mr. Wren, the Commissioner in Dublin, because it is important.

I welcome the Secretary of State's assurance that the security forces will be given all the resources that they may need. It was not always so. I can remember the days when the police would compare some of their equipment unfavourably with that possessed by the Army. In recent years the equipment and the armament of which the Royal Ulster Constabulary was foolishly deprived by an earlier Labour Administration have been improved and restored.

On a point of detail, I wonder whether I might refer to a question that I asked on 28 March? It involves the constituency of the hon. Member for Fermanagh and South Tyrone (Mr. Maginnis), although it was a different and less worthy Member who was then returned. I can only say that he was "returned" for that constituency. My question related to the training centre of the Royal Ulster Constabulary and other units at Enniskillen. My hon. Friend the Under-Secretary of State for Northern Ireland replied on 28 March and said that a review of the facilities for training and operational purposes at Enniskillen was taking place and that any question about the accommodation of the force would have to wait until the review was complete. I wonder whether we shall receive that review before too long.

I appreciate the tribute that my right hon. Friend paid to Northern Ireland Members. I understand the chagrin he felt when the Province's political leaders declined his unprecedented invitation to meet him, the General Officer Commanding, and the Chief Constable. I can also understand their objections to doing so. Unionists feel that it is difficult to discuss security with representatives of the SDLP, whose support for the security services has been equivocal, to say the least. It was interesting to hear the hon. Member for Foyle speak about that, and it was a welcome step forward, yet security is a matter for Ministers, who are responsible to the House. The Secretary of State thinks that it is wrong of the SDLP not to join the Assembly. Apart from the estimable Roman Catholics of the Alliance party of Northern Ireland it is, to adapt a phrase, a Protestant Assembly for a Protestant people, and that is one of its weaknesses.

To leave aside the Assembly—I try to forget about it—I sincerely welcome the presence of the hon. Member for Foyle. The SDLP does not sit in the Assembly, but it sits in the House of Commons, where the nationalist view can be represented, and where Unionists and Nationalists can sit together and give their views on behalf of their constituents. In this sovereign Parliament—both Houses of it—partisan tension can be relaxed and causes of dissension, which loom large in the narrow heated space of a province that is the size of a large county, can be brought down to size.

**Mr. Martin Flannery** (Sheffield, Hillsborough): Is it not a fact that in this House there is a chance in an election for a minority to become a majority, but that in Northern

Ireland, due to the tribal, communalist voting, it is impossible for the minority to become the majority? Is not that the fundamental reason why the hon. Member for Foyle (Mr. Hume) sits in this House but not in the Assembly.

**Sir John Biggs-Davison:** When Ireland was partitioned, a Loyalist community—then substantial, since diminished—remained in what was then the Irish free state and is now the Irish Republic, but those people would have preferred to remain in the United Kingdom. They could not do so, and there was no prospect of them sharing power with those who supported independence from Britain. They had to and did make the best of it. Would that that had been the case with the minority in Northern Ireland.

In Great Britain, there is no prospect for the Scottish or Welsh Nationalists to share power. I understand the feelings of Nationalists in Northern Ireland, but the will of the people of Northern Ireland is to remain part of the United Kingdom. That includes nearly every Protestant and something under half of the Roman Catholic population. Those are the figures quoted by various opinion polls. I understand how frustrating that is for the Nationalists. What can we do about it? We must work as closely as we can with the Irish Republic and form the closest possible association with it, but on the basis of the enduring union, which is the democratic will of the people.

I end by quoting the words of the hon. Member for Hammersmith (Mr. Soley) from the Opposition Front Bench: "The policy of the Tory party . . . leads towards a united Ireland." When I heard those words, I thought that either my right hon. Friend the Secretary of State, or the Under-Secretary of State, would leap to his feet to refute that assertion, but there was no reaction. Then I said to myself, "There will be a stern rebuttal when my hon. Friend the Under-Secretary of State replies to the debate." If it could be said seriously by any hon. Member that the policy of the Conservative party leans towards a united Ireland, those words would be music in the ears of the IRA and the INLA. —[AN HON. MEMBER: "They are not true anyway."] They are not true, and it is an illusion of the terrorists that they can get their way. Until we convince them that they cannot get their way, and until they know beyond peradventure that Northern Ireland will be governed as any other part of this kingdom is governed, my right hon. Friend's sincere wish to win will not be fulfilled.

**Mr. Soley** *rose*—

**Sir John Biggs-Davison:** My right hon. Friend the Secretary of State may wish to intervene before I sit down.

**Mr. Soley** *rose*—

**Sir John Biggs-Davison:** We must convince them—[HON. MEMBERS: "Give way."] These are serious words. We must convince them, because it is a matter of life or death.

**Mr. Prior:** I am grateful to my hon. Friend for giving way. If I rose to refute everything with which I disagreed in this debate, it would have become a little mixed up.

Since my hon. Friend has raised this matter, may I say that the greatest thing that could happen for Northern Ireland would be for the Government of the Republic and nationalist traditions in Northern Ireland to recognise that

Northern Ireland will remain part of the United Kingdom for—to use the words of the right hon. Member for Down, South (Mr. Powell)—the foreseeable future. That guarantee could be given. At the same time, it would be open to all the people of Northern Ireland, and especially the nationalist community there, to seek arrangements which recognise their special position. That would be especially just in a society that has had a majority and a minority implanted into it for far too long. That is how I believe we shall make some progress.

**Several Hon. Members** *rose*—

**Mr. Speaker:** Order. I thought that the Secretary of State was intervening in the speech of the hon. Member for Epping Forest (Sir J. Biggs-Davison). Mr. John Hume.

**Sir John Biggs-Davison** *rose*—

**Mr. Speaker:** Order. I am sorry, but I thought that the hon. Member for Epping Forest had only given way to the Secretary of State.

**Sir John Biggs-Davison:** I had hoped that my right hon. Friend the Secretary of State would have prefaced his remarks with the words, "Before my hon. Friend sits down." I am sorry if I confused the House.

9.43 pm

**Mr. John Hume** (Foyle): The subject of the debate is the renewal of the order under the Emergency Provisions Act, although it is not surprising that the atmosphere of recent weeks, especially yesterday, has dominated the debate so far. I join my colleagues from Northern Ireland and, I presume, all hon. Members, in condemning the brutal murder yesterday of the Official Unionist Assembly man Edgar Graham. As I said yesterday, it was not just an attack on Edgar Graham; it was an attack on the democratic process, and a direct attack on the Unionist people whom Mr. Graham represented. It was a clear, cold, calculated effort to stir up outright sectarian confrontation and to create chaos from which those same paramilitaries would emerge as the alleged protectors of their people. I extend my sympathy to Mr. Graham's colleagues in the Official Unionist party.

People wonder why things like that happen in Northern Ireland—a place where both sections of the community are deeply committed to Christian religious beliefs. People wonder why in a small community of 1,500,000 people almost 2,500 have lost their lives in the past 14 years because of acts of violence committed by different paramilitary organisations. The victims have been drawn almost equally from both sections of our divided community.

It is in answering the question as to why it happens that big divisions emerge between myself and the other hon. Members from Northern Ireland who have spoken in the debate. They will argue, as they have argued forcefully this evening, and as they have argued often in the House, that the problem is basically one of security to be solved by security methods. I question deeply that analysis.

The rule of law in any democratic society must be based on political consensus within that society, particularly if it is a deeply divided society. That is true of Britain, of the Republic of Ireland and of most democratic countries anywhere in the world. It is the absence of that consensus that is the Achilles heel consistently exploited by violent and terrorist organisations. Only when that consensus is

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created will there be strong support for the institutions of a state that are required to defeat paramilitary violence. That is self-evident.

In 1973 a broad strategy to bring about that consensus was adopted by the Government here. It fell into broadly three areas — the criminalisation of paramilitary organisations, the Ulsterisations of the security forces and a major political effort to accommodate the two identities within Northern Ireland and to recognise for the first time the identity of the minority. That major political effort resulted in the Sunningdale agreement, which did not last very long. The only parts of the strategy which remain are those which refer to the criminalisation of the paramilitaries and the Ulsterisation of the security forces. A major part of the strategy is the Prevention of Terrorism (Temporary Provisions) Act 1976.

In paragraph 13 of the White Paper which was published last year the Government again stated that there must be

“reasonable and appropriate arrangements to take account of the interests of the minority which are acceptable to both sides of the community.”

That seemed to be a reasonable statement, but let us examine the phrase

“to take account of the interests of the minority which are acceptable to both sides of the community”.

It is to be presumed that if proposals are to be brought forward which will take account of the interests of the minority they will be acceptable to the minority, but they have to be acceptable to both sides of the community. Therefore, what is acceptable to or in the interests of the minority is subject to a veto of the Loyalist community in Northern Ireland. It is not enough for that community to have a veto on constitutional change; it must also have a veto on whatever form of government is set up for Northern Ireland within the United Kingdom. That means, and has meant, that every initiative taken by successive British Governments since 1973 has not succeeded, and that includes those of the present Secretary of State. As a result, the Government's role has been reduced to containing violence through the military, the police and the judicial system, to continue a political structure which on their own admission alienates a large section of the population.

An essential instrument of that system containing violence is the order and the Act that we are discussing. I would argue that its provisions make nonsense of the Government's overall strategy. I shall quickly go through some of its elements. There are powers of arrest that do not demand the prerequisite of reasonable suspicion against the person arrested. The person arrested is not protected by any legally enforceable code of interrogation. Confessions are admissible as long as they are obtained by any means other than torture or inhumanely degrading treatment.

