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HEATH VISIT(Version agreed with Mr. McCann on 21 September, 1973)

1. The Taoiseach, Mr. Cosgrave, met the British Prime Minister, Mr. Heath, on 17th September, at Casement Airport. Mr. Heath was accompanied at the talks by Mr. Robert Armstrong, Principal Private Secretary, and the British Ambassador, Sir Arthur Galsworthy. The Taoiseach was accompanied by Mr. McCann, Secretary, Department of Foreign Affairs, and Mr. Nally, Assistant Secretary, Department of the Taoiseach.
2. The talks began at about 11 a.m. They finished at 8 p.m. approximately - with breaks for lunch etc. This note deals in some detail with the matters discussed at the Conference. The following details require special attention:
 - (1) on the question of extradition, the British Prime Minister asked if some arrangements could be made to ensure that persons accused of I.R.A. type offences would not be permitted bail, which enables them to return to the North and continue their activities while awaiting trial (pars. 30 to 33);
 - (2) whether we would permit an aerial survey - conducted at the height of about 30,000 feet by a Canberra jet - to be made on our side of the border so that any excavations or wiring, involving the disturbance of the earth, could be distinguished, and thus prevent the laying of bombs or mines in Northern Ireland which could be activated from the other side of the border (pars. 35 and 36);
 - (3) the strengthening of certain Special Branch etc. arrangements (par. 36);
 - (4) our likely reaction to a British application for the use of the friendly settlement procedure in Strasbourg (pars. 58-65); and
 - (5) the other items mentioned in the Agenda, of which a copy is attached.
3. The Taoiseach opened the Conference by welcoming Mr. Heath and stressed the historic nature of the occasion.
4. The Prime Minister said that he was delighted to have had the opportunity of coming for a full discussion of the problems outlined in the Agenda. He said that in having this Conference both sides had taken certain risks. It was important that there should be some substance from what emerged. If it was acceptable to the Taoiseach, he would review the political and security situation in the North which he had visited a fortnight ago and would then go on to outline developments, as he saw them, in relation to the formation of an Executive there and to the Council of Ireland. He would like to talk later in some detail on the question of Strasbourg and on extradition.
5. In July, he had found that the only possibility for an Executive lay with the Faulkner Unionists, the S.D.L.P. and the Alliance and this remained the position. At the same time two and a half months had lapsed since the election to the Assembly and they had not made as much progress as he would have

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thought possible. Paisley was an important stumbling block in this respect. His action at the Assembly had done him a lot of damage - in the Prime Minister's opinion. The Standing Orders Committee which had emerged from that meeting had done a lot of work due in a large measure to the skill and ability of the Chairman. At the meetings of the Standing Orders Committee Paisley had a chance of arguing about everything and was using his opportunities. Members of the Committee had visited Parliaments around Europe and would incorporate their experience in the Standing Orders. The Prime Minister thought there was a reasonable hope of success with the Assembly - they had agreed on the meeting place, the form of the meeting chamber (with a horseshoe shaped chamber) etc. It would probably be a fortnight or so before the Orders could be adopted formally. After that the Assembly could go into action. The danger was that Paisley could use his skills to disrupt progress but this possibility had to be faced.

6. On the question of an Executive, the Prime Minister said that all of the Parties had indicated that they wanted it but they do not use the power which has been given to them to form it. He had gained the impression that the private positions of the Parties and Party leaders were nothing like as rigid as their public positions. The Alliance Party - in the middle - had impressed him as being very sensible. Faulkner was afraid that his position would be eroded. He was in a most delicate situation. The S.D.L.P. could well over-play their hand. They might ask for too much and, in doing so, topple Faulkner.
7. Mr. Whitelaw had talked with the Parties after the Prime Minister's visit about police. He proposed to talk again - possibly tomorrow - with the Party Leaders about the question of balance in the Executive. There seemed to be reasonable grounds for believing that he would be able to get the Executive off the ground.
8. On the question of security, the Prime Minister said that in the last few months they had made enormous progress in breaking up the Provisional organisation but that they were still getting uncoordinated efforts directed against them in a number of areas. Sectarian violence was now by much the worst problem. They had set up a special task force to back the R.U.C. and help it in morale and with equipment. The R.U.C. was in control of this force - not the Army. They had an extremely difficult problem because the persons they were seeking changed bed every night - like the Provisionals. Outbreaks of this type of violence had been fewer in Derry than in Belfast. Recent developments had forced the Provisionals to break up their groups and to operate in border and rural areas. Both Governments must get together to stamp out violence.
9. On the question of the Executive, the Prime Minister said that three points emerged in particular. They were the question of police re-organisation, a Council of Ireland, and the Northern Ireland Constitution.

