



An Chartlann Náisiúnta National Archives

Reference Code:	2018/68/50
Creation Dates:	25 July 1988
Extent and medium:	14 pages
Creator(s):	Department of the Taoiseach
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INTERGOVERNMENTAL CONFERENCE, LONDON, 27 JULY

OVERVIEW STEERING NOTE

1. SOCIO-ECONOMIC ISSUES

(i) West Belfast

As the recent economic package for West Belfast arose out of an initiative in the Conference, we should try to tie it in again to the Conference through the Communique. We should also try to get the point across in the Communique that the £10 million allocated to the area is only a first step and will be part of a multi-annual programme of assistance and regeneration for the area.

(ii) Fair Employment

The British will shortly be asking the Parliamentary Draftsman to begin work on the new fair employment legislation. It is important, therefore, that we reiterate again our concern about the weaknesses in the White Paper, in particular as regards affirmative action (goals and time-tables), support for individual complainants and the withholding of all public monies (i.e. not just central funding but grants and tenders involving statutory bodies and local councils, about which the White Paper was ambiguous) from employers who do not conform to the requirements of the legislation.

(iii) The International Fund

An agreed paper will be before the Conference which will suggest that a number of the Fund's existing programmes need not be allocated any further funding and that the Board, at its September review meeting, should re-direct its priorities towards disadvantaged

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areas and to the establishment of one or more imaginative flagship projects. The paper proposes that this be done through the establishment of a separate Disadvantaged Areas Programme and through the funding of projects such as the re-opening of the Ballinamore/Ballyconnell canal.

2. ADMINISTRATION OF JUSTICE/CONFIDENCE MEASURES

We had hoped that this Conference would concentrate in large part on administration of justice and confidence issues. However, it has not been possible to bring these as far forward as we would have wished. The British seem prepared to make some changes, which would go in our direction, but have not fully finalised their position as yet. The whole area is, of course, a most complex one, which has already been gone over in great detail both in the negotiations leading up to the Agreement and in the period since.

We owe the British a paper on harassment, in order to help advance consideration of the above, and we will be handing this over before the Conference.

SOSPs

The question of a review of the remaining SOSP cases also comes under this heading. The Secretary of State announced on Monday (25 July) that the sixteen SOSPs, who have served more than eight years and who therefore meet existing criteria for a first review, will have their cases reviewed by the end of 1988. We should welcome this development and try and tie it in to our representations at successive Conferences.

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Communique

The Communique might refer in a positive way to the ongoing work on administration of justice and confidence issues and say that the matter will be considered in further detail at the September Conference. It should also welcome the decision to review the SOSOP cases within a specified period.

Gibraltar and Stalker-Sampson

We should stress the very great importance of the soldiers involved in the Gibraltar shooting giving evidence in person at the inquest.

We might, for the record, ask for an update on the timing of the Stalker-Sampson disciplinary proceedings.

3. MINISTERIAL CONTACTS

The main item to note here is an initiative for a joint meeting on 1992 which arose originally out of contacts between CII and their northern counterparts and between the Chambers of Commerce, North and South, in the context of common concerns with 1992.

The idea was subsequently raised at a meeting with Minister Reynolds by the British side. The intention is to get business people, trade unionists and officials together at the Irish Institute for European Studies in Louvain to hear the views of the Commission and to discuss areas of common interest. (Louvain, as a venue, was suggested by the North). A tentative date of 18/19 October has been suggested. Details have still to be worked out, including topics to be discussed.

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suggested. Details have still to be worked out, including topics to be discussed.

4. "I" VOTERS

The effect of the present Electoral Act in Northern Ireland is to deprive many "Southern" citizens who have moved to Northern Ireland of the vote in local district council elections. They can however vote in Westminster, European and Assembly elections. They are known as the "I" Voters. In 1986, the British agreed to repeal the restriction preventing "I" Voters from voting in local Government elections. Because this involved legislation, the British said it would take some time but promised that they "would seek a suitable vehicle" before the next local Government elections, due in May 1989.

The SDLP are particularly concerned about this issue, as almost all the votes in question seem to go to them. The British are now prepared to give a formal commitment to change the legislation in time for the Local Government elections in May and this can be announced in the Communique.