Despite all this, only 12 per cent. of those arrested under the provisions have ever been brought to trial. Between 1977 and 1982, 22,378 such people were arrested under the provisions. If the same figures were available — they are not — for the rate of arrests for the whole period of the operation of the Act, we should be talking about 55,000 people who have been arrested in Northern Ireland under these provisions, of whom only 12 per cent. were charged. One must draw the conclusion that the

legislation is being used for more than arresting people involved in violent crime. It is being used for intelligence gathering and harassment.

The figure of 55,000 people is equivalent to 1.5 million people being arrested in Britain, and if one combines that with an ethnic grouping in Britain or a particular section of the community, or particular urban geographical areas that are already deprived, one gets an impression of how the alienation process takes place, particularly when one confines it further within the population to those under 30 years of age.

When the suspect is charged, if he is, he arrives in a court in which there is only one judge and no jury and he may face evidence from an accomplice that is uncorroborated. That accomplice will get immunity for serious crimes including murder, and will receive large sums of money to send him off to the sunshine in another country. I could go on, but I shall not.

People wonder why there has been support at the ballot box for organisations involved in violence. I stress that the Government say that they are pursuing a policy of accommodating the two traditions in Northern Ireland to create a political consensus that must be the basis of order, and to prevent the alienation of the minority community. In fact, because of the veto that they gave to one section of the community in Northern Ireland, the Government are reduced to containing violence by means which themselves increase the political problem by increasing alienation.

Two factors go to the heart of the deadlock in Northern Ireland which have always been there and which result directly from a decision taken in this Parliament many years ago. The two factors are the unwillingness of the Unionist community to agree to any changes that would give any role whatsoever to the minority community in Northern Ireland, described by myself among others as the intransigence of the Unionist community. The second factor is the lack of faith among a section of the minority in the democratic process as it applies to the British democratic process and support for violence. Those two factors feed upon one another all the time.

Both those factors originate in the failure of this Parliament in the past to uphold the basis of the rule of law that is the sovereignty of this Parliament. This goes back as far as 1912. The decision of that Parliament in 1912 was to vote for home rule for Ireland, which was devolution within the United Kingdom—it was not independence for Ireland but devolution—and the Official Unionists of that day stood up and said, “We will fight rather than accept this democratic decision.” That Parliament caved in to the blackmail and the rule of law has never since obtained in Ireland. The net result was to teach Unionists that if they threatened they would succeed. The message to the Nationalist community was that the democratic process, even when one wins, does not work and it is much better to use a gun. Those two attitudes go to the heart of the problem.

Those attitudes were reinforced in 1974. Precisely the same thing happened in the House when an initiative was brought forward by the Conservative Government. It was hailed as a real means of accommodating the true Irish traditions, again reinforced and brought down by the same methods and again reinforcing the attitude of those who say, “Forget about your democratic process, it gets you nowhere in the end”.

We cannot survive those attitudes. It is clear that what is happening in our streets today means that we will not survive if the murder that is loose there is not brought under control and if we do not go to the heart of the problem. It means that if any lesson is to be learnt from all that is going on, the lesson must be failure, failure of the attitudes represented by the right hon. and hon. Gentleman in the House in the Unionist tradition, failure in the attitudes represented by the tradition I represent, and failure in the attitudes represented by the Government. There has to be a re-examination of our traditional approaches if we are to get anywhere.

What the Unionist community tell us is that they are the only means of protecting the Protestant ethos within Ireland. That is their position. They have always held that position throughout our history. I do not quarrel with the desire to keep and protect the distinctiveness of that tradition within Ireland because any country is richer for diversity. I quarrel with the method that has been used consistently, or sought to be used, which is to hold all power in their own hands, themselves alone—the other side of the coin, the exclusive use of power. That is a violent attitude in any democratic society.

My own tradition that has had handed down to it a rather romantic notion of Irishness has confined its notion of Irishness to the Gaelic and Catholic strands of Irishness to the exclusion of the Protestant tradition. One extreme of that tradition thinks that it is right not only to die for it but to kill for it, that it is patriotic to spill blood. There has to be a complete re-examination of that attitude to show that we can create an Ireland that can accommodate both traditions and do it with the agreement of both traditions and create a new vision of Irish patriotism that is the spilling of sweat and not the spilling blood.

For that to come about, let us not forget that the warring Irish who sit here and who are berated from time to time, perhaps justifiably, by Secretaries of State have no power at all. We exercise no executive power. All power resides in the Government here, and there needs to be a re-examination of attitudes here.

How dare anybody, Prime Minister or otherwise, tell me that we are as British as Finchley and that we are an integral part of the United Kingdom when one of the gravest crises in any part of the United Kingdom is going on in this House and when debates on Northern Ireland in the House take place usually in the small hours of the night with very few hon. Members present?

There is no commitment in that sort of attitude. Nor is there a commitment in a simplistic notion, restated by the Secretary of State, of what looks like a democratic guarantee to a section of the Northern Ireland population. Everyone knows that Northern Ireland was created on the basis of a religious head count, yet the majority is told, "Your majority is the basis of your protection." That is forcing that majority into sectarian solidarity, and any group of people in the same situation would do the same. That sectarian solidarity prevents the dialogue that the Secretary of State and we all desperately need if we are to solve our problem.

The end result cannot be victory for any section of the people of Ireland. Victory is not a solution. The end result must be an accommodation, but that can be obtained only if we all commit ourselves to saying, "Let us begin the exercise and agree before we start that what we are seeking is agreement, not victory."

10.1 pm

**Mr. Peter Robinson** (Belfast, East): Before coming to the subject matter of the debate I wish to congratulate the hon. Member for Belfast, North (Mr. Walker) on a fine maiden speech. Like the hon. Member for Epping Forest (Sir J. Biggs-Davison), I noticed the confidence with which he spoke. Perhaps Belfast city council is a good training ground. It was the training ground of his predecessor, and I thank him on behalf of my hon. Friends for the kind remarks that he made about Johnnie McQuade, the warrior from Belfast, North who was a colourful character both inside and outside the House.

I will not be deflected from the main purpose of the debate by answering the substance of the argument adduced by the hon. Member for Foyle (Mr. Hume). Suffice it to say that he refuses to accept reality. The reality in Northern Ireland is that the vast majority of the people there wish to remain part of the United Kingdom. He cannot talk that reality out of existence. It is there and he will have to accept it.

The hon. Member for Foyle turns the pages of history and when he reaches the early part of this century he tells us that there was a head count which, on a religious basis, set up the state of Northern Ireland. The people of his and my tradition in those days accepted the boundaries of that state, and those then in this House voted in favour of those boundaries, as did those of his tradition in the Dail in Dublin and those of my tradition in the first Stormont Parliament. It was agreed by all of those parties, and in the League of Nations, the forerunner of the United Nations, a solemn document was signed agreeing to those boundaries. But the hon. Member for Foyle wants to throw away the pages of history and not accept the reality that Northern Ireland is British and that therefore the vast majority of its people should, by any democratic process, have their way.

The hon. Member for Foyle may not like that situation, but it is a reality, however unpalatable it may be to him. Until he accepts it—and until those of his tradition accept it—the rest of us, the vast majority, will not be able to sleep in our beds at night in safety. It is a sad fact that there are those of his tradition who are prepared to spill blood, and he said that.

I wish to make it clear that the ritual that we go through in the House every six months of renewing this measure is an indictment of the Government. The very fact that we must renew it is a signal that they have failed. The House does well to remind itself of the statistics of violence in Northern Ireland, up to midnight last night—none of us knows what is happening in the Province now—the number of people killed there included 124 members of the Royal Ulster Constabulary, 67 members of the Royal Ulster Constabulary Reserve, 371 members of the British Army and 136 members of the Ulster Defence Regiment, as well as 1,642 civilians, making a total of 2,340. As well as those deaths, the number of injured were: 4,572 members of the Royal Ulster Constabulary; 3,896 members of the Army and the Ulster Defence Regiment; and 17,564 civilians; giving a total of 26,032 people.

If those statistics do not make an imprint on the minds of hon. Members, let me put them into perspective in United Kingdom terms so that they might know the impact of those deaths and injuries on the people of Northern Ireland. On the basis that there are almost 1.5 million people in Northern Ireland and on the basis that there are



[Mr. Peter Robinson]

almost 56 million people in the United Kingdom, by United Kingdom standards, on the same proportion and on the same ratio of deaths and injuries in Northern Ireland, 87,000 people would have been murdered in the campaign of violence and 1 million people would have been maimed and mutilated. If that campaign had been taking place in the whole of the United Kingdom, I wonder whether right hon. and hon. Members on both sides of the House would be looking over their shoulders with concern when Northern Ireland Members raised their voices and appeared to be emotional on the issues which affect their constituents. I would imagine that from every corner of the House there would be a demand for the head of the Secretary of State whose policy had failed to the extent that the Secretary of State's policy on security has failed.

