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MEETING BETWEEN GOVERNMENT AND SDLP, IVEAGH HOUSE,
13 JANUARY, 1987

Secretary
A-I Section
A-I Secretariat
Amb. London
Box

Present:

Government: Taoiseach, Minister Barry, Minister A. Dukes
and Attorney General

SDLP: Mr. S. Mallon and Dr. J. Hendron

Officials: Messrs. D. Nally, S. Donlon, A. Ward and E. O
Tuathail

(The Tanaiste, Mr. Spring, and SDLP members J. Hume and E. McGrady were unable to come because of the snow. The meeting began late with a brief meeting at which officials were not present. The main part of the meeting was over lunch).

Meetings with British PM and other British political leaders

The Taoiseach referred to his meeting with Mrs. Thatcher at the European Council on 6 December 1986. The meeting had been a good one and Mrs. Thatcher's commitment to the Agreement had been firm. She had shown disillusionment with the unionists. Mrs. Thatcher had not as in the past made strong statements. She had referred to the effect of the Agreement as being long term. She had shown no concern at the lack of movement towards devolution. Her attitude was to dig in her heels, and that with the Agreement things would come right in the end. She had enquired about the elections in Ireland. The Taoiseach had assured her that the Agreement was unlikely to be affected. Mrs. Thatcher had appeared not to welcome the possibility of change. The Taoiseach had stressed the continuity of policy

from one Government to another as regards commitments under international agreements. Mrs. Thatcher had shown restraint about cross-border security issues. Once she had begun on one such item and then remarked that it was Christmas and had toned down her approach. In fact there were very few outstanding issues as regards cross-border security co-operation and this topic had not been a source of heat. The position was a good one in the circumstances.

Mr. Nally commented that his impression of the meeting with Mrs. Thatcher had been the firmness of her commitment to the Agreement. She had also at one point commented about sending "our young people to their death in Northern Ireland".

The Taoiseach remarked that Mrs. Thatcher was showing commitment but that obviously the Northern Ireland situation in the post Agreement phase was harder than she had anticipated. The Taoiseach referred to his talks with the other British political leaders - Kinnock, Steel and Owen. Dr. Owen had volunteered support for the Agreement (something he had not done before). Steel was relaxed about Owen and had shown a strong commitment to the Agreement.

Mr. Mallon commented on the announcement of the news that morning that the Alliance Party were appointing spokesmen. David Alton is to be Northern Ireland spokesman. This was an improvement over Robert MacLennan.

The Taoiseach remarked on his apprehension about the Labour Party. It was always possible that the left could push out Kinnock. The new Labour Party presented unknown quantities. There is also their relationship with Sinn Féin.

Dr. Hendron commented that the Labour Record on Northern Ireland had been an untrustworthy one - for instance Roy Mason's record. Mr. Mallon said that some in the Labour left would have Kinnock sell his grandmother.

The Taoiseach commented that Kinnock is a man of principle. Mr. Mallon said that he did not like Bell. Bell was more likely than Archer to become Secretary of State for Northern Ireland. Bell was able but untrustworthy. In sixty constituencies Labour had contact with Sinn Fein.

Dr. Hendron said that he had been disturbed at a correspondence he had been made aware of about Divis Flats involving a Provo group and Peter Arcner.

Mr. Mallon commented on similar correspondence in Derry about an ACE scheme. He said also that he had now been a year in Westminster and has had meetings with neither Archer or Bell, though he had spoken to the Labour Back bench Committee.

The Taoiseach said that Labour had to be kept under pressure.

Anglo-Irish Conference

The Taoiseach suggested that the next meeting of the Conference could be discussed. The timing of the next meeting was important.

The Attorney General said that with the possibility of there being an election in the near future, unless a meeting of the Conference took place soon, there might not be a meeting until April, after a new Government had been formed.

Security Matters

Minister Barry said that we must insist on a Code of Conduct for the RUC. This was even more necessary in view of his statements on nationalists joining the RUC.

Dr. Hendron asked about the Stalker Report. What was the British attitude?

The Taoiseach commented that this was relatively relaxed. We had not been informed about the content of the report.

