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NIQA(86)1

NORTHERN IRELAND QUARTERLY ASSESSMENT: 1 JANUARY TO 31 MARCH 1986

A. POLITICAL DEVELOPMENTS WITHIN NORTHERN IRELAND

1. The first quarter of 1986 has been dominated by continuing unionist opposition to the Anglo-Irish Agreement, manifested in a number of different ways.

The Parliamentary By-elections

2. The 15 by-elections caused by the resignation of the UUP, DUP and UPUP MPs took place on 23 January. Of the 685,000 votes cast (representing a turnout of 61.3%) 457,000 (78.1%) were cast for parties opposing the Anglo-Irish Agreement. 418,000 votes were cast for the 15 unionist sitting members (some 2,000 more than in the 1983 General Election in the same constituencies) all but one of whom were re-elected. The exception was Mr Jim Nicholson in Newry and Armagh who was beaten by Mr Seamus Mallon, Deputy Leader of the SDLP, who thus became his party's second Westminster MP.

3. The other significant feature of the by-elections was the marked swing away from Sinn Fein towards the SDLP. In the four seats the two parties contested the SDLP won 64.6% of the Nationalist vote, compared with 53.8% in 1983.

4. Since the by-elections the unionist MPs have made it clear that they do not intend to "revert to a normal range of Parliamentary activity" and only Mr Powell has spent any significant time at Westminster.

The Northern Ireland Assembly and District Councils

5. The Northern Ireland Assembly has met on a handful of occasions, though with no participation from Alliance Party members. The Committee on the Government of Northern Ireland produced an entirely predictable report condemning the Agreement,

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and subsequently the Assembly agreed to amalgamate the functions of the "Grand Committee" and the Devolution Committee and to abandon entirely its other statutory scrutinising responsibilities. More recently the Assembly has established a further Committee to investigate allegations of intimidation by employers during the "Day of Action" protest on 3 March.

6. The 18 unionist-controlled District Councils have continued their suspension of all business throughout the period, refusing to strike a district rate by 15 February despite the ruling in the High Court following the Alliance Party's court action against Belfast City Council. This action resulted in a declaration that the City Council's delegation of functions to the Town Clerk, a method used by all the unionist controlled councils to maintain operations while meetings are suspended, was ultra vires. The Local Government (Temporary Provisions) (NI) Order approved by Parliament in late March gives Ministers additional powers to ensure that delivery of essential services could not be disrupted.

Talks with Unionist Leaders

7. The unionist leaders claimed that the result of the by-elections represented a wholesale rejection of the Agreement by the unionist people of Northern Ireland and accused the Government of ignoring the democratic wishes of Northern Ireland's people. Nonetheless, following indications from within unionist ranks of a wish to find a way out of the deadlock - though no diminution of opposition to the Agreement - Mr Molyneaux and Dr Paisley met the Prime Minister on 25 February. The meeting appeared to have gone well and the leaders suggested that there was scope for further dialogue including the establishment of a Round Table Conference on devolution involving representatives of all the constitutional political parties in Northern Ireland. When confronted at party meetings on their return to Belfast, however, the leaders were forced to change tack, to declare the Prime Minister's proposals inadequate because of her refusal to agree to a suspension of the implementation of the Anglo-Irish Agreement, and to give their support to plans to hold a one-day strike - a "Day of Action" - on 3 March.

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8. On 6 March the two unionist leaders wrote to the Prime Minister indicating once again that they were prepared to enter a constructive dialogue on political progress in Northern Ireland only if the Anglo-Irish Agreement were to be implemented no further. The Prime Minister's reply, received by the leaders on 24 March, made clear that this proposal was not acceptable, but reaffirmed the Government's willingness to take part in a Round Table Conference to discuss devolution. If as a result an agreement on devolution emerged, the Government would review the implications of any such proposals for the workings of the Intergovernmental Conference. This reply was described as "a disappointment" by the unionist leaders, whose considered response was still awaited at the end of the quarter.

9. More generally, the unionist leaders have claimed that the working of the Conference is discriminatory in that the SDLP have access to the proceedings (through the Irish Government) while the elected representatives of the majority in Northern Ireland are excluded. The Government has stated, however, that it wants the views of the Unionists on matters discussed in the Conference, expressed through the normal representative channels. The Prime Minister told the unionist leaders on 25 February that the Government would consider new arrangements for enabling Unionists to make their views known to the Government on affairs in Northern Ireland. She also offered them consultations about the future of the Assembly and about the arrangements for handling Northern Ireland business at Westminster.

