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Report on Meeting between S.D.L.P. Delegation and
Members of the Government, 8 March, 1974.

The Taoiseach opened the meeting by welcoming the S.D.L.P. delegation and by apologising for the inability of the Tánaiste to attend.

2. Mr. John Hume stated that the Faulkner Unionists had been very perturbed by the results of the Westminster Election in the North. The statement of the Assembly Unionist Party had been issued in a state of "shell-shock". At the meeting of the Northern Ireland Executive on the following day, the S.D.L.P. had succeeded in steadying them up a lot. The S.D.L.P. had taken a line which was not incompatible with that of the Faulkner Unionists. There were a number of things worrying the Assembly Unionists at this time. One of these was the question of the status of Northern Ireland, following the Supreme Court judgement in the Boland case. Another was the open and prolonged violence which had occurred on a number of occasions in certain areas along the Border, especially the hour-long shooting confrontation near Strabane. The fact that armed men were able to hold up Gardaí was also a matter of concern. The S.D.L.P. went some of the way with the Unionists on these matters. However, they also took into account the possibility that some of the Unionists might wish to sabotage the Council of Ireland by alleging that the Dublin Government was failing to keep its side of the bargain agreed at Sunningdale.

3. The S.D.L.P. delegation stated that if there was failure to proceed with the establishment of the Council of Ireland they would withdraw from the Executive. However, they were confident that Mr. Merlyn Rees would press the Assembly Unionists to proceed with the ratification of Sunningdale. This would be facilitated when the Loyalists discovered that they would get nowhere at Westminster. It was quite possible that when this occurred, the Loyalist Alliance would split up into its component parts.

4. The Taoiseach indicated that he proposed to make a further statement on the status of Northern Ireland, probably during the coming week. He had a number of Parliamentary Questions on the subject for answer on Wednesday next. It would be preferable, rather than waiting to reply to these questions, to make a statement on Tuesday. He ~~read out~~ ^{said that} the alternative drafts of this statement which were under consideration. ~~These~~ were closely in line with the formula agreed at Hillsborough. The S.D.L.P. ~~were quite satisfied with these reforms. However, they suggested that Mr. Faulkner should be~~ sounded out on the proposed statement in advance. They also indicated, that, in their view, all of this should be done in connection with the setting of a date for the formal stage of the Sunningdale Conference. The Taoiseach indicated that he had hesitated to make a statement, following the disposal of the Boland case in the Supreme Court in case there might be a failure to secure a reciprocal commitment from Mr. Faulkner. However, he now felt that he should make the statement next Tuesday.

5. Mr. Hume asked what indication the Government had received from Mr. Faulkner or from Westminster, in relation to the Sunningdale package. The Taoiseach replied that Mr. Faulkner

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had been in contact with him on the phone and had referred to three matters which were concerning him, the Status of Northern Ireland, joint action on security and extradition. However, he had said quite clearly that he was not backing away from Sunningdale. In this connection, Mr. Devlin said that he had got the impression that, following the results of the Westminster election, Mr. Faulkner was ready not to panic. However, there were a number of others who were in a weaker position and who had been disposed to panic. In assessing the position of the Assembly Unionists, on Sunningdale, one had to have regard to the relative strengths of the two camps within the former Unionist party. The Loyalist-Alliance mustered 27 whereas Mr. Faulkner had started with only 19. He had since lost the support of two of these (Messrs. Stronge and Whitten). More recently, Messrs. Morgan, Elder and McGee had indicated that their support was shaky, in varying degrees. Mr. Morgan had come out quite clearly against the Council of Ireland. Mr. Elder seemed to reserve ~~the~~ position to support Mr. Faulkner or not, according to his mood and Mr McGee had made a statement setting out conditions for the ratification of Sunningdale. Messrs. Baxter, McIvor and Bradford all had misgivings about Sunningdale following the results of the election and had shown a certain amount of panic. This added up to 8 out of Mr. Faulkner's original 19. A very difficult situation could arise if the Loyalists put down a motion on Sunningdale and the Assembly Unionists had to vote for or against, at this point of time.

6. Mr. Devlin felt that the status question was not of the highest importance. The main thing, in his view was that there should be some effective confrontation with the I.R.A. This was a practical thing, which would appeal to the mentality of the Unionists. Effective action by the Dublin Government in the security field would really strengthen the resolve of the Assembly Unionists to proceed with the ratification of Sunningdale. In reply to a query from the Minister for Justice as to whether "effective action" in this context meant a shooting war between the I.R.A. and the ~~community~~ forces of the Republic, Mr. Devlin indicated that it might well have to come to this.

