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CC PS/Mr Scott (B&L)
 PS/PUS (B&L)
 Mr Brennan
 Mr Angel PS/Sir E Bell
 Mr Buxton
 Mr Carvill ✓
 Mr Doyne-Ditmas
 Mr Merifield
 Mr Gilliland
 Mr Boys Smith
 Mr Coulson
 Mr Bickham

PS/Secretary of State (B&L)

SECURITY: FURTHER STEPS

1. Your minute of 21 December asked for a paper by 30 December on further steps that might be taken to improve security, taking account of points raised at the Security Policy Meeting on that day, and in briefing, and including those put forward by the Chief Constable.
2. In my minute of 21 December I put forward initial checklists of possible measures for the Secretary of State's contribution to the Cabinet discussion on 22 December. This minute and the attached papers survey these and some other possible measures and make recommendations on which measures should be followed up.
3. The attached papers are as follows:
 - Paper 1 - Measures to Curb the Unconstitutional Activities of Sinn Fein
 - Paper 2 - UK Measures to Curb Terrorist Violence
 - Paper 3 - Co-operation with the Republic in Measures to Curb Terrorism.
4. Each paper surveys a range of possible measures and their pros and cons. In this minute I list those measures that are recommended for further action; in most cases, this further action must be pursued with interests outside the NIO; including the Treasury; legal experts; Northern Ireland Departments; and the Government of the Republic.

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5. Measures to curb Sinn Fein

- (a) Ministers and senior officials will have no meetings with Sinn Fein. Official correspondence from Headquarters Offices will be curt, formal and short.

This policy has been accepted; your minute of 22 December 1983 to Mr Abbott refers.

- (b) Legitimate Welfare Rights bodies, Voluntary Organisations and Local Authorities should be encouraged to provide the same kind of counselling and advice services to local people that Sinn Fein now seek to provide.

The Political Affairs Staff have suggested this measure and could examine it with the Central Secretariat and the relevant NI Departments. There are obvious problems - but it is interesting that in Great Britain there are examples of local authorities and other bodies who have moved successfully - and legally - into welfare rights counselling and advice.

(c) Curbing Personation

The existing NIO proposals should be pressed forward.

- (d) Introduce an offence of arranging or speaking at a meeting to give support to a proscribed organisation.

This should be pursued with our legal advisers; it might be useful explicitly to remove any concept of "intent" from this offence, which would be modelled generally on Section 1 of the Prevention of Terrorism (Temporary Provisions) Act 1978.

- (e) Introduce an offence of originating statements or material likely to favour or expressing support and/or understanding for those who commit acts of violence

This should be pursued with our legal advisers.

- (f) Change the law so that photographs, films, video recordings and similar material may be admitted as evidence provided that one eyewitness (eg a policeman or, indeed, anyone else) testifies to its accuracy. In such circumstances the onus of proof would be placed on the accused to disprove the accuracy and authenticity of the record.

This should be pursued with our legal advisers.

- (g) Make use of the offence of seditious libel

This should be pursued with the RUC and our legal advisers.

- (h) Introduce an offence of publishing statements from or articles about proscribed organisations, (excepting fair reporting of events).

This should be pursued with our legal advisers.

6. UK Measures to curb Violence

- (a) Increase RUC by 500 men

We await the Police Authority's recommendation on the Chief Constable's proposal. This will be submitted immediately to the Secretary of State. This measure would have a very significant immediate impact in terms of community reassurance; but Treasury approval would be needed and some increase in Northern Ireland's PESC programme might be required. It could possibly be negotiated as an interim increase in principle, subject to the Inspector of Constabulary's detailed inspection of the force. Recruitment of the increase would not have got very far by the time of the inspection, and there should be no significant hostage to fortune.

- (b) Control of Explosives

Homemade explosives continue to be a threat; SPM have authorised an investigation with NI Departments concerned; it would also be useful to discuss this subject with the Republic.

(c) Reduce the time needed to bring terrorists to trial

NIO staff and others concerned should examine the causes of bottlenecks, and advise on how they can be removed.

(d) Selective Detention

Counter productive if introduced in UK alone; but might have some value if carried out jointly with the Republic. The views of the Government of the Republic should therefore be sought.

The measures listed above are those which we have been able to consider so far. We shall continue to look for more.

7. Co-operation with the Republic(a) Promotion of Police Co-operation

- supplement present ground level co-operation by reintroducing regular meetings at Chief Constable/Commissioner; ACC (ie the JCC); and (to promote liaison) at "middle management" levels;
- reintroduce the "Baldonnell Panels", ie joint committees of police studying
 - communications;
 - detection of supplies of arms, explosives and ammunition;
 - cross-border advance planning and operations, to prevent outrages and smuggling;
 - exchange of information;
- RUC to make available again the intelligence details on prime suspects now thought to be in the South (including Maze escapees). The need is to encourage the South to follow up on information already given to them.

(b) Joint Examination of anti Terrorist Measures

- it would be useful if NIO and Ministry of Justice officials could jointly examine and report to their Ministers on such subjects as
 - the operation of particular legal measures in one jurisdiction to see if they could be adopted in the other jurisdiction. Thus we would like to know more about the Republic's experience of controlling broadcasting, and about their recent experience of the law under which a senior police officer's statement of membership counts as evidence against those accused of belonging to an illegal organisation;
 - the measures that the Irish Government are considering introducing - their statement of 20/12/1983 refers - and their suitability for adoption in the UK;
 - the scope for introducing other new measures in both jurisdictions. We could outline the measures discussed in paragraphs 5 and 6 as appropriate;
 - the scope for joint action to control homemade explosives;
 - the scope for the Republic to introduce exclusion orders so that undesirable residents in their jurisdiction of Ulster origin could be excluded to Northern Ireland. /It would be important to present this subject without reference to Extradition and Extra Territorial Jurisdiction, which the Irish have said they would prefer to leave to the existing links between Attorney Generals.7

(c) Further Meetings between Ministers

- it would be useful to suggest that the Secretary of State and the Minister of Justice should meet again in 3 months to take stock of the progress on (a) and (b) above;

- and that officials should, in the course of their work on (b) above, make proposals for the organisation of ministerial meetings on a regular basis. /This would be a way of edging towards the establishment of an Inter-Governmental Security Council, as outlined in my minute of 22 December 1983 to Mr Brennan.7

It is suggested that the above three subjects should form the core of the agenda for the Secretary of State's meeting with Mr Noonan on 9 or 10 January 1984, and that officials should arrange accordingly with Irish officials - the latter have suggested a meeting between officials to set the agenda - see the Ambassador's telegram to the FCO Number 417 of 29 December. It will also be necessary to offer (or to accede to requests for) the inclusion of the McGovern affair in the agenda.

8. This minute and the accompanying papers represent the progress that we have been able to make during the Christmas break; naturally enough we have not been able to discuss these ideas at all widely. I recommend, however, that the Secretary of State should authorise us to proceed as rapidly as possible on the lines indicated in this minute, and to report progress as soon as possible. The progress report will provide the opportunity to cover any other relevant subjects. It may be, for example, that other points were raised at the Cabinet meeting on 22 December; when the minutes are available in Belfast we will be able to proceed accordingly.

J. B. Bourn

J B BOURN

30 December 1983