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Conversation with Robert Andrew

1. I had arranged to see Andrew in Belfast on Tuesday, 3 June. He phoned to ask if I could postpone the meeting and accepted my suggestion of 5 June in London instead. As it happened I met him on both 5 and 6 June. The report sums up both exchanges without reference to the particular day on which the points were made. (I should add two notes: (i) I also met with a number of London based N.I.O. officials for the purpose of introducing myself and (ii) I am reporting separately on my conversation with Andrew on a 'housekeeping' matter which concerns the Secretariat).
2. Andrew began by saying his side was feeling "rather good" about the present situation on the ground, meaning unionist opinion. A degree of realism was emerging on the unionist side. He was particularly encouraged by the debate in the Presbyterian Assembly.
3. I set out the seriousness of Dublin's concerns on non-delivery. I reminded him it was absolutely essential that there be progress on a number of matters at the next meeting of the Conference. I gave him the main political arguments, stressing the reinforcement of Sinn Fein.
4. Andrew accepted that there was a problem. He began by saying that King and he personally had read the Forbes/Fanning report and had been briefed on the most recent 'quadrapartite group' meeting on this subject. Both King and he were considerably encouraged by what they saw as important progress.
5. Reverting to the problem of non-delivery, Andrew said that there were two problems in unionist opposition to the Agreement which would have to be faced. The first was the

declared intention to "smash" the Agreement. Unionists were beginning to realise that this was not on. The record was more subtle: some unionists felt that the way to deal with the Agreement was to ensure, by their level of protest, that it did not "deliver"; the British Government would have to ensure that such unionists could not "frustrate" the implementation of the Agreement. (Note: I had intended to use this argument myself, citing Robinson, and I was greatly surprised when Andrew himself used it).

6. Andrew added that British Ministers were getting the message from Irish Ministers, officials and through the Secretariat, as well as through the SDLP, that it was necessary to act.
7. He felt that they would have difficulty in delivering before the marching season but that, before the anniversary of Hillsborough, a "package" should be delivered. I said it would be extremely important that this intention be conveyed at a high political level to Irish Ministers.
8. We then discussed the possible context of such a "package". I set out our urgent desiderata as: 3-Man Court; President of High Court; Code of Conduct for RUC; RUC/UDR major increase in accompaniment; Bill of Rights; enlarged role of FEA; action on certain employment sectors to eliminate discrimination; Police Complaints; other Art. 7(c) issues; Flags and Emblems; the Irish role in the U.S. and in the E.C.
9. I said there was no prospect of any legislation of any sort for implementing the European Convention being introduced in the absence of major moves on the Court. He said he was personally convinced by our case in 3-man Courts. Only the legal establishment were against. He volunteered the view that the amendments proposed on the Emergency Provisions Act, following certain of Baker's recommendations, though important in themselves would not be "sexy" enough to counter balance action on the Convention by us. I agreed.

10. On the Code of Conduct he said he accepted it was taking an extremely long time. He hoped that the eventual Code would justify the long delay.
11. He said efforts were continuing on RUC/UDR. He reminded me that two policemen killed recently in South Armagh had been implementing the policy. He said further progress was possible. I reminded him that we were far more concerned about the UDR than the Regular Army.
12. He said he thought a decision in principle even in the Bill of Rights would be considered more long-term in view of the large U.K. constitutional and legal implications. I said we were well aware of these and this would be clear from our forthcoming written response to their paper.
13. We discussed the 'McBride Principles' problem in the context of the FEA. He said his side were very worried indeed. I said the answer to American problems was to be "positive": to enlarge the role of the FEA to intervene in controversial cases: I said we would be making proposals along these lines shortly as well as proposals to take action on certain sectors where the FEA had identified discriminatory patterns.
14. He saw Flags and Emblems, Art. 7(c) and Police Complaints as forming part of the package but said that on some matters we had yet to put forward views.
15. We discussed the date and place of the new meeting. Following consultation with the Department, I agreed to his suggestions. We also agreed on the agenda:
 - (i) Security Co-operation
 - (ii) Art. 7(c)
 - (iii) Irish language
 - (iv) "I" Voters
 - (v) North-South Economic Co-operation:
Newry-Dundalk Road.

16. He hoped the Communique could reflect the progress being made on "Security Co-operation". He feels it could also reflect progress on the question of "I" Voters. I said we saw progress on the present proposals on the Irish language as being essential. He said he had not seen the papers on this question so he could not say. (Note: I gathered from the Assistant Secretary in charge of this file, Frances Elliott, that some progress may be possible).
17. We briefly discussed the forthcoming Nally/Armstrong round, as well as the Taoiseach's meeting with the P.M. I said the Government's concerns that we had outlined to him would be an important part of our approach on these two occasions. He said he could not come to Dublin with Armstrong; Brennan would be along.
18. He said the meeting Robinson, King and the SDLP had been "excellent". It had been very important for King to get the message from the SDLP that certain things were necessary.
19. Andrew said King had given a strong "thumbs-down" signal to "Integration" in the Commons during questions on 5 June. This had been deliberate and followed discussion with Millar and Peter Smith.
20. I raised the problem of the increase notified to us in the rate of strip-searching of women in Maghaberry. I said this was both astonishing and appalling news. He said that it was the first he had heard of it. He had hoped this would diminish with the move from Armagh to Maghaberry. In my presence he gave instructions that it be investigated.
21. I also raised the problem of plastic bullets and specifically the 3 differences that had been disclosed to us by N.I.O. officials between the instructions applying to Northern Ireland and the new instructions promulgated for England and Wales by Hurd. I said these differences should be publicly ended. He thought it might be possible to

bring in the requirement of an oral warning straight away but saw possible problems in the other two areas. I said I was sure my side would want to bring forward views soon on this.

22. In my experience of Andrew over 18 months, I cannot remember an occasion when he was so forthcoming. This I attribute to the development of the situation in Northern Ireland, pressure from the Minister on King, pressure from the SDLP and the improvement in relations through the Secretariat.

P. Gunning
pp. M. J. Lillis,
8 June 1986.

cc Taoiseach
Tánaiste
Minister
Minister for Justice
Attorney General
Minister of State

Secretary
Mr. Nally
Mr. Ward
Mr. Russell
A-I Section
Amb. London