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Meeting between the Taoiseach and NI Secretary of State

London

19 February 1986

1. The Taoiseach, Dr. Garret FitzGerald T.D., received the Northern Ireland Secretary of State, Mr. Tom King M.P., at the Irish Embassy in London on 19 February 1986. The Taoiseach was accompanied by Ambassador Noel Dorr and Mr. Seán Donlon, Secretary, Department of Foreign Affairs. Mr. King was accompanied by Sir Robert Andrew, Permanent Under-Secretary, Northern Ireland Office. The meeting lasted for one hour and fifteen minutes and took place at the request of Mr. King.
2. The Taoiseach began by saying that he was happy to meet Mr. King and to talk to him about his current concerns. The overall strategy behind the Anglo-Irish Agreement was to eliminate the alienation of the minority community in Northern Ireland from the system of Government and by doing so to make life more acceptable for unionists. The rapidity with which the Agreement was implemented was a vital factor. Already 25% of nationalists who had voted for the IRA in 1983 had shifted to support the SDLP. To get beyond that it was necessary to move quickly, for example, to enable the minority to identify with the RUC. The biggest danger at this stage was that we would fall between two stools by failing to do enough to satisfy the nationalist community and thereby bring about a situation

where there would be nothing to convince unionists that the Agreement was worthwhile from their point of view. The important things at this stage were firstly, to maintain the momentum of implementation and secondly, to get through to the unionists the advantages for them in the Agreement. Obviously the latter task would be very difficult because of the difficulty of breaking through the propaganda wall.

3. The Taoiseach went on to say that on the Irish side we were unhappy with the pace of implementation. Nevertheless, he would be announcing today the signing of the Convention on the Suppression of Terrorism. This was an obvious act of faith on the Irish side since there was as yet very little evidence of progress in relation to Article 7(c) of the Agreement. Indeed it was probably legally imprudent to sign without legislation and without even having a very clear idea of how all the technical difficulties might be overcome. It seemed right, however, to go ahead and he would be making a public announcement to that effect at lunchtime. He expected that the Convention would be signed in Strasbourg next week, that the necessary legislation would be prepared over the next six months, that it would be introduced in the Dáil in October and that it would be referred to the President for signature by December of this year. The Attorney General was now convinced that the outstanding legal problems could be overcome though he was not yet in a position to say precisely what form the legislation might take.

4. The Secretary of State expressed his gratitude and in particular thanked the Taoiseach for his personal leadership

in the matter of the Convention. It was very important at present to give as much reassurance as possible to the unionists and, apart from amending Articles 2 and 3 of the Irish Constitution, the signing of the Convention was the most important gesture of good faith which an Irish Government could make. Security cooperation was of course of great importance but of its nature it would produce results gradually rather than immediately. The Taoiseach said that he had no doubt that the detailed application of the provisions of the Convention would be difficult. The Supreme Court clearly wanted to retain to itself some discretion and we would obviously have to eventually accede with some reservations. These reservations would not, however, be defined on signature but rather at a later stage. The object was to ensure that if a person is murdered in Northern Ireland and the murderer was found in our jurisdiction he or she would either be tried for the offence in our jurisdiction or be extradited to face trial in Northern Ireland. The Taoiseach went on to say that he was a bit worried about signing now and not saying anything about a reservation. He was concerned at the reaction later on when it became clear that we were entering some reservations but hopefully when legislation is enacted the reservations will seem less significant. The Dáil debate would be a very difficult one. Fianna Fáil, moreover, were not the only people unhappy and uneasy with the Northern Ireland judiciary. We would need to be in a position to show progress in relation to matters involving Articles 7 and 8 of the Agreement by next September. That gave us about 6 months and meanwhile we were prepared to sign

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as an act of faith despite the fact that progress in implementing the Agreement was so far very slow. For example, in relation to a Code of Conduct for the RUC we had expected this to emerge from the first or second meeting of the Conference. The Chief Constable of the RUC had said last Saturday, during the rugby match at Lansdowne Road, that he had a draft of the proposed Code which he was currently looking at. It seemed obvious that it should be cleared and published before the marching season. The Secretary of State intervened to point out that the first march was little more than a month away! The Taoiseach went on to say that despite what the Chief Constable had said to him at Lansdowne Road, information conveyed through the Secretariat at Maryfield two days later suggested that the Chief Constable did not yet have a draft on his desk. Sir Robert Andrew intervened to explain that there had been a genuine misunderstanding. The Chief Constable had of course seen an early draft Code of Conduct but had not yet been the final draft. The Taoiseach said that our faith in the British system weakened somewhat when we got different signals. This was not the first time that a misleading signal had been sent to us through the Secretariat. He recalled some recent exchanges in relation to security cooperation and acknowledged that while the British side of the Secretariat had subsequently apologised for transmitting misleading information, it was surely in everyone's interest that the British would in all matters behave in a straight-forward way.

