

**NORTHERN IRELAND: DEFENSIVE BRIEFING**

**Proscription of the UDA**

- Share your very great concern about the escalation in Loyalist terrorism in recent months and your absolute abhorrence of the murders in the Ormeau Road betting shop. The perpetrators will be relentlessly pursued.
  
- There is no question of Loyalist terrorists benefiting from any favoured treatment from the law or from the security forces. Several Loyalist terrorist organisations, including the UFF are proscribed.
  
- Non-proscription confers no immunity from prosecution. UDA members who commit substantive offences are liable to arrest and prosecution.
  
- We will continue to keep the status of the UDA under careful review, though proscription of the UDA would probably have no effect either way on the security situation.

Internment

- We discussed internment on the telephone. I quite about understand your position.
- The power to intern was retained in the 1991 Emergency Provisions Act, and is therefore an option available to the Government. It is not ruled out. But Peter Brooke and I always take the line that it would not be of desirable to go into the very particular circumstances in which it might be introduced.
- I agree that we would need to take careful account of the lessons from the experience of internment in the 1970s. In particular, and setting aside the wider political and international considerations, the likelihood of such measures' bringing real and lasting security improvements in the security situation would have to be very carefully weighed.

Nelson

- It is essential for the security forces in Northern Ireland to be able to collect information from informants. Lives would be lost if they were not able to do so.
- It would be quite wrong for the security forces to deny themselves information from informants. There is nothing inherently criminal about receiving information which helps to prevent a crime. But members of the security forces are subject to the rule of law, as are all other citizens. Any lessons from this episode will be learned and applied.

Confidence is an issue which affects both communities.

- The Government remains wholly committed to the principle of police primacy in Northern Ireland. This principle applies in the field of collection of information about terrorism, as well as elsewhere.

Measures already taken to improve confidence include:

- (If asked why nothing was done to investigate possible collusion between members of the security forces and loyalist paramilitaries between July 1987 (when evidence was available that the UDA had large quantities of security force material) and September 1989 when the Chief Constable established the Stevens inquiry). That is one of the matters which is being closely examined in the light of our already expressed determination to see that lessons from the Nelson episode can be learned and applied. The Stevens inquiry, which was the trigger for the charging of Nelson, found that while some individual members of the security forces had provided information to loyalist paramilitaries, collusion was "neither widespread nor institutionalised". Nothing has happened since to challenge that conclusion. A range of "control" measures has been introduced before and since Stevens reported aimed at ensuring that there are no further examples of security force material finding its way into the wrong hands. (These range from better screening of UDR recruits down to detailed new regulations under which all sensitive material (including montages) is subject to strict accounting arrangements).

Confidence in the security forces

- Defeating terrorism is not just a matter of powers and resources. We have readily acknowledged that the confidence of the community in the security forces is also central.

- Confidence is an issue which affects both communities. The security forces must be fair in their treatment of individuals but it is equally important that they are seen to be effective against terrorism.
- Measures already taken to improve confidence include:
  - (i) improve training and briefing of security forces in dealing sensitively with the public
  - (ii) considerable efforts by the RUC to increase the level of recruitment from the minority community
  - (iii) a code of conduct for RUC officers
  - (iv) the establishment of local police community liaison committees
  - (v) the introduction of lay visitors schemes to RUC stations
  - (vi) the publication of a guide to the emergency powers
  - (vii) improve screening of UDR recruits.
- In relation to holding centres, a code of practice is in preparation, and we are considering appointing an independent Commissioner to monitor procedures at the holding centres and check that the existing safeguards are being properly applied. The Commissioner would be free to make recommendations to the Chief Constable and the Secretary of State, and his annual report would be published.
- The Emergency Provisions (NI) Act 1991 also provided for a new office of independent assessor of military complaints procedures.

Video recording

- We share the view of the police, and the Bennett enquiry which looked into this very carefully in 1979, that video recording of interviews with terrorist suspects should not be introduced.
- Suspects may well be less prepared to offer information if they knew that a permanent record was being kept of their co-operation with the police.

