



An Chartlann Náisiúnta National Archives

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Speaking Note

Role of the UDR

1. I spoke at considerable length at the last two Conferences about the need for reviewing the basis and in particular the role of the UDR. I am one of many, I believe, who would welcome such a review. I notice, for instance, that your shadow spokesman, Kevin McNamara, has suggested that the UDR should be reformed in line with what he calls the "guarantees" given to Parliament when the UDR Bill was being debated in 1969 (Irish Times 22 September 1989). In support of his view, Kevin McNamara, who participated in the debates at the time, recalls the statements of the then Defence Secretary, Denis Healey, who stressed in 1969 that the UDR should be used in a purely military role, with its primary duty being the protection of key installations. It seems never to have been envisaged at the time that the UDR should come into contact with the public on a regular basis, or should have other than static duties and a role assisting the regular army - that is what was envisaged by "purely military duties".
2. All of these points I have put to you over two Conferences. They were made with the objective not of casting aspersions in any way on the many brave men and women who serve in the UDR. Rather were they put forward with the clear aim - an aim which we both share strongly - of giving effect to one of the core objectives of the Agreement, that of increasing confidence in the security forces. The Taoiseach put this very well last Sunday when he said that "it is of supreme overriding importance in a divided society that there is public confidence in the fairness and impartiality of the law enforcement agencies".
3. In considering the record of the UDR - and I have given you detailed statistics on this - we are not talking about isolated individual cases of wrong doing. Rather is our

members of the regiment have been convicted, or are being charged, with the most serious crimes, including murder. And most recently, as we all know and welcome, the homes of a large number of members were searched last Sunday, and a number of them subsequently prosecuted.

4. I would emphasise again therefore, as I did at our earlier discussion on the Stevens enquiry, that what is required is a fundamental review of the role of the regiment. I hope that in our discussions here in the coming period you will come to agree with me that the best way forward is through such a review. In short, I am very firmly of the view that the only and best way forward is to confront this issue through a wideranging review of the role and conduct of the UDR and its relationship with the different sections of the community.

E1177

Speaking Note

Screening/Vetting

1. You set out some measures on screening and vetting of UDR members at our last meeting which sounded helpful. These included the establishment of a regular army unit with new resources to screen all applicants and the institution of a quarterly review system with the objective of identifying people who have come to adverse notice. You also told us that UDR applicants will be required to sign a certificate that they have had no past associations with paramilitary organisations. It would be helpful to know the precise terms you are going to employ here, to what extent you envisage that UDR regulations will be amended and whether the provision will be applied - as we think it should - to existing members.

2. Within their own limitations, these measures are helpful. And I would like to acknowledge this fact publicly. This is one reason why we need to put as much of this material as possible into the public domain. As importantly however, if we are to begin to respond to the deep concern and indeed the fear of many people about the UDR, the public need to have the fullest possible detail about new measures such as these. I hope and trust, therefore, that our communique will be as forthcoming as possible about the new arrangements. (This would moreover correspond to the requirement of para. 6 of the Review Document about the need for Conference communiques and press conferences to give as much information as possible to the public).

CONFIDENTIAL

Security Vetting - Information Note

At the last conference meeting on 5 October, NIO Minister Cope outlined new vetting procedures for the UDR -viz-

1. A new screening unit to be established, staffed by regular army personnel, which will investigate all applicants, their family backgrounds, and previous behaviour. This process will involve both the army and the RUC Special Branch. The applicant will also be interviewed by this unit. In cases of doubt, the applicant's referees will be interviewed.
2. All applicants will be obliged to sign a certificate saying that they have not been involved in a paramilitary organisation.
3. The final decision in the case of each application will lie with a HQNI committee chaired by a senior regular army officer.
4. This new procedure will also apply to applicants transferring from the regular army to the UDR.
5. Each Company Commander will report quarterly on each member of his unit, and can seek the assistance of the new unit should he require it.

