



An Chartlann Náisiúnta National Archives

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1. Specific problems for nationalists

(A) Funerals

The insensitive behaviour of the security forces at a number of Republican funerals earlier this year has caused considerable resentment in the nationalist community. While the Provisionals have skilfully orchestrated some of these funerals in an attempt to create trouble with the police and Army, the latter's heavy presence (in an effort to prevent any paramilitary trappings or displays, e.g., the firing of shots) has played into Provo hands. We have pressed for a more discreet presence which does not offend mourners and disarms Provo propagandists. At the meeting of the Conference on 22 April, the Chief Constable conceded that, in regard to the Marley funeral, "we won one-third and lost two-thirds". In an interview in the "Belfast Telegraph" on the same day, he recognised the need to "show respect for the bereaved and ensure there is dignity attached to funerals". Despite these indications of a more low-key approach in future, however, there was a large security presence at yesterday's McKenna funeral in West Belfast (at which plastic bullets were also fired). It is clear that the police were provoked by a deliberate and organised throwing of bricks and bottles. Nonetheless the Tánaiste's concern about the heavy security presence was conveyed to the British side. His concern about the use of plastic bullets in a confined space packed with people (in which it appears that the regulation distance of 20 metres could not have been observed) was also conveyed. A total of 25 plastic bullets were fired yesterday (between the funeral and last night's trouble in Ardoyne) and two youths received injuries.

(B) Code of Conduct for the RUC

We have pressed strongly for implementation of the Code of Conduct without further delay. We have been told that the Code will be introduced "sooner rather than later", that it will not contain the Constable's Oath (which DUP members of the Police Authority had been

proposing), that it will cover the concerns we have expressed about respect for both traditions and that it will be published in the newspapers.

The absence of nationalist representation on the Police Authority has, of course, meant that nationalist concerns have not been heard in relation to the Code of Conduct and other important issues.

(C) RUC accompaniment of UDR patrols

We are maintaining pressure on the British to move rapidly towards full implementation of this policy. The most recent figures given to us (for a thirteen-week period last summer) indicate an overall accompaniment of 41%. The Secretary of State has told the Tánaiste that progress is being made. We are pressing for updated figures and for a public indication of the overall level of accompaniment at present.

(D) Harassment

There have been relatively few complaints of harassment of nationalists by the security forces in recent months. Our contacts suggest that this problem is diminishing somewhat.

(E) Stalker/Sampson Report

The present position is that all three parts of the Report are with the DPP and the Chief Constable. The first and second parts are believed to include recommendations for prosecutions. The third part (delivered on 8 April) deals with RUC structures and management. The Secretary of State intends to make a statement in the Commons on the public interest aspects of the Report once the DPP has decided on whether or not he will press charges.

(F) Prison issues

We have sought the granting of further release dates to life-sentence prisoners with the argument that a compassionate approach to this and other prison issues would yield major political and security dividends. A matter for political consideration at present is an Irish proposal that the British Government might publicly hint at a link between its attitude towards prisoner releases and the overall level of paramilitary violence. We are keeping the situation in Magilligan and other current prison issues, e.g., strip-searching, under close review.

2. Security situation

(A) Provisional IRA

The Provisional IRA have tightened their organisation and have obtained significant supplies of weapons and explosives, mainly from Europe. They are well-supplied with cash from clubs and protection rackets in the North.

Over the past four or five weeks they have launched a concerted campaign of violence across the North, which has been directed in particular at the RUC but has included also the killing of Lord Justice Gibson and his wife, a letter-bomb campaign aimed at senior British civil servants and the killing of a senior UVF figure.

It is likely that Sinn Féin's poor performance in the Dáil elections has given the militants on the Army Council the upper hand for the time being. In addition, there is unease at the emergence of Republican Sinn Féin and a desire to show that the Provos have not gone "stale".

The test of the relative strengths of the military and political factions within the movement will be whether the current violence is scaled down in anticipation of a Westminster election on 11 June. We think it will, but there is a view that Adams' star is on the wane and that there will be no easing-off to accommodate his campaign.

(B) Measures announced by the Secretary of State (6 May)

Opening a security debate in the Commons last night, the Secretary of State announced that several hundred full-time RUC Reservists are to be recruited; that up to 500 part-time UDR members are to transfer to full-time duties; that no extra troops will be sent in; that a vehicle control zone order has been signed for the stretch of road (border to RUC checkpoint) where the Gibsons were killed and that similar measures are being considered for other border roads. He also hinted at other measures discussed between himself and the Defence Secretary (which, it has been speculated, could include sending more SAS men to border areas).

