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Statement by the Secretary of State for Northern Ireland, Rt Hon Humphrey Atkins MP, in the House of Commons this afternoon when moving the Orders which provide for the continuation of Direct Rule for a further 12 months and the renewal of the Northern Ireland Emergency Provisions Act.

The format of today's debate is a little different from usual and I am glad that it is. We shall be debating the order renewing the Northern Ireland (Emergency Provisions) Act and the renewal of direct rule later, though much of the ground will be covered in this debate. But at a time when the last two years show a general improvement in the security situation, now seriously threatened by disorder and violence associated generally with the prison protests, it is right that, before deciding on the orders before it later today, this House should undertake a more general review of law and order and political development in Northern Ireland.

Let me begin with security. I must do so because despite the beauty and peace of much of Northern Ireland, criminals still provide only too frequent evidence of their perverted desire to kill and maim and destroy. It is that factor which distinguishes the task of maintaining law and order in Northern Ireland from the rest of the UK. Sometimes IRA propaganda would have the world believe that, uniquely in Northern Ireland, British Governments want to see emergency provisions in force. As I have said at every renewal of these powers since coming to my present office, I propose their renewal only because they serve an essential purpose

in the prevailing circumstances. If the terrorists drop their campaign, we can drop the emergency provisions. If they dislike these provisions, the remedy is largely in their hands. We are doing what we can to achieve normality. With great courage and dedication, ordinary policemen are doing ordinary police duties in increasing areas of the Province. There has been a distinct change in the nature of Army operations over the last few years and they now act only in support of and at the request of the Police. This change, difficult to handle, has been made without diminishing in any way the closeness of co-operation between the two forces. The fact that it has gone so well reflects the greatest credit on the RUC and the Army in Northern Ireland and especially upon the Chief Constable and the GOC. The people of Northern Ireland, and this House, owe them a great debt of gratitude - and so, on a more personal note, do I.

Let us look at the progress made and, I must say, the present threat to that progress, even though I am convinced that threat will be overcome.

The gradual decrease in violence which began in 1977 continued over the succeeding four years with the result that 1980, although far from peaceful, was the least violent year since 1971. There were fewer murders, fewer injuries caused by terrorist violence, fewer explosions and fewer shooting incidents than for 10 years. The first four months of 1981 saw a continuation of this generally downward trend. Over the last two months the picture has been sadly different. The impending death of Robert Sands at the end of April was the signal for an outbreak of street violence which continued until after the death of a fourth hunger striker on 21 May. Although spasmodic, and never as widespread as the media sometimes portrayed them, these outbursts became particularly intense on occasions and presented the security forces with a formidable problem. Moreover, they were accompanied by a fresh upsurge of terrorist violence in the form of shooting and bombing attacks, aimed in large measure at the security forces. Although the street violence has ended, the terrorist attacks continue. In the first four months of this year 24 people died as a result of terrorist violence. Over the last two months 27 people have lost their lives.

The people of Northern Ireland reacted with fortitude and restraint in the face of the provocation, intimidation and disruption which flowed from the street rioting. Their coolness and courage aided the security forces in their unremitting efforts to contain and bring to an end the rioting, while continuing their pursuit of the violent law breakers who have no regard for the safety and happiness of the people of Northern Ireland. I pay public tribute to the immense skill, stamina and personal courage of the policemen and soldiers who, often facing a barrage of stones, petrol bombs, acid bombs and blast bombs, ended the riots with a minimum of force and disposed of the risk of far greater violence.

I do not believe that the events of the past couple of months present a permanent setback. I am sure that the security policy which has been followed by successive Governments over recent years is the right one. That policy is very simply stated - those who break the law will be dealt with according to the law. This applies to rioters, those who hijack cars or those who murder and main. Since 1 March, a total of 577 persons have been charged and a further 431 summonsed in connection with offences arising out of the rioting. Furthermore, in the first 6 months of this year alone, 472 persons have been charged with serious terrorist-type offences. I am convinced that this is the right and only way to tackle the violence. I can understand those who become frustrated that terrorist activities still go on and who cannot understand why the police and the Army do not use more drastic measures to stop the men of violence. But the bedrock of a free and democratic society is the fair and impartial enforcement of the rule of law by the security forces. You cannot uphold the rule of law by stepping outside it. To do so would merely play into the terrorists' hands in a variety of ways. We must, of course, ensure that the police and the Army have all the necessary resources to enable them to combat those who seek to undermine our society. The Chief Constable and the GOC are satisfied that at present they have all they need in the way of manpower and equipment to cope with all the situations which their forces have to face. But an essential part of their total resources are the legal powers with which they seek to maintain law and order. It is for this reason that I shall ask the House today for the renewal of provisions which are still necessary to enable

the security forces to do that.

