THE ATTEMPTED ARREST OF MARTIN GALVIN ON 12 AUGUST

Background Note

On 28 July the Home Secretary banned Martin Galvin, NORAID's Director of Publicity, from entering the United Kingdom under Immigration Act powers. On 8 August a group of NORAID supporters began a tour of Northern Ireland timed to coincide with the 13th anniversary of the introduction of internment in 1971. On 9 August Sinn Fein claimed that Galvin had defied the ban and visited Londonderry from the Republic of Ireland for talks with Martin McGuinness, one of Sinn Fein's five Assembly Members.

On 12 August Galvin appeared alongside Sinn Fein's President, Gerry Adams, at a Republican rally in Andersonstown in West Belfast having previously announced his intention of doing so. When members of the RUC moved forward to arrest him they were hindered by the crowd, and Galvin disappeared into the nearby Sinn Fein headquarters. The RUC fired some plastic baton rounds over the heads of the crowd reportedly to disperse the crowd and deter aggression; they were nevertheless attacked in the rear by a number of men wielding sticks and throwing stones.

During the disturbances, which were witnessed by a large number of journalists, the police fired 31 plastic baton rounds and the army fired 7 plastic baton rounds. John Downes was fatally injured and twenty other people were injured, of whom three were detained in hospital for further treatment.

Following the death of Mr Downes and the failure of the RUC to arrest Martin Galvin there have been a number of requests for the Government to carry out a full investigation in the events leading up to this incident. There have been calls for an independent inquiry into the decision to exclude Galvin from the UK, an independent inquiry into the alleged brutality of the RUC and á complete ban on the use of plastic baton rounds

The Irish Government have expressed their concern at the incident both publicly and privately to the Secretary of State and our Ambassador. They were concerned at the further alienation of the Catholic community and the boost to Sinn Fein and NORAID. We have explained how the

incident will be investigated. They have also made it known that they do not wish the incident to damage the friendly and constructive relations which exist between the Irish and British Governments. The Irish Government also made it clear that Galvin was not a welcome visitor.

Lines to take

(a) Independent inquiry into the decision to exclude Galvin

As Mrs Thatcher made clear in her recent letter to Mr Kinnock on this point, she sees no purpose in an independent inquiry into the decision to exclude Galvin from the United Kingdom. Whether people should be free to enter the United Kingdom from abroad to encourage the murder of British soldiers and other citizens may be a matter for argument but will not be resolved by an inquiry. Mr Galvin presented the Government with a difficult problem and with hindsight the decision to ban him might be criticised as tactically unsound. But had the Government done nothing we would have been just as strongly criticised - particularly by some Unionist elements who might well have been tempted to use violence.

(b) Independent inquiry into the police action

The Royal Ulster Constabulary have a duty to investigate the death of Mr Downes and the injuries to others, as well as any other allegations arising out of the incident which might lead to criminal proceedings. The Chief Constable has appointed a Deputy Chief Constable to conduct these enquiries and to report on any wider implications. He will have the assistance of an HMI, and a Detective Chief Superintendent from the Cumbria police will be a member of the team. I have every confidence that their investigation will establish the facts. They will then submit their report to the DPP who will decide whether to proceed with prosecutions.

(c) Ban on the use of plastic baton rounds

The Government naturally regrets any deaths or injuries which have been caused by the use of plastic baton rounds. However, I do not consider that it would be right to ban or even suspend their use. I am satisfied that without the use of plastic baton rounds the security forces would on many occasions have no option other than to resort to live rounds.

They are used under strict instructions, and must only be used within the law. If the investigation establishes, in this instance, that any w[redacted] used otherwise, then the officers concerned will be proceeded against. But there can be no question of leaving the entire force without adequate means of defending itself against rioters because some individuals might have used them unwisely or illegally.

