



An Chartlann Náisiúnta
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Q. 1. Is there still a need for a highly visible Army presence on the streets of Northern Ireland? If so, are enough steps being taken to ensure that there is no unnecessary harassment of people living in certain areas?

A. - Any adequate security policy must have within it a confidence-building dimension - an element which serves to enhance security in the broadest sense. I would disagree therefore with a basic premiss of the second question, which appears to be that security policy and the avoidance of harassment are somehow in competition with each other. In our view evenhandedness, restraint, and respect for individuals - from all sections of the community in Northern Ireland are not merely desirable adjuncts, but essential ingredients of a valid and viable security policy. Harassment is always unjustified and counter-productive, despite the unfortunate implication in the second question that harassment is sometimes necessary.

- Nobody would deny that paramilitary violence remains a serious threat. Continuing IRA violence and the dramatic upsurge in Loyalist violence - to such an extent that killings by Loyalists so far this year are in excess of killings by the IRA - demonstrate this reality.

- But, and I say this after due reflection, it is a sad reflection on the security policy of successive

British Governments, that the nationalist community, who have been the primary victims of violence in Northern Ireland since 1969, are unable to place their trust in the security forces in Northern Ireland.

- The British Social Attitudes Survey for 1990, which was published in late 1991, highlights this state of affairs. Catholic perceptions of evenhandedness by the RUC, the UDR and the regular Army have worsened to the extent that a majority of Catholics no longer believe that the RUC, the regular Army or the UDR (as they then were) acted evenhandedly. Moreover, 70% of Catholics are recorded as believing that when the police or army commit an offence, they usually get away with it.

- Harassment, particularly by the Army, the perceived lack of opportunity for redress through existing complaints procedures, and evidence of collusion between members of the security forces and Loyalist paramilitaries (e.g. Stevens, Nelson affairs) play a crucial role in contributing to Catholic and nationalist distrust of the Army, UDR/RIR and to a lesser extent the RUC. This mistrust presents obvious propaganda opportunities for the Provisional IRA in particular. This is one of the reasons why the Irish Government have consistently pressed,

under Article 7 of the Agreement, for a programme of special measures to enhance nationalist trust in the security forces. Administrative measures taken by the British Government, for example, in relation to complaints procedures have had little effect. Equally, we have sought to ensure compliance by the British Government with their commitment to ensure accompaniment by the RUC of Army and UDR/RUC patrols. It is a matter of regret to us that the British record on RUC accompaniment has failed to live up to the undertakings given in the Hillsborough Communiqué.

- There is no shortage of recent examples of harassment, sometimes with tragic results, e. g. :
 - we have made it abundantly clear that the Paras, by training and inclination, are not suitable for deployment in Northern Ireland. The excesses of 3 Para in East Tyrone earlier this year, which earned condemnation from all sections of the community, proved that point vividly;
 - a well documented (by Helsinki Watch) pattern of harassment of children by the British Army in North Belfast earlier this year;

- the highly visible harassment by members of an RUC Divisional Mobile Support Unit of Danny Cassidy of Kilrea, Co. Derry, following which Cassidy was murdered by Loyalist gunmen. (Recently, evidence of leakage of security force intelligence has come to light in this case).

- Harassment is corrosive and destructive of trust in the security forces. It remains our priority that security policy in Northern Ireland take full account of this demonstrable fact.

W9387

Q.2 What effect has the border road closure programme had on how the security forces are perceived by the local population on both sides of the border?

A. - The Government fully appreciate the feelings of frustration and resentment caused to communities on both sides of the border by closed border roads and checkpoints and have taken every opportunity under the terms of the Anglo-Irish Agreement to impress upon the British authorities the social and economic disruption caused by these measures.

- The Government have also pointed out the potentially alienating effects of border security measures, particularly in the context of alleged harassment of young Catholics at checkpoints.

- We have also made it clear that the constant involvement of the Gardai in providing cover for British soldiers in re-closing border roads runs the risk of alienating local communities south of the border thereby reducing the flow of local information which is essential to crime detection and prevention.

- The Government take the view that all road closures should be kept under careful review and should only be maintained where security considerations clearly outweigh the inconvenience to the local community.

- Where permanent vehicle checkpoints are considered necessary, they should be operated in a sensible and flexible manner with a minimum of inconvenience to local communities.

- The Government will continue to press for a solution to the problems caused by these measures and will ensure that the British authorities are at all times fully aware of the views and concerns of local communities arising from these issues.

Q:3

Are there any outstanding gaps in the present accountability measures which lead to members of the nationalist community distrusting the police? If such gaps could be filled what else would need to be done to persuade members of that community to join the police?