Those are the statistics, but statistics are in many ways meaningless. The Secretary of State has told us over the past few months that there has been an improvement in security, that the statistics for this year are slightly better than the statistics for 1982. Perhaps he did not make his judgment from what has been taking place in the past few days, for the facts do not bear that out. My statistics, from the Royal Ulster Constabulary, show that the number of RUC men killed is up on 1982; that the number of RUC reservists killed is up on 1982; that the number of Army deaths, granted, is down—it is down to five in the present year—but that the number of UDR deaths has increased this year; and the number of civilian deaths, should the present trend continue, will probably end up the same as in the past year. If the statistics over the past few weeks were to continue for the whole of the month of December—the highest number of killings in Northern Ireland in 1982 took place in December—we would have the worst statistics for violence in Northern Ireland since 1976—hardly anything to be patting ourselves on the back about and hardly an indicator that things in Northern Ireland are getting better.

I join right hon. and hon. Members who have paid tribute to the work that was carried out by the late Edgar Graham. I watched him closely in the Northern Ireland Assembly and I think that anyone who watched his performances in the Northern Ireland Assembly could see the ability of that young man. I express my sympathy to his family circle and to his colleagues who have lost a promising politician.

The right hon. Member for Down, South (Mr. Powell), who, unfortunately, is not in the Chamber at present, posed for the second time a question that he asked to the Minister of State yesterday following the statement in which the Minister of State announced to the House the murder of Edgar Graham. The right hon. Gentleman said:

"May I also ask the Government what message they believe that those who ordered the murder intended to transmit and to whom that message was addressed?" — [*Official Report*, 7 December 1983; Vol. 50, c. 340.]

The right hon. Gentleman sought to answer his own question. He produced a complex argument in developing what he thought the message was that the murderers were intending to transmit. He alleged that the Minister of State did not follow his drift when he put his question to him yesterday.

I listened to the right hon. Gentleman especially carefully today so that I would not lose his argument. I can go along with a great deal of the right hon. Gentleman's

complex argument, but I am not convinced that the man who pulled the trigger, or the men who sent him out, had that complex argument at the back of their minds. I think that the message that they wished to transmit and those to whom they wished to transmit it is much more clearly understood than the right hon. Gentleman's argument. The message was aimed clearly at the right hon. Gentleman and his colleagues and it was simple. It ran as follows: "You have come out of the Northern Ireland Assembly on the basis of security and we shall ensure that you cannot go back." That was the IRA's message.

**Mr. William Ross** (Londonderry, East): Does not the hon. Gentleman yet understand that neither my right hon. Friend the Member for Down, South (Mr. Powell) nor anyone else on the Unionist Bench has ever alleged that the man who pulls the trigger has to know the complex reasons behind his pulling of the trigger.

**Mr. Robinson:** The hon. Gentleman is confused.

**Mr. Ross:** No, I am not confused.

**Mr. Robinson:** I talked of the man who pulled the trigger and of the man or men who sent him out. Inasmuch as any of those who carry out the violence or those who send them out know why they commit such acts, other than hatred and a wish to put down Loyalists and those who stand for the British connection, it is clear that an organisation which went to the Assembly to smash Stormont can ascertain that its goal can be attained by murder. It is surely clear to the hon. Gentleman that it can attain its goal and have success through such murders. That is more clearly the message than the complex argument advanced by the right hon. Member for Down, South (Mr. Powell).

**Mr. John Wilkinson** (Ruislip-Northwood): Is the hon. Member for Belfast, East (Mr. Robinson) suggesting or implying that the Provisional IRA, or perhaps the INLA, having sought in 1971 to bomb and shoot the Unionist party out of Stormont, is now, at the end of 1983, trying to shoot the Official Unionist party into the Assembly?

**Mr. Robinson:** The Irish Republican Army and its fellow travellers in the INLA are the enemies of democracy. They want to pull down every democratic institution that stands between them and their goal. That is clearly their aim. They stated in their election manifestos that their intention was to smash Stormont. Immediately the election was concluded, the hon. Member for Belfast, West (Mr. Adams) who does not come to the House—he is the leader of the Provisional Sinn Féin movement and I can hardly bring myself to call him an "honourable" Member—made it clear that the Northern Ireland Assembly was a legitimate target. He and his supporters worked for a year to bring it down. It was clear that their actions were designed to achieve that goal.

I must tell the Secretary of State that the situation has not improved over the past 13 years. The basis on which to make a real comparison is not one of statistics, even though we are told that this year could probably be the worst for terrorism since 1976. The basis on which to make a real comparison is to assess the potential of the Provisional IRA to cause death and destruction. Its capability to cause death and destruction—the House may not like to hear this—is greater today than it has

been in any other period during the present campaign. It is no use fudging the issue or trying to pretend the IRA out of existence. It is a fact.

What are the essentials for any terrorist organisation? The first is manpower. The provisional IRA still has young recruits coming out of school. The godfather of terrorism has never been put away. The IRA are now getting hard-line belligerent republicans, who, when the troubles started, were first out on the street. Those people are starting to come out of gaol to augment the organisation and to pass on their experience to the young recruits.

The second essential of a terrorist organisation is expertise. Long Kesh is very much the Sandhurst of the IRA. That is where IRA men gain their training and expertise. At the Maze prison museum there are books, assembly devices, arms and ammunition—an arsenal of equipment that has been found. The training of the people who are brought to Maze prison continues in that prison so that as soon as they get out they can pass on their expertise to people in the IRA.

The third essential of a terrorist organisation is finance. Those who have been to the United States of America will have seen from where substantial sums of money are coming, including organisations such as NORAID and the American Ancient Order of Hibernians. Funds come not only from the gifts of misled Americans but from building contractors, bank robbers, racketeering and other dubious enterprises in Northern Ireland. The organisation's finances are greater today than they have ever been.

If finance is available, weaponry will be available as well, and that is the fourth essential of terrorism. The IRA has not only a ready supply of armalites and other weapons that come from the so-called free world but the Kalashnikov assault rifle. The IRA can obtain its explosives from Bulgaria and from ready and willing Governments, including Libya. It can obtain expertise from other international terrorist organisations.

Just the other day, we talked to an Israeli Member of Parliament who made it clear that the IRA had been present in Lebanon when training was being given. The IRA's weaponry, expertise, finance and manpower is greater today than it has ever been.

I can give two more essentials of terrorism. The first is the support for the organisation. Whether or not we like the idea, we must admit that polls have shown that support for Sinn Fein has not diminished but increased. If support is available to Sinn Fein the IRA will resolve to continue.

Why should the IRA, believing in its principles, give up at this stage? The IRA believes, as firmly as any other terrorist organisation in such circumstances, that it can make the British Government do things under threat that they would never do by persuasion or argument. That is the essential on which any terrorist organisation feeds. The IRA believes that by terrorism it can force the hands of the British Government.

**The Under-Secretary of State for Northern Ireland (Mr. Chris Patten)** *indicated dissent.*

**Mr. Robinson:** The Minister need not shake his head. Those of us who live in Northern Ireland can recall that the B Special was taken away because of the pressure from organisations such as the IRA. The Royal Ulster Constabulary was reorganised and our Parliament was taken away. Even our electoral system was changed—again to appease those in our society who were rebellious.

Every type of change was made to try to appease and make a compromise with such people. Changes are made under threat and it would be wrong for the Minister to deny that fact.

This renewal order must be made because violence is still very much a reality in Northern Ireland. Violence is continuing because of the failure of this Government and previous Governments. The Government are failing because their policy is wrong. Our policy is one of reaction. We wait until the IRA hits and we then decide how to respond. Alternatively, through intelligence, or intelligent assumptions, we try to assume who the IRA's next target might be or what it might attack next. We try to provide protection for that thing or person. Loyalists and public representatives are under threat. Therefore, we have to think of giving them further protection. By doing so, we take away men who should be protecting something else. If we run a security policy on the basis of trying to think what target may be next—there are so many targets that they cannot all be covered—we are on the wrong policy. The only policy against terrorism that can work is one in which we go ruthlessly on to the offensive.

The Secretary of State tells us that his policy is not one of containment. He is right. He is not containing anything. Nothing is being contained. Violence is continuing unabated and the IRA grows in strength. The IRA can be beaten, but it can be beaten only with a change of policy. The Secretary of State says that many tell us that the policy is wrong, but they do not say how it should be changed. He should know, for we have told him often enough, what changes he should make. Some of them have been mentioned in the debate. The first essential is that the Secretary of State, in his security policy, has the moral resolution to win. I listened carefully to him today. On few other occasions has he been so tough as he was today. My hon. Friend the Member for Antrim, North (Rev. Ian Paisley) rightly says that words are fine, but action is what people are looking for. There was a hint of resolution in the Secretary of State's words, but moral resolution or what we in Northern Ireland call the guts to govern is what is needed. Terrorism is based on the belief that terrorists can threaten or push the Government to do things that otherwise they would not do.

Having established that the moral resolution to win is there, we need changes in operational policy. The border has been mentioned by many Members. Whether we want to consider other matters or not, it is the essential in the security situation. It represents the lines of supply for the bases set up in Northern Ireland. It represents the routes through which those based in the Irish Republic come. The border is difficult to secure. I do not know whether any border can be totally secure. I do not say that the task is easy, but in other countries difficult borders, some perhaps more difficult than the one in Northern Ireland, have been made tight against terrorist infiltration. The Minister must know that there are too many roads from Northern Ireland to the Republic of Ireland for effective security. There must be a reduction in the number of roads crossing our border.

The Secretary of State should inform the Chief Constable—unfortunately, we cannot inform him—that the B Specials had an effective border sealing operation on the road junctions. Whatever road one takes to get from the Republic to Northern Ireland, at some stage one must go through key junctions. The B Specials operated checkpoints at those junctions. If the Secretary of State has

[Mr. Robinson]

only a minimal number of cross-border roads more effective security on the roads that are open and proper patrols further back, he will find that, with additional bases along the border, he can more easily dominate it. If it is not 100 per cent. secure, it will be more secure than it is today, when one can walk freely from one side to the other without seeing a member of our security forces. The border is undoubtedly a major aspect.

