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REPORT OF DISCUSSIONS ON THE 27th AND 28th SEPTEMBER,
1971. AT CHEQUERS BETWEEN THE TAOISEACH, THE BRITISH
PRIME MINISTER, AND MR. BRIAN FAULKNER.

The tripartite meeting was preceded by a discussion between the Taoiseach and Mr. Heath which started shortly after 10.30 a.m. Mr. Heath had with him throughout the talks Sir Burke Trend, Secretary of the Cabinet. His Principal Private Secretary, Mr. Armstrong, also took notes for part of the talks. The Taoiseach was accompanied by the Ambassador. Mr. Faulkner had with him Sir Harold Black, Secretary of the Northern Cabinet. Each of the Prime Ministers had official advisers with them at Chequers. Mr. Seán Ronan, Assistant Secretary, and Mr. Eamonn Gallagher, Counsellor, Department of Foreign Affairs, were available for consultation by the Taoiseach throughout.

In welcoming the Taoiseach, Mr. Heath said that he hoped it would be possible to make progress at the meeting. A lot had happened since he and the Taoiseach met earlier in the month. The Home Secretary has been going ahead with his preliminary talks and has already met a great many people. The real problem is how to get the SDLP off the hook. They were divided in their attitude to the Maudling Committee. It is Mr. Maudling's intention to push ahead as rapidly as possible and in the process he must do his best to find ways in which to involve the SDLP.

At the same time, Mr. Faulkner is working on proposals designed to give the minority a greater voice. Mr. Heath then suggested that the tripartite talks might concentrate on matters on which there is disagreement and through discussion of them to try to find some areas where a measure of agreement may be possible. Mr. Faulkner had been very

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oncoming in the proposals which he had announced a few days previously. These were Mr. Faulkner's own ideas and they have not as yet been discussed in Cabinet by Westminster.

On the question of internment, Mr. Heath said that Mr. Faulkner could not have avoided signing the Internment Orders. Both he and Mr. Faulkner wanted the Appeals Body to get down to its task as rapidly as possible and, furthermore, they wished it to be seen as acting fairly and impartially. He hoped that the inclusion of Mr. Dalton, who is a Catholic, in the Appeals Body would help to make it more acceptable to the minority in the North. The essential thing is that internment should be seen to be handled properly.

Mr. Heath then made a passing reference to the inspection of the internment camps by a Red Cross team and he also referred to a possible visit to the camps by a Parliamentary delegation from Westminster.

The Taoiseach, in thanking Mr. Heath for his words of welcome, said that his own position on the Northern question remains unchanged. Reunification of Ireland must always remain a central objective of policy. He hoped that, out of these discussions, it would be possible to find some way forward. He referred to areas of co-operation between North and South and added that, whatever forms of further co-operation may emerge, there could be no question of his departing in any way from the objective of reunification.

The Taoiseach then referred to the misunderstanding which arose from the previous meeting about whether or not there had been a specific proposal for tripartite talks. He said that Mr. Heath had made it clear that he had not consulted

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Mr Faulkner in the matter. The Taoiseach went on to say that Mr. Faulkner was in a different position from Mr. Heath and himself. Unlike Mr. Faulkner they are Heads of Sovereign Governments. Mr. Faulkner is the Head of a regional administration. He cannot speak for the minority in the North and there is even some doubt as to the extent of which he can speak for the majority there.

The Taoiseach continued by telling Mr. Heath of his talks with the SDLP and the Nationalist representatives from the North. He had given them a general account of his earlier discussions with Mr. Heath but had not disclosed details. They are still adamant on the question of internment and they are not enamoured of the Advisory Committee as a piece of machinery. They regard it as too limited in its functions. A few lawyers among the Nationalists take the view that the Committee cannot be effective. They see a case not only for strengthening it but for widening its scope. It should have, in their opinion, a right of decision rather than one of recommendation.

The Taoiseach added that he had also sought the opinions about the Committee from private individuals from the North. They too say that the minority will not accept a continuation of internment on the basis of the existing Committee system. Some of the people to whom he had spoken would go so far as to favour a Committee comprised of international jurists with the power of decision. Internees not released should be charged before the Courts later. If the minority objections on internment are not met there is no likelihood of the SDLP agreeing to talk.

The Taoiseach went on to say that the restructuring of

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Stormont would have to be very firm. Representation of the minority should be provided as a right and not by grace and favour. His advice from reliable extra-political sources in the North is that, if representation on this basis were arranged, it would then be possible to isolate the minority from the IRA. The Taoiseach suggested that if Mr. Heath and he could between them come to some consensus Mr Faulkner could then be told. The SDLP and the Nationalists will want to talk to him again. It is important that these talks should take place so as to avoid any hasty denunciation by them of what may be provisionally agreed at the meeting. The Taoiseach again repeated that the minority want to get into Government in Stormont as of right. They have not discussed with him how this might be achieved but the details could be settled in negotiation with them. An acceptable basis must be found on which the minority can be involved in future discussions. The Taoiseach said he had made clear that he was not their spokesman or their agent. Indeed he doubted if he could influence them at all on any proposal which did not take account of their stipulations.

Mr. Heath said he saw the process in two stages, namely, first of all, to get the minority into the Maudling talks and, after that, to discuss with them the changes to be made in the North. Both Mr. Wilson and Mr. Callaghan believe that internment was necessary and that procedures for handling it are adequate. The Special Powers Act lays down that, in the event of internment, an Advisory Committee must be set up. It would be

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extremely difficult for the Stormont Government not to accept the recommendations of the Committee. Mr. Gerry Pitt and others have taken the line that, if internees are not capable of being tried before the Courts, then they should be released. Some speakers in the House of Commons debate last week had suggested the setting up of Special Courts but the Government would be open to serious attack if it did set up Special Courts which did not hear witnesses in the usual way. One of the great problems in the whole situation is that the hearing or cross-examination of witnesses might mean putting lives at risk.