Given the scale of the problem in the UDR, a comprehensive vetting of the existing membership of the regiment would appear to be required. Our understanding is that the procedures outlined in para 5 above will in practice consist of Company Commanders reporting quarterly on those members of their units who have come to unfavourable notice during the preceding quarter. This falls short of the type of comprehensive vetting exercise earlier this year involving the 3,300 members of the prison service. That vetting exercise was prompted by the involvement of a prison officer in setting up one of his colleagues (Brian Armour) for assassination by the IRA in October last year.

B. W. Tully

Anglo/Irish Division 17 October 1989

UDR Training - Information Note

Since its establishment in 1969 as a part-time military force, the UDR has progressively developed a more professional image in military terms. This has been achieved through a gradual increase in the proportion of full-time members (now 45%), coupled with a greater emphasis on training.

In 1969, the then British Minister for Defence (Denis Healy) indicated in the House of Commons that the regular army component would amount to 200 officers and NCO's. The most recent official figures for the proportion of regular army personnel in the UDR was provided in a Ministry of Defence paper in 1986 which gave a figure of 114 broken down into 9 battalion commanders, 35 other officers and 70 NCOs. This is almost half the figure given by Denis Healy in 1969.

At the last conference meeting on 5 October, NIO Minister Cope said that enhanced training would be provided for the full-time members of the regiment with the aim of encouraging the UDR to behave in a professional and even-handed manner. This will involve additional senior officers and NCO's from the regular army being attached to the UDR, though the Minister did not outline the numbers of personnel which would be involved.

At present we understand that regular army personnel fill the following posts: -

UDR Commander and the majority of the staff officers at UDR Headquarters.

Battalion Commanders.

Battalion Training Intelligence and Security officer.

Quartermasters

Regimental Sergeant Majors.

Chief clerks and armourers

training staff sergeants

Assistant Intelligence Officer - a staff sergeant.

P. M. M. M. M.

Anglo/Irish Division 17 October 1989

Speaking Note

Plastic Baton Rounds for the UDR

1. I emphasised at our last Conference that the decision to issue plastic bullets to the UDR was a source of the deepest concern to my Government. We simply could not understand how, or for what reason, this decision was taken after nineteen years.
2. I asked you at the Conference to review this decision. When this was clearly not on, I went on to say that, as a politician, I understood the difficulty in reversing decisions which, however unwisely, have already been taken. In the circumstances, I asked if you could defer the decision - such a deferral could be presented publicly in a number of ways, including perhaps to take account of the on-going research designed to find a less lethal type of plastic bullet.

Presuming the decision on Reversal is negative

3. Perhaps - and I am going to the limits to be helpful - we might look at the conditions under which bullets might be issued to the UDR. We understand, from meetings at official level, that the baton rounds have been issued to battalion headquarters but that they can only be issued to patrols on the specific and personal authority of the Battalion Commanding Officer who is always a regular officer of Lieutenant Colonel rank. This officer, I believe, may not delegate his authority. There are moreover strict guidelines, I believe, which he must follow in giving clearance for a patrol to have the bullets.
4. This is not unhelpful. If you could agree, in addition, that a senior officer in the RUC would also have to give his authority before the bullets were issued, I would try and respond helpfully. This would also help us to underline the

primary role of the police, about which we spoke earlier.

If the Secretary of State cannot agree to an RUC involvement

5. I said I wished to be helpful. And, to be honest, we seem to be agreeing - albeit indirectly - that the UDR will never in practice have access to plastic bullets. If the guidelines you have outlined to me can be put into the public domain, I will give serious consideration to agreeing to helpful language on this issue in the communique.

E1175

Rules for the issue and use of plastic bullets by the UDR

The following is my understanding of what the British have told us.

