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Meeting of officials at Department of Foreign Affairs

12 December 1974

For file 519284.

under date 12/12/74

Present:

British Side

Mr. Douglas Janes NIO

Mr. William Harding FCO

Sir Arthur Galsworthy

Mr. John Hickman

Mr. Brian Major

Irish Side

Mr. P. J. G. Keating

Mr. Seán Donlon

Mr. G. Ó Broin

Mr. John McColgan

Mr. W. Kirwan

The Secretary began by welcoming the British side. While there was no specific agenda as such we would be happy to hear their views in a non-structured discussion.

Mr. Janes explained the purpose of his visit by reference to the previous visits made by his predecessor for the purpose of general liaison. These had been found useful and perhaps further, more or less, regular meetings might be of assistance to both sides. The present seemed to be an opportune moment since there had been a number of changes in the situation over the last few months.

The debate in the House of Commons last week was the first occasion on which the Secretary of State made a major policy speech on Northern Ireland. There were two main subjects with which the meeting might concern itself, viz., the general political situation and the security situation.

With regard to the general political situation, the basic problem derived from the very marked division between the two communities in Northern Ireland. Under conditions where fear exists there is a danger of polarisation and, after the fall of the Executive, politicians on both sides had tended to emphasise extreme positions. One must now try to get the two sides talking together and out of this to get a gradual reduction of tension. The value of the Convention provides such an opportunity to get the sides together in a situation where they will have something specific and positive to ~~xxx~~ discuss.

With regard to the framework of the Convention, the NIO had published two discussion papers. The first of these dealt with economic and financial questions and was intended to provide background rather than to make specific proposals. The second dealt with the mechanics and procedural questions related to the Convention. Mr. Blackburn, Clerk of the Assembly, has begun discussions with representatives of all parties on these questions. It is hoped to publish a third discussion paper before long on possible forms of government. This will not be concerned with any particular form of power-sharing, (a word which has as many meanings as there are people using it) but will instead set out the whole range of systems for protecting the interests of varying groups. This will provide a very wide room for discussions and it ought to be possible to evolve a common acceptable system, which meets the aspirations of both communities.

X The point on which the Executive fell was the significance and nature of the Irish dimension. If one is to have any basis for discussions which would bring the Protestants in, one must avoid an institutionalisation of the Irish dimension. Because of the length of the border, common language, etc., there is an Irish dimension but the relationship must be one based on good neighbourliness. It is necessary to give some reassurance to the Protestant side while at the same time reassuring the minority that they have everything to play for in seeking power-sharing a/settlement. The policy is to try to get the Convention moving by reducing tensions sufficiently on both sides. There have been

encouraging signs over the last few weeks that the various parties are taking concrete steps in the direction of participation in the Convention and are beginning to talk in terms of the Convention.

Mr. Donlon stated that there was not much with which we would basically disagree in Mr. Janes' presentation as far as political movement in recent months is concerned. It is encouraging that parties are talking to the Clerk of the Assembly and to one another and that they are nominating persons who seem representative and likely to be talking constructively. The discussion papers, however, seem to have made no impact and there is little evidence that they have been read with any degree of seriousness within the various political parties.

Mr. Janes said that it had not been expected that the discussion papers would have made any impact as such since they are basically background documents which do not attempt to make specific points. A fair amount of informed discussion had taken place as a result of the financial document, such as the Coleraine Conference, and these were useful in exploring the issues. When the Convention starts its work such background papers will be available and will help in encouraging an appreciation of the fact that devolved government is mainly concerned with the day-to-day provision and management of public services. Legislation will essentially be concerned with humdrum domestic affairs rather than the philosophical issues which tend to dominate political discussions at present. It was important to get the parties to realise this.

Mr. Donlon observed that the talks to be held at the Convention would be different to last year's power-sharing talks in as much as the parties involved, with the exception of Dr. Paisley's group, all had some experience of government in the past. This might help to make the discussions more realistic though it was not being reflected at present.