The House will recall that twelve months ago I thought it right to propose that the detention provisions of the Act should be allowed to lapse. I recognised during the debate on the Act last December that many honourable Members were concerned that, given the continuous reduction in the level of violence during 1980, I had no immediate proposals to allow other provisions to lapse. I scrutinise very closely the need for each of these provisions. I understand and share the concern of this House that the justification for them should be closely examined. There are various ways of achieving that. In present circumstances, the responsibility rests wholly upon me and my Department and then, on the basis of an Order such as that we shall consider later, with Parliament. I have no doubt the Rt Hon Gentleman will be moving his Amendment shortly and of course I shall listen closely to what is said in support of it. My Hon Friend will give a considered reaction in winding up this debate, when he has heard the arguments, but I am bound to say that as I stand here at the moment, I am not persuaded that what is suggested in the Amendment is a good idea.

Among the concerns that have been expressed recently is the system of trial for terrorist offences in Northern Ireland and notably on the absence of juries. I would like to say something on this in particular. The principal reason that this mode of trial was introduced for these cases was a severe risk of intimidation of jurors. Regrettable as it may be, the plain fact is that nothing has happened to persuade not only me but also the Chief Constable that this risk would be any less now than it was some years ago. I can only conclude that the reintroduction of juries in terrorist trials at present would be against the interests of justice. Having said that, I want to emphasise that, notwithstanding the absence of a jury, the basic principles of the administration of justice hold good in the so-called Diplock courts as they do in any others. In particular, the defendant is tried in open Court. This

is no secret tribunal: the press are present and free to report the proceedings fully. There are clear and fair rules of evidence. The onus of proof rests squarely on the prosecution. And, unlike in jury trials, the accused has an unfettered right of appeal: he can insist, if he wants, on having his case examined by a total of 4 judges. These are substantial safeguards for the accused by any standards. I should certainly prefer to see juries trying questions of fact - though the natural corollary of that is that the right of appeal on points of fact is restricted. But as others have found, and as we found in Northern Ireland, juries are open to intimidation in a way that, to their great credit, judges are not. I am afraid we cannot yet go back to juries for scheduled offences, and must rely on the safeguards I have listed to ensure fair trials.

When we talk about the fairness of the system of justice, it is perhaps worth remembering that those who have engaged in various forms of protest in the Northern Ireland prisons over the years have not been protesting their innocence of the crimes of which they have been convicted. Their protest, regrettably, continues in pursuit of political status. In considering the case for renewal of the emergency provisions, I have considered the upsurge of violence which may accompany the deaths of other hunger strikers if they persist in their action.

If more hunger strikers die, no doubt such deaths would be the occasion of demonstrations and violence which will fuel the vicious circle of hatred and bitterness. The Government's position on the hunger strikes is quite clear. Our position has been the same since before the hunger strike of last year, and I repeated it as recently as last Tuesday in a public statement which I have placed in the Library. A public statement of that sort is inevitably a rather impersonal document. Let me say simply in a more personal way this afternoon what I stand for in this matter. I stand unequivocally for the rule of law. I want to see those who break the law arrested, brought before a court where the evidence against them can be tested openly: and if they are convicted of serious offences, I want them put away in prison for the protection of the law-abiding public. But I accept that that is not an end to my responsibility: indeed, that is the point at which my responsibility begins. Whatever

he crimes they have committed, I stand for the humane treatment of prisoners. Nobody who has seen the facilities available in Northern Ireland prisons can deny that, if only the protesting prisoners would use them, facilities are available to assist them to live a good and useful life on their eventual release from prison.

