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Meeting between Taoiseach Dr Garret FitzGerald and
Secretary of State for Northern Ireland Mr Tom King,
Embassy London, 28 November 1986

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Present: Ambassador Dorr, Mr D Nally, Mr E O Tuathail
and Sir Robert Andrew.

(The following, which is in direct speech, is reconstructed from fairly detailed notes but is not a verbatim account of the meeting)

Taoiseach (after welcoming Mr King and some discussion of the developments in Sir Robert Armstrong's evidence on the M15 Peter Wright memoires case in Australia). I understand that you have a time constraint.

Mr King Yes, and I regret that I cannot come to your dinner tonight but Nicholas Scott will be present. I have to go to Wales.

CROSS-BORDER SECURITY COOPERATION

Taoiseach There are a few points that we might discuss. Firstly, on security cooperation, I understand that there is to be a meeting between the two sides next Friday in Dublin on cooperation on explosive devices on the border. Basically the arrangement is that if our explosive experts are not available then one or two of your people can come across. There is also the issue of questioning-this is being discussed in the Working Groups today. If we were to allow the RUC to be present at the questioning of terrorist suspects

held by the Gardai there would be legal difficulties and also it could be counterproductive from a political point of view.

Mr King

I would like to explain what the Unionists say to me. They say: "Just look at all those IRA terrorists strutting around in the Republic and nothing is done to lock them up". But I answer that there are terrorists at large also in Northern Ireland but the problem is that there is no evidence on which to arrest them. We can of course bring in suspects for questioning and it appears that the position is that in every other European country our police are allowed to go for questioning. It would be unfortunate if the Republic was different.

Taoiseach

With us detention for questioning is illegal. There are considerable problems in this whole area.

Ambassador

Dorr

At the special Conference on cross border security on 31 October in London it became clear that our system of justice is much more heavily weighted in favour of the citizen as opposed to the authorities.

Mr King

I understand that the present position on questioning is that the RUC can come down to you and get information through the Gardai.

Taoiseach

That is a matter for the Gardai : I don't know what is involved. Why do you want to change?

Mr King

The problem is that it does not work. The IRA are trained to resist interrogation. For instance, some of the terrorists released as a result of the Black supergrass appeal are now back in business

and they would be twice shy about interrogation as they know they have said things they should not have when they were in custody. Although information is difficult to get you have the best chance if you use trained interrogators.

Taoiseach If your interrogators got what they wanted such information would not be presentable in court.

Mr King The questioning is not primarily for court presentation but to build up patterns of information for intelligence purposes.

Taoiseach We are more constrained in this whole area than you. The technical details will be fully gone into in the working group.

Taoiseach In the paper we gave you on cross border security cooperation we gave our views about structures. We can look at some of these aspects again particularly when the Sampson Report (third part to deal with the management of the RUC) is completed. Generally things seem to be going well.

Mr King What we are looking for is total cooperation and naturally I am impatient in seeing this goal put into effect. We have heard on the gossip chain that there was some suspicion in your Army about the direct contacts involved in the new arrangements to deal with explosives on the border. Indeed the fact that we sensed this difficult feedback may be an indication that our cooperation is going well and I should say that we were very grateful for the response you gave us at the time of the special meeting of 31 October. But we did pick up this flavour of disquiet in your Army and nervousness about talking directly to the British Army. We want to overcome this and

to build up confidence. One suggestion I would make is that there should be increased training of your Garda and Army personnel at our training establishments. Bramshill is our professional police training college. We would like to see more from the Gardai coming and similarly Cambridgeley for some of your Army training. Even your police when they hear an English accent on the other end of the phone with us, get up-tight because they might be talking to an army officer.

Robert
Andrews

You have in fact sent some of your Gardai in the past to Bramshill.

Taoiseach

The problem with the Army in the past was that we sent officers almost exclusively to you. As regards the Gardai I know that we sent the trainers to you.

Robert
Andrew

That was to the security services. I know that you also use the FBI and the Mounties.

Mr King

We would like to see an increase in this whole area. For instance, we ensure that all senior officers in the RUC go for a term to mainland police forces under the general guidance of the Inspector of Constabulary. If we can help in this we would like to do so as it is a useful way to build bridges.

