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IRISH EMBASSY, LONDON

SECRET

20 March 1986

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24.3.86.

Dear Assistant Secretary

Ministry of Defence confidential reply to Mallon
submission on the UDR

As you will have seen from press reports the Commons Select Committee on the armed forces voted on Monday, 17 March not to give Seamus Mallon an oral hearing. I now enclose an MOD memorandum to the Select Committee which should be handled sensitively at least until someone leaks it to the press (there were some references in the attached I.T. report); such documents are not meant to circulate outside the Select Committee.

The MOD memorandum states that the matters of discipline treated by the Armed Forces Bill Select Committee apply equally to the UDR as to the rest of the Army. It notes that "Mr Mallon has not suggested that the relevant disciplinary provisions in legislation, in Queen's regulations or in the UDR Regulations are unsatisfactory." This does not accord with my reading of Mallon's proposal which called for scrutiny and controls.

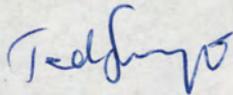
On page 6 the memorandum states that "membership of the Orange order or similar organisations is not of itself forbidden under the regulations". On page 7 "Any UDR personnel who are found to have participated in the protest activity against the Anglo-Irish Agreement on 3 March will be dealt with under the law and in accordance with these regulations". (Mallon awaits a reply from King in relation to allegations about 9 UDR members.)

.../

The Inter-Governmental Conference is mentioned in relation to identifying "ways of improving relations between the Security Forces generally and the minority community".

The conclusion on page 9 begins "The Government recognises that many in the minority community are concerned about the role of the UDR" but goes on to state "The Government rejects any suggestion that the UDR operates in a sectarian manner". Again it states "The UDR is a disciplined force, well led and effectively trained for the range of tasks for which it is needed".

Yours sincerely

A handwritten signature in blue ink, appearing to read "Ted Smyth".

Ted Smyth
Press Officer

CONFIDENTIAL

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SUPPLEMENTARY MEMORANDUM SUBMITTED BY THE MINISTRY OF DEFENCE

MEMORANDUM ON THE ULSTER DEFENCE REGIMENT

Introduction

1. In his submission on the Ulster Defence Regiment, Mr Mallon makes a number of allegations concerning the discipline and role of the Regiment. Although the UDR is maintained under the provisions of the Reserve Forces Act 1980, its position in respect of military discipline when its members are on duty or undertaking training is no different from that of any other regiment of the British Army. The matters of discipline which are dealt with in the Armed Forces Bill and those which have been discussed by the Armed Forces Bill Select Committee apply equally to the UDR as to the rest of the Army. We note that Mr Mallon has not suggested that the relevant disciplinary provisions in legislation, in Queen's Regulations or in the UDR Regulations, are unsatisfactory.

Organisation

2. The Ulster Defence Regiment (UDR) was established in 1970 following the report of Lord Hunt's Advisory Committee on Police in Northern Ireland. The Committee's main recommendations were based on the principle that police and military roles should be separate in Northern Ireland, as in the rest of the United Kingdom. As a result, the Royal Ulster Constabulary (RUC) was relieved of all duties of a military kind and the Ulster Special Constabulary, which had assisted them, was stood down. At the same time two new forces were established: the RUC Reserve was to be a force to assist the RUC with routine policing matters; the UDR was set up as a locally recruited, and largely part-time, regiment of the British Army under the control of the General Officer Commanding, Northern Ireland, to support the regular forces on purely military duties. Over the last 16 years the Regiment has made an invaluable contribution to the fight against terrorism in the Province and has evolved to meet the changing nature of that threat.

3. The UDR is a regiment of the British Army and is fully integrated into the Army's operations in Northern Ireland. It is the largest infantry regiment in the Army (with a strength of 6508 on 1 January 1986) and is composed of both a permanent cadre, that is, full time soldiers (comprising 2765 personnel and a part-time element (3743) who augment the permanent cadre, in particular by providing support to the RUC at nights and weekends. Apart from its size, the regiment is unique in two

respects: it is a locally recruited force raised to meet a local problem and its members live at home. As a local force it is both more economical and entirely appropriate that its members, full and part-time, should live in their own homes. The Ministry of Defence does not, however, accept that this is in any way to the detriment of good discipline any more than it is to the Territorial Army in the rest of the UK.

