

Ref. A01005

PRIME MINISTER

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Political Issues: Inter-Party Talks

The immediate question concerns the nature of the replies to the letters which the Home Secretary has received from Mr. Callaghan and Sir Harry Nicholas about the scope of the proposed talks. Mr. Callaghan's letter simply asks for confirmation that they would be "open-ended", while Sir Harry Nicholas says more explicitly that internment is an impediment to the success of any political initiative. The Government's reply should presumably confirm that any talks would be "open-ended" in the sense of being without prejudice and without commitment on the part of any of the participants. But should it not add that this means, so far as the Government are concerned, that there can be no question of ending internment unilaterally, i. e. so long as violence persists?

2. If so, however, the prospects for the talks are not bright. Dr. Paisley has indicated that he will not take part if unification is on the agenda; and, despite some recent haverings by Mr. Fitt, it seems fairly clear that the SDLP will not participate if the Government say that they are not prepared to end internment. This is not necessarily an unsatisfactory position for the Government, at least in the short term, since public opinion is not likely to agree that the Government should let loose a lot of gunmen and terrorists in return for no more than a promise merely to take part in inter-Party talks without any assurance that they will have a successful outcome. And, provided that internment itself is properly managed (and this is for discussion under a later item on the agenda) and that the Army seem to be continuing to gain the upper hand over the IRA, the Government can probably afford to rest in this position at least for the time being.

3. But it is not a long-term policy; and sooner or later the Government will be driven to try to devise some new political initiative which offers better prospects of success than inter-Party talks as at present envisaged. Here we confront the old dilemma - should any new initiative be based on the fundamental premises that the Border remains intact and that the Stormont system continues; or should it envisage some basic modification in these assumptions? Hitherto, Ministers have judged that it would not be possible to modify either of them without risking the fall of Mr. Faulkner's Government and the inevitable need, as a result, to introduce direct rule.

These arguments have no less force today; and I imagine that Ministers will continue to wish to find some means of maintaining the Stormont system if at all possible. Is it possible to do so in essentials, while taking a new initiative at the right moment?

4. In this connection the memorandum which the Alliance Party have recently sent you (Mr. Howard Smith's letter of 4th January to Mr. Gregson) goes to the root of the matter when it says that "[The Catholics] feel that once the IRA are beaten the Catholic population will be forcibly prevented from securing any reforms. Catholics simply do not believe that when the IRA are defeated reforms will follow. No promises or assurances will convince them of this". If this is an accurate diagnosis of the position (and it surely is), we must concentrate on trying to convince the Catholics that when the IRA are finally worsted - but not until then - reforms will be effected. And the only way of demonstrating this would be by means of legislation at Westminster, putting the full force of the authority of the United Kingdom Parliament behind the changes. As regards the content of the legislation, the Committee's discussion of GEN 47(71) 7 and 8 on 13th December suggested that any attempt to redistribute Stormont's functions or to transfer responsibility for law and order to Westminster would be liable to leave Stormont so shorn of effective power and authority that Mr. Faulkner's Government would fall and we should find that we had merely precipitated the situation which we were trying to avoid. But the new memorandum on "Constitutional Devices to Protect the Minority" (GEN 47(71) 9) indicates a possible alternative approach - i. e. legislation at Westminster guaranteeing to the Catholic minority a reasonable share in representation not only in Parliament but in the Government, and incorporating blocking devices to prevent its purposes from being frustrated by the majority. It is possible to conceive of such legislation's being further strengthened by provisions safeguarding the minority against "administrative" discrimination e.g. by prescribing that a certain number of posts on public authorities must be filled by Catholics and cannot be filled by Protestants. And the law would need to prescribe very severe penalties indeed for any breach of these requirements.

