

## C O N F I D E N T I A L

F. M: CLIVE BARBOUR  
20 DECEMBER 1993

CB/26620/93/AL

cc Mr Thomas - B  
Mr Legge - B  
Mr Williams - B  
Mr Bell - B  
Mr Lyon - B  
Mr Watkins - B  
Mr Leach - B  
Mr Marsh - B  
Mr Daniell - B  
Mr Jardine, PPRU  
Mr Maccabe - B  
Mr Kyle  
Mr Maitland - B  
Mr Rodell - B

Mr Steele - B

NOTE OF A MEETING WITH THE IRISH SIDE TO DISCUSS THE NEXT STEPS  
FOLLOWING ON FROM THE SCOPING STUDY ON THE IMPACT OF BORDER ROAD  
CLOSURES

I am attaching the note of the meeting which took place with the  
Irish side on 9 December 1993 to discuss the next steps following on  
from the scoping study on the impact of border road closures.

[Signed]

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C O N F I D E N T I A L

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NOTE OF A MEETING WITH THE IRISH SIDE TO DISCUSS THE NEXT STEPS  
FOLLOWING ON FROM THE SCOPING STUDY ON THE IMPACT OF BORDER ROAD  
CLOSURES

A meeting took place with the Irish side at Maryfield on 9 December 1993 to discuss the next steps following on from the scoping study on the impact of border road closures. The British side of the Secretariat was represented by Mr Kyle and Mr Barbour. Mr Steele was also present together with Mr Leach, Mr Maitland and Mr Maye from SPOB1. Mr Jardine, Dr Mallon and Dr Erskine represented PPRU. Mr O'Donovan, Mr Mellett, Mr Cole and Ms O'Donoghue represented the Irish side. Mr Hennessy and Mr O'Reilly were present from the Department of Foreign Affairs together with Mr James Williams from ESRI.

ADOPTING THE JOINT REPORT

2. The meeting opened with both sides adopting the joint report which was before them. Mr O'Donovan said that the next step was to agree a joint note to go to Ministers and to decide the way forward from there. He knew that both sides were aware that the report had not been easy to complete and that it had shown that there was no obvious single way forward. He accepted that a purely quantitative approach was not feasible but, on the other hand, he did not think that quantitative methods should be ruled out entirely. He wished to propose that the next step should be the selection of one locality - and the Irish side were suggesting Leitrim/Fermanagh - to be the pilot area for further study as it could be argued that it was the most deserving and interesting area along the border.

THE BRITISH SIDE'S RESPONSE TO FUTURE WORK

3. Mr Steele said that while both teams of researchers had carried out an excellent and complex piece of work, the British side had difficulty with the proposal to commission further work. Further research would greatly heighten fears and expectations about the

C O N F I D E N T I A L

C O N F I D E N T I A L

border roads issue in the community and, in any event, the British side had doubts that the results of any future research would be reliable, due to the methodological difficulties that the joint report had underlined. Furthermore, the British side did not think that significant changes to cross border road policy were likely to come from such a study, as border closure policy was firmly established. Mr Steele was, however, reassured that the information which the scoping study had provided on levels of disadvantage caused in the border community by road closures suggested, to a degree, that things were not as bad as had first been thought.

THE IRISH SIDE'S RESPONSE

4. Mr O'Donovan said that Irish Ministers would find the British side's response extremely disappointing. While the scoping study had shown up the difficulties of further research, he believed that a way could be found around them. The pilot study was designed to show much more fully the social and economic implications of border closure policy. That was totally separate from any security arguments the British side might deploy for closing a cross border road. He had always stated, and was well aware, that any findings would have to be weighed against the security needs; but the Irish side believed that the scoping study had shown that it was worthwhile now to proceed to further study in a pilot area. It would be foolish to assume that the end product of such a study would result in the setting aside of security considerations, but there were good reasons for a further study to put the security arguments fully in context.

FURTHER EXCHANGES

5. Mr Steele again referred to the methodological difficulties which had been highlighted in the joint report. In addition, there was the problem of raising fears and expectations in border communities that the cross border road policy was going to change when it clearly was not (except on an ad hoc basis such as was seen when consideration was given to the possible re-opening of BCP 108

C O N F I D E N T I A L

C O N F I D E N T I A L

and some other minor roads). Apart from such examples, there was no possibility of any change at present in the current policy. The British side did not, therefore, want to proceed any further.

