

CL.R. 17

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NOTE OF A MEETING WITH MR O'KENNEDY AT 11.00 AM ON WEDNESDAY
14 FEBRUARY 1979 AT 1 CARLTON GARDENS

Hand
19.2

Those present:

Secretary of State
Sir Brian Cubbon
Mr Haydon
Mr Janes
Mr Marshall
Mr Lane
Mr Palmer
Mr Gilliland
Mr Buxton
Mr Newington

Mr O'Kennedy
Mr O'Rourke
Dr Kennedy
Mr Neligan
Mr O'Higgins
Mr Swift
Mr Campbell
Mr Walsh
Mr Dowling
Mr O'Cealliaigh

cc: PS/S of S (B)
PS/Ministers (L&B)
PS/PUS (L&B)
Mr Janes
Mr Hannigan
Mr Lane
Mr Marshall
Mr Parkes
Mr Parker
Mr Stephens
Mr Palmer
Mr Gilliland
Mr Buxton
Mr Corbett
Mr Davenport
Mr Neilson
Mr Wilson
Mr Hall
Mr Newington, FCO
(4 copies)

1. The Secretary of State said that he was very pleased to welcome Mr O'Kennedy to London. He had been sorry about the postponement of the meeting which had been beyond his own control. Nevertheless they had been trying to maintain contact and he hoped that the two Governments could continue to do so.
2. It was still the aim of the United Kingdom Government to introduce devolution in Northern Ireland. The 5-point plan was before the political parties. The Government had no plan to introduce a new level of local government. This would be Unionist-ruled and could not pass the test of acceptability. Nor did the Government have any intention of taking steps towards integration. The Secretary of State always invited members of his own party who were afraid to move towards integration to watch for the continuation of the separate Consolidated Fund for Northern Ireland, the separate civil service with its own Departments and the separate Statute Book. Their continuation showed that the Government were not weakening on integration. We had been trying very hard to move forward on the framework. During his first 12 months as Secretary of State for Northern Ireland he had spent a great deal of time pressing Official Unionists to move away from the majority Convention Report. The OUP had moved in due course and this ought to be recognised. There had been comments in the press that the OUP thought that the 5-point plan smacked of power sharing. In a recent letter Harry West had shown that he was prepared to continue to talk. The DUP wanted to talk and the Alliance Party were always ready and waiting for further discussion. He hoped that the SDLP would see the evidence of the other 3 major parties coming to talks and would want to join in. He always said continuously to the SDLP that it was in their interests to join in talks now. After the next election it might be that the Opposition would move towards the introduction of a new tier of

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local government.

After his recent broadcast Gerry Fitt had gone off at a tangent without having listened to the full broadcast. He had never described the SDLP as extremist. But he had met Gerry Fitt at the House of Commons at the end of last week. They had spent an hour or so together over a cup of tea and there had been no animosity. He had advised him not to personalise the difference over policy. First we must look for agreed structures in Northern Ireland and only when they were established and working would it be possible to consider looking to structures involving the South. The SDLP must be encouraged to concentrate on the short-term means for devolution whilst keeping alive their aspiration in the long-term towards Irish unity. Too much talk of Irish unity in the short-term made it difficult for the Unionists to compromise over proposals for devolution. The framework proposals were of course a major step. They stopped just short of a legislative assembly.

4. In the past 12 months he had tried to help the minority community on subjects such as PR(STV) for the European Assembly elections, Poleglass, De Lorean and the financing of GAA clubs despite Rule 15. Over the past 5 years we have given £135,000 in capital grants to keep GAA clubs in Northern Ireland alive. There were 23 schemes in the pipeline already approved costing £880,000 in total of which up to £400,000 would be Government money. He was always subject to criticism by Unionists on such matters. It would be helpful if between him and Mr O'Kennedy they were able to encourage the SDLP to see these as positive steps.
5. On Irish unity there was nothing to add to the "agreement to disagree" between Mr Callaghan and Mr Lynch. Even a hint from Her Majesty's Government supporting Irish unity would destroy any prospect of devolution in Northern Ireland. It would just feed Protestant fears and lead Ian Paisley and Harry West to stand together. Talk of Irish unity and all-Ireland Councils in the long term made it difficult to make progress on devolution in the short-term. But the reverse was not true. Progress on devolution now would help and encourage talk of Irish unity.
6. He recognised that there had been concern amongst the minority about the Seats Bill. The reasons for the Bill were well-known. It was a matter of fair representation once it had been settled that, despite devolution, there would be no reduction in the number of seats in Wales and Scotland. But apart from the argument of equity he believed that there could be four or five anti-Unionist seats out of seventeen. There could be three SDLP seats. The SDLP should grasp the opportunity of becoming a Parliamentary Party with all the financial help and rights which that would provide. Of course behind this there was a suspicion of a pact. But he could deny this categorically. The voting records could be checked and showed that the OUP had never kept the present Government in power. But for their votes the Government's policy on pay sanctions would not have been lost and the whole course of the last few weeks might have been different. Nevertheless he recognised that this message had not been easy to get across to the minority in Northern Ireland.