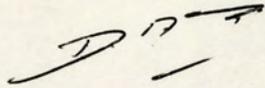
EXTRADITION

The British are likely to raise this issue and to ask again for a meeting of Working Group II. They continue to believe that extradition should be dealt with in a wider framework than that of the two Attorneys-General.

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REVIEW

It is for consideration whether the Communique should indicate that the September meeting of the Conference will formally initiate the review process.



Dermot Gallagher,
25 July, 1988.

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In general, we feel that the most important aspect of the new legislation must be clearly evident. There must be provision for suitable and comprehensive set of remedial measures to be included. Any developments in the

FAIR EMPLOYMENT

SPEAKING NOTE

- Since the last meeting of the Conference, our officials have met and have looked at the White Paper and at your timetable. I understand that it is now the intention to have the Bill in Parliament before the end of the year. It is very important that momentum on this issue be maintained and that we stay in close touch throughout the drafting period.

- While the treatment of certain issues, such as monitoring, is evolving satisfactorily, we are concerned that the envisaged legislation will not be sufficiently strong or effective in certain other areas.

- We are particularly anxious that a more muscular approach be taken to affirmative action (including the use of "goals and timetables"); this will be especially important if the legislation is to meet with success in the USA.

- You are aware of our concern that individual complainants must not be treated less favourably under the new arrangements; your proposals to date would not ensure that individuals receive the same amount of help from the new Commission as they do presently from the Agency.

- Our understanding was that all public monies paid out in contracts and grants would be utilized to ensure that employers (including district councils and statutory bodies) conform to the new legislation; we were surprised that the White Paper was equivocal on the application of this general principle and would expect the draft legislation to indicate clearly that it will be applied across the board

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- In general, we feel that the enforcement character of the new legislation must be clearly evident; there must be provision for substantial fines and a comprehensive set of remedies must be included. Any developments in the legislation during the drafting stage must not dilute an overall robust approach.

Anglo-Irish Section
25 July 1988

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Confidential

Nationalist Perceptions of Harassment by the Security Forces

1. Based on informal soundings within the nationalist community, this paper, as the title suggests, is primarily about perceptions of harassment - how the nationalist community in Northern Ireland see the problem in its various forms. While not, therefore, a scientifically objective analysis per se of the problem, it accords closely with the views of the Irish side on the area and indeed much of it is in line with the spirit of the NIO's own analysis of the problem of confidence by Catholics in the security forces, as articulated at recent meetings at official level on administration of justice issues. In putting forward this paper the Irish side wishes to say that they readily acknowledge that the security forces in Northern Ireland have a very difficult job to do in very dangerous circumstances often involving a high level of risk to life. Notwithstanding these difficult circumstances, the paper addressed the problem from the standpoint that the conduct of soldiers and police officers has to be judged by reference to the highest professional standards that their position and responsibilities demand. It is in the interest of the community and the security forces alike to ensure that the commitment to these high standards is put beyond all possible doubt.

2. The Nature of Harassment

2.1 It is not necessary to detail here the historical reasons why relations between the security forces and the nationalist community have never been of a "normal" nature. The reality is that inter-contact between them has always been characterised by a tension (if not a downright hostility) which is never far from the surface. In the view of many nationalists, however, this historical "baggage" is no excuse for what they see as the wilfully provocative and aggressive approach adopted in so many instances by the security forces in a way that is entirely unjustified and unwarranted and which lies at the heart of the problem of harassment.

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2.2 Harassment by the security forces takes many forms. For the purposes of this exercise, we have identified three main types:

- Petty harassment
- Systematic harassment
- What could loosely be described as "sinister" harassment

2.3 Petty harassment normally takes the form of personal abuse (verbal tauntings etc.), the provocative and insensitive location of, and behaviour at, checkpoints, deliberately long delays at checkpoints etc. Much of the harassment which occurs on a daily basis is of this type; it is nonetheless a source of much resentment in the nationalist community. In particular, the cumulative effect of this kind of harassment should not be underestimated.

2.4 Systematic harassment represents a more serious and sustained attempt to disrupt the life of the individual - daily checks, constantly "picking on" an individual, sustained verbal taunting over a long period etc.

2.5 "Sinister" harassment is a further dimension to, and extension of, sustained harassment, involving threats to the life of the individual and/or his family either directly or indirectly through behaviour which can in the most extreme circumstances lead to the individual becoming a target for a sectarian attack.

