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REPORT OF DISCUSSIONS ON 6th AND 7th SEPTEMBER 1971
AT CHEQUERS BETWEEN THE TAOISEACH AND THE BRITISH
PRIME MINISTER

The talks commenced at approximately 11 a.m. Mr Heath had with him Sir Burke Trend, Secretary of the Cabinet. The Taoiseach was accompanied by the Ambassador. At coffee prior to the start of the talks, Sir John Peck, British Ambassador, and Mr Armstrong, the Prime Minister's Principal Private Secretary, joined the party briefly.

Mr Heath welcomed the Taoiseach and said he was glad of the opportunity for a talk at this time. The Taoiseach and he should feel free to go over the whole ground on the Northern problem. Mr Heath was anxious that the talk should take place now rather than in October as the situation in the North had become very much graver. He saw no need to talk about Europe at this meeting and felt it preferable to concentrate on the major problem. Nothing was to be regarded as excluded from the scope of the discussion but what would be said to the press later was a matter for the two of them. Mr Heath continued by saying that there seem to be some genuine misunderstandings about what his Government are trying to do in relation to the North.

Mr Heath indicated that the Foreign Secretary and the Home Secretary would be coming for lunch but they would not be taking any part in the substantive discussions.

Mr Heath again referred to the gravity of the situation in the North and said this is damaging to both countries. The economic position in the North is becoming progressively worse. Factories are closing down and overseas investment has declined substantially. All this affects jobs in the North and there must be some spill-over effect on the South.

There is again the whole sad question of the loss of life which makes all the more difficult a short-term solution not to mention a long-term one. Both countries will shortly be joining the EEC and "we would be in an intolerable position if we had to bring this present serious problem in with us". The existence of trouble in the North would also present the Six with problems.

Mr Heath said the situation could escalate more and more unless there is a break-through. A main purpose of the meeting was to remove misunderstandings and to see how the situation could best be dealt with. He again repeated that nothing was to be regarded as excluded from the discussion and he would like to see a serious and determined attempt for a break-through.

The Taoiseach thanked Mr Heath for his welcome and dwelt on his own feelings of reticence about having the meeting at this stage. In this context, he referred, inter alia, to the atmosphere which had developed following the recent exchange of telegrams between them.

The Taoiseach went on to talk about how the two communities in the North came about. The current situation derives from partition. Partition was imposed and its existence always constituted a threat of violence because of the efforts to maintain the Unionists in power. One-third of the population of the North favour unification of the country. The attitude of the Unionists is quite the contrary. The Taoiseach said he wanted to say quite categorically that everybody in the Republic is dedicated to unification and the great majority want it by peaceful means. The approach to unity by peaceful means has come to the fore in the Taoiseach's own time.

The Taoiseach continued by saying that the Civil Rights

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movement resulted from a realisation that the minority were having no say in Government. They were being treated as second class citizens. With greater education and greater awareness on the part of the population, the reaction to unfair treatment of the minority was bound to become more forceful and more meaningful. The Civil Rights movement unfortunately attracted extremists. IRA activity is limited to a small section of the community but, following the events of 1968 and 1969, the IRA has inevitably gained greater momentum. The British Army initially had a calming effect because both the RUC and the B Specials were definitely suspect. However, the role of the Army has seriously changed in recent times. A situation has developed where the minority are looking to the IRA rather than to their own elected representatives. Unfortunately, the Provisionals began to appear to the minority as their only protection against violence.

At first, the reforms seemed to be effective and to be vigorously pursued. Latterly, however, the form rather than the substance of the reforms has taken over. This has contributed to an escalation of the troubles and is behind the withdrawal from Parliament of the minority representatives. The Taoiseach said that he and his Government are merely trying to help the minority representatives not only to hold their ground but to re-establish their influence with those who voted for them. However, having left Stormont, they are determined not to go back on the basis of the status quo. It is a matter for Westminster and Dublin to try to help them to hold their initiative. If they lose their influence, the situation in the North will be very bad indeed.

The Taoiseach continued by saying that, given the history of Stormont and the support for Unionism, the Nationalist minority regard the situation as hopeless. There are some very good

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men among the minority representatives, men who are genuinely seeking peace. Two of them have recently been prosecuted and a very serious situation will arise if they are convicted. They were merely going to the assistance of Mr Logue who was by no means violent in his intentions. If Messrs Hume and Cooper are convicted and penalised, a very serious situation will then exist.

