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DETAILED REPORT OF MEETING OF THE EXECUTIVE HELD IN ROOM 3, PARLIAMENT BUILDINGS,
STORMONT, ON TUESDAY, 7 MAY 1974 AT 10 30 AM

PRESENT:

Mr Faulkner (Chief Minister)

Mr Fitt (Deputy Chief Minister)

Mr Napier (Law Reform)

Mr Baxter (Information)

Mr Bradford (Environment)

Mr Currie (Housing, Local Government and Planning)

Mr Devlin (Health and Social Services)

Mr Hume (Commerce)

Mr Kirk (Finance)

Mr McIvor (Education)

Mr Morrell (Agriculture)

Mr I Cooper (Community Relations)

Mr R Cooper (Manpower)

Mr McGrady (Co-ordination)

Major Hall-Thompson (Chief Whip)

Mr Bloomfield) Secretariat
Mr Sythes)

Mr Roberts - Head of Press Services

A G E N D A

1. The Report of the Law Enforcement Commission
2. The "Sunningdale Agreement" (EXMEMO 77/74)

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1. THE REPORT OF THE LAW ENFORCEMENT COMMISSION

The Chief Minister said that a meeting had been arranged with the Secretary of State on Friday, 10 May, when the Attorney General would be present to take the Administration over the Law Commission Report. No decisions had yet been taken and the Report had not yet gone to the Cabinet. It was his understanding that no recommendation would go to the Cabinet until after discussions had taken place with the Administration. He expected a very full discussion on Friday and arrangements had been made to continue into the afternoon.

2. THE "SUNNINGDALE AGREEMENT"

The Chief Minister referred to the vacuum which had been created by the delays over the next stages of Sunningdale. The delays were not entirely the fault of the Executive - they were in part caused by the Law Commission, the elections of 28 February with their resulting changes, and the appeal to the Supreme Court in Dublin over the status question. He invited members to consider the points outlined in the paper now before them. He had had discussions outside the Executive and felt that the paper was a practical and realistic approach.

Ministers generally agreed that there was a serious political vacuum which was a danger to the Executive but there were different views as to the next steps to be taken. The Deputy Chief Minister mentioned the depressing news of the latest violence, the air of disenchantment among backbenchers at Westminster and the growing pressure from the left wing to review the Government's attitude to Sunningdale. He was convinced that the Executive must do what it had to do and he was hopeful that it would be able to act unanimously. The Minister of Education said that it was essential for the new Unionist Assembly Party to formulate its policy and before doing so must dispose of the Sunningdale question.

The Minister of Community Relations suggested that the attitude of his party to support of the security forces was a real impediment in the minds of Protestants and for that reason he argued the need to resolve Sunningdale so that they could urge their constituents to come out fully in support.

The Chief Minister underlined the importance of this point - it was most damaging to the Executive that we could not as an Executive wholeheartedly support the police.

The Minister of Finance doubted whether a 100% or a 1% ratification of Sunningdale would have any different effect on terrorists, who were, in his opinion, to a large extent internationally inspired and supported. He agreed for implementation in a lower key.

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The Minister of the Environment agreed that a decision must be taken in this whole area. Sunningdale depended on all parties meeting their obligations. If they did so, we should stick by it. But he did not think the pre-conditions had been met and therefore the Executive had to be realistic as well as responsible.

The Minister of Health asked that it should be put on record that none of his party had seen the Report of the Law Enforcement Commission until it arrived with them from the Secretary.

The Minister of the Environment went on to suggest that it would be essential to start at a level which people could accept and to extend at a rate which would be also acceptable. If the Executive could say that they recognised the fears of the majority and then demonstrate that co-operation was fruitful, not disastrous, then it would be possible to make progress. He was convinced that there was deep-seated opposition, especially to the giving of executive functions to a Council of Ireland and therefore it was not possible to implement as fully as envisaged.

The Minister of Commerce appreciated these difficulties but he made the point that all parties had committed themselves to a concept which he felt should not be diluted for the sake of political expediency. Any weakening would be a victory for our opponents both IRA and Protestant extremists. Sunningdale could not have achieved a reduction in violence but its implementation would enable his party to support the police. The Executive should show strength and ratify. If Sunningdale were ratified opposition and violence would collapse. If it were not the British would pull out and the Protestants would be the long-term losers.

The Minister of Agriculture understood the point about not going back on our bargain but he argued that the Executive was not the only body involved - the Assembly would have to be carried. Several things were especially objectionable in the eyes of many people, for example, the giving of executive functions - this was left for study, having studied it we could amend. Again the question of the second tier - we had agreed on this to give representation to loyalist groups; they did not want it and so it also could be amended. Third, the question of staff and a building for a headquarters - we could amend this. He argued that one of the matters causing most trouble among Protestants was the lack of support of law and order by some members of the Executive. If they would be able to support after ratification of Sunningdale but could not do so now there must be something very terrible in Sunningdale - that was how the argument ran.

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The Minister of Information said that there was no question of victories for anyone over anyone else, but he felt quite sure that when the Law Commission Report became public and Unionists saw the strong case for extradition they would not understand why it was not adopted. They would not see the need for the elaborate machinery to obtain what they regard as normal co-operation from the South. He saw no dramatic increase in membership of the police by Roman Catholics even when they were exhorted to join by the SDLP. The change would be gradual and long-term. He felt that the whole situation argued for a much less frightening version of a Council of Ireland.

The Minister of Law Reform did not see any magic wand in extradition. He was certain that the Government of the Republic could not accept it and survive. He was also certain that co-operation between the security forces was much greater than publicly admitted, and this point should be taken up as it caused a lot of damage to the Executive. He regarded the Sunningdale Agreement as binding on all parties but not necessarily immediately. He accepted the Unionist point of view that it was totally impractical to implement in full this summer. The practical task now was to decide on what steps could be taken. He expected terrorists to react by stepping up violence but it was our duty to set our goal and proceed towards it. He did not understand exactly what was meant by the word "ratification" but he was clear that we should take decisions on what was practical and start quickly with implementation.

The Chief Minister then summarised the discussion so far by affirming that -

- (i) all Ministers supported Sunningdale;
- (ii) there was general agreement that there were great difficulties, in terms of majority opinion, in proceeding at present with
(a) executive functions, (b) the second tier and (c) the permanent staff and headquarters;
- (iii) the SDLP must be enabled to demonstrate that they are not selling out and
- (iv) the Assembly Unionists must be able to show that they are not bringing it all in by stealth.

He suggested that the Executive should aim to have the whole matter settled and out of the way by the end of this month and in doing so should try to agree on a form of package which would be widely acceptable.

Ministers agreed that this was a fair summary.

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The discussion then turned to the practical question of how to put together an acceptable package. Two stages were envisaged - first, a meeting with Dublin in which the Executive would seek to reach agreement on the appointment of a Council of Ministers, with a consultancy role in relation to appointments to the police authorities and to human rights, and a duty to review progress by both Governments in implementing co-operative agreements, and on the areas in which such co-operation should take place. The stage to follow this would involve the Westminster Government as well and would include formal signing of a document incorporating the declarations on status for subsequent registration at the United Nations.

It was suggested that further stages in the implementation of Sunningdale should be made dependent on their acceptability by the Assembly and the Dail. Several other conditions and tests were suggested and it was decided that a sub-committee should be appointed to examine more closely the ways in which the wishes of all parties might be met to the greatest possible extent and to set out the optimum course for consideration by the Executive at a future meeting, if possible, on Thursday 9 May 1974.

Office of the Executive

8 May 1974

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