(d) Further visits by Galvin

It seems probable from his statements that Galvin will attempt to return to Northern Ireland. Our exclusion order will still be in force. We appreciate that the Irish may not feel able, or may lack the power to exclude him from their jurisdiction, although obviously such a decision on their part would be ideal from the British Government's point of view. But if he could be closely monitored by the Irish (if, as is likely, he arrives in the Republic) it would either discourage him from going North or enable the RUC to arrest him on the Border. This would greatly help both Governments, and reduce the risk of further confrontation.

(e) Irish criticism

The Irish were asked to exclude Galvin themselves or at least keep a close watch on him so that the Garda could tip off the RUC to arrest him at a place of their chosing. We can understand their difficulty about excluding him - though there seems much doubt about his being an Irish citizen. It is a pity the Garda were not able to give the RUC any information about his movements. We have the impression that they may not have tried very hard.

PCW

E.R.

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BORDER INCURSIONS

Background Note

In recent months the Irish Government have made a number of protests about incidents which have been caused by members of the Security forces inadvertently crossing into the Republic in the course of their duties. Such protests, sometimes over very trivial incursions, cause considerable irritation to the security forces and strain the good relations that are necessary to assist both Governments to defeat the terrorists. Such an attitude by the Irish Government also conveys the impression that they lack goodwill, understanding and a determination to stamp out terrorism.

On 2 August the British Ambassador in Dublin called on Mr Lillis of the Irish Department of Foreign Affairs and explained HMG's concern about the continuous complaints that are received from the Irish Government about minor infractions of the border. Mr Lillis concluded their conversation on this subject by saying that the Irish Government would be helpful as far as they could.

On 10 August the Irish News carried an interview with Mr Barry, the Irish Minister of Foreign Affairs. During the course of the interview he spoke about border incursions and said; "Regarding incursions they happen almost once a week and obviously there will be some of these that are accidental with people not knowing quite where they are. I don't think there is much point in protesting about these if they are very obviously accidental. But there are some of them that are not accidental and they must be pressurised on this because we are a sovereign state and people don't send their security forces in here like that. We will not allow that. This is a break of all relationships between sovereign states. You keep your own security forces on your own territory unless with the permission of another country. That is one of the fundamental pillars of sovereignty".

E.R.

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Information from the British Embassy in Dublin suggests that despite the efforts of our Ambassador, there is no sign of a significant change in the attitude of the Irish Government in calling for explanations for border incursions. This is disappointing and the Secretary of State may therefore wish to stress that there is no question whatsoever of the security forces making deliberate incursions into the Irish Republic.

Line to Take

There is absolutely no question of the territorial integrity of the Irish Republic being deliberately infringed by our security forces. Indeed, any minor and inadvertent incursion is regretted by the security forces - whose orders forbid the crossing of the border - and by HM Government. Any deliberate incursion would be subject to disciplinary action. Irish protests about every minor and inadvertant crossing of the border are counter-productive; they reinforce doubts in Unionist circles about the genuine commitment of the Irish Government to combat terrorism. The implication in your Irish News interview that some incursions are deliberate was unhelpful and will have done little to encourage mutual confidence between the two security forces.

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BORDER FOOTBRIDGES

Line to Take

We are about to let a contract (through the DOENI) for refurbishing the three footbridges at Lackey, Gortoral and Kiltyclogher. We shall also be improving pedestrian access to Cloughmore where two crossings are cratered. On RUC advice all the crossings - including Lackey about which you wrote to me - will remain closed to vehicle traffic but I hope the improvements will greatly help the local communities. We would prefer not to give these reopenings too much prominence, because of the sensitivity of the border crossings issue.

It would be helpful to know whether the Irish Authorities propose to improve access to the crossings from their side. (Leitrim Council once offered to improve street lighting on the approach to Kiltyclogher Bridge).

Background

1. This is a minor but long-running irritation. Mr Barry raised the dangerous state of the existing bridges with the Secretary of State when they met on 25 May and the latter undertook to investigate and let Mr Barry know the outcome.