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Mr O'Kennedy thanked the Secretary of State for his survey of the political scene which had covered an extensive range of subjects. Both Governments wanted to encourage and return to normal political activity in Northern Ireland, though a "return to normality" did not mean a return to past structures and attitudes. He understood and accepted the purpose of the 5-point plan and was very happy at the re-affirmation of opposition to a new tier of local government dominated by Unionists. There had been a little concern about that without there being any particular evidence to justify the concern. But it had to be faced that the 5-point plan had failed on its own terms. Acceptability was a part of the package but since it had been presented it had not proved acceptable to the parties. The OUP and the SDLP had shown a marked lack of enthusiasm.

8. In the meantime there had been direct rule. Mr Lynch had accepted that there was no move to integration. That was the reality but the perception was equally important. In a sense the perception was another kind of reality which had to be treated with equal importance in politics. Before there could be progress towards devolution, both communities must feel that they were being treated on a fair and equal basis. Direct rule had been more acceptable to the majority than to the minority. It had not been administered unfairly but it had been received differently. This was partly because of the reaction to the Seats Bill. Of course, there was no policy of integration but there had been features which could be interpreted as consistent with such a policy. The Queen's visit had boosted the morale of the Unionist community.
9. It was expecting next to the impossible to hope for progress on the 5-point plan at the moment. As to the OUP, it had caused concern to refer to them as moderates. Movement alone could not justify the epithet without regard to the place from which the movement had started. There had been an upset in the visible balance which had to be maintained in order to bring people to the negotiating table. He shared the United Kingdom Government's policy of getting away from sectarian politics. Both Governments wanted justice, equity and participation. He and Mr Lynch would say and do nothing to undermine the prospects for this.
10. The main difference was in his view of the relevance of the long-term. Attention must be paid to the long-term because only this could eradicate the sectarian basis of politics. Without giving this its proper place, there could be no short-term progress. There were always many discouraging features about the politics of Northern Ireland but at the moment there were also one or two more hopeful developments. In the North there seemed to be a growing grassroots feeling that people should be involved in their own betterment through politics: that the political vacuum should be ended. The SDLP should not be supported for its own sake. But if they were made irrelevant, what was to replace them? If they were put aside by the force of extremists it could only lead to confrontation.
11. The Irish Government was realistic. They accepted that there could not be a major political initiative this side of a UK General Election. In the meantime they would like to see some recognition of important economic realities which could be taken into account when the time

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came. Since 1965 he had always been told that the prospect of association with a deprived economy was an important part of the Unionist case against a united Ireland. That had now changed and the argument was no longer used. The Irish level of economic progress spoke for itself. They had higher earnings and lower rates of unemployment than the North. With all the resources at his command, the Secretary of State had not really made much progress on the economy. Some industrial investment had been attracted at a high price but that could not generate a whole basis of economic well-being. Unionist farmers had noticed how well the Irish were doing. In relation to the CAP consumer interests were not so important for the South or for the North of Ireland as for Great Britain. He would like to see something that would recognise this reality, that the Irish people now had the capacity to guarantee economic well-being. Some generous recognition of this fact would be helpful. We should go on to recognise that co-operation would help to further this. The initiative for Anglo-Irish economic co-operation had been coming from the people themselves.

