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SUNNINGDALEReport on Meeting of Ministers

A meeting of the available Ministers, members of the delegation to the Sunningdale Conference, was held in the Taoiseach's Room in Leinster House at 4.30 p.m. on 26th March, 1974. The Ministers present were the Taoiseach, the Tánaiste and the Ministers for Foreign Affairs, Posts and Telegraphs, and Justice. Officials present were Messrs D. Nally and W. Kirwan, Department of the Taoiseach, Messrs. C. Whelan, S. Donlon, N. Dorr and D. O'Sullivan, (Ambassador to Britain), Department of Foreign Affairs.

2. The Taoiseach stated the purpose of the meeting was to review events since the Sunningdale Conference, to assess the prospects for the settlement reached at that Conference, in the aftermath of the British general election, and to decide on the best course of action at this stage. It seemed that unless the settlement was ratified in the near future it would run into problems arising, for example, from a second British general election which would cause a further delay. From statements that had been made it seemed that the Assembly Unionists might refuse to ratify the Agreement if the Council of Ireland were to be established. On the other hand, if such a Council were not established, the S.D.L.P. had clearly stated that they would leave the Northern Ireland Executive. From the statements it seemed that there had been four matters worrying the Unionists -

- (1) the extent of the powers of the Council of Ireland
- (2) the doubts about the paragraph on the Status of Northern Ireland in the Sunningdale Communiqué
- (3) the problem of fugitive offenders; and
- (4) security, especially along the border.

On the question of fugitive offenders, it seems likely that the Commission on Law Enforcement would report within about 10 days. It was likely that the Commission would record disagreement on the Irish proposal for a common court and on the British proposal that we should amend our law on extradition. However it seemed likely that there would be agreement that the assumption of extra-territorial offences in both parts of the country could be an effective means of dealing with fugitive offenders. In relation to security, there was a high level of violence in the North even in areas remote from the Border. Against this background, their pre-occupation with cross-border security looked somewhat hollow.

3. In relation ^{to} towards progress of ratification of Sunningdale, Mr. Bloomfield, the Permanent Secretary of the Office of the Executive in Northern Ireland had been due to come to Dublin on the following day (Wednesday 27th March) for a discussion on the present position. Mr. Bloomfield was likely to reflect Mr. Faulkner's thinking quite closely. However, on the previous evening he had phoned Mr. Dermot Nally and indicated that he was compelled to postpone his visit until early next week probably Monday. He had specifically stated, however, that this was a good sign rather than a bad sign.

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He had used the words "positive and hopeful". The British had been pre-occupied for sometime past with their General Election and with the measures to be taken by the new Government to rectify the economic and industrial situation there. However, now that the Budget was due for presentation, they would have some time to devote to Northern Ireland affairs. The main thing to discuss and decide, at this stage, was what was the best course of action for the Irish Government now?

4. The Minister for Foreign Affairs suggested that any course of action we take at this stage must leave us in the best possible position, in the event that Sunningdale failed and it was necessary to embark on another policy. We must take care that anything we do now, in the effort to ensure ratification of Sunningdale, did not prejudice our options in the event that the settlement broke down. Mr. Nally stated that the consequence in the event of a failure of Sunningdale, were so serious that it was essential to make a strong effort to push the settlement through. If it failed, the S.D.L.P. would withdraw from the Executive. Everything would then be back in the melting pot. The British would have a strong interest in withdrawal from Northern Ireland at that stage; there were a number of strong reasons why they may wish to do so. One of these was the cost of supporting Northern Ireland - which was twice or treble that of their net contribution to the E.E.C. budget, which they were now seeking to renegotiate. *Another was the presence of the 11 brigades in Westmoreland.*

5. The Minister for Posts and Telegraphs stated that there had been some disquieting noises in the Press recently probably from London and relating to the possibility of a failure of Sunningdale. It was very dangerous to begin talking about alternatives to Sunningdale, having regard to the likely encouragement which would be given to the Provisional I.R.A. In his view, we should take an early opportunity to contact the other parties and to seek agreement. He would be quite ready to envisage some "water" in the Council of Ireland. The main thing, at this stage, was to get some kind of Council and to ratify the settlement. The Minister for Foreign Affairs agreed that it would be dangerous to discuss alternatives outside the privacy of the room. However at this stage, we had to have regard to the possibility of failure and to the likely consequences. He agreed with Mr. Nally that the alternative prospects *were bleak*. The corollary of this was that we may have to be ready ^{to} do more than we had previously envisaged in order to make Sunningdale work. Mr. Whelan mentioned a number of reasons why the British might wish to remain in Northern Ireland. They would not wish to have a war situation next door to them, in a country which was one of their most important customers. The outbreak of hostilities in an area which they had recently vacated would be harmful to their international image. The Minister for Posts and Telegraphs said that he thought the British were using the idea of a possible withdrawal in order to influence the Faulkner Unionists to ratify Sunningdale. However any threat of this sort to the Unionists was a promise to the Provisional I.R.A.