Mr. Mallon pointed to the important difference between those who carried out and who gave the orders in regard to the Shoot-to-Kill incidents. Forbes had been conveniently out of the country on three occasions and Hermon on two occasions when such incidents had happened. Mr. Mallon's contacts in the RUC had expressed concern to him that the officers of lower rank who had carried out the orders would be left to carry the can. Another important point was the question of structure - units acting autonomously within the force.

The Taoiseach commented that Mr. Mallon was quite right. In the case of prosecution, the officers would plead that they were acting under orders. The facts would come out in Court at the time of trial.

The Attorney General commented on the seriousness of the offences (murder) with the possibility of life sentences.

Dr. Hendron said that no policeman had been found guilty in Northern Ireland since 1967.

The Taoiseach commented on the conspiracy of silence, since the Devaney case in 1969 in Derry. However, he thought that in the case of Stalker there was a change, and that charges would be made against the police officers involved. It was best to keep an open mind.

Mr. Mallon said that his sources felt that the officers would be charged with conspiracy - seeking help from an outside agency - and murder. His sources also were indicating that Anderson (one of the suspended officers) was saying that he would 'sing'.

The Taoiseach commented that we had heard nothing that would indicate any reductions in the gravity of the charges.

The Attorney General remarked on the amount of time involved. There would be a trial and presumably an appeal. If the accused were tried together, this could take a long time. If one or two were tried at a time, the trial could take up to eight weeks.

Mr. Donlon said that the first and second reports had been sent to the DPP. The third and fourth reports would come later. The DPP, though he is independent nevertheless took into account political factors: this might affect the time-table.

The Taoiseach enquired if we might expect action to be taken within the year. It was possible that Forbes might face charges but not likely as regards Hermon. It was however possible that Hermon could be replaced - possibly in 1988. Politicians in London however seemed committed to let matters take their course.

Mr. Mallon said that if the result of the Stalker enquiry was to leave John Hermon and Trevor Forbes unscathed then the enquiry would have done nothing to improve the whole position of policing. It was impossible to see how those at the top do not have responsibility. The police officers concerned were directly responsible to Forbes and Forbes was responsible to Hermon.

The Attorney General said that the legal point was one of whether or not there had been criminal intent. The administrative and criminal responsibilities had to be separated. Criminal responsibility meant intent to kill or to conspire to kill. At the higher level it was more likely that the issue would be one of administrative rather than criminal responsibility.

The Taoiseach said that the RUC had asked for help from MI5 as regards bugging devices and training.

Minister Barry referred to the Tighe case in this connection.

The Taoiseach said that this did not necessarily involve Hermon.

Mr. Mallon asked if the Attorney General could be called as a witness.

The Attorney General said that if Forbes was called he would be a hostile witness: if his testimony contained much of substance there was a possibility that Forbes would stand trial.

Minister Barry asked about Forbes incriminating himself.

The Attorney General said he could refuse to give witness.

Mr. Mallon referred to the guns in the hayshed incident. They had been taken to Springfield and made inoperative.

The Taoiseach commented that there had clearly been an attempt at a cover up. In the recent discussion on cross-border security co-operation, the question of making the Garda and RUC similar in structure had come up and we had said we were opposed to the idea - rather the RUC should take our Garda structure as a model in certain respects. The Sampson report (third part) on structure would help.

Minister Barry remarked that Sampson seemed to be working hard to get the various parts of the report finished. He asked if the SDLP representatives had any comments on the practice of 'accompaniment'.

Mr. Mallon said that in his area the UDR were not as evident on the grounds as before.

Dr. Hendron said that the same was the case in Belfast.

Mr. Mallon commented that the UDR were still causing problems for instance with young people.

Minister Barry said that our policy was to secure 100% accompaniment in sensitive areas.

Administration of Justice

Minister Barry commented that on Three Judge Courts, until there were changes at the top, it was not likely that there would be any change but we were continuing with our line.

The Taoiseach referred to Minister Nicholas Scott's statements in the House of Commons in the debate on prisons before Christmas. While Scott referred at the end of his speech to the link between releases and violence he needed to spell this out more. A draft had been worked out referring to 'a major and sustained reduction in violence' in the negotiations which would be linked with releases.