5. The Secretary of State took up the security cooperation reference and said he had recently had a useful talk with Mr. Noonan. While security cooperation was good, things were

not going as well as the British side wanted. He acknowledged that it was difficult to get a complete and accurate picture. The RUC and the Gardaí had different approaches, philosophies and traditions. Two recent incidents, one in Dungannon over the weekend and the shooting the previous evening at Castledawson, demonstrated the RUC approach. There was a heavy investment both by the RUC and by the British Army in surveillance. The people picked up at Dungannon and at Castledawson were not picked up by chance. Their capture was the culmination of intensive surveillance. Clearly the Gardaí had a different approach.

6. The Taoiseach intervened to say that an identical approach by the Gardaí would not be appropriate in our circumstances. The Gardaí were genuinely accepted in our community and could therefore rely heavily on intelligence received. They did not need to get involved a lot in surveillance. Of course there were some things that we could learn from the professionalism of the RUC and we had therefore thought it useful to suggest the creation of the mixed police/civil service group which had recently begun its work.

7. The Secretary of State said that the creation of that group was also helpful on their side. It was, however, important to bear in mind that the Chief Constable of the RUC was not only operationally independent of the Secretary of State but was also very jealous of that independence. A recent Panorama television programme about unionist reaction to the Anglo-Irish Agreement had sent shivers down everyone's spine. There would

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shortly be another programme, this time about the RUC's reaction to the Agreement and he was not very confident that the programme would be any more balanced. The Secretary of State went on to say that he was new to Ireland and was trying his best to learn. He had to say that he was rocked on his heels by the unionist reaction to the Agreement. He had, of course, expected the extremists to react negatively but he had not expected that Paisley would capture and hijack not only Molyneaux and the Official Unionist Party but also even the ordinary moderate unionists. The secrecy with which the negotiations had been conducted was a disastrous mistake. The unionists felt that they had been treated like children and in reaction Ulster nationalism had reared its head. Moderate unionists had been genuinely offended and people were now at the precipice.

8. The Secretary of State said that he was bitterly disappointed at the unhelpful reaction of the SDLP since Hillsborough. John Hume in particular seemed happy to let the unionists suffer and his performance at the BIA Conference when he looked forward to confrontation between the British Government and the unionists was particularly despicable. He had then absented himself from Northern Ireland at a critical time and gone off to observe the elections in the Philippines when there was more important and urgent work for him to do in Northern Ireland. Even Seamus Mallon was fed up that Hume was not available in London to show him the ropes around the House of Commons. Mr. King said that he understood that the Irish Government did not own the SDLP but hoped that we could at least use our best efforts to persuade and cajole them.

9. The Taoiseach said that he wanted to respond to some of the points made by Mr. King. In regard to the secrecy surrounding the negotiations he had assumed that the British side were in fact keeping the unionists more fully briefed than turned out to be the case. Some of his own colleagues in Government has pressed him to brief the unionists but he had assured them that this was properly a function for the British side. He had made one effort about a year ago to establish a secret contact with Molyneaux but in the event it had not worked out. The tactic of leaking elements of the Anglo-Irish discussion had not worked out mainly because unionists did not really believe the leaks. We had obviously got it wrong on that score.

10. The Secretary of State then talked about the earlier meetings which he had had with the leaders of the Northern Ireland political parties immediately after his appointment. The first thing he did was to send a hand-written note to Paisley and Molyneaux inviting them to come and see him but for a variety of reasons his first major meeting had been with the Minister for Foreign Affairs in Dublin. The unionists obviously resented that. When he then had his first meeting with Molyneaux, Molyneaux had raised the question of the talks and had bluntly said that he did not want a joint Anglo-Irish Secretariat located in Belfast. Molyneaux has been offered full briefing on a Privy Council basis but on Enoch Powell's advice he had turned it down, presumably because it would have inhibited him from making comments on what was happening.

11. Sir Robert Andrew intervened and said that at a certain stage in the negotiations the Irish side had rejected the British suggestion that unionist leaders should be briefed. The Taoiseach explained that we did not want to involve unionists at that particular time since we were by then very close to an agreement and it was clear that the unionists had nothing constructive to offer.

12. The Secretary of State said that whatever had happened in the past, the present position was that the British were determined to go ahead and would stand by the Agreement in good faith. The first Conference meeting had taken place in Belfast even though 1,000 RUC people had been required to protect Stormont and Maryfield. That same evening the IRA had blown up RUC stations just to rub it in. Mr. Barry had then called for a special meeting of the Conference and that had taken place even though not everyone was convinced that it was necessary. Shortly after that special meeting, a regular meeting of the Conference had taken place in London to show that the by-elections would not drive the Conference off its course. Against that background, there were obvious difficulties in communicating the value of the Conference to unionists and the difficulties were aggravated by the fact that those doing the selling had English accents. To improve communications with the unionists, he had persuaded the Prime Minister to add Brian Mawhinney to the NIO team. Not only did Mawhinney have a Northern Ireland accent and lots of Northern Ireland friends, he was also a confirmed supporter of the Agreement.