Lackey, Gortoral and Kiltyclogher Bridges

2. The bridges are all to be substantially improved to a much safer standard. Mr Hume has already been told of the decision to improve Lackey Bridge and gave this some publicity, prompting increased pressure for improved access to the COI Church in Cloughmore (see below) to match the improvements at (nationalist) Lackey.

3. Mr Barry wrote to the Secretary of State on 15 August asking for Lackey to be reopened to vehicles [the Secretary of State has replied that in the light of Army advice this would not be possible (the letters are attached)].

Cloughmore

4. Steps will also be taken in the Cloughmore area to improve conditions for parishioners resident in the Republic of Ireland who use two cratered border crossings en route to worship in a church in Northern Ireland. One crossing will be tarmaced for pedestrians;

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the other will benefit from a new footbridge. There has been pressure for some time for action to be taken to improve the present poor facilities and the Church of Ireland Bishop of Clogher has lent his voice in support, contrasting the (well advertised) action that it is proposed to take for the Nationalist population of the Lackey area with the (apparent) lack of interest taken in the problems of the Protestants around Cloughmore.

General

5. We would rather than Mr Barry did not seek to secure credit for the works. That would tend to make it contentious. Although Mr Hume has already derived some credit, there would be advantage in keeping the matter in perspective as a low-key piece of routine maintenance.

6. It would be helpful to know whether the Irish authorities intend taking any measures to improve access to the crossings from their side of the border. The Secretary of State may recall that Leitrim Council did at one stage, offer to improve street lighting at the southern approaches to Kiltyclogher.

KW

LONDON SW1A 2AZ

SECRETARY OF STATE
FOR
NORTHERN IRELAND

Peter Barry Esq MP
Minister for Foreign Affairs
DUBLIN 2

August 1984

Dear Mr Barry

Thank you for your letter of 15 August, in which you asked me to consider restoring and re-opening Lackey Bridge, in order to allow not just pedestrian traffic but also vehicular traffic to be restored.

As I explained, the police have carefully examined the security situation along the whole of the Fermanagh border, and, although they considered that it would be extremely risky indeed to consider re-opening this bridge to vehicular traffic in the present security situation, they were prepared to allow pedestrian traffic to continue. I know how such closures make life difficult for the local communities in border areas, and both the Chief Constable and I are anxious to restore normality by re-opening such crossings as rapidly as the security situation allows. That is why we are now in the process of restoring full pedestrian access, not only at Lackey Bridge by replacing the present unsafe, temporary footbridge there with a safer structure, but also at Gortoral, Kiltyclogher and Cloughmore.

For the moment, therefore, both the Chief Constable and I feel that, although it would make life easier for the local population if we were to re-open Lackey Bridge fully, it would also make life much easier for the terrorists in the local area. I know that you are aware of my concern about the upsurge of terrorism in border areas in recent months, and I am sure that you will understand why I am reluctant to put lives at risk by prematurely removing any security measures which have been recommended by the police.

However, I can assure you that I will keep the whole question of border security measures under the closest possible review,

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and so soon as the security situation allows, Lackey Bridge will be re-opened. In the meantime I hope that with close and effective co-operation between our security forces, we will be able to get to grips with the terrorist problem, and thereby help to promote the conditions which will enable us to get this and other border crossings opened up once more.

Yours sincerely

(Approved by the Secretary of State and signed in his absence)

JLD

15 August 1984

Mr. James Prior MP
Secretary of State for
Northern Ireland

Dear Jim,

Following our meeting in March of this year, I wrote to you on 26 March about the closure of cross-border roads, detailing the hardship this causes to local residents and the counter-productive effect we feel the closure of Lackey Bridge near Clones, Co. Monaghan, has had on security. You kindly agreed to look into this matter to see if it would be possible to re-open this border crossing.