Lethal force

- There is no shoot to kill policy in Northern Ireland except on the part of terrorists. There have, sadly, been a handful of incidents over the last year or so in which individuals have been killed by the security forces. In each of these cases a full and impartial investigation has been carried out or is in train.
- All shooting incidents involving the army are investigated in an impartial and objective manner by the RUC. Allegations of criminal behaviour by the police are investigated under the oversight of the Independent Commission for Police Complaints. The Commission must directly supervise cases involving either death or serious injury.
- The subject is a complex and difficult one, but all the issues relating to the use of lethal force in Northern Ireland are currently being examined. There have been helpful exchanges through the Secretariat about this work.

Extradition

- Following the recent decision by the Supreme Court in Sloan, Magee and McKee, your Government undertook to bring forward amending legislation dealing with the political offence exception and related issues. I welcome that undertaking. When do you expect to be able to introduce the legislation?
- It is clearly important that terrorists are not able to escape justice by fleeing to another jurisdiction. Both Governments have pledged themselves to ensure that fugitive offenders are dealt with effectively.
- I am glad that the issue of speciality is currently being examined by Working Group II of the Anglo-Irish Conference. I understand the pressures on you to secure British legislation on speciality. At the same time, the British Government has demonstrated its determination to honour the existing (non-statutory) agreement on speciality. And there are important issues to examine to do with the compatibility of existing UK legislation on speciality in non-Anglo-Irish cases with the provisions of Irish legislation.
- I hope you would agree that what we must avoid is to get into a position where all extradition between the UK and the Republic of Ireland is brought to a halt because you have made and implemented an order on speciality before these issues have been resolved.

Accompaniment

- As you know, in the current security situation, it is not possible for the RUC to accompany every patrol likely to come into direct contact with members of the public, for sound logistical, resource and practical reasons. The security forces are fully stretched coping with the current level of violence. Accompaniment is one of a number of confidence objectives, and it is important not to let pursuit of it get out of kilter with other action.
- In relation to the effects of increased troop levels, this does make it more difficult for the RUC to achieve high levels of accompaniment. Nevertheless, we continue to be guided by the objective, set out in the Hillsborough communique of 1985, of ensuring as rapidly as possible that, save in the most exceptional circumstances, there is a police presence in all operations which involve direct contact with the community.

Border roads and permanent vehicle checkpoints

- The terrorist threat is a particular problem in County Fermanagh, where many people are vulnerable to terrorist attacks. The policy of PVCs and the linked closure of border crossing targets was established to protect these relatively soft targets, who are at considerable risk.
- I recognise that closures can be inconvenient for local people. Accordingly, only those roads which it is considered essential to close on security grounds are closed.

- Following a thorough review, several of the PVCs close to the border in County Fermanagh are being refurbished and improved. This will, in tandem with the closure of unapproved crossings, result in enhanced security for the surrounding areas, and for the soldiers who man the checkpoints. It will also bring more flexible use of security force personnel and should also bring substantial benefits to local residents and businesses.
- I am most grateful to the necessary support which the Irish Government is providing on your side of the border for this operation.

Importance of the border to PIRA

[Mr Andrews' claim in Irish News of 20 February that in second half of 1991 five out of six terrorist incidents occurred more than 10 miles away from the Border]

- There were some uncommon features last year, notably the serious rise in Loyalist terrorist violence which of course has nothing to do with the Border. But on average, over the last ten years, the RUC's Border sub-divisions - which have only 19% of the Province's population - have had 40% of all deaths as a result of the security situation, over 50% of all the explosives used and almost 30% of all shootings.
- Moreover these figures understate the true position, since many terrorist attacks with a cross-border connection take place deep in Northern Ireland, not close to the Border.



- In addition, it is common ground that PIRA use the Republic for developing and manufacturing improvised weapons, for training terrorists in their use, and for stock-piling weapons, ammunition and explosives, particularly the large shipments from Libya which arrived in 1985 and 1986. The RUC and Garda agree that it is PIRA policy to retain in the North only those munitions they need to meet immediate operational requirements.

- [BACKGROUND: A joint RUC/Garda Assessment submitted to the 28 January meeting of the Intergovernmental Conference stated that:

"Seizures of munitions under the control of Northern Command PIRA ... confirm that large stock-piles are not held by them. They only retain a sufficient quantity to meet their immediate requirements. ... It is assessed that a large portion of the [Libyan shipments not already seized or controlled by Northern Command], which includes large stocks of AKM rifles, DSHK heavy machine-guns, general purpose machine-guns and SAM7 rockets and launchers, still remain in deep hides in the Republic of Ireland under the control of Southern Command".]

