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SECRET

Taoiseach's Meeting with British Prime Minister, Mrs Thatcher, London, 6th December, 1986

The meeting took place in the British Delegation Rooms in the Conference Centre, London, and lasted approximately half an hour. Mr Charles Powell accompanied the Prime Minister. The undersigned was with the Taoiseach.

These notes are in direct speech. They do not, however, reproduce exactly what was said.

After some preliminary discussion about the Council and about the problems of a minority government - on which Mrs Thatcher remarked that Dr Silva seemed to manage quite well - the Prime Minister invited the Taoiseach to speak.

1. Extradition

Taoiseach:

You will have noted that we circulated recently the legislation to ratify the Convention on the Suppression of Terrorism. The Bill has no reservations and no prima facie requirement. We have taken your point on this but it will cause us problems. Public opinion is very exercised about the court system in the North and even in this country. There were a number of unfortunate extradition cases - like the McGlinchey case and others in which people were either locked up for periods of up to 1½ years before being released for lack of evidence or where the case was quashed in Belfast or London because of defects in the warrant. There are also certain English cases, which you know about, which are causing us problems. However, we have made it clear that we are not having a prima facie requirement in the Bill.

Our difficulty is that we are now probably a minority government. One dissident deputy has made this issue into her cause. Another deputy may well be joining her. They are arguing against extradition or, if it is to be provided, that it should include the prima facie requirement. We must therefore get the support of the Progressive Democrats if we are to avoid a prima facie requirement. This is crucial. Some months ago I briefed their leader personally on the subject, when he mentioned it in a public presentation. I also briefed him before the text of the Bill appeared - as did the Minister for Justice. The trouble is that there are a lot of barrack-room lawyers around him, to whom he listens -

Prime Minister: They are a menace.....

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Taoiseach: He^{has} suggested a way out through the use of some sort of a certificate. Our Attorney General is seeking ways of making any such certificate non-judicial - either in the legislation itself or in some other way. Perhaps our two AGs could work out some agreeable system.

Prime Minister: Something involving the professional authority and ethics of the DPP?

Taoiseach: If we do not get this, it would be disastrous. Prima facie would be worse than we are now. Perhaps the Attorney General could see Havers next week. We have dropped all other legislation to get these two Bills through - the Single Act and the Extradition legislation. We are also working on a budget involving approximately £8 billion in cuts in your terms.

Prime Minister: Yes, you mentioned this to me at dinner. You fair rocked me back!

Taoiseach: Mr Haughey will not, I think disturb the Agreement. If we have got the Extradition legislation on the statute book I believe he won't disturb that either - though he himself could not, politically, introduce it. The legislation will come into force in June, without his being required to take any positive action - that is if he is in my position then! We want to be sure now to be able to get a budget in place having got the Extradition legislation through parliament.

Prime Minister: Must the AGs be involved?

Powell: What is involved is that there should be no movement unless the Crown Prosecution Service are satisfied.

Taoiseach: Yes - that is the crucial point.

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2. Fund

- Taoiseach: On the International Fund: we are running into difficulties with the Americans who want most or all of the money to go into private investment. We have no ideological objection to this but may find it impossible, in a practical sense. There just are not enough private projects around to absorb the money.
- Prime Minister: Why not a few private hospitals? A trust fund of some sort should be able to look after this for you.
- Taoiseach: The difficulty arises because the U.S. is the only major contributor. A European contribution would get us out of the difficulties. You won't go with us to the Commission to support the idea of a contribution.
- Prime Minister: I wouldn't dream of asking them. We would be paying 75% of whatever was obtained. I wouldn't dream of asking the Commission for this. Europe has other problems - like the Basque problem. We shouldn't get into this.
- Taoiseach: Some time ago I asked almost every Head of Government in the Community for their views on the Fund. They were all extremely sympathetic. Martens even went so far as to discuss ways in which Greece and Portugal could be exempted from any contribution at the expense of others like Belgium paying somewhat more. The Commission are extremely sympathetic.
- Prime Minister: But we are not. We would be paying 75% of any contribution.
- Taoiseach: But the payment would not be to Britain. It would be to the Fund Trust.
- Powell: If it came out of the budget we would be paying the 75%. But there is another key - like that for the Lome payments which could get over this difficulty.
- Taoiseach: Yes, your contribution on the Lome key would be about 16%.
What would you say if the Commission themselves proposed a contribution - without direct approaches from the two of us?

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Prime Minister: It's all very well for them - they are already £6 billion overspent! They have no money.

Taoiseach: But if they proposed it on their own responsibility what would your attitude be?

Prime Minister: You can say that I have noted what you say!

