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Reference Code: 2004/21/673

Title: Report by Seán Donlon, Department of Foreign Affairs, on his attendance at a meeting of the Social Democratic and Labour Party, discussing the proposed Council of Ireland and constitutional developments in Northern Ireland, and the current state of relations between the British Army and the local nationalist population.

Creation Date(s): 15 September, 1973

Level of description: Item

Extent and medium: 7 pages

Creator(s): Department of the Taoiseach

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1. Accompanied by Mr. Declan Quigley of the Attorney General's Office, I attended a meeting of the S.D.L.P. at which some technical and administrative problems involved in the setting up of a Council of Ireland were discussed. Those present on the S.D.L.P. side were: Messrs. John Hume, Paddy Devlin, Paddy O'Hanlon, Austin Currie, E. McGrady, P. O'Donoghue, F. Feely, M. Canavan, H. Logue, P. Duffy, C. Gillespie, S. Mallon, A. Larkin and the party's general secretary J. Duffy.

The meeting lasted about 3 hours and the basis for the discussion was the document "Proposals for a Council of Ireland by the S.D.L.P.". It is clear that, though this document has now been publicly presented and sent to the Taoiseach and to the British Prime Minister, the party's thinking on the details of the Council are still at a fairly raw stage and that they are not finally committed to any points of detail in the document. Thus, for example, the proposals that the Assembly should have the task of increasing the powers of the Council, that the Human Rights Count's scope would extend to allowing any citizen to appeal against any alleged infringement of human rights and that the initial declaration setting up the Council should include assurances about its future development are not regarded as final proposals. On the other hand, some points which were not mentioned in the document have obviously been discussed and clear positions have been taken on them. Voting in the Council of Minister should be unanimous, membership of the Council should not rotate depending on the subjects being discussed, individual Council members should have specific portfolio, the Assembly members should initially be appointed but direct elections are envisaged in the long-term and while the Council should be a purely Irish one there would, at least initially, have to be some British connection. Throughout the discussion all members of the party showed particular regard for the difficulties which participation in a Council of Ireland would present for the

official Unionists and they are very conscious of the need to build into its structures as much protection as possible to allay Unionist fears. So far, little thought appears to have been given to possible functions but individual Assembly men have been assigned topics which they are to study in detail and make recommendations on to the Party as a whole. In this connection, I agreed to a request to provide appropriate factual information on possible functions to any Assembly man who was having difficulties completing his assignment.

2. Following the meeting I had an informal four hour discussion over drinks and a meal with the participants and also had a private discussion with Mr. Hume. The following are the points from the discussions.

3. The S.D.L.P. is adamant that the Council should have a role in relation to the policing of Northern Ireland and is equally adamant that there is no hope of their achieving this unless Dublin is prepared to give some role to the Council in relation to the Gardaí. The British have "strongly hinted" to them this week that Dublin does not envisage doing this and that they should therefore drop their efforts to have a link between Northern Ireland policing and the Council. Hume says that nothing short of this link would be acceptable and in particular that a re-constituted Police Authority and/or a police role for the district councils would not be sufficient. The major reform required is in the direction of the R.U.C. and Hume implied that if there were some concession in this, they would have no difficulty in accepting a police force based on the existing R.U.C.

4. In regard to the formation of an Executive, the S.D.L.P.'s position remains that it cannot be formed until there is visible progress on the setting up of the Council. The mere fixing of a date for the tripartite conference would not be sufficient but a proposal involving

- (a) the fixing of a date now for the opening of the conference
- (b) an indication that the conference would then go into committee stage to thrash out details on the Council and the other items on the agenda
- (c) during the committee stage, discussions on the formation of a NI Executive could be brought to a final stage
- (d) as soon as these discussions had been completed, the conference would re-commence at plenary level

would be acceptable. The S.D.L.P. is already preparing for (c) and a twelve-point manifesto is being drawn up which will indicate the programme the party would like to see the Executive embark on as soon as it is set up. The main items in the manifesto will relate to agriculture, environmental problems, housing, prices and incomes, social services, education and local authority services. The party has also made efforts to have preliminary discussions with official Unionists on the formation of an Executive but three letters from Fitt to Faulkner have so far produced no response. In addition, Mr. Whitelaw has been trying to bring the two parties together and recently showed Fitt (via James Allen at Laneside) a draft letter inviting the S.D.L.P. to talk to the official Unionists either directly or under Whitelaw's chairmanship and asked what his reaction would be if it were sent. Fitt apparently said that the party's reaction would be negative and, so far at any rate, the letter has not arrived. There seems to be some resentment within the party that Fitt should have reacted in this way, especially without consulting anyone else except Paddy Devlin who supported Fitt's action. Others appear to feel that if direct approaches to Faulkner have failed, no effort to reach him via an intermediary should be rejected out of hand. In regard to participation in the tripartite conference, the party has no firm position on who the third party should be and in particular as to whether or not Paisley/Craig/Taylor should be invited. They fear that if the hardliners are present,

Faulkner will be unable to make even a minimal concession on the Council but as against that they do not wish to be seen to be involved in a plot to exclude the hardliners from participation in everything. They are inclined at the moment to feel that Paisley's intention is to lead a vigorous and "loyal" (to the Constitution Act) opposition within the new institutions and if they could be sure that this is what would happen, they would see no objection to excluding him from the tripartite conference. If, however, exclusion from the tripartite conference were the straw which would finally drive Paisley outside the constitutional process, then they would naturally prefer at least to have invitations sent, even if there was little hope of their being accepted.