- (1) The bullets can be issued to battalions (BNs) (there are 9 BNs in the UDR) only on the authority of the Regiment's Commanding Officer - a British Army regular officer of Brigadier General rank. (Note : At present most, if not all, BNs have been issued with them and the weapons are in armouries).
- (2) They can only be issued to patrols on the specific and personal authority of the BN Commanding Officer - a BA Regular Officer of Lt. Col. rank. He may not delegate this function. (Note we have pressed the British to require the army officer to obtain RUC clearance before authorising issue and they have shown some sympathy with the point. They will come back to us on it).
- (3) The Army's Standing Operational Procedures (SOPs) (essentially detailed written instructions) governing the issue of PBRs to patrols require the BN Commander to have regard to a number of specific matters in deciding whether to authorise the issue of PBRs to patrols. In general, these relate to the nature of the task the patrol has been asked to perform, the location to be patrolled, the likelihood of their encountering violence in the course of patrolling, how far away reinforcements would be, the appropriateness of the task for that patrol, whether the patrol is to be accompanied by the RUC and whether there are options, other than PBRs, available. Where a patrol is accompanied, PBRs would be issued to the RUC and not the UDR.
- (4) In any case where PBRs could be issued to a UDR patrol (to-date none have been issued) a PBR gun may be loaded or fired only on the direct order of the patrol commander (normally a UDR corporal). He must also nominate the target.

- (5) Following any incident in which a PBR gun is loaded or fired, a written report must be submitted to Army HQ giving full details e.g. time, location, name of soldier and, where a round has been fired, circumstances of firing and details of any injuries believed to have been caused. In addition, in the case of the UDR, the patrol must be personally debriefed by the BN Operations Officer (rank of major) and written statements made.

Note

As it stands at present, the rules are tight and the circumstances in which PBRs could be issued to patrols would be exceptional. As well as that, it seems clear that there is a general realisation on the British side that the decision to allow the UDR to have access to PBRs was a bad one and, consequently, there is a desire to ensure that no problem would arise in practice. It would be a substantial improvement, however, especially in presentational terms, if we could secure agreement to prior clearance by a senior RUC officer and this is what we have pressed on the British.

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13/5/89

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Speaking Note

Accompaniment

1. We agreed last May, in the Review, on "further effective development of the policy of accompaniment; the full text reads: "further effective development of the policy of ensuring as rapidly as possible that, save in the most exceptional circumstances, there should be a police presence in all operations which involve direct contact between the armed forces and the community". That commitment in turn reflected the Hillsborough Communique of November 1985, which we were told at that time already reflected your established policy.
2. Let me say first that we attach the highest importance to the policy of accompaniment, not just for the sake of the principle that the military should act in aid of the civil power and that the police should be clearly seen to be in the lead and to have primacy; but, because the policy of accompaniment represented the absolute minimum that our predecessors considered necessary to deal with the UDR in 1985. It is moreover a very visible indication of how seriously and effectively an important commitment under the Agreement and the Review is being implemented.
3. Recent discussions, both in the Conference and at official level, have thrown up a number of points which are of concern to me. Apart from the lack of implementation of the policy of accompaniment, we do not seem to have worked out between us what "sensitive" areas are, or what "police presence" means, or what "contact" with the community means.

Police Presence

4. I will come to the question of sensitive areas last. I first want to say that I have problems with what you

interpret as a police presence. If it can mean two speechless policemen at the head or tail of a twelve-man UDR patrol stretching over hundreds of yards, then we are a long way from implementing accompaniment. It is essential that the military be seen to be in support of the police rather than that the police be attached to the military; and it essential that the police should do the talking, and not just wave cars into the side of the road for questioning by the UDR.

Resources/Operational Requirements

5. As for resources and operational requirements, that is very much a matter for you. Either much greater priority should be given to accompaniment within the existing resources or the resources must be increased. What we cannot have is the continuing low priority given to the implementation of a policy to which both Governments are formally committed, most recently last May.

Figures on Accompaniment/Monitoring

6. You have given us "snapshot" figures for two occasions, for a three month period in 1986 and for a four week period in 1987. At our last Conference, the Chief Constable gave some further figures covering a week last August.
7. It is clear that after four years and even on the most generous interpretation, the policy of accompaniment of the UDR remains far from being implemented satisfactorily. We do not exactly know how far : the impressions given to us by nationalists in Northern Ireland is that accompaniment is no more than 30% at most; your "snapshot" figures seem to put it at present at 36% overall and 60% in "sensitive areas". It would be helpful to us to have figures and statistics from you on a regular, on-going basis.