The Taoiseach said that there is provision for Special Courts in the Offences Against The State Act. It is, however, necessary to be sure, first of all, that the ordinary processes of law are not effective in these cases. Internment in our circumstances would be impossible at this time and it is not at all contemplated. Indeed, it would be impossible to make a case under the Human Rights Convention as the security of the State is not threatened. The setting up of Special Courts in the South could only be contemplated where juries were unlikely to be effective. When there were Special Courts in the past, there was no difficulty about getting evidence. The Taoiseach said he could not see how serious risk would be involved for witnesses in the North as most of the evidence required would come from police or security people. The grave danger now is that the longer internment lasts, the worse the situation will be. It has, ^{the evidence required would} ~~in fact, deteriorated~~ significantly since the ^{the grave danger} ~~the grave danger~~

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signing of the Internment Orders. It will not be possible to get the minority representatives into talks unless something is done on internment. Most of them are young people who are difficult to change. They are stuck with their attitude on internment and, if they were to yield on it, they would lose influence with the people they represent. If the road block^{of} ~~on~~ internment could be got over, then the restructuring of Stormont could be discussed. Even on this, the Taoiseach stressed that the minority could be expected to take a very strong line.

On the question of security The Taoiseach said there has been difficulty in bringing charges. He mentioned the recent blowing-up of the pylon in the Silvermines and said that an employee of Mogul recognised one of the people involved but would not be prepared to give evidence against him. He, therefore, realised the difficulty of devising a system which would satisfy the minority on their attitude to internment. Some way out of this dilemma will however need to be found so that progress on other matters affecting the North can be made. He concluded by saying that it is now abundantly clear that the internment decision was a disastrous mistake.

Mr Heath questioned whether the minority would be prepared to take the responsibility of releasing the internees. His information is that they would not say yes to this. The internment problem must be handled in

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a way which is responsible. The Taoiseach said Mr. Faulkner might claim that he would be up against a strong reaction if he went back on internment. However, some of the right-wingers, like Mr. Paisley, have condemned internment in very strong terms. Mr. Heath said that Mr. Paisley, in his speech in Parliament last week, did not provide a reasoned case against internment. Everyone knows that Paisley's main objective is to bring about the downfall of Mr. Faulkner.

The Taoiseach said that Mr. Paisley's influence in the North is growing. His standing in his own constituency is very high and there is believed to be increasing support for him even among moderates. Mr. Heath then said that Mr. Paisley has been putting around the idea that he could do a deal with Catholics and the Taoiseach remarked that, if Mr. Paisley were Prime Minister and offered Catholics seats in Government, they might accept. Mr. Heath asked would they accept a similar offer from Mr. Faulkner and the Taoiseach said they possibly would but on their terms. Mr. Heath asked whether the minority representatives are seeking to have a certain number of seats in Government reserved for them. The Taoiseach replied that he thought this is their idea. He went on to say that the introduction of PR, as such, is unlikely to bring about any significant change. He mentioned the List System which operates in certain Continental countries and expressed the view that the minority representatives would accept an arrangement based on this system if it were offered by any Northern Prime Minister. Mr. Heath said that when he was last in

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India, Mrs. Gandhi was toying with the List System and she told him she found it a nightmare. The Taoiseach then spoke about the efforts to get rid of PR in Ireland and he continued by saying that he doubted if PR, as such, would cut much ice with the minority even though they have not mentioned their attitude on it to him.

At this point Mr Heath said the reform programme must remain on the statute book in the North and must be seen to be effective. The Taoiseach mentioned that a group of responsible Catholics in the North have, since the issue of Mr. Faulkner's recent White Paper, denounced the programme. They regard the so-called reforms as more a matter of form than of substance.

The Taoiseach then told Mr. Heath that he wanted to be helpful in the course of the talks, but he could only help in a way which would be acceptable to the minority representatives. They have, he repeated, made clear that he does not speak for them. Mr. Heath could take it that a continuation in the North of a Unionist Government in whatever guise would not be acceptable to the minority. It should surely be possible to devise an acceptable arrangement for the sharing of Ministerial posts on the basis of the proportions of the two communities in the North and for the alternating of certain Ministerial portfolios between representatives of the two communities.

The Taoiseach went on to say that Mr. Faulkner will certainly be unable to maintain the present position in Stormont. There is talk of the imminence of civil war and, if there is no improvement in the situation, this could happen. Some of the Protestant clergy in the North

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are losing influence over their flocks and are fearful of the consequences. A group of these clergy came to see him recently but they did not want it known that they met him. Mr. Heath said that if the worst were to happen in the North, the trouble could probably not be confined within the area. He realised that, if there were to be a massacre of the minority, it would be very difficult for the Taoiseach to stand by. The Taoiseach said that he does not in any circumstances want to see Ireland involved in another civil war. Some of the effects of the last one still remain. As a result of the troubles in the North the economy of the area is being seriously damaged and he certainly would not want to see the same thing happening in the South. It would be of tremendous help if it could be got across to the IRA that they are killing jobs in the North possibly for all time. The official IRA, perhaps more than the Provisionals, are as intent on the destruction of Leinster House as they are of Stormont.

This concluded the preliminary discussion between the Taoiseach and Mr. Heath.

Mr Faulkner accompanied by Sir Harold Black joined the talks shortly after midday. In introducing the discussion Mr. Heath said he was grateful to the Taoiseach and to Mr. Faulkner for coming to Chequers. He believed their discussions could be very useful. The great mass of the people both in Britain and in Ireland want to see practical results coming from the meeting. They want to see an end to murder and bombing. If a situation similar to that in the North were to arise, say, in Manchester or in Edinburgh the consequences would be dreadful as the people would

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certainly take the law into their own hands. This fortunately has not happened in the North and both communities have shown great restraint.

He repeated that the public in both Islands were expecting as a result of the meeting to see a path towards a solution. He thought that the best approach would be "to respect our differences and to try to find some common ground." For his part he was prepared to speak frankly and candidly. Some of the things he would say would be confidential and could not be mentioned in public.

