

Present :-

Lord Privy Seal
Secretary of State for
Northern Ireland
Mr J Marshall, Northern
Ireland Office
Mr R Wade-Gery, Cabinet Office
Mr P H C Evers, Republic of
Ireland Department
Mr A Wood, Private Secretary

Dr John Kelly,
Acting Minister for Foreign
Affairs Republic of Ireland
Professor Jim Dooce,
Foreign Minister Designate
Mr W Kirwan,
Assistant Secretary, Department
of the Taoiseach
Mr Michael Lilliss,
Assistant Secretary, Department
of the Taoiseach
Mr David Neligan, Department
of Foreign Affairs

1. After thanking the Lord Privy Seal for agreeing to receive him and his colleague, Dr Kelly explained that he was Acting Foreign Minister until Professor Dooce was formally nominated Senator and approved as Foreign Minister by the Dáil, which could not be before October.

2. Ir Kelley went on to say that the Taoiseach and Government of the Republic were strongly committed to progress in Northern Ireland as indeed had been the previous Government. The main difference in approach between them was that Fine Gael attached more importance to the views of the majority community in the North. They were strongly in favour of a continuation of the bilateral contacts between the Republic and the United Kingdom. They were all the more unhappy at the occasion for their visit, the hunger strike, which must detract from, and might even frustrate, the object of the bilateral contacts.

3. The hunger strike was, of course, a source of increased tension in Northern Ireland. Unfortunately, it also had effects in the South, and indeed had become an element in the destabilisation of public opinion there. This destabilisation had surfaced in the course of the general election on 4 June. Several of the hunger strikers did well and two were elected. McDonnell had missed election by 300 votes only. Had he been successful, the Republic would already have been faced by the

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death of a Member of the Dáil. The introduction of the IRA into the political scene, associated as it was with violence, was due to the hunger strike. There could be no guarantee that this introduction would be transient. This development was likely to damage relations with the United Kingdom. Fine Gael and the Labour Party, and even for that matter, Fianna Fail, had set their faces against violence of all kinds. But any Irish Government must carry public opinion with it. They were obliged to walk a difficult path. Any impression that they were over-reacting to British rather than Irish interests, 'collaborating', would make their tasks very difficult. They had to hold the line against murder and in favour of good relations with the UK. It was difficult to do this if on the UK side people who were expected to be flexible did not measure up to Irish hopes. He and his colleague were not here to recriminate. But the Irish Government thought something went wrong. They thought that the British reaction to the ICJP attempts to help was too slow. They were disposed to believe the ICJP accounts and these suggested that there had been an insufficient sense of urgency. He must point out a domestic consideration which went beyond a merely party interest. The next prisoner was likely to die in 10 days' time. He had been elected to the Dáil. The Government did not have a secure grip on the Dáil and had in fact been defeated on almost the first motion before it. They were faced with severe economic and political difficulties. It was a convention that no writs for new elections were issued for a month after the death of a TD. None, therefore, could issue before the Dáil went into recess at the end of July. Nor could a writ be moved during the recess. The Government would, therefore, be faced with a period of three months in which its future was in doubt. In these circumstances, things might be said with an eye to the impending bye-election which could be very damaging.

4. Turning to HMG's contacts with the Irish Commission for Justice and Peace (ICJP), Dr Kelley said that we should not dismiss the importance of the rôle of suspicion amongst the prisoners. It is a dominant issue in their frame of mind. The slightest deviation from what they had been led to expect could have unfortunate effects. He asked that in commenting

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the Lord Privy Seal and Northern Ireland Secretary should explain how HMG saw the situation and what the scenario for winding down the hunger strike might be.

5. The Lord Privy Seal wished to make four points. HMG attached the greatest importance to bilateral relations. They considered the last Summit meeting to have been a great step forward. Secondly, they understood the Irish Government's difficulties and sympathised with them. Thirdly, the hunger strike was a source of deep regret, deeper perhaps even than that of the Irish authorities. Fourthly, he must repudiate the suggestion that HMG had lacked a sense of urgency in dealing with the problem. It had been dealt with with the greatest urgency. He asked the Northern Ireland Secretary to address Dr Kelly's remarks about the ICJP.