2.6 In addition to the foregoing, other activities of the security forces are also perceived as forms of harassment - for instance, the way that house searches are conducted, the treatment of people in custody in certain instances (e.g., complaints have been made in respect of a number of recent cases in the RUC holding centre in Castlereagh), the improper pressure put on young nationalists by the RUC in certain situations to provide information etc. On the other hand, there is an acknowledgement that Sinn Fein/IRA, fully conscious of the propaganda value, are adept at "orchestrating" incidents of harassment. Nonetheless, nationalists are critical of the fact that the security forces (particularly the RUC) allow themselves to be drawn into confrontation in these situations.

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3. The Social Patterns of Harassment

- 3.1 As well as differing forms of harassment, it is possible also to discern common social patterns throughout the different regions. Without doubt, the social category most frequently subjected to harassment by the security forces is that of young males in working class nationalist areas. Presumably, this has to do with a perception in the eyes of the security forces that active nationalist paramilitaries belong primarily to this category. There is probably also a wider, more universal factor at work in that in most societies relations between the police and this group tend to be at best "abrasive". Even taking that into account, however, the view of nationalists is that there is an unacceptably high concentration by the security forces on this group (irrespective of whether or not they are suspected of being "involved"), particularly, as mentioned, in nationalist working class areas, where it is a daily feature of life.
- 3.2 Other groups subjected to regular harassment include those known to be directly connected with paramilitaries and people related to them (even where the latter have no personal "involvement" themselves). The latter aspect is, of course, much resented and seen as a blatant form of injustice ("guilt by association" etc.).

4. Geographical Patterns of Harassment

- 4.1 The experience of nationalists in regard to harassment varies very much from region to region. The most serious and sustained difficulties relate to those living in exclusively nationalist areas (particularly with a working class flavour and where Sinn Fein influence is strong). These would include West Belfast (and the nationalist enclaves of North Belfast), South Armagh, East Tyrone, South Fermanagh, Strabane and Derry. There is a widespread perception in some of these areas that harassment, far from being a casual or personalised affair, in fact forms part of deliberate security forces' tactics in what they would see as "enemy territory".
- 4.2 A further shading in the overall mosaic would include nationalist areas in towns such as Cookstown, Dungannon, Kilkeel, Warrenpoint, Downpatrick, Lurgan etc., and mixed rural areas such as West Tyrone and West Fermanagh.

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While on an everyday basis relations between the security forces and the nationalist community in these areas are on a reasonably steady basis, there is a sufficiently regular series of incidents to keep harassment in the forefront of people's minds as still a problem. (It should be added, in fairness, also that on the whole, though not exclusively, the concentration of the security forces in these areas is nowadays more selectively directed towards those suspected of a paramilitary involvement).

4.3 Border checkpoints form a third geographical category. Harassment at these - with the main concentration again on the categories mentioned in para. 3 above - remains an ongoing problem. Beyond these categories, it is also a problem keenly felt by those who cross the border daily (e.g. on their way to/from work). Lengthy delays are not infrequent. While it might be argued that these are unavoidable necessities required by security considerations, the perception of many nationalists is that they are a further form of harassment (or certainly aggravation) aimed at the nationalist community, as it is that community which would primarily be crossing the border on a regular basis.

5. The Individual Record of the RUC, UDR and British Army

5.1 RUC: The record of the RUC on harassment varies from region to region. In the strongly nationalist areas referred to in para. 4.1 above, relations between themselves and the community are on the whole bad and harassment levels are high. In the perception of many nationalists these areas are treated by the police as "war-fronts" to which officers are deployed either as part of their "toughening up" process or simply because they are the "toughest" people available. (Moreover, in West Belfast the "war-front atmosphere" is accentuated by the fact that de facto primacy in relation to policing appears to be in the hands of the British Army, with the RUC in no more than a back-up role). The residents in these areas appear to be regarded by the police as either involved with, or supporters of, the IRA and are treated accordingly. As mentioned, the particular concentration is on young people. This is, of course, bitterly resented by the residents of these areas and ensures that the traditionally poor relations with the RUC are perpetuated. Outside of those areas, the RUC record is better, although in most working class nationalist areas their behaviour remains unacceptably

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aggressive. That is not to say that there is not a recognition that some attempt has been made in recent years by the RUC to improve its image - as evidenced, for instance, by the manner in which they have handled loyalist parades during the last few years. However, the general view of most nationalists is that until the "running sore" of harassment is tackled there can be no question of an increase in nationalist confidence in the force. The RUC Reserve and the DMSUs (District Mobile Support Units) of the RUC come in for regular mention in regard to harassment levels, both being regarded as less professional than their colleagues in the regular RUC.