Mr. Heath then suggested that the three of them should look at the practical problems and see where they could go. There is, he said, already a good deal of common ground between them. They are all completely opposed to violence. Both Ireland and Britain are affected by the violence in the North. In Britain's case it is by no means normal to have this large military force stationed in the North at a time of heavy obligations in NATO. If the situation in the North were to get worse it would be bound to have its effects on the South. For these and other reasons there is a very strong case for the three of them to work in a constructive way together.

The Taoiseach said he shared Mr. Heath's views on violence and he too wanted to see the earliest possible end to it. However, it had to be recognised that the existence of the IRA is a by-product of the situation in the North. The settlement of 50 years ago polarised the two communities in the area. The Taoiseach said that he has over many years been trying to encourage co-operation between North and South. Indeed, before Mr. Terence O'Neill met the

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late Sean Lemass for the first time he himself had a meeting with Mr. Faulkner in mind. He was then Minister for Industry and Commerce and Mr. Faulkner was Minister for Commerce in Belfast.

The Taoiseach then said that the reunification of Ireland must remain a central objective of his policy. It is indeed an aspiration shared by the overwhelming majority of the people of Ireland. He said that after 50 years, even with the introduction of reforms, the method of government in the North is not working. The two communities there are now more widely apart than they ever were. The Civil Rights Campaign was a manifestation of the refusal of the minority to accept the system under which they lived. Unfortunately this campaign brought in its wake a resurgence of the IRA. The Taoiseach continued by saying that internment was a grave mistake. He said this as one who was a member of a Government which had introduced internment. What is urgently needed now is a change in Stormont which will provide participation by the minority representatives in decision-making and in power.

The Taoiseach said that the minority representatives will not go back to Stormont unless their preconditions are met. It is essential that a serious attempt should be made to satisfy them. For them internment represents a serious roadblock on the road to progress and co-operation. They say the internees should either be released or tried. Mr. Heath and he had talked about internment at the preliminary meeting and they realise that there are difficulties. He went on to say that, since IRA activity started in the North, he has been trying to establish the minority representatives there as the real representatives

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of the minority community. Unless their position can be strengthened, there is a serious risk that even moderate minority people might look more and more to the IRA. He believed that, unless the minority representatives can be involved in Government, the position in the North could deteriorate further.

The Taoiseach said that he too strongly deplored violence. He could not see how people can continue to live in the disturbed circumstances which at present exist. They^{re} have been some cases of violence in the South but they have been limited in number. He then repeated that there must be a change in Stormont and this change must be such as will satisfy the minority. He said he is not a spokesman for the minority. He had seen them on Saturday last and they confirmed to him that there is no change in their stand on internment. They say that if they were to enter into any talks while internment remains they would lose all influence over their supporters. He had heard the same opinions from extra-political members of the minority community. Even moderates among the minority are incensed by internment. Some way around the internment problem has to be found as involvement of the minority representatives is the only way of isolating the IRA.

Mr Heath said he accepted that the Taoiseach's philosophy is in the direction of achieving a United Ireland by peaceful means. This is a legitimate aspiration for the Taoiseach to hold. The change could only come about by the consent of the people of the North. On the reform

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programme he said he has never had to ask Mr Faulkner to introduce new measures. The latest proposals from Stormont were entirely on Mr Faulkner's own initiative. He attached the greatest importance to the Maudling Committee and he very much hoped that a means can soon be found to get the minority representatives into talks with Mr. Maudling.

Mr Faulkner said that there are at least three important matters on which the three of them see eye to eye.

These are:-

- (1) their unanimous condemnation of violence;
- (2) their desire for greater co-operation between North and South and
- (3) their recognition that the reform programme was definitely needed.

Mr Faulkner continued by saying that, when the Civil Rights Campaign started, there were genuine grievances among the minority community. Unfortunately following on the campaign the IRA came up.

Mr Faulkner could not agree that an urgent need exists for constitutional change in the North. There have been only two major outbreaks of IRA activity in the last 50 years. The minority representatives walked out of Stormont before internment. Shortly, prior to their withdrawal they, or at least some of them, had given a guarded welcome to Mr Faulkner's proposals for the setting up of Parliamentary Committees. Mr Faulkner said it is important that the reform programme should be seen to be effective. The Local Government elections will bring about a substantial change in representation.

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Mr Faulkner went on to say that the first priority is to get the security situation right. Internment was introduced when bombing had reached a vast escalation. There was bound to be an increase in violence after internment. There is evidence now, however, that internment is having its effects. It has taken off 200 people who were actively involved in violence. There could be no move forward until security is brought under control. Mr Faulkner could see no possibility of progress until the campaign of violence comes to an end. He welcomed the opportunity of co-operating with the Taoiseach. There are ways in which the Dublin Government could help on security but he appreciated that the Taoiseach would have a problem in relation to internment in the South.

The Taoiseach intervened to say that the situation in the North has seriously deteriorated. The elected representatives of the minority take the view that the IRA could be isolated if internment were ended and this is supported by separate independent opinion in the North. There could be no question of internment in the South. In any event it could only be done under the Human Rights Convention and a case for it could not be made as the security of the State is not threatened.

The Taoiseach continued by saying that the great bulk of the IRA trouble is concentrated north of the Border. He has, he said, taken all steps open to him to control the IRA in the South. Where possible, prosecutions have been taken and some of these have been successful. Every effort has also been made to seek out illegal

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arms. It is not true that the Dublin Government has been turning a blind eye to IRA training. The Taoiseach's best information is that, if such training takes place at all in the open, it happens only to a minimal extent. There may possibly be some training in private houses and this would of course be very difficult to detect. Even if there were internment in the South this would not lessen violence in the North. The Taoiseach concluded by saying that he is assured by his experts that the extent of IRA support from the South can possibly make no worthwhile contribution to the scale of violence in the North.