12. There ought to be co-operation over industrial investment because Ireland was a small island which was seen as one from a thousand miles away. Severe competition left the multi-national companies as the only winners. There were many opportunities for co-operation between the five industrial promotion agencies. The EEC had an important role. All this should lead to an evolution in political attitudes. The leadership had to come from London but he was not asking for a stark declaration. People should be encouraged to build on common ground. When he and his colleagues used words like "consent" and "agreement" they meant them sincerely. Perhaps they could make a helpful contribution because they saw the problems of Northern Ireland in a broader context. For example, they saw the attitudes of Europe to Ireland, North and South.
13. He would welcome any evidence of changes within the OUP but he could not see any. They had shown their continuing intolerance over Poleglass. None of the Unionist politicians had ever sought to stimulate his imagination.
14. In conclusion, he summarised his general argument and asked that the Government should begin to research possibilities other than the 5-point plan.
15. The Secretary of State said that when he spoke of a "return to normality" he was pointing to the hope for a return to more peaceful conditions. He was always careful to avoid speaking of success or winning. There was no reason why direct rule should be perceived as unhelpful to the minority. The SDLP should be explaining that to their followers. There was no groundswell against direct rule though for many it was second best. For a British audience the OUP was bound to be seen as moderate by comparison with Paisley's DUP. If the political parties could be persuaded to work together on the framework, then the irrelevance of sectarian politics would gradually be seen by everyone.
16. He had always stressed that the SDLP should be sustained and had been worried at signs of the Republican Clubs and the Alliance Party eating away at their support. Harry West had talked of speaking to

the Republican Clubs and the SDLP were beginning to look to be dangerously isolated. The political initiative was there already, on the table. No-one would have anything better to offer after a General Election. The framework could work. In his time in the Province comparisons of wealth between the North and the South had never come into political discussions. He could point to the positive economic developments in the North but there was no doubt that the South was doing well. That approach was ping pong and ought not to be pursued. On co-operation for the attraction of new investment, it had to be recognised that there was real competition. The Border existed and could not be ignored. This was an area for the blurring of lines by the development of economic co-operation such as was already established. It would be counter-productive to go for a sudden major shift.

17. Mr O'Kennedy said that the moderates in the OUP always became irrelevant. Anyone who appeared progressive quickly had the ground cut away from underneath them. It was not a fair analysis to classify the OUP as moderates or to classify the SDLP as extremists. The SDLP had gone as far as they could towards the middle ground and, for example, had always distanced themselves from the Provos.
18. He hoped there could be more economic co-operation. There was already good evidence of it on, say, tourism. Ireland was a small island and we should search for ways of working together.
19. He did not expect political initiatives but he hoped that basic thinking was going on in both parties at Westminster. He had never been convinced that bi-partisanship was a virtue in itself. The silence that flowed from it could just reflect the convenience of being able to stop thinking. All three parties at Westminster should be researching and fundamentally re-examining their policies. In the South his party had been doing exhaustive work, with the aid of experts, on social policy, the role of the EEC trade union structures and economic policies. The publication of any report was in the hands of Mr Lynch. But much of what had been done could not come out in advance of a real chance open discussion. Constitutional and legal areas had been covered as well.
20. The Secretary of State said that bi-partisanship was vitally important. It did not stop serious thinking from going on. For example, a Labour Party NEC group had been studying Northern Ireland. The Province had never been debated in the House of Commons more than it was at the present time. He went on to ask Mr O'Kennedy how he saw the situation in the USA.
21. Mr O'Kennedy said that they continued to be opposed to Congressional hearings and they believed that there were unlikely to be any early moves in that direction. The action should be here in London and not in Washington. The Irish Government had consistent and powerful supporters in the USA, pre-eminently Tip O'Neill. Their message was that Irish-Americans should support the policy of the properly elected Irish Government. The H blocks posed the only problem there. There was a degree of impatience with people looking for an issue where they could show positive support. But in general they felt in a very confident position in the USA and felt that they could continue to handle the situation effectively. Recently he had refused to talk with Father McManus of the INC. The Secretary of State said that he was grateful for this account. Mr O'Kennedy was

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closer to the American scene than he was and he seemed to read it well. He noted that Biaggi did not seem to be making progress with his Peace Forum.