Demonstrations etc

10. The "Day of Action" on 3 March was intended to be a dignified and peaceful demonstration of popular opposition to the Anglo-Irish Agreement. In fact it very quickly developed into a day of intimidation, thuggery and latterly significant street violence in Loyalist areas of Belfast, largely directed against the police. The amount of lawlessness evidently shocked many moderate unionists and

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Mr Molyneaux declared immediately afterwards that he would have no part in similar action in the future. The day also saw considerable criticism of the RUC for their apparent unwillingness to take decisive action against the Loyalist protesters.

11. Small-scale demonstrations took place in and around Belfast on 11 March on the occasion of a further meeting of the Inter-governmental Conference at Stormont Castle. Mayors and Chairmen of District Councils hung their chains of office on the barbed wire around the Castle while Assemblymen Campbell, Wells and McKee contrived to get themselves arrested.

12. The period under review came to an end with major violence and confrontation between Loyalist demonstrators and the RUC following the banning of a march by the Apprentice Boys of Derry through Portadown on 31 March (see paragraph 21 below).

B. ANGLO-IRISH RELATIONS AND INTERNATIONAL DEVELOPMENTS

Anglo-Irish Agreement

13. During the period British and Irish Ministers have met three times within the framework of the Intergovernmental Conference, under the terms of the Anglo-Irish Agreement. The first of these meetings took place in London on 10 January. As a full meeting of the Conference it was jointly chaired by the Secretary of State and Mr Barry, the Irish Foreign Minister. Security co-operation was one of the main points on the agenda and Ministers emphasised their commitment to making rapid progress in providing means to ensure that cross-border security co-operation was as close and as effective as possible. The Irish representatives offered views on the consultative paper published in 1985 on the Police Complaints Procedure in Northern Ireland. They also put forward views and proposals on legislation relating to flags and emblems and the position of the Irish language in Northern Ireland. The Conference also considered ways in which legal matters could best be pursued and it was agreed to pursue this in the Legal Sub-group of the Conference.

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14. A meeting of the Legal Sub-group was held in London on 13 February, with the Attorney-Generals of both countries present. The meeting discussed extradition matters, the possible harmonisation of areas of the criminal law and the search for measures to enhance public confidence in the administration of justice. Subsequently, on 19 February, at the Parliamentary Press Gallery at the House of Commons, Dr Fitzgerald announced that the Irish Government had approved their accession to the European Convention on the Suppression of Terrorism. The Convention was signed by Mr Barry in Strasbourg on 24 February.

15. A further meeting of the full Intergovernmental Conference was held in Belfast on 11 March. The Secretary of State was accompanied by Mr Scott and on the Irish side Mr Barry was accompanied by the Minister for Justice, Mr Alan Dukes. The Chief Constable of the Royal Ulster Constabulary and the Commissioner of the Garda Siochana were also present. They outlined the progress made by the two police forces in implementing the provisions of the Agreement for improving cross-border security co-operation. They described work currently in progress in such areas as the preparation of threat assessments, the exchange of information, the creation of liaison structures, technical co-operation and training. The Chief Constable also provided information about the practice of the RUC in developing relations with the minority community, including training in community relations and action to increase the proportion of members of the minority community in the RUC. The Conference also discussed cross-border co-operation in the economic and social fields and aspects of economic and social policy of particular interest to the minority community.

The International Fund

16. Two Bills have been introduced into the US Congress following the Anglo-Irish Agreement to provide for American aid for Ireland - one drafted by the Department and the other in the House of Representatives, where it was passed unanimously. Both Bills were still before the Senate on 31 March. It was expected that a single Bill would be drafted in the Senate on the basis of these two Bills.

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17. The State Department Bill incorporates no conditions for the initial payment or annual renewal of aid. However, it provides only \$20 million a year in cash, to be topped up to \$250 million over five years by a combination of loans, loan guarantees and insurance arrangements under various foreign aid programmes. The House Bill provides \$250 million over five years in cash but requires a "prior certification" to Congress by the President that disbursements from the Fund will be "distributed in accordance with the principle of equality of opportunity and non-discrimination in employment, without regard to religious affiliation". The President would also have to report to Congress at the end of each financial year on such matters as the degree to which the Fund had contributed to reconciliation between the communities, and had met its objectives of encouraging new investment, job creation and economic reconstruction on the basis of strict equality of opportunity. The "strings" attached to the House of Representatives Bill have led to hostile comments in Great Britain and Northern Ireland.

