



# An Chartlann Náisiúnta National Archives

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30 OCT 1987

SPEECH BY THE SECRETARY OF STATE FOR NORTHERN IRELAND

*cc PSS  
PSS  
Mr. Mallon  
Mr. Harman  
Mr. Mallon*

1. Nearly two years ago the Anglo-Irish Agreement was signed. This marked a major development in relations between the United Kingdom and Irish Governments and it is an appropriate moment to review the progress that has been made. But first let us remember the purposes that both Governments had in signing it.

2. The first was to reassure the majority community that there would be no change in their status against the wishes of a majority, and that the future of Northern Ireland would depend on democratic choice and not coercion or terror.

3. The second was a guarantee to the minority community that their interests, traditions and aspirations were respected and their right to equality of opportunity and fair treatment under the law would be upheld.

4. Thirdly this guarantee of respect for democratic rights destroyed once and for all any pretence of case for violence, and that both Governments would work closely together to defeat the evil of terrorism that has done damage to everybody in the island of Ireland whether they lived north or south of the border.

5. Lastly the Agreement recognised in a more formal way the interest of the Irish Government in the position of the Nationalist community in Northern Ireland and provided the opportunity for them to put forward views on matters that affected that community.

6. The Agreement, and the Anglo-Irish process which we have now carried forward with two Irish administrations, thus marks a watershed in this Government's policies towards Northern Ireland. It has inaugurated a new, more creative period in Anglo-Irish

relations as a whole in which we can cooperate more closely together in addressing areas of common concern for the benefit of everyone in these islands, and especially of Northern Ireland. But it is not, nor was ever intended as a solution to all the problems of Northern Ireland: for that we seek the establishment of a better understanding between the two communities and their elected representatives. Nor when we signed it were we looking for quick and easy answers. The wounds of history cannot be healed in one, two or even five years.

7. Yet already we see progress; as the Taoiseach, Mr Haughey, has said, the old order is changing. As Cardinal O Fiaich has said, it has been a shot in the arm for Northern Catholics. Changes have happened, and nationalists have benefited and in ways that have not involved any loss for the Unionist community either.

8. What then are the changes that have occurred, some directly due to the Agreement, some flowing from other sources whether connected to the Agreement or not?

• At the heart of the Agreement is the commitment to protect the rights and identities of the two traditions in Northern Ireland, to protect human rights and to prevent discrimination.

10. The record of the British Government speaks for itself. Since Direct Rule began in 1972, successive British administrations had carried through ambitious programmes of reform. Since 1985 that pace has quickened, helped on in significant parts by the co-operative efforts in the Conference. Thus

● The Flags and Emblems Act has been repealed.

- the police have been given greater powers to control parades and marches which so often in the past have created needless provocation.
- the law on incitement to hatred has been strengthened;
- electoral law has been reformed;
- we have taken further steps in our commitment to the elimination of discrimination in the workplace.

In addition the decision was taken by the Housing Executive to demolish and replace Divis, Unity, Rossville Flats;

11. Such measures have not damaged the legitimate interests of the Unionist community. In fact, the opposite is true. The people with the greatest interest in the removal of unnecessary causes of grievance and dissatisfaction in the minority community are the majority community themselves. They want a Province in which all can live in harmony and free from fear of violence, and anything that helps that happen, is overwhelmingly in their interest.

12. The Agreement states clearly the importance of good relations between the security forces and the community, in particular for the security forces to be readily accepted by the nationalist community. That is why we have made important reforms in the emergency laws, most recently in the Emergency Provisions Act 1987. For example:

- We have made all arrest powers now exercisable only on the basis of reasonable suspicion:

- We have reduced the maximum period that police can hold terrorists without further Ministerial authority from 72 hours to 48;
- We have established automatic access to a solicitor after 48 hours;
- We have provided that suspects in custody are entitled to have a friend or relation informed of their arrest and whereabouts.