Mr. Mallon said that the number of prisoners granted parole this Christmas had increased. Of the SOSPs 15 had got parole which meant that they were for the road.

As to the sentence review procedure, there was the problem of the more severe regime in England (lifers get 20 years). There was also the need for loyalist/nationalist balance. The Provos were afraid of British concessions as regards sentencing and parole. There had been a Provo statement before Christmas addressed to prisoners calling for more sacrifice.

Minister Barry remarked that the fact that MacIntyre had jumped bail might have been deliberately done so as to sabotage the parole policy.

Mr. Mallon remarked on the hardening of attitude by the Provos on the prison issue.

International Fund

The Taoiseach described his discussion with Mrs. Thatcher in so far as it concerned the International Fund for Ireland. He had put it to Mrs. Thatcher that if the EEC Commission were to make a proposal would the British Government turn it down. The answer had been that provided the regular budget was not affected and provided the charge on British Treasury Funds was about 16% of the total then this could be acceptable.

(The Taoiseach at this point left to make a phone call).

RUC

Minister Barry asked what the relations were now like between the RUC and nationalists referring to his own recent statements about nationalists joining the RUC.

Mr. Mallon said that there were still problems with police operations on the ground especially as regards young people.

Dr. Hendron said that the same was true of Belfast.

The Taoiseach (who had returned) said that in some areas - for instance North Down - it had always been acceptable to nationalists that they should join the RUC. In other areas such as West Belfast the opposite was the case.

Mr. Mallon said that the SDLP could not act as careers officers for the RUC. Catholics will know themselves when the time comes to join the RUC i.e. when we get it right. There were three options which had been discussed over the years and during the negotiations viz.

- scrap the RUC and create a new force
- break it down into regional structures
- reform the existing police service.

With the Anglo-Irish Agreement in place, we are effectively speaking of the third option.

There were two aspects which had to be addressed - firstly the problem of public presentation and perception and secondly the matter of solving the problem. Of these the second was by far the more important. Solutions would begin to come

- When a Catholic is in control
- When the laws under which the RUC operate are just and equitable
- When enough Catholics join the RUC to make its composition balanced.

Both Peter Barry and he were at the same time right and at the same time wrong. There was a need to win on the media problem but the substantial issue was the important one. In this respect he could say that both Peter Barry and he himself were right and wrong.

Minister Barry said that he would wish to defuse the press interest in the story.

Mr. Mallon said that having to face up to this issue should help to make the SDLP more honest in its approach. The forthcoming debate on the new Police Complaints procedure will bring the issue up to the surface. As to the procedure itself he recognised that the procedure was an advance but it was still not enough.

The Taoiseach said it was necessary to define the conditions.

Mr. Mallon said that conditions were not the question when there was a cloud hanging over the RUC.

The Taoiseach asked about membership of the Police Authority. Was it not possible to separate the Police Authority membership from other policing aspects?

Dr. Hendron said that the resignation of Michael Murphy had taken the SDLP off a hook there.

The Taoiseach said that he could not accept that IRA threats could be allowed act as blackmail.

Mr. Mallon said that on Saturday the SDLP had debated at the constituency reps. meeting the whole policing aspect including the Police Authority and the Complaints Procedure.

The Taoiseach remarked that the position of the SDLP and of the Government are different as regards the Police Authority but the difference was understandable. There were other Boards also such as the Police Complaints Board.

Mr. Mallon said that if devolution comes, this will bring pressure on the SDLP to agree to a more positive policy. The present position is an uncomfortable one. At some stage it will be necessary for the SDLP to lead from the front.

Minister Barry remarked on the criticism in British Government circles of SDLP policy on the police.

Dr. Hendron said this was unfair as in fact SDLP members were law abiding and it was the loyalists who all through the last year had caused problems for the security forces.

Mr. Mallon said that the SDLP realised that they had to tackle the substantial issues. Once however there was a positive move towards participation in policing then it would take perhaps ten years to build up a normal police force.

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E. O Tuathail,

2/January, 1987.

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