Sensitive Areas/Contact with the Community

8. In a paper of 1986 you defined sensitive areas as nationalist areas or nationalist parts of areas where patrols will have contact with the community through, for example, vehicle checkpoints. searches and planned operations. By that definition, or any other that I can think of, Cappagh in East Tyrone is a sensitive area. It is 100% nationalist and I must ask again what on earth should bring the UDR there, especially unaccompanied? You on the other hand seem to think that because the UDR may meet hostility in Cappagh they should have plastic bullets!
9. At the last Conference you made, Peter, what seemed to me to be a helpful suggestion when you proposed that the issue of what is a sensitive area could be looked at again. I had the clear impression that you saw progress being made through this route, and I must say I saw merit in your approach. I am therefore frankly disappointed that, when our officials met last Thursday, they seem to have made absolutely no progress. I understand in particular that, at their meeting, the police set out all the operational difficulties they see in implementing the policy of accompaniment and held out no hope of progressive implementation within a time-scale. This is just not good enough; this issue is too important politically for narrow viewpoints to override the implementation of what is after all formal British Government policy, supported by the Irish Government.
10. I am very unhappy with this outcome, and I hope that you are too - after all, it was you who made the helpful suggestion of establishing a "diàlogue" on the sensitive areas approach. I quite frankly would have wished, after four years of the Agreement, for the full and early

implementation of the policy of accompaniment. However, I wish to be as positive, as realistic and as helpful as possible. Let me say therefore that if we could agree on what constituted a sensitive area, and perhaps establish a hierarchy or gradings of sensitive areas, we might be able to agree to a timetable for the progressive implementation of accompaniment in these areas. Could I suggest therefore, in order to take this important issue forward, that we again take up your proposal and that we establish a small working group in the Secretariat on the issue. The sensible thing would seem to be for your people to list the areas they consider sensitive; our people could provide their comments; and the Group could be mandated to come back to us at an early Conference with an agreed report on all relevant aspects of the issue.

E1172

CONFIDENTIAL

Information Note

RUC Accompaniment of the British Army and UDR

At the last Conference meeting of 5 October, the Chief Constable provided the following breakdown for the rate of accompaniment during the month of August 1989: -

36% of patrols for Northern Ireland as a whole.

60% of patrols in sensitive areas, which breaks down as follows:

Mid Down 34%

North Armagh 94%

Parts of Belfast - almost 100%

These figures contrast unfavourably with figures provided earlier (copy attached) which showed an overall rate of accompaniment for Northern Ireland of 51.8% for November 1987, and 41% for June/July/August 1986.

The figure of 60% in relation to the accompaniment of military patrols in sensitive areas is particularly disappointing while the figure of 34% for patrols in sensitive areas in Mid Down (Downpatrick and Castlewella) could be considered derisory.

The last Conference meeting of 5 October asked officials to examine the question of "sensitive areas" before the next Conference meeting. A summary report of that meeting is attached. Essentially there was broad agreement on the definition of a sensitive area -viz- an area, or part of an area with a nationalist majority, the feeder roads thereto, interface areas between the two communities or an area where particular events might render tense for a time. However, there was no progress in terms of concrete measures to improve the current performance on accompaniment. The British maintained their line that the commitment contained in the Hillsborough Communique was taken seriously but that practical considerations of UDR patrolling made it difficult to promise specific improvements.

P. H. J. L.

Anglo/Irish Division

17 October 1989

Commitments on Accompaniment

(i) Anglo-Irish Summit Meeting 15 November 1985 Joint Communiqué:

" 8. In addressing the improvement of relations between the security forces and the minority community, the Conference at its first meeting will consider:

- (a) the application of the principle that the Armed Forces (which include the Ulster Defence Regiment) operate only in support of the civil power, with the particular objective of ensuring as rapidly as possible that, save in the most exceptional circumstances, there is a police presence in all operations which involve direct contact with the community;"

(ii) Review of the Working of the Conference:

"Following discussion in the Conference, further confidence-building measures are envisaged or in hand by the relevant authorities, including the following:
.....further effective development of the policy of ensuring as rapidly as possible that, save in the most exceptional circumstances, there should be a police presence in all operations which involve direct contact between the armed forces and the community;

(iii) Anglo Irish Intergovernmental Conference - Joint Statements:

This issue has also been addressed in several joint statements. (11/12/85; 8/12/86; 14/12/88; 8/12/89).

