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CONFIDENCE ISSUES (GENERAL)

Line to Take [If necessary]

While acknowledging the concern you feel at recent developments, I hope you will not allow this to obscure what we consider to be the positive progress which has been made in recent months in the wider field of confidence. You can be assured that, as the Article 11 Review Communique recorded, we continue to attach great importance to improving relations between the security forces and the community and enhancing respect for the rule of law and to ensuring that complaints against members of the security forces are promptly and fully addressed. We are continuing to consider what further work can be done to achieve these objectives and we will consider positively any specific proposals you wish to put forward.

2. We are under no illusions about the effects of recent developments in undermining the public perception of progress in this area but consider, nevertheless, that it is important to recognise that we have taken a number of concrete steps to improve matters in recent months. Examples of this in the prisons field include the recent Summer Home Leave Scheme for long-term prisoners reaching the end of their sentences, the recent review of life sentence and SOSP cases, the preparation of the guide to the use of Emergency Provisions, the introduction of the PANI scheme for lay visitors, and the PANI initiative to establish RUC/District Council liaison committees.

3. We have continued to stress to members of the security forces the need to be seen to be acting impartially and considerately and our perception is that there has been progress here. The Commander Land Forces wrote to Army Commanders in Northern Ireland prior to

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the 20th Anniversary of the deployment of troops to remind them of the importance of correct behaviour at all times by members of the security forces.

4. There can be no doubt that security force commanders are fully aware that achieving and maintaining the confidence of the community is one of their main weapons in the struggle against terrorism.

Background

In view of Irish concerns about recent developments it is important that we stress the continued importance we attach to the general question of confidence and our view that quiet and steady progress has been made in recent months.

2. Even without recent developments, the Irish would have been likely to place great emphasis on confidence issues at Conferences meetings in the months ahead. The joint programme agreed by Fianna Fail and the Progressive Democrats when they formed the present coalition laid special emphasis on confidence measures and it is one of the few aspects of the Northern Ireland question on which the two parties are agreed. In addition, Fine Gael, the main opposition party, will be vigilant to exploit any suggestion that the Irish Government is being less than vigorous in protecting the interests of the Nationalist community.

3. Security force commanders are fully aware of the importance of confidence issues. The Commander Land Forces recently wrote to Army Commanders in Northern Ireland in connection with the 20th Anniversary of the deployment of troops in support of the RUC, reminding them of the importance of correct behaviour at all times and of avoiding incidents which could be exploited by PIRA/SF. It would not be appropriate to pass a copy of the letter to the Irish, as it is an internal Army document, but it might be referred to as evidence of the importance which the security forces themselves attach to confidence issues.

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4. At a meeting of the Anglo-Irish Confidence group of officials on 4 September, the British side sought to point up areas where we considered that real progress had been made. The Irish side were determined, however, to register the extent of concern felt in Dublin over alleged collusion between the security process and loyalist paramilitaries and the use of plastic baton rounds (both the death of Seamus Duffy and their issue to the UDR).

5. The revised draft of the guide to the use of emergency provisions has been passed to the Irish. Many of the Irish comments on the previous draft were adopted. There are no plans at present to make the guide statutory but that position could be reviewed in the run-up to the new emergency provision legislation which has to be in place by March 1992.

6. The PANI scheme for lay visitors allows for suspects to be visited by members of the Complaints and Public Relations Committee of PANI. The scheme will start later this month at two of the police stations which were designated under the PACE Order (Newtownards and Antrim). The intention is that all 17 be covered by January.

7. The PANI initiative to establish police/District Council Liaison Committees was given a statutory basis by the PACE Order, and PANI will be visiting all the 26 district councils in Northern Ireland in turn to discuss the formation of liaison committees.

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C O N F I D E N T I A L

EXCHANGES WITH THE IRISH OVER RUC ACCOMPANIMENT OF ARMY PATROLS

Line to take

The British side has taken seriously the joint commitment given in paragraph 8 (a) of the Agreement Communique to consider the application of the principle of RUC accompaniment of those patrols of the armed forces (including the UDR) which involve direct contact with the community;

The British paper handed over to the Irish side in October 1986 sought to meet specific Irish concerns by sharpening the focus of our policy to "RUC accompaniment of patrols which have significant contact with the public in sensitive areas. Sensitive areas are defined for this purpose as nationalist areas or nationalist parts of an area where patrols will have contact with the community through, for example, vehicle checkpoints, searches, and planned operations." The transit of a patrol through an area was not regarded as patrolling for this purpose.

The paper also made clear that it remained the long-standing policy of the Government and the Chief Constable that patrols should be accompanied whenever resources and circumstances permit, but pointed out that at that time demands on police resources -

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particularly in border Divisions where terrorist activity was at a very high level - were such that police officers had many other priorities to meet.

A further British paper in April 1988 showed that compared with 1986, in a 4 week period from the end of October 1987 there had been an increase in the percentage of accompanied patrols in every sensitive area despite a rise of 20% in the average numbers of patrols of this sort in a week; that in 3 out of the 4 weeks the percentage accompaniment figure for the UDR was higher than that for the Regular Army; and that in any single week almost 1000 policemen were accompanying patrols in sensitive areas.

Furthermore, as a result of concern expressed by Mr Lenihan at the Conference held on 14 December 1988, a policy was adopted of ensuring RUC accompaniment of all VCPs mounted on arterial roads into West Belfast, and a paper on Border PVCs was handed over by the British side which made clear that "police resource constraints and the exigencies of the security situation are preventing RUC accompaniment of all Army patrols likely to come into conflict with the public, even in predominantly nationalist areas"; despite this security force commanders had ensured that "at all Border PVCs where the RUC are not either present or readily available;...., there is available a Non-Commissioned Officer of the Royal Military Police..... The NCO will be present whenever Army personnel are carrying out duties involving contact with the public. NCOs in the RMP have training..... in relation to dealing with the public (which) is similar to that which is provided for police officers."

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The policy of the Government and the Chief Constable on accompaniment remains unchanged but the circumstances in Northern Ireland now [and for the foreseeable future] remain the same as when the Border PVCP paper was handed over, ie police resource constraints and the exigencies of the security situation are preventing RUC accompaniment of all Army patrols (including those mounted by the UDR) likely to come into contact with the police, even in predominantly nationalist areas.

Background

The three papers handed over to the Irish side with Ministerial approval are attached. A comparative table of the figures for accompaniment and for security force strengths is attached also. The Secretary of State may therefore wish to use these exchanges with the Irish as evidence that we have done and will continue to consider through the Conference the application of the principle of accompaniment and that so far as resources and operational priorities allow we are applying that principle to the maximum extent possible.

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