Mr Faulkner said that his security people in the North have evidence of training camps south of the Border. Furthermore, men wanted in the North are on the run in the South. He referred to the killing of a policeman in Strabane and said that a warrant is out for the arrest of the culprit. The person involved is known to be in Donegal. Mr Faulkner said that a most worrying problem for him is the way in which the IRA are getting gelignite from the South. Far reaching measures have been taken in the North to strengthen the control and movement of gelignite and he believed that more control would be possible in the South. He also believed there could be more control of people crossing the Border to shoot. He is convinced that vast numbers of IRA are being trained South of the Border.

The Taoiseach said the gelignite factory at Enfield has for long been engaged in legitimate export to the North and it may be that some of this is getting

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into the wrong hands. He believed, however, that the illegal traffic in gelignite is very small in relation to the scale of bombing in the North in recent times. There might be cases of quarry workers sparing a few sticks from their allocations for blasting purposes. The Taoiseach then indicated the steps taken to render more effective the control of movement of gelignite. A policeman has to be present to supervise all releases from store and blasting operations at quarries can take place only in the presence of a policeman. He had been told that much of the gelignite used illegally in the North comes from Scotland and England. According to his best information about 1,000 lb. of gelignite had been stolen in the South during the past six months and this quantity could not be of great significance in the bombing campaign.

The Taoiseach then dealt with the new firearms regulations. The position previously was that a person could be charged with possession of firearms with intent to endanger life within the State. This provision has been amended to cover intent outside the State. The legislation has also been changed to enable a person to be charged for possession of a part or parts of firearms.

On the question of IRA training in the open, the Taoiseach repeated that, if this is taking place at all, it is happening only on a very limited scale. He said he has instructed the police to be very firm on the question of IRA training and he believed that the security people are fully on top of the job.

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Mr Faulkner said the gelignite situation is a very serious one. He mentioned the recent discovery of a booby trap outside Derry. In that case 400 lb. of gelignite were found. This had come from Donegal and it was not part of a commercial transaction. The Taoiseach again listed the controls on the movement of explosives and said he did not believe that much more could be done about them. He pointed out that, because of the extra security precautions necessary in the context of the Northern situation, police resources in the South are now heavily strained. Protection against ordinary criminals has consequently suffered and there has been an increase in criminal acts of one kind or another in Dublin City.

Mr Faulkner said his people have been giving some attention to the imports of gelignite from the ICI factory in Scotland and efforts are being made to devise some way of specially marking exports. He had no evidence of illegal use of gelignite originating from the Scottish factory. His remarks about gelignite from the South were based on firm evidence of explosives found and proved to have come from there. Mr Heath intervened to say that the action taken in the South to supervise issues of explosives and their use in quarries was certainly a major step. Mr Faulkner indicated that similar arrangements exist in the North and that additionally the number of stores has been reduced.

Mr Heath observed that Mr Faulkner could not see the possibility of progress until the security situation has been brought under control. This did not at all

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mean that the Maudling talks will not go forward as already planned. He hoped that it would also be possible to go forward with the Constitutional proposals which Mr Faulkner had recently announced in general terms. Mr Faulkner referred to his announcement in July about the setting up of Parliamentary Committees. Since then he has made a further announcement to the effect that he would be prepared to ask Parliament to consider such matters as the introduction of PR, the enlargement of the House of Commons and the enlargement and broadening of the Senate. He would see merit in giving the Chairmen of certain local authorities places in the Senate. If five Senators were to be brought in in this way at least two would certainly be from the minority side. He would additionally envisage the nomination of ten members to the Senate. This would provide another opportunity to include people from the minority side. The Senate at present consists of twenty-six members, twenty-four of whom are elected and two ex-officio, namely the Lord Mayor of Belfast and the Mayor of Derry. In the new set-up there would still be twenty-four elected members, i.e. elected by the House of Commons, five ex-officio and ten nominated members. He said he wants to see a broader basis of Government and he would be prepared to bring into Government via the Senate people who were not members of the Government party.

The discussion adjourned at this stage for lunch, which was attended by the Home Secretary and by Mr W Whitelaw, M.P., Lord President of the Council and Chief Whip.

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The meeting resumed at about 3.30 p.m.

At the outset Mr Faulkner explained that his proposals in relation to PR to the House of Commons and to the Senate have not yet been worked out in detail. The particulars he had given before lunch were, therefore, only an indication of how his mind is turning. He asked that this information be treated as confidential.

Mr Heath enquired as to the position about the proposed Parliamentary Committees and said he understood that two of the four Committees would be chaired by representatives of the Opposition. He asked Mr Faulkner how the representatives would be chosen. Mr Faulkner said this would be a matter for the Whips. Mr Heath then asked about the proposed Fifth Committee to deal with appointments etc. Mr. Faulkner said there is as yet no firm proposal for such a Committee. Mr. Heath enquired if the Parliamentary Committees would have the responsibility of discussing policy on new Government proposals before draft legislation was introduced. Mr. Faulkner said his intention is that these "should be powerful Committees concerned with the formulation of legislation." They would be something close to the American system. The Committees would receive an annual report from each Department and would be expected to make proposals arising out of these reports. The Public Accounts Committee already exists. In the case of the other three the intention would be to pay members an attendance fee and also to provide salaries for the Chairmen. Mr. Faulkner went on to say that Messrs. Pitt, Currie and Hume gave the Parliamentary Committees proposal a guarded welcome when announced. These Committees could be brought into being very quickly. All that would be needed would be a Resolution of the House of Commons.

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In reply to a question by Mr. Heath, Mr. Faulkner said that the addition to the Senate of five ex-officio members and of ten nominated members would make the Senate a much more representative body than it is at present. It was not his intention that minority representatives would have the right to nominate persons for the Senate. There could, however, be an understanding with the Opposition "about the proportion of places."

The Taoiseach at this point enquired whether a member of the SDLP could be nominated to the Cabinet. Mr. Faulkner thought this most unlikely "as the SDLP differ from the majority on fundamentals". The SDLP have said that they would not serve in the same Cabinet as Unionists. They do not represent anything like the majority of Catholic opinion in the North. The important way of giving power to the elected representative is through the Parliamentary Committees. The Taoiseach said that, as members of these Committees, they would only have power to recommend. Mr. Faulkner replied that he would envisage giving the Committees a great deal of power. Given the fact that they would be All-Party Committees, it would not be easy to reject their recommendations.