Mr. Janes said that the next discussion paper will go to the heart of the issue since it will be basically concerned with systems of

government. It was essential to seem to be pushing pre-conceived solutions. When the convention meets, members will have available a set of background documents together with other material.

Mr. Donlon commented that the major element in Mr. Janes' opening statement had been his remarks on the Irish dimension. These we would note with care and pass on. While the Irish dimension is a fact, the aspiration of the minority community is also a fact. It was doubtful whether one could hope to dilute the principle while also hoping to bring the minority community along on power-sharing. The two principles are very closely interlinked and it is probably not possible to separate them. In September 1973, the SDLP were prepared to go a certain distance on power-sharing but would not go the whole distance until the form of the Irish dimension was clear.

Mr. Janes had said that the Executive fell primarily because of the Irish dimension. However, Mr. Woodford, on his last visit, had said that the difficulties which the separate groups comprising the Executive faced in agreeing on economic and social matters had been the main cause.

Mr. Janes replied that there was not necessarily a conflict in these two statements. The Protestant majority had found the extent of the Irish dimension (or, as Mr. Donlon suggested, to the extent to which it had been falsely represented), to be more than they could accept. The Executive had been working on an economic and social programme which was simply not economically feasible in the time-scale envisaged. The crunch would have been reached perhaps at this time when the parties would have been faced with the problem of deciding priorities. This would have brought tensions within the Executive to breaking point.

Mr. Donlon enquired whether, given that analysis, any Northern Executive had a chance of success.

Mr. Janes replied that the problem would inevitably arise with any Northern government. The first discussion paper points out that government decisions are ultimately decisions about finance. As far as the SDLP are concerned they cannot expect all their major aspirations to be fulfilled at the expense of the majority community. The most important of these is that they have some power-sharing in administration. Other aspirations must wait.

The Secretary said that this may be a rational analysis but we are not necessarily dealing with a rational situation. People may prefer to be out while preserving their aspirations, to being in while abandoning them. We all recognise the element of fear in both communities but the Irish dimension will not disappear and something must be done to see that it is given expression. If the SDLP abandons this principle, the situation may slump back to where it is now at the next elections.

Mr. Janes stated that power-sharing is not something which is being forced on the SDLP but something which they themselves are seeking.

The Secretary explained that if the SDLP were to accept power while appearing to abandon the Irish dimension they may estrange themselves from their own electorate. We have been aware of the British view on this question for some time, but must repeat that the Irish dimension is not something which will disappear.

Mr. Janes repeated that the situation had to be handled as best one could and it was necessary to get some support from the Protest side.

Mr. Donlon wondered whether the British were reading the situation within the minority community as carefully as we are. Our reading indicates that the mood of that community since May has been one of gloom and despair, the level of which varies, but which is still very low indeed. On the other hand, there is euphoria on the other side,

induced by a belief that the strike was successful, and that the British Government and Executive parties had been frustrated by doubtful tactics which had again put them in a dominating position. This analysis indicates that the British may be headed for a sharp jolt if they now propose that it is the minority community which must abandon an aspiration. To suggest such a step now may be to underestimate the extent of the depression in the minority community where the swing is between the SDLP and the Provisional IRA. Little would be required to swing people from solid support of one to significant support of the other. Support for the SDLP has been fairly consistent up to now and this has made possible negotiations involving the minority. If a rift is now created in the minority population one would know who supports both principles and who is prepared to settle for one only, but the negotiating position would not be helped.

Mr. Janes stated that he would not disagree with our interpretation of the mood of the minority. However, it must be recognised that some of this mood may be due to the fear of being faced with total Protestant domination and the answer to this fear is to ensure effective participation of the minority in Government. To achieve this it is necessary to reduce the euphoria on the Protestant side and one must also remove the fear that they may be forced into a United Ireland.

The Secretary said that surely the majority had sufficient guarantees on that score already.

Mr. Donlon stated that the number of people on the Loyalist side who were aware of the dilution (just before the fall of the Executive) of the Council of Ireland provisions of the Sunningdale Agreement and the introduction of a system of consent even for those limited provisions, was very low. Earlier, many were unaware of the limited extent of the Council of Ireland and insisted against all reason as seeing it as leading to a United Ireland. In such circumstances, there is little point in talking in rational terms when considering what to do about Loyalist fears.