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10. Insofar as Westminster was concerned, the 1973 Act is the law of the land. There is no good talking about it now. What they must do is to take action under it. The time was long past the stage of "fancy ideas".
11. The Prime Minister said that the S.D.L.P. accept the Act, and would operate it. The Alliance and the Faulkner Unionists were in a similar position. Paisley was not. Both he and Craig would work to wreck it. The longer the work on forming an Assembly and drawing up an Executive drags on the more chance the wreckers will have and the more all Parties are playing into the hands of violent people. Recognition of the 1973 Act was the only basis on which progress could be made. He said that the public position of Faulkner and the S.D.L.P. were untenable.
12. The S.D.L.P. had advocated the replacement of the police. This was an impossibility. Once a police force was abolished, it would be impossible to get another in any reasonable time. The other position was that it was necessary to give policing to Westminster to take it away from the divisive politics of Northern Ireland. For this reason it had been left out of the work which the Assembly and Executive would have to do. The Labour Party in England were adamant that it should be kept out of the functions of these bodies. However, the Executive would act in an advisory capacity to the Secretary of State, and Members of the Assembly would have a place in the police authority. They were also proposing to have District Councils liaise with the police authority. The Secretary of State would be responsible and Westminster would be providing the money. Insofar as complaints against the police force were concerned, they were changing the method of investigation so as to bring in outsiders. The S.D.L.P. were critical of the appointment of Mr. Flanagan to head the police force. The police authority wanted him - for about two years. He had come up the ladder and would not have stayed in the force if he had been passed over. This would have affected others in the police and police morale seriously. The Sir John Hunt experience was not a happy one for all and they did not want to do the same sort of thing again. Mr. Whitelaw did not want to veto the police authority's proposal on Mr. Flanagan. And the Prime Minister had agreed to his appointment in all the circumstances - as the wisest thing to do. The man from the metropolitan police who had been appointed his No. 2 was Flanagan's most likely successor. They had, in fact, moved quite a long way insofar as policing was concerned. They had accepted the rule that any new head should have two year's experience in an outside police force. There were a large number of unrealistic ideas on the subject - including the idea that police forces throughout Ireland should be under the control of a Council of Ireland. The Prime Minister said that Governments depended on law and order in their countries and law and order depends on a police force. In this sense, every Government must retain the direction of its police forces.
13. On the "Irish Dimension" and Council of Ireland, the Prime Minister said that they had committed themselves in the White Paper and were determined to go ahead. They really meant business insofar as a Council was concerned and intended to go for a conference on the subject. The two Governments had exchanged papers. The British Government paper contained only options whereas the Irish paper seemed to follow the one line. Comparison of the papers showed that

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there were a number of problems on which they would have to agree but the first problem would be to get the conference on the subject going. There were lots of nuts and bolts on this to be sorted out. The S.D.L.P. argued that the Conference and the Executive should go along together. The Prime Minister did not see how this could be since there would be no one to reach decisions if the Executive was not formed.

