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18 FEB 1992
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FROM: D A L COOKE
SIL
17 FEBRUARY 1992

- cc PS/PUS (L&B) - B
- PS/Mr Fell (L&B) - B
- Mr Thomas (L&B) - B
- Mr Ledlie - B
- Mr Bell - B
- Mr Alston - B
- Mr A P Wilson - B
- Mr D J R Hill - B
- Mr Dodds - B
- Mr Petch - B
- Mr Hamilton - B
- Mr Maxwell - B
- Mr Archer, RID - B
- HM Chancery, Dublin

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*Mr Hamilton
Could I
assist.
18/2*

MR LEACH - B

PRIME MINISTER'S MEETING WITH THE TAOISEACH

By way of a commissioning note for briefing, I attach a rough first shot at the Northern Ireland component of the usual FCO briefing meeting for the Prime Minister's meeting with the Taoiseach, which has now been arranged for 26 February.

2. I should be most grateful if you, Mr D J R Hill and Mr Maxwell in particular could look at the security, political development and social and economic references respectively, and let me have any changes and updating which you would like to make. You will see that the proposed line on cross-border security co-operation needs to be augmented on what specific outcome we seek from this meeting. As before, we are urged to keep the material short and succinct. I should be grateful to have responses by lunchtime on Thursday at the latest.

(SIGNED)

D A L COOKE
SIL
17 FEBRUARY 1992
OAB EXT 6587

MR Maxwell
We discussed. I am
getting with these
references.
A. Hill
MA
21/2

NORTHERN IRELAND: POINTS TO MAKE

Opening Points

- The Anglo-Irish relationship has a unique history and closeness. I personally attach great importance to it. I hope we will be able to continue the six-monthly Heads of Government meetings which I agreed with Mr Haughey in Dublin on 4 December.
- I want our close working relationship with the Irish Government to continue at all levels.
- The British Government remains fully committed to the Anglo-Irish Agreement.
- I know that Northern Ireland is an important topic for you. I quite understand that any Irish Government will be subject to all sorts of pressures from political and public opinion in relation to Northern Ireland.
- The two Governments have a shared agenda of great importance in relation to Northern Ireland. Co-operation between us is vital on security and political development. In the social and economic sphere the EC is increasingly important as a framework for co-operation which already exists at many levels.
- I hope you share our overall view that in Northern Ireland security measures, political development and economic and social progress are complementary.
- We cannot impose political development solutions. This is not caving in to any Unionist veto, but simply recognition of reality. New political institutions would not work if we had not carried the four main constitutional Northern Ireland political parties with us. But the two Governments do have key things within their gift, such as the length of time between meetings of the Anglo-Irish Conference set aside for political talks. Peter Brooke will work in the closest co-operation with David Andrews, as he did with Gerry Collins.
- Co-operation between us over security is also vital. The border is a resource which the terrorists seek to exploit for all it is worth. Operational security co-operation has undoubtedly improved since the signing of the Anglo-Irish Agreement in 1985. But, particularly in the present security climate in Northern Ireland, we should not give the impression that it is impossible to do more. I pursued some specific ideas with Mr Haughey on 4 December which I should like to return to.

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A key relationship in political development is that between the Republic of Ireland and the majority community in Northern Ireland. It is not be an easy relationship. But there is much which you can do to send out the right signals. Your confirmation that Articles 2 and 3 of the Irish Constitution would be on the table in further political development talks was helpful. Cross border security co-operation is another area where action by the Irish Government can send the right signals.