Confidential

Accompaniment

British Reasons for Delay In Implementation

The following points were made by the Chief Constable at the Conference of 5 October in London.

(1) There is more accompaniment than people perceive. The UDR patrol consists of 8-12 men operating in groups of four and stretched over several hundred yards. Two RUC men are assigned to each patrol. In the larger patrols, they may not be immediately evident to someone seeing a UDR soldier.

(2) Structural and other differences between the RUC and the UDR inhibit accompaniment. UDR soldiers frequently patrol for stretches of up to 12 hours. They do a 70 hour week. Ensuring police accompaniment is not easy given requirements for rest etc. Moreover, agility is required for certain patrols, eg, in country areas. In any event, RUC men are needed for other purposes.

(3) Assurances on accompaniment were given "in good faith" (Brooke) in 1985 against a background of steady decline in violence from 1980-85. Violence, however, rose and massive imports of arms and explosives were made by the IRA. IRA activity rose sharply and triggered reaction by the security forces involving intensive and persistent patrolling.

Responses

(1) In our meaning - which we think is standard - accompaniment entails police primacy to which the British are also formally committed. It means that the police will be clearly seen to lead the patrolling operation and, in particular, will conduct any direct contacts with the community that may be required.

(2) Operational requirements and difficulties of all kinds can be put forward to explain lack of accompaniment. Nonetheless, such difficulties were well known in 1985; they did not prevent the commitment in the Hillsborough Communique; and they did not prevent the renewed commitment in the Review last May. We are aware of tensions between the Army and the RUC which are greater under the present GOC, Sir John Waters, than under his predecessor, Sir Robert Pascoe (who was believed to be more sensitive to the Army's aid-to-the-civil-power role and to have a much better understanding with Sir John Hermon). Whatever the reasons or the difficulties, it is for the British to sort these out.

(3) The scale of IRA imports is a new and unexpected factor although we would not accept that it should reduce accompaniment; we conducted an extremely intensive search operation ("Mallard") in this jurisdiction in which the military were clearly seen to aid the civil power.

We would not accept the excuse of an increase in violence. Such an increase was anticipated in reaction to the Agreement when it was also expected that additional RUC resources would need to be devoted to the marches especially where decisions were made to re-route parades from nationalist areas.

Moreover, although RUC statistics and our own figures show a dip in terrorist activity in 1985-86, the activity over the decade is otherwise fairly constant as the attached graph based on RUC figures from Figure 1, Appendix 4 of the Chief Constable's 1988 Report shows. These figures are for "known terrorist activity 1981-88". They indicate that the total number of incidents of murder, attempted murder and explosions for 1983-4 (990) is greater than that for 1987-8 (929). The basis for the graph handed over by the Chief Constable is not clear to us, but in any event that graph shows a sharp decline in bombing and shooting incidents in

1981-2 but a relatively gentle "dip" in the period immediately prior to the Agreement. In fact, the rate of violence is shown as less now than it was at the beginning of 1982. Our own figures for fatalities show a fairly constant average before and after the Agreement: the average annual number in the period 1980-85 is 78 which compares with 73 in the period 1986-1989 (1989 annualised).

Overall, it is impossible to accept the thesis that an increase in violence is a reason for such a delayed and partial implementation of the policy of accompaniment.