14. The second point was that if the Conference was held before the Executive it would be necessary to invite leaders of all Parties and this would include Paisley and Craig. With these two at a conference table, all hope of a sensible solution would be gone.
15. It seemed to him that the most sensible course would be for the British Government to devolve powers on the Executive when it was set up and then to have a conference between the three Parties interested - the U.K. Government, the Irish Government, and the Executive in the North. We should not commit ourselves to a date for the holding of the conference until after the formation of the Executive. This would be the strongest incentive to an Executive to get itself organised.
16. As it was, it would be most difficult to get the Executive and the Conference organised in or about the same time. The S.D.L.P. Party and many others did not realise "what is going to be plonked on their laps when we devolve". They have no experience of Government - not an inkling - and do not know what it is to run a Government Department. Even the Unionists were very limited in their experience of this. When the Executive was formed they would have the whole range of Government responsibilities in the areas which were devolved on them. When this happens they will have a full plate.
17. The Prime Minister concluded by saying that there was a necessity for -
- (1) a real drive on violence,
 - (2) a drive to get the Executive formed.
- Both of these issues would be affected, in a way, by the Strasbourg case.
18. The Taoiseach said that, of the points raised by the Prime Minister, he would like to discuss first the question of violence and security. Insofar as we were concerned, we had strengthened the Gardaí to its highest level since the foundation of the State. There were now about 1,200 more men in the force than there had been even as little as two years ago. We had also increased border activity by the Army and were arranging for two new battalions for border patrols. Apart from a few incidents, these arrangements appeared to be quite effective. In fact, on security generally, we had a number of remarkable successes, including the capture of O'Hare and Twomey recently, who had been sought in the North by all the forces there, for some considerable time, without success. There had been some pockets of disturbance across the border which appeared to originate in the Crossmaglen area.

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19. On the question of the police. The Taoiseach said that the force in the North could not be built up simply by expanding the existing force. The problem was to get the Catholic community identified with the police. Whether the changes mentioned by the Prime Minister would achieve this objective, he just did not know. He would favour some retirements system so as to get representatives of the minority community in the North into senior positions. He realised that the structure of the police force in the North was different from that here, where there was a single unified force. There would obviously be reluctance to contemplate joint control of the police force.
20. The Prime Minister said that the Northern police force would be modelled on that in the United Kingdom where the Home Secretary does not have full control.
21. The Taoiseach said that their objective on the conference was to have it at an early date. If the S.D.L.P. were to be brought into the Executive, it would be necessary that there should be a move on the Council of Ireland at the same time as on the Executive.
22. The Taoiseach agreed with the analysis by the Prime Minister of the attitudes of the three Parties interested in forming an Executive. He had been in touch with Brian Faulkner, as well as with the Alliance and the S.D.L.P. He had gathered from Mr. Faulkner that he would have no personal objection to taking part in a conference but that he had to be careful to watch his flank. He was having difficulty with a few members of his Party. The Minister for Posts and Telegraphs, Mr. Cruise-O'Brien, had recently seen Messrs. Bradford, Laird, McLachlan and others in the Unionist Party and he had gained the impression that they did not, by any means, rule out a Council of Ireland or a meeting to discuss it. Whether to invite Paisley and Craig to such a meeting or conference was a nice point. If they came they would try to wreck it. If they are not invited, they will make a serious disturbance on the point that elected representatives of the people are being excluded. On this point, the Taoiseach felt that we should be guided by Faulkner and the S.D.L.P.
23. The Taoiseach was emphatic that the issues now before us should be faced on a package basis. The S.D.L.P. leaders did not want the Assembly suspended again but they must have something if they are to go into the Executive.
24. Insofar as the reform of the public service is concerned, the Taoiseach instanced the numbers in the higher officers, particularly in the Department of Home Affairs, who were non-Catholics. He said that this was a matter of serious concern and that there were many examples of action taken by the British Government and others to get over similar difficulties. He instanced, in particular, the recent Local Government re-organization in the United Kingdom and the action taken by the Belgian Government in their country, as well as the recent E.E.C. changes.