Terrorists plan, plot and launch their operations on many occasions from within Northern Ireland. The security forces are aware of the existence of the IRA in certain areas. The only policy for such areas is proper search and seizure operations. Operations of that type have taken place in Northern Ireland and have been successful. Unless that type of operation is increased, the IRA will be able to sleep peacefully in the knowledge that it will be undisturbed. It can plot and plan its operations in the knowledge that the security forces will not arrive at its door.

If hon. Members examine the statistics of finds by the security forces, they will realise that there has been a steady reduction in the tonnage of explosives found. In 1981, 3.4 explosive tonnes were found, in 1982 the figure was 2.26 tonnes, and the 1983 figure is 1.86 tonnes. In 1981, 398 firearms were found, in 1982 the figure was 282 and the 1983 figure is 149.

In 1981, 47,070 rounds of ammunition were found, in 1982 the figure was 41,453, and the 1983 figure is 33,777. Finds of rockets and rocket launchers since 1981 have almost halved. Those facts show that the necessary search and seizure operations are not being carried out, and certainly not to the same extent as previously. Operations of that type must increase.

The Secretary of State should consider a tougher sentencing policy. Whenever the right hon. Gentleman is questioned about this matter, he says that it is the responsibility of the courts. Of course, the courts must sentence according to law. He has the power to impose mandatory minimum sentences which would ensure that tougher sentences are available for terrorist crimes.

I do not wish to alarm the House, but if hon. Members examine what happens in our courts they will discover that one-third of those found guilty of terrorist crimes walk through the doors of the courtrooms as free men. Such crimes range from membership of illegal organisations up to and including participation in murder. Three-quarters of those found guilty of being members of an illegal organisation in Northern Ireland walk free, having received non-custodial sentences. I thought that we were supposed to be at war with the IRA. What type of deterrent is that to any person belonging to a terrorist organisation?

Let us imagine a group of 100 IRA men. Apart from the fact that only 40 per cent. will ever be arrested, about 35 of the 40 who are arrested will be found not guilty of an offence. Of those found guilty, one-third will receive non-custodial sentences. Those who end up in prison receive 50 per cent. remission on their sentences, assuming that they do not escape. That is no deterrent to terrorists in Northern Ireland. Surely, a tougher sentencing policy can be devised. The Secretary of State cannot dodge the issue by saying that it is a matter for the courts.

The right hon. Gentleman could also gain more support from the community in Northern Ireland. The people in Northern Ireland wish to see the Dominic McGlinchey's of

the world behind bars. They could help if they knew what Dominic McGlinchey looks like. When I pass police stations on this side of the Irish Sea the posters outside are for persons wanted for rape, theft or less significant crimes.

I see wanted posters in England. Why cannot we have wanted posters in Northern Ireland, so that the public could give information that would help the security forces to track down such people? If we need to encourage certain sections of our community to give information, we could offer a reward. It is not unusual in Britain to offer a reward for information leading to the arrest of a wanted person. Why cannot the Secretary of State press for such a policy, so that the public can be of assistance to the security forces?

The Secretary of State should also speak to the Chief Constable about the RUC's overtime. We are told that there are no restrictions on overtime and that the Chief Constable is getting all that he wants. However, there are restrictions on overtime in Northern Ireland. I recall the *Sunday News* being raided by the RUC a few months ago, because the newspaper had a police document and had printed an article implying that at a hall formerly in the constituency of the hon. Member for Belfast, South (Rev. Martin Smyth), but now, because of boundary changes, in my constituency, a young girl had been killed with a gun known to belong to the INLA. The investigating officer wrote a report saying that his investigations had been curtailed because of overtime restrictions, and that the killer of that girl had got away free as a result. If that happened in that case, it could have happened in many others. Of course, the police got the document and the story away from the *Sunday News*.

There is a restriction on overtime. Everybody in Northern Ireland knows that. People can speak to policemen, and know that there is a restriction on the number of hours worked and the effect of that. For example, police vehicles are repaired at the workshop in Lislea drive. However, there are never more than 30 vehicles in for repair. As a result of the overtime restrictions, almost 200 vehicles are waiting to be repaired. The number is increasing every day, and vehicles are now being sought in the stations. The police need them, but they cannot get them because of the overtime ban. Things have reached such a stage that the workers at the Lislea drive workshop have gone on an unofficial go-slow.

The Secretary of State must realise that there are restrictions on overtime, and must ensure that no such restrictions on those carrying out operational duties or on those who give support to them, hinder them in their fight against terrorism. The Secretary of State implies that he seldom receives any suggestions, but I could mention several. If he wants to help the border area, he should increase the number of SAS men. There is great respect in Northern Ireland for the SAS-type activity. It has had advantages in many parts of the world, as well as in Northern Ireland. It is a sort of covert operation. However, I realise that there are limitations on what the Secretary of State can tell the House about SAS duties in the Province. Nevertheless, I hope that he will give an assurance to the people of Northern Ireland that there is a sufficient number of SAS men along the border area now, and that he is prepared to consider an increase in the number.

The Secretary of State implied that people would have tough things to say about him personally. I know that my

words will not have given him much comfort, but I have not made any personal attack on him. I realise the difficult job that anybody in his position has to do. In all my dealings with him, I have respected his sincerity. But a man can be sincere and still be sincerely wrong. The right hon. Gentleman's policy on security is sincerely wrong and is costing lives in Northern Ireland. It must be changed. He must face that reality and change the policy

before there are any more deaths in the Province. Its failure is written in the blood of innocent victims in our Province, and the Secretary of State cannot dodge that. It must be changed, and changed now.

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[Continued in column 565]

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10 DOWNING STREET

*From the Private Secretary*

8 April 1983

Northern Ireland (Emergency Provisions) Act 1978

Thank you for your letter of 7 April. As I told you this morning, the Prime Minister is content for your Secretary of State to appoint Sir George Baker to undertake the review of the operation of this Act.

I am copying this to David Staff (Lord Chancellor's Office), John Holmes (Foreign and Commonwealth Office) and Richard Hatfield (Cabinet Office).

W. F. S. RICKETT

Derek Hill, Esq.,  
Northern Ireland Office.

PRIME MINISTER

Northern Ireland (Emergency Provisions) Act 1978

You will remember that Mr. Prior wanted to appoint Sir Zelman Cowen to undertake the review of the operation of this Act. Failing him he wanted to appoint Patrick Neale QC (Warden of All Souls). In the event both refused and Mr. Prior proposed Sir John Megaw. You agreed that Mr. Prior could approach Sir John despite his past political associations.

In the event, Sir John has also refused the appointment. Mr. Prior would now like to approach Sir George Baker, who was President of the Family Division until 1979. He is 73 and was appointed a High Court Judge at the age of 51. I understand that Sir George would be willing to accept this appointment.

Content for Mr. Prior to appoint Sir George Baker?

Yes  
no  
CJ

7 April 1983

From: THE PRIVATE SECRETARY

*Agreed*



NORTHERN IRELAND OFFICE  
GREAT GEORGE STREET,  
LONDON SW1P 3AJ

Willie Rickett Esq  
10 Downing Street  
London SW1

7 April 1983

*Dear Willie*

NORTHERN IRELAND (EMERGENCY PROVISIONS) ACT 1978:  
REVIEW OF OPERATION

I told Tim Flesher in my letter of 28 March that the Secretary of State had decided to pursue the matter of the Review with Sir John Megaw. In the event however, Sir John has decided reluctantly that he does not feel able to take the job on. We have accordingly had to make a choice from the three retired Judges who were already on our reserve list. The Lord Chancellor has advised that of the three, we would do best to approach Sir George Baker. I am very glad to be able to tell you that he has agreed to accept the invitation to undertake the Review.

Mr Prior wishes to make an announcement about this without further delay, and we plan to release Sir George Baker's name, together with the agreed terms of reference, to the Press in the course of 8 April.

I am sending copies of this letter to the Private Secretaries to the Lord Chancellor, Home Secretary, Foreign Secretary, Defence Secretary, Lord President, Attorney General and Sir Robert Armstrong.

*Yours ever*

*Derek Hill*

D A HILL



c. LCO  
HO  
FCO  
MOD  
LPO  
LOD (AG)  
CC

10 DOWNING STREET

*From the Private Secretary*

31 March 1983

The Prime Minister has seen your letter of 28 March proposing that Sir John Megaw should be approached to conduct the review of the operation of the Northern Ireland (Emergency Provisions) Act 1978. Mrs Thatcher has noted that Sir John has been associated with the Unionist Party in the past but agrees with your Secretary of State that this should not bar him from conducting the review as has therefore agreed that Mr. Prior may approach him.

I am sending a copy of this to the recipients of your letter.

(TIM FLESHER)

Derek Hill, Esq.,  
Northern Ireland Office.

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10 DOWNING STREET

*From the Private Secretary*

MR. HATFIELD  
CABINET OFFICE

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The Prime Minister has seen Sir Robert Armstrong's minute of 30 March about the proposed appointment of Sir John Megaw to carry out the review of the operation of the Northern Ireland (Emergency Provisions) Act 1978. As you will see from my letter to Derek Hill, attached, she noted Sir Robert's reservations about Sir John's past association with the Unionist Party but did not consider that this need debar him from carrying out the review.