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13. The Taoiseach referred back to Mr. King's comments on the SDLP. He had heard reports of Hume's performance at the BIA Conference and it was clear that it had not been a good performance. Similar problems had arisen last year at a Conference in Airlie House in the United States. The unionists were not represented at the BIA Conference and others who had tried to put the unionist case were resented. He had tried to persuade Hume not to go to Manila but was unsuccessful. There could, however, be no doubt about Hume's basic position. His House of Commons speech in November followed more recently by his letter to the Prime Minister made clear the SDLP's commitment to devolution. What was interesting and had recently been confirmed directly to the Taoiseach by John Cusnahan was that the Alliance party supported Hume's position—that inter-party talks on devolution should take place before the next elections in Northern Ireland. The Taoiseach asked if the British side could get across to the unionists what exactly devolution would mean for them. Everything would be on offer except old imperial matters and areas such as security, courts and human rights which were properly matters for the two sovereign Governments.

14. The Secretary of State said that that reminded him of a particular problem for unionists in relation to the current situation. Mr. Barry as Irish Co-Chairman of the Conference could and did sit down at meetings with Sir Jack Hermon. But Hermon refused to attend meetings of the Security Committee of the Northern Ireland Assembly and that stuck in unionists'

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throats. On devolution, the Prime Minister's interview with the Belfast Telegraph was unfortunate. She had wrongly said that in the event of agreement on devolution the Conference would disappear.

15. The Taoiseach said that it was essential that the British got across to unionists the idea that almost everything could be transferred from the Conference to a devolved Northern Ireland Government. The Conference would retain responsibility primarily in relation to security. Was there anything that the British could now do to get the Northern Ireland parties together for talks on devolution?

16. The Secretary of State said that British efforts to get devolution unfortunately coincided with an increase in the influence on unionists by Tory right-wingers such as Avery, Biggs Davison and of course Powell, all of whom were actively preaching integration. The Taoiseach said that the message about devolution might need to be sold to ordinary unionists over the heads of their leaders.

17. The Secretary of State brought the conversation back to the present situation. He said that there was considerable fear on both sides in Northern Ireland. There was real trouble ahead. Bishop Cathal Daly said that Catholics now feared a Protestant backlash. The Panorama programme showed that the UDA and the UVF were getting organised. The British were unhappy about the role of some politicians. Peter Robinson was certainly in touch with the paramilitaries and the British

were also extremely dubious about the role of Harold McCusker. Even Paisley was now looking over his shoulder to the paramilitaries. All eyes were on next Tuesday's meetings between the Prime Minister and the two unionist parties. They would demand an end to the Agreement. If that was not possible they would ask that at least its implementation should be frozen. They would probably offer to discuss devolution and cooperation between Dublin and Belfast on relatively peripheral matters. The British were getting confused signals as to what Molyneaux might do at the meeting on 25 February. There was considerable pressure on him to withdraw his elected representatives from District Councils, the Assembly and Westminster. He was being asked by his own supporters how he could justify drawing big salaries and not doing any work. Pressure on the OUP to walk out was enormous. Molyneaux's tactical position looked reasonable - he could claim the high moral ground and put it to the Prime Minister that all he was asking of her at this stage was that she begin to talk about alternatives to the Agreement.

18. The Secretary of State said that an immediate priority on their side was to find some way of keeping talks with the unionists going. If there was no talking, the unionists would probably call initially for a one day strike as the first step in a rolling, Italian-style strike situation. There was obviously a danger that the paramilitaries would play an important role once the strike card was brought into play. The very next day after the meeting between the Prime Minister and the

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unionists leaders, the Belfast City Council was due to meet to strike an annual rate and if that was not enough, an important meeting of the Assembly had also been fixed for the same date! The timing was most unfortunate. What was also distressing was that it was clear that the unionists did not know where they would go once they had used up the strike card. The British would have to help them find a way out. Indeed the most cruel thing which the British could now do to the unionists would be to say to hell with the nationalist, the British and the international backlash - let's abandon the Agreement. In the very difficult period ahead, the Secretary of State asked the Taoiseach to ensure that Ministerial speeches from Dublin were carefully drafted. The Taoiseach assured Mr. King that we were already sensitive to the difficulties.