5. On the general prospects for the constitutional proposals, most of the S.D.L.P. assembly men appear more pessimistic than optimistic though the degree of pessimism in most cases is mild. Hume, however, is more pessimistic than most. He says Faulkner's position is so weak that he can deliver nothing at the moment and certainly could not bring his 22 with him, even on a "mild" Council. He would probably drop 8-10 supporters if he made one false move and there is no prospect of Bradford carrying more than 10-12. Though I did not specifically discuss the matter, it is clear that the S.D.L.P. are operating on the assumption that Faulkner is the only man who can lead the official Unionists into a workable Executive and they therefore appear ready to make substantial concessions to facilitate him and do nothing to embarrass him.

6. The Procedures Committee of the NI Assembly has almost completed its work and it is hoped to have a report ready for printing in about a week. Currie is to give me a copy and a general report on the Committee's proceedings next week-end. He says that Paisley's attitude was generally constructive but obviously designed to create maximum embarrassment for Faulkner. Thus he manoeuvred the official

Unionists on the Committee into voting against proposals on prayers for the Queen and the adoption of Westminster-type ceremonial and symbols. In fact Currie is somewhat afraid that Paisley may have overplayed his hand to the point where the Unionists may not be able to vote for the Committee's report when it reaches the Assembly and may have to reverse themselves on some major points. The S.D.L.P. has accepted the principle of majority voting in the Assembly and does not anticipate that any item in the report will present difficulties at Assembly level. They expect the next meeting of the Assembly to take place in mid - or late - October.

7. I availed of the presence of Assembly men from all over Northern Ireland to ask for views on British Army behaviour and the following is a summary of the replies:

Tyrone - army adopting low profile. Almost no trouble;

Derry City - severe problems, especially in the Creggan where the 2nd Anglians are behaving in a most provocative manner. Youngsters in particular, are being arrested frequently and held for four hours of "screening". This frequently results in loss of work and leads to considerable anxiety on the part of parents. House searches are frequent and carried out roughly;

Newry - little trouble since the Paras. left. 2nd Light Infantry now there and they are "the best we ever had". Great praise for a senior officer named Fairbanks who is described as "the best type of soldier-diplomat". As a result, "peace has broken out in Newry" and there is a low level of tolerance for the isolated Provo incidents;

South Armagh - same regiment as Newry and same comment. This is particularly significant as it came from Paddy O'Hanlon who has been the most outspoken critic of army misbehaviour;

South Derry - no trouble;

Armagh - some difficulties with the attitude of the Hampshire Regiment in Lurgan and Armagh city and the four hour "screening" is being abused in both areas. In general, there has been a dramatic improvement in recent months;

East Down - no army presence;

Mid Down - 2nd Lancers: no problem;

Belfast - ok in the Ardoyne but "very bad" in west Belfast especially in Andersonstown where the "screening", arresting and house searches were being conducted with ridiculous frequency; (this confirms reports we have been receiving from other reliable Belfast contacts that the situation in Andersonstown is particularly bad at the moment, despite the fact that there is almost no Provo. activity in the area);

In a general discussion, it was agreed that the biggest single problem in this sector at present was not so much army misbehaviour but abuse of the arrest and screening powers given to the army under the NI Emergency Provisions Act 1973 which came into force last month. It was also clear that there is widespread concern about the level of Loyalist violence, especially in North Antrim and parts of Belfast and that there is still no obvious army reaction to cope with this level of violence.

8. In regard to the Compound 8 detainees, some of the Assembly men admitted privately that a minimum there was doubt about some of the Provo "conversions" and Hume went so far as to suggest that a few of those in the Compound were still in the movement and were abusing the system in an effort to get out and back into action.

9. The SDLP will, as indicated during their meeting with the Taoiseach and Tanaiste earlier this month, shortly request the

Government to meet them for a detailed exchange of views on the Council of Ireland and on the police. Their document on the police is almost complete and Hume will informally give me a copy within a few days. In preparing it, they have had the benefit of advice both from Sir Arthur Young and Mr. James Callaghan and they have also had lengthy talks with sympathetic individual senior R.U.C. officers.



Seán Donlon.

15. 9. 1973