A: - There are serious deficiencies in the present arrangements for accountability of the police in Northern Ireland. The 1990 British Social Attitudes Survey revealed that 70% of Catholics believe that the police are likely to get away with offences they commit. It is an unfortunate fact that the Independent Commission for Police Complaints appeared to make no impact whatsoever on the Social Attitudes Survey. This is unsurprising. All of the evidence available to us suggests that the Independent Commission for Police Complaints still fails to command the confidence of many in the nationalist community. This year's ICPC Report shows that the ICPC failed to substantiate even one of 840 claims of ill-treatment of terrorist suspects in custody. The ICPC's conclusions do not mesh with figures on compensation provided by the British Government in the House of Commons: that since 1988, the RUC have settled some 517 compensation cases out of court.

- We had hoped the recommendations in the ICPC's 1991 Triennial Review would have been implemented including a more aggressive watchdog function of the

type envisaged in the three recommendations which Sir Patrick Mayhew felt unable to accept. (I refer to recommendation 5, concerning the Chief Constable's obligation to consult the Commission on a more widespread basis; recommendation 6 which could allow the ICPC itself to determine when it should supervise investigations; and recommendation 8 which suggests establishing a fully independent tribunal to hear disciplinary charges. On this point, even the RUC Chief Constable said in May that he would not object to an entirely independent body to investigate complaints against the police if there were a significant groundswell in favour of such a move.

I very much agree with the views of SACHR expressed in its recent annual report, that the ICPC must be placed in a position where it can demonstrate that it is both effective and independent, that the standard of proof required in disciplinary proceedings be the civil standard i.e. a balance of probabilities rather than the criminal standard; and that the ICPC's powers and resources be strengthened. In this connection, it is worth pointing out that the police complaints and discipline system can appear intimidatory and deters individuals from pursuing complaints.

Frankly, other measures taken in recent years, for example, the institution of a system of police liaison committees (which was recently the subject of a devastating critique by an American academic), and the introduction of an RUC Code of Conduct in 1988 have made little impact on the basic problem of mistrust.

The problem with nationalist mistrust of the RUC also reflects the history of the RUC and the B Specials as effectively the armed wing of the Stormont regime. While the RUC has made a number of strides forward, nationalists still feel uncomfortable with the RUC's overt identification with an aggressively unionist ethos, even down to the cap badge and the Union jack flying over RUC barracks. (How many police stations in England, Wales or Scotland fly the Union jack every day?)

Ultimately, nationalists must be shown that the police are their police too. This entails, I would suggest, as a first stage, a basic change in ethos, a programme of education for RUC officers and a detailed analysis of community policing requirements in the divided society of Northern Ireland.

W9397

Q4:

Can any more be done to put an end to support for the "informal justice" system run by both Loyalist and Republican paramilitary organisations?

- A: - The so-called "informal justice" systems run by Republican paramilitaries thrive on nationalist mistrust of the police and the failure to evolve an adequate approach to community policing in Northern Ireland.
- I do not underestimate the difficulties in the way of community policing. With the possibility of IRA ambushes and so-called "come-on" traps, the RUC must be vigilant in responding to calls for assistance. But the net problem is that, because of the RUC's inability or unwillingness to extend adequate policing to certain nationalist areas, because of the forbidding image which the militarised RUC often present to nationalists, because of the track record of harassment by some elements within the RUC, and because of the perception that the quality of justice meted out to nationalists is inferior, conditions exist in which paramilitaries can set up their own so-called justice systems in certain nationalist areas.
- Lord Hunt, in his 1969 report on the RUC, said "We believe that any police force, military in appearance and equipment, is less acceptable to

minority and moderate opinion than if it is clearly civilian in character".

- This assertion, which remains valid, helps to explain the mistrust of the police and the consequent policing vacuum that exists in certain nationalist areas - a vacuum into which paramilitaries have stepped.

- Nationalists do not want to be "policed" by the Provos. The creation of consensus-based community policing structures which reflect and respect all traditions in Northern Ireland would play a helpful role in defeating the problem of Republican "informal justice" systems.

- The problem in Loyalist areas, I would venture to say, is qualitatively different. There, one can see resentment and anger, following historical patterns we have seen before, at developments which challenge the notion that the RUC are "their" police and that the security and justice apparatus of the State is somehow "theirs". Similarly, reforms in the police and justice systems, however justified or modest they may be, are seen as concessions to Republicanism or are demonised as the work of the Dublin Government. Superimposed on this is the

shocking sectarianism and random targetting of Catholics that we have seen so vividly in recent months. This phenomenon emphasises the absolute necessity of evenhanded and active policing throughout Northern Ireland.