I believe that one of the options that has been examined on your side is the opening of a footbridge at Lackey Bridge, and also at three other locations along the border. Whilst I would welcome, as you know, a new footbridge at Kiltyclogher, where the present one is clearly unsafe, I would stress that the erection of a footbridge at Lackey Bridge (which already has a crude, unprotected pedestrian way on the site of the old bridge) would not meet the needs of local people on either side of the border and would certainly not be regarded as a satisfactory outcome by them.

The Lackey Bridge, before it was blown up, served as an essential link between Clones and its hinterland in Fermanagh, enabling local people to have ready access to the town. If the town of Clones is to survive as an economic and social centre for its hinterland the full roadway must be restored at Lackey Bridge. I would therefore urge you to re-open the road at this crossing to all traffic.

In recent months I have been left in no doubt by local representatives and businessmen of the strength of their feeling on this matter, and I have been constantly urged to obtain your agreement to the re-opening of the bridge.

I should be grateful if you could decide the issue favourably.

Yours sincerely,

Peter Barry TD
Minister for Foreign Affairs

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E.R.

ANGLO-IRISH RELATIONS: IRISH COMPLAINTS

1. On 18 June the Irish Ambassador, Mr Dorr, handed the Secretary of State a list of issues which had caused friction between the two Governments in the past and which indicated the Irish perception of the current state of play. The list was not discussed in detail but the Secretary of State undertook to examine it.

2. The list (Annex I) is fairly partisan. Annex II lists the Irish complaints and expresses our perception of how matters stand with the Irish highlighting the areas where we thought the Irish had no case. Annex III lists a number of points which might be made to the Irish about incidents or actions which have proved unhelpful to us.

3. Mr Dorr did not refer to the list when he met the Secretary of State on 18 July, but Mr Barry mentioned it in his Irish News interview of 10 August. If Mr Barry does not raise the issues covered by the list there would be no advantage in the Secretary of State raising them on this occasion. If Mr Barry does raise any points from the list, the Secretary of State will wish to draw on the brief defensive points set out in Annex II which respond to items raised by the Irish. He may also wish to draw on the points in Annex III and highlight the various areas where Irish actions have proved to be unhelpful to us.

4. It will be important to register that the British position must remain that the Irish do not have the right to intervene in the internal affairs of Northern Ireland. Most - but not all - of the items raised by the Irish refer to internal affairs. The Secretary of State and the NIO are prepared on a private and informal basis to listen to Mr Barry's views, and he knows that they are treated seriously.

5. The Secretary of State will also wish to make it clear that the British Government has not formally received the Irish list. It was handed over informally by Mr Dorr and it is being considered in a similarly informal way. Naturally it sees things from an Irish perspective and we would not necessarily agree with its terms. That said, it seems neither worthwhile nor fruitful to become engaged in a detailed redrafting exercise.

KW

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ANNEX I

IST OF IRISH COMPLAINTS HANDED TO THE SECRETARY OF STATE BY MR BARRY

Issue	Irish Views	British Response	British Action
1. Northern Ireland Prisons	Compassionate parole	Agreed to examine	
	Early release	Agreed to examine	Royal Prerogative used at least once
	Strip searching of women prisoners in Armagh	Will continue but sensitively	Practice has decreased but occurring
	Educational and sporting facilities at Maze Prison	Educational facilities would become available when prison officers dispute ended. No proposals for GAA facilities	
2. Harassment of Catholics in Northern Ireland	General harassment. Individual cases		
3. Use of Irish form of name in Northern Ireland	Important issue to nationalists		British undertaking that RUC would accept Irish form at check-point if it can be verified
4. Use of plastic bullets in Northern Ireland	Use alternatives. Limit use to minimum	Agreed to examine and try to limit use	Alternatives found wanting. New rules for use established. Secretary of State has asked for report on each page.
5. Alleged 'Shoot to kill' policy in Northern Ireland	Grave concern	No changes in instructions	
6. Prime Minister's visit to Drumadd	Visit regretted	Prime Minister unaware of implications	
7. Prince Philip's visit to Drumadd	Protest	Controversy regretted. Visit an internal matter	
8. Discrimination in employment (Shorts factory and in Gas Industry) in Northern Ireland	Need to avoid	Noted	
9. Route of traditional marches, especially Porta-down in Northern Ireland	Problem of traditional routes Policy of respecting traditional routes structurally discriminatory	Would draw Irish views to attention of Chief Constable	