7. In response to the S.D.L.P. query as to the British attitude at this stage, the Minister for Foreign Affairs referred to his meeting on the previous day with the new Secretary of State for Northern Ireland, Mr. Merlyn Rees. The first thing to stress was Mr. Rees had been quoted out of context in the newspapers, as regards his remarks on the necessity to proceed with the agreement that had been reached at Sunningdale. The new British Government was fully committed to ratification of this Agreement. The Minister said that he had indicated to Mr. Rees that we do not accept that we are in default in relation to our side of the Sunningdale Agreement. We were very willing to help Mr. Faulkner in his difficulties, on such matters as status, security etc. However, we were a little worried that if we were now to proceed with what had been agreed at Hillsborough, the Unionists would say that it was not enough and would raise the ante further. In relation to security, the Minister said that he had put to Mr. Rees that the British authorities had repeatedly said that they were happy with what we were doing in this area. He indicated that ^{we} would be glad of any suggestions as to further action we could take. The Minister said that he had indicated to Mr. Rees, in relation to the extradition issue, that we were inhibited by the fact that the Commission on this matter was

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still sitting. We had never wanted this Commission in the first place. He had asked Mr. Rees whether we could move ahead in advance of the Commission's report. The British side had thought that this was scarcely possible. To sum up, he had left Mr. Rees on the hook by indicating clearly that we were willing to take any action which would be helpful. It was up to the British to come back to us.

8. In relation to Mr. Devlin's remarks about the reaction in the North to the results of the Westminster Election, the Minister indicated that there was a certain feeling here that the speech made by Mr McGee had been a "put-up" job. It seemed to make demands in terms, such that the Republic could very easily respond. We could readily deliver on these demands in our proposed statement on status. It seemed likely that Mr. Faulkner had put Mr. McGee up to making this speech in an attempt to smooth the path for himself. Mr. Currie agreed that this was probably so. He said that Mr. McGee had told him that he had not prepared the address himself.

9. The S.D.L.P. delegation indicated that the noises being made by the Assembly Unionists on this matter might be a lot of bluff. Mr. Faulkner may think that he will prevail upon the S.D.L.P. to remain in the Executive even if the establishment of the Council of Ireland is put on the long finger and nothing further is done in the immediate future on the matter of policing. However, any such ~~plea~~ ^{belief} on his part would be quite wrong. If the S.D.L.P. were to remain in the Executive in such a situation they would have no credibility whatsoever. ^{This} It had been made quite clear. Mr. Rees might think that if he ended internment or released a very substantial number of internees, the S.D.L.P. would be prepared to put the Council of Ireland on the long finger. However, again this was not so. Satisfactory progress on the Council of Ireland and on policing were necessary for the S.D.L.P. to remain in the Executive. The S.D.L.P. felt that Mr. Roy Bradford was behind a lot of the noises which were being made by the Unionists within the last two weeks. He had been considerably deflated by his defeat in the Westminster Election. He was also in a Ministerial position which he had never wanted and was being subjected to by way of Parliamentary Questions etc. ^{harassment}

10. The S.D.L.P. delegation said that it was the view of their party that it was desirable to push ahead as fast as possible with the ratification of Sunningdale. The longer this was delayed, the weaker would become the position of the Faulkner Unionists and of their own party. They accepted that there was a need for some help from the South for Mr. Faulkner in his difficulty. They had been trying to think what was the best thing that could be done. There were three issues of concern - status, extradition and security. They recognised that we could scarcely go beyond the Sunningdale Communiqué in relation to status; as regards extradition we could scarcely go much further and indeed they would not wish us to do so; this left the third issue of security. Effective and visible action in this area would have a very favourable effect on Northern opinion. At one time, vigorous action in this area by the Dublin Government would have provoked a strong hostile reaction on the part of the Nationalist population in the North. This would no longer be the case following the destruction of the

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centres of Omagh, Strabane and Dungannon and other largely Nationalist towns by I.R.A. bombing. They recognised the problems in securing results in this area but they felt if at all possible further action should be taken. They were receiving reports from constituents of well known I.R.A. men walking around Monaghan town without let or hindrance from the Gardaí or the Army. These reports indicated that the I.R.A. were sending flying columns into the North to operate there for periods of about two weeks, following which they returned to Monaghan for a rest and were replaced by a further column. If the members of these columns could be apprehended and charges hung on them, it would be very helpful. The Minister for Justice stated that it would be much easier to hang charges on these people in the North, if they were committing offences in that area. However, it was recognised here that if ~~Datháigh~~ O Conaill or Seamus Twomey could be captured it would have a favourable effect in the North. These people had gone very much to ground. The Minister stressed that we had taken very vigorous action. This was conceded by Mr. Hume who stated that part of the problem was that the Unionist population in the North did not know the extent of the efforts that had been made by the Dublin Government. If the figures which had been shown to the S.D.L.P. of numbers of convictions secured, amount of arms captured etc. were publicly known in the North, the attitude of the Unionists might be very different. Everything possible should be done to publicise the magnitude of our efforts. It was generally agreed that there was a need to give further publicity to the security operation which had been mounted in the South. Mr. Devlin again referred to the important influence the Strabane gun battle had on opinion north of the Border. The Taoiseach referred to the lack of success which had attended British efforts to curb violence, despite the much larger forces at their disposal. Mr. Devlin said that ~~it~~ was fully recognised by his party but that it must be realised that the Assembly Unionists were in something of a panic. The Minister for Foreign Affairs said that the importance of doing everything possible on this front was fully appreciated here. However, it was necessary to draw a very clear distinction between publicising the continuing efforts that had been made here and, on the one hand, and stunts, on the other hand.

