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CC Mr Boys Smith (L&B)
Miss J Wright
Mr Smith
Mr Bell
Mr Blelloch
Mr Marshall - M
Mr Doyne-Ditmas
Mr Moriarty - M
Mr Wyatt
Mr Buxton
Mr Harrington - M
Mr Blatherwick
Mr Gilliland
Mr Corbett

① Mr Bell
② POL
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MEETING WITH THE INTERNATIONAL COMMITTEE OF THE RED CROSS,
HILLSBOROUGH CASTLE, 5.00 PM FRIDAY 17 JULY 1981

Those Present:

Secretary of State	Dr F Schmidt
Mr Woodfield	Mr Phillipe Grand d'Hautville
Mr Blelloch	Dr Rene Russbach
Mr Jackson	
Mr Smith	
Mr Boys Smith	

Dr Schmidt said that in discussion with the hunger strikers, during the course of which McFarland had been present and had done most of the talking, he and his colleagues had explored possible ways in which a more satisfactory dialogue between the Government and the protestors could be established. They had drawn on the information given them in the previous evening's discussion with officials. They had suggested that it might be valuable to seek to produce a document to which both sides would be party, or to produce an ICRC document recording the basis of an agreement. They remained ready in the meantime to talk to the prisoners' families, although they did not think at the moment that the time had arrived for them to do so.

2. The hunger strikers had shown some interest in these ideas but had not reacted favourably to them. They had indicated that in their view the intervention of the ICRC was no more likely to produce a satisfactory outcome to the dispute than that of the ICJP. Moreover they did not think that the ICRC offered anything that the ICJP had not offered. The hunger strikers did not believe that the clarification of the Secretary of State's statements would advance discussion or that the statement of 5 July provided a basis for a solution. The preparation of documents of any kind would have to be preceded by discussion which

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would be open to misunderstanding whether or not the ICRC was involved as a go-between. They had also expressed their apprehension that even if an agreement was arrived at the Government would renege on it. But they noted that Dr Schmidt and his colleagues would be ready to pay a series of visits during which an agreement could be monitored.

3. In these circumstances the ICRC were not clear what steps could be taken to move to an understanding in the light of which the hunger strike could be ended. The ICRC noted that the Government was ready to send in an official to clarify statements to the hunger strikers, but not to do so in the presence of McFarlan or the PIRA Command and not to enter into negotiations whether under ICRC auspices or not. They understood too that the hunger strikers were unwilling to seek clarification without McFarland being present. The ICRC were used to meeting representatives of prisoners although not those claiming position as political leaders within the prison establishment. They wondered if the Government would be ready to meet with a group of prisoners of which McFarland was a member but not the spokesman.

4. The ICRC did not find it easy to offer a judgment on the substance of the '5 demands' because of their highly political nature. But they did not think that the entitlement to wear ones own clothes was vital. They were however satisfied that more important than the content of the demands was the need to establish a dialogue between the Government and the protestors. In the light of this they wished to impress two points upon the Secretary of State which they felt were necessary if progress was to be made:

- (i) there was a large element of mistrust on the part of the hunger strikers which would have to be dispelled;
- (ii) a means of establishing more efficient dialogue should be sought. They recognised the wider context of the dispute and the political problems facing the Government, but these did not detract from the desirability of establishing better communication in some way.

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5. The following further points were put to the ICRC representatives:

- (i) McFarland wanted to be present to establish formally the position he claimed in the prison and to seek to ensure that any talks were substantive negotiations, not simply a process of clarification;
- (ii) The Government remained adamant in its refusal to enter into negotiations over the dispute. If the protestors wished to use the process of settlement as a means of obtaining more than the Government was now ready to offer then a dialogue would be bound to fail. Devices, such as the ICRC had proposed, like keeping both parties in separate rooms and using Red Cross representatives as go-betweens, amounted to negotiation;
- (iii) The Government had shown its good faith in the past, and the experience of those who had come off the protest was evidence of it;
- (iv) The Government was not prepared to give formal recognition to the PIRA Command structure in the prison. The production of an agreed document could give such recognition and it could be seen to indicate that the discussions with the Government had effectively been negotiations;
- (v) Just as the Government had to consider carefully the wider consequences of the dispute in Ireland and elsewhere so it had to bear in mind the consequences of any settlement and of any method of arriving at a settlement, on for example the majority community and the prison staff;
- (vi) The Government had issued a number of statements and although it was ready as the ICRC knew to clarify them it should not be assumed that there was a great deal more detail which it could give at this stage. On some matters it was impossible to be more specific: for example penalties were imposed at the discretion of the Governor and only the range of penalties available could be described;
- (vii) In addition to the Government's willingness to clarify its statements it was open to any prisoner to make individual application to the Governor and to seek clarification himself;

- (viii) The protesting prisoners did not possess the basic acceptance of the prison regime and of the entitlement of the prison authorities to impose punishments which was necessary if discussion of the kind that the ICRC envisaged was likely to make progress. The protestors were not ready to tolerate a regime which did not give the recognition of the political nature of their misdeeds to which they believed they were entitled. This rather than means of establishing a dialogue were the heart of the present difficulties;
- (ix) Earlier improvements to the prison regime had led to an intensification of demands and it could not be assumed that there would necessarily be a different reaction on this occasion.

6. After a break in the discussion the Secretary of State told the ICRC representatives he had taken full note of their view that it was important to establish better communication. It remained his view that the Government could not meet the hunger strikers in the presence of McFarland and that there could be no negotiation. But any prisoner, acting in his own right and not as a representative, could make application to the Governor for clarification of aspects of the regime, and it was open to the Governor to be accompanied by an official of the NIO. If McFarland was to make such an application for clarification of the Government's position he might expect that it would be speedily granted and that a senior official would be present. Such an interview should not take place in the presence of the ICRC; it was important that it was seen to be as orthodox a move as possible. Nor could the hunger strikers be present. The Secretary of State still believed however that McFarland would wish any such application to lead to negotiation. The Governor could not enter into discussion of the prisoners' statement but would have to confine himself to matters for which he had a responsibility; this would not prevent McFarland from referring to the prisoners' statement. The Secretary of State agreed that a message to this effect might be passed to McFarland by the ICRC representatives on the visit they were proposing to pay to the prison later than evening.

S. W. Boys Smith