Mr Leach said that, in weighing up the situation, Ministers would be very conscious of the importance of measures taken to protect life. Inevitably they would not give as high a priority to socio-economic considerations - particularly as the scoping study suggested that the impact of closures was not as severe as had been feared.

Mr O'Donovan said that in other areas of security policy, Ministers seemed quite content to weigh civil liberties considerations against the security arguments. What was so different about BCPs?

6. Mr Steele signalled that the British side would not, of course, set aside civil liberties. Nonetheless, the scoping study had convinced him that the effects on people living in border areas were not as bad as had previously been alleged. Mr O'Donovan quoted the example of SACHR, which frequently contested aspects of security policy. SACHR was publicly funded and the Government often took note of its views. In the same way, he believed that the Government should not be afraid of some critical scrutiny of Border security policy. Mr Steele responded by saying that the Government did indeed listen carefully to SACHR, but there were obviously very real differences between taking action to protect, say, the right to silence and taking action to protect the right to life. The Irish side knew that Mark 15 mortars were coming across the border and, as recent events had shown, PIRA were still attempting to kill security force members and other soft targets who lived along the border.

Mr Leach pointed out that social and economic issues were in any event being addressed by the Government: the Border and other rural areas were being targetted for assistance by Government initiatives, which were complementary to the security measures in force.

Mr O'Donovan said that the scoping study had shown, nonetheless, that more could be done. Mr Steele said that, while he did not object to additional information being available, he was not at all convinced that the information provided by the pilot study would be reliable. In addition, there would be very real difficulties in obtaining it. Mr Hennessy said in return that he was not at all

C O N F I D E N T I A L

C O N F I D E N T I A L

convinced that the argument about the need to protect life was valid. The case could equally be made for undertaking the study for its own sake, and it had been stated at more than one Intergovernmental Conference that the information would be useful for Ministers to have available. It was certainly not the case that any information gathered would dictate changes to policy, but unless a solid base of information was available, how could changes be made to the closed border roads policy if the security threat diminished or disappeared? Mr Leach replied that if the security situation changed to that extent a study would not be needed, since if the threat disappeared the need to maintain road closures would also lapse.

THE VIEWS OF PPRU

7. Mr Jardine referred to Section 6 of the joint report which he said had shown that there would be grave difficulties in adopting a methodology for future research especially with regard to an economic appraisal; in fact, section 6.4 of the report indicated that extreme care would need to be taken in devising and implementing any future programme of research. The authors of the report were saying that there was no evidence that unchallengeable facts would result from any future research. He also believed that it would be easier to identify any evidence of a change in the security situation rather than assessing the social and economic arguments with regard to the possibility of opening cross border roads. He felt that the 3 or 4 months spent on the scoping study had shown the difficulty in teasing out the limitations of this type of research.

FURTHER EXCHANGES

8. Mr Steele confirmed that it was his view that the British side had real doubts whether any work would indeed be possible either methodologically or practically. Mr O'Donovan said that he felt that that opinion was questionable. The indications in the scoping study were that a complementary approach based on 3 different

C O N F I D E N T I A L

C O N F I D E N T I A L

strategies could be tested in a particular area. He felt that there was a need for the British side to be "forward looking" rather than "stop looking". He wished to return to the British side's argument that any further research would adversely raise expectations and/or fears about the opening of cross border roads, and whilst he had to say that that might not be wholly avoidable he felt that the risks could be minimised by going out to tender and comparing proposals from reliable organisations north and south of the border, who would be conscious of the arguments and sensitivities noted in the scoping study report and would deal with the matter professionally rather than at a research student level. Mr Steele said that the issues would be emotive and could quite easily be manipulated by groups such as Sinn Féin. Mr O'Donovan contended that, if that was the case, the British side would not have participated in either the North West Study or the Lough Melvin Study. Mr Steele remained convinced that those were totally different situations. The subject of cross border roads was special and was particularly emotive right throughout Northern Ireland.