The Taoiseach said he fully shared the Prime Minister's view that the situation in the North is very grave indeed. The Taoiseach's policy has always been to seek unity through peace and as a result of the events of 1968 and 1969 he has come to symbolise this approach. The majority in the Dáil and Senate agree with this line. If, however, the position of the Dáil were to be weakened, this could lead to a situation of near civil war. The Taoiseach said that he passionately felt that, unless there was some political break-through at this meeting, the exercise would be of doubtful value.

The Taoiseach agreed that the trouble in the North is having some economic effects on the South. This is mainly so in the case of tourism which has been below expectations in the last two years. On the industrial side, the effect has not been very serious. The Northern situation is all the more unfortunate in the context of the impending entry of our two countries into the EEC. It cannot be a good thing for two neighbouring and friendly countries to have to carry this problem into the EEC with them. The Taoiseach stressed that we are not going into the EEC because of the effect of membership on the Northern question. Our joining the EEC may help reunification but we have always been careful not to play this up.

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The Taoiseach said that what he wanted from the meeting was to see some light at the end of the tunnel. An attempt at a military solution can only increase disaffection among the minority. He did not say that Stormont must go but rather that it should be replaced by something else. Mr. Faulkner's offer to the minority of participation in Committees was not enough. What has to be realised is that the SDLP, having withdrawn from Stormont, cannot go back on the present basis.

The IRA are a reality but acts of violence are not necessarily exclusive to the IRA. Some of these acts may have been perpetrated by others. The Taoiseach said that he is as strongly opposed to the IRA as Mr. Heath is. It is serving no useful purpose but we have now come to such a dangerous point that a further deterioration is inevitable unless there is a political break-through.

Commenting on his speech on the 11th July, the Taoiseach said he asked the British Government to reformulate its guarantee to the Northern majority. With this guarantee, the majority will be permanently in power and in that situation there will inevitably be a recurrence of trouble. The IRA is a by-product of the situation. If Mr. Heath could find it possible to state that the unification of Ireland would have to be the ultimate solution and gave an assurance of interest in working towards this end, this would be enormously helpful at the present time.

Mr. Heath said he fully acknowledged that the Taoiseach is working for unity and peace. Indeed, all commentators have acknowledged the Taoiseach's policy of striving for unification through peaceful means. The constitutional position has been repeated by successive Governments.

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If the majority want to change the status of the North, the British Government will not stand in their way. Mr. Heath said he could not accept the Taoiseach's proposal for a change in the constitutional position.

Mr. Heath went on to say that he believes the EEC will in time lead to a final solution of the Irish problem. He has always said this in Europe. Indeed, he has been saying it since the early 1960s and this is still strongly his belief.

what solution?

He could not accept the point of view that the Unionists can remain permanently in power. If the minority had in the past accepted the Border until such time as there was majority support for unification, then they would have had the possibility of getting into power in Stormont. He admitted, however, that he cannot see the minority changing their minds.

Mr. Heath continued by saying that the life of the community in the North is being paralysed by gunmen. There is urban guerrilla warfare and the Catholic community is being intimidated. The Army is, therefore, being wrongly accused of coming to the rescue of the Unionists. The Army is in fact doing everything possible to prevent alienation of Catholics. He said that the question is constantly being asked on T.V. as to why the Army is not being tougher. He repeated that Westminster is not trying to find a military solution; they are simply trying to deal with urban guerrillas who want a united Ireland by force and who are a threat to the established authority.

Mr. Heath said that Mr. Wilson has alleged that British Government support is one-sided. This is simply

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not true. There is a democratically elected Government in Stormont and the majority have come to power as a result of a fair election which includes votes at eighteen. This is a powerful argument against the walk-out from Parliament by the minority representatives. He recalled that, at one stage, Mr. Attlee had said that a walk-out is ridiculous in a democratic system because if you walk out you have to walk back again.

Mr. Heath continued that Mr. Faulkner has not been given sufficient credit for what he has done. He has, in fact, done a lot. His committee proposal, for example, was a very far reaching one. The present Government has fully backed the Downing Street Declaration. Successive Northern Prime Ministers have not been given credit for what they have done. This only encourages extremists and causes despair on the Protestant side. Mr. Faulkner's White Paper clearly indicates that, apart from the settling of Local Government boundaries, everything else in the Downing Street Declaration has been given effect. Indeed, most of the Local Government changes in the North will be brought in in 1972 and this is a speed which could not be matched even in this country.

Whatever the history of the last fifty years, what has happened in the last two years is very significant. This deserves recognition. Mr. Heath questioned why the minority has lost confidence in the reform programme and asked how this confidence can be restored. At the same time, it is essential to recognise the rights of the democratically elected majority. The position would be different if the rights of the minority were not being observed.