6. The Minister for Foreign Affairs said it was important that it should not be possible to put the blame on us for any failure of the settlement. We should ensure that it would not be possible for anyone to accuse us of having defaulted on any part of our side of the bargain. The Taoiseach said that we had not defaulted. So far as he was aware, we had carried out our obligations so far. The Minister for Foreign Affairs agreed that this was so but stressed that the message that we had defaulted had sunk in in Northern Ireland.

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7. The Minister for Justice enquired whether it was possible to get Mr. Faulkner's and Mr. Wilson's mind accurately if there were things, which they genuinely needed in order to make a settlement stick, we might consider giving them. The Taoiseach said that it was important to get their minds on the matter but this would have to be done quickly in view of the possibility of an early election in Britain. He asked Dr. O'Sullivan, the Ambassador to Britain to give an assessment of the likely course of events there. Dr. O'Sullivan stated that the general view of all informed parties in London was, ^{needed} that a quick move towards ratification of the settlement. The indications he had were that ratification was unlikely before May and, allowing for slippage, this could go back to June. He had a message, that in the event that we request ^{early} a meeting, Mr. Wilson would be likely to agree. In his view, an early meeting was absolutely necessary. It was quite possible that the British Government could be defeated in a division in the House of Commons on the budget to be announced on the following day. The Minister for Foreign Affairs said that we should find out quickly if there were certain things which would advance the prospects of a settlement and which we could give to the Unionists. We were now in a better position than last December to give certain things, such as possibly overt co-operation on security. The Minister for Justice wondered whether it was necessary for us to contemplate any further concessions. As he saw it, Mr. Faulkner had no where else to go and if sufficient pressure was put on him from both Dublin and London he would surely ratify the settlement. The Minister for Posts and Telegraphs said that he wished to enter a strong dumur in relation to pressure on Mr. Faulkner. Mr. Faulkner's political help was necessary and his present position was very shaky indeed. It was not just ratification that we required, but Unionist support for the settlement. For this purpose, it was necessary to maintain the support for Mr. Faulkner in the Assembly. Mr. Nally stated that consideration had been given, at official level, to the possible area of flexibility in the Republic's position. However, he thought that rather than discuss these at this stage, it would be preferable to wait until after the meeting with Mr. Bloomfield when we would be in a much better position to assess the Unionist attitude. The Taoiseach said that we should ensure that there was nothing which we were supposed to do which would delay progress towards ratification. The Minister for Foreign Affairs mentioned that the British had recently made some play with our alleged difficulties in establishing a police authority here. The Minister for Justice said that discussions on this matter had been going on for some time and that it should be possible to get Heads of a Bill in immediately after Easter. The Minister for Foreign Affairs was a bit worried if it would be soon enough. We had suggested the 10th of April for the formal stage of the Conference; while it was most unlikely that this date would be met, we should be in a position to meet it if necessary.

8. The Minister for Foreign Affairs said he agreed with much of what the Minister for Posts and Telegraphs had said earlier. There were two ways in which the settlement could fail

- (1) one would be refusal to sign on the part of the Unionists
- (2) the other would be where all parties signed but there was a failure to carry sufficient support for the settlement among the electorate.

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It needed to be realised that, in the present time, the Loyalists were quite at ease. They felt that Sunningdale was finished and that they would have to be consulted on the future arrangements for governing the North. When they saw that a settlement was being proceeded with they would be quite shocked and it was very likely that considerable violence would ensue; this was a problem. The Minister for Posts and Telegraphs agreed but said that this was something which would have to be reckoned with. The Taoiseach said that, on this point, it appeared to him that Mr. Wilson must make it clear to the Unionists that there was no alternative to the Sunningdale settlement. Mr. Nally mentioned that if we proceeded with ratification at this stage, all parties involved would be open to the charge that a settlement lacked the endorsement of the electorate in the North. However, if there was any postponement of the ratification or implementation of Sunningdale, pending an electoral endorsement, this would only encourage the Provisional I.R.A. This was also the view of the Minister for Posts and Telegraphs, who said that one way or the other, we were facing several more years of violence. *The* course of action which carried with it the least danger was that of pressing ahead with ratification of the agreement. The Minister for Foreign Affairs said that, on balance, it seemed the best thing was to go ahead with ratification and implementation, without any election. This would also be the best way to keep the British on the hook for a further two or three years. Mr. Nally said that it could be represented that the Council of Ireland was merely an instrument of the co-operation between North and South which had been supported by all the Executive parties in the June 1973 election, in which they had secured a substantial majority. There should be no need for an electoral endorsement of an instrument.