22. Turning to security, the Secretary of State said that in the run up to Christmas there had been an increase in PIRA activity. But he had been encouraged that the barriers generally had not gone back up despite well co-ordinated bombing activities. He always had to be concerned about the danger of a Protestant back lash. Both countries agreed that PIRA was a mutual enemy. We must continue to develop security co-operation. It was going well so far on the Joint Consultative Committee and talks should continue at diplomatic and official levels. The Border continued to be a worry but there had been some excellent co-operation by the Garda. Arrests in the South received good publicity in the North. We must continue to provide all the necessary support at the political level.
23. The Maze was causing a problem, particularly in the USA. But it should be realised that only about a third of the prisoners in the Maze were protesting. It came to just about half of the Republican prisoners. This was PIRA's major propaganda cause but they were receiving very little support in the Province. He had been making a major propaganda effort of his own. On the basic issue he could re-affirm once more that he had no intention of restoring special category status. Once that were conceded, the next step would be pressure for an amnesty. The Secretary of State then rehearsed the benefits that were available in the Maze for a conforming prisoner. In addition, newspapers and books were available to the protesters but apart from one prisoner who had taken one book for 24 hours, they had been ignored. We were being as humane as possible but could not afford to show any signs of weakness.
24. The problem at the GAA pitch at Crossmaglen was gradually being overcome but the weather had not helped.

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The wall had been virtually built and a thousand tons of soil had been moved from behind the goal. The Secretary of the local GAA club had been awarded a contract to remove the rest of the soil and to provide a new car park. The Secretary of State did not want the problem to continue any longer than was absolutely necessary. Once it had been settled it might be possible for the GAA club at Crossmaglen to receive some financial support from the Government.

25. Finally he was concerned about the type of incident which had occurred at Drummackaval. This sort of difficulty between the two armies could be avoided if there were proper communications between them.
26. Mr O'Kennedy said that on security co-operation both sides could report progress. Since last May there had been no public misunderstanding about security and that had helped. If there was any scope for improvement the best way forward would be to allow ideas to come up from the people primarily charged with the responsibility for security: the Garda and the RUC. The Garda Commissioner and the Chief Constable both had a strong and definite commitment to co-operation. An example of his own attitude was that he was always willing to look favourably at a request for facilities for helicopter surveillance. The question of communication between Army and Army was difficult. It could have a severe effect on Garda morale and therefore he must discourage it. Both armies of course should be clearly identifiable and should have instructions to prevent any trouble occurring. The main point was that the Army should not fire into the other jurisdiction. He would not want to minimise the dangers so extreme care and caution should be the watch word for all the security forces.
27. On H Blocks the Secretary of State would never hear of their supporting special category or political status. They did not have it in the South and any change in the North would put pressure on them. He would like to thank United Kingdom officials for responding quickly on queries about the H Blocks which came up in the Dail. He was more likely to be questioned at short notice about the Maze than the Secretary of State. The recent case involving transfers to hospital had been very embarrassing. It would have been helpful if he had known some of the details before and more generally it would help to know as soon as possible about any significant developments. He recognised that he did not have any responsibility but it would help to deflect attacks from Sinn Fein and in his own constituency.
28. In the South the possibility of protest had been undermined by making changes in the present regime quietly and without publicity. It avoided being attacked on incidentals. Perhaps, subject to security advice, it would be possible to do away with prison clothes for any purpose for any prisoner in Northern Ireland. It was particularly worrying that youngsters were being exploited. Perhaps ways could be found of easing a little here and there stopping short of special category status. He had been surprised to find that books and newspapers were available. It would be a good idea for this to be more

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widely known. The humanitarian aspect of the protest was being used against both Governments. In the end those in charge of the prison could not avoid accepting some responsibility for the conditions in which people were held. Some movements on the humanitarian aspect would go a long way to undermining all the Provos had left as a propaganda issue. Perhaps the Secretary of State had made enough publicly of the good conditions available for conforming prisoners. Now the question was how the godfathers could be stopped from influencing the youngsters in the Maze. He was worried about any outbreak of illness. If something did happen we would all have to face the consequences.