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The Taoiseach said it has to be realised that the North is an artificially created territory. It has always had a Unionist Government and under present circumstances will always continue to have one. It has two separate communities who are now almost irreconcilable. He greatly welcomed the reforms announced in the Downing Street Declaration but these reforms are not working out as expected. For example, even though there is a Police Authority, there are instances where the Government still continue to dictate the policy of the police.

The Taoiseach continued by saying that internment was a wrong decision. It was being operated on a one-sided basis and could only polarise the two communities. Furthermore, many of those interned are known to be quite innocent. The majority of them are no threat in a militant sense. What obviously happened was that the authorities used old lists in deciding who to intern. Most of those interned clearly want to see an end to Stormont but it should be recognised as a legitimate ideal for them to favour the unification of their country.

The meeting some time ago at Durgan which Mr. Faulkner and half his Cabinet had with the Orange Order shows that the Order exercises a very strong influence over the Stormont Government. Most members of the Unionist Party are hand-picked by the Orange Order. Even the leaders are in the hands of the Order. It is well known too that constituency association work in the North takes place quite independently of the Government authority.

The Taoiseach repeated that the police authority is just one instance of what is not genuine reform. He quoted the Housing Authority as another such instance, and

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mentioned the appointment of a Catholic to that Authority who did not have the confidence of his co-religionists.

Mr. Heath said that if the Opposition disapproves it can ~~it~~ not make a fuss. The Taoiseach admitted that in Westminster where there is a large Opposition, the means for creating an effective fuss certainly exist. However, where, as in the North, the same Government is permanently in power, the situation is quite different. There is, in that situation, a serious risk of the Government becoming arrogant. The Opposition consequently becomes frustrated and the possibility of embarrassing the Government in the Stormont situation is by no means great. In short, the position of the Government is unlikely to be weakened by the Opposition. In these circumstances, there can be a certain futility about being in Opposition.

Men like John Hume are very reasonable and intelligent. However, because of his frustration as a member of the Opposition, he cannot carry the IRA with him. The Taoiseach said he very much wanted to keep the minority representatives in a position of influence. In fact, he specifically asked them when they came to see him recently whether, in the event of their being put in a position of influence, they would be able to bring their minority followers to heel. Their reaction was positive but only in certain circumstances. Their permanent exclusion from Government clearly weakens their position. Unless there is some form of Commission they will not be able to influence the minority community.

Referring to the possibility of a Protestant backlash, the Taoiseach pointed out that about one-third of the gun

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clubs were established after the abolition of the B Specials. John Taylor was responsible for this. He is a hardliner. He is on record as having said that more people will have to be shot. There are in the North twice as many licensed guns per capita as in the South. The fear among Catholics is that, with the large quantity of guns in the hands of the majority, they will be in a hopeless position if there is a backlash. Arms raids have been mainly in Catholic areas and some of these raids have been conducted in an unnecessarily harsh way. Very little action has been taken about arms in the hands of Unionists. Steps should have been taken to disarm both sides. There is a strong fear now that the Protestant militants are so well equipped that they could wipe out the Catholics. Protestant clergy are afraid that they have lost control of their flocks, and there is talk of a Third Force. Notwithstanding the reforms, there is no protection for the minority against a Protestant backlash. The Taoiseach said that there is a belief too that the backlash will not come and that the idea of a backlash is being built up by the British government.

Mr. Heath said that the danger now is very real.

Twenty thousand shipyard workers will be meeting during the afternoon. Their meeting is due to the recent daylight bombing in Belfast and they are determined to find a way of putting a stop to this. He could assure the Taoiseach that Mr Faulkner is prepared to act against the Protestants. No more gun clubs will be licensed. The meeting of the shipyard workers is something which Mr Faulkner cannot stop. Mr Heath then said that there are training centres for the IRA

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south of the border and that the British have all the information on this.

Mr. Heath went on to enquire what the minority representatives regard as a political solution. What do they regard as a justifiable machine of government? The Derry Commission worked well but the Catholics have walked off it. If there were to be a Commission to administer the North as a whole who would appoint the Commission? If the British Government were to appoint the Commission they could be taken before the U.N. for setting up a non-democratic system. Nobody believes that the Commission is a good idea. It would be an imposed thing.

The Taoiseach said that he would like to recapitulate at this stage. He pointed out that urban guerrilla warfare can only work if there is cooperation from the people. This cooperation certainly exists because the minority are looking to the Provisionals for protection. If popular support could be diverted this would help to eliminate the bombing. The origin of some of the bombings is unknown, and Protestant militants could well be responsible in an effort to discredit the IRA. It would be a great help if one could alienate support for the Provisionals.