4. All Army operations in Northern Ireland, including those of the UDR, are conducted wholly in support of the RUC, and this principle is built into all levels of the organisation, operational tasking and planning. UDR battalions are under operational command of the Army's 8 and 39 Infantry Brigades. The nine battalions are commanded by Regular Army officers, and in addition some 35 officers and 70 non-commissioned officers are seconded from the Regular Army to the UDR. The Regular Army personnel are responsible for the direction and supervision of training and the general administration and discipline of the battalions.

5. UDR soldiers are in most respects directly comparable to their counterparts in the Regular Army, although, because of the specific role for which the Regiment was raised, they are limited by their terms of service to duty in Northern Ireland and this is reflected in their training. They are excluded by statute from certain roles such as riot control, but are otherwise deployed exactly as any other Army unit in the Province.

Discipline and Training

6. The Government rejects any suggestion that either the discipline or training of the UDR is unsatisfactory. The UDR is subject, like the rest of the Army, to the disciplinary provisions of the Army Act 1955 and to the Queens Regulations; additionally, they are subject to the UDR Regulations. They are also, like all other Servicemen in the United Kingdom, subject to the ordinary criminal law.

7. On joining the Regiment, permanent cadre soldiers undertake nine weeks of basic training, which lays special emphasis on the skills required by soldiers who act in support of the civil power and who therefore come into daily contact with members of the public. Basic training is carried out in Northern Ireland but UDR personnel also attend relevant courses in Great Britain. These include six months' training for permanent cadre officers at the Royal Military Academy, Sandhurst, and for officers and NCOs at the School of Infantry at Warminster.

8. The part-time soldier is training for a specific and limited task, which does not require the full range of military skills and is primarily concerned with basic patrolling techniques which are covered in much the same depth as for regular soldiers. The recruit undertakes 14 days of initial training after which he must pass tests on subjects such as weapons handling, field-craft, powers of search and questioning and relations with the public before being accepted for operational service. The training of the UDR, as of all elements of the Armed Forces, is

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kept under review. A number of improvements in the training of the UDR have recently been announced (House of Commons Official Report, 19 December 1985, Vol 89 Cols 245/246).

Complaints

9. The Army is well aware of some of the problems that can arise from contact between soldiers and the public in the difficult circumstances of Northern Ireland. There is, therefore, a well established procedure which members of the public can use if they feel that there is a reason to complain about the behaviour of any soldier, Regular or UDR. The Army has recently issued a new leaflet which explains this procedure fully and clearly and which is readily available at police stations and ... Army units. A copy of this is attached. It is suggested that the procedure discourages members of the minority community from making complaints, but there is no reason why this should be so. Complaints which involve allegations of criminal behaviour are, of course, investigated by the RUC in the first instance, but even where no criminal offence is involved the Army may still consider whether disciplinary action is appropriate. If a member of the public is reluctant for any reason to make a complaint of this sort directly to a UDR unit, it may be addressed either to a higher Army headquarters or through the local civil representative.

Allegations of Criminality

10. It has been suggested by Mr Mallon that there is a higher than average criminality rate among members of the UDR, but the

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very limited statistical information which he produces to support this assertion does not provide any significant evidence to support it. It is wholly misleading to compare statistics for members of the UDR - which is largely composed of men between the ages of 18 and 50 - with the population as a whole as Mr Mallon has done. The Department is not aware of any soundly-based statistical evidence that the rates of criminality for serving members of the UDR differ markedly from those for a comparable section of the population. Moreover, as Appendix IV of Mr Mallon's memorandum notes, the great majority of convictions of UDR members for violent crimes are related to purely domestic offences. Most regrettably, a very few members of the Regiment have been convicted of serious crimes in which they have abused their position and training. These crimes are indefensible and are deplored by the Regiment itself. But these few incidents should not be taken as a reflection on the Regiment as a whole.