19. The Secretary of State said that he could not understand the Taoiseach's argument about the pace of implementation of the Agreement. The very fact of its existence had already brought about a good nationalist reaction. The Taoiseach replied that we must quickly get beyond that. We had to get the minority to identify with the RUC - that was a difficult issue for the SDLP. There had to be early progress in improving the climate of the relationship between the minority and the security forces and when that progress became visible, we could press the SDLP. Implementation must not be slowed down. Early progress on the Code of Conduct and the Stalker Report would be helpful. The Secretary of State said the DPP now had the Stalker Report and he hoped the minority would also notice that UDR members were currently on trial for murder. The Taoiseach agreed the Portadown parades last year, the

protection of Maryfield and the first meeting of the Conference were helpful signs of change. If the Code of Conduct could now be dealt with and the DPP took early decisions arising out of the Stalker Report, it might be possible to get the SDLP to move. We might be in a position to suggest names for the NI Police Authority at the next Conference meeting.

20. The Secretary of State said that he hoped to have for the next Conference a document on 7(c) viz. measures to improve relations between nationalists and the security forces. The document would outline what had been done and what more might be done. The Taoiseach said it would not be easy for the SDLP to say much more than they had already said about the RUC. The Secretary of State referred to a statement made by Gerald Kaufmann M.P. about supporting the police in Britain - that might provide a useful precedent. It was contained in Hansard, Col. 351, 23 October 1985 (copy attached).

21. The Secretary of State went on to say that the benefits of the Agreement were now at risk. The negative unionist reaction could not be over-stated and the real risk was that the unionist politicians were in chaos. That was the danger. They were not properly organised. Paisley was resented. The situation was now more dangerous than it had been in 1974. Then the average unionist had sat on his hands and done nothing, thereby enabling the extremists to take over. Now the average unionist was very angry and prepared actively to oppose the Agreement. Against that background, the pressure for speed in implementing the Agreement was hard to take. He did not

want to diminish the benefits for the minority of the Agreement but he did want to diminish unionist anger. There was a danger of sectarian killings - that would obviously not be a benefit to the minority. Surely there were other ways of achieving the objectives of the Agreement other than by high-profile, speedy implementation. What about making quiet progress through the operation of the various sub-groups? Lots of good could flow quietly out of their work without raising too many hackles. Northern Ireland had to be handled with care, day by day, minute by minute.

22. The Taoiseach asked if there was any dramatic gesture which the Prime Minister might be able to take to get the devolution message across. He was now thinking out loud and had not discussed the idea with anyone but one possibility might be for the Prime Minister to call a conference of the NI parties to discuss devolution. Obviously it would be necessary at the same time to make it clear that the Agreement would remain. The Secretary of State said that they were at the moment looking into that sort of country and something might emerge. The Taoiseach emphasised the importance of not diminishing or slowing down the Agreement and the Secretary of State said he agreed absolutely. There followed a brief, inconclusive discussion on the chances of success of a dramatic gesture now by the Prime Minister.

23. The Secretary of State said two things were clear. They would have to stand firm by the Agreement and they would have to get the unionists off the hook. Many decent unionists were looking over the precipice and were worried about what

they saw. But they had no leaders, no cohesion and the DUP was in disarray. Molyneaux, Smith, Taylor and McCusker were like fireworks going off in all directions.

24. The Taoiseach referred again to our intention to sign the Convention and said it seemed right to do it before the Prime Minister met the unionists on 25 February. We could probably therefore do it in Strasbourg on 24 February. He went on to say that people in Dublin shared some of the worries of people living in Northern Ireland and there was a mood of willingness to be helpful in the aftermath of the Agreement. There was also a fear in Dublin of loyalist bombs and though our present information was that the loyalist paramilitaries were not yet ready to do anything big, we had to do what we could to minimise the dangers. The Secretary of State said it was important at all cost to keep the unionist politicians in play. Once the thugs got involved, things could go very wrong, very quickly. Two gangsters could effectively intimidate a whole area into supporting strikes/shutdowns. The only good news in recent days was that there was evidence of the beginning of a split between the DUP and the OUP. The latter were apparently refusing to resign their seats on NI Assembly Committees. He had opened out a line of communication to Molyneaux via Ken Bloomfield who had been sent to talk to him about the civil service servicing of the Committees. The aim was to keep the Assembly and its sub-groups in existence as long as possible because it provided a forum for letting off steam, if nothing else. The Taoiseach agreed with this approach and it was probably a risk worth taking, even though

some unionists might try to use the Assembly to declare UDI. The Secretary of State said that Robinson was certainly thinking in those terms and was proposing that the Assembly would from now on consider which British Government decisions and actions merited the support of good loyalists and which did not. The unionists would be invited to co-operate only in relation to decisions/actions endorsed by the Assembly.

25. The Taoiseach concluded by saying that we would be watching the situation carefully and the Secretary of State again emphasised the dangers immediately ahead.



Seán Donlon

20 february 1986