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E. R.

E/258/86/SH

BS 68/10

cc PS/Mr Bloomfield
Mr Brennan
Mr Chesterton
Mr Innes
Mr Spence *M-AT*
Mr Bell
Miss Elliott
Mr G Hewitt
Mr McConnell
Mr S Hewitt

PS/PUS (L&B)

OCTOBER CONFERENCE: IRISH VIEWS

Although the current political situation in the Republic means that any assessment of Irish views on the implementation of the Agreement must be even more speculative than usual, in particular on the question of Irish action to ratify the Convention on the Suppression of Terrorism, those concerned might be interested to read the attached minute by Mr S Hewitt giving some reflections on his contacts with the Irish over the past week.

2. Many of the points which Mr Hewitt makes are of general relevance even if the situation changes. I was struck in particular by his thoughts on the position of the Garda Commissioner; on the exaggerated importance which the Irish attach to the Irish Language question; and on the confusion which exists on the Irish side about the Bill of Rights question. The comment on the Secretary of State's performance has been made to me also, and reflects a growing if somewhat reluctant admiration for Mr King's performance, which is nevertheless combined with considerable anxiety about his readiness in practice to agree to any measures which will actually benefit nationalists. Mr Lillis was for example particularly pleased that during his television interview with RTE on the evening of Monday 6 October the Secretary of State went out of his way to pay tribute to the Garda and to their recent activities against terrorists.

M Elliott

M ELLIOTT

10 October 1986

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L. AFFAIRS

10 OCT 1986

REFER TO:

Mr Elliott

OCTOBER CONFERENCE : IRISH VIEWS

As you know, I spent the weekend before the last Conference meeting as the guest of Daithi O'Ceallaigh in Dublin. During the course of the weekend, I took the opportunity of discussing various aspects of the Agreement with Mr O'Ceallaigh, Mr Ryan and Mr O'Collins (all members of the Secretariat) and also spent a couple of hours in the company of George Birmingham TD, Mr Barry's deputy at the DFA. A number of points are worth recording.

2. The briefing meeting on the Irish Side took place in Iveagh House on Saturday evening. It was chaired by Dr Fitzgerald and attended by all the usual participants including Mr Barry, Mr Dukes and Mr Wren. Our Secretariat colleagues were also there. It began at 5.00pm and ended some 2 hours late at around 8.30pm. The main item on the agenda was, of course, the text of the Prime Minister's message received in Dublin earlier that day. The message came as a complete surprise and apparently caused bitter internal recriminations. Believing that the Prime Minister's attitude to 3-judge courts had been determined to some extent by Irish failure in the security field, Dr Fitzgerald demanded to know from Mr Dukes and Mr Wren why progress on Article 9(a) had been so slow and why a number of the recommendations in the Intelligence Report were not being implemented. The Commissioner was given a very hard time indeed and at least one of the officials present thought he should have tendered his resignation. Some time was also spent examining whether there were any other reforms in the legal field which the Irish could press for instead of 3-judge courts. Since the idea of mixed courts had already been rejected, the only other change of sufficient symbolic importance they could identify was the re-introduction of juries. Nobody really believed that was a runner either. The conclusion was reached that a major opportunity to make progress in Northern Ireland had been lost. The arguments advanced in the Prime Minister's message were regarded as being entirely inadequate. The Irish have no doubt that the decision was unduly influenced by the views of the legal profession and legal Ministers.

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3. I spent a good deal of time trying to discover what would now happen to the extradition Bill. Mr Ryan was quite certain that it could not survive the Dail in its present form. This view was confirmed by Mr Birmingham. Mr Ryan, whose Minister will have to lead on the Bill, thought that the legislation would simply be dropped. Others, including Mr O'Ceallaigh thought a less controversial version might be introduced. The one possibility that everyone rejected was going forward with the legislation in the form and timescale discussed in Working Group II.

4. I pressed the Irish hard on the question of Irish language and tried to make them understand how divisive an issue this could be. I also argued strongly that they had over-estimated the interest in Irish language displayed by the nationalist community in the North. They countered by saying that since Sinn Fein had identified Irish language as a major issue, there must be a considerable interest in the subject throughout the Province. As long as we refused to move, Sinn Fein would have a valuable stick with which to beat us and, perhaps more importantly, the SDLP. I pointed out that we would find ourselves on very difficult ground if we gave the impression that the Conference was responding to pressure from Sinn Fein.

5. It is not an original thought but I am now convinced that Irish representations on this issue stem from their own personal affection for the language coupled with their strong hatred for Sinn Fein. They believe Adams and his colleagues have effectively hijacked the language and cast a shadow over all those who speak it. They see our job as being to wrest it away from the republican movement. We really must try hard to inject a note of realism into the Irish approach.

6. Another issue which the Irish have not yet properly understood is the Bill of Rights. The discussion at the Conference will have helped but it was clear that Mr Barry had not been properly briefed on the basis of our paper. His argument about the separate body of Northern Ireland legislation was not only mis-guided but completely missed the point. Again, we have more work to do in this area.

Summary

7. We will have to wait and see what happens on extradition and cross-border security co-operation. I am not optimistic on either issue. On extradition,

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I believe the Irish lack the political will to press forward with the legislation now that the 3-judge court issue has been settled unsatisfactorily from their point of view. In any case, the fortunes of the coalition Government continue to decline. (The Irish Sundays were full of more doom and gloom on the financial front). As for security co-operation, Mr Wren remains the major problem and again the Irish Government does not appear to have the resolve to take him on. Linkage is all important. Whether we like it or not the Irish believe strongly that their room for manoeuvre is now severely limited by the rebuff on 3-judge courts. The only way we might capitalise on their belief is to emphasise again and again how important extradition and closer security co-operation are to our side and try to imply (as is probably the case anyway) that our own room for manoeuvre on issues of importance to them depends on their performance on Article 8 and 9.

Post Script

The Irish have told me that they were impressed with the Secretary of State's handling of the Conference and the grasp he displayed of all the major issues. By implication, I think we can take it that they were disappointed with the performance on their side of the table. I thought Mr Dukes was very poor and both he and Mr Ward, who had been deliberately placed at Mr Scott's table so that they could raise security issues, said virtually nothing over lunch. The Irish believe they missed a chance to take matters forward.

S Hewitt

S G HEWITT

9 October 1986

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