As far back as last October I said that the Government was committed to maintaining and improving the regime in whatever ways were practical and as resource allowed, provided such changes did not amount to conceding the substance of the political status which the prisoners have always demanded. I respect the continuing humanitarian interest of the Irish Catholic Bishops and bodies such as the Irish Commission for Justice and Peace. I consider very carefully the opinions of such responsible bodies. I recognise the sincerity of their efforts. Unfortunately, the intransigent statement of the Provisional Irish Republican Army only yesterday made quite clear, in response to my own statement, what it is that those directing the hunger strike are seeking. They want the five demands, which add up to political status. There cannot now be any doubt in anyone's mind that this Government will not grant that, and will never accept that political motives justify violent crime. The European Commission on Human Rights, in their partial decision of June 1980 on this very question put it very succinctly. They found that the status of political prisoner was a status to which the prisoners were not entitled under national law, under the European Convention or under existing norms of international law. Our stand against political status upholds a principle of international validity: and that, I believe, is why no Government in the free world has suggested, for one moment that we should concede political status.

I know that I speak for the whole Government and, I believe the whole House when I say that none of us takes any pleasure in the prospect of further deaths by hunger strike. There has been enough violence in Northern Ireland already, without adding to it self-inflicted and pointless deaths. I applaud once again the forthright condemnation by the Irish Catholic Bishops not only of the self-inflicted violence of those engaged in the hunger strikes, but of those evil men outside

the prison who play some part in directing their actions. I urge the families of the hunger strikers, who are more closely in touch with opinion outside the prisons than their sons can be, to pass on what I believe to be the unanimous message of those with any concern for the future of the people of Northern Ireland. The Government will not grant what is being sought. The prisoners themselves may not realise that, and the cynical men who manipulate them certainly will not tell them. Out of parental duty, and in common humanity, parents, relatives and friends of the hunger strikers should tell them that any further deaths would be futile: they would not cause the Government to grant their demands but would merely be used by evil men as the pretext for further violence. I hope most earnestly that the prisoners engaged on hunger strike will bring their fast to an end.

Political Development

I should now like to turn to the second of the two Orders that we shall be asking the House to approve later this evening. That is the Interim Period Extension Order which continues the provisions for direct rule in Northern Ireland for a further 12 months.

Let me say a word about "direct rule" as it has existed since the end of the power sharing executive in 1974. I have found a great many people in the Province who approve of it, who believe that it has served the Province well and who are not at all convinced that it ought to be changed.

I too believe that the system has worked well over the last seven years. It provides a Government acting with the authority of Parliament here at Westminster, with a Secretary of State in the Cabinet and a Civil Service which while preserving its own identity works closely with and is able to draw upon the experience and resource of the far larger administrative machine in the rest of the United Kingdom. Above all, I believe it is generally regarded in Northern Ireland as being fair - as between one section of the community and another. Successive Governments in Northern Ireland have been heavily criticised for what they have done or not done - of course they have - but none of the criticism that I have heard accuses us of having the sectarian bias that earlier central and

local authorities were alleged to have in the past.

However, the 1974 Act always envisaged that these arrangements would be temporary - hence the necessity to renew them today.

Furthermore, all the political parties in Northern Ireland - not just some but all the parties - have been seeking for seven years an alternative way of running the Province. That is why successive Governments have made the most serious and comprehensive attempts to find a way forward that commanded general acceptance. That is why, as the House will remember, I convened a Conference in the early part of last year, to which I invited the main Northern Ireland political parties to establish what was the highest level of agreement between them as to how we should proceed.

Well, we found out. We found that the level of agreement was nowhere near high enough to enable me to come to this House and invite it to pass legislation setting up some new system. I think it is true to say that there was a genuine feeling of regret in this House that this opportunity - which was a real one and from which there was much to be gained - was not taken. One party refused to come and those who did found themselves unable to move from their entrenched positions. No-one in Northern Ireland can be said to have gained from these refusals. However, in Northern Ireland, as elsewhere, it is no good looking back. We must look to the present and to the future, not to the past. One opportunity has been missed. We must now look for another.

In the first place we must build upon one positive achievement of the last year. I believe that the development of relations between this country and the Republic of Ireland has been of immense value. Everyone knows that in certain fields there is a community of interest between our two countries. We in the United Kingdom, including of course Northern Ireland, cannot be untouched by events in the Republic, any more than the Republic can have no interest in what happens in the UK, including of course Northern Ireland.