The principles of power-sharing and the Irish dimension are inseparable although the form of expression of each principle is obviously a matter for negotiation. Trying to separate the two principles at this stage may lead to greater difficulties than envisaged.

Mr. Janes commented that the interrelationship between the two principles was emotional rather than logical.

The Secretary commented that the minority side were also capable of being irrational. The SDLP felt exposed since they were the only party without an army.

Mr. Janes then turned to the security situation and said that the general pattern has been improving steadily over the last two years. The murder of two judges in September had sparked tit-for-tat killings. The security forces had taken action with a considerable degree of success and since the 15th September, 150/^{persons} had either been charged or were the subject of ICOs. A confidential analysis of those taken in would show that 101 were directly or indirectly concerned with assassinations. Of these, 76 were Protestants and 25 Catholics. Of these, 11 Catholics and 6 Protestants had been detained, while 70 Protestants and 14 Catholics had been charged. This action had taken the heat out of the assassination campaign although as long as men of violence are around a new campaign can take place, perhaps with different tactics. The British are confident that the back has been broken of the assassination campaign but cannot be sure that another such campaign will not begin in the future.

Many of those arrested are not identifiable as responsible in specific cases although there is little doubt of their connection generally with the campaign. The police reckon that 8 assassinations may now be treated as solved murder cases.

Mr. Donlon said that what had been said regarding an improvement in the security situation had already been said publicly. The fact was that

There had been as many assassinations in West Belfast in one month as there had been killings of members of the security forces in a year. Mr. Janes' reading of the security situation was naturally dominated by the Army point of view but it should be borne in mind that public statements of a similar nature were very often politically counter-productive. The sheer number of assassinations, successful, unsuccessful and imagined, had produced in the minority community a fear greater than anything which had been seen before. This atmosphere did not appear to the man on the street in West Belfast to be registering with the British although it is evident from the statistics just received and from meetings at political level that the British were conscious of this aspect. However, they should not say that the security situation is getting better because, e.g., of a reduced number of bombings at a time when the number of civilian casualties was going up. Most people think that the assassination campaign had ended less because of the activities of the security forces than because of a political decision by the UDA to call it off, both because of intense local pressure and because it was in danger of going completely out of control.

Mr. Janes stated that the cessation of the campaign coincided almost exactly with the arrests he had mentioned. The whole basis of policing is that one arrests and charges the responsible people and this discourages others.

Mr. Donlon said that while we might find this analysis convincing, it makes no sense in West Belfast where people were simply not convinced that the security forces were acting in a non-discriminatory fashion.

Mr. Janes said that the RUC operates mainly in Protestant areas and cannot get evidence which provides a basis for preferring charges. Above all, one wants more cooperation from the Catholic side and the biggest contribution would be for the SDLP to encourage support for the police. During the assassination campaign, the SDLP insisted that something had to be done (and privately admitted that the police must do it) but they refused to encourage the police.

Mr. Donlon said that this inconsistency is not limited to the SDLP. While the minority community as a whole desperately needs policing, it is still apparently not about to welcome the RUC into their areas. The conflict should not be seen as confined to the SDLP but as one which affects the minority as a whole. The idea of Catholics joining the RUC at present is simply not on and the percentage of Catholics in the force is small and continuing to decline.

Mr. Janes said that the force was getting very few Catholic recruits in any event. The increased recruitment was coming about exclusively from Protestants and though the RUC was not a sectarian police force, it needed Catholic recruits. To take the Army out and reduce its presence, one must increase the police force and there must be one force.

Mr. Donlon agreed that a formula for policing must be found but pointed out that no major move had yet been taken which had helped to make the RUC acceptable in Catholic areas. The Catholic refusal to accept the RUC may not be rational. Two-thirds of the present force were not members in 1969 and their unacceptability was not, therefore, a question of personnel. To some extent, it may be a matter of structure, control and accountability.

