

UNDER/ SEC 267/2
-4 FEB 1993
CONF SEC

FROM: C G MACCABE
POLITICAL AFFAIRS DIVISION
4 February 1993

- cc PS/Mr Mates (B&L) - B
- PS/Mr Hanley (B&L) - B
- PS/Mr Fell - B
- Mr Thomas - B
- Mr Ledlie - B
- Mr Bell - B
- Mr Steele - B
- Mr Williams - B
- Mr Watkins - B
- Mr Wood (B&L) - B
- Mr Cooke - B
- Mr Stephens - B
- Mr Dodds - B
- Mr Quinn - B
- Mr Leach - B
- Mr Rickard - B
- Mr Caine - B
- Mr Archer, RID - B
- HMA, Dublin - B

- SDLP rejecting S.I
- Talks can proceed only if SDLP get better than AIA.
- but Mallon proposals undesirable -
HMA will reject them (Sec.)
- Dept HDA now withdraw - S.I
rejected + silent on sec.

Talks
-

PS/PUS (B&L) - B

TALKS - SECURITY - CONVERSATION WITH SEAMUS MALLON MP

At last Friday's VCR discussion on security policy in the Talks context, I said I would arrange early meetings with each party's security spokesman to explore their current thinking on the topic. I met Ken Maginnis on Monday and William McCrea will call on me this afternoon following a meeting with Lord Arran. Dr Smyth has arranged to see Steve McBride, the Alliance Party spokesman, this afternoon too. I spent 2½ hours with Seamus Mallon in his Newry office yesterday morning and as he had a lot to say that was of interest - in contrast to Mr Maginnis - I am recording our conversation now and will issue a composite note of the other three conversations later.

Summary

2. Our conversation provided confirmation of much of what Mr Mallon told the Secretary of State on 28 January, and sketched in more detail about the SDLP's views on necessary changes to the

administration of justice, and about how they think things should be taken forward. [REDACTED]

Detail

3. Mr Mallon's first instruction to his staff on arriving at the office (he was a couple of minutes late for our appointment) was to secure the steel door and shutters in the entrance and stairway of the premises. This, he said dolefully, was an inevitable response to the previous night's fire-bomb attacks on Dr Alisdair McDonnell and Mrs Dorita Field. He added that at least now we knew the identities of the two unnamed councillors mentioned in the UDA's threatening telephone call to Dr Brian Feeney on 28 January (Mr Dodds' minute of 29 January - not to all - refers). Fortunately no-one had been killed, or even hurt, and there was no way that the SDLP would allow this sort of violent intimidation to prevent them doing what they believed was right (a sentiment repeated to the five or six journalists who telephoned for comment during the morning).

4. Our conversation then turned to security, and law and order in the wider sense. After more than the usual exploratory probing of our respective positions, we gradually homed in on the core of the subject. Mr Mallon's basic premise is that the Talks will only be brought to a successful conclusion if all the 'real' issues, which he defined as - in no particular order - the administration of justice, North-South structures, and internal arrangements for the governance of Northern Ireland, are tackled head-on from the start. In his opinion it was unrealistic to hope, as he thought most of the participants in the recent round of Talks had done, that agreement on some relatively inconsequential matters could be developed incrementally through progressively more difficult matters until the problem was solved. In one of several allusions to poker he said the big money never came to the player who played safe with small bets. He just frittered his money away. The outright winner was the player who was prepared to stake all when he calculated he had a reasonable chance of winning. Admittedly this could lead to bankruptcy, but in this instance the winner (namely the people of Ireland) really had a chance to win everything; and a peace dividend as well.

5. Warming to this theme, Mr Mallon said the way ahead should look something like this. The two Governments should get together and decide what their bottom line was on each of the three central issues. Then they would bring the party leaders, supported by small groups of their most senior colleagues, to the table under the chairmanship of, possibly, Sir Ninian Stephen. In this context Mallon said that if the last ten months had shown anything it was that real business could only be done in this configuration. Putting second-string 'young intellectuals' (a term he admitted was used very loosely) up front did not work when the going got tough, as it inevitably did. Neither did colloquing in smoke-filled rooms. Unless a structured, but potent, arrangement was adopted we would be condemned to months, or even years, of further aimless dialogue.

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- internal admin.
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6. In relation to the administration of justice, the process would have to address three elements:

- How to restore 'indigenous' policing (ie policing by police men and women who lived in - but were not necessarily recruited from - the areas in which they served and were therefore in harmony with the local community) to Northern Ireland. While there had been many problems with the system of policing pre-1969, generally speaking an absence of community contact was not one of them. An obvious solution, in Mallon's opinion, would be to create a 'civilian police service', or several such services on a regional basis, to deal with 'ordinary crime'; with the requirement that members of such a service or services would live locally, thereby adopting the mantle of the 'village bobby'.
- How to create a counter-terrorist police force to combat terrorism throughout the island of Ireland. Mallon said, dropping his voice as his staff were just on the other side of a stud wall, that he and I knew this proposition would be opposed by the Republic's Government just as vigorously as by HMG. But he believed that if the Governments would get together right away, as he had suggested, to clear their

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lines, they might be surprised what they could agree on. After all, if the Governments were not prepared to be frank with one another about what they were prepared to accept, how could they expect the local parties to hammer out a deal?