(C) Protestant paramilitaries

The Protestant paramilitaries, partly because they are subject to greater penetration by the RUC, offer a less immediate threat to security in the North and are generally less active than the IRA or INLA. It is believed, however, that the UDA (who carried out two fire-bomb attacks in Dublin over the past year) may use the rejection of its "Common Sense" document to justify a higher paramilitary profile later in the year.

3. Security Cooperation

The British are extremely concerned about the security situation and what Hermon described at the Conference on 22 April as the "rampant" IRA. It was agreed at the Conference that the two police forces should prepare a full survey of the progress so far made together with proposals for accelerating it. There will be a meeting of police chiefs very shortly. In the Commons on Wednesday, King was appreciative of the recent Garda arms finds and cooperation.

The British are currently in the process of refurbishing and providing added protective cover for the South Armagh Observation Posts but do not intend to add to their number at present. At our request, they sent in Army civilian representatives immediately to deal with compensation. We

told the British bluntly at the Conference that if they do not consult us about such initiatives as the erection of these posts, they cannot expect us to help deal with the consequences.

We are concerned about the closure of Clady Bridge on the Tyrone/Donegal border. We want the road re-opened. The Garda Siochana have made a number of proposals which would permit the road to be reopened but all have been rejected so far by the RUC. Discussion between the two police forces is continuing.

4. Extradition/Birmingham Six, Guildford and Maguire cases

The Extradition (European Convention on the Suppression of Terrorism) Act 1987 is scheduled to come into effect on 1 December 1987. Speaking in the Dail on 26 March, the Minister for Justice said he would be

"examining the position, including the prima facie question, and, in accordance with normal practice, I am not prepared to indicate the content of any proposals I may have until my colleagues in Government have had an opportunity to consider them".

The Appeal hearing in the Birmingham Six case is scheduled for 2 November. We have been pressing the Home Secretary to refer the Guildford, Woolwich and Maguire cases to the Court of Appeal. The Home Secretary wrote to the Tánaiste on 31 March to say that he will examine the evidence which was presented on the First Tuesday programme on 3 March. We have deliberately refrained from adopting a partisan approach to the problem but are seeking to mobilise support and influence across the broadest possible front.

5. Legislative Issues in Northern Ireland

(i) Emergency Provisions Bill

The Bill which contains some useful reforms is now in the Lords but will be lost if a General Election is called.

We are giving a paper to the British side, repeating arguments for changes not accepted by the British and expressing concern about some late amendments which the Government tabled in the Commons. We will let the SDLP (Seamus Mallon) have a copy.

(ii) Public Order Order

The Public Order Order came into effect on 1 April. As the marching season gets underway we will be pressing the British to make full use of the new powers available under the Order. The Portadown Apprentice Boys march and the Easter Republican Parades passed off relatively peacefully. The July marches in Portadown will, of course, be a major test of the new legislation.

(iii) Police Complaints Procedures

An Order in Council for a new police complaints procedure was debated and passed in the House of Commons on 6 May. Under the new procedure, an Independent Commission for Police Complaints will be established which will have a supervisory role in the investigation of police complaints.

6. Reform of the Court System in Northern Ireland

Three-judge courts (and mixed courts) remain formally on the agenda.

There have been indications that the British may be prepared to reconsider three-judge courts. This also depends heavily on the complexion of the British Government after the general election. The Lord Chancellor, Hailsham, and the Solicitor General, Mayhew (who could be AG, NI Secretary of State or even Lord Chancellor after the election) are opposed and the extent of their influence in a conservative government, if such were returned, would be crucial. The Gibson killing will have lessened British willingness to take on the Unionist judges who remain opposed. Over all, we are not hopeful.

The appointment of a nationalist to a second senior post akin to the President of the High Court in the South would bring about some degree of power-sharing in the court system. Recent informal contacts have indicated that the British are contemplating some reallocation of work along these lines.

There is now a vacancy in the Court of Appeal and a second may arise in the near future on the retirement of Lord Justice O'Donnell (a Catholic). We expect that these opportunities will be taken to improve the proportion of Catholics on the Bench (at present 1 out of 4 positions on the Appeal Court and 3 out of 10 on the combined Appeal Court/High Court).

7. Bill of Rights

A Bill of Rights remains on the Agenda and we will want to raise it at the next Conference.

We will be pressing for a Bill of Rights which will be enforceable in the Courts in Northern Ireland and will cover the use of emergency powers. This is an issue which will be heavily affected by the composition of the next British Government.

May 1987

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