The minority representatives say they will return to Stormont only if three conditions are met, namely:

- (1) The release of all internees and the institution of prosecutions against those in respect of whom a charge can be made.
- (2) The establishment of a Commission to administer the area.
- (3) A quadrupartite meeting between representatives

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of Westminster, representatives of the Dublin government, Mr. Faulkner as leader of the Unionist Party and representatives of the Parliamentary Opposition.

If there were some semblance of a political solution this would help the minority representatives to establish themselves with their followers and to eliminate support for the militants.

Mr Heath said that he was doubtful about the possibility of eliminating support for the militants but would be all in favour of a policy which would bring this about. A Commission which would abolish the democratic majority would not be acceptable. It would be contrary to British traditions of government. Many Catholics would not like non-elected representatives claiming to represent them. The basic difficulty is that the proposal is undemocratic. Anyhow a fifty-fifty participation would not be a fair division.

The Taoiseach said he acknowledged the undemocratic nature of a Commission for the North. The Commission would, however, be no more than an interim step towards some form of democratic administration. Stormont has failed and it will not be accepted by the minority. This is Westminster's problem. A system which in practice results in alienation of the minority is not democratic. The Taoiseach went on to say that there is a growing feeling among a section of the Unionists that change must come. For example, businessmen in the North are known to be increasingly concerned about the future. A change in the system need not necessarily give rise to a strong reaction.

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Mr Heath said he fully agreed that concern is being felt by businessmen in the North. He himself was most anxious to give the minority as full assurances as possible about their rights but these assurances have to be provided in a democratic way. Direct rule from Westminster would be democratic but would give rise to serious problems. There are many from the majority in the North who now feel that the more the North is integrated into the Westminster system the less likelihood there is of unification. Many in the majority are in fact in favour of direct rule. The IRA also favour direct rule but for different reasons in that they would see it as leading to unification.

The Taoiseach said he was at the start greatly attracted by the reform programme. The more successful the reforms could be, the greater the chance of integrating the two communities. If Catholics were to have their fair share of jobs in the North, then the two sides would have a better chance of getting along together.

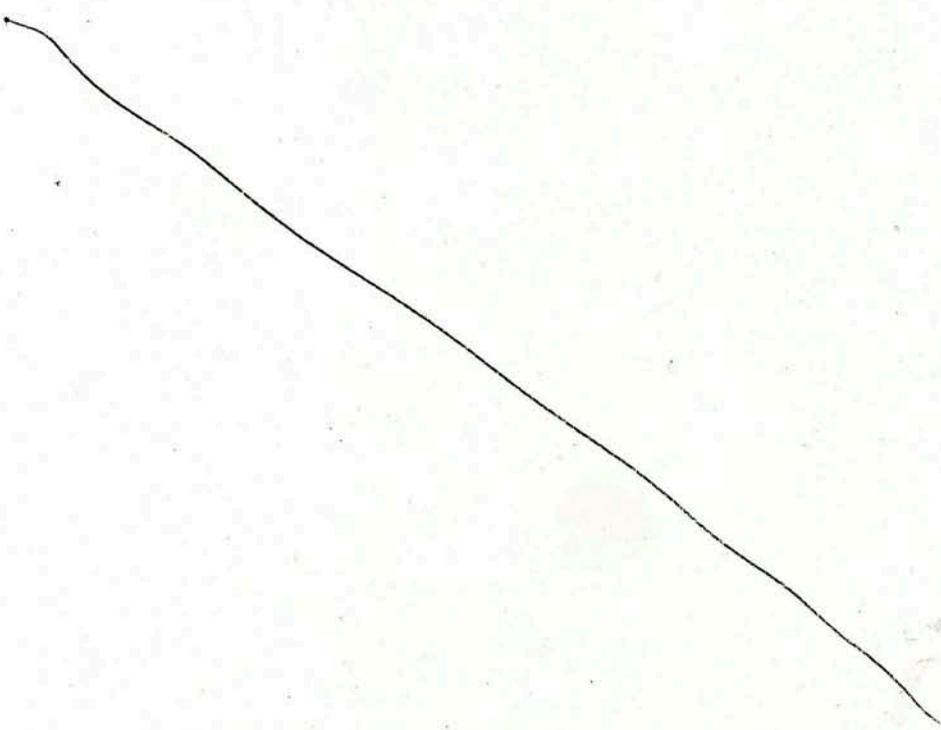
The position is that the minority representatives refuse to accept the present system. They cannot win over their followers on the basis of a policy aimed at putting down gunmen. The minority do not accept that democracy exists in the North. There is high unemployment in the area - indeed of the order of 30% in some of the Catholic ghettos. There are people of middle age in Derry who have never had a job and this clearly gives rise to a strong reaction.