13. We are committed to defeat terrorism under the due process of the law. The facts of terrorism inevitably, as in all countries faced with similar problems, involve some modifications but we keep these to the minimum and under regular review:

- we have instituted annual independent reviews of the Emergency Provisions Act.
- we have fixed a term of 5 years on the Act, so that it cannot continue thereafter without full Parliamentary procedures and scrutiny of a new Bill.

14. A vital element in public confidence in the role of the security forces, is a proper procedure if complaints do arise. That is why:

- we are now establishing an Independent Commission for Police Complaints;
- we are making sure that people know how to exercise their rights, whether their complaint concerns either the police or the army.

15. Nationalist confidence in the RUC has already been boosted by their demonstrable impartiality in handling parades and

march. I pay tribute to the courage of the RUC in standing firmly against Republican and Loyalist extremism. I also welcome the decision by the Chief Constable to issue a Code of Conduct and making clear that the RUC must not only discharge their duties evenhandedly and with equal respect for the Unionist and nationalist identities and traditions, but be seen by both communities to be doing so.

16. Confidence in the administration of justice in any democratic society is vital. At the time of the signing of the Agreement, both Governments recognised the importance of improvements in this field. The lack of confidence at that time was, I believe, closely related to the overlay of the so-called "Supergrass" trials on the existing arrangements of the Diplock Courts. At that time a number of different proposals were made - mixed courts, three judge courts or possibly lay assessors. There was, though, no commitment to any particular measure but rather a commitment to consider fairly any proposals that might help tackle this issue of confidence in the administration of justice. In the event, attitudes over confidence in the administration of justice were significantly changed by the Northern Ireland Court of Appeal which overturned most of the verdicts in the Supergrass trials.

17. Moreover the successful appellants know full well the significance of the special safeguards of the automatic right of appeal on any grounds against sentence or conviction and of the trial judge's written judgement. And the results of the Diplock Courts show clearly how hard Diplock strove to establish as fair a system as he could devise in the circumstances where juries could not operate. The ratio of convictions and acquittals is remarkably similar to that in the ordinary Crown Courts; and I note that in the first six months of this year half of those pleading "not guilty" were acquitted.

18. And I should further say that no such trials are in progress or pending.

19. One other factor that caused great complaint was the considerable delays between committal and trial and appeal. The number of defendants in the Dupleglass cases added to these problems and caused delays that were far longer than any would have wished. A number of measures have now been taken to help reduce this problem of delay and the latest figures show that the time between committal and trial for most cases has been cut since 1985 by nearly half.

20. Of course Diplock Courts are a temporary arrangement forced on us by the terrorists. As soon as possible we want to return to full jury trials. We have already taken a further step down this road with the new power for the Attorney General to certify more cases out of non-jury trial. In the first six months of last year he certified out [ ] this year 212.

21. I believe that confidence in the administration of justice has improved significantly since two years ago and I am encouraged by the number in the Nationalist community who hold this view. Most recently I note the reported comments of Father Faul, someone who has taken a most active interest in these matters over many years and who stated his belief that an improvement had occurred over this time.

22. Nor have we rested there. In addition we have changed the rules on bail, changed the guidelines on the admissibility of confession evidence and improved the arrangements of parole and compassionate leave from prison and for sensitive handling of individual cases.

23. This record shows how much has been done and the need to continue to seek any ways in which we can increase still further public confidence in the administration of justice.

24. I have talked about the progress we have made in relations between the security forces and the minority community and of the importance of public confidence in the administration of justice. The third item on which the two Governments are committed to early progress is on ways of enhancing security co-operation between us. We have to ensure that our co-operation is so close that there is no gap through which the terrorist can slip. At a time when one terrorist gang is wanted for the attempted murder of a Unionist politician in Northern Ireland, believed now to be responsible for the kidnapping in Dublin and the attempted murder of Garda officers, we surely need no reminder of how close is the interest we share in bringing to justice such evil men for murder, for kidnapping, for the use of bombs and bullets. There must be no hiding place. They have no place in democratic society. And the Anglo Irish Agreement marks the firm conviction of our two countries that the democratic choice of free peoples and not the intimidation of the terrorist shall determine our future.

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