11. Mr. Currie enquired whether it had emerged, in the course of the Minister's discussions with Mr. Rees, that the new British Government was clear that the S.D.L.P. would have to withdraw from the Executive unless they got satisfaction on the Council of Ireland and on policing. The Minister felt that Mr. Rees was clear on this point. His impression was that Mr. Rees's strategy would be to allow a couple of weeks to steady up the Assembly Unionists and then to press them. He would probably not insist that they set a date for the second stage of Sunningdale now but would require them to do so very soon.

12. The Minister for Posts and Telegraphs enquired what timetable the S.D.L.P. had in mind for the second stage of the Conference. Mr. Currie said that it would be very desirable that it should be held before Easter, as events which might occur at that time might further weaken the Executive parties. The Taoiseach said that surely Mr. Faulkner must realise that this was his ~~last~~ ^{best} chance in a position of leadership in the North. The Minister for Foreign Affairs referred to

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Mr. Faulkner's tendency to deal with problems from day to day and not to look ahead to the problems which would face him a month off. The main difficulty in having the second stage of the Conference before Easter was the fact that the Commission on Law Enforcement was unlikely to report before early April: their next meeting was not until 21 March. Mr. Hume^{asked} whether to proceed with the second stage of the Conference in advance of the Commission's report. The Minister indicated that the Government in Dublin had been giving thought to this. However, there was a danger that Mr. Faulkner and the Unionists would say that we were doing so because we were afraid of the recommendations of the Commission.

13. The Attorney General indicated that there would probably be no agreed report from the Commission. It would not report before the end of the month. The Judges on both sides had taken up political stances from the outset. The Republic's representatives had indicated that extradition was out. The British, on their side, had raised all sorts of difficulties in the way of our proposal for a common law enforcement area. If a report could be agreed on certain points, this would leave the way open to Governments to proceed. If they failed to agree on extradition or on a common law enforcement area, there was a third possibility open. We could take jurisdiction to try people here for offences alleged to have been committed in the North. We would seek to get an undertaking from the Northern side to proceed with the establishment of similar arrangements as soon as possible thereafter. The question was raised whether this would not give rise to a reaction in the North that the South was acting on its claim of jurisdiction over the North. The Attorney General indicated that the reverse would be the case. By indicating that we were giving our legislation extra-territorial effect we would, in fact, be recognising that Northern Ireland was outside the Republic, de facto. There would be difficulties in getting members of the R.U.C. or soldiers to appear as witnesses but these difficulties could be got over. The Minister for Justice said that the members of the Commission were clearly proceeding on the basis of what they believed to be the political directions they had been given at the outset. It should be possible, if necessary, to give them new political directions, in order to expedite their work. The Minister for Foreign Affairs agreed that this should be possible. It would be desirable if all sides were to press the Commission to expedite its work. If it were possible to get a report from them following their meeting on 21 March, this would fit in with the general timetable on other fronts; the further statement on the status of Northern Ireland would have been made. The Attorney General expressed doubt as to whether it would be possible to get an early report from the Commission. The members of the Commission were playing out political roles. The British side had taken the view apparently, that Mr. Faulkner was anxious to delay progress on Sunningdale and accordingly they were dragging their feet. Mr. Hume mentioned that the S.D.L.P. had suggested to Mr. Rees that an effort should be made to expedite the work of the Commission and he had seemed rather sympathetic. The Minister for Finance enquired whether there was any danger in bringing forward the Commission's report if that report was likely to be a bad one. The Attorney General indicated that it was more likely to be vague than bad. It was likely to record disagreement among the members of the Commission without mentioning names. The Minister for Finance enquired what would Mr. Faulkner's reaction be to any

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evidence ~~unilateral~~ assumption of jurisdiction on our part. The S.D.L.P. indicated that this might present a difficulty for him, especially if there were any question of our Court travelling to the North to take a look. This would only occur, of course, in odd cases. The Minister for Posts and Telegraphs enquired whether it would not be possible to have evidence taken up there on commission. The Attorney General indicated that this would present legal difficulties but that these were not ^{insuperable}. It would be possible to enact reciprocal legislation whereby if a person did not answer a sub poena from the Court in the other jurisdiction, he would be jailed for contempt in his own jurisdiction. The Minister for Foreign Affairs thought that the Unionists might be rather reluctant to contemplate an arrangement of this sort.

