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Report of Meeting between Minister for Foreign Affairs
and the Secretary of State for Northern Ireland,

30th November 1973

PRESENT:

Irish Side: Minister for Foreign Affairs, Dr. G. FitzGerald
Ambassador D. O'Sullivan
Mr. C. Whelan, Asst. Secretary, Dept. of Foreign
Affairs.

British Side: Secretary of State for Northern Ireland
Mr. Frank Cooper, Permanent Secretary, N.I.O.
Mr. Philip Woodfield, Deputy Perm. Secretary, N.I.O.
Sir Geoffrey Arthur, Deputy Perm. Secretary, F.C.O.
Mr. Kelvin White, Republic of Ireland Dept., F.C.O.

The Minister congratulated the Secretary of State on his achievement in getting agreement on the Northern Executive. The talks among officials had gone well but there were a number of issues to be resolved between Ministers.

Attendance of Paisley:

The Secretary of State began by referring to the difficulties arising out of Paisley's refusal to attend separate consultations. He proposed to adhere to the line laid down in his House of Commons statement of 22nd November and to confine the talks to the two sovereign Governments and the Northern Administration Designate. Paisley and Craig had been invited to come to separate consultations. Paisley had now refused and said the words of the White Paper were not being fulfilled. There was, of course, no force of law in the statement made in paragraph 112. Mr. Whitelaw said that they were afraid that Paisley might engage in demonstrations outside the conference site. Furthermore, violence could break out in Northern Ireland and Paisley had already said that "he would not be responsible for people coming out on the streets". He had solid support in Parliament for Paisley's not being invited to the Conference and he intended to stand firm and see how it would work out. There had been an idea to allow him to make

/a speech

a speech and then depart. The Minister said that our position was that if it was felt to be necessary to have him there, as a last resort we would not stand in the way of his attendance for this purpose only. We would, however, like to know of any decision on this. Mr. Whitelaw expressed appreciation of our attitude.

Chairmanship

The Minister explained our position, stressing that the Secretary of State would have been "the least unacceptable Englishman". A conference in Britain, under British chairmanship, could be more easily attacked as a "sell-out", such accusations becoming more likely if there were any unsatisfactory features which would be blamed on the British chairmanship. The Minister mentioned the considerable pressure on the Leader of the Opposition as a result of a drift towards a more republican line in his party and said that the Government would not wish to give a lever to such opponents of bipartisanship within the Opposition party.

As members of the EEC, both countries could look forward to a normalisation of relations and the North would be working closer with us in regard to EEC arrangements, thus helping to ease tensions. For this reason, a prominent Community statesman had been named by the Taoiseach, a person who combined qualities of alertness, sensitivity, ability to size up the situation and not least an excellent command of English. In brief, the question of the chairmanship was a very real and indeed compelling one for us.

In response, the Secretary of State said that this was a matter which the Prime Minister would have to deal direct with the Taoiseach. He would report to the Prime Minister on the points

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made without delay. The Prime Minister expected to be present at the conference for a great deal of the time and for this reason it was a matter on which he had a special interest. The Minister pointed out that the meeting had been arranged specifically to deal with this question, at the suggestion of the British side, and he referred to the other problem of the joint invitation which had been associated with the question under discussion. The Secretary of State promised that the Prime Minister would deal with the chairmanship with the same sense of pragmatism as he had dealt with the other matter.

Joint Ombudsman

The Minister said that this was a matter which had not been raised before and he felt that there was much to be said for an Ombudsman for the island as a whole and wondered whether there was any objection to this. The Secretary of State referred to the appointment of Mr. Stephen McGonagle as the Ombudsman for the North which was "something of a mouthful for the Unionists to swallow, but so far we are getting away with it". He also referred to the appointment of Mr. Vic Feather as Chairman of the Standing Commission on Human Rights for the North. Mr. McGonagle's appointment was the first to be made in the U.K. of a Parliamentary Commissioner who was not a civil servant or ex-civil servant. Protestants had to swallow a great deal in accepting a prominent Catholic trade unionist. The Minister suggested that Mr. McGonagle might be appointed as the Ombudsman for the whole island, to which the Secretary of State said that they had "put a toe in the water" but it seemed reasonable to have one man for the lot rather than two. It was a good point and one that might be raised at the conference.

/Security

Security

The Secretary of State said there was considerable concern about security at the conference because of the post-Winchester period with hunger strikes etc. which were not emotive to the English and could thus lead to demonstrations which the security forces were not attuned to dealing with. He mentioned that two of the hunger strikers had been reported as force-fed and the Minister questioned the wisdom of this, pointing out that the Government in Dublin had refused to give in, had not attempted force-feeding and the hunger strikers had caved in.