9. The Minister for Posts and Telegraphs stated that the big issue concerning the Unionists was the territorial claim in Articles 2 and 3 of our Constitution. The question arose as to whether, if necessary, we would endorse a new short Constitution. Mr. Donlon said that the S.D.L.P. were sensitive on this point at Sunningdale and had been anxious since then not to get involved in an argument between the parties in the Republic on the Republic's Constitution which they saw as a matter for those parties. The Minister for Justice said that, if a new Constitution, could be presented as a way of securing a Council of Ireland, might have greater public acceptance. Mr. Nally asked whether Mr. Donlon could give an up to date assessment of the weight given to various factors by the minority community in Northern Ireland. Was security the dominant issue? Mr. Donlon said that security was indeed a dominant issue at the present time. People in the North don't see the Council in detail. They are concerned simply to have an all-Ireland body with which they can identify and, in this connection, the Consultative Assembly was probably more important than the inter-governmental element in the Council.

10. The Minister for Justice said that one big problem was that the Unionists, erroneously, see us as having the solution to the I.R.A. problem. In this connection the Minister for Foreign Affairs said that our conception of the Council before Sunningdale was of a more balanced body, so far as Unionist opinion was concerned, in that we had envisaged that it would deal with security. The Taoiseach recalled that the British had objected strongly to the suggestion at Sunningdale and the Minister for Foreign Affairs agreed that a problem was

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presented by the fact that security was a matter reserved to ^{Westminster}. The Taoiseach proposed the question whether the S.D.L.P. would be completely discredited by a breakdown of Sunningdale. The Ministers for Foreign Affairs and Posts and Telegraphs expressed the view that while the S.D.L.P. would be damaged by such an occurrence it would not be so badly damaged as the Faulkner Unionists. They had a solid base in the nationalist population, whereas Mr. Faulkner's party had only a fraction of the Unionist population.

11. The Taoiseach suggested that the best thing was that he should seek an early meeting with Mr. Wilson, for a date after the visit of Mr. Bloomfield. The Tánaiste enquired whether the Minister for Foreign Affairs had yet seen Mr. Merlyn Rees and Mr. Stan Orme. The Minister for Foreign Affairs said he had met Mr. Rees within 48 hours of his appointment as Secretary of State but not since then. They had envisaged having another meeting but, at this stage, he would not wish to interpellate such a meeting between that envisaged between the Taoiseach and the British Prime Minister.

12. The Tánaiste enquired whether we were exaggerating the dangers of a civil war in a situation in the event of a possible British withdrawal. The Minister for Foreign Affairs stated that it was unlikely that we would be faced with an abrupt British withdrawal followed by a sudden outbreak of hostilities. It was more likely that if the British were intent on a withdrawal the Loyalists would negotiate independence with consent, with guarantees for the minority. They might even be prepared to ^{discuss} power-sharing. However any guarantees that might be given would be unenforceable once British forces had been withdrawn from the North. He feared that a Crossman-type solution might be gaining support in Britain. Mr. Nally mentioned that this type of thinking supported a view that where people wanted to fight it was better to leave them to fight it out and when they were exhausted, to go back and try to arrange a peace. In further discussion on these possibilities, the Minister for Posts and Telegraphs stated that in his view a U.N. ^{force was} a chimera. The Minister for Foreign Affairs agreed that while the U.N. would not intervene in a situation of hostilities, it was remotely possible that in the unlikely situation of a temporary peace, the Organization might be prepared to ^{step in}

13. It was agreed that a meeting would be sought between the Taoiseach and the British Prime Minister for Friday 5th April or Monday, 8th April. It was agreed that Mr. Whelan would call in the British Ambassador, Sir Arthur Gallsworthy, to seek a meeting and that Ambassador O'Sullivan, on his return to London on Thursday, would call to 10 Downing Street to confirm the request.

W. K. M. M.