



# An Chartlann Náisiúnta National Archives

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Government meeting with SDLP - Iveagh House,  
Friday, 31 January, 1986.

Present:

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Taosieach, Dr. Garret FitzGerald  
Minister for Foreign Affairs, Mr. Peter Barry  
Attorney General, Mr. John Rodgers  
Mr. S. Donlon  
Mr. E. O Tuathail

*512*

*Mr Mc Carthy  
MK  
5-2-86*

SDLP

Mr. John Hume, M.P.  
Mr. Seamus Mallon, M.P.  
Dr. J. Hendron  
Mr. E. McGrady

The SDLP met separately before the meeting. There were given the following documents:

- Agenda;
- List of topics in the Anglo-Irish Agreement on which their views were needed;
- Papers submitted by the Irish Government to the Conference on
  - (a) Flags and Emblems (Display) Act Northern Ireland;
  - (b) Irish Language in Northern Ireland;
  - (c) Police Complaints Procedure;
- List of DFA contacts on Northern Ireland Affairs and corresponding SDLP list (requiring completion).

The meeting began at about 11.00 am and continued on through lunch.

The Taoiseach welcomed the SDLP members and congratulated Seamus Mallon on his victory in the by-elections.

Hume thanked the Taoiseach for assistance during the by-elections campaign. The SDLP had done well in all four of the constituencies they had contested. The loss of the seat in Newry-South Armagh had caused friction in the Unionist camp, including between Paisley and Molineaux. The Unionists had no fixed policy. Three had turned up on Wednesday in the House of Commons and then had walked out when Tom King was called for questions which had seemed petty. The British must stand firm and trump the orange card. Hume said that King worried him. The appointment of McWhinney had been meant as a gesture of appeasement but Unionists had taken it as an insult. King had been putting pressure on the SDLP and various approaches had been made to them through Tory MPs and others. Hume had replied that the SDLP were ready to sit down and talk constructively but the Unionists were not.

The effect of the by-elections had been positive from the nationalist point of view. In the volatile constituencies, the vote had turned in the favour of the SDLP. Mallon and also McGrady had done well. The SDLP were very grateful for the Government's assistance.

As to Sinn Fein, they had carried on no real campaign; this seemed to show they were short of cash. There were few signs of Southern assistance for Sinn Fein. The card they played was security (e.g. strip searching).

Mallon said the by-elections showed a fair wind for the Agreement, but police behaviour must improve. The security forces' behaviour had deteriorated in certain areas. East Down (Downpatrick) was a case in point. About two weeks before the by-election army patrols (not UDR) had begun patrolling, including boarding buses and searching them. Downpatrick was of course an area with the lowest Sinn Fein vote. Ardglass Police

Station had been taken over by the army. And from Ballykinlar there had been an increase in RUC - SPG patrols for the protection of police barracks.

Hume said that there was a different perception of the security forces in urban areas. For instance, in Derry recently, the army had saturated an area until they found a Provo. The Taoiseach remarked that we had asked and been promised a document from Belfast through the Secretariat setting out the extent the UDR are being progressively accompanied by the RUC in their patrols. Mallon said that the behaviour of the RUC and UDR in Armagh had been scandalous. There were incidents - he instanced the Stewart and White cases - which he had reported but there had been no feed back. Hendron said that since the UDR had killed the two joy-riders in West Belfast there had been a great decrease in UDR activity there.

The Taoiseach referred to the report given to him by a southern Church of Ireland Bishop who had been mistaken for a Catholic priest and had been badly treated by a UDR patrol. McGrady said that the sentences handed out to members of the security forces when they were convicted of wrong doing were ludicrous.

The Taoiseach, summing up this part of the discussion said that we would:

- insist on regular reports on the implementation of the principle of having UDR patrols accompanied by RUC and ask for such reports on a monthly basis; and
- press for action on individual claims.

Details were supplied by Seamus Mallon on the five individual cases he is interested in. On one of these - the case of Dr. Stewart - a report had been received through the Secretariat that Dr. Stewart's case had been investigated and that the UDR patrol involved had been reprimanded. Mallon wants to see quick action taken as regards the remaining cases.

After a brief discussion <sup>of</sup> the position of the British Government (and Mrs. Thatcher's position after the Westland affair), the Taoiseach concluded that:

- the Agreement was not affected by the Cabinet problems in Britain;
- there was a British Government concern with Unionist reaction and therefore a tendency to slow down implementation of the Agreement;
- we have to ensure that there is no slowing down;
- we must perform ourselves to do our part to implement the Agreement.

### Devolution

The Taoiseach referred to the commitment of the two Governments in the Agreement to promote devolution on a basis which would obtain widespread cross-community support.