9. Mr Williams (ESRI) argued that the scoping study showed that the only way forward was substantial primary research by way of a pilot study. The scoping study had only reviewed the issues involved suggesting methodologies, and highlighting problem issues. It was clear that there would be difficulties in terms of operating a directly quantitative approach but there was census data which would allow contextualisation. He also felt that other qualitative research could be carried out but, there was no guarantee that either reason why qualitative or quantitative research could provide unchallengable facts. He believed that the report showed those issues which needed to be resolved and that a pilot study could approach those with sensitivity. Dr Mallon said he agreed with Mr O'Donovan that it was important that a solid basis of facts was derived from research but that he remained unconvinced that future research - be it contextual, survey or on an economic appraisal - would provide a solid basis of facts which he noted Mr O'Donovan wanted. By way of example, he pointed out that contextual research would produce equivocal findings which would be of little help in

C O N F I D E N T I A L

C O N F I D E N T I A L

Establishing causal relationships and that even the more rigorous economic appraisal approach was far from being an exact science. He feared that the impact of research would trigger anxieties across the whole province - not merely the local border areas in which the research was being conducted. Mr O'Donovan again contended that it would be possible to get a basis of facts on which reasonable decisions could then be made. He had to say he was not at all sure that the security force arguments for road closures were necessarily all that solid, and he suspected that the Secretary of State would tend to listen more to police advice which, he felt, was not always as objective as the social and economic considerations.

10. Mr Jardine returned to the question of the sensitivity of the work in question. There was a very real risk that the research work could be subverted within small close knit communities as the researchers became identified and that orchestration could very easily take place. He felt that while the census data context was interesting, the causal relationships were very doubtful.

Mr Williams was not convinced and argued that unless the work was carried out it would be impossible to say whether causality could be demonstrated. Only further research would inform and contextualise the debate. With regard to economic appraisal a retrospective and prospective approach could be taken. Mr Jardine responded by saying that the validity of any information thus obtained would be doubtful, and this had been raised in section 6.3 of the joint paper.

11. Mr Mellett argued that fears about raising expectations had been addressed by the Secretary of State, who had emphasised the need to keep any research low key. But Ministers had surely already agreed that research should be started in order to provide them with the best information possible so that it could be weighed against the security advice. Mr Leach reminded the meeting that it had been understood at Conference that there was no guarantee of any further work being carried out and that the question of further research should be decided after the scoping study. Mr Steele concurred, and said that now the report had been produced he felt that Ministers would be reluctant to commission further work on the basis of it.

C O N F I D E N T I A L

C O N F I D E N T I A L

THE INTERGOVERNMENTAL CONFERENCE JOINT RECORDS

12. At this point Mr O'Donovan referred to the joint records of past Intergovernmental Conferences relating to the discussion on the study. He felt that Irish Ministers would see the British position as a considerable drawing back from the position in March when both sides had talked about a substantive piece of research which the British Government was going to commission. Mr Leach commented that whatever preliminary positions had been adopted in March, after further thought it had been agreed in July that a scoping study should be undertaken, after which a decision would be taken on whether any further work should be commissioned. The scoping study had now been completed and the British side believed that their Ministers would take the view that no further work would on balance be justified. Mr O'Donovan again said that Irish Ministers would be extremely disappointed and that all he could do was faithfully report both sides' position with a view to seeing where Ministers would now go at political level.

13. Mr Leach reminded the meeting that the security situation was not set in stone and that it might well be possible to reopen some border roads in certain circumstances - particularly if there was an increase in checkpoints and other security measures on the Irish side of the border. Mr O'Donovan said that he still could not accept the British side's arguments. There had been no attempt on the part of the British side to obtain the objective information which they themselves had wanted, and he believed that the British side were now unwilling to proceed only because the subject was difficult and sensitive. He believed that any quantitative research distortions could be professionally corrected to deliver accurate findings and therefore a quantitative research approach should not necessarily be ruled out. Dr Mallon said that the research for a pilot study in Leitrim/Fermanagh would differ from other normal research. Not only was the issue of opening border roads potentially a matter of life and death, it was the case that such research could not provide a firm basis of solid data, and it was

C O N F I D E N T I A L

C O N F I D E N T I A L

Therefore not unreasonable for Ministers to wish to take into account the implications of instability resulting from commissioning such research.