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25. On internment, the Taoiseach said that the Alliance, and the S.D.L.P. had raised, in the strongest terms, the question of the persons detained in Compound 8. These included many who have now severed all connection with the I.R.A. and many others who never had any connection. Over the years something like 2,000 persons had been interned. This meant that throughout Northern Ireland there were at least 2,000 families affected and their feelings - and those of their neighbours - would be reflected in their attitude to any administration there. Mr. Ferguson, of the Alliance party, in particular, had made the point that the space within the Camp was most confined and that the facilities there were insufficient. Some of the inmates were in bad shape and the hope had been expressed that conditions might be improved.
26. Insofar as violence was concerned, the statistics indicated that, on a population basis, three times as many Catholics as Protestants were being assassinated. This was a most serious situation and everything possible should be done to try to remedy it.
27. At the same time, our information was that the situation in most areas had improved enormously in recent months. The Taoiseach mentioned in particular, the behaviour of the Light Infantry in South Armagh which he said had contributed to a quietening in the area. Its behaviour had been quite good and this was reflected in a reduction in the number of incidents. The expression "peace has broken out" had been used of the area. Andersonstown and Creggan, however, still remained as serious problems.
28. On the question of violence generally, the Taoiseach said that some of the statements of Paisley - and Craig in particular - were highly inflammatory and he enquired if something could be done about them.
29. Insofar as extradition was concerned, the Taoiseach said that our position was governed by our adherence to the European convention on the subject. Extradition in this country was dealt with by the Courts under the law, which was based on the Convention. The Taoiseach said that the statistics which he had showed that all cases - except two which were with the Attorney General - had been dealt with. They have been before the Courts and there had been appeals on the Court decisions. In a small number of cases the warrants had been returned to the R.U.C. because of technical faults. There had been criticism of the delay in having persons extradited. The Government were trying to meet this criticism and had asked the Superior Courts Committee to make court rules with this end in view. The Committee had done this, last July, so as to substitute a summary summons procedure for the plenary summons procedure which had operated up to now. This summary procedure was much quicker than the earlier procedure and would apply to future applications for extradition.
30. The Prime Minister said that this was "a very bad one" from his point of view. Of the thirty persons for whose extradition to this country applications had been made in recent years, nineteen had actually been handed over. On the other hand, none of the political offenders had been handed over by this country. He found it very difficult to answer the point made time and again to him that it was all a one way traffic. A particular difficulty was posed by the practice of the Courts here of releasing persons on bail. These persons then go back to the

North and resume their activities. [redacted] was a case in point. He had been shot in the North [redacted] while his case was before the Courts here and he was out on bail. The Prime Minister repeated that this sort of situation was impossible for him to defend.

31. The Taoiseach said that a possible solution to the problem was the institution of a common law enforcement area which had been suggested in our document on a Council. He went in detail into the figures on the 23 cases where persons are accused of "Political" offences and showed that in each of these cases as much as possible had been done, within the law. The fact was, that, apart from the four cases which had been returned to the R.U.C., because the warrants had not been properly made out, and the two cases before the Attorney General, court action had been taken successfully by us. The fact that most of these cases were now the subject of appeal with the Superior Courts was something about which no Government could do anything.
32. The Prime Minister at this point again raised the question of whether anything can be done to prevent political offenders released on bail from going back to their activities.
33. The Taoiseach said that this was a difficult issue because of court involvement and he would need time to consider it. The Prime Minister said that the Taylor case, at present being heard here, was stirring up a lot of bad feeling in the North on the subject of extradition.
34. The Taoiseach emphasised that the Government was in a difficult position insofar as the Courts were concerned - in particular because of two recent cases. In one of these the Courts had placed a very wide interpretation on the word "political", with the result that it was difficult to get extradition if a political plea was made. In the other case the Courts had said that offences in the two countries concerned must correspond very closely - or be exactly the same. This too had made extradition very difficult.
35. The Prime Minister then raised the question of whether we would have any objection to their doing an aerial survey of the border from both sides. This would involve two to five sorties by a Canberra jet, flying at about 30,000 feet. The jet could be picked up by the civilian radar in Dublin Airport and could possibly give rise to questions. We would be provided with copies of the photographs. The photographs would be used by the British to distinguish places where wires had been layed across the border to detonate mines or bombs in Northern Ireland. This would be done by means of individual sorties by Puma helicopter or Beaver aircraft. For each of these individual sorties our permission would be asked. These flights would be at low level.
36. The Taoiseach said that he would consider the request. He also indicated that he would consider the request for improved procedures for liaison between the Special Branches in the two countries. He added that it was disturbing to see that Cooper had got news of British Army incursions, in aircraft, across the border. He had got it wrong but the publicity was nonetheless undesirable. His own reaction was that the British request for a high level survey seemed feasible. The Prime Minister said that the results of the survey would be of use to both Governments.

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37. The Taoiseach then went on to deal with the operations of the Special Criminal Court which, he said, had, up to the end of July, convicted 241 persons and acquitted 97. Sentences for persons convicted ranged from 1 month to 10 years. He then went on to enquire as to the Prime Minister's views on the timing of a conference on a Council of Ireland.
38. The Prime Minister said that Faulkner would be a most important consideration in any such conference. The presence at a conference of