(TIM FLESHER)

31 March 1983

Ref. A083/0978

MR FLESHER

*Please ask the  
points to the  
ref.*

*Per Minutes:*

*Mr Pinc (minute attached) proposes Sir John Megaw to carry out this review; Sir Robert doubts whether, given Sir John's Unionist past, he will be acceptable to the minority. Do you agree to the appointment?*

The Secretary of State for Northern Ireland, by his Private Secretary's letter of 28 March, has recommended the appointment of Sir John Megaw to carry out the review of the operation of the Northern Ireland (Emergency Provisions) Act 1978.

*Yes me 3/73*

2. My only doubt as to the suitability of such an appointment relates to Sir John Megaw's past political associations. He was twice a Unionist candidate for election to the Westminster Parliament during the 1950s. Neither time was he selected.

3. It is clearly desirable that the review should be acceptable to the Catholic community in Northern Ireland. If it were undertaken by Sir John Megaw, and it contained conclusions which were unwelcome to the Catholic community, there would be an opening for malevolent men to "rubbish" the report by reference to Sir John's past associations. The Secretary of State considers that this political difficulty should not stand in the way of appointing Sir John Megaw, if he is available. This view is no doubt coloured by the difficulty which he has had in finding somebody to take it on.

4. If another candidate could be found who did not suffer from this disability, it would be better to choose him; but I am afraid that I have no obvious names to suggest.

*RA*

ROBERT ARMSTRONG

30 March 1983

From: THE PRIVATE SECRETARY



NORTHERN IRELAND OFFICE  
GREAT GEORGE STREET,  
LONDON SW1P 3AJ

Tim Flesher Esq  
10 Downing Street  
LONDON SW1

28 March 1983

Dear Tim

A handwritten signature in blue ink, appearing to be 'M' or 'M.' with a flourish.

NORTHERN IRELAND (EMERGENCY PROVISIONS) ACT 1978 :  
REVIEW OF OPERATION

In your letter of 31 January you gave the Prime Minister's approval to our approaching Sir Zelman Cowen, and failing him Mr Patrick Neill and three other candidates, to carry out this Review. Unhappily neither Cowen nor Neill have found it possible to spare the time.

The three others were all retired judges. While evidently acceptable, we had some doubts about their positive suitability for this task, and we gather that the Lord Chancellor expressed some reservations too. It occurred to us that another judge, Sir John Megaw, might fit more easily into the role. The Prime Minister will know of him from his work on Civil Service pay.

There is some doubt about his availability. He is committed to two major arbitration cases, the first in the summer and the second in the autumn. It may be that these will take up an unacceptable amount of the coming months, or they may be largely settled out of court. This will become clear by 15 April.

Sir John Megaw is of course an Ulsterman by birth, but all his career has been outside the Province, and there is no doubt he would approach the job even-handedly. However, he has told us that he allowed his name to go forward twice during the 1950s as a potential Unionist candidate for Westminster, once in South Antrim and later in North Antrim (losing the candidacy respectively to Knox Cunningham and Henry Clark). He was however relieved not to get further involved, and joined the Bench in 1961.

People opposed in principle to the Act might try to use his past associations - if they become known - to impugn his independence. But almost any individual is thought to be prejudiced in some way by some section of Northern Ireland opinion, and my Secretary of State does not accept the proposition that a degree of involvement with the Ulster Unionist Party means in itself that a person is to be debarred from a task requiring impartiality towards the Northern Ireland community as a whole. In Sir John's case there has been no involvement in politics for well over 20 years.

/...

The Lord Chancellor has been consulted and has no objection if the Secretary of State is content from the political point of view. I might add that the Lord Chief Justice of Northern Ireland would be also very content for Sir John Megaw to take the job on.

Mr Prior would be glad to know that the Prime Minister agrees that if he is available, we should pursue matters with Sir John Megaw. It is very desirable that we should be able to name our choice before the end of April.

I am sending copies of this letter to the Private Secretaries to the Lord Chancellor, Home Secretary, Foreign Secretary, Defence Secretary, Lord President, Attorney General and Sir Robert Armstrong.

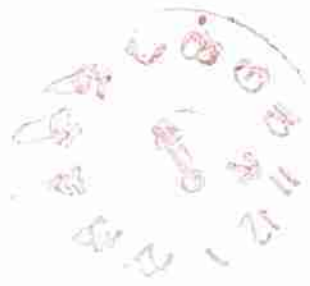
Yours ever

Derek Hill

Andrew Hill

D A HILL

Ireland,  
June 1980,  
Emergency Provisions  
Act.



58 MAY



MJ

*Ireland*

cc CO

LCO

LOD

LPO

MOD

10 DOWNING STREET FCO

HO

*From the Private Secretary*

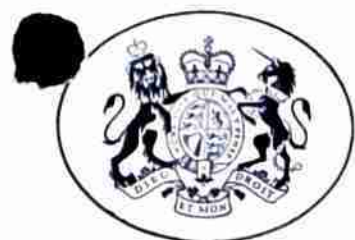
31 January 1983

Thank you for your letter of 20 January about the review of the operation of the Northern Ireland (Emergency Provisions) Act. The Prime Minister agrees that your Secretary of State may approach Sir Zelman Cowen to carry out this review and failing him the candidates set out in your letter.

I am copying this letter to the recipients of your letter.

TIM FLESHER

John Lyon Esq  
Northern Ireland Office



*Ireland*

Foreign and Commonwealth Office

London SW1A 2AH

27 January 1983

*Dear Tim,*

*Dr*  
*27/1*

Northern Ireland (Emergency Provisions) Act 1978:  
Review of Operation

John Lyon wrote to you on 20 January suggesting a further list of candidates to carry out this Review. Mr Pym has no objection to any of the names proposed.

I am copying this letter to the Private Secretaries to the Northern Ireland Secretary, Lord Chancellor, Home Secretary, Defence Secretary, Lord President, Attorney General and Sir R Armstrong.

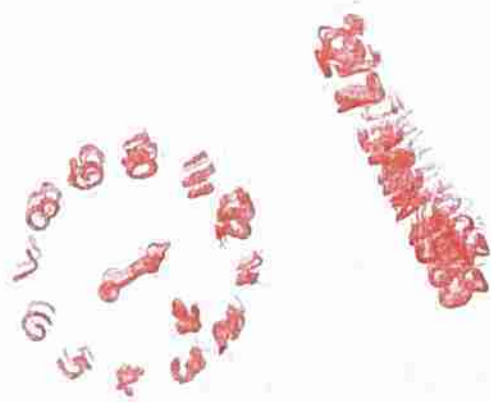
*Yours ever*

*J E Holmes*

(J E Holmes)  
Private Secretary

Tim Flesher Esq  
10 Downing Street

Ireland: June 80: Renewal of  
NI Emergency Pass





From: THE PRIVATE SECRETARY

*Freeled*



NORTHERN IRELAND OFFICE  
GREAT GEORGE STREET,  
LONDON SW1P 3AJ

Tim Flesher, Esq  
10 Downing Street  
London SW1.

*Prime Minister:*  
*agree to Sir Zelman*  
*Cowen being approached and*  
*20 January, 1983.*  
*failing him, he reserves*  
*proposed by Mr Prior?*

*Wm*  
*MB*

*Dear Tim,*

*TF*  
*25/1*

NORTHERN IRELAND (EMERGENCY PROVISIONS) ACT 1978: REVIEW OF OPERATION

Mike Hopkins wrote to you on 11 November with a list of people whom we proposed to approach to undertake the Review of this Act. You confirmed in your letter of 17 November the Prime Minister's agreement to our approaching Lord Wilberforce and Lord Edmund-Davies (but not Lord Plowden). We accordingly did so, but regrettably neither felt able to undertake the task.

We have since consulted the Lord Chancellor's Office about further possibilities. As a result Mr Prior would like to sound out in the first place Sir Zelman Cowen (recently appointed Master of Oriel, Oxford and formerly Governor General of Australia), and failing him Mr Patrick Neill QC (Warden of All Souls Oxford; also Chairman of the Press Council).

Mr Prior hopes that the Prime Minister and other colleagues will be agreeable to this course. As there is now an urgent need to nominate someone to the Review, he has also approved a list of reserves, and would be glad to have any comments on them. They are Sir George Baker (President of the Family Division until 1979); Sir John Thompson (Senior Judge of the Queen's Bench Division until late last year), and Sir John Ramsay Willis (a Judge of the Queen's Bench Division until retirement two years ago).

I am sending copies of this letter to the Private Secretaries to the Lord Chancellor, Home Secretary, Foreign Secretary, Defence Secretary, Lord President, Attorney General and Sir Robert Armstrong.

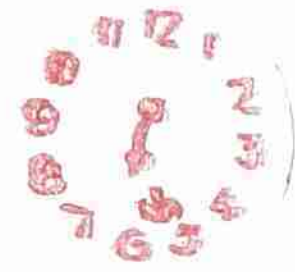
*Yours ever,*

*John*

J M LYON

Ireland,  
June 80, Provision  
Emergency

20 JAN 1987





Ireland  
Foreign and Commonwealth Office

London SW1A 2AH

19 November, 1982

Dear Jim,

Northern Ireland (Emergency Provisions) Act 1978: Review of  
Operation

Mike Hopkins wrote to you on 11 November about possible candidates to carry out this Review. Mr Pym has also seen your letter of 17 November recording the Prime Minister's views on the possible appointment of Lord Plowden. For his part, Mr Pym has no objection to what is proposed.