The Taoiseach said all of this presupposed that the minority representatives would begin to talk. Given the polarisation between the two communities, there should be room for elected minority participation in Government with a guaranteed place in public affairs. Mr. Faulkner replied that the minority have guaranteed places on Marketing Boards, the Housing Executive, etc. Mr. Donnelly of the Housing Executive was recommended both by Mr. Roddy O'Connor and Senator Mallin. Mr. Faulkner said that much of the opposition to Mr. Donnelly was generated by Austin Currie. He admitted

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that he himself would not have recommended Mr. Donnelly for the Housing Executive.

The Taoiseach said there have been suggestions that the Police Authority is not working effectively. Mr. Faulkner said he could not accept this. The Authority is entirely responsible for the R.U.C. The Minister for Home Affairs, for example, must consult the Authority before banning a parade. The Police Authority has six members, three Catholics and three Protestants and it may be of interest to know that the Authority was unanimous in its agreement about the sacking of Mr. Flanagan who attended a Provisional IRA Press Conference.

The Taoiseach mentioned that the police are said to have been independent up to the time of the appointment of Mr. Shillington. There are some who think that this is no longer the case. For example, many feel that there was a case for a criminal prosecution in the case of the murder of the deaf mute. The fact that this prosecution has not taken place would seem to suggest that the police are not doing their job. Mr. Faulkner replied that the appointment of Mr. Shillington was based on the unanimous recommendation of the Police Authority.

Mr. Heath said he interpreted what Mr. Faulkner had said on further structural changes as indicating an effort on his part to provide a permanent and guaranteed place for the minority in public affairs. The fact that the minority are represented on Marketing Boards and on bodies like the Housing Executive is already something. He personally would regard the giving to them of two of the Chairmanships of the Parliamentary Committees as a considerable step forward. It would be another important step forward if two

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of the five ex-officio members of the Senate could be Catholics. As regards the ten nominated members he hoped it may be possible to find some way of ensuring that the minority side were given satisfaction. Mr. Heath said he took it that the intention would be to introduce P.R. in Government. Mr. Faulkner replied that he is prepared to consider the introduction of P.R. in Government. He doubted, however, whether P.R. will necessarily give the minority proportionately more seats. The unfortunate thing is that it might well give Mr. Paisley more seats. Mr. Faulkner believed that P.R. could be helpful to Mr. Paisley in constituencies which have few Nationalists.

Mr. Faulkner went on to say that his proposal to increase the size of the House of Commons is not necessarily or mainly related to the question of P.R. Stormont will in future be faced with a vast increase in local government work and, mainly because of the added burden of Parliamentary business, there is a case for increasing the size of Stormont to eighty members. The Taoiseach enquired whether Mr. Faulkner would propose to go ahead with his different proposals irrespective of whether or not the minority representatives are in or out of Parliament. Mr. Faulkner replied that he would be prepared to go ahead with the Parliamentary Committees now. The consultative document will be discussed when Parliament resumes.

Mr. Heath observed that enlargement of the House of Commons would be likely to benefit the Opposition. Mr. Faulkner said the recommendations of the Boundary Commission would result in the minority having more than one third of the seats. In Fermanagh for example which has 50% Catholic and 50% Protestant there would under P.R. be two Nationalist and

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one Unionist MPs. The situation would probably be the same in Co. Tyrone. Boundary Commission recommendations are invariably fully accepted by the Government. Mr. Heath thought that all these matters would need be discussed in the Maudling Committee.

Mr. Faulkner then asked the Taoiseach if it is true that there are divided opinions in the SDLP about the return of the Opposition to Parliament and in particular whether Mr Pitt is for or against return. The Taoiseach said that Mr. Pitt is strongly against any resumption of talks by the minority representatives until their stipulations are met. Mr. Pitt mentioned the road block of internment in the course of the House of Commons debate. The Taoiseach said he had told Mr. Pitt that he (The Taoiseach) could not act as the agent of the SDLP. If anything worthwhile were to emerge from the current talks, he would, of course, be able to let the SDLP know but naturally he could not foresee what their reaction would be. He doubted if there was any likelihood of a change in the SDLP attitude on internment. They have strong objection to the Advisory Committee because it provides no possibility of cross-examination of witnesses and it has no power of decision.

Mr Faulkner said that, if the Advisory Committee were to recommend the release of individuals, the recommendation would almost invariably be accepted. The Committee had its first meeting on Saturday last. It is a very strong Committee and it can investigate every individual case. If it were possible to bring any of those detained before the Courts, this would have been done. The Taoiseach asked if each internee will be personally interviewed and Mr. Faulkner replied that this will be the case with free legal aid thrown in. The case of each of the 219 internees had been

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gone through with a fine comb. He has no doubt in his own mind that all of them were actively involved in trouble.

The following is the age breakdown of those interned:-

20 under twenty years
84 between twenty and thirty years
101 between thirty and fifty years
14 over fifty years

Of the 219, only forty were previously interned. The majority of them are skilled people.

Mr. Heath again raised the question of the release or trial of internees and asked how can one persuade the minority representatives to get into talks. He mentioned that in Britain and Northern Ireland they have no experience of Special Courts and there would undoubtedly be serious criticism if such Courts were set up. Their setting up would, in fact, necessitate legislation. The Taoiseach said that Special Courts have been set up in the South. They can be of two kinds, three judges of the High Court or a Military Tribunal. In the case of Special Courts in the past, witnesses were cross-examined. There were no reprisals and there was no evidence of police being slow to give evidence. The Taoiseach again repeated that Opposition M.Ps and Senators in the North will not go along with anything less than what they have stipulated. If proposals were to be proceeded with in the absence of participation by the minority representatives, this could only lead to further trouble.

Mr. Faulkner said he did not want to keep the internees a day longer than would be necessary. It would be quite irresponsible to let these people out. All the intelligence available to him indicates that the IRA are losing steam.