6. The Secretary of State for Northern Ireland said he had welcomed the contacts with the Irish Government which he had had in the past and wished to continue the close relationship. Some in the United Kingdom might say that the hunger strike was not the business of the Irish authorities. That was not his view. He had said in the House of Commons that what happened in the United Kingdom was of moment to the Irish authorities and what happened in the Republic of Ireland was of moment to us. It should not be thought that the hunger strike was not a matter of concern or urgency. He had thought of little else since October.

7. The hunger strike was an intensification of the campaign mounted by the IRA a number of years ago, notably in the prisons. The present Government's predecessors in office had ended the special category for prisoners in 1976 with the support of all parties in the House of Commons and he thought also of the Irish Government. It was a matter of principle that those who murdered, assaulted others and attacked property were criminals. At first there had been a refusal to accept the prison regime; this had led to the 'dirty protest'. HMG had found it depressing that there had been talk of our lacking flexibility. In fact, we had shown flexibility. It was the prisoners who had been inflexible. In the course of 1980 HMG had made 12 alterations in the prison regime. The only outcome of those alterations

had been the hunger strike.

8. What was to be done? People not close to the problem believed that the protest was about prison conditions. This was not so. Conditions in the prison were better than almost anywhere else in Europe and certainly much better than in the United States. They could be further improved. The improvements had been accepted by those prisoners who conformed. But HMG was faced with a difficulty: certain prisoners did not accept that they should be treated as were prisoners anywhere. Until a week ago at least they had called for a difference in their treatment from that of other prisoners. Finding little support for this, either in the United Kingdom, or the Republic or from the European Commission of Human Rights (ECHR) or the Church, they had changed their line only last week. They claimed that they no longer sought differentiation from other prisoners but they did still maintain their five demands which originally had been conceived as their definition of what in practice was meant by political status.

9. What we had sought to do was to persuade the prisoners, especially the hunger strikers, that we could not concede two principles: there could be no differentiation in the treatment of prisoners on the basis of the motive for their crime; and we could not hand over the running of prisons to the inmates. Accepting the five demands would amount to handing over control. On that no compromise was possible. But we had made changes in the past and could do so again.

10. The ICJP was rightly a highly-respected body and we were prepared to allow them to help. But two points had been made to them. We could not empower them to negotiate for us with the prisoners, and we were not ourselves negotiating with the prisoners directly or through the ICJP. These points were understood by the ICJP. They explored with Mr Alison the exact meaning of the Secretary of State for Northern Ireland's statement of 30 June and spoke to the prisoners, their families and perhaps to others. They came to certain conclusions and issued a statement. They said a number of things to us and expected us to do a number of things. They were on-the-record

as having recognised that it was their view, not HMG's, that HMG would be under a moral obligation to do what they had suggested. They knew also that the possible reforms mentioned by Mr Alison had been described as illustrative. Professor Dooge interjected that he had difficulty with what had been meant by 'illustrative'. Dr Kelly endorsed this and said that he understood it to mean examples of what would be done which were minima. Mr Atkins said that we had said we would look at these possibilities - there had been no commitment to introduce them.