Hume referred to his 26 November statement in the House of Commons to the effect that he was willing to sit down now and determine how the affairs of Northern Ireland should be administered in a way acceptable to both traditions. He had repeated this statement again recently in the House of Commons. He had told the British Government that his bottom line on devolution was power-sharing: there could be no return to Stormont. He had told Scott that when agreement had been reached on the manner of devolution then he was ready to go to the electorate for a mandate to participate in a new Assembly. Scott had said that it was not possible that the Unionists would agree to devolution before October: would the SDLP enter the new Assembly and work for devolution after they had so entered? Hume had insisted that the SDLP's position is devolution before entering the new Assembly not after. If devolution can be agreed before the elections, then the SDLP would be in a strong position to take on Sinn Fein. The Taoiseach asked about the possibility

of the SDLP entering the existing Assembly before devolution had been worked out. Mallon remarked that to do so would be to go back to the 1975 position which had been highly unsatisfactory. However, things were changing - the Unionists were at sixes and sevens as the recent statements by Taylor, McCuskar and others showed.

Mallon said that (unlike the Unionists) the position of the SDLP was a clear and a logical one. They had told Patten their position before the Agreement had been signed. Hume had repeated it in the House of Commons afterwards. It was the British who were putting out the story that the SDLP did not want devolution now that they had the Agreement: this was not so.

Hume remarked that the SDLP position was a strong one - work out a system of devolution in the months ahead and go to the electorate for a new Assembly on that basis.

The Taoiseach suggested that it would be useful for the SDLP to inform Mrs. Thatcher of the SDLP policy on devolution. This should be done privately, as to do so publicly might lead to a formal Unionist reaction which would only entrench unionist positions further. It would be useful for Mrs. Thatcher to know clearly the SDLP position before she meets with the Unionist leaders in February.

Hume referred to his statements in the House of Commons - Mrs. Thatcher had complemented him on his statement on 26 November, These had already made the SDLP position clear. The Taoiseach suggested that a letter now would help us in dealing with Mrs. Thatcher.

Hume agreed to write such a letter.

McGrady referred to the Assembly and the Taoiseach suggested that SDLP views on the Assembly should be kept until a later stage. The question of the Assembly could be kept as a bargaining counter.

Hume remarked on the need to bring home to the British the disgraceful behaviour of unionists during the by-election - the St. Anne's Cathedral affair (Cardinal Suenens), the interruption of Bishop Daly at Queens University, the paramilitaries present at Powell's election rally at Ballinahinch, an Irish Times reporter had been kicked by the DUP, etc.

We will try to get the TV coverage of the paramilitaries at the Powell rally.

McGrady remarked on Dorothy Dunlop's condemnation of the St. Anne's Cathedral protest against Cardinal Suenens. Also the action of some of the Unionists on Belfast City Council (including Lord Mayor Carson) who had not gone along with the boycott.

Mallon referred to the difficulties of the summer marching season. The Taoiseach commented on the need to find ways of getting progress by then. There were divisions among the paramilitaries, but some wanted violence. They were being held back by lack of explosives. The Ulster Clubs may want confrontation with UDI as the object. This might bring about a backlash and could lead to positive unionist thinking. The Taoiseach remarked on the balance of forces in the two unionist camps. Both Governments want to defuse the temperature. The two police forces are meeting and cooperating. We will say that we will sign the Convention on the Prevention of Terrorism within a month relating it to progress on the various security measures. The SDLP will notify Mrs. Thatcher of their position on devolution.

Police Code of Conduct

As to the RUC there was a question of the Code of Conduct on which the RUC were foot dragging. There was no doubt that the Code was ready but there was a question of timing from the British point of view. We will press on for the announcement of the Code. Hume remarked on the long delay in acting on the Stalker Report. Action on that report was important if the RUC was to be seen as impartial and so supported by nationalists. There was Catholic suspicion of the RUC going back for 60 years. The Code of Conduct (in which recognition should be given specifically to the need to respect the nationalist tradition) and also action on the Stalker Report were needed. At some stage later the SDLP could actively encourage Catholics to go in everywhere.

The Taoiseach referred to the difficulty as regards the Stalker Report. The report was with the Chief Constable since the late summer, who had not yet sent it to the DPP.

Mallon said that Stalker had been highly critical of Hermon himself. Three people had been named as being recommended to be charged; these people may be putting pressure on Hermon not to act on the report. Hume referred to the lack of trustworthy statistics on Catholics in the RUC. A House of Commons statement had given the number as 10% but it was not certain if the Reserve was included. Hume said that the RUC was one of the best paid jobs in Northern Ireland.

The question was then discussed whether we should acquiesce in the Stalker Report bearing in mind that Hermon had done well by the RUC and also was supporting the Agreement.