5. A system of this kind would involve some diminution in the authority of the Government at Stormont; and it would be cumbrous to work. But other countries have been driven, in similar circumstances,

to adopt devices of this kind; we ourselves are proposing to have recourse to this kind of solution in Rhodesia; and the Stormont system as such could still continue. It is just possible, therefore, that, if the Government said publicly that internment would not be ended so long as violence persisted but that, if violence ceased, they would be prepared to consider ending internment and to legislate on the above lines, moderate opinion might be sufficiently rallied to compel Mr. Faulkner's more extreme supporters to accept this degree of amendment of the Stormont system. It would, of course, be highly resented and actively opposed by the Protestant Right Wing; but, if it was the price of preserving the separate Parliament and some continuing degree of autonomy, local opinion might decide that it was a price worth paying. It would at least be no less unpromising an initiative in the medium term than the proposed inter-Party talks.

6. If there is anything in this suggestion, it follows that it would be worth developing the suggestion in GEN 47(71) 9, preferably not by drafting a Bill (which might obscure the issues rather than clarifying them) but by producing more detailed proposals for Ministers to discuss before any drafting of legislation is put in hand. If the project proved, on further examination, to be worth trying, it would then be necessary to consider how and when to launch it and how to obtain for it the maximum of support, in the South no less than in the North.

7. For the rest, it was suggested by Mr. Robin Chichester-Clark at a meeting with the Foreign Secretary before Christmas that there would be advantage in an adjournment debate in which he and others could criticise the Government of the Republic for its failure to co-operate in denying the IRA a safe base for operations. At that time you were disposed to think that there might be benefit in this. But other Ministers had reservations; and you may think that in the present political climate in Dublin the balance of advantage for the time being is in favour of dissuading Mr. Chichester-Clark from such a debate.

8. Finally, under this head there is the question of the Government's reply to the case that has been raised against us under the Human Rights Convention. Is all in hand?

#### The Security Situation

9. The Committee will wish to hear the usual reports from the CGS in relation to Belfast, Londonderry and the Border. A decision is needed on the renewal of the ban on processions, which is due to expire next month.

This should surely be renewed - and enforced? The relatively gentle handling of the anti-internment march on Christmas Day was perhaps to be excused by the nature of the occasion. But, if we are putting our money on Mr. Faulkner's survival, we cannot afford to expose him indefinitely to the accusation that he is using kid gloves to deal with provocation and intimidation. As you have yourself observed, the ringleaders of such marches ought to be prosecuted with the minimum of delay. (In this connection the dissidents' latest tactic of using children as decoys and shields could prove a serious obstacle to an attempt to deal resolutely with protest and obstruction. How does the CGS advise that the soldiers should react?).

#### Internment

10. Several points need attention:-

(a) Are the plans for enlarging accommodation for internees and for their custody going forward satisfactorily, bearing in mind the advantage of segregating the more dangerous internees from the less?

(b) Can arrangements be made for the "rehabilitation" of the internees? I understand that General Ford put the point to you during your visit to Belfast before Christmas. (But what does "rehabilitation" mean? And who is to pay for it?).

(c) How do we stand on improvements in the internment procedure? The Northern Ireland Government have a number of proposals under consideration, including the suggestion that the appeals tribunal should not only be used to review the cases of individuals already interned but should also have its functions brought forward in time in order that internment orders should be made as a result of its recommendations rather than simply on the recommendation of the RUC. We gather that this particular proposal (which originates with the Attorney General of Northern Ireland, but without the benefit of consultation with his colleagues!) is not likely to be well received at Stormont. But the Northern Ireland Government have been asked to consider it and ought to be pressed hard. Prima facie the idea seems to have a great deal of merit.

(d) If we can secure a lull in terrorist activity, it would probably be no bad thing to release some of the less harmful internees. Indeed, their release might facilitate the institution of criminal prosecutions in the normal way. But it is important that the less harmful element should

be identified well in advance in order that, when the opportunity arises, action can be taken quickly. This ties in with the "segregation" point at (a) above.

(e) Sir Philip Allen will be able to report on the position of Sir Edmund Compton, who has said that he is not, after all, willing to operate standing machinery for the investigation of complaints of violence against detainees and internees.

BN  
for Burke/Tand

10th January, 1972