It may be borne in mind that the commitment on accompaniment given in the Hillsborough Communique was not a last-minute affair. Substantial exchanges on the UDR occurred at least as early as 29/30 April 1985 at Chevening (Foreign Secretary's country residence). In our record of this meeting and the following meeting in London on 14 June 1985, we have not been able to find any suggestion that accompaniment would be possible because of declining violence; indeed we can find no mention of declining violence possibly because the "dip" did not become apparent in statistics until 1986. What we have found is that it was anticipated that violence would increase in reaction to the Agreement and that the British side made a point of saying to us that accompaniment was already an established policy. It must be said that British assurances were never without some qualification as indeed the Hillsborough Communique shows; but their views were very oncoming and, of course, the Hillsborough Communique stated that the matter would be addressed at the first Conference meeting. The following quote from a British non-paper handed over in London on 30 August 1985 gives the flavour

"As we have explained previously, we believe that the course which offers greatest scope, and to which we can best devote our main effort, is that of speeding up implementation of the established policy of including a police presence

(British italics) in those military operations which are inherently likely to involve contact with the public on a significant scale: for example, vehicle checkpoints (whether permanent or temporary) and patrols in populated areas. This is being done, and should become increasingly evident on the ground: as much so in Fermanagh and Tyrone as anywhere else."