Political development

- You and I agreed when we spoke on the phone that it would be undesirable if there were a hiatus in political dialogue over the period of the British General Election.
- In their 27 January joint statement, the party leaders agreed to meet jointly with the Secretary of State on matters of common concern, such as economic development, and to field teams for briefings on the working of government in Northern Ireland under the chairmanship of the Minister of State. These activities - which are in hand - will be useful in keeping up momentum and sustaining the dialogue needed if fresh talks are to be relaunched.
- As you will have seen, I tried hard on 11 February to get the leaders to go further. As a result, they agreed to meet to examine whether the outstanding obstacles to an early launch of talks could be overcome. I have let them know that I expect them to honour this commitment.
- The key stumbling block which the leaders acknowledged on 27 January to Peter Brooke was the contingency of a change of administration in the UK as a result of the General Election. The Unionists say they would want to establish with a new administration that the basis for the talks was the same. The SDLP want the Unionists to commit themselves in advance to a resumed period of talks after the British General Election on any outcome. I can understand both positions. In the Unionist case, one has to keep in mind that they are thinking about the possibility of a Labour Government which has a public commitment to the ultimate objective of a united Ireland by consent. We must see whether the leaders can find any scope for flexibility at their meeting.
- In the event that fresh talks did not materialise before the British General Election, a key element in getting them launched after it would be the amount of time which the two Governments were prepared to set aside between meetings of the Anglo-Irish Conference within which the talks could take place. Your predecessor recognised that we would need

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to set aside a longer period than the ten weeks provided for the talks in the summer of 1991. I imagine you will want David Andrews to explore this in greater depth with Peter Brooke.

Security Co-operation

- The border is an important resource for the terrorists. This is not just PIRA: the Chief Constable has warned that the loyalist paramilitaries could make attacks in the Republic.
- Very grateful for all that the Irish security forces do against the terrorists. For instance, I understand the Garda responded very promptly in arresting three men in Co Donegal on 4 February, following the shooting attack on a member of the UDR in Belleek.
- The security situation in Northern Ireland is nowhere near as bad as in the early '70s, but is still unacceptable. City centre bombings and tit for tat killings in particular have produced an atmosphere of tension and anxiety.
- I was able to get all four party leaders to agree on 11 February that the closest co-operation with the Irish Government on cross border security was vital. The present security situation in the North re-emphasises the need to make sure that everything possible is being done.
- On 4 December I made four specific suggestions to the Taoiseach. These points were subsequently followed up at a meeting in Dublin between the Permanent Secretary of the Northern Ireland Office and the Secretary to the Department of Justice. The points were:
 - (i) a common automatic fingerprint recognition computer system. (Mr Haughey welcomed this in principle, and we are about to put a paper to you which will address the question of cost-effectiveness and also deal with the RUC's thinking on a joint computerised weapons and explosives database. Your officials were going to report on the position of the Garda.)
 - (ii) a dedicated Garda anti-terrorist squad in the border areas (Mr Haughey was happy for this to be examined. Again, we are letting you have a paper.)
 - (iii) enhancement of the Garda's covert surveillance capacity. (Your officials are reviewing the current position.); and

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(iv) direct army to Garda communications. (Mr Haughey was opposed to this, but we see real operational advantage in it and do not think it is inconsistent with the principle of police primacy).

- Hope we can produce some tangible evidence from today's meeting that we are taking forward enhancement of cross-border security co-operation.
- We have a further set of measures which we would like to discuss with you.
- Would your new Ministerial team find it useful to have a presentation on the security situation and the action which is being taken?

Social and economic co-operation

- A wide range of social and economic topics has been discussed by the Anglo-Irish Conference. Hope you will be ready to continue to use the Conference to explore these wider issues, bring in other Ministers than the four principals, and take forward an agenda which is in the mutual interest of the people of the Republic of Ireland and Northern Ireland.
- We need to work together on co-operation in such areas as energy, health, tourism, the environment and transport.
- [- Hope we can announce today the agreement of the two Governments on the Belfast-Dublin rail link project. This will provide an important symbol of the improvement of links between the Republic of Ireland and Northern Ireland, notwithstanding the efforts of the terrorists to thwart it.]
- I hope that you and I will be able to do more to break down what one journalist in the South has called the partition of the mind between the Republic of Ireland and Northern Ireland. A recent survey suggested that 72% of the people of the Republic have not visited Northern Ireland within the last 20 years. There is no doubt that there are misconceptions in Northern Ireland about the people of the Republic of Ireland. I hope that at our meetings we can be on the look-out for ways of giving a push to visits, exchanges and other links between the peoples of the Republic of Ireland and Northern Ireland.