Mr. Janes enquired how one could overcome the problem

Mr. Kirwan remarked that the SDLP had linked progress on policing with progress on power-sharing and ^{he} could not see the party changing this attitude.

Mr. Janes said that the SDLP were using the RUC purely as a bargaining point and that therefore the SDLP was the biggest stumbling block in the way of a solution.

Mr. Donlon enquired whether this was fair and whether the British Army underestimated the conflict within the minority community.

Mr. Janes said that there was undoubtedly unease and fear of intimidation/^{but}this could only be dealt with through effective policing. The function of politicians is not to say what he thinks his constituents want but to lead.

Mr. Donlon agreed, but pointed out that they should not find themselves too far in advance of their constituents. The newness of the SDLP, a party with relatively shallow roots in the community, should not be under-estimated. In resolutions ^{discussions at SDLP} and party conferences divergences on all matters show a certain uncertainty between the leadership and rank and file members, while more established and experienced parties can read their electorates more accurately. The danger in overestimating the degree to which the SDLP has taken root is particularly great on a specific issue such as policing, where a move by the party on the issue could lose them support to the Provisional IRA.

Mr. Donlon agreed that there must be movement on police at some stage and enquired whether the British had any room for manoeuvre. While they were committed to the name and structure of the force, there was a small number of men in the RUC whose departure would improve the force.

Mr. Janes replied that he could not answer this question offhand. They were at present looking at the structure of the police authority. Their main concern, however, is to try to get the police operating to a greater extent on the ground and the Secretary of State's last initiative was aimed at this.

Mr. Kirwan suggested that there would be merit in seeking publicity for the figures of arrests just given according as cases come before the courts, since this would have an impact in the minority community.

Mr. Janes objected that the police would be uneasy about formally

publishing sectarian figures since the purpose of law enforcement is to ensure equal justice for all.

The Secretary remarked that journalists would be able to deduce the information according as people came before the courts through identification of the victims, and agreed that this may relieve anxieties.

Mr. Donlon referred to a meeting at London where Sir Frank Cooper had promised figures of the total number of searches, and had alleged that arms were coming from the South. Exhaustive enquiries had shown that no such information had reached Gardai and that the only information passed in the last year related to a particular consignment of explosives and detonators last June. The point that arms were coming from the South and that we were being informed of details, was constantly being briefed as fact when it is not a fact. It was just possible that there might be a blockage in the passage of information somewhere and to enable this to be checked out he requested specific details as to when, where and to whom the alleged information had been passed to us.

Mr. Janes undertook to check this point through the RUC.

Mr. Donlon emphasised that if information had not in fact been passed, Army and civilian press officers should stop briefing journalists on these lines. The allegations would be serious enough if they were a fact, but if it is not a fact, we must seriously question the motivation of those doing the briefing.

Mr. Janes said that information could be related to specific instances or to analyses of data. Some general information of the latter type was being prepared as a result of forensic tests of 50,000 lbs. of chemicals analysed. Only ammonium nitrate derives from fertilisers and it is possible to determine that only three separate processing plants were in operation. The bags in which the chemicals had been

found were predominantly from NET.

Mr. Donlon said that this point had frequently been made before. Fertilisers in NET bags are legally on sale in Northern Ireland. They are commercially exported^{from here} and are available to N.I. farmers.

We would dispute the point at which they came into the hands of those other than those for whom they were intended. Any information which would suggest that there is a Ho Chi Minh trail across the border should be passed on immediately through police channels.

Mr. Janes said that their intelligence showed that the three processing plants are all South of the border, though he was not sure how hard this intelligence is. Control North of the border is very much tighter than here and extends down to the actual use of the fertiliser. The British side would be interested in ascertaining means whereby ammonium nitrate could be made less easy to convert.

Mr. Donlon said that this has been the subject of discussions between the explosives experts on both sides.

Sir Frank Cooper's remarks referred also to arms. The allegation was a serious one and we would be happy to have concrete facts, if any. No information has so far been received on this point. Our gun controls here are very strict and it would be relatively easy to check any information.