W9401

As provided in article 1 of the agreement, a Bill of Rights and Equality Act is to be introduced in Northern Ireland. This Bill is to be introduced to the Assembly in the first session of the Assembly following the date of the coming into force of the agreement. The Bill of Rights and Equality Act is to be introduced to the Assembly in the first session of the Assembly following the date of the coming into force of the agreement. The Bill of Rights and Equality Act is to be introduced to the Assembly in the first session of the Assembly following the date of the coming into force of the agreement. The Bill of Rights and Equality Act is to be introduced to the Assembly in the first session of the Assembly following the date of the coming into force of the agreement.

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British-Irish-Association: 25 - 27 September, 1992.

Group One

- Q. 5 What guarantees could be given to paramilitary groups to attract them to a conference table and procure their agreement to a ceasefire? Would a Bill of Rights help? If so, which one?
- A. Successive Irish Governments have advocated the enactment of some form of Bill of Rights for Northern Ireland. They have done so in the belief that a Bill of Rights is desirable in itself. In no sense is Government support for a Bill of Rights intended as some form of enticement to the paramilitaries. The actions of the paramilitaries only highlight their contempt for human rights and the rule of law.

As provided for under Article 5 of the Agreement, a Bill of Rights could contribute to accomodating the rights and identities of both traditions in Northern Ireland. In this way, it could work to lay the foundations for political progress in Northern Ireland. A Bill of Rights should be based on the European Convention of Human Rights and it should cover all aspects of the law in Northern Ireland. A key requirement would be that the provisions of a Bill of Rights would be enforceable through the judicial process. An entrenched Bill of Rights would promote fairness and predictability and thereby strengthen the rule of law in Northern Ireland. In particular, an entrenched Bill of Rights would protect citizens from arbitrary and unilateral suspension or derogation from agreed standards of justice.

The Unionist parties and the SDLP agree on the desirability of some form of Bill of Rights for Northern Ireland. Thus, in both communities, there is widespread political recognition of the need for comprehensive and explicit safeguards to protect the citizens of Northern

Ireland. This recognition is particularly strong in the nationalist community which, disproportionately, has experienced bias and unfairness in the operation of the justice system.

It is also clear that the nationalist community has been the victim of a long and continuing history of discrimination in the workplace and that Ireland has become an issue of "European policy" for Britain.

I am not aware of any formal process of consultation by the nationalist community in relation to the agreement. All will await the results of the negotiations that may be in the future.

It is clear that there is a double whammy effect on the nationalist community in Ireland. First, they are being asked to accept a new set of rules and regulations, which are being imposed on them, and secondly, they are being asked to accept a new set of rules and regulations, which are being imposed on them.

Acceptance of the agreement is the result of the nationalist community's recognition of their situation and the fact that the "agreement" is a fundamental requirement for the survival of the state and stability. It has been argued that the establishment of justice...

Group One: Speaking Points

Q6: Is it possible to assuage the widespread unionist sense that there has been an unending series of concessions to the minority and that Northern Ireland has become an issue of "foreign policy" for Britain?

A: - I am not aware of any "unending series of concessions" to the nationalist community. As recognised in the Agreement, the nationalist community has aspirations that must be given legitimacy.

- If there is to be a durable accommodation between the two traditions in Ireland, both "must have equally satisfactory, secure and durable, political, administrative and symbolic expression and protection". (Forum Report (5.2(4))).

- Acceptance and recognition of the rights of the nationalist tradition to expression of their identity does not involve any "concession". It is a fundamental requirement for any framework of peace and stability. It has been denied since the establishment of partition.

Q7: Can constitutional nationalism do more to build trust among unionists on its political intentions and can the Government of the Republic not endorse reform of Articles 2 and 3, given that it entails no sacrifice of the "nationalist aspiration"?

- A: - The constitutional nationalist parties in Ireland met in the New Ireland Forum in 1983-84. They recognised and fully accepted that the new Ireland they sought could only come about by agreement and with the consent of both the people of North and South.
- That is the expressed view of all the constitutional nationalist parties on the island. No statement could be clearer.
- As regards any possible changes to Articles Two and Three of the Constitution, the Taoiseach has made clear that in relation to the Talks process everything is on the table and nothing is finally agreed until everything is agreed.
- The central perspective that must be kept in mind is that the real and actual denial of the nationalist identity, flowing from the partition of the island as a consequence of the Government of Ireland Act, has to be addressed no less intently than the perceived theoretical denial of the unionist

identity in terms of the Irish Constitution.

- Our position in the Talks is equal readiness to address unionist concerns as well as nationalist concerns.

- I do not want to pre-empt or anticipate the outcome of the Talks on these issues except to state once again that our shared objective is to achieve the basis of "a new beginning" in the relationship between the two traditions in Ireland. If an agreement on a fair and honourable accommodation between them were to entail any constitutional consequence in our jurisdiction, this would be a matter for the people to decide. It is likely that various factors would, should such circumstances arise, share the judgement of the people including the satisfactory expression of nationalist aspirations.

W9405