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The Taoiseach intervened to say that, unless there is a change of attitude on internment and a prospect of genuine participation in Government by the minority representatives, there is no hope of their altering their present stance. Mr. Faulkner said that when he mentioned his Parliamentary Committee proposal in July the minority were quite in favour of the idea and he asked what has happened since. The Taoiseach said that there has been growing disillusion with reform. The Northern Government system as it now operates is just not fair. Even if the IRA were temporarily to subside they will revive again. Mr. Faulkner interjected that the IRA do not want the Government system in Belfast or in Dublin to work. Both the Provisionals and the official IRA are involved in the shootings in the North. Two-thirds of the IRA in Belfast belong to the Provisionals. A new development of recent times is the fact that Catholics are coming forward with information about arms. This type of information was not forthcoming prior to internment.

Mr. Heath said the Labour Party in the North have made some sensible proposals and so have the Alliance Party. A Parliamentary delegation from Westminster will be going to the North to visit the internment camps. He asked if it would not be possible to get Messrs Fitt and Hume to talk to the Advisory Committee at least on the question of its procedures. The Taoiseach said that the SDLP are not talking to anybody in the North at the moment except Mr. Howard Smith. Mr. Faulkner said he did not know whether the Advisory Committee would see them or indeed whether they would see the Committee. Mr. Heath said that if they were to talk about procedures,

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this might make it easier for them to accept. They could then talk to Mr. Maudling on the basis that internment and indeed all other subjects could be discussed. Mr. Faulkner pointed out that Mr. Maudling is prepared to see all the elected representatives and Mr. Heath interjected that Mr. Maudling wants to have individual talks first and to move from there, if necessary, to wider talks.

The Taoiseach remarked that one of the objections of the SDLP is that they are being equated with the non-elected. Mr. Faulkner said that everybody is telling them to get around the Conference Table except the IRA. The Taoiseach said that the SDLP are strongly against the IRA, which is delaying the day when the two communities can come closer together. He again pointed out that they remain very adamant on their stance and that he could see no departure by them from their attitude on release or trial or from their reservations about the Advisory Committee. The matter of getting them back to talks is mainly one for Mr. Heath and Mr. Faulkner. The system of administration in the North will have to be changed in such a way as to show that one-party Unionist Government is not permanent. Mr. Faulkner pointed out that the Government of Stormont is the democratically elected Government of the area and the Taoiseach cut in to say that the boundary line was so drawn as to ensure under the present system a permanent majority for the Unionists and the exclusion of the minority for all time.

Mr Heath questioned whether it is possible to distinguish between Unionist, non-Unionist and Republican. The Taoiseach said that Republicanism is a democratic form of Government, a system which appeals to the vast majority of the Irish people. Mr Heath said there is, unfortunately, sectarian division in the North. There had been some softening of attitudes there in the 1960s but the position has hardened again. Until the majority in the North favour a United Ireland it will be necessary to work the system there in the best way possible. It would be difficult to include in the administration members of the SDLP whose objective it is to bring the system down.

Mr Faulkner said that the Belfast Telegraph carried out a public opinion poll in 1958 which indicated that 75% of the population wanted to stay in the U.K. The Taoiseach said it was important in this context to take account of the fact that vast strides have been made in the South in the intervening period in the economic sphere. In some cases, our social welfare benefits are now as good as those in Britain. We have had considerable success in industrial development and there has been substantial progress also in agriculture. Mr Faulkner said he believed there is room for economic cooperation between North and South especially in the context of the BEC. The Taoiseach indicated that he strongly favours such cooperation and he mentioned that it should, for example, be possible to seek out areas on the Border where joint ventures could be undertaken.

At this point, there was some general discussion on industrial incentives North and South and on the EEC applications. Mr Heath then suggested that it might be

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a good thing if talks between North and South on economic matters could be raised to Governmental level and Mr Faulkner indicated agreement. Mr Faulkner went on to say that there has been very close and very valuable cooperation between the two Tourist Boards and it would be a good thing if this type of cooperation could be extended to other economic spheres. On this the Taoiseach commented "yes with unification in mind" and Mr Faulkner interjected "you have your ideals and I have mine". Passing reference was then made to cooperation between North and South in relation to the Foyle Fisheries, to electricity and to the railways. Mr Faulkner mentioned that Bord na Mona had in the past given valuable advice about peat reserves in the North. Their advice, which was accepted, was that the reserves there were not sufficient to enable commercial exploitation.

At this stage, the Taoiseach enquired whether it was possible to get any further on the main problem. He doubted if there was any possibility of getting the minority back to talks on the basis of the indications up to then in the discussions. All he could do was to let the SDLP know that he could see little prospect of their terms being met. He saw little possibility either of their accepting the Faulkner proposal for involvement of the minority in Government. Mr Faulkner said that involvement of the SDLP in the Cabinet would be out of the question. If this were to happen, people like Mr Paisley and Mr Craig, who are as much opposition as the SDLP, would also seek inclusion. The Taoiseach said that the SDLP represent the disaffected minority community and their position is quite different from

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that of Messrs Paisley and Craig.

The Taoiseach then expressed the hope that involvement of the minority representatives in Government would be regarded as a negotiable matter if they could be got to talk. Mr Heath said much would depend on the outcome of the Maudling talks. What emerges from the Maudling Committee has above all to be reasonable. Mr Faulkner intervened to say that Mr Paisley has been losing support in recent weeks. His support increases or decreases in relation to changes in the security system. Mr Paisley is opposed to all reforms and, if the IRA were to cease their activities, Mr Faulkner had no doubt that Mr Paisley would fade out.

At this point, the Taoiseach suggested that all licensed guns should be withdrawn and that re-issues should take place only in genuine cases of use. Mr Faulkner said there is absolutely no evidence of licensed guns being used for illegal purposes. There are at present slightly over 99,000 licensed guns of which 80,000 are shot guns or air rifles. 90% of the guns in rural areas are shot guns. Of the 80,000 shot guns and air rifles at least one-third are in Catholic hands. There is no discrimination whatever in the issue of licences. Over 91,000 of the licensed guns are held in country areas and at least 17,000 shot guns are in the mainly Catholic areas of the North.