Mallon commented that if Hermon had made mistakes then these should be brought out into the open. Only in this way could the credibility of the RUC not suffer. Mallon commented that from his point of view he saw no good in moving towards public support

of the RUC until he saw action by the RUC on the various matters outstanding - Stalker Report and Code of Conduct.

#### Nominations to Police Authority

The Minister, Mr. Barry mentioned the need to put forward names for the Police Authority. We had, at the request of the SDLP insisted on the retention of four places on the Authority last year. Now the British side expected us to come up with names. The Taoiseach mentioned names such as Michael Canavan and Paddy Duffy as being suitable. He said that we should approach various people but would like the views of the SDLP first. Hume remarked that if the nominations were to be submitted as being names put forward by the Irish Government this would diminish the personal risks involved. It was agreed that we would pursue the nominations.

#### Police Complaints Procedure

The Minister Mr. Barry mentioned the paper we had submitted. This was a preliminary paper and we would like SDLP reaction. What was the position of the SDLP's own paper and had it been submitted to Scott?

Mallon commented that the SDLP paper had been issued by him to the Party Executive but it had not progressed further than this. (The paper had been drafted mainly by Adrian Coulton not by Atwood). Mallon would like to study our document and talk to us (along with Coulton) in about ten days time. The urgency of moving fast was explained to Mallon. It was also stressed that the SDLP should put in their own views and do so urgently.

### Changes in Electoral Arrangements

Hume explained that Brid Rodgers is doing a study of the question. Mallon referred to specific problems:

- two sets of electoral registers;
- problems with Bradley the electoral officer (he would not supply a list of presiding Officers);
- the use of Controlled schools (State schools) only which means travelling long distances, e.g. at Port Mor (Black<sup>way</sup>erstown).

Hume referred to a mistake made by Bradley in the matter of identification when CSH Medical Cards were referred to and non-CSH cards would not do. The Taoiseach referred briefly to the proposal we had submitted to the Conference on Cultural/language and flags and emblems and also to economic and social issues and a Bill of Rights but there was no discussion.

### Role and Composition of Statutory Bodies

Hume remarked on the need to include also the Education and Library Boards. These were Council nominations but the Secretary of State made the final decision. 80% of these were Unionist appointees. Next June would be the dead-line for nominations. The SDLP were doing work on this.

### SDLP Spokesmen

At the end of the formal meeting Hume gave the missing names of the SDLP spokesmen on the previous list. They are:

- Legal Affairs and Bill of Rights - Adrian Coulton;
- Tourism - Mary MacSorely; and
- E. McGrady (who already covers Environment and Local Government) will cover also Housing.

We had handed over to the SDLP our list of contacts in the various areas.

#### Administration of Justice

Over lunch the forthcoming meeting of the Attorneys General and Minister Noonan and Secretary of State King at London on 13 February was mentioned. The Taoiseach asked about Diplock Courts, if we should call for two man or three man Courts. In addition there was the retirement of Lord Justice T. O'Donnell next June. We should aim at having four Catholic judges on the Supreme Court.

After a discussion of two/three man Courts the SDLP came down in favour of three man Courts as being the more likely idea to win acceptance from all sides. Attorney General Rodgers referred to the possibility of introducing something on the lines of our Presidency of the High Court in the Northern Ireland system. There was also the question of oaths (Coroner's Oath and Juryman's Oath).

#### Prisons Policy

Hume remarked that the Carron skipping of bail was not likely to help in this area. Hume had discussed with Scott the questions of prisoners' releases. Twelve (7/5) had been released as scheduled and release dates had been given by Scott to Hume. Scott was carrying out his policy. The Taoiseach commented on the policy statement on prisoners releases which was to have been made by the British Government. We should continue to press for the statement on releases.

#### Local Government - Sinn Fein Counsellors

The Taoiseach referred to the reports of introduction of an oath of non-violence. Hume said that this would rule out all except unionist. John Cushnahan was united with the SDLP in opposing such an oath.

Parliamentary Tier

The Taoiseach referred to the proposals by Michael Mates M.P. for a Select Committee of the House of Commons to appoint the members. There was also the other method through the whips. The Taoiseach recommended that we should not rush the matters - say aim at after Easter. Hume remarked on the powers of the Parliamentary Body. It should be on the lines of the European Parliament, i.e. have power to ask questions, initiate proposals and consider reports. Hume remarked on the plans for unveiling of a statue to Parnell in the House of Commons in April.

International Fund

Information was given to the SDLP about the status of the plans for the Fund. Hume said that he had met with Commission officials in Brussels who were well disposed to Northern Ireland and they had drawn up a paper.

E. O Tuathail  
4 January, 1986.