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Issue	Irish View	British View	British Action
10. [redacted]ssmaglen	The GAA Club's problems go back to 1970. The Club officials are responsible people who have legitimate grounds for complaint. Why not drop present right of way? If necessary acquire land owned by Committee for the Handicapped by CPO. Permit Club to develop its property. Settle outstanding compensation quickly.	Considering these issues	
11. Robinson case Problem of statement by Sir J Hermon	Grave concern at implicit admission that Northern security forces have operated in Irish jurisdiction. Potential damage to security co-operation and to general relations. Confidence in NI judicial system further undermined. State of Sir J Hermon very damaging	Apology RUC instructions apparently violated. Assured no member of the security forces will cross border in any operational role (10 April 1984). Very concerned	Enquiry by Deputy Chief Constable Stoker of Manchester announced on 30 May 1984
12. Incursions	The Irish side complained of 22 incursions in 1983 and 13 so far this year. Certain incursions have been admitted as deliberate despite reprimands and reminders. These reprimands/reminders do not appear to be effective. Incursions are unacceptable and damaging to local community and general public support for security co-operation.	Admitted in nearly all cases	Occasional reprimands or reminders of standing instructions not to cross the border.
13. Road Closures	The Minister and his officials have repeatedly drawn attention to the negative impact of certain road closures: the inconvenience and hardship to locals on both sides of the border; the political	Generally negative Minister was informed by Mr Prior in March that the closure of Lackey Bridge on the Fermanagh-Leitrim border was to be re-assessed. It was agreed by Mr Prior in March that the unsafe footbridge on the	

Issue	Irish Views	British Response	British Action
	dividends for subversives; and the difficulties caused for security co-operation	closed Cashel Bridge on the Leitrim Fermanagh border at Kiltyclogher would be repaired. Mr Prior has agreed to consult the Minister in respect of future plans to close roads	
14. Irish Prisoners in Britain	Better and more regular information on prison conditions requested. Importance of anticipating and heading off issues which cause problems to our relations. Humanitarian issues: prison conditions, visits by relatives, transfers to Northern Ireland in certain circumstances (for example, Shane O'Doherty)	Agreement that closer liaison should be maintained and that transfers to Northern Ireland could be considered in deserving cases. Facts of O'Doherty case to be checked in view of conflicting accounts	
15. Trawler 'Sharelga'	Trawler sunk by British submarine in April 1982. Likely political exploitation of the compensation delay. Minister and officials have pressed for speedy settlement. Meeting of Loss Adjusters recommended. Disputed issues discussed with British Embassy	Liability admitted. Offer made. Claims very excessive. Further explanations required before meeting of Loss Adjusters could be agreed. Confident that Courts will not order compensation greater than amount offered	
16. Prevention of Terrorism Act	Action of British officials at entry points and in other encounters with Irish people in Britain (eg Irish Societies) cause complaints of harassment and insensitivity	Irish complaints noted. Security problem	Jellicoe Report no significant change