Extradition Bill

Taoiseach

You know what is happening on the Extradition Bill. Michael Lillis has told you about it. The Bill is a clean Bill and we should get it through the Dail before 17 December.

Mr King

I am lost in admiration at the way you handle Dail business so quickly.

Taoiseach

The position has been made easier because the commencement date provision has defused the situation. The Opposition can say that progress is not sufficient at this time but if they oppose the bill, containing the commencement provision, they run the risk of being seen as supporting action against terrorism. Because of this there will only be a 2-day debate.

Mr King

We much appreciate the decision you have made on this but as you have seen I gave no public welcome to your decision. Michael Lillis told me that such a welcome would not help.

Taoiseach

Yes, that is so, and we have to go to the Senate, probably in January, and then the Bill will become law unless of course the President queries it on constitutional grounds, which I think unlikely. If that happened the Supreme Court has to decide quickly.

Mr Nally

The Supreme Court decision cannot go beyond two months .

Mr King

You can look at us on the Teachers' Pay Bill. We want to get that through by Christmas. I hope we are as lucky as you.

Taoiseach

We had, of course, the considerable problem of the 3-Judge Courts. This caused difficulties and also it meant that there was a time-lag. In Government it was not easy to get the right decision and there was always the risk of a Fianna Fail filibuster on the Bill. The reaction by Fianna Fail has been a relief.

Mr King Last night's mortar attack in Newry will not exactly harm your case.

Taoiseach Yes. Were there many seriously hurt in Newry?

Mr King At least four including a pregnant woman. I think the whole incident is a disaster for the IRA in the Newry community.

PRISONS POLICY

Taoiseach There is the question of prisons policy. You have done much on releases, but more needs to be done. There is the question of a political statement (pre-Agreement draft text). I think it may be the time to do this. Fr Faul is constantly making the point of the effect of releases on families. Families are an important lever as was clear during the hunger strike. You should look at this area and see if we can use it as a lever. The point is that the Agreement has greatly reduced support for the IRA but there is a hard core which can be got at through the families.

Mr King I have had some approaches from the Catholic Church on this but I appreciate fully the point you are making and we will look at it.

Robert
Andrew As you know I am Chairman of the Life Sentence Review Board. In the three years in which the Board has been operating 51 lifers have been given release dates (there is about a year's delay before release). That means that out of 500 lifers there are now 450 left. The difficulties are that we have to be careful to avoid any impression of an amnesty and to ensure against

reinvolverment in violence after release. If the security situation improved then there would be less likelihood of the risk of reinvolverment and the question of a statement would be more desirable.

E O Tuathail

The text of the draft statement, at the end, runs as follows:

"It is the profound hope of both the UK and the Irish Governments that the Agreement will foster reconciliation between the communities in Northern Ireland and will lead to a major and sustained reduction in the level of violence. If that were to happen, the risk of released prisoners reverting to criminal activity would be diminished and this would be a factor of which full account would be taken along with other considerations in deciding whether the releases of prisoners could be accelerated."

Taoiseach

Yes, that is the phrase "a major and sustained reduction".

Mr King

I only came in at the time the text was being drafted.

Sir Robert

Andrew

It was before your time.

Mr King

I will look at it.

Taoiseach

The recent case of strip-searching of a woman held for non-payment of fines for a motoring offence brought to my attention again the whole question of strip searching.

Robert
Andrew

There are no political prisoners so there is no difference as regards the custodial care of women prisoners.

Taoiseach

But surely there is a category of dangerous and less dangerous prisoners.

Robert
Andrew

There is only one women's prison and all are subject to searching as even the so-called "decent criminals" can smuggle in things.

Mr King (replying to Taoiseach) That is a good point.

Taoiseach

We want to see the number of strip searches decreased, for instance in certain categories (discretionary). What about inter-prison visits and court appearances?

Mr King

There was a flurry in April when there was the prison move from Armagh and also releases.

Robert
Andrew

There are no inter-prison visits for women as there is only one prison and women prisoners are not kept handcuffed for court appearances so there is opportunity to slip them things.

Mr King

I note what you say.

PUBLIC ORDER ORDER

Taoiseach

About the Public Order Order, can you tell me something about your plans? Nicolas Scott referred to it in the House of Commons last night.