11. Dr Kelly said that he had been waiting to hear how it would end. The Irish authorities were familiar with the IRA. They had a racial memory of them going back 60 years. A colleague had been murdered by the IRA. They knew well the IRA's approach to the distinction between true and false. But the Irish Government wished to see a settlement of the Northern Ireland problem. It was necessary to avoid the reefs which stood between us and that aim. The hunger strike was one of these. If HMG had not contemplated some advance in the situation, it was not clear to him why they had welcomed the mediation of the Commission. It was because of the responsibility of the ICJP and the conviction which they carried that he and Professor Dooge were here. If it was expected that good offices would contribute to a solution there must have been some room for movement. The ICJP had been optimistic on Monday that they had reached that stage. It had been clearly understood on Monday that an official would present himself the following morning at the Prison. No-one turned up. This failure he described as 'deadly', for McDonnell was within 36 hours of his death. It was this that led to the accusation of a lack of a sense of urgency; and there had been delays the week before. The Secretary of State for Northern Ireland explained that it had been quite impossible in UK parliamentary terms for him or Mr Alison to be absent from the House of Commons on Thursday, 2 July, the Renewal Debate. Dr Kelly said that this explanation might be adequate in British terms for the first delay but he could see none for the second one. A small detail reflected the lack of sensitivity which caused him concern. The Commission had told the Irish authorities that at the last conversation which they had had on Monday it had

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been said that the official who was to go in on Tuesday would be one who had been present during the discussions and was sensitive to the tone of the discussions. The official who had gone in was the last to fall in to that category. The Secretary of State for Northern Ireland pointed out that the Commission had acknowledged that there were differences between our position and theirs. But the fact was that the statement which he had put to the prisoners acknowledged the ICJP's position in three places, two of them explicitly. The proposals concerned had not been turned down but it had been noted that they would require time to arrange. As for the question of which official went in, he would not think it right to judge Dr Kelly's officials and Dr Kelly would understand that he would defend his own.

12. Mr Atkins continued that the fact that the statement had been put to the prisoners not on Tuesday but on Wednesday reflected the seriousness with which we dealt with the question. Mr Alison was a very good Minister but not a Member of the Cabinet. Matters of this importance could not be left to a Junior Minister. But Mr Alison was in Belfast and he himself in London. If the main complaint was this delay of 24 hours, he could say that there were reasons for it.

13. Dr Kelly had asked how all this was going to end. It could end easily and quickly if the protesting prisoners accepted that the sentences of the courts were going to be carried out. People who committed crimes would be kept in prison. They could not be allowed to choose what work they did. If they accepted all this they would find the regime liberal - as it was acknowledged elsewhere to be. The Government would improve it. The regime would be the same everywhere in Northern Ireland. (Indeed, prisoners in prisons in England were complaining and seeking to have the same regime as that in Northern Ireland.)

14. Dr Kelly said that he was not interested in penology nor in uniformity of Government policy, but in a settlement of the problem in Northern Ireland. That could be achieved only by the Irish among themselves. The IRA had got more support from the hunger strike than they had from everything else they had done. The public relations war would not be won by press

releases but by actions of the Government. The line pursued by Mr Heath and the coalition in the Republic in 1973/1974 had been the right one. It might be that the Irish had been too euphoric and the British had certainly been at fault in not standing up to the workers' strike. And the IRA had, of course, done all they could to disrupt it. But his Government believed that Sunningdale, by another name, was the only possibility for the long-term. There had been majority support for it. They wished to re-establish the conditions in which there would once again be support. The hunger strike needed to be got out of the way even at the cost of sacrificing minutiae of principle. The Secretary of State for Northern Ireland queried this expression. Professor Dooge said that there was no difference between the Irish authorities and HMG on the question of control of the prisons but the choice of work, for instance, did not seem to them a question of principle. On political status, they were of one mind with us also. The problem was how to move forward from principles to application in practice. Dr Kelly said that the prisoners were fanatical and demented yet they also had principles even if this was hard to believe of murderers, knee-cappers and men who tarred and feathered women. It was difficult for them too to abandon their principles. The scenario described seemed to him to deserve the epithet 'rigid'. The Secretary of State for Northern Ireland said that this was perhaps right for he had principles from which he would not depart.

15. Dr Kelly said he was trying to see how to return to a situation where the problem could be solved. His Government urged the importance of getting back in some way or another to the proposals in which the ICJP thought we had acquiesced on Monday. If mistakes could be avoided it should be possible to save further loss of life. The ball was in HMG's court.