KW

ANNEX II: UK RESPONSE TO COMPLAINTS RAISED INFORMALLY BY MR BARRY

ISSUE	COMMENT
1. Northern Ireland Prisons	
(a) Compassionate parole	The decision of October 1983 to suspend the CHL scheme for life sentence prisoners will be reviewed shortly. CHL is granted in NI on a much more generous basis than in GB.
(b) Early release	a) The grounds for recommending the exercise of the Royal Prerogative of Mercy in any particular case - for example where imprisonment is likely to cause death or irreparable and serious damage to health - are kept under constant review. Miss Bernadette Boyle has recently been released under the Royal Prerogative. b) All prisoners serving indeterminate sentences, have their cases reviewed regularly since it is within the Secretary of State's power to release on licence when he judges the circumstances right.
(c) Strip searching of women prisoners in Armagh	Search arrangements are carried out in as sensitive a manner as possible. Arrangements are the same as those used in prisons elsewhere in GB, but the frequency of searches is generally less than in other prisons.
(d) Educational and sporting facilities in Maze	We hope to be able to return to the full and varied educational programme, disrupted following the escape, in the autumn. Available facilities preclude the introduction of Gaelic games.
2. Harassment of Catholics in NI	The law is determined to ensure that the law in Northern Ireland is enforced sensitively and impartially: specific allegations from individuals will be investigated.
3. Use of Irish form of name in Northern Ireland	The security forces will accept the Irish form of a name provided it can be verified by documentary

ISSUE	COMMENT
	evidence. However if the name provided does not match up with that on documentary evidence, and if the security forces do not feel the person concerned has responded to the best of his ability, he may be arrested so that the matter can be properly resolved.
4. Use of Plastic Bullets in Northern Ireland	A detailed brief has been provided (See C5).
5. Alleged 'Shoot to Kill' policy in Northern Ireland	In Northern Ireland, as in other parts of the UK, the security forces are responsible to the law which it is their bounden duty to uphold; there has been no change of policy and no new instructions issued.
6. Prime Minister's visit to Drumadd 7. Prince Philip's visit to Drumadd	Both visits were to the HQs of the Grenadier Guards; they were not intended to be provocative. They are an internal matter but we regret the controversy aroused.
8. Discrimination in employment (Shorts factory and gas industry in NI)	All employers in NI are forbidden by law to discriminate on religious or political grounds in recruiting staff. The FEA plays a leading role by monitoring the practices of specific firms and investigating individual complaints.
9. Route of traditional marches, especially in Portadown, Northern Ireland	The control of parades is a matter for the Chief Constable. He is well aware of the sensitivities involved and takes all relevant factors into account to ensure that the best interests of the community are protected.
10. Corssmaglen GAA club	Every effort will continue to be made to resolve the problems. Nothing can be done which would risk the security of the RUC station or the lives and property of those living in and around it.
11. Robinson case	No member of the security forces is permitted to operate outside the jurisdiction of Northern Ireland We have apologised for the apparent violation of

ISSUE	COMMENT
	instructions in this case. The issue is the subject of an investigation which may lead to criminal or disciplinary charges.
12. Incursions	In the absence of a clearly defined border the security forces operating under constant threat of attack may well inadvertently cross into the Republic. Protests over every minor incursion do little to reassure Unionists of the Irish Government's commitment to combat terrorism.
13. Border Road Closures	Decisions to close border roads are not taken lightly; they are taken when the RUC is convinced that such action is essential for security reasons. Closures are kept under continuous review and I have undertaken to discuss any future plans with you.
14. Irish prisoners in Britain	Any application for a transfer to a prison in NI is considered by the Home Office on its merits in consultation with the NIO. A major factor taken into consideration is the behaviour and attitude of a prisoner. Transfers are refused when we are not convinced that a prisoner has shown a willingness to conform to prison rules and the normal prison regimes.
15. Trawler "Sharelega"	Our attempts to reach an early settlement have been frustrated by the delay on the part of the owners solicitors in adequately documenting their claim. I understand that the matter has gone to litigation and the courts will decide, later in the year, the basis for a reasonable settlement.
16. Prevention of Terrorism Act	These procedures can cause annoyance and inconvenience but they are necessary for the security and protection of the public. Several changes recommended by Lord Jellicoe to reduce unnecessary inconvenience and confusion at ports have been or are in the course of being implemented.

ISSUE

COMMENT

The practical operation of port controls is a matter for the relevant Chief Constable. Passengers are, of course, free to make a formal complaint about the behaviour of an examining officer.