C. SECURITY

18. In the first three months of 1986 seven members of the security forces and five civilians (two of them terrorists) died in Northern Ireland as a result of the security situation. As on previous occasions the security forces were the principal target of terrorist attack and had it not been for a number of narrow escapes their casualty figures would have been much higher.

19. Public disorder associated with Loyalist protests against the Anglo-Irish Agreement grew during the period. Almost 30 policemen were injured during rioting at the Anglo-Irish Secretariat building on the outskirts of Belfast on 4 January. Many more received injuries during widespread disorder on the day of action on 3 March.

20. Most of the traditional Republican Easter marches passed off peacefully, although one soldier was seriously injured in Londonderry at the end of a march in the city. However, there was serious disorder in Portadown on 31 March following the banning of

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the Apprentice Boys march by the Secretary of State. Over fifty people, including a number of policemen, were injured and over one hundred plastic baton rounds fired. Police response was condemned by many prominent Loyalists for being excessive and by Mr Mallon of the SDLP for being inadequate. The trouble spread to other areas of the Province and included attacks on police patrols and the homes of off-duty members of the Force.

21. In response to the provisional IRA's campaign of attacks against police stations, and their threats against contractors engaged in repair work, two additional army battalions arrived in the Province, one in January and one in March. The extra soldiers have been used to protect police stations and to mount additional patrols.

Extradition

22. Extradition featured prominently in the news during March, partly because of the case, not itself related to Northern Ireland, of Evelyn Glenholmes, whose return to Great Britain to face terrorist charges was blocked because of deficiencies in the warrants. Cases in the USA and the Netherlands produced a mixed bag of results. The appeal by the US Government against the decision not to extradite Joseph Doherty was rejected in New York. This appeal had been argued on purely legal and procedural grounds, and did not reach the question of whether the political offence exception had been correctly applied. In California a Federal Appeal Court ruled that William Joseph Quinn, who is wanted for a murder in 1975 in England, could be extradited but that further consideration was needed on the applicability of the statute of limitation to some of the charges. Quinn is appealing.

23. The hearing in the case of Brendan McFarlane and Gerard Kelly, two of the 19 escapers from the Maze prison took place in the Netherlands in early March. The court ruled that McFarlane could be extradited but that Kelly could not. It ruled that the extradition of McFarlane for 5 murders in 1976 was admissible. Kelly's extradition was ruled inadmissible for the bomb attacks in London in

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1973 because the use of explosives was not extraditable at the time the offences took place. The court also ruled that the offences committed by both men when escaping from the Maze, which included murder, were political and therefore not extraditable. The Dutch prosecutor has appealed against the decision not to extradite Kelly and McFarlane has also appealed.

24. The UK-US Supplementary Extradition Treaty is still bogged down in the Senate where it needs a two thirds majority before ratification.

D. ECONOMIC AND SOCIAL

25. In February the Italian multi-national company Montefibre announced the closure of the former Monsanto acrylic plant at Coleraine with the loss of 250 jobs. This decision came as a shock to the north of the Province, and contributed to a general feeling of despondency and nervousness in industry and commerce in the run up to the political strike on 3 March. Nonetheless, large parts of Northern Ireland's industry and commerce were closed down, despite the appeals by business and trade union leaders. Intimidation and physical obstacles obstructing access to work, as well as genuine opposition to the Anglo-Irish Agreement, played their part in this.

26. The publicity which the events of 3 March attracted worldwide undoubtedly damaged Northern Ireland's image of good industrial relations and a disciplined, hardworking labour force. Some comfort must be taken from the full and orderly return to normal working the next day, but Northern Ireland is inevitably on probation so far as outside investors and customers are concerned. Any repetition of political strikes will be immensely damaging.

27. All is not gloomy, however. STC have recently withdrawn redundancy notices after securing new orders, and Harland and Wolff have a good chance of winning an important order from the Ministry of Defence for the first of a new class of Royal Navy supply vessel. Harland and Wolff are partners in a UK consortium in which

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two-thirds of the work will go to companies in Great Britain (mostly to Yarrows on the Clyde). But in the current political climate, and given Harland and Wolff's history of lossmaking, it will not be easy to clinch the order in competition with the newly privatised Swan Hunter yard.

NORTHERN IRELAND OFFICE

14 April 1986

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