- How to ensure that any new arrangements would attract the allegiance of the overwhelming majority of Northern Nationalists. Here moulds would really have to be broken. Traditionally the RUC was seen by Unionists as 'their' force, the last defence between the Union and militant Republicans. Granted, Unionist law-breakers were less than enthusiastic when they were apprehended, and there were notorious examples of loyalist attacks on the police. But the basic premise was sound. Conversely, Nationalists saw the force as an essentially Unionist body and although they were prepared to call for assistance when they were in trouble (not universally, but in many cases) they felt that it was basically inimical to their interests and aspirations. The creation of a local civil police service or services, together with the removal of counter-terrorist policing to an all-Ireland body, would go a long way to meet this objective, but in a country where symbols assumed such importance, names - the 'Northern Ireland Police Service' in place of the RUC? - and accoutrements - perhaps the Crown should no longer surmount the Harp on uniforms and badges - would need to be revised too.

6. Moving on from the sort of new security structures Mr Mallon (and, he assured me, his party) envisaged, we talked about the control mechanisms for any new arrangements. I reminded him that he had told the Secretary of State he did not envisage that the principle of operational independence of the Chief Constable would change. He said this was correct but, in practical terms, everything turned on the definition of 'operational'. He thought no-one (except perhaps some members of the DUP) wanted to return to the "bad old days" when Inspectors-General and Stormont Ministers of Home Affairs snuggled up to one another; but the pendulum had swung too far the other way and Chief Constables had for too long used 'operational independence' to keep the Government at arm's length on

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matters of policing policy like permanent border checkpoints, parades and other demonstrations, 'shoot to kill', and the handling of complaints. As HMG should know to their cost from the number of times their fingers had been burnt, the situation was thoroughly unsatisfactory. Any new arrangements would have to include rather different ground rules if the responsible political authority was to maintain any credibility. Likewise, it would not be sufficient for HMG (probably supported by the Irish Government) to explain the constitutional impossibility of ceding control of the armed forces to a local administration, and then leave it at that. In the sort of all-embracing final settlement the SDLP were seeking this, admittedly very difficult, issue would have to be confronted; a merely consultative role on the work of the armed forces for any local administration would fall well short of the mark, as the power-sharing Executive had found to their eternal cost in 1974. My attempts to advance counter-arguments were smilingly brushed aside.

7. I asked Mr Mallon if he could say anything about the other aspects of the administration of justice. He said the courts and prisons were obviously very important, but policing was the make or break issue as far as he was concerned and he was convinced that once that nut was cracked, rapid progress could be made on the other matters.

8. We moved on briefly to the other items on Mr Mallon's shopping list, namely North-South structures and internal arrangements for the governance of Northern Ireland. On the former, he repeated that the first step was for the two Governments to decide what they wanted, or at least could concede in negotiations, and then for them to bring the parties to the table to discuss them. On the latter, he reminded me he had told the Secretary of State that the structures worked up by the Strand 1 Sub-Committee were far too weak to survive in the hostile world into which they would be delivered. A much more robust arrangement, and robustness was a function of the confidence with which members of an administration viewed their role, was required. How it would look at the end of the day was, however, for the parties to decide, through a combination of tough negotiations and bold gestures.

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9. We then touched on several miscellaneous matters, mostly Talks-related. [REDACTED]

[REDACTED]

10. [REDACTED]

[REDACTED]

Comment

11. I thought this was a productive conversation with Mr Mallon opening up to me progressively as we talked. Although I learned

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little that was new, it helped to put matters into perspective and to confirm the SDLP's desire to make real progress, using a top down rather than a bottom up process. Similar sentiments were expressed to me by Eddie McGrady earlier this week, and to Dr Smyth by Denis Haughey yesterday. [REDACTED]

[REDACTED] It is obvious that Mallon is as anxious as anyone else to continue to move forward and I do not doubt the sincerity of his wish to tackle the crunch issues head on sooner rather than later. Personally I see some merit in such an approach (and told him so), probably because I share Mallon's gambler's instinct, but I am also well aware of the risks inherent in such a strategy and told him that too. What is abundantly clear, however, is that the SDLP, like the UUP and Alliance Party, are looking to HMG to take the lead in restarting the process. In the SDLP's case this seems to involve HMG agreeing an 'adventurous' agenda with the Irish Government and bringing senior figures from the NI parties to the table again to discuss it.

[signed]

C G MACCABE
SH EXT 2238

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