Political Activities

11. In general terms UDR personnel are restricted in the forms of political activity which they may undertake in the same way as other members of the Regular Army. The rules which are set out in Regulations for the Ulster Defence Regiment Part 8, para 3.301 and Queens Regulations Part 14, para 5.581, preclude an active involvement in political organisations or any activity which could bring the Regiment into disrepute, but membership of the Orange Order or similar organisations is not of itself forbidden under the regulations. Officers and soldiers of the part-time element may stand as candidates for district councils in Northern

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Ireland provided they have obtained the permission of the Ministry of Defence. Any UDR personnel who are found to have participated in the protest activity against the Anglo-Irish Agreement on 3 March will be dealt with under the law and in accordance with these regulations.

Relationship with the Minority Community

12. It is a regrettable fact that the UDR is mistakenly seen by many in the minority community as a sectarian body. It is not, and this was well demonstrated by its record during the 1977 Ulster Workers' Strike when it continued to play a full part at a time when the Government was under pressure from Protestant extremists. However, it is undoubtedly the case that, except for brief periods, the predominant threat has come from terrorists claiming to represent the nationalist community and, for the most part, terrorist activity has tended to be concentrated in nationalist areas. This has inevitably meant that the operations of all the Security Forces, including the UDR, have had a greater impact on the normal life of the minority community. This problem was recognised in the Anglo-Irish Agreement and one of the objectives of the Inter-Governmental Conference is to identify ways of improving relations between the Security Forces generally and the minority community.

13. It is also regrettably the case that, at present, only about 3% of the Regiment are Roman Catholics. This was not always so. When the Regiment was formed, some 18% of its members were

Catholic. The steep decline was certainly not because of any action by the Regiment itself; just the reverse. The main reason there are so few Roman Catholics is pressure, of varying degrees, from different sections of the community. This has ranged from straightforward and murderous intimidation at one extreme, through fairly powerful social and family pressures, to calls from community leaders not to join the Regiment. In 1985 there was a small but welcome change in the pattern of recruiting. In that year 4.2% of those accepted for service declared their religion as Roman Catholic.

14. In the early 1970s a disproportionately high number of Roman Catholic members were murdered: of the first 25 members of the UDR to die 8 were Catholic. This was the result of a deliberate campaign by the Provisional IRA to kill and intimidate Catholics who had joined the Regiment or were considering doing so. Catholic members of the Regiment continue to be especially vulnerable, because they are singled out as targets and because they tend to live in areas where the terrorists can operate with the greatest confidence. This is, of course, a vicious circle as the small number of Catholics now in the Regiment is an additional factor which may discourage others from joining. Nevertheless, Catholic recruits are still coming forward and the bravery of those who continue to volunteer to serve with the Regiment is admired by all law-abiding people - not least by their Protestant colleagues in the UDR.

Conclusion

15. The Government recognises that many in the minority community are concerned about the role of the UDR. It is undeniably at present a largely Protestant force and the nature of the terrorist threat to which it is responding means that its operations have a greater impact on the minority community. Nevertheless, the UDR is part of the British Army and its soldiers are trained in proper standards of behaviour in dealing with the public, which are strictly enforced. The Government rejects any suggestion that the UDR operates in a sectarian manner. The Government continues to encourage Roman Catholics to join the UDR so that the Regiment can once again become more fully representative of both communities as this would be the best way of demonstrating its impartiality.

16. The Government wishes to emphasise the indispensable contribution which the UDR makes to the fight against terrorism and to place on record the dedication and sacrifice that is involved. The UDR is a disciplined force, well led and effectively trained for the range of tasks for which it is needed. During its 16 years of existence 153 members of the Regiment have been killed, including 4 women, and a further 307 seriously injured in the fight against terrorism. These figures stand as an enduring monument to the bravery and dedication of the Regiment. It deserves the gratitude and support of the whole community in Northern Ireland.