

NORTHERN IRELAND COMMISSION

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The twentieth meeting of the Northern Ireland Commission was held at Stormont Castle on Monday, 30th October 1972.

The attendance of members was as follows:-

- The Secretary of State, in the Chair
- Mr T Conaty
- Mr A E Gibson
- Professor N J Gibson
- Mr N Kennedy
- Sir Robin Kinahan
- Mrs A Malone
- Miss S Murnaghan
- Mr J Nicholl
- Mr J O'Hara
- Mr R B Price
- Mr R D Rolston

The Secretary of State informed members that the GOC and the Chief Constable had agreed to attend the next meeting of the Commission and he suggested that it would facilitate discussion if members could give advance notice of any specific points they intended to raise.

THE CURRENT SITUATION

The Secretary of State said that he personally felt better because he was doing what he said he would do in postponing the local government elections until after the Plebiscite. Though recent statements by the Provisional IRA seemed more defensive than usual, the general security situation was rather confusing. The Secretary of State indicated that he was particularly concerned about the intimidation of isolated Roman Catholic families, the renewed sniping at soldiers and the security situation in border areas of County Fermanagh. Everything was being done to assist the Eire authorities to recapture the seven men who had escaped from the Curragh Camp but, if they were detained in the North, the legal position was uncertain.

Some members expressed concern about a recent statement that membership of the UDA was not incompatible with membership of the UDR and about recent newspaper reports which carried this implication. It was suggested that there should be skilled local vetting of candidates for the UDR. But another member stated that any proven member of the UDA was put out of the UDR and that the vetting of potential UDR recruits was kept out of local hands to prevent accusations of sectarian bias. Reference was also made to the particular dangers of using heavy Saracen cars in narrow crowded streets during school half-term. The Secretary of State noted this last point and was emphatic on the point that membership of the UDA should not be compatible with membership of the UDR. A public statement to this effect was requested.

The Secretary of State was congratulated on his recent television appearances and on his speech in St Anne's Cathedral. The fact that political capital had not been made out of the decision to postpone the local government elections was largely due to the quality of his leadership.

Concern was expressed for people who lost their jobs because of intimidation. It was pointed out that when a man was forced out of his job by intimidation there was no possibility of redress nor of entitlement to redundancy payment. It was suggested that some form of Committee was examining this problem at present. The Secretary of State agreed that this was an important problem and said that he would make enquiries about the existence of such a Committee.

Members expressed concern about border security in County Fermanagh, particularly in the Roslea and Newtownbutler area. It was felt that it was now IRA policy to promote cross border incidents and that both communities in border areas would support moves to stop these incursions. After the recent murders in County Fermanagh there was a growing local demand that certain roads into the Republic should be closed. The Secretary of State indicated that if he could have specific details of the roads concerned he would examine the possibility of closing them. He also agreed to consider an increased military presence in sensitive border areas.

In discussing border security some members recommended that every effort should be made to ensure effective co-operation with security forces in the Republic. It was pointed out that extradition proceedings often failed because they were carelessly presented and it was suggested that careful presentation of future requests for extradition would make it more difficult for Eire courts to turn them down. Some members considered that the cratering of roads antagonised local farmers and suggested that ramps placed at angles across the road were more effective. But the view was expressed that all static or permanent obstacles lacked the element of surprise which was vital to any successful campaign against guerilla organisations.

The Secretary of State agreed to investigate these suggestions and indicated that the Army had stepped up the number of patrols and arms searches in border areas. The authorities in Eire claimed to be doing all in their power to apprehend members of terrorist organisations. Co-operation between the respective security forces was better in some areas than in others and often depended on personal relationships between officers in a particular area and on the extent of IRA dominance in the corresponding area of the Republic.

It was suggested that the Army presence should also be increased in urban areas where there were isolated Roman Catholic communities as well as in rural areas. The Secretary of State said that increases in one area inevitably meant decreases in another area. But he had increased the deployment in the Willowfield area and instructed the Army to protect any community isolated in the middle of a larger community. Members also expressed concern that guns were falling into the hands of younger people and that the UDA might mirror the Provisional IRA by holding a "conference" in Belfast. Reference was made to a particularly misleading report in the American "Time" magazine and the Secretary of State indicated that Lord Windlesham would shortly be going to America to present the true picture of the situation here.

One member referred to the newly erected barriers and gates at the entrance to certain streets in Belfast. It was hoped that if a bomb was smuggled into such streets the barriers and gates would not prevent or hinder a quick evacuation of people from the danger area. The Secretary of State agreed that this was a very important point which deserved further investigation.

II. THE FUTURE OF NORTHERN IRELAND: A PAPER FOR DISCUSSION

The Secretary of State said that the Paper for Discussion set out the basic points to be taken into account in deciding how best to reach a fair and just settlement of Northern Ireland's problems. Since it outlined all the choices and options it could be read subjectively and come to mean different things to different people. He hoped however that it would generate objective discussion in the press and on radio and television and enable the people of Northern Ireland and their representatives to have further discussion with the Government. The Secretary of State indicated that the two most difficult problems were likely to be (a) the formation of an Executive from any future Northern Ireland assembly and (b) the control of security. When the process of consultation was completed the United Kingdom Government would frame its proposals and recommend them to Parliament.