Mr King . I would request you not to ask me about that. Please leave it to me. If I had to answer you all I could do is to refer to the statement in the 11 March Conference Communique. The Public Order Act is, of course, in force now and we are doing exactly we said we would do in the the 11 March Communique.

E O Tuathail We will need to see action before 8 December Inter-Governmental Conference Meeting.

Mr King I do not want to go into that.

E O Tuathail The 8 December Conference Meeting will come just before the introduction of the Extradition Bill in the Dail on 12 December.

Taoiseach I cannot be fully certain of the Progressive Democrats in the Extradition Bill debate. They have a lawyer behind them who is advising them on the prima facie requirement. I hope they will not insist on that. As to the Public Order Order, we expect it to contain provisions on Flags and Emblems, incitement to voters and parades and marches.

INTERNATIONAL FUND FOR IRELAND

Taoiseach There is also the matter of the International Fund for Ireland and the EEC contribution. When I see Heads of State or Government and they enquire about this I have nothing to say.

Robert

Andrew

There is a difference between us about an approach at Community level or bilaterally.

Taoiseach Delors is aware that a Community contribution can be made direct to the Fund.

Mr King I am not clear about this but my recollection was that a Community contribution would mean 170% contribution by the UK. But my eyes blaze when the EEC Budget comes up.

Noel Dorr We had talks this week, in the Foreign Office, and the basic problem seems to be that the UK cannot agree to any action that would lead to an increased financial charge on the EEC.

Mr King But there is also the problem of additionality.

Noel Dorr There were various ideas. The earlier proposal - which was yours - was by way of a special measure and this had a problem of additionality. Other proposals on your side were the more efficient use of the structural funds under the Single European Act (Article 130 D) and bilateral approaches to individual Member States.

Taoiseach Bilateral approaches would result in very little in view of the budget problems of individual States. The Commission can of course make a proposal itself.

Noel Dorr There is also our idea of a direct Community contribution to the Fund. This will get over the problem of additionality. We would like to discuss this with the Commission jointly.

Mr King You should take this up with the "President" (Mrs. Thatcher) when you come again next week for the European Council.

Noel Dorr Another idea is to insert a budget line which would not be taken up until the budget position is improved.

E O Tuathail The US will want to see at least one other donor if they are to make the second and subsequent contributions.

D. Nally There are strict US procurement rules where the US is the main donor.

Taoiseach I had not realised until the other day that the US contribution has to be used for business projects and there will be nothing for reconciliation projects. We need to move on this.

(Mr. King asked Robert Andrew to talk to the Foreign Office)

POLITICAL SITUATION

Taoiseach The political situation remains difficult.

King Molyneux seems to have lost ground over the Councils. He was at a high during the OUP Conference, then he got into difficulties. It is noteworthy of the 190 OUP Councillors 120 came and voted strongly against resigning their seats. Molyneux should be the leader who could make the first move in a positive direction but he is very nervous. Another notable fact is the amount of Unionist movement around Westminster.

Taoiseach Ian Gow came to see me recently.

Mr King Ian Gow, Biggs-Davison and Amery remain concerned about Northern Ireland but they are much less hostile than they were at the time of the signature of the Agreement.

Taoiseach Ian Gow was arranging for me to meet Molyneux during this visit but Molyneux backed-off. I would, of course, have told you in advance that the visit was going to take place.

Mr King Molyneux is always doing that. Molyneux and the Unionists are looking at both our electoral positions. They want to wait and see.

Taoiseach The meeting with Molyneux was not my suggestion. I have taken no initiatives in meeting Unionists since early this year.

Mr King We are standing firm on the Agreement and we will see that your concerns for the interests of nationalists are met over a period of time. We are grateful for your cooperation but naturally we are impatient to increase cooperation against terrorism. I was pleased that Larry Wren attended Lady Hermon's funeral.

Taoiseach About Seamus Mallon's statement . . .

Mr King Yes, thank you for your message. I passed it on and it was very helpful.

Taoiseach Hermon has done a remarkable job with much progress in the RUC.

PRESS

(There was a brief discussion at the end about handling the press with King suggesting that he could reflect the common condemnation of the Taoiseach and himself of the Newry mortar attack and that if there were any questions about the Public Order Order he would stick to the 11 March joint statement).

E. O Tuathail
28 November, 1986.

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