#### Participation of Sinn Fein/PIRA in the political process

- There is a distinction between the republican tradition per se, and republican spokesmen who are simultaneously pursuing that tradition's objectives by violence. Our quarrel is with the latter.

- Sinn Fein exclude themselves from the political talks while they are known to be associated with PIRA and refuse to condemn its activities. Although some recent statements apparently attempting to distance Sinn Fein from PIRA may be interesting straws in the wind, there is a long way to go. For one thing, we would wish to see an unequivocal condemnation of terrorism by Sinn Fein. For another, there is no sign in fact of any separation between the two organisations other than rhetorical.
  - It is important to be firm about this position. If the wrong signals are sent to the Northern Ireland political parties the whole future of political dialogue could be jeopardised.
  - PIRA do not at present face defeat militarily, as activity since the last Summit on 4 December has amply confirmed.
- Anglo-Irish Intergovernmental Council (AIIC)
- Nevertheless, they continue their internal debate. We must not try to buy them off with incentives, which could destroy the whole political development process. At the same time, we are alive to this debate when we take steps which might be received as signals.
  - But the two Governments can increase the pressures on PIRA by emphasising security co-operation, continuing their commitment to a political development process from which PIRA exclude themselves, and emphasising progress made since the Agreement was signed in 1985 with measures designed to reinforce community confidence in the security forces.

New machinery to review the totality of the Anglo-Irish relationship

- I hope we can continue the six-monthly Summits, which provide a means of examining questions across the whole range of the Anglo-Irish relationship without displacing the talks process or creating new machinery.
- We remain, as always, ready to review the political development prospects with the Irish Government through existing machinery such as the Anglo-Irish Conference or the Anglo-Irish Diner.
- We continue to believe that any attempt at this stage to impose solutions on the political parties or to establish new machinery to review the totality of the Anglo-Irish relationship could jeopardise the prospects for further talks on the three stranded analysis.

Anglo-Irish Intergovernmental Council (AIIC)

- Formally, meetings of the Anglo-Irish Conference take place within the framework of the AIIC.
- Bi-lateral contact between Ministers on East/West matters of common concern can also be viewed as part of the AIIC framework.
- But I would see disadvantages in establishing new machinery under the AIIC if there was a danger that this might be taken as pre-empting the outcome of political development talks.
- I do not rule out the possibility that the AIIC may provide models for new arrangements resulting from an accommodation agreed between all the parties concerned in political development talks.

The British Irish Interparliamentary Body

- The Body is independent. It was established by the two Parliaments, not by the two Governments or the Anglo-Irish Agreement.
- The Unionists do not currently take their places on the BIIPB. The two Governments have made it clear that they are ready to co-operate with the Body, but that its deliberations are independent.
- We need to avoid doing anything which might rekindle Unionist misconceptions that the BIIPB is a creature of the Anglo-Irish Agreement.

Role of the EC in a political solution

- I am clear that the EC provides a helpful context because it gives greater impetus to co-operation between Northern Ireland and the Republic of Ireland, particularly in the social and economic field. The recent bid for the Interreg programme which the two Governments discussed together provides a good example.
- There are pitfalls if the rhetoric is taken too far. Northern Ireland remains a divided community. Any suggestion that the development of the EC will somehow make the border become irrelevant, or provide a backdoor route to constitutional change, risks aggravating Unionist suspicions.
- Neither do I see the EC as an arbiter for the Northern Ireland problem: the onus must be on the two Governments and the four main parties as full participants in the search for a solution.

- Subject to these caveats, I see the EC as a positive context within which to build links between the North and the South and emphasise the value of co-operation.

A new all-Irish forum

- I entirely recognise the valuable work embodied in those parts of the 1984 Forum Report which aimed to bring greater clarity and mutuality of understanding about common principles and issues.
- I would be wary, however, about any new proposal which might be taken as displacing three stranded political development talks.
- As you know, the Unionists did not participate in the Forum in the early 80s. The great advantage of the three stranded political development process is that it has succeeded in bringing all the key players round the table, and has the potential to do so again.
- We must be very careful not to send any signals which might scare the horses.