5.2 UDR: The UDR are regarded by the majority of nationalists as irreformable. They are at the heart of much of the overall problem of harassment, particularly in the rural areas, where they are seen as "bigoted Protestant neighbours in uniform" (even where deployed in localities outside their own - as is frequently the case). Once again, young people (often their own peer-group) are a particular target and the UDR's handling of occasions such as GAA matches, local Masses etc., is seen as nakedly sectarian and provocative. While it would be generally accepted that the policy of RUC accompaniment (where applied) has led to some improvement in UDR behaviour since the Agreement, the view of the majority of nationalists is that harassment by them continues at an unacceptably high level.

5.3 The British Army: The universal view of Army behaviour appears to be that it "depends on the regiment". On the whole, their record on harassment is reasonably good and certainly better than that of the UDR. This pattern alters only where a "bad" regiment is deployed. The Scottish Regiments and the Marines are regularly mentioned in this regard, particularly in relation to their deployment in strongly nationalist areas such as South Armagh and West Belfast. The recent "calling card" affair in Newry and South Armagh and taunts in West Belfast of "3-nil" after the Gibraltar shootings typify the kind of provocative behaviour which can sour relations between the Army and the local community.

6. The Complaints Machinery and Harassment

There is a widespread perception in the nationalist community that using the formal complaints machinery to seek to have a grievance redressed is a

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pointless exercise. Either no action is taken on foot of a complaint, or, worse still, it merely results in the complainant subsequently becoming the focus of even more attention. A point frequently made is "what is the point in complaining to the police about the police?". The Stalker affair has reinforced the perception that at the end of the day the police themselves are above the law.

7. Some Possible Ways Forward in Regard to Harassment

7.1 Nobody expects that policing problems in Northern Ireland are going to be resolved quickly. Indeed, many nationalists feel that the RUC, as it is structured at present, will never be acceptable as a "normal" police force. And no amount of restructuring would ever make the UDR acceptable. Moreover, the problem of policing cannot be divorced from the wider political and economic situation (many people refer, for instance, to the correlation between unemployment and harassment). Nonetheless, it is the view of many nationalists that this does not mean that nothing can be done in the interim about individual aspects of the policing problem, in particular about harassment and that, on the contrary, there is a number of specific measures which, even in the short-term, could lead to at least an improvement in that regard.

7.2 The following is a summary of some of the principal suggestions put forward to us, in the course of soundings in the nationalist community, as likely to facilitate an easing of the problem of harassment:

(a) While accepting that in many cases the security forces are provoked, they should by virtue of professionalism and training be capable of far greater restraint;

(b) In regard to the UDR and British Army, much fuller use to be made of the policy of accompaniment. In addition, the UDR, as well as being kept out of sensitive nationalist areas, should not be deployed on access roads to these areas;

(c) A much greater emphasis to be placed in training on the importance of a sensitive approach to what might be called community relations issues.

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-It should also be an important part of the responsibilities of the local commander (RUC and Army) to ensure that that sensitivity is given effect to on the ground (at present, the situation is at best "patchy", depending in significant part on the personal attitude of the local commander);

- (d) Closer attention to ordinary policing in nationalist areas. This would greatly help the atmosphere within which relations between the security forces and the community are conducted and would undoubtedly, as a consequence, facilitate the easing of the problem of harassment; and
- (e) Given that attempts to develop a formal liaison framework have not been successful - and are unlikely in the short term to be so - some form of informal mechanism to be put in place which would allow local constitutional representatives (and, if necessary, the clergy) direct access, as a matter of principle, to the local police/army commander. This would facilitate the expeditious handling of complaints at local level and provide a vehicle for an early warning system in relation to possible contentious occasions/issues in the offing.

July 1988.

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