



An Chartlann Náisiúnta **National Archives**

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Overview Note on Conference

General

- Review Commitment

1. Both the Anglo-Irish Agreement and the Review document attach "great importance to policies aimed at improving relations between the security forces and the community in Northern Ireland and at enhancing respect for the rule of law" (para 13 of the Review). That same paragraph goes on to refer to "fostering confidence in the system of justice in all its aspects and ensuring that the security forces are clearly perceived to discharge their duties evenhandedly, acting at all times within the law, with equal respect for the unionist and nationalist traditions and with demonstrable accountability for their actions".

- A Shared Concern

2. Our approach should underline the fact that recent developments cannot be seen as exclusively or largely an Irish concern but must be viewed as a matter of gravest concern to the two Governments. The record of the involvement of UDR members in serious crime, and in particular the developing evidence of an apparently quite widespread degree of collusion (both in the passing on of security information and in active participation in the follow-on assassination attempts), is nothing less than a direct challenge to the commitment of both Governments to the Agreement.
3. In particular, recent developments undermine the very basis of what the two Governments were seeking to achieve, together, in order to create confidence in the security forces and establish the conditions in which political progress might begin to be made. In our view, the impact of recent revelations has inflicted the most serious damage on the strategy of the two Governments and, unless this is quickly, comprehensively and fundamentally repaired, the

implications for the credibility of the Conference and the role of the two Government within it are very great indeed.

- Using the Mechanisms of the Agreement

4. The Minister might go on to make the point that, prior to the Agreement, the two sides would probably have already for some time been reduced to "megaphone diplomacy". But the very fact that they have entered into the Agreement together and have set out clearly in that Agreement a shared strategy, with agreed structures to implement it, means that there is an overwhelming responsibility on the two Governments to confront the present crisis openly and frankly and to reach agreement, however difficult, on overcoming it. The alternative bleak option is to allow the Agreement to be seriously and perhaps permanently undermined in the eyes of the nationalist community in the North and across the spectrum of public opinion in the South. The implications of such a course are arguably too far-reaching to be even contemplated.

Collusion/Security Leaks/Harassment and the UDR

5. We might emphasise again that the British must be as worried as we are about the extent of collusion between the UDR and the paramilitaries. All of us were taken by surprise by the scale of recent developments. Is this just the tip of the iceberg? The reality is we don't know; however, if more human life is not to be lost, we urgently need a comprehensive screening review of the full membership of the Regiment. This should be accompanied by a similar review of the present arrangements for circulating sensitive material.
6. There are undoubtedly many fine men in the UDR but they are seen by nationalists, whether we like it or not, as a sectarian force. The evidence now coming to light can only reinforce this perception on the part of nationalists. It

is surely wrong, therefore, that this force should have access to sensitive security material or should be used in direct contact with the public. The two Governments recognised this problem in 1985 when they agreed in principle that, save in the most exceptional circumstances, there should be a police presence in all operations which involved direct contact between the armed forces and the community. They confirmed this policy in the Review. It quite frankly is not happening on any widespread or satisfactory basis; if the principle were being implemented fully, then - apart from other benefits - the need for UDR access to security information would obviously be reduced and we could be quite certain that our problem today would be considerably easier to manage.

7. The Minister might point out also that the targeting of individuals can, of course, also arise as a result of constant and public harassment (e.g. roadchecks). Apart from the doubtful security benefit of such action, and its "targeting" potential, harassment is - as our contacts in the North illustrate beyond all doubt - at the very centre of the confidence problem. We have discussed at length in the past how to handle this issue - and the Minister could say he knows the British made a particular effort during the 20th anniversary, but officials should now be sent back to the drawing board again.

Objectives on UDR/Collusion/Harassment

8. Given the implications of recent developments (a) for undermining the development of confidence in the security forces, (b) for giving a major propaganda and credibility boost to the IRA, (c) for security cooperation and (d) for the very credibility of the Agreement (and of the Irish Government's role in operating it), we should seek a commitment on:

- (a) a comprehensive security review of serving UDR personnel, together with a similar review of the screening mechanism for persons applying for membership of the Regiment (the UDR's screening system, compared to that of the RUC, seems to be exceptionally vulnerable);
- (b) a similar review of the present arrangements for circulating sensitive security material, with a view to restricting the circulation of material of this kind to a "need to know" basis;
- (c) a decision to implement the principle for the UDR that, within a specified period (6 months?), 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; and
- (d) the preparation by senior officials, for consideration by the Conference at an early date, of a comprehensive report on the whole harassment issue, with a view to enabling Ministers to consider the extent of the problem and how it might be best addressed.