Since my Rt Hon Friend met Mr Haughey in Dublin last December, we have been actively developing the unique relationship that has always existed between us. In matters of trade, of transport, of energy, of agriculture there are links between us. In security we both face the common enemy of terrorist violence. In European and world affairs, though some of our interests may diverge, our basic philosophy is the same. Our economies both face the twin evils of inflation and unemployment. The past seven months have, I am sure, been of real and lasting value to both countries. One thing we have not sought to do is to negotiate the constitutional future of Northern Ireland. Despite all the scaremongering, that accusation has not been made to stick. Indeed I think that there is now a general - and an accurate - understanding and sympathy throughout the British Isles for the objectives of our efforts - to improve relations between two countries who are historically, geographically and economically inextricably linked, and between whom misunderstandings are not only undesirable but can be positively dangerous. I am sure I have the House's endorsement of our hopes that we can with profit continue this process with the new Government in Dublin.

But what we need to ask ourselves today is whether it is right simply to rest where we are with the existing system of direct rule and discussions with Dublin which do not embrace constitutional matters or whether we ought to be considering alternative possibilities. Let me make one thing crystal clear. We will not be influenced by what I can only call the doctrine of despair that we hear from certain quarters at the present time. Just because there is no easy answer and the going gets rough, we are not going to give up - in Northern Ireland any more than in other areas of Government policy. We are certainly not going to cut and run, leaving the citizens of Northern Ireland, the vast majority of whom want nothing more than to get on with their daily lives in peace and quiet, without the services and protection that they deserve and need.

Nor are we going to dally with ideas of redrawing the borders of the Province. Anybody who knows the distribution of population in Northern Ireland also knows how futile - as well as unprincipled and unjust - repartition would be. It would exacerbate, not resolve, the problems we face.

During the two years that I have held this office I have come to understand, with great clarity, that the difficulties that Northern Ireland faces are longstanding, are deep and complex, and can only be solved by patience, determination, and dedication. That is as true now as it ever has been. It has shaped our approach since coming into office. It will continue to do so. To allow frustration and impatience to determine our policies would be the utmost disservice to the people of Northern Ireland and indeed to the people of the United Kingdom as a whole. I believe it to be of prime importance that Members of this House should not allow themselves to be infected by the call for glib, simple solutions which will not answer the real questions that we face in Northern Ireland.

But having said that, I do not conclude that we should simply sit on our hands and do nothing. I have never made any secret of my view that direct rule as it exists today, while it has the many advantages that I spoke about earlier, nevertheless contains one major flaw - there is not enough of a Northern Ireland political input into the governing of the Province. Of course there are the twelve representatives of Northern Ireland in this House but they, like Ministers, face the twin difficulty both of the range of subjects with which they must concern themselves and of geography. A Northern Ireland MP has to represent his constituents here, as we all do, but also has to do the job of a County Councillor and a lot of the work of a Borough or District Councillor too. Much of the latter involves contact with authorities in Belfast, Londonderry or wherever and the impossibility of being in two places at once is a handicap none of us is able to overcome.

Our exhaustive discussions over the past two years with Northern Ireland political leaders have driven me to the conclusion that it is not yet possible to confer executive or legislative powers upon a representative Northern Ireland body. A body exercising such powers must be acceptable to both parts of the community. But the basis for that acceptability still does not exist. We must therefore consider - as was foreshadowed in paragraph 64 of Cmnd 7950 and as I indicated in my speech to this House a year ago - a more gradual approach, under which a representative body can be set up which does not at the outset possess such powers.

In my belief, we need this body as a matter of urgency. There is a pressing need to re-engage people in Northern Ireland in politics, and in the bread and butter, social and economic issues that most directly affect people's lives. But if a new body were to be directly elected, the need for legislation and elections would impose a considerable delay - possibly of 18 months or more. I want to move more rapidly than that.

I therefore intend to proceed without legislation and to set up, by administrative act, a representative Northern Ireland Council which, at least initially, will be composed of persons already elected by the voters of Northern Ireland to other representative bodies: to this House, to the European Parliament, and to the 26 Northern Ireland District Councils.