28. The Secretary of State said that we understood that if the Army were fired on from across the Border they could fire back. Mr O'Kennedy said, on advice from officials, that this was not the position. It was agreed that officials should be left to sort this out. The Secretary of State also mentioned that there were rumours from time to time in Northern Ireland that he or officials were engaged in talks with PIRA. He could deny this categorically. There had been no talks, there were no talks continuing, and there would be no talks in the future. On the Maze the three prisoners who had been transferred to hospital were not serious cases and therefore he had not been informed about them. The protesters received regular medical inspections and if necessary they were shaved, bathed and kept clean. So far the proof of the pudding had been in the eating because there had been no deterioration in the health of the protesters. He was puzzled to some extent by the interest in the Dail but officials would certainly help if they could. In response to a question from Mr O'Kennedy asked for the record, he could say that there was no ill-treatment or brutality in the Maze. There was an independent Board of Visitors who would quickly spot any such conduct. The main point was that if all the rules were changed it would not make any difference unless special category status was introduced. It was interesting that PIRA were now saying that the men in the Maze were not under pressure from those outside. This might have some effect on the situation. If we had any helpful figures on the number of men coming off the blanket he would give them to Mr O'Kennedy later.
29. Mr O'Kennedy said that he had noticed that Clement Freud seemed to give some credence to the view that a prisoner in the H Blocks had been ill-treated. The Secretary of State said that he had received no message at all from Mr Freud following his visit to the Maze.
30. Mr O'Kennedy said that he had received sharp letters from the GAA about the pitch at Crossmaglen charging him with bad faith and the Secretary of State and the British Army with worse. He wondered how quickly the land would be restored. The Secretary of State said that that would depend on the secretary of the GAA club and on the weather. It would be helpful if the club would give the Army their fixture list in order to help the Army to avoid giving any appearance of harassing the players by helicopter disturbance. The overhead cables had been removed so that the helicopters could land in the base. Perhaps Mr O'Kennedy could explain to those who

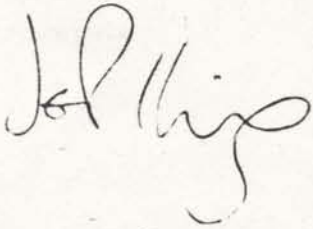
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lobbied him about Crossmaglen just what was done to help the GAA in Northern Ireland despite Rule 15. Lord Melchett had been discussing this with Mr Tunney recently.

31. Mr O'Kennedy said that it would be helpful to have an early reply to their requests for a explanation about low-flying helicopters on 10 and 12 December last year. He went on to ask for briefing on the time spent on remand between charge and trial. Sir Brian Cubbon said that there was no expectation that that period was going to increase. The Secretary of State said that a lower charge rate because of less terrorist incidents would help with the remand problem. He had explained the position in the House recently. It was also difficult if prisoners wanted to wait until particular lawyers were available to defend them. In response to a request from Mr O'Kennedy he confirmed that the figures for delay were broadly forty weeks for terrorists and twenty-two for non-terrorists. The Secretary of State said that the main point was that procedures had already been instituted by the Lord Chief Justice to ensure that the period of remand would gradually decrease.
32. Mr O'Kennedy said that the operation of the Prevention of Terrorism Act in relation to the Irish community in Great Britain was a sensitive matter. He hoped that people who were delayed and questioned could be handled as courteously as possible. The Secretary of State said that he would pass on this request to the Home Secretary (Action Mr Buxton, please).
33. Mr O'Kennedy said that he wanted to acknowledge that the response on delays at checkpoints on the Border had been very helpful. Just recently they had word about delays on the Derry-Donegal Border. It would be helpful if the United Kingdom Government could look into this. The Secretary of State said that he did not know anything about this but would certainly look into it (Action Mr Davenport, please).
34. Mr O'Kennedy said that they continued to receive protests about the closure of roads at Killyclogher and Pettigo. So far as they could see the closure of these roads was no inconvenience for the Provos but a considerable inconvenience for everyone else. The Secretary of State said that he did not know about these cases but would look into them. (Action Mr Davenport, please).
35. Mr O'Kennedy said that the issue of compensation kept coming up but he understood that there would be official talks on the following day so he would not raise it.
36. The Secretary of State said that he favoured a very brief communique setting the meeting in the context of a series of continuing talks. Mr O'Kennedy said that he was agreeable to this.
37. After lunch the Secretary of State said that it would be helpful to have a brief word about cross-Border economic co-operation. Good practical schemes were being encouraged. The momentum had been increased and progress was being made at every point. It all helped to blur the Border. There were no major differences between the two sides on this subject.

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8. Mr O'Kennedy said that he took exactly the same view. He was particularly pleased with the rate of progress on the Derry-Donegal Border. That region had been made a special priority. Local initiative had been especially significant in Enniskillen. We should work to refute any impression that Border areas were benefiting from the EEC Regional Fund at the expense of other areas. Work on the Newry-Dundalk area seemed to be the next stage. He hoped that by the end of the year that would be ready for a proper study to be launched.



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