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Report of Meeting with Sir Brian Cubbon, Permanent Under-Secretary
NIO, at Iveagh House 4 April 1978

1. Sir Brian was accompanied by the British Ambassador, Mr. Staples and Mr. Harris of the British Embassy and his private secretary, Miss Henderson. With the Secretary were Assistant Secretary Donlon, Mr. O hUiginn and Mr. Hennessy. Mr. Nally was present for the discussions over lunch.
2. Following the initial exchange of greetings and reference to the useful nature of these confidential contacts it was agreed that the meeting would consider political and security questions, in that order. Sir Brian began by emphasising that British policy on Northern Ireland remained unchanged. Their goal was still devolved government on the basis of a partnership administration. They had hoped that last Autumn's initiative might have contributed to advancing the situation and although the talks had broken down the Secretary of State's proposals remained on the table. The British Government were most definitely not pursuing an integrationist policy. They did endeavour to take account of the differing traditions and aspirations within Northern Ireland and he referred in this context to a speech by Mr. Mason before Christmas. The Government were also working to maintain the bipartisan approach at Westminster.
3. Moving to the position in the Unionist camp he thought it important not to overlook what he saw as significant changes in the Unionist position over the past two years. The OUP was no longer insisting on full implementation of the majority Convention report and indeed is for the moment rather confused about its political aims. The NIO approach in dealing with the Unionists has been to stress those areas of policy on which the British Government are not prepared to be flexible: there will be no return to simple majority rule; integration is out and, finally, no devolution of power at any level without agreement between the two sections of the community. The Tories have in recent months

sought to convince the Unionists that a change of administration would mean a significant shift in British Government policy. Their support for the strengthening of local government has been part of this ploy. The reality is however far less attractive from the Unionist viewpoint. Behind the posturing of the Tories their policy is in substance closely aligned with that of the British Government. The Secretary of State's speech at Doncaster was helpful in highlighting this fact. Mr. Mason has also sought to maintain bipartisanship through frequent contacts with Tory backbenchers interested in Northern Ireland.

4. Sir Brian said that the NIO felt that the increased emphasis placed on Constitutional aspects of the problem in recent months had not been helpful in promoting the degree of confidence which would be required if agreement was to be secured on a partnership administration. He said that while he could understand the distinction between the declaration which the Government sought and that which other groups were calling for it had to be said that this was not grasped by the Unionist community. As the British Government saw it our approach was to seek from them firstly a declaration of their interest in withdrawing from Northern Ireland and secondly a removal of the "negative guarantees". Against the background of repeated assurances that any change would have to be by consent the call for the withdrawal of British guarantees to Northern Ireland was perceived within the Unionist community as even more threatening than the request for a declaration of intent. It was undoubtedly true that the revival of the debate on constitutional matters had brought about a more unsettled political situation and this in turn was related in some way to the increase in violence. Even though this was possibly an election year in Britain, there was still no reason why political discussion on an interim devolution arrangement could not get under way if there was an improvement in the general political climate. The Secretary, in thanking Sir Brian for this analysis, said that he particularly welcomed his assertion that there would be no return to simple majority rule, and he was glad to hear that this had been

made clear to the Unionist parties. He was also of course pleased to have it confirmed that British policy ruled out integration. He agreed that there was a link between the absence of political progress and the escalation in violence. It was regrettably true that men of violence always successfully exploited these periods of political stagnation. He said that while we fully understood and agreed that the suspicions and fears of the Unionist community must be met, there was an important distinction between that approach and one which encouraged the Unionist community to cherish hopes which are not realisable. There were aspirations in the minority community which must also be taken into account. On constitutional matters, the British Government would have to accept the reality of our perception of the Northern Ireland situation as a basically Irish problem. It was inevitable in the absence of short term progress that opinion both in the Republic and in the minority community in the North would concentrate on more long term aspirations. We were concerned with the British insistence on avoiding the use of such terms as "power-sharing" and replacing them with words like "partnership". Did "partnership" mean something less than power-sharing in terms of the involvement of the representatives of the minority community in a devolved administration. It was certainly clear that the Unionist parties expected that whatever would emerge in such an arrangement would represent a diminished role for the minority.

