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in by Campbell  
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To be corrected

SECRET

Discussion with British Ambasssador - 15 February 1988

The British Ambassador, Nicholas Fenn, called on me today before lunch at his request. He explained that he was leaving this afternoon for a meeting with Ministers (King and Howe?) and that he wanted an informal exchange of views on the present situation. I said that I thought such a discussion could be useful at the present juncture but that our talk should be on the basis that matter relating to the Conference should be channelled through the Secretariat. I also said at the outset (and emphasised again later) that the position on the Irish side remains that put forward in our views and proposals to the British side at the meeting on 2 February and subsequently emphasised by our Ministers and by the Taoiseach; and that I was neither authorised nor able to go beyond that in anything I said. Ambassador Fenn fully accepted both points as a basis for our discussion.

The Ambassador said that there is "dismay" in London - not so much at the substance of our position as at the manner and procedure and at the fact that the meeting between the Taoiseach and the Prime Minister in Brussels had "taken upon itself a nature which we had not quite anticipated". He said that the depth of Irish concern at recent developments is very well understood in London. Tom King and Sir Geoffrey Howe have done a great deal to bring it home to the Government generally; and King had submitted a paper to the Cabinet meeting on Wednesday morning last and got general support and understanding for what he is doing. The trouble however, Fenn said, is that it appears that the British response to our concerns is being judged by the touchstone of what they can do, in particular, on three demands we have made which are simply impossible for them to meet as they stand. To meet in full what we have asked for on prosecution would mean that the British Government were publicly repudiating the Attorney General, Sir Patrick Mayhew, while what we have asked for on the Birmingham Six would mean repudiating the Lord Chief Justice. Furthermore publication of the report in full as we have demanded is also not possible because of the deep specific and detailed focus of parts one and two on the issue of whether particular individuals should be prosecuted.

The position therefore in brief is that our concerns are by now very well understood in London; there is a wish to try to meet them; but it is simply not possible to meet the full demands we have made in these particular areas. Therefore, as Fenn put it,

"we have to look for other ways of earning your confidence". These would be in ways that had already been touched on in our exchanges - disciplinary proceedings and some publication or announcements on matters relating to part three of the Stalker/Sampson and the McLachlen report which subsumes it.

In reply I explained that the Irish side had felt after the informal Ministerial Meeting in London on Wednesday last that we could discern fairly clearly the outline of what the British reply would be and we believed that it would simply not be satisfactory. Furthermore it had not seemed acceptable for a meeting between the two Heads of Government to take place with no result other than a statement that Ministers would meet again the following week to hear a British response.

The Ambassador commenting on this said that they had seen the sequence of meetings in a different way and had believed that the Head of Government meeting would be an occasion when the Taoiseach at a personal level would bring home to the Prime Minister the seriousness of the situation. The British side would then deliver its formal response, as already arranged, at the resumed meeting of the Conference which had been deferred by agreement until tomorrow, Tuesday. He said that this was the basis on which King had approached the meeting with our Ministers in London on Wednesday last. At that meeting King had not wanted to pre-empt the meeting between the two Heads of Government or the formal response which would be given at the resumed formal Conference meeting. To some extent he tended to emphasise the limits on what could be done but this should not be taken as the whole of the British response which would come at the Conference meeting proper.

(Fenn at this point said that, if he were to speak frankly, he would have to say that King was also reluctant to give a full response as far ahead as a week before the Conference meeting proper and before his own statement in the House of Commons since he feared that ~~over that~~ over that time the content of what he would have to say might be leaked to the newspapers. This accounted he thought for King's emphasis on the niceties of not disclosing things to the Irish side before he spoke in the House. It was not an objection in principle to this but rather a fear that press leaks over such a long period would demonstrate to his critics in the House that he was taking the Irish side into his confidence before communicating with the House of Commons itself.)

Fenn said that his strong advice to Ministers in London would be that we must continue the process and should not give up. He had to say however that he almost dispaired when he read the story about extradition in this morning's Irish Times which was clearly attributed to Government sources here. He thought it all the

more extraordinary since the British position is that they have already offered us an early meeting at official level at which they believed we could get the whole extradition procedure back on the road. However he believed that the temptation to give up must be restrained. He took hope from the emphasis I laid on the Taoiseach's view that the "impasse" we have reached relates to these specific issues and that work in other areas can go forward.

He strongly feels that tomorrow's meeting should go ahead since a postponement now would look like a breakdown of the whole process. He also hopes that what King has to say to our Ministers tomorrow will be taken into account by the Taoiseach in making his judgement and in speaking in the Dáil and at the Ard Fheis. As he outlined it to me he thought that King's response would focus on disciplinary action; implementation of recommendations in the reports on organisational structure; fuller details of the border incursion; hope of an early meeting to get extradition back on the road; and an effort to demonstrate fully the importance he attaches to views and proposals from the Irish side. He also thought that it would be very desirable after tomorrow's Conference meeting to make it clear publicly that both sides will be meeting again shortly to carry on the other work in other areas of concern under the Agreement.

ND  
15 February 1988

cc. Mr. D. Nally, Secretary to the Government  
Mr. D. Mathews, Secretary, Dept. of Justice  
A/Sec Gallagher  
Mr. M. Russell, Attorney General's Office