In the coming weeks and months I intend to carry forward detailed arrangements for the setting up of this new Council. I hope that it will convene around the turn of the year. As part of this process I shall wish to have discussions with representatives of the Northern Ireland political parties. And I shall want to take account of their comments in framing the details of the scheme.

Following my talks with the parties, I intend to present my final proposals to Parliament in an appropriate form so that there will be an opportunity for the House to consider them. However it may be helpful if I give the House now a general outline of the kind of body I have in mind.

I envisage a Council composed of perhaps 50 representatives from the elected sources I have already mentioned - MPs, MEPs, District Councillors. I intend to invite people to serve after seeking nominations from the Northern Ireland parties which have been shown in recent elections to have a substantial following in the Province. Each party will be asked for a specified number of nominations related to their electoral strength. I will provide appropriate facilities to meet at Parliament Buildings, Stormont. It will be for the Council to decide upon its own procedures, including whether it should deliberate in public. Members of the Council, invited to serve on this basis, will be paid an attendance allowance. As I

have said, these details may be adapted in the light of comments from the parties.

While not exercising executive or legislative functions, the council will perform a positive role in a number of areas. Let me itemise three. First, I will invite it to consider and report to me on the activities of the Northern Ireland Government Departments which cover the range of matters transferred under the 1973 Constitution Act. And I would expect also to refer specific matters to the council for their views. I will make relevant information available to the council which, I would think, might with advantage form representative functional committees to deal with particular tasks.

Second, I will invite the council to scrutinise proposals for legislation affecting Northern Ireland so that I and my colleagues can take account of local views before laying draft legislation before Parliament. I already have settled procedures for consulting with interested people - who better to consult on political matters than political representatives. Naturally, the decisions on legislation will continue to be taken here in Westminster.

Third, I will also invite the council to consider the future governing of Northern Ireland and what proposals for the exercise of executive powers and legislative powers by elected representatives might prove to be acceptable to both parts of the community in the Province.

As the House will recognise, in all aspects of its role the council would be advisory - not executive or legislative. Naturally I would, when appropriate, take account of its advice when coming to Parliament with proposals. In doing so, I would attach particular importance to advice that was unanimous or, failing that, commanded widespread support from representatives of both parts of the community. The advisory council would be encouraged to adopt procedures that made clear to what extent its views commanded such support. But, as I said before, responsibility for all legislation would rest with Parliament; and I would remain responsible to Parliament for the direction and control of the Northern Ireland Departments in the discharge of their executive functions.

The House may wish that we could move faster and further now. But we have to temper hope with realism. Given our experience of the past two years and the constraints that we have to recognise, I believe that we are proposing a sensible, reasoned way forward. We are keeping faith with the principles we have enunciated consistently since coming to office; and we are building on the foundations painstakingly laid during that period.

I can only say again what I said at this time last year. We are offering an opportunity. Once again the Government is prepared to do all it can to build upon this opportunity as a way forward. It is now for others to respond.

In the meantime direct rule will continue, fairly, efficiently and as responsive as we can be to the demands and needs of the Northern Ireland people. That is essential for the time being. But I hope that from here we can move to a point where the renewal of the direct rule provisions that we shall have before us later tonight, is no longer required because new, stable governmental institutions have been established in Northern Ireland that are acceptable to the people of both parts of the community there.

Sir, what I have been speaking about is the Motion on the Order Paper which asks for the approval of the House to continue two temporary laws, the one for six months and the other for twelve. But the future of Northern Ireland, like its past, is a great deal longer than that. There are a great many people with a great many ideas about what that future should be. I daresay we shall hear some this afternoon. It is certain that we shall hear a lot in the coming weeks and months including, I fear, contributions from some people who know next to nothing about the Province today and, indeed, in certain cases, have never even been there.

Everything that happens in Northern Ireland touches us here in this House very closely indeed. But we are all democrats and when we take decisions (large or small) we want to know - and take pains to find out - the reactions of those whom our decisions will affect most directly.

It is for that reason that I commend to the House the establishment of the Northern Ireland Council that I have just described. It will enable the people of Northern Ireland, through representatives that they have elected, to have a greater influence on the governance of their own Province than they have at the moment and it will enable us, when taking decisions about Northern Ireland, to be better informed about representative views there than we are now.

Mr Speaker, I invite the House to give their approval to the approach that I have outlined by voting in favour of the motion that I have moved.