5. Mr. Donlon said successive Governments in Dublin had been willing, in the hope of assisting political progress within the North, to play down our longer term aspirations to national unity. It was inevitable however that after 10 years of political violence in the North which has had consequential repercussions on both the political and economic life of the Republic that we should once again see a renewed emphasis on fundamental constitutional questions. It would have to be accepted that it was no longer practical politics for any of the parties in the South to withdraw themselves from the Northern debate and in any event it was now

apparent that the soft-peddalling which had characterised our approach in the period since the collapse of the Sunningdale Agreement had not contributed to any significant political developments. We had on the other hand been glad to note the fairly positive reaction from the Unionist community to the examination on unity which is now under way in our three main political parties. Our main disappointment at the moment was the lack of thinking in Unionist circles akin to that which was under way in these parties and to some extent in the SDLP. We were also very conscious of the lack of appreciation of the realities of the Irish political situation in British establishment circles. We regretted in this regard that issues which were raised by political representatives here in a constructive way were not always taken up by the media or by politicians in London, as well as in Belfast, in the same constructive manner.

6. Sir Brian said that he had two points to make on the argument that violence was a consequence of the lack of political progress. The first was that as there was no immediate prospect of the goals of the terrorists being achieved through the political process it must be inevitable that terrorism will continue at some level. It should also be borne in mind that the relative political calm of the past two years has coincided with the significant reduction in the level of violence. This suggested to him therefore that political calm does contribute to a reduction in violence and that correspondingly a politically turbulent atmosphere can contribute to an escalation of violence. He hoped that when political figures in the South spoke of their hope of reunification that they would make clear that they accepted that progress towards this goal had to be achieved on the basis of consent which would be freely given. He thought it preferable that the question should not be presented as one solely for decision between London and Dublin but rather that the South should address itself directly to the Unionist community and attempt to persuade them that their future lay in a united Ireland. Mr. Donlon said that there had been no deliberate attempt on our part to present matters in purely Dublin-London terms. In fact our public statements on this

matter normally emphasised the need for quadripartite agreement between the two sovereign Governments involved and representatives of the two communities in the North. We were however conscious that this criticism had been made and the Minister's speech on Easter Sunday represented a conscious attempt to meet this criticism. While the public reaction to the Minister's comments had been predictably hostile from Unionist spokesmen, there had been some quite positive private reaction and we hoped to follow this up in contacts with non-political representatives of the majority community in the Churches and elsewhere. In a reply to a question from Sir Brian on how we squared our calls for a withdrawal of the "steel walls" with our stated policy of unity by consent, Mr. Donlon said that while these guarantees continued to be repeated and reinforced, the Unionist community were obviously not prepared to consider alternative political structures. The removal of these guarantees would be helpful in stimulating the sort of debate on fundamentals which was necessary if real political progress was ever to be achieved. Mr. O hUiginn said that it was encouraging to hear from Sir Brian that British policy on devolved government had been so forcefully stated to the Unionist parties. It appeared however that the degree of penetration had been very uneven. The suggestion that the Unionist community had taken some small but significant step forward across a wide front seemed somewhat wide of the mark. He referred in this context to a recent speech by Mr. W. Ross MP in which it was stated that as the SDLP had failed to respond to the "generosity" of the Unionists at the Convention in offering to allocate certain committee chairmanships to that party that it was now time to withdraw this offer and to seek instead a return to undiluted majority rule.

7. Sir Brian thought that the loss of local political control and patronage was proving ^{more} politically embarrassing to Unionist politicians than it was to the SDLP and that consequently the Unionists were extremely anxious to have some form of devolved government restored. The integration controversy merely highlighted the differences between the Westminster Unionists and

the party organisation in Belfast. Mr. Donlon commented that we had been pleased to note that the contacts which we had built up with all of the Unionist parties with the exception of the DUP had survived the many changes in the political scene over the past year. We did not expect any dramatic developments as a result of these contacts but felt that they were extremely useful to the longer term process of dismantling the barriers which had impeded political dialogue in the past.