would crumble 14. The Taoiseach indicated that he felt that, with the passage of time, the effectiveness of the Sunningdale arrangements was being eroded. Wasn't it the case that if the package were to go ahead, it had to proceed quickly? Mr. Hume said that this was the case. It was well to recall that there had been a considerable degree of opposition to power-sharing when it was first mooted whereas it now seemed to be generally accepted. It was quite possible the same could hold true for the Council of Ireland. The Attorney General asked whether it was likely that the Executive, having regard to the panicky reaction of the Unionists. Mr. Devlin said that this was unlikely. The S.D.L.P. had succeeded in steadying up the Unionists.

15. The Minister for Foreign Affairs asked whether a problem was likely to arise in relation to the question of status. Could we be reasonably happy that the Unionists' reaction would be reasonable? Mr. Hume suggested that the proposed statement should be cleared in advance with Mr. Faulkner. If the Unionists did not accept it as adequate, there was no point in making it. The Taoiseach then read out the alternative version of the proposed statement on status. Mr. Hume suggested that the words "de facto" should not be used as they would raise the question of what the "de jure" status of Northern Ireland. The Minister for Posts and Telegraphs suggested that it was necessary to allow for some flexibility in this area. It was probably best to try out a statement on Mr. Faulkner privately, to see what he said. Mr. Hume suggested that the statement should concentrate on the simple factual position. The Minister for Justice mentioned that the use of the phrase "de facto" gives a legal standing to the statement which the Unionists might require. The Taoiseach mentioned that he had spoken to the leader of the Opposition about the proposed statement and had indicated its broad lines to him. Mr. Lynch had been reasonably happy. The S.D.L.P. delegates suggested that the statement might include the phrase "this factual position, as everybody knows is....." The Taoiseach enquired whether the statement should restate the aspiration of the majority in Ireland towards a united Ireland. The S.D.L.P. suggested that it should not as this had been set out fully in the Sunningdale Communiqué. This was accepted by the Taoiseach.

16. The question was raised as to whether Mr. Faulkner should be shown the draft Agreement, between the Irish and British Governments which was to be signed at the formal stage of the Conference. The Attorney General suggested that it should not be shown to Mr. Faulkner. He would find reasons to argue against it. The question was raised as to whether the

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Unionists would require the substance of the proposed statement on status by the Taoiseach to be included in the draft Agreement. The Minister for Finance suggested that it would be unwise to make any amendment to ~~what~~ ^{the} had been agreed at Sunningdale, in the international area. The Taoiseach was also rather reluctant to contemplate changes in the wording. The Attorney General said that it would be possible to put in another recital, referring to the fact that on such and such a day the Taoiseach said, going on to refer to the statement on ^{the} factual ~~position~~. Mr. Currie said that his inclination would be to show the Agreement to Mr. Faulkner five minutes before it was due to be signed and not by way of asking whether this was acceptable to him but rather by way of telling him that this was what was being done. Mr. Hume enquired, with reference to Article 16 of the draft Agreement whether we were interpreting the Sunningdale Communiqué as ^{meaning} that the procedure for complaints against the police would be under a single body under the Council of Ireland. It was confirmed that this was so and that we were going ~~some~~ ^{there} beyond Sunningdale in this regard. Mr. Hume said that ~~was~~ no harm in trying this on, but that he would be surprised if it was not noted and ~~perhaps~~ rejected by the other parties.

17. The Minister for Foreign Affairs said that Mr. Merlyn Rees had suggested that it was necessary for the South to keep giving reassurances to the Unionists on the question of status. Once the Taoiseach had made his statement, there might be a need to keep plugging the matter for some time. The Attorney General said that his view was that we should drop this question as soon as possible. The Minister for Foreign Affairs agreed that if there was immediate favourable reaction to the statement from the Unionists, the matter should be let drop. However, if there was not such a reaction it would ~~not~~ be necessary to plug the matter.

18. Mr. Devlin said that it would be necessary to keep the Loyalist group in Westminster off balance. It could be suggested to Labour Chief Whip that business should be ordered in such a way that this would be achieved. If the Loyalists were seen to be making a strong impression in Westminster, it could be damaging to developments in the North. The Minister for Foreign Affairs said that Mr. Rees was thinking of an early debate in Westminster in order to let the Loyalist camp ^{see} that practically the entire House of Commons was united in support for the power-sharing Executive and the arrangements agreed at Sunningdale.

19. The meeting then concluded.

L. Kinnear

11th March, 1974.