(From the atmosphere, I would infer that this is saying that she would not object if the Commission themselves were to propose contributions to the Fund.)

3. Code of Conduct

Taoiseach: This is a long time in coming. I wonder is there any way in which you could see that it is speeded up?

Prime Minister: I will have enquiries made as to the position.

4. UDR

Taoiseach: The RUC have done a wonderful job over the past year. However, the commitment to withdraw the UDR has not yet been fully put into place - though there is some progress with it.

Prime Minister: You will not get progress on this while the blasts, the deaths and the bombings continue. There is no way we can guarantee that part of the Communique in every line. There just is no way, with the security situation as it is, that we can endanger more lives by changes of this sort. When I started out, we had in mind in our own internal discussions helicopters on the border, with the right to fly five miles in either direction. There would have been a broad corridor about the border. That disappeared! We have not got anything like it now. We haven't got that kind of corridor. You haven't the resources to maintain protection on the other side of the border. I do feel very depressed at times about the whole situation. The violence has not been defeated. The SDLP have not done what we are expecting them to do.

However, it is Christmas - and I had better stop feeling depressed.

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5. Cross border security

We have resolved almost every difficulty in relation to cross border security. (The attached list was handed to the British side after the meeting).

Jack Harmon caused some problems. Incidentally, I am very sorry about Mallon's attack made at a time when Harmon's wife had just died. It was most unfortunate. He has maintained discipline and kept the RUC as a force for security in the North. At the same time, he does things which irritate. When he met with Wren some time ago he said that everything was alright between them. He then goes into a meeting and puts a document on the table which criticises the Gardai. This caused us considerable difficulties. I found that I myself had to get a grip on the situation. I took the papers with me to Sandbach over a week-end and worked on them. In the end, we got agreement. But the last item, on cross border explosives, involving Army to Army contact has, I understand, been cleared in the last few days.

The funny thing is that Unionists think we are interfering in Northern security. The opposite is happening. The RUC have a lot of professional experience in dealing with terrorism. They are passing on the benefits of this experience and in fact, this is probably improving the way Gardai work.

Both forces have a next to impossible border to watch.

Prime Minister: Yes, we got it wrong in 1921.

Taoiseach: In one instance the RUC tried to arrest a man whose house straddled the border - by using an entrance which was in the Republic even though it was the most northerly part of the house!

I sense some relaxation of tension over the last month.

Prime Minister: A lot of the trouble is that in the South, in places like Dundalk, there is a great deal of sympathy with the terrorists. They get safe houses there and can live in the community.

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oiseach:

So many people from the North come down to the South and live there. We have 200 people from the North in our jails. You can have them back any time you want!

Prime Minister:

I don't want them. You can have all the Nationalists in the North if you like!

6. Sellafield

oiseach:

One more thing - and hear me out, without exploding!

Prime Minister:

You mean I have to fasten my seat belt.

oiseach:

Yes. Last week the Dail passed a motion asking that Sellafield be closed. If I am asked whether I raised this with you at this meeting I will have to say that I did. This, I know, is contrary to our understanding about these meetings that whatever we discuss is not made public afterwards.

Prime Minister:

Noted.

7. The Agreement

Prime Minister:

We have to stick with the Agreement. I was relieved that the first anniversary went without more trouble. The thing is like an open wound now. When I signed it I thought that the Unionists would take reassurance from the guarantees in it. They will have to settle down with it. There is one thing now on which I would ask your advice. When can we get the parties together to talk about the future?

oiseach:

I think that the split between the DUP and the OUP is widening. You will have seen the recent resolution about councillors resigning. Councillors did not take too kindly to that. The real problem is the weakness of the Unionist leadership. As things are now, the electoral situation is also dominating the situation. This is unfortunate.

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When I set up the Forum I had hoped that it would be able to report by December 1983 and that the negotiations on the Agreement could have been completed by September 1984. This would have meant that the future of the Agreement would not become an issue in elections in either country. Now, Unionists are obviously waiting until both elections are out of the way, in the hope that they will have the balance of power in your parliament -

Prime Minister: There is no chance of that.

Taoiseach: But they hope that there is. The division between the OUP and the DUP will develop. After an election both parties think there may be an opportunity for them. In the meantime, we must stick with the Agreement and make the situation stabilise.

The Prime Minister then went on to speculate about the pressure on her for an election and on other, more general issues - including, rather a wistful reference to whether she could continue, in all seriousness, to send young men to their death in Northern Ireland.

The attached communique was issued after the meeting.



8 December 1986.

Copy to: Tanaiste, Minister for Foreign Affairs, Minister for Justice, Attorney General, Ambassador Dorr, Messrs Ward, Donlon, Russell, Lillis and O Tuathail.