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Title: Report by S Donlon, Department of Foreign Affairs of a meeting between Minister for Foreign Affairs Garret FitzGerald and Social Democratic and Labour Party members John Hume and Paddy Devlin in Dublin on 23 October 1973, discussing the ongoing inter-party talks in Northern Ireland, the proposed executive and the forthcoming tripartite conference.

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1. The Minister for Foreign Affairs and the Attorney General met Messrs John Hume and Paddy Devlin for about two hours, at the request of Hume and Devlin, at Iveagh House at 9.30 p.m. on 23rd October 1975. Mr. Seán Donlon of the Department of Foreign Affairs was also present.
2. Hume gave a broad outline of their recent contacts with the British and said that they were very pleased with Whitelaw's statement on security of 19th October (full text attached) particularly because they i.e. the six man negotiating team of Fitt, Hume, Devlin, Currie, O'Hanlon and McGrady had had a private meeting with Frank Cooper (Permanent ~~Assistant~~ Secretary, Northern Ireland Office) the previous night at which they had been shown a draft of the proposed statement which was totally unacceptable in its tone because it concentrated on the R.U.C. and completely omitted any references to a role for the south in tackling political violence in Northern Ireland. Cooper indicated that he had already shown the draft to Faulkner and in this situation the S.D.L.P. had thought it would be impossible for the British to amend it in any significant way. They were, however, unanimous in immediately reacting strongly against the draft and went on to hold a meeting to decide whether or not they would attend the next day's inter-party talks at which security and policing was to be discussed. They eventually decided by a 4 to 2 majority to attend the meeting and were surprised and delighted to find that the statement produced at that meeting was one which was, after some minor amendments, generally acceptable.
3. Hume and Devlin gave an account of a meeting which they had had that day (23rd October) with Mr. Frank Cooper on the future of the inter-party talks. They had suggested that the next steps should be:
 - (1) get all those who supported it to sign the agreed social/economic policy document which would form the basis for the Executive's policies in those areas;

- (ii) avoid further discussion of law and order and policing at this stage and put the subject on the agenda for the tripartite conference. Hume said that Cooper had supported this position and had said that the main problem was to get Faulkner's agreement to this course of action;
- (iii) at the inter-party talks on 29th October, detention should be discussed in detail with a view to arriving at a position where Whitelaw might be able to make a "declaration of intent" to phase it out;
- (iv) following the discussions on detention, which would probably take two days, the Council of Ireland should then be discussed in a preliminary way;
- (v) arrangements should be made to hold the tripartite conference by about mid-November and above all to have the whole package tied up by Christmas. The S.D.L.P. were afraid that if this did not happen, the position of the men of violence would be strengthened since they would make a major point out of the fact that all they need do to create a real crisis was to hold on for another three months and, in addition, the inevitable speculation about the British intentions for the post-March 31st^{era} which the media would engage in would increase the feeling of tension. Cooper indicated that the British would also like to see it all tied up by Christmas and asked them when they felt it would be appropriate for Whitelaw to return to London. The S.D.L.P. delegates had replied that this should happen only when everything was signed, sealed and delivered.

4. Hume and Devlin said that, arising out of recent events, including their inter-party meeting and their Assembly corridor contacts, they had the following general impressions:-

- Faulkner is genuinely prepared to make a go of power sharing and is trying hard to reach a workable agreement.

Both Hume and Devlin expressed themselves strongly on this point;

- Bradford is trying to stab Faulkner in the back but is fighting a losing battle;
- Paisley is working towards a position where, if Faulkner's efforts to participate in an Executive fail, Paisley will lead a unionist element into the Executive and become its Chief Member;
- John Taylor's group, with the help of one or two unpledged Unionists, will also enter into contention for a share of the power if Faulkner's efforts fail;
- Faulkner will, however, probably succeed in delivering^{Oru} the Executive. If he loses one or two of his present supporters, he will compensate by picking up one or two of the unpledged Unionists. His six man negotiating team was originally split 4/2 (Baxter and Morrell) on support for power sharing but the reasonableness of the S.D.L.P. position had now achieved the situation where all six supported Faulkner on power sharing.