Mr. Janes said that he did not have any information on this point immediately and went on to say that of marked detonators recovered in this year, only 10 out of over 300 came from Northern Ireland sources, while all the rest came from the South.

Mr. Donlon stated that detonators with Republic of Ireland markings are commercially available in Northern Ireland but we would be happy to cooperate fully in this area. It would, however, be more productive to give information ~~through~~ direct to us rather than by briefing

given by Mr. Janes to note that the biggest single find of some 2,000 detonators in Northern Ireland had turned out to be detonators from British Army sources.

Mr. Janes emphasised that control of detonators in Northern Ireland was very tight and extended down to the actual firing.

Mr. Donlon pointed out that there may be flaws in the system on both sides and expressed the hope that the working parties can make faster progress.

Mr. Janes then turned to the question of cross-border studies. Ambassador O'Sullivan had told him that we wished to have discussions on this subject before Christmas. He suggested a meeting in London in the early afternoon of Wednesday, 18th December. Mr. W. G. Malcolm, Permanent Secretary of the Department of the Environment (Northern Ireland) would be available for such a meeting.

The British saw this proposal as containing an element of the Irish dimension. Their concern would be to arrive at clearly defined practical projects. Mr. Janes suggested two possible subjects: (i) the future development of Derry Port in relation to its hinterland and (ii) the future of fisheries in Lough Foyle - whether anything could be done to limit catches.

Mr. Donlon agreed generally with the need to move carefully on cross-border projects but pointed out that we were not forcing cooperation on anyone. We were being pressed to action mainly from Derry. There is no local opposition whatsoever, either in the Loyalist camp or elsewhere. Money for the project is available in Brussels and now that Britain is prepared in principle to accept such funds, we should move as fast as possible.

Mr. Janes stated that there could be further delay because of the necessity to have a clear idea of the costings and to select a particular consultant.

Mr. Donlon said that we were not yet at the point where we could suggest a particular consultant or give a detailed costing. However, unless a proposal is submitted soon, the funds may no longer be available. In addition, the Commission may wish to associate itself with the terms of reference. It is likely that the problems which will arise will have less to do with differences between Dublin and London than with differences between, e.g., Derry and Donegal. It will also be necessary to bear in mind the mid North-East region which is also/^avery depressed area.

Mr. Kirwan stated there was considerable pressure in favour of the proposal from people in the areas involved. He thought that if the proposal were as limited in application to Derry Port, considerable disappointment would be provoked.

Mr. Janes said that we should concentrate on starting one project and see where we go from there.

Mr. Donlon accepted the suggestion for a meeting in principle and undertook to communicate further through Ambassador Galsworthy.

Mr. Janes referred to the regulations made under the Prevention of Terrorism Act and asked whether we required explanation on any points.

Mr. Donlon replied that there was nothing to discuss on this here at this stage and the the present meeting was not the channel for discussing this Act or our Criminal Law (Jurisdiction) Bill.

Mr. Janes enquired as to the time-table of the Bill.


Mr. Donlon replied that according to the Minister for Justice, it should be in operation by the end of February although progress will depend on the type of opposition which will be mounted.

Mr. Janes stated that the British authorities had hoped to introduce their Bill this week. However, when the final print of our Bill had come to hand some consequential changes were necessary. It is now hoped to introduce it next week and the speed with which it is dealt at the Committee stage will determine when it will pass.

The Secretary mentioned that there were a number of minor problems on which we were not making a good deal of progress and instanced compensation claims for malicious damages.

Mr. Donlon explained that the principle of compensation had not been accepted and that the problem created irritation locally out of all proportion to the damages in question.

Mr. Harding undertook to examine this and thought it would be primarily a matter for the Ministry of Defence.

 Ambassador Galsworthy stated that the British side would like to see regular meetings between officials, at roughly three month intervals, the frequency to depend on the situation.

The Secretary agreed to this in principle and thanked the British side for the opportunity to exchange views which the meeting had provided.