Plastic Bullets

9. Plastic bullets have killed 14 people (including 7 under the age of 16) since they were introduced in the North - previously rubber bullets killed 3. Appalling though these fatalities are, the British argue that they are not significant in terms of the number of bullets fired and that fatalities can occur with the ordinary baton or truncheon or indeed with other forms of physical aggression. They will not be over impressed, therefore, by the argument that

plastic bullets are a lethal weapon. They are, at the same time, open to the view that serious efforts should be made to secure a better alternative or a safer type of round and we understand that trials have been going on for some time on a new plastic baton round which may prove less dangerous.

10. The British are also open to argument that the security forces should be made more accountable for the use of baton rounds, e. g., the round should be numbered and distributed so that the firer of a baton round can be identified. This would be an additional safeguard. It, for instance, seems extraordinary that it has so far proved impossible to identify the RUC man who fired the plastic bullet in the Seamus Duffy case.
11. We should also press for more stringent control of the range at which rounds may be fired, the direction in which they may be fired, the warning which should be given and the circumstances in which they should be used at all.
12. We should in particular press again for reconsideration of the decision to issue baton rounds to the UDR. We have been given no good reason why it is necessary - indeed we have been assured that there is no change in the policy of not using the UDR in riot situations. The UDR have been in existence for eighteen years without baton rounds. Why issue them with plastic bullets now - unless, as we fear, the Army intends to move the UDR increasingly into nationalist areas and potential riot situations.
13. Against the background of recent developments, this is an issue of the greatest importance and sensitivity. The British reaction will be a test of how serious they are about the need to respond to the widespread concern about the UDR.

Objective on Plastic Bullets

14. We should seek a statement along the following lines:

- (a) both sides reiterate the necessity, while plastic bullets are still in use, that the guidelines and procedures for their use should be fully complied with;
- (b) that the British are conducting research on alternatives to the present bullets;
- (c) that urgent examination of the feasibility of identifying individual bullets is taking place;
- (d) that the decision to issue plastic bullets to the UDR will be reviewed (or the conditions under which they may be issued to the UDR is being further reviewed). We will, however, probably have to put in unilateral statements on this; and
- (e) concern at the death of Séamus Duffy and a commitment from the British to have the investigation into his death completed at the earliest possible moment.

Corporal Hastie

- 15. The behaviour of soldiers, like that of all members of the security forces, must be beyond reproach, especially where the possibility of sensitive intelligence material being leaked is concerned. The availability of such material to the wrong people can and does lead to murder.
- 16. The NIO are deeply embarrassed about the Hastie affair, and genuinely seem to have been unaware of the (apparently

middle-ranking army) decision to retain him in the army. The decision has been strongly criticised by sources ranging from Ken Maginnis to the Newsletter to a notable editorial, entitled "Mission Compromised", in the Daily Telegraph. This commented that, once the legal process had been set in train, it was deplorable that the army acted in a way that implied that Hastie's conviction was of no consequence.

Objective on Hastie Affair

17. To have the Hastie decision reviewed. This, however, seems unlikely to be acceded to. We should therefore, as a fallback, seek agreement that procedures will be put in place to ensure that there is in future consideration at political level of any decision of this kind which has such obvious implications for the confidence issue. (This would clearly be read as indicating that the Hastie case was a once-off affair).

Marching Season

18. We are pleased that the marching season again passed off relatively quietly. We were impressed by the conduct of the Chief Constable who personally took charge of the republican parade in Belfast, and we also welcome his forthcoming attitude to local politicians.
19. However, we were dismayed by the decision to permit a 12th July parade through the overwhelmingly nationalist town of Keady. It was clear that the locality community opposed the parade and we were disturbed by the suggestion that there had been local agreement to the policy decision. We were also unhappy about the permission to loyalists to march through the nationalist Garvaghy Road in Portadown on the morning of the 12th. We would have expected from previous British assurances that further progress would have been

made in implementing the agreed principle that marching should not take place in areas where it is clearly not wanted; in such circumstances, it tends to be both intimidatory and indeed largely triumphalist coat-trailing.

Objective on Marching Season

20. The Conference should confirm the above principle and promise further progress towards its full implementation.

Overall Fall-back

21. If we fail to secure an adequate degree of satisfaction on the above confidence issues at the Conference, we will clearly have a presentation problem. In the circumstances, one option would be to call for a Special Conference on these issues to be held at an early date - in effect a resumed session of the present Conference. The Secretariat could be asked to prepare a comprehensive paper on all the issues involved, and their implications, for the further Conference. Because of the expectations that would surround such a further Conference, and the sense of crisis that would be generated, this is an option which would obviously need to be approached very prudently.

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