

Mr Nagell
AMT
24/9/81

22 SEP 1981
Mr Templeton
Mr Kay

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E.R.

- cc PS/PUS
- Mr Marshall
- Mr Blelloch
- Mr Moriarty
- Mr Palmer ✓
- Mr Buxton
- Mr Chesterton
- Mr Davenport
- Mr Jackson
- Mr Blatherwick
- Mr Evers RID FCO
- Mr Burdess (S. Pacific Dept)

Attached is a revised brief for the Commonwealth Heads of Government Meeting, Melbourne, which takes account of the fact that Mr O'Connor has stopped his hunger strike.

R.A. Harrington

R A HARRINGTON
21 September 1981

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COMMONWEALTH HEADS OF GOVERNMENT MEETING, MELBOURNE

30 SEPTEMBER - 7 OCTOBER 1981

CURRENT SITUATION IN NORTHERN IRELAND

Brief by Northern Ireland Office

POINTS TO MAKE

1 Northern Ireland is a part of the United Kingdom simply because a clear majority of its citizens want it to be.

2 The present Government, like its predecessors, continues to try to find ways of enabling the people of Northern Ireland to have more responsibility for their own affairs.

3 Ten men have died so far in the hunger strike which continues at the Maze prison. But terrorism continues too: since the hunger strike began on 1 March 1981, 27 members of the Army and the police force and 32 civilians have been killed. Our determination to enforce the law against all who break it remains unshaken.

4 The hunger strikers and those directing them have rejected appeals to desist (including one from the personal emissary of the Pope) and have rejected opportunities to take their case to international bodies such as the European Commission of Human Rights.

5 Mr Owen Carron's election as MP for Fermanagh and South Tyrone should not be taken as substantial popular support for

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the hunger strike or the IRA. Carron undoubtedly attracted support from many voters whose prime concern was to prevent the election of a Unionist, rather than to express support for his particular kind of extreme Nationalism.

6 The Government hope to improve the already excellent regime at the prison when the hunger strike ends, but not under duress. They will not grant the prisoners' five demands amounting to political status or otherwise concede control of the prison to dangerous convicted criminals.

7 [If pressed] the British Government is aware that Mr O'Connor, who went to Australia from the Republic of Ireland about 8 years ago, recently went on hunger strike for 39 days in Sydney. He ended his fast after appeals from Cardinal Freeman, head of the Roman Catholic Church in Australia.

BACKGROUND INFORMATION

8 Because of the number of Australians of Irish descent, there is substantial interest in Australia in the problems of Northern Ireland, and some vocal opposition to British policy there. Recently a Mr O'Connor pursued a hunger strike for 39 days in Sydney, in order to persuade the Australian Government to press the UK to concede the IRA prisoners' five demands. He claims that he ended his fast after receiving a message from IRA sources in Ireland; but there had also been public appeals by Cardinal Freeman, and he had been visited by his family who travelled from Dublin.

9 The Australian Government has made clear that it regards the affairs of Northern Ireland as entirely for the British Government. Neither it nor any other Western government (including the Republic of Ireland) has asked the Government to concede the five demands.

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10 The 400 protesting prisoners at the Maze Prison were all convicted in open court of serious offences which would have earned them substantial punishment in any jurisdiction. (74 were convicted of one or more murders, 45 for attempted murder, 118 for explosives offences.) Nobody in Northern Ireland's prisons is detained other than by order of a court: there is no administrative detention without trial. Because terrorist organisations have shown that they are able to intimidate juries, trials for terrorist offences are conducted by a single judge without a jury. But all other normal safeguards for the accused, including strict rules of evidence, continue to apply and those tried in such a way (unlike those convicted by a jury) have an unfettered right of appeal.

11 The prisoners' demands are i) to wear own clothes at all time; ii) not to do prison work; iii) to associate freely, in their wings with all doors open; iv) to have more visits, letters and parcels; and v) restoration in full of remission lost for bad behaviour.

12 While the five demands are couched in terms of improvements in the regime, they amount in reality to a wholly new regime which would give the prisoners an unacceptable degree of control over the prison, and would enable them to claim with considerable justification that they were political prisoners or POWs. That is why they cannot be conceded. At present, prisoners who conform to prison rules may wear their own clothes in the evening and at weekends; and may have more visits, letters and parcels.

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Prisoners ceasing to protest may have some remission restored to them after a period of good behaviour. There is controlled association in the evening and virtually all day at weekends; and a wide variety of work, though decisions on allocation must be for the prison authorities. The Government is committed to further improvement in this already liberal regime in due course, but such improvements will not come near to meeting the five demands

13 So far ten hunger strikers have died (the first was Mr Robert Sands, who shortly before his death was elected as MP for Fermanagh and South Tyrone). Five have ended their fast, one on health grounds and four as a result of their families asking the doctors to provide treatment (they continue to take nourishment). Seven hunger strikers continue though the Irish National Liberation Army have said that for the immediate future none of their members will take part.

14 Regrettably, violence this year associated with the hunger strike has been on a higher level. Last year showed the lowest level for a decade. As the terrorists no doubt intend, violence has also made it more difficult to find ways of giving the people of Northern Ireland more say in their own affairs. Efforts to find agreement between the NI parties on a degree of devolved government have so far not succeeded. The Secretary of State announced in June the intention to establish a Northern Ireland Council, as a forum for discussion and advice to the Secretary of State who operates direct rule. It would be composed of nominated members of district councils, NI MPs and MEPs. Discussions about setting up this body continue.

NORTHERN IRELAND OFFICE

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