Conference Procedures

It was confirmed that the Taoiseach would stay at the Embassy but that other Ministers would be accommodated at the conference site. The Minister suggested that the head of each delegation should nominate a speaker to deal with each issue, to which the Secretary of State responded that this could be tricky, since it would be difficult to prevent others from speaking. It would be possible to arrange a lead speaker but other members of each group might be unable to contain themselves as the discussion proceeded. The Minister suggested that at the beginning of discussion of each topic it should be arranged that a speaker from each delegation would be nominated and the Secretary of State agreed to look at this. On the possibility of sub-groups, the Secretary of State suggested that the whole area of policing, common law enforcement and human rights could be dealt with by the lawyers and other experts in that field. The Attorney General would be present to speak for the U.K. Government on these issues. He pointed out that the Home Secretary was not a Minister for Justice and was, therefore, not included; neither had the Lord Chancellor been proposed.

/Financing.....

Financing of a Council

The Minister suggested that this was less of a problem than had been imagined and could be sorted out. The Secretary of State referred to his House of Commons speech of 22nd November in which he said that the British Government would in no way wish to intrude on the Council but if British money was involved, there must be some arrangement for being associated with the Council on such matters. The Minister referred to the British control over the Northern Ireland Exchequer and the Secretary of State agreed that it could be described as a "leaky sieve" which was partly his fault! The Minister said that while a Treasury Minister might not be required, perhaps a sub-group could consider any problems of detail involved. In general, he stressed that the conference must decide on the principles and must stick to definite lines on which the Council was to be set up so that clear understanding could be reached and decisions made to which all would be committed.

Duration of Conference

As regards the duration of the conference, the Minister wondered whether it was wise to tell the press that it would occupy only 2½ days, since if it went on longer they would create stories regarding a possible breakdown which could aggravate the situation. The Secretary of State said that he was not too concerned about this press aspect. He was anxious to get the conference over quickly so that the necessary legislation could be brought in to deal with the amendment of the Constitution Act to provide for the Northern Administration and to bring in the Devolution Order. The Minister suggested it might be better simply to say that the conference would end at the weekend and Mr. Whitelaw agreed that this would be preferable to stating a specific time for its ending.

/Policing

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Policing

The Minister said that this question appeared to create difficulties during the talks between officials on the previous two days. He stressed the package in which we were interested and said he could not see any inherent difficulty in our policing proposal. In general, he emphasised that the determination of the Irish Government to deal with the men of violence should not be underestimated. Mr. Whitelaw said he was very grateful for what the Government had been doing. However, the Minister said for the common law enforcement area to be acceptable, it must be linked with policing and with human rights. There seemed to be a strong resistance among the officials from London to a Council responsibility for appointments on the Police Authorities. He pointed out that the Police Authority as set up in the North does not in fact have very significant functions so it was hard to understand the sensitivity. In practice, the Northern Executive would put forward the names for their Police Authority and the Republic would nominate their panel. There would naturally be horse trading but, by and large, the two authorities would be appointed jointly by the Council in accordance with nominations from each side. He wondered why this would be objectionable. The responsibility of the Council for appointments would get the S.D.L.P. off the hook and would enable his Government to present common law enforcement and policing as a package which would thus allay public concern. Although this could not be settled now, it was a matter that should be concluded at the conference.

The Secretary of State stressed two points which caused difficulties. First, the Police Authority is in a state of total flux, it has not been a success and they have been trying

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to get in right with a new Chairman. The situation was still quite messy and they had not yet obtained agreement from the Executive Designate as to how to associate the Northern Assembly with the Authority. He had got on to that hook and was afraid that he could not escape from the necessity to have Assembly members appointed. The second point was the general sensitivity on the R.U.C. among Unionists. The S.D.L.P. had just about accepted the statement of the 21st November insofar as it referred to the R.U.C. by name as the police force for the North. It was a matter that the Unionists were passionate about. However, if something was raised about the Police Authority, rather than the police force, the Unionists could be quite relaxed about the appointments question. (At this point Mr. Woodfield suggested that the possibility had been put forward from the Irish side at the officials' talks that the Police Authority could be "associated" with the Council. It was indicated to him that this suggestion had been put forward as an option on the British side but Mr. Woodfield claimed that it had been mentioned originally as one of several possibilities on the Irish side. Our record of the talks indicates quite clearly that Mr. Woodfield brought it up himself at the final plenary meeting). The Minister commented that such a ^{suggestion} could not be taken as indicating Government policy.