The Anglo-Irish relationship and Northern Ireland

- It is important that the Anglo-Irish Agreement should be seen as far as possible to operate in an even-handed way which benefits all the people of Northern Ireland.

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- You are aware of the strength of Unionist feeling on Articles 2 and 3. I can understand the Irish Government's position that it would not want to make a move on Articles 2 and 3 in isolation from the other elements to be addressed in political talks. Equally, I am in no doubt about the potential for movement on Articles 2 and 3 to transform Unionist attitudes. In my view movement on Articles 2 and 3 will be an essential element in any comprehensive political accommodation.

- We have met much of the traditional nationalist agenda of 20 years ago, for instance in the fields such as housing and fair employment. On the security front, it is essential to strike the right balance between giving the security forces the powers and resources they need to defeat terrorism within the rule of law, and safeguarding the rights of individuals and encouraging the whole community to unite in support for the security forces. Since the signing of the Agreement many new safeguards have been discussed with the Irish Government and introduced. Currently, we are working on the new possibilities, enabled by the emergency provisions legislation of last year, of an independent assessor of military complaints and an independent commissioner for the holding centres.

- We remain committed to the policy of accompaniment, as set out in the Hillsborough communique of November 1985. Your Government recognises as a matter of practicality that there are bound to be occasions when a patrol is unaccompanied in the light of the particular circumstances. I hope the two Governments can avoid attempts to divide us over the detail: the objective remains as set out in the 1985 communique.

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NORTHERN IRELAND: DEFENSIVE BRIEFING

Proscription of the UDA

- Recent loyalist terrorist outrages have largely been the work of the UFF, which is already a proscribed organisation.
- In view of the known activities of some of its members, the question of proscribing the UDA is kept under review.
- But the Government is wary of being drawn into knee jerk reactions, such as proscription of the UDA, which might prove counterproductive in the longer term and which are unlikely to have a major impact on the current security situation.
- If we thought that proscription of the UDA was likely to assist materially in bringing terrorism to a permanent end, we would not hesitate to take that step.
- We have to balance the relative advantages and disadvantages of proscription. At this stage, we are concerned that such action against the UDA, even if it were thought right in principle, would simply divert an already heavily stretched RUC from its primary functions of combating terrorism and criminal activity.

Internment

- We discussed internment on the telephone. I quite understand your position.
- The power to intern was retained in the 1991 Emergency Provisions Act, and is therefore an option available to the Government. It is not ruled out. But Peter Brooke and I always take the line that it would not be desirable to go into the very particular circumstances in which it might be introduced.
- I agree that we would need to take careful account of the lessons from the experience of internment in the 1970s. In particular, and setting aside the wider political and international considerations, the likelihood of such measures' bringing real and lasting security improvements in the security situation would have to be very carefully weighed.

Nelson

- It is essential for the security forces in Northern Ireland to be able to collect information from informants. Lives would be lost if they were not able to do so.

- The Government remains wholly committed to the principle of police primacy in Northern Ireland. This principle applies in the field of collection of information about terrorism, as well as elsewhere.
- We are naturally looking at all the implications of this episode. Any lessons will be learned and applied.
- It would be quite wrong for the security forces to deny themselves information from informants. There is nothing inherently criminal about receiving information which helps to prevent a crime. But members of the security forces are subject to the rule of law, as are all other citizens. Any lessons from this episode will be learned and applied.

