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Reference Code: 2021/102/43

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Discussion with Sir Ninian Stephen

on 21 October, 1992

Aspects dealing with security matters

Sir Ninian indicated that from the discussions which he had had with the SDLP it was clear that future developments in relation to security would be a key element in any new agreement that might be worked out. For the purpose of accommodating the nationalist identity the SDLP are interested in two things - (i) a new North/South structure with a Council of Ministers and (ii) a completely new system of security. The RUC are, for understandable historical reasons, anathema to them. They can envisage things that they might get in the security field. There have been suggestions of a cross-border force comprising Gardai and a revamped RUC. There have also been suggestions that both the Garda and the RUC might be completely re-organised into a force dealing with "ordinary decent crime" and an anti-terrorist force. The SDLP seem to envisage that the uproar that such proposals would give rise to a Northern Ireland would be mitigated by the fact that the same would apply in the South.

They also thought it might be possible to have a joint force which could readily cross the border and make arrests North and South - a strike force with people seconded from the Gardai and the RUC. It would be a symbol of an all-Ireland police force.

Sir Ninian thought that the SDLP would not be able to achieve something of this kind. The Unionists were not interested at all in anything like this and neither were the British Government.

The Tanaiste said that this stemmed from the point Seamus Mallon had made that there is no indigenous policing in many areas of Northern Ireland. Sir Ninian responded that no one is kidding themselves that this would solve the problem of indigenous policing.

The Minister for Justice said that proposals of this kind were "way down the road". The concept would involve enormous problems for us. We are not going to get into joint policing of the border. Anything in relation to prisons, policing or the legal system would have to be "at the other end" of the business that we are doing (by this the Minister meant that the institutional issues would have to be sorted out first). For the SDLP and Seamus Mallon this is at the start of the business. Sir Ninian interjected at this point that John Hume goes along with the suggestions being made by Mallon. George Thompson said that even Seamus Mallon seems to be schizophrenic on it at times, in that he sometimes emphasises the primacy of the security question and at others he emphasises the primacy of the institutional question.

The Minister for Justice said that what was being suggested would put the Gardai into the firing line literally. It would involve an unarmed force going into Northern Ireland and being the target of subversives. That was not on in the short term. Neither was the converse, namely bringing armed RUC men into, say, Dundalk. It wouldn't work. If other things were in place and working well, he would see non-devolved matters such as security coming up then. In the meantime it was essential for the British Government to have the RUC "in their locker".

Sir Ninian observed that he was glad not to have to sell the idea to the Unionists and the British Government.

At the meeting Sir Ninian showed the Irish side copies (not for retention) of a document which he had shown to all the other parties and discussed with them. It was headed "Elements of a Settlement". The following elements were identified:

- constitutional accommodation
 - status of Northern Ireland
 - principle of change only by consent
 - articles 2 and 3
- institutional arrangements
 - Northern Ireland administration
 - North/South structure
 - East/West structure
 - structure
 - responsibilities
 - funding
- civil human and communal rights
- security
- inter-party relations⁴.
- method of approval
- review provision.

In relation to security a footnote said the following:

"Positions range from: radical restructuring of security forces (SDLP) - security remaining a reserved power until the security situation is "under control" and sufficient local expertise has been developed.

The issue remains for further discussion and negotiation between the parties".