The Taoiseach again said that he could not see the minority representatives departing from their present attitude. In present circumstances, they will certainly not talk to Mr Maudling and whether or not they will

talk to Mr Howard Smith the Taoiseach did not know. Mr Faulkner's proposals are proposals affecting his own opposition. These proposals are not such as to give the minority representatives the encouragement they require at this stage.

Mr Heath mentioned the Dublin Government's threat of internment at the end of last year and recalled that the Taoiseach had said the threat was effective. He enquired what the Taoiseach would have done if the threat did not work. In reply the Taoiseach dealt with the position under the Offences Against the State Act. He went on to say that the threat derived from the fact that Saor Eire had been involved in a number of murders including the murder of Garda Fallon. There had also been threats of kidnapping and members of the Government were earmarked. The Court of Human Rights had been notified of the proposed threat. The legal advice he obtained at the time was that internment could not have been sustained before the European Court on the grounds that a threat to the security of the State did not exist. He again repeated that the Government has been harrasing extremists as much as possible.

At this point, Mr Heath suggested that the meeting might come to an end. All could think over the situation during the evening and meet again the following morning. He suggested that his advisers might work during the evening on the preparation of a document which might form the basis of a Joint Communiqué. The Taoiseach expressed the hope that, as a result of reflections overnight, there could be a substantial advance on the attitudes

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shown so far. Mr Faulkner, at this point, urged that an effort be made "to get something out of the talks" and he asked if there would be any chance of having a Working Party to consider the question of gelignite. The Taoiseach said this would be difficult for him. Mr Heath intervened to say that, if necessary, Britain would also be prepared to be represented on such a Working Party.

This concluded the discussion and it was agreed to meet at 10.30 on the following morning.

Tuesday Session:

The discussions resumed at 10.45 a.m. Mr Faulkner reached Chequers a few minutes after the Taoiseach but did not join the talks until after lunch. At the outset a document (Annex A) intended to form the basis of a Joint Communiqué, which had been prepared overnight by Mr Heath's advisers, was submitted for consideration. Having read the document the Taoiseach asked for a brief adjournment to enable him to consult with his advisers.

On resumption, the Taoiseach informed Mr Heath that he found the document quite unacceptable in many respects. The second sentence gave the Stormont Government a parity of position with the other two Governments, and this was something he could not accept. The Stormont Government is simply a local administration. The final sentence of the first paragraph could be interpreted as accepting that the North is a democracy. He had serious reservations about the second paragraph of the draft and could

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not commit himself to the setting up of tripartite machinery to consider traffic in arms and explosives and Border security. Again, the third paragraph of the document suggested a commitment on his part to the Maudling proposals. He could not agree to this given the present stance of the SDLP. Finally, he saw objection to the last paragraph on the grounds that it was premature to think of setting up an Economic Council of Ireland until such time as satisfactory progress has been made in other directions including the restructuring of Stormont.

The Taoiseach went on to say that the talks on the previous day were interesting, but they clearly showed that Mr Faulkner is intent on maintaining Unionist rule in the North. Mr Faulkner's proposal to bring people from the Senate into Government would not be accepted by the minority representatives. Only sympathisers with Unionist rule could be expected to be chosen. The exclusion of the minority elected representatives from Government would be contrary to the fundamentals of the Downing Street Agreement which guaranteed fair treatment for all.

The Taoiseach went on to say that all the proposals mentioned on the previous day were clearly designed to strengthen the Unionist Government and to isolate the minority further. If these proposals were proceeded with they could have the effect of driving the area nearer to civil war. He said he had indicated his doubts about the Maudling initiative during the previous meeting at Chequers. The involvement of non-elected

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people in the Maudling conversations could only be interpreted as diminishing the status of the elected representatives. In short, he could not see the Maudling initiative getting anywhere.

The Taoiseach repeated that the bringing in of Internment Orders since the last meeting at Chequers had made the situation much worse. The Advisory Committee on Internment is not acceptable to the minority. Neither is the Compton Committee. On the allegations of ill-treatment of internees, the Taoiseach said he is satisfied there is a case for going to the Court of Human Rights under Articles 2 and 3 of the Human Rights Convention and he added that he is under very strong pressure to take action in this regard.

The Taoiseach recalled his statement of the previous day on the extended steps being taken to control the movement of explosives. The suggested Tripartite Working Party could not be expected to do more. As was pointed out by Lord Windlesham during the Lords Debate last week cross-Border traffic in arms is minimal. The Taoiseach said he had already put forward the suggestion of a E.N. Observer Force and mentioned that this would require the consent of the Governments of London and Dublin. As long as the minority are excluded from political life Unionism is being strengthened. Unless steps can be found quickly to ^Rbring the minority leaders to a position where they can talk the situation will get worse. The Taoiseach added that he has been doing all he can to promote a moderate line and stressed the strong feelings which exist among the people in the South about the exclusion of the minority in the North.

Most of the reforms in the North are more a formality than a reality. Unless Mr. Faulkner can be persuaded to move from his position of the previous day nothing was being achieved by the meeting. The minority leaders must be put in a position where they are seen to be effective. If their significance is reduced, this can only increase the influence of the IRA. If the document presented was to be the only outcome of the discussions he would have to say that no acceptable basis on which to go forward had been found. He would have to reject the draft as it stood. It was marked secret and he expected its contents to be treated as secret.

Mr. Heath assured the Taoiseach that the contents of the document would certainly be treated as secret. He went on to say that both he and the Taoiseach had been able to talk because they are reasonable people. At the same time it would not be possible to accept a position where the SDLP dictated terms. This is not only the attitude of his Government, but it is an attitude shared by the Opposition. If the SDLP stick to their stipulations on internment then there can be no talks with them. In that case Westminster and Stormont would just have to go ahead without them.