Confidence in the security forces

- Defeating terrorism is not just a matter of powers and resources. We have readily acknowledged that the confidence of the community in the security forces is also central.
- Confidence is an issue which affects both communities. The security forces must be fair in their treatment of individuals but it is equally important that they are seen to be effective against terrorism.
- Measures already taken to improve confidence include:
 - (i) improve training and briefing of security forces in dealing sensitively with the public
 - (ii) considerable efforts by the RUC to increase the level of recruitment from the minority community
 - (iii) a code of conduct for RUC officers
 - (iv) the establishment of local police community liaison committees
 - (v) the introduction of lay visitors schemes to RUC stations
 - (vi) the publication of a guide to the emergency powers
 - (vii) improve screening of UDR recruits.
- In relation to holding centres, a code of practice is in preparation, and we have now decided to do more by appointing an independent Commissioner to monitor procedures at the holding centres and check that the existing safeguards are being properly applied. The

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Commissioner will be free to make recommendations to the Chief Constable and the Secretary of State, and his annual report will be published.

- The Emergency Provisions (NI) Act 1991 also provided for a new office of independent assessor of military complaints procedures.

Video recording

- We share the view of the police, and the Bennett enquiry which looked into this very carefully in 1979, that video recording of interviews with terrorist suspects should not be introduced.
- Suspects may well be less prepared to offer information if they knew that a permanent record was being kept of their co-operation with the police.

Lethal force

- There is no shoot to kill policy in Northern Ireland except on the part of terrorists. There have, sadly, been a handful of incidents over the last year or so in which individuals have been killed by the security forces. In each of these cases a full and impartial investigation has been carried out or is in train.
- All shooting incidents involving the army are investigated in an impartial and objective manner by the RUC. Allegations of criminal behaviour by the police are investigated under the oversight of the Independent Commission for Police Complaints. The Commission must directly supervise cases involving either death or serious injury.
- The subject is a complex and difficult one, but all the issues relating to the use of lethal force in Northern Ireland are currently being examined. There have been helpful exchanges through the Secretariat about this work.

Extradition

- Following the recent decision by the Supreme Court in Sloan, Magee and McKee, your Government undertook to bring forward amending legislation dealing with the political offence exception and related issues. I welcome that undertaking. When do you expect to be able to introduce the legislation?
- It is clearly important that terrorists are not able to escape justice by fleeing to another jurisdiction. Both

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Governments have pledged themselves to ensure that fugitive offenders are dealt with effectively.

- I am glad that the issue of speciality is currently being examined by Working Group II of the Anglo-Irish Conference. I understand the pressures on you to secure British legislation on speciality. At the same time, the British Government has demonstrated its determination to honour the existing (non-statutory) agreement on speciality. And there are important issues to examine to do with the compatibility of existing UK legislation on speciality in non-Anglo-Irish cases with the provisions of Irish legislation.
- I hope you would agree that what we must avoid is to get into a position where all extradition between the UK and the Republic of Ireland is brought to a halt because you have made and implemented an order on speciality before these issues have been resolved.

Accompaniment

- We remain firmly committed to the policy set out in the Hillsborough communique.
- As you know, in the current security situation, it is not possible for the RUC to accompany every patrol, for sound logistical, resource and practical reasons. The security forces are fully stretched coping with the current level of violence. Accompaniment is one of a number of confidence objectives, and it is important not to let pursuit of it get out of kilter with other action.
- In relation to the effects of increased troop levels, this does make it more difficult for the RUC to achieve high levels of accompaniment, but efforts are still made to maintain accompaniment levels, particularly in sensitive nationalist areas.

Border roads and permanent vehicle checkpoints

- The terrorist threat is a particular problem in County Fermanagh, where many people are vulnerable to terrorist attacks. The policy of PVCs and the linked closure of border crossing targets was established to protect these relatively soft targets, who are at considerable risk.
- I recognise that closures can be inconvenient for local people. Accordingly, only those roads which it is considered essential to close on security grounds are closed.