I am copying this letter to the Private Secretaries to the Northern Ireland Secretary, Lord Chancellor, Home Secretary, Defence Secretary, Lord President, Attorney General and Sir R Armstrong.

Yours ever

(J E Holmes)  
Private Secretary

T Flesher Esq  
Private Secretary  
10 Downing Street

FROM THE PRIVATE SECRETARY

2 PPS 2



HOUSE OF LORDS,  
SW1A 0PW

*ms*

18th November, 1982

APPOINTMENTS IN CONFIDENCE

T. Flesher Esq.,  
10 Downing Street,  
London, SW1.

*Rose Munster*

Dear Tom,

*DR*

*19/11*

Northern Ireland (Emergency Provisions) Act 1978:

Review of Operation

Mike Hopkins copied to me his letter to you of 11th November and I have now had a copy of your reply of 17th November.

The Lord Chancellor would be content for Lord Wilberforce or Lord Plowden to carry out the review - although he has of course noted the Prime Minister's reservations about the latter - but he does not think that Lord Edmund-Davies would be suitable for this task.

I am sending copies of this letter to Mike Hopkins (NIO), John Halliday (Home Office), Brian Fall (FCO), Richard Mottram (MoD), David Heyhoe (Lord President's Office), Jim Nursaw (Attorney General's Office) and Richard Hatfield (Cabinet Office).

*Yours sincerely,*

*D. E. Staff*

D.E. Staff

file

BTC

Ireland

MR. HATFIELD  
CABINET OFFICE

The Prime Minister has now seen Sir Robert Armstrong's minute Ref. A082/0118 about the choice of someone to review the operation of the Northern Ireland (Emergency Provisions) Act 1978.

As you will see from the attached letter which I sent to Mike Hopkins, the Prime Minister accepted Sir Robert's advice.

(TIMOTHY FLESHER)

17 November 1982





file

10 DOWNING STREET

*From the Private Secretary*

17 November 1982

Thank you for your letter of 11 November about your Secretary of State's proposals for candidates to carry out a review of the Northern Ireland (Emergency Provisions) Act 1978.

The Prime Minister was content with Mr. Prior's proposal to offer the job to Lord Wilberforce. She has, however, some reservations about the choice of Lord Plowden on two grounds: that he has become rather too closely associated with the police to be generally regarded as "impartial" for an inquiry of this nature; and that he is likely to be heavily engaged elsewhere in the coming months. The Prime Minister would have no objections however to Lord Edmund-Davies being approached should Lord Wilberforce not be willing to undertake the review.

I am sending a copy of this letter to David Staff (Lord Chancellor's Office), John Halliday (Home Office), Brian Fall (Foreign and Commonwealth Office), Richard Mottram (Ministry of Defence), David Heyhoe (Lord President's Office), Jim Nursaw (Attorney General's Office) and Richard Hatfield (Cabinet Office).

(TIMOTHY FLESHER)

Mike Hopkins, Esq.,  
Northern Ireland Office

Ro

*Please call on  
to advise  
to Mr. Pincus.*

*Prime Minister:  
You agreed Mr Pincus  
order of preference (see minute  
attached). Do you accept Sir  
Roberts advice that Lord Plowden  
should not be approached?  
16/11*

Ref. A082/0118

MR FLESHER

The Private Secretary to the Secretary of State for Northern Ireland sent me a copy of his letter of 11 November to you about the choice of someone to review the operation of the Northern Ireland (Emergency Provisions) Act 1978.

2. I should have considerable reservations about the choice of Lord Plowden, on two counts: that he has become rather too closely associated with the police to be generally regarded as 'impartial' for an inquiry like this; and that he is likely to be considerably engaged over the coming months on TSRB reviews, including not only the usual Top Salary Review but also a major review of Parliamentary salaries.

3. Of the two former Law Lords, it certainly seems to me that Lord Wilberforce is preferable in this context to Lord Edmund-Davies.

*RA*

ROBERT ARMSTRONG

15 November 1982

Ireland

From: THE PRIVATE SECRETARY

1



NORTHERN IRELAND OFFICE  
GREAT GEORGE STREET,  
LONDON SW1P 3AJ

Tim Flesher Esq  
Private Secretary  
Prime Minister  
10 Downing Street  
LONDON SW1

11 November 1982

Prime Minister:

Agree to Mr Prior's  
order of priority subject  
to the views of colleagues and  
Sir Robert Armstrong

Dear Tim,

Ms M

NORTHERN IRELAND (EMERGENCY PROVISIONS) ACT 1978:  
REVIEW OF OPERATION

17/12/82

You may recall from my letter of 13 September that my Secretary of State accepted the Lord Chancellor's advice not to ask Lord Elwyn-Jones to carry out this review. We undertook thereafter a more extended search for suitable candidates, and as a result Mr Prior would like to offer the job to Lord Wilberforce. If he should not feel able to accept, Mr Prior would propose to approach in turn Lord Plowden and failing him, Lord Edmund-Davies. If the choice should fall on Lord Plowden, given the intricacy of the legal issues that will confront the review, the Secretary of State would be prepared to appoint, in close consultation with the Law Officers' Department, a suitable person or persons to advise him.

Mr Prior would be glad to know that the Prime Minister and his other colleagues are content with these proposals. He is of course especially anxious to know that the Lord Chancellor would go along with the selection of either of the retired Law Lords named. With the resumption of Parliament, and with the Act itself coming up for another six-monthly review before Christmas, he hopes to be able to make an announcement in the next two or three weeks.

I am sending copies of this letter to the Private Secretaries to Lord Chancellor, Home Secretary, Foreign Secretary, Defence Secretary, Lord President, Attorney General and Sir Robert Armstrong.

Yours sincerely  
M W Hopkins

M W HOPKINS



Ireland:

Emergency Provisions

June 80

11 NOV 1982

11 12 1 2 3 4  
10 9 8 7 6 5

C O N F I D E N T I A L

F R O M : T H E P R I V A T E S E C R E T A R Y

*Ireland*



NORTHERN IRELAND OFFICE  
GREAT GEORGE STREET,  
LONDON SW1P 3AJ

*Prime Minister*

*MS 14/9.*

M H Collon Esq  
Private Secretary to the  
Lord Chancellor  
House of Lords  
London  
SW1A OPW

13 September 1982

*mt*

*Dear Michael*

NORTHERN IRELAND (EMERGENCY PROVISIONS) ACT 1978:  
REVIEW OF OPERATION

My Secretary of State has noted the Lord Chancellor's views, given in your letter of 2 September, on the proposal to appoint Lord Elwyn-Jones to carry out this Review. As the chosen candidate should have the full support of all Ministers directly concerned, Mr Prior does not intend to pursue that proposal. We are looking at another range of possibilities, and shall be making a further proposal shortly.

Mr Prior hopes that he will be able to maintain his intention not to ask for a serving member of the Judiciary; but the pool of suitable talent is not large.

I am sending copies of this letter to the recipients of yours.

*Yours sincerely*  
*Mike Hopkins*

M W HOPKINS

em

C O N F I D E N T I A L

Ireland, June 180,

~I Emergency Provisions



Wh  
2/9  
Ireland  
HOUSE OF LORDS,  
SW1A 0PW

2 September 1982

M

P.A. M 2/9

Dear John,

Northern Ireland (Emergency Provisions) Act 1978: Review of Operation

On 16 August your Secretary of State sent a minute to the Prime Minister about the independent review of the operation of the 1978 Act which he announced last May. He said that he would like the review to be carried out by a single person with a legal background, and he favoured asking Lord Elwyn-Jones to carry out this task. Mr Prior asked for comments on this suggestion from recipients of his minute by 3 September.

The Lord Chancellor has just returned to this country, and I have shown him Mr Prior's minute and the other correspondence, including Willie Rickett's letter of 23 August to Mike Hopkins informing him of the Prime Minister's approval. The Lord Chancellor is nevertheless firmly of the view that Lord Elwyn-Jones would not be a suitable person to carry out this review. He is, as your Secretary of State points out, a member of the Opposition - indeed, an active member of their front bench in the House of Lords. This, in the Lord Chancellor's view, ex hypothesi prevents him from carrying out a review which is either independent or seen to be independent. While Lord Elwyn-Jones can be, and undoubtedly is, independent in, for example, judicial matters which have no political content, he would find it impossible to be independent in a matter such as this. If a review carried out by him did not favour the Government's approach, it would be dismissed as partisan, while if he were inclined to favour the Government's approach he would be gravely embarrassed with his own party.

.../ The Lord Chancellor

John Lyon Esq  
Private Secretary to the  
Secretary of State  
Northern Ireland Office  
Government Offices  
Great George Street  
LONDON  
SW1

The Lord Chancellor believes that Lord Elwyn-Jones would be embarrassed at being asked to carry out such a review. Moreover, he feels that, if asked, Lord Elwyn-Jones would be very likely to decline the invitation. If the Lord Chancellor is right in this supposition, there would of course be no advantage in approaching Lord Elwyn-Jones in the first place.

Although the Lord Chancellor confined his comments to the question strictly at issue, viz. the suitability of Lord Elwyn-Jones, I should perhaps add that he was glad to see that Mr Prior did not wish to ask for a serving member of the judiciary to carry out the review.