Mr Heath said that he was most reluctant to introduce internment but he could see no other way of dealing with the gunmen. Many of those interned would not be

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capable of being brought before the Courts. Some of the internees have already been released. An enquiry into brutality has been instituted but he believed that most of the allegations were quite excessive. If the internees have problems there is an Advisory Committee to which they can put them.

Mr Heath continued by saying that he fully acknowledged the right of the minority to advocate unification of Ireland, but not by violent means. It would not be possible now to abolish internment immediately. Many of those detained are undoubtedly violent members of the IRA but some are possibly borderline cases. He hoped that the Taoiseach would not regard it as wrong that a person like the Chief of Intelligence of the IRA should ~~not~~ be interned. He concluded on this point by saying that the British do not want internment to last a moment longer than is necessary.



The Taoiseach said that the Enquiry Tribunal had been badly received. It would have been much better to have had an independent Chairman who is neither Irish nor British.

Another objection is that the detainees cannot be legally represented at the enquiry. It was important to bear in mind that many of these people are inarticulate and would not be able to present their cases adequately.

Mr Heath said that he had given the most careful thought to the composition of the Tribunal. It was essential that the Tribunal hearings should be in private as otherwise there would be a public jamboree. The Ombudsman must surely be above reproach or suspicion; the doctor on the tribunal is *not* a medical specialist but a highly-experienced general practitioner. The lawyer involved has a lot of experience in dealing with this type of enquiry. Mr Heath then indicated that the Home Secretary is looking again at the question of allowing legal assistance.

The Taoiseach said it was unfortunate that action on the allegations of brutality was not taken early on because it would then have been easier to substantiate the allegations.

Ill treatment is alleged to have taken place for the most part in the first 48 hours after internment. Many of the internees complained that they did not have access to doctors immediately after the brutality took place and it is reasonable to assume that much of the evidence of injury may now have disappeared. That is why he had urged from the beginning that medical advice should be provided.

The Taoiseach went on to say that he is under strong pressure from his own Opposition and from the minority representatives in the North to make complaints before the Commission of Human Rights in Strasbourg. There are a number of grounds

on which a case could be put to Strasbourg. First of all it is doubtful whether a derogation from the Human Rights Convention was in fact justified as the security of the State was really not threatened; only a corner of the United Kingdom was affected. Again a case can be made for bringing this matter to Strasbourg under Article 2 and Article 3 of the Convention. The Taoiseach admitted that he himself had threatened internment just before Christmas. He said he was a member of the government which introduced internment in 1956/57. Internment then was effective as IRA activities were abhorred by the great majority of the people. Times have, however, changed since then.

Mr Heath said that violence was put down at the earlier internment when it applied on both sides of the border. There were at the time undertakings by the IRA to stop the bombing. Following this relations between the North and the South became very much better. People now ask why the terrorists should be free to regroup south of the Border and to operate from there. Mr Heath also made a passing reference to the recent collections in Dublin by the IRA.

The Taoiseach said there have been many prosecutions and convictions of IRA in recent years. He said that our police and military have for long been under instructions to seek out and harass the IRA. There is little evidence of training in the South and the Irish government is doing its utmost to cope with the situation. It is completely wrong to think that the Government in Dublin is turning a blind eye to the IRA. The Taoiseach assured Mr Heath that he is equally anxious to put down IRA activities. The Taoiseach then mentioned the reference in the papers to a UN patrol on both sides of the border. He had spoken to a newspaper reporter on Saturday and had been asked a specific question about the possibility of such a patrol arrangement. He had to say

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that he had thought of the idea and that it would require joint action by Dublin and Westminster.

On the question of explosives the Taoiseach said he understood that there is at present no commercial manufacture in the Six Counties. Gelnite is being manufactured in Navan and there has been a continuing sizeable and legitimate export to the North. It may be true that some of the gelnite being used illegally in the North is of southern origin. The only other source of gelnite is apparently the ICI. The Taoiseach concluded by saying that he had been told of a proposal to establish a factory for the manufacture of explosives in Crossgar in Co. Antrim.

At this point the meeting adjourned for lunch in which the Foreign Secretary and the Home Secretary joined. The luncheon was entirely social.