- Following a thorough review, several of the PVCs close to the border in County Fermanagh are being refurbished and improved. This will, in tandem with the closure of unapproved crossings, result in enhanced security for the surrounding areas, and for the soldiers who man the checkpoints. It will also bring more flexible use of security force personnel and should also bring substantial benefits to local residents and businesses.
- I am most grateful to the necessary support which the Irish Government is providing on your side of the border for this operation.

Participation of Sinn Fein/PIRA in the political process

- I hope we can continue to take the line endorsed by both Governments that Sinn Fein (and PIRA) exclude themselves from political talks while their campaigns of violence continue. Were the campaigns of violence to be brought to an end in a sustained and demonstrable way, all concerned would need to take stock of those new circumstances.
- It is important to be firm about this position. If the wrong signals are sent to the Northern Ireland political parties the whole future of political dialogue could be jeopardised.
- PIRA do not at present face defeat militarily, as activity since the last Summit on 4 December has amply confirmed.
- Nevertheless, they continue their internal debate. We must not try to buy them off with incentives, which could destroy the whole political development process. At the same time, we are alive to this debate when we take steps which might be received as signals.
- But the two Governments can increase the pressures on PIRA by emphasising security co-operation, continuing their commitment to a political development process from which PIRA exclude themselves, and emphasising progress made since the Agreement was signed in 1985 with measures designed to reinforce community confidence in the security forces.

New machinery to review the totality of the Anglo-Irish relationship

- I hope we can continue the six-monthly Summits, which provide a means of examining questions across the whole range of the Anglo-Irish relationship without displacing the talks process or creating new machinery.

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- We remain, as always, ready to review the political development prospects with the Irish Government through existing machinery such as the Anglo-Irish Conference or the Anglo-Irish Diner.
- We continue to believe that any attempt to impose solutions on the political parties or to establish new machinery to review the totality of the Anglo-Irish relationship could jeopardise the prospects for further talks on the three stranded analysis.

Anglo-Irish Intergovernmental Council (AIIC)

- Formally, meetings of the Anglo-Irish Conference take place within the framework of the AIIC.
- Bi-lateral contact between Ministers on East/West matters of common concern can also be viewed as part of the AIIC framework.
- But I would see disadvantages in establishing new machinery under the AIIC, since it is likely that this would be taken as pre-empting the outcome of political development talks.
- I do not rule out the possibility that the AIIC may provide models for new arrangements resulting from an accommodation agreed between all the parties concerned in political development talks.

The British Irish Interparliamentary Body

- The Body is independent. It was established by the two Parliaments, not by the two Governments or the Anglo-Irish Agreement.
- The Unionists do not currently take their places on the BIIPB. The two Governments have made it clear that they are ready to co-operate with the Body, but that its deliberations are independent.
- We need to avoid doing anything which might rekindle Unionist misconceptions that the BIIPB is a creature of the Anglo-Irish Agreement.

Role of the EC in a political solution

- I am clear that the EC provides a helpful context because it gives greater impetus to co-operation between Northern Ireland and the Republic of Ireland, particularly in the social and economic field. The recent bid for the interreg programme which the two Governments discussed together provides a good example.

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- There are pitfalls if the rhetoric is taken too far. Northern Ireland remains a divided community, and any attempt to argue that the development of the EC will somehow make the border become irrelevant risks aggravating Unionist suspicions.
- Neither do I see the EC as an arbiter for the Northern Ireland problem: to be successful the onus must be on the two Governments and the four main parties as full participants in the search for a solution.
- Subject to these caveats, I see the EC as a positive context within which to build links between the North and the South and emphasise the value of co-operation.

An all-Irish forum

- I entirely recognise the valuable work embodied in those parts of the 1984 Forum Report which aimed to bring greater clarity and mutuality of understanding about common principles and issues.
- I would be wary, however, about any new proposal which might be taken as displacing three stranded political development talks.
- As you know, the Unionists did not participate in the Forum in the early 80s. The great advantage of the three stranded political development process is that it has succeeded in bringing all the key players round the table, and has the potential to do so again.
- We must be very careful not to send any signals which might scare the horses.

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