I am sending copies of this letter to Willie Rickett (No. 10), John Halliday (Home Office), Brian Fall (FCO), Richard Mottram (Defence), David Heyhoe (Lord President's Office), Jim Nursaw (Law Officers' Department) and Richard Hatfield (Cabinet Office).

*Yours sincerely,*  
*Michael Collins*

M H COLLON



10 DOWNING STREET

From the Private Secretary

23 August 1982

*Dear Mike*

NORTHERN IRELAND (EMERGENCY PROVISIONS) ACT 1978: REVIEW OF OPERATION

The Prime Minister was grateful for your Secretary of State's minute of 16 August. She has also seen the Foreign and Commonwealth Secretary's minute of 20 August. She is content with the proposed terms of reference for this Review, and agrees that your Secretary of State should approach Lord Elwyn-Jones for appointment as Chairman.

I am sending copies of this letter to Michael Collon (Lord Chancellor's Office), Colin Walters (Home Office), John Holmes (Foreign and Commonwealth Office), Nick Evans (Ministry of Defence), David Heyhoe (Lord President's Office), Jim Nursaw (Law Officers' Department) and to Richard Hatfield (Cabinet Office).

*Yours ever*

*Willie Rickett*

Mike Hopkins, Esq.,  
Northern Ireland Office.

CONFIDENTIAL

*Sw*



PM/82/72

PRIME MINISTER

Northern Ireland (Emergency Provisions) Act 1978: Review Of  
Operation

1. The Northern Ireland Secretary asked for comments on his minute of 16 August <sup>at 10.30</sup> about the Review of the Northern Ireland (Emergency Provisions) Act 1978. I have no objection to what is proposed and agree that Lord Elwyn-Jones would be an admirable choice to lead the Review.

2. I am sending copies of this minute to Jim Prior, Quentin Hailsham, Willie Whitelaw, John Nott, John Biffen, Michael Havers and Sir Robert Armstrong.

A handwritten signature in black ink, appearing to be 'FP', with a small horizontal line underneath.

(FRANCIS PYM)

Foreign and Commonwealth Office

20 August 1982

CONFIDENTIAL

1

By all means  
Sound Lord  
Elwyn Jones  
be interested in  
He has already  
in response  
referred to something else  
\* see also  
the Foreign Secretary's  
note attached



Prime Minister:  
Contentious  
Mr Pears proposal  
of Lord Elwyn-Jones  
to review the emergency  
legislation\* and if with  
the proposed terms of  
reference.  
16/8

Prime Minister

NORTHERN IRELAND (EMERGENCY PROVISIONS) ACT 1978:  
REVIEW OF OPERATION

I announced last May that I intended to establish an independent review of the operation of the Northern Ireland (Emergency Provisions) Act 1978, and that the review should take account of the conclusions of Lord Jellicoe's enquiry into the Prevention of Terrorism (Temporary Provisions) Act 1976, so far as they affect Northern Ireland. In the course of Parliament's review of the Act in the last session, I undertook to make public the terms of reference of the review and to say who would be conducting it, when the House resumed in the Autumn.

The bearing of this Act is wide, and the job will be an onerous one. There are arguments in favour of a small committee, but I should prefer to appoint a single person to lead the review, who might co-opt advisers or assessors as necessary. The courts, the police and the Army are all involved in the Act's operation; on the whole I think that someone with a legal background is best fitted to conduct the review. I should not wish to call on the Lord Chancellor for a serving member of the Judiciary in this instance. I would favour Lord Elwyn-Jones. As Lord Chancellor he was responsible for the judiciary in Northern Ireland, and for the passage of the Judicature Bill; in earlier times he did some defence work in the Northern Ireland courts. As a member of the Opposition, his appointment will commend itself to a wide segment of that side of the House; on the other hand I know that Lord Elwyn-Jones has the full confidence of the legal profession in Northern Ireland.

CONFIDENTIAL



CONFIDENTIAL



The terms of reference which I propose for the review are:

Accepting that temporary emergency powers are necessary to combat sustained terrorist violence, and taking into account Lord Jellicoe's current review of the working of the Prevention of Terrorism (Temporary Provisions) Act 1976 in Northern Ireland, to examine the operation of the Northern Ireland (Emergency Provisions) Act 1978, in order to determine whether its provisions strike the right balance between the need on the one hand to maintain as fully as possible the liberties of the individual and on the other to provide the security forces and the courts with adequate powers to enable them to protect the public from current and foreseeable incidence of terrorist crime; and to report.

I should be grateful for your comments, and those of other recipients, by 3 September, so that I can take soundings of Lord Elwyn-Jones.

I am sending copies of this minute to Quentin Hailsham, Willie Whitelaw, Francis Pym, John Nott, John Biffen, Michael Havers and to Sir Robert Armstrong.

A handwritten signature in blue ink, appearing to be "P" or "Pym", written in a cursive style.

16 August 1982

CONFIDENTIAL

CONFIDENTIAL



*Handwritten signature: A. J. Coles*

10 DOWNING STREET

*From the Private Secretary*

24 May 1982

A REVIEW OF THE NORTHERN IRELAND (EMERGENCY  
PROVISIONS) ACT 1978

---

The Prime Minister has noted the  
contents of your letter of 21 May.

A. J. COLES

Stephen Boys-Smith, Esq.,  
Northern Ireland Office.

CONFIDENTIAL



NORTHERN IRELAND OFFICE  
GREAT GEORGE STREET,  
LONDON SW1P 3AJ

John Coles Esq  
10 Downing Street  
LONDON SW1

*MS*

21 May 1982

Prime Minister

To write.

A.C. 21/5

*Dear John*

A REVIEW OF THE NORTHERN IRELAND (EMERGENCY PROVISIONS) ACT 1978

In my letter of 26 February about the Jellicoe Review of the Prevention of Terrorism Act, I told you that my Secretary of State had concluded that it would be necessary in due course to carry out a similar review into the operation of the Northern Ireland (Emergency Provisions) Act 1978 (EPA).

Mr Prior has now decided to announce his intention to go ahead with a Review. He believes that emergency legislation should be reviewed at regular intervals and it has been 7 years since emergency legislation incorporated in the EPA was last reviewed. He also sees advantage in helping Mr Concannon to meet opposition worries about the operation of the Act. These are likely to have been given added point now that the Home Secretary has established a Review of the Prevention of Terrorism (Temporary Provisions) Act 1976, under Lord Jellicoe.

The EPA Review will be announced in the form of a written answer to a Question set down by Mr Concannon himself: the form of words of both are attached. Mr Prior has however asked me to stress that although the intended Review will examine the workings of every part of the EPA, it will not be able to question the continued need for emergency legislation to counter terrorism. Moreover, since substantive work on the EPA Review cannot practically begin until we have a good idea about the conclusions of Lord Jellicoe's work, Mr Prior does not intend to constitute the Review Body itself within the very near future.

I am sending copies of this letter to the Private Secretaries to the Home Secretary, the Lord Chancellor, the Secretary of State for Foreign and Commonwealth Affairs, the Secretary of State for Defence, the Secretary of State for Scotland, the Lord President of the Council, the Chancellor the the Duchy of Lancaster, the Attorney General, the Lord Advocate and Sir Robert Armstrong.

*Com. style*

S W BOYS SMITH

PARLIAMENTARY QUESTION ANNOUNCING EPA REVIEW

Mr Concannon:

To ask the Secretary of State for Northern Ireland whether he has yet decided to set up an enquiry into the operation of the Northern Ireland (Emergency Provisions) Act 1978.

Mr Prior:

Taking full account of the security situation in Northern Ireland and the continued need for legislation to deal with terrorism, it is my intention to establish an independent review of the operation of the Northern Ireland (Emergency Provisions) Act 1978. I intend that the review should take account of the conclusions of Lord Jellicoe's enquiry into the Prevention of Terrorism (Temporary Provisions) Act 1976, so far as they affect Northern Ireland, and the timing will reflect this.



Treasury Chambers  
Parliament Street London SW1P 3AG

Telex 262405

Telephone Direct Line 01-233 4548  
Switchboard 01-233 3000

*1 red and*

Private Secretary  
10 Downing Street  
LONDON  
SW1

Your reference

Our reference

LD 56/106/03

Date

4 June 1981

Dear Sir

Please see the attached pro-forma requesting the downgrading of certain secret documents.

Could you please complete the attached form, sign it, and return it to me.

If I do not hear from you within two weeks I shall take that as my authority to downgrade the papers to "confidential".

Yours sincerely

D M TIBBS

*attachment returned to*

*D.M. Tibbs. MODBA confirms*

*the de-classification to  
"confidential."*

*Letters de-classified are:-*

- 1. MODBA to NIO of 30/6/80.*
- 2. MODBA to NIO of 2/7/80.*

reclassified.

see  
HM T 15 PS 4/6/87

CONFIDENTIAL

~~SECRET~~



10 DOWNING STREET

From the Private Secretary

2 July 1980

Dear Roy,

NORTHERN IRELAND (EMERGENCY PROVISIONS) ACT  
1978: DETENTION

The Prime Minister has seen your Secretary of State's minute to her of 1 July on this subject. In the light of the further arguments set out in it, she has agreed that your Secretary of State may proceed as he has proposed.

I am sending copies of this letter to the Private Secretaries to the other Members of OD and to David Wright (Cabinet Office).

Yours sincerely

Richard Alexander

Roy Harrington, Esq.,  
Northern Ireland Office.