5. In regard to the allocation of Executive posts, Hume said that their position was that they were entitled to five. How the rest were divided was not primarily of concern to them. Faulkner's absolute majority position might be satisfied by giving Alliance 1, S.D.L.P. 5 and the Unionists 6, including the Chief Member who would have a casting vote which, in practice, would never be exercised in a situation of Government by consensus. Hume also indicated that he did not share the general view that the Department of Finance post was a vital one and though they would, of course, go for it they did not, for tactical reasons, want to build it up into something which would then be presented as a major gain for the S.D.L.P. He felt that it was generally a negative Department which would enable its Head to make very little direct political impact on the minority

Community. The S.D.L.P. hoped to aim for Commerce, Development and perhaps a new department dealing with Employment and related matters. Devlin said, in relation to the Health and Social Welfare Departments, that they would be looking for a situation where the payments and benefits would be pitched somewhat higher than the normal British rates because of the abnormal poverty situation in Northern Ireland.

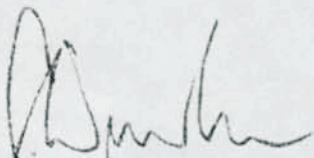
6. There was a general discussion on the arrangements for the tripartite conference and the Minister for Foreign Affairs outlined the preliminary reactions to proposals which the British had made at official level and the work which was being done here in preparation for the Conference. We wanted to be in a position to offer to the British the possibility of having the Conference concluded by the end of November. (In this connection, Hume mentioned that the British had told them that a delay by Dublin in providing documents was holding up their preparations for the Conference). The main point of detail discussed on which new ground was unearthed related to the chairmanship. The S.D.L.P. are adamant that it should ^{not} be chaired exclusively by a British representative and it was eventually concluded that Judge Lowry or Mr. F. Callaghan, with a preference for Lowry, might be acceptable all round and that the S.D.L.P. would make preliminary soundings about the acceptability of both of these to the Unionists and to the British and let us know the reactions. On other points, the S.D.L.P. views were that they would strongly favour a joint London/Dublin invitation to the Conference, that delegations from the Northern Ireland parties should be comprised of 3 or 4 members all of whom would be entitled to speak ^{and} that they were generally in favour of a once and for all Conference with an agreement at the end.

7. In regard to a Council of Ireland role in relation to the Gardaí, the constitutional difficulties of giving the Council responsibility for the Gardaí were explained but it was also pointed out that there might be intermediate positions which would both satisfy the S.D.L.P. position and meet our position should it become necessary to take action.

on the matter without changing the present constitution. Hume and Devlin reacted generally favourably to this thinking and Hume pointed out that a situation such as that under the Northern Ireland Police Act 1970 where the Police Authority had some role in relation to the R.U.C. but the Minister for Home Affairs retained political control over it might well provide the type of formula which would satisfy them. He also said that there was perhaps more shadow boxing than real boxing with the British on this issue but that some general statement from us to the British of a willingness to give the Council some role in relation to the Gardaí would be of considerable help.

8. The Attorney General outlined two possible ways of overcoming the extradition problem, firstly the establishment of new courts, common to both parts of the country, for specified offences and secondly the use of possible existing powers under which courts in the Republic could try persons for certain offences committed outside the jurisdiction. Hume and Devlin both indicated a preference for the first alternative and said that when they had proposed something along these lines at inter-party talks, Whitelaw and Faulkner both appeared to respond favourably. Hume pointed out, however, that irrespective of what arrangements were made on courts, they could not be implemented until the R.U.C. question was satisfactory resolved.

9. Two other matters discussed briefly were the forthcoming visits to Northern Ireland by the Minister for Foreign Affairs and the action being taken by the Minister, in the context of the British not pushing the matter, to ensure that Northern Ireland's interest was protected in relation to the proposed EEC regional development fund. It was agreed to send John Hume some background material, such as that used at recent press briefings, on this subject.



Seán Donlon

24th October, 1973.