Members congratulated the Secretary of State on the presentation of the Paper for Discussion so soon after the Darlington Conference. One member sounded a warning against ignoring the "Ulster dimension", commented on the rise of Ulster nationalism and recommended caution in opposing it. The Secretary of State accepted this and pointed out that the Paper only attacked the UDI alternative by pointing out the hard facts.

Members agreed with the suggestion in the Paper that any Bill of Rights must have a practical as well as a declaratory effect and attention was drawn to the experience of the Race Relations Board in Great Britain. The Secretary of State accepted that the Race Relations Board had had some deterrent effect. It was also suggested that there were dangers in aiming for a final solution of the Ulster problem and the Secretary of State agreed that there would be an evolving solution, capable of change.

It was suggested that while the minority would secure control of a number of District Councils in the local government elections, if their aspirations were to be satisfied there would also have to be a sharing of power at Area Board and central government levels. The view was expressed that the content of the Paper for Discussion indicated the Government's good faith and impartiality. It was hoped that this would enable the Government and opposition parties in Eire to persuade the SDLP to participate in discussions on the political future of Northern Ireland.

Discussion followed on whether the White Paper should be issued before or after the Plebiscite was held. Some members felt that the Plebiscite should precede the issue of the White Paper because its basic objective was to underwrite the wishes of the majority. Other members considered that if the White Paper was published first, the questions in the Plebiscite could be related to acceptance or rejection of the White Paper. It was also suggested that if the Plebiscite preceded the White Paper it could be argued that people would not know what they were voting for. There could then be a demand for a second Plebiscite when the terms of the White Paper became known.

The Secretary of State indicated that the Plebiscite Bill would be published on Wednesday, that it would have to compete with other urgent legislation at Westminster, but that it was hoped to have secured its passage by the end of November. The timing of the Plebiscite was an emotional rather than a rational or logical issue and it had become the touchstone of the Government's good faith as far as the majority community were concerned. Once the Plebiscite Bill became law any delay in holding the Plebiscite would increase suspicions and the drafting of the White Paper was likely to be a complex procedure. The Secretary of State said that his present preference was that the Plebiscite should be held in advance of publication of the White Paper.

A suggestion was made that legislative proposals on the future of Northern Ireland and the extent of future Northern Irish representation at Westminster should be kept open-ended. Another suggestion was that any future Council of Ireland should be able to exercise fiscal and economic powers on a cross-border basis and that participation by the Eire Government in any such Council would amount to "de facto" recognition of Ulster. One member suggested that the Paper for Discussion could have dealt with the argument that the people in Northern Ireland are not free to choose unity with the Republic because of the extent of British subsidy in Northern Ireland. The Paper for Discussion could also have dealt with the argument that a reduced Northern Ireland would be a more viable unit. There was a recommendation that the British Government should retain reserve powers to enable it to make direct appointments to the Executive formed out of a future Northern Ireland assembly. The question whether the Report of the Crowther Commission would contain any pertinent advice on the future government of Northern Ireland was raised.

The Secretary of State noted these points and said it was important to secure, as far as possible, the co-operation of both the Opposition at Westminster and the Eire Government. He suspected that those who thought in terms of an "Independent British Ulster" had the dangerous precedent of Rhodesia in their minds. But the Rhodesian analogy could not be applied to the relationship between Great Britain and Northern Ireland.

There was a recommendation that a cut-off date should be set for local representations on the Paper for Discussion and the Secretary of State indicated that he would look into this possibility. It was also suggested that the postponement of the local government elections provided an opportunity to mount a campaign to emphasise the scope and importance of the new District Councils.

Some members considered that the Government should indicate that the Paper for Discussion marked only the beginning of a process of reform and that particular emphasis should be placed on the implementation of paragraph 79(g). The Secretary of State agreed that it was important to try to find ways of convincing people who over the years felt alienated from the Northern Ireland State and from the British Government that their interests would be fairly dealt with in the future. To this end he was always willing to break new ground in his contacts with both the minority and majority communities.

III. THE DETENTION OF TERRORISTS (NORTHERN IRELAND) DRAFT ORDER 1972

The Secretary of State introduced the draft Order. Mr M K Harris, Deputy Secretary in the Ministry of Home Affairs, assisted in the brief discussion of the Order.

The question was asked whether any judges or lawyers were to be appointed from outside the United Kingdom, and the Secretary of State indicated that one of the Commissioners to be appointed under the Order had served as a High Court judge in Nigeria. This fact would be mentioned when the appointments were publicised.

It was suggested that members of the Appeal Tribunal should be persons other than the Commissioners. The Secretary of State replied that the appointment of a Commissioner as a member of the Appeal Tribunal was permissive only and that he was at liberty to appoint others if he so chose, but there was difficulty in finding enough people to serve. He would look at the point again.

Concern was expressed at the circumstances in which a person released from detention by the Secretary of State could be recalled (Clause 9(3)). The Secretary of State said that the provision was intended as a safeguard in case the person concerned

broke the condition of his release or in case new evidence came to light to justify the person being recalled. In the latter event, however, the alternative of making a fresh detention order appeared to be open.

The question of referring known Loyalist extremists as well as Republicans, to demonstrate impartiality, was raised. The Secretary of State said that the new machinery would be applied impartially.

The Secretary of State said that the draft Order could be discussed further at the next meeting if members wished, although it would then be laid at Westminster.

Northern Ireland Office

2nd November 1972