14. Mr O'Donovan contended that things had moved on from 20 years ago when political questions put to people in an opinion poll about the constitutional position were seen as a threat to stability; now they were asked so often that the community took such exercises in its stride. Mr Jardine reminded the meeting that generalised questioning in Province-wide polls was very different from a pilot Border research project, where it would be necessary to interview a great number of people in a small area about an issue which was locally very contentious. While bias could be coped with under certain methodologies, for example, to correct for underrepresentation of particular sub groups of the population, this particular situation was different because of the high proportion of local people who would be questioned, as well as a likely deliberate intent in the locality to subvert the research. Mr Williams said that he was not convinced by the argument that subversion would take place. That was surely one of the reasons for undertaking a pilot study, to see if any further research could be objective per se. Mr Leach stressed that Ministers would rightly wish to take into account the negative costs of the political and other turbulence caused by a pilot study, and Mr Jardine reiterated that in a sparsely populated area such as Leitrim and Fermanagh a very high percentage of the population would need to be polled. Dr Mallon reminded the meeting that there was also the question of risks to researchers in border areas.

15. Mr Steele underlined that he had listened very carefully to the arguments and that he would report them faithfully in his submission to Ministers. In return, Mr O'Donovan stressed that he knew that Irish Ministers would be very disappointed. He was sure that they would not be at all persuaded by the British side's arguments, which he felt could be overcome. This was certainly something which the Irish side would wish to return to in the future. In the meantime

C O N F I D E N T I A L

C O N F I D E N T I A L

handed over the Irish side's draft terms of reference for the pilot study in the event that British Ministers changed their minds. This document is attached at Annex A.

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20 DECEMBER 1993

C O N F I D E N T I A L

C O N F I D E N T I A L

ANNEX A

DRAFT TERMS OF REFERENCE FROM THE IRISH SIDE

(a) Review the economic and social characteristics of the Leitrim/Fermanagh catchment area surrounding road closures. This should inter alia include a review of population structures, levels of unemployment, emigration etc. It should also consider location and importance of roads.

(b) Examine the level of economic activity in terms of tourism, agriculture, industry and commerce within the catchment area, including the number of businesses, the levels of development etc.

(c) Compare the levels of activity with the overall position in both parts of Ireland and with the position prior to road closures.

(d) Examine in detail the impact of road closures, including the effect on access to markets, employment and services and on traditional patterns of communications, parish networks and human relationships generally.

(e) Review previous economic appraisals, including the Lough Melvin study, which was funded by both Governments and the ERDF.

(f) Evaluate the impact of closures on development projects (including those funded by the International Fund for Ireland), on overall economic activity, including the development of the Erne Waterway, and on social activity.

(g) Consider the economic costs of increased journey times arising from road closures.

(h) Consider the possibility of implementing cross - border rural development programmes, to be part-funded by the European Union, and including the development of specific border crossing points in such integrated programmes.

C O N F I D E N T I A L

For information  
JL

2350/12/93-EJ

From: Dr Mallon  
Date: 15 December 1993  
To: Mr Barbour

**DRAFT NOTE OF A MEETING ON THE SCOPING STUDY**

1. You asked me to expand on my intervention which is recorded in para 9 of your perceptive note of the above meeting. As you are aware, the main thrust of my intervention was to agree with Mr O'Donovan that research could of course take place, but that it would not provide the 'solid basis of fact' which he himself recognised as being important. Indeed, because of the importance of the subject matter, the whole Scoping Study was steeped in realism to ensure that all concerned were fully aware of the limitations of the various methodologies identified. It would be inconsistent with the findings of the Scoping study to argue that research would produce a 'solid basis of fact'.
2. I have drafted below a few additional sentences which you may wish to include in para 9 of your note of the meeting.

"Dr Mallon said he agreed with Mr O'Donovan that it was important that a solid basis of facts was derived from research but that he remained unconvinced that future research - be it contextual, survey or an economic appraisal - would provide the solid basis of facts which he noted Mr O'Donovan wanted. By way of example he pointed out that contextual research would produce equivocal findings which would be of little help in establishing causal relationships and that even the more rigorous economic appraisal approach was

far from being an exact science. He feared that the impact of research would trigger anxieties across the whole province - not merely the local border areas in which the research was being conducted."

3. Please ring me if any of the points raised above require further clarification.

JOHN R MALLON (Dr)