16. The Lord Privy Seal asked whether Dr Kelly intended to say this publicly. That would clearly be an encouragement to the PIRA. Dr Kelly said that he agreed it would not say this since it would cause damage. The Secretary of State for Northern Ireland asked that Dr Kelly study carefully both the five demands and the statement which he had made and issued to the prisoners.

The 89 prisoners who had given up the protest were evidence that we stood by what we said, for instance, on the restoration of partially-lost remission.

17. Taking up this point, Professor Dooge said that Mr Alison had written to Bishop O'Mahoney that HMG would contemplate 'imaginative and dramatic action' if the hunger strike was ended and the statement of 30 June had spoken of generous remission. The final statement put to the prisoners on 8 July did not match these descriptions. Mr Kirwan said that the Irish authorities accepted that the regime, including the arrangements for remission was very liberal. They had no doubt that it was the IRA who were the cause of the problem. But they believed that we had been close to defeating the IRA and that the chance had slipped away. They wished to get back to that earlier position. Dr Kelly said that it was not for the Irish to suggest detail but the fiasco had to be retrieved. They had no rôle except to urge that HMG returned to the position of last weekend.

18. The Secretary of State for Northern Ireland said that HMG had not budged. The Irish authorities should not believe that we did not take the question seriously. People had lost their lives. Nor should they underestimate the problems.

19. Dr Kelly said that the number of mediators was not unlimited nor was time unlimited. The Irish authorities thought that the ICJP was reasonably under the impression that a solution was close. HMG should re-establish contact with the ICJP, taking up the position at which they had been when Mr Alison was last in contact with the ICJP. The problem had to be solved. There was no point in lecturing prisoners who were so convinced that they were willing to kill themselves slowly.

20. Mr Atkins said that he took delivery of what Dr Kelly said. But it was clear from the ICJP statement that in two important particulars they recognised that differences had continued between HMG's position and their own. Dr Kelly insisted that he was talking about the total effect of what had happened on the last possible mediators. It had been deeply unfortunate. The Secretary of State for Northern Ireland said that HMG had

issued a statement for the avoidance of doubt in anyone's mind - prisoners or ICJP.

21. Dr Kelly said that all experience when dealing with people like the prisoners was that brinkmanship was the wrong way. If the business was not done now on a reasonable basis, it would be done on an unreasonable basis later. It was the Commission's impression that the hunger strike could be settled on a basis falling short of the five demands. Talking about non-negotiable principles of prison policy was out of place.

22. Professor Dooge said that the Irish authorities had studied Mr Atkins' statement of 9 July. There were differences between that statement and the understanding of the ICJP. These were not differences of principle but of emphasis. But on association and work a solution had been stated differently, positively by the ICJP, negatively by us. Was it not possible to avoid the consequences of more deaths occurring simply because of a difference on points of emphasis. It should not be too difficult - there was no contradiction of principle. He hoped that it would be possible for HMG to stick to the ICJP's formulation. Mr Kirwan noted that there was a difference between the statement handed over to the prisoners and the background paper made available in Dublin on 9 July. Was there a difficulty in making public what we had said privately on these points. The Secretary of State for Northern Ireland said there was. Dr Kelly said that he recognised that a concession was involved. He recognised also that if the hunger strike was settled, the IRA would try again. But to save a ship in a storm it was worth throwing overboard some luggage labelled 'principle' to get into port before a further storm. Mr Atkins observed that throwing principles overboard would produce a immediate storm. Dr Kelly said that the ICJP were hoping to obtain an undertaking on the timing of improvements. The problem was that a Member of the Dáil would be dying in 10 days' time.

23. The Lord Privy Seal thanked Dr Kelly and Professor Dooge for coming. He regretted that the relationship with the new Government should begin against this background. He asked

what should be said to the press. After discussion there was agreement that the Irish side would say broadly what they had said and the British side would say how they had replied. The Irish noted the need to avoid anything which would encourage the IRA and hence the need to avoid implying that HMG was likely to concede what the Irish had proposed.