~~SECRET~~

CONFIDENTIAL

Ireland

TMP

cc HO  
KCO  
PEO  
HMT  
MOJ  
WPO  
APO  
BIT  
CO

SECRET

TVSS

SECRET



3  
①

1 still think it's unwise  
- but I must  
take his own decision  
and stand on it.

PRIME MINISTER

mt.

Prime Minister

Would you be prepared to agree that Mr  
Alexander should proceed as he proposes?

or would you like a word with him?

The key points, in my view, are at  
A, B & C below.

Reeds  
1/7

NORTHERN IRELAND (EMERGENCY PROVISIONS) ACT 1978: DETENTION

I have seen Michael Alexander's letter of yesterday recording your view that you do not agree that Section 12 should be allowed to lapse at present. I have also seen Francis Pym's letter of 30 June.

A

2. I assure you that I did not arrive at my view lightly, but only after the most careful consideration of all the arguments, and after consultations with the Chief Constable and the GOC. It is my firm view that, far from being seen as a sign of weakness, this move can very well be represented as a sign of strength - as in fact it is, for if the security situation were more parlous I would wish to keep the potential weapon of detention more closely to hand. In terms of gradual attrition of the terrorists' capacity, the past year has seen a considerable measure of success (although it would be foolishly provocative to trumpet this unduly); and this, combined with the growing capability of the RUC, has made it possible to plan the reductions in troop levels recently announced. It is against this background that I consider the time opportune to relegate (not, of course, repeal) the highly controversial power of detention, now unused for some five years.

3. Michael Alexander's letter also refers to the difficulties of renewing Section 12, should that be deemed desirable, once it had been allowed to lapse. On this, I took two points into account. First, technically the Section can be renewed at any time by an Order made by me under Section 33 (3) (c) of the Act; and, under the urgent procedure provided in Section 32, such an Order can come into force immediately, with parliamentary approval being obtained subsequently. In purely legal terms, therefore, the power is virtually as available as ever, and in a dire emergency could be used.

4. Second, the legal position is only part of the story. To resume the use of the power to detain people indefinitely without trial would in reality be a major volte face in the policy of successive governments over the last five years. Whether the relevant Section were renewed (which would mean that I could simply sign interim custody orders under Schedule 1)

SECRET

SECRET

- 2 -

B | or were allowed to lapse (in which case I would first have to sign an Order reviving Section 12), there would still undoubtedly have to be an urgent and highly controversial debate in Parliament. In other words, the problem lies in using the power, not in the procedure for reviving it.

C | 5. For these reasons I see greater weight in the advantages to be gained by allowing the Section to lapse. To do so would be a manifest sign (to the Unionists as much as to anybody else) that the Government feels confident about its ability to control the situation, and a gesture which the minority community will welcome. This is particularly so at a moment when the Government's political initiative is being carried a further step forward. I should be grateful if you would consider the point further. I should of course be ready to discuss the matter with you if you so wished.

6. I am sending copies of this minute to other members of OD, and to Sir Robert Armstrong.

*H.A.*

H A

1 July 1980

SECRET



SECRET



Ireland 3

MINISTRY OF DEFENCE WHITEHALL LONDON SW1A 2HB

TELEPHONE 01-218 9000  
DIRECT DIALLING 01-218 2111/3

MO 19/3

30th June 1980

Dear Humphrey,

Lg Pym  
attached 30/6

Thank you for your letter of 25th June proposing that Section 12 of the EPA should be allowed to lapse when the Act as a whole is renewed next month.

I appreciate the considerations which have led you to this conclusion, and in doing so you have no doubt taken into account the current unease amongst Unionists about the present level of activity on the Security front. From an operational point of view, I am content to accept the judgement of the GOC that the present security situation would not militate against allowing the provision to lapse.

When announcing this proposed step towards normality, I believe we should be careful not to ascribe it to any recent change in the level of the terrorist threat. Whilst there is room for cautious optimism, I think that this decision needs to be presented in terms of human rights and our determination to defeat terrorism "within the existing law".

I am copying this letter to the Prime Minister, members of OD and Sir Robert Armstrong.

*ans lve*  
*Francis*

Francis Pym

The Rt Hon Humphrey Atkins MP

SECRET

~~SECRET~~

RH.

CONFIDENTIAL

re-classified, see  
HMT to PS 4/6/87



OD: HO L.Pr. Seal  
L. Chan DOT  
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10 DOWNING STREET

From the Private Secretary

30 June, 1980

Northern Ireland (Emergency Provisions) Act 1978:

Detention

The Prime Minister has seen your Secretary of State's letter of 25 June to the Defence Secretary on this subject. The Prime Minister does not agree that it would be right to allow Section 12 to lapse at present. She believes that such a move might well be interpreted by Dr Paisley and others as a sign of weakness on the part of the Government. She is also concerned about the difficulties of renewing Section 12 after it had been allowed to lapse should this ever be necessary.

I am sending copies of this letter to the Private Secretaries of OD and to David Wright, Cabinet Office.

M. O'D. B. ALEXANDER

M W Hopkins, Esq  
Northern Ireland Office

ARB

CONFIDENTIAL

~~SECRET~~

SECRET



NORTHERN IRELAND OFFICE  
GREAT GEORGE STREET,  
LONDON SW1P 3AJ

SECRETARY OF STATE  
FOR  
NORTHERN IRELAND

②

*Prime Minister*

The Rt Hon Francis Pym MC MP  
Secretary of State for Defence  
Ministry of Defence  
Main Building  
Whitehall  
London SW1

*(Mr Atkins proposes not to renew his power  
to detain terrorists without trial.)*  
25 June 1980

*Dear Secretary of State,*

*It will be seen as  
a sign of weakness.  
If it lapses now - the NI OIRA  
will never move to renew it.*

NORTHERN IRELAND (EMERGENCY PROVISIONS) ACT 1978: DETENTION *mt.*

As you will know I have shortly to seek parliamentary approval for the renewal for a further six months of the powers in the Northern Ireland (Emergency Provisions) Act 1978 which otherwise expire on 24 July. The powers constitute, individually and collectively, a substantial derogation from the ordinary rule of law, and the onus is on me to satisfy Parliament that each of them continues to be needed.

In all respects but one I am satisfied that the right course is to seek renewal of the powers for a further six months. But after careful consideration I have reached the conclusion that I should not seek the renewal of Section 12 and its accompanying Schedule I which contain the power to detain terrorists without trial.

Non-renewal would not mean that Section 12 ceased to be on the Statute Book; merely that it was not in operation. It could be brought back into operation at any time (under the provisions of Sections 32 and 33 of the Act) by Order subject to the affirmative resolution procedure; in case of urgency the Order could come into effect as soon as made subject to retrospective approval by Parliament within 40 sitting days.

The power to detain without trial has not been used since 1975. Since that time much progress has been made in reducing the level of terrorist activity and returning to normality in Northern Ireland, and it is now hard to envisage circumstances in which there would be a need to have recourse to it again. It is now in my view time to signify our rejection of detention without trial as a power needed in order to control terrorism, and our progress towards a more normal security situation in Northern Ireland, by leaving Section 12 unrenewed but still on the Statute Book.

The symbolic value of non-renewal will be especially strong in the minority community - to whom the power of detention has always been a particular irritant - and among those in Northern Ireland who take a close interest in human rights issues (my Standing Advisory Commission on Human Rights has repeatedly urged abandonment of this power). It will also be valuable in persuading concerned opinion here in Great Britain and abroad, especially in the Republic of Ireland and the United States, of our intention to maintain the rule of law in Northern Ireland. To make this gesture at the time when we are about to take our political initiative a stage further could be of special importance. - Paisley?

Operationally I believe that there would be no drawback in non-renewal. I cannot absolutely rule out the possibility of so serious a worsening of the security situation that renewed use of detention would be needed. However, in my judgement it does not require continued renewal of Section 12 to insure against this possibility. Should a seriously deteriorating situation point to a need to use the power it could be renewed, if necessary urgently, under the procedures referred to above. True, this would not be quite the same as recourse to a power that had been kept renewed. However, after five years without use of the power to return to it would be such a major step, fraught with such serious consequences, that in political terms it would matter little whether the power was there ready to be used or required the formal step of urgent renewal. I have no doubt that if the power were retained, a decision to exercise it would result in an immediate debate under Standing Order 9. Is that so for Paisley?

I have, of course, discussed this matter with the GOC and the Chief Constable. I should emphasise that both would like to see the power lapse, but were understandably anxious - as I was - about the timing if it lapsed at the present renewal. The GOC, on the basis of his present assessment of the security situation, told me yesterday that he fully supports a decision not to renew Section 12. The Chief Constable has told me that he came down narrowly against allowing the power to lapse now, but regarded it as a matter of fine judgement and was quite happy to accept my judgement on the wider political considerations. He has confirmed that he sees no operational disadvantage in such a decision.

In the circumstances, I have concluded that it would be right to allow Section 12 to lapse, knowing that it could be renewed if required. Because of the significance of taking this step I thought it right to let you, and my other OD colleagues, know what I have in mind. I hope you will share my view that this is in political terms the right step to take; that it can be justified operationally; and that should - against all the odds - the need arise to contemplate re-use of the power, we should not be unduly hampered by non-renewal.

If you have any comment on what I propose I should like to know urgently, as the timetable requires the Order to be printed and laid very soon now.

I am sending a copy of this letter to our colleagues in OD Committee, including the Prime Minister.

*Yours sincerely*

*May Wright*

P.P. HUMPHREY ATKINS  
(Signed on behalf of the  
Secretary of State in his  
absence)