Security

8. Sir Brian then proceeded to give an assessment of the present security situation. He said that the PIRA pre-Christmas incendiary bombing campaign had given way in January to a period of more intensive activity which had culminated in the La Mon disaster. The La Mon bombing had been very damaging to the PIRA in that it had resulted in severe criticism in areas from which they had traditionally drawn their support; it had also led to a large number of arrests, whose effect had been further supplemented by the capture in Co. Derry of Francis Hughes. The present lull represented a "post-La Mon situation" rather than any enforced stoppage of the campaign. The restriction on PIRA activity came from a shortage of key personnel rather than of explosives or weapons. The NIO assessment was that the PIRA had now accepted that they must pursue the long haul approach; the leadership now accepted that there was no prospect of an early decision by the British to withdraw. The policy of the security forces was to continue with police activity against key individuals in the organisation. The PIRA had now a real problem of credibility resulting both from the obvious futility of the La Mon bombing and more generally from the waning credibility of their political aims. As regards the level of community support for the PIRA in any particular area, it was their experience that this was to a large extent determined by the attitude of the PIRA group itself in that area. If they behave in an arrogant and aggressive manner relations tend to be bad and the corresponding flow of information to the security forces tends to be good. If on the other hand the PIRA feel that political developments are going their way they tend to be more at ease in the community and the level of friction is clearly reduced,

thereby resulting in greater security for the terrorists. Sir Brian said that in the aftermath of La Mon there had been considerable pressure within both the UDA and the UVF for retaliatory action. The NIO had worked extremely hard in this period on Unionist politicians to convince them of their responsibility in reinforcing an attitude of restraint. While they felt that they had been successful to date in this regard, it was nevertheless true that the danger of retaliation remained.

9. Mr. Donlon said that our information supported the view that the PIRA were now convinced that a protracted struggle would be required to achieve their objectives. This is the line that they were giving to their supporters and we understood to journalists and others to whom they sought to frankly explain their position. We had no information which would indicate that any consideration is being given to a cessation of activity. In the period after the La Mon bombing there had been fears of retaliation in the South and we were therefore obviously anxious to move out of the "post La Mon" situation although fearful that it would merely be replaced by some future atrocity. Sir Brian said that it would be helpful to the promotion of a political settlement if the SDLP could signal in some way their commitment to non-violent means. He thought for example that they could, without loss of face, take up their seats on the local security committees as they had done for a time in Newry. Mr. Donlon said that the NIO would obviously pursue this matter directly with the SDLP. There was absolutely no doubt in Northern Ireland of the attitude of the SDLP to violence. The party has however to be careful in its handling of security matters of the need to carry with them support of local communities in the minority areas which they represent. The continuing success of the SDLP and the failure of the PIRA and their political fronts to make in-roads into the minority community seemed to indicate that the party has got the balance about right. As regards the participation in security committees it was noteworthy that the IIP held its first meeting in Newry presumably on the calculation, which proved to be unfounded, that support for the SDLP would somehow be weakened in the area.

10. On the question of cross-border security co-operation, Sir Brian said that there were a number of points he wanted to make: (1) the PIRA posed a threat to both Governments and it was in the interests of both Governments that this threat was dealt with effectively in accordance with due process of the law; (2) the practical aspects of North/South co-operation is primarily a matter for the two police forces; (3) the British Government have in the past confirmed the view expressed to the Taoiseach in London in September that it is satisfied with the degree of practical co-operation on security matters. He wished to say that this remained the position. The recent public statements including that by the Secretary of State on 6 March should not be read as containing or implying any criticism of the level of co-operation; and (4) the British Government believe that this practical co-operation could usefully be supplemented by consultations at political level which would attempt to arrive at a common understanding of the problem. This was necessary because in the first place law and order was ultimately a matter for the sovereign Governments. It would also be useful in providing our police forces with the clear indication of the perception at political level of the problem posed by terrorism. Furthermore it was at the political level that decisions are taken on the allocation of financial and other resources to the security forces and these decisions will obviously be influenced by the assessment of the security situation.

11. He thought that the difficulties of recent weeks had arisen from varying interpretations of what exactly a common assessment would involve. It was something that could not be reduced or expressed in statistical terms. To attempt to do so ignores the essence of police detective work which involves constant surveillance of individuals in the building up of a body of information, much of which by its nature cannot be used as evidence in a court of law. The eventual prosecution and conviction of those engaged in terrorism is merely the tip of the iceberg so far as this sort of work is concerned. The British Government were anxious to discuss these matters with us fully and frankly and away from the glare of publicity. There was no question of apportioning blame or responsibility but rather pooling of our

information in the hope of more effectively combatting the terrorist whether North or South.