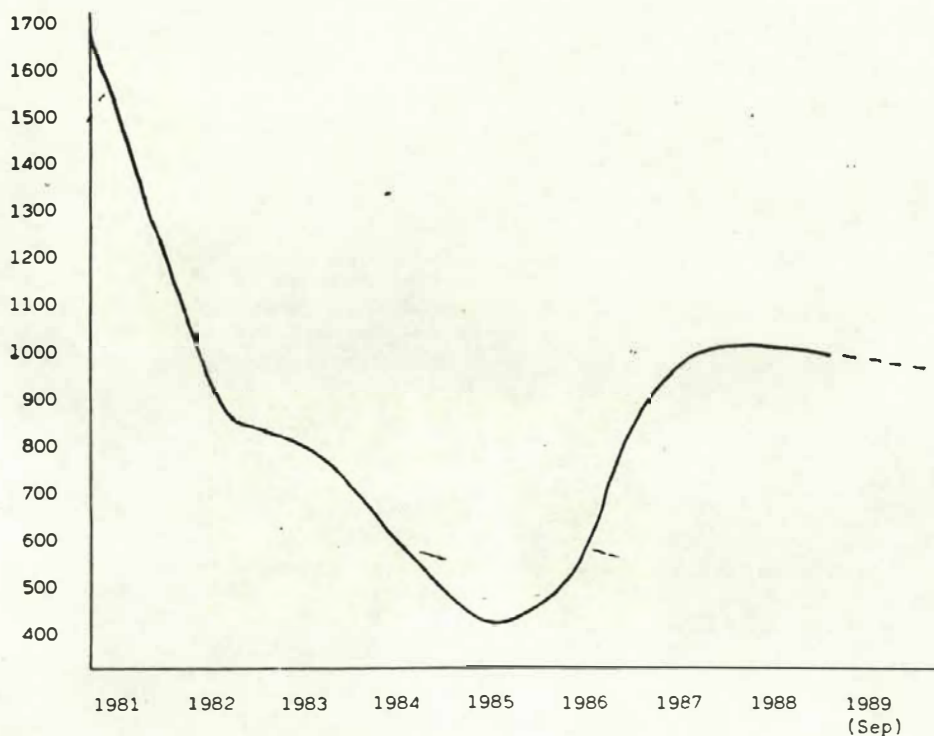


Declan O' Donovan

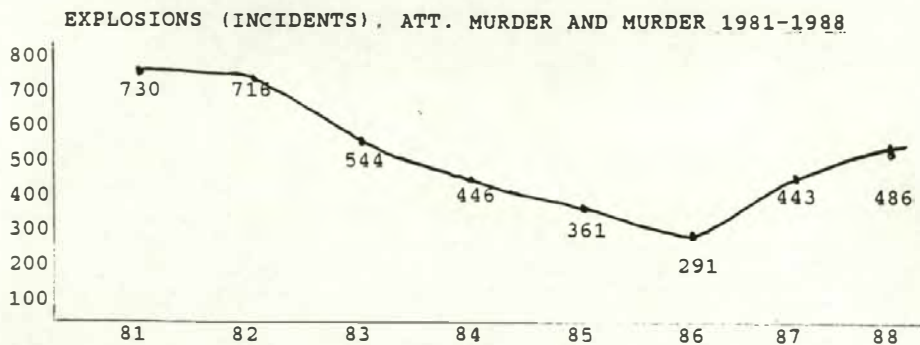
16 October 1989

SECRET

A GRAPH TO SHOW BOMBING AND SHOOTING INCIDENTS SINCE 1981



Handled was by Chief Able, then
for of state, to the director of the
Department of Defense on 5/1/89.



SOURCE: CHIEF CONSTABLE'S ANNUAL REPORT, 1988

TELEX

To HQ

From Belfast

13 October 1989

For Asst. Sec. Gallagher

From O hUiginn

Re: Meeting with British Officials on UDR accompaniment

1. You may wish to have a summary report for the Minister of our meeting on the above on October 12.
2. Meeting consisted of formal meeting for two hours with British officials (Wilson, Bell (NIO) plus Secretariat Officials and Assistant Chief Constable David Cushley and T. Lewis, R. U. C., followed by dinner with British officials without R. U. C. Officers.
3. Irish side emphasised R. U. C. accompaniment was a commitment in Hillsborough Communiqué, and in many other Conference Communiqués including, most recently, Review document in May which had pledged "further effective development" of this policy. We made clear we were not departing from or diluting this principle, but both sides had recognised that it had not been sufficiently observed in practice heretofore. Ministers had mandated officials to examine "sensitive areas" before the next Conference to see whether such a study could lead to qualitative improvements in this area.
4. Further discussion indicated there was little theoretical problem with definition of sensitive area, broadly agreed as an area or part of an area with nationalist majority, the principal feeder roads thereto, interface areas between the two communities or an area where particular events (e.g. particular atrocities, sporting events etc. might render tense for a time). British and R. U. C. officers made clear their commitment to do their best in these areas but refused to enter into any commitment beyond that already given. Meeting explored possibility of examining particular

geographic areas or of defining categories of tasking by R.U.C. but British side, taking lead from R.U.C. officers, gave little hope of fresh progress in these directions, beyond perhaps on providing statistics. Their basic line was that the commitment was taken seriously but that practical considerations of U.D.R. patrolling (long hours, cross country movements where military were in control, threats to life, conflicting claims on police time etc.) made it difficult to promise specific improvements.

5. After departure of R.U.C. officers Irish side stressed the political damage which would ensue from the neglect of what nationalists had taken to be a clear pledge in Hillsborough Communiqué. British side remained essentially on the point of pledging best endeavours but refusing any specific promise of improvement.
6. In the absence of progress on this question there was a general discussion of other issues arising at next Conference meeting. Discussion of plastic baton rounds for the U.D.R. was relatively helpful in that the British are likely to agree that in practice clearance would be required before use from U.D.R. Brigade Commanding Officer, and, possibly R.U.C. also (i.e. a fairly deliberate signal that issue of plastic baton rounds to U.D.R. unlikely to arise in practice). On Stevens Report British side expressed their hope of early helpful developments (presumably further arrests), and a general awareness that there should be no repeat of delays of Stalker/Sampson. (A time limit of three or four months was implied). They said that in practice Annesley's position and attitude was different from Hermon's. They said that Steven's findings on organisational matters would not be formally published but it's non-confidential aspects would be made available to House of Commons (by way of P.Q. reply or paper in library) and to Irish Ministers in Conference.

7. British side sought clarification of Irish proposal on commission of enquiry and made clear that they would have serious reservations about it, on grounds among other things that it would be a propaganda forum for subversives. We confirmed that a British rather than a joint enquiry was envisaged and stressed ways in which it could prove positive, especially if Conference failed to bridge differences between two sides.
8. British also confirmed they would wish a restricted discussion of security matters, but accepted that pressure of time at Conference was unlikely to permit a lengthy discussions on this occasion.