Mr Heath continued by saying that the Compton Committee is working speedily and effectively. If the Taoiseach has information about instances of ill-treatment why not give it to the Committee. He himself believed that much of the talk about ill-treatment was no more than understandable propaganda by the internees. The Compton Committee is an impartial body before which those aggrieved can give evidence and have the benefit of legal advice.

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Mr Heath did not regard the Faulkner proposals as designed to make the Unionist Government stronger. By enlarging Parliament the minority would have more seats. The proposal in relation to the Senate is Mr. Faulkner's own proposal and Mr. Heath believed that it should be possible to find a way of getting the right people into the Senate. The proposal will, in any event, be considered by the Maudling Committee. If consultation under the Maudling initiative were to be confined to elected representatives only there would be criticism in the British Parliament. Mr. Heath said that he could see Mr. Faulkner's difficulty about agreeing to include in the Northern Government elected representatives of the minority. In his view it would be very difficult to have in Government people who thought the area should not exist. Mr Fitt said he would not join a Government unless it was there of right. How therefore can you have a compulsory coalition? Mr Heath concluded by saying that nobody is being asked to enter into commitments at this stage but merely to talk around the table in the Maudling Committee.

The Taoiseach said that the fact is that the minority won't talk at this stage. The fact also is that the vast bulk of the minority community is of one mind with the minority representatives on the question of internment. Some dismantling of this roadblock is the only way to progress. The time could come when Mr Faulkner and the British Government may have to talk to the IRA instead of to the Irish Government. If Mr Maudling cannot bring to the Conference Table people who can influence violence then his effort is a waste of time. There can be no possibility of progress without involvement of the elected representatives.

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Mr Heath intervened to say that he could not understand why the SDLP could not at least sit around and discuss the problem and the Taoiseach observed that whether it is reasonable or unreasonable the SDLP attitude is to refuse to participate in talks until their stipulations have been met. The Taoiseach went on to say that he was far from confident as a result of the discussions of these two days. He knew the Irish mind and the judgment would be that the talks had achieved nothing. He stressed that in making these comments he was concerned essentially about peace and not about his own political position.

In reply to further comments by the Taoiseach on the question of internment, Mr. Heath said that Judge Brown had indicated on the previous day that his Committee will deal with all cases and deal speedily with them. A number of applications have already been submitted to the Committee. Mr. Faulkner had gone quite far in saying that the Northern Government would almost be bound to accept the findings of the Committee. Mr. Heath said he had explained the difficulty about bringing Court charges. No effective means existed for bringing these people to trial and he thought it rash to suggest that hard core terrorists should be released.

The Taoiseach said there is a large volume of opposition to internment. Mr. Paisley and other hardliners in the North are against internment as well as a majority of the British Labour Party. Mr. Heath said that Messrs. Wilson and Callaghan do not object to internment as such and are prepared to await the outcome of the Appeals Tribunal. Reverting to the question of the withdrawal of the SDLP from Stormont, the Taoiseach said he made

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no comment when they left. He felt in fact that they had put themselves in a difficult position and, since their leaving, he has taken whatever action he could to prevent their being alienated from their own people. If he were to accept the draft Joint Communiqué he had no doubt that the minority representatives would even stop talking to him. They and the people they represent look to the Dublin Government at least for sympathy and it is important that this position should be maintained.

Mr Heath said that the large mass of the people in the North want the communities to work together. The people in Belfast have shown great restraint. If a similar situation were to exist say in Birmingham there is no doubt that the population of the city would be up in arms. Both Stormont and Westminster are strongly against anything resembling a third force.

The Taoiseach urged that, in the interests of peace and progress, the minority should be helped to come into talks. He put it to Mr. Heath that, if he were convinced that what he is now doing would lead nowhere, would he not have to seek another way. He himself could not convince the SDLP to change their attitude. Would it at least not be possible to offer to discuss their demands with them? Mr Heath said that Mr. Maudling is quite prepared to talk to the SDLP on anything. He had been informed that they had seen Mr. Howard Smith after the Westminster debate last week and that they had a long discussion with him. The last time Mr. Maudling had seen Messrs. Pitt and Hume was prior to the announcement of his new initiative and he gave them a preview of it.

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After further comments on the draft document, the Taoiseach suggested an adjournment to enable him to consult with his advisers on the preparation of a new draft. The Taoiseach circulated a revised draft before lunch.

The luncheon was attended by the Home Secretary who had remained in the background throughout the discussions. Lord Carrington, Secretary of State for Defence, was also present.

The after luncheon meeting was a tripartite one. Mr. Heath said he felt it necessary that a Communiqué should issue from the meeting. The public would expect something to be said and it was essential to avoid saying anything which would cause political embarrassment to any of them. The Taoiseach's draft was then considered. Mr. Faulkner said that he was disappointed that it said so little. He regretted that there was no reference in the draft to the question of a Tripartite Working Party on the control of gelignite and on border security. The Taoiseach's text suggested amendment of the final sentence of the first paragraph to read:-

"And we have been concerned to see whether without prejudice to those positions we can find some agreed means of enabling all the people of Northern Ireland to live in conditions of peace and stability and to enjoy equality of treatment and freedom from discrimination irrespective of political views or religion."

Mr. Faulkner said that, while he recognised that this text was taken from the Downing Street Declaration, it should be borne in mind that much has happened in the North by way of reform since that Declaration. In the circumstances he

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would have to insist on the retention of the original text. The Taoiseach's draft proposed the retention of the first sentence only of the second paragraph subject to two changes, the principal one being the change of the order of the words "violence" and "internment". Mr. Faulkner objected to this change and asked that the words "and all other emergency measures" be added. This was agreed. The Taoiseach's text was otherwise regarded as acceptable. The Agreed Communiqué is attached as Annex B.

After some general discussion, which included further references to Mr. Faulkner's restructuring proposals, the desirability of continuing economic cooperation between North and South including Ministerial contacts, and security measures in the South the meeting came to an end around 4 p.m.

D. J. Sullivan
30/9/71