12. The Secretary said that there existed well established procedures to facilitate the exchange of information of the sort Sir Brian was talking about. While we had no reason to believe that these were not operating satisfactorily we were of course always ready to consider any suggestions for improvement. As regards the reference to discussions at political level we thought that this could most effectively be done by means of regular contact at Ministerial level. Mr. Donlon pointed out that on four occasions in the last five years there have been public squabbles between the two Governments on security matters and that on each occasion these had coincided with a longer than usual time-lag in meetings between the responsible Ministers. What we should aim for is to have established a pattern whereby such discussions could take place on a regular basis without either side being made to feel that it was being put in the dock over some issue or other. Sir Brian responded that they would certainly look forward to an early Ministerial meeting but that it was perhaps premature to look beyond that immediate objective.

13. There was further discussion on security co-operation matters over lunch. The point was made to Sir Brian that detailed intelligence of the sort which British briefings to the press seemed to imply existed was not coming through to our security authorities. This naturally led to considerable irritation on our part. Particular attention was drawn to the unhelpful nature of the briefings being given by British Army spokesmen and a strong request made that such briefings should cease. Mr. Donlon also referred to the recent British decision to terminate the arrangement agreed in 1975 whereby weekly statistics on terrorist incidents having a connection with the Republic were handed over to us by the British authorities. We hoped that the British would reconsider their attitude on this matter. The arrangement had been instituted to meet a particular need and as this need remained we could not understand why they were unwilling to continue the

arrangement. Reference was also made by the Irish side to what we saw as a reluctance on the part of the British to make use of the existing extraterritorial legislation. Mr. Donlon pointed out that there was a case only the previous day before the Dublin courts on which we were surprised to find that no evidence which would have facilitated the institution of proceedings had been passed to our security authorities by the RUC. In response to a question from Sir Brian, Mr. Donlon confirmed that our view remained that extradition proceedings must first be instituted and have failed before the extraterritorial legislation could be availed of. We understood that the British would prefer to have an extradition arrangement but they would simply have to accept that the best legal advice available to us, including that of successive Attorney Generals, was that as had been explained on numerous occasions any departure from the present arrangements would be contrary to the relevant provisions in our Constitution. Sir Brian said that the most serious deficiency in the concept of extraterritorial legislation, and indeed the reason why they continued to hope that we would introduce an extradition arrangement, was that it prevented the carrying out of the sort of thorough interrogation which could only occur if suspects were returned to Northern Ireland. Mr. Donlon confirmed in this regard that it would not be acceptable for members of the RUC to participate or sit in on interrogations by members of the Garda. Sir Brian, in admitting that they continued to receive excellent assistance from the Garda under the existing arrangements, said that they had received from the Garda in recent months information on the composition of PIRA ASU in such places as Buncrana, Letterkenny, South Armagh and north Louth. In commenting on this, Mr. Donlon said that we would like to see a greater flow of intelligence information from North to South.

14. Other matters discussed briefly during lunch were the meeting between the Taoiseach and the Prime Minister in Copenhagen. It was evident the British side were seeking as low-key a meeting as possible in which Northern Ireland would be only one of the

matters to be discussed and even then the emphasis would rest heavily on security matters. It was pointed out to the British that the meeting was perceived rather differently on our side and that we expected the two leaders to have a wide-ranging discussion touching on all aspects of the Northern Ireland situation. It was agreed that in speaking with the press after the meeting that both sides would avoid giving any indication that the Prime Ministers had in any form instructed the Minister for Foreign Affairs or the Secretary of State to meet as a follow-up to Copenhagen. It could be pointed out that the two Ministers had already arranged a meeting which had to be cancelled and would no doubt be in contact with each other again to find some suitable future date. On the question of economic co-operation, Sir Brian was quite insistent that this was a matter for discussion or at least public announcement by the FCO rather than by the NIO or its Ministers. It was pointed out quite emphatically on our side that we were not prepared to have cross-border economic co-operation subordinated to the extremely sketchy structure that had emerged from the Anglo-Irish side of the recent official level discussions. We would indeed prefer to have the whole matter dropped entirely rather than have it treated in this totally unsatisfactory way. It was a matter wholly of concern between North and South and we could not accept that it should be handled in its public aspect in a way which sought to diminish or entirely dispose of this fundamental consideration.

15. The meeting concluded with expressions from both sides of appreciation of the value of these contacts and of a desire that they should be maintained. While the exchanges were very frank the atmosphere throughout remained cordial and friendly.