The Secretary of State went on to say that the Unionists were ready to discuss this matter. Asked whether we had any ^{with the functions of a Police Authority as they exist in Northern Ireland} difficulties/ the Minister said that the only one might be the power that would be given to a Police Authority in the South to expand the force, which might be regarded as unconstitutional. ^{on the size of the force} Mr. Cooper said that the overall authority/rested in the money control which remained with the British Government in the North. The Secretary of State referred to the recovery in R.U.C. morale

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but agreed that proposals for reconstruction of the R.U.C. would have to be pushed forward. The whole problem was one of the most difficult they had and they would not get it right overnight. They now had a good man from London and Flanagan had "blossomed" as Chief Constable. He had recently made a good speech at the recruits "passing-out day" about which Gerry Fitt had expressed appreciation.

The Minister said that it would be wonderful if we could get the Council of Ireland role right at the conference. The S.D.L.P. were prepared to accept the R.U.C. name so long as the responsibility for appointments to the police Authorities was given to the Council. The Secretary of State said that getting policing back into areas like the Bogside and Creggan was a very real problem. They were doing many things to help. He never referred/^{now}to "the police force" but a "police service". The Police Federation was a good organisation and the Minister agreed that it had in the past very good relations with the Garda Representative Body. The Secretary of State referred to the Chairman, Stanage, and the Secretary, White, as being excellent and referred to a very helpful speech recently made by Stanage. Brian Faulkner was disillusioned with the Police Authority and considered that it did not work. It had, however, a sensitive Chairman who happened to be a surgeon, (Sir Ian Fraser). He said we will have to get it all sorted out. When Whitelaw, said that they were prepared to discuss the question of the Council appointing the Authorities (he had already indicated that the Unionists were prepared to discuss this), the Minister expressed satisfaction at this indication from Mr. Whitelaw.

The Status of Northern Ireland

The Minister referred to paragraph 112 of the White Paper and the statement there of the acceptance concept proposed by the British. He drew attention to the speeches by the Taoiseach in June and July and said they were aware that the Unionists

would seek some further commitment on acceptance. We had been giving thought to this concept of the acceptance of the legitimate institutions in Northern Ireland. Paragraph 112 seemed to have been carefully phrased in this respect and the Minister proposed that, if we are to say something about acceptance on our part, the other aspect should also be covered, namely, the possibility of a change in the status compatible with the principle of consent. There was considerable pressure from elements in the Opposition and among Republicans further to the extreme to obtain a declaration of intent by the British Government to pull out of Northern Ireland. So far this has been opposed as not being a responsible demand in present circumstances, but it was not easy to continue opposing what the average Irishman considers to be a reasonable request. It would, therefore, be very helpful in gaining agreement to our declaration if the British would make a statement to the effect that if a majority of the people of Northern Ireland wished to join a United Ireland, the British Government would favour and facilitate this decision.

The Secretary of State referred to the Prime Minister's Mansion House speech of last year which Mr. Woodfield paraphrased as saying that, if at any time a majority of the people of Northern Ireland wished to join a United Ireland, the British Government would not stand in the way.

The Minister said that this was too passive, indeed very passive, and he referred to the declaration in the 1920 Act to the effect that Britain looked forward to Ireland being reunited. We were now more than 50 years further on and something more positive would be expected. The Secretary of State emphasised that an acceptance declaration by us would "literally" be the key to unlock numerous doors.

If Brian Faulkner got this he would be very relaxed as he was interested to see an effective Council of Ireland set up. On this he was way ahead of others in his Party (perhaps in some respects further ahead than was quite wise for him).

If the acceptance declaration would be arranged at an early stage of the conference, it would be a big prize for Faulkner and would immeasurably reduce problems for us. Faulkner's attitude to the Police Authority etc. would become positive and the Secretary of State again emphasised that the acceptance declaration was the key to unlock all such doors.

The Minister said that this was fair enough but had the Secretary of State any proposal to make on the point that the U.K's ability to reciprocate with an appropriate declaration would help us to make a declaration on the matter than concerned Faulkner. We had already gone a long way on this road and the Secretary of State agreed that the speeches of the Taoiseach, particularly that to the 1900 Club, had been very well received. In response to further urging by the Minister, the Secretary of State said that they would look at the Prime Minister's Mansion House speech to see what could be done in this respect. There was also reference ^{by the Minister} to certain speeches by Winston Churchill and the Minister again drew attention to the Declaration in the 1920 Act.

The meeting concluded at this point with the Secretary of State again indicating that they would particularly like to clear their minds about the policing question, and remarking also that the sensitivity about the R.U.C. and its recognition as the Northern Police Service was the basic problem here.

The Minister and the Secretary of State expressed satisfaction at the way in which the meeting had gone and said how much each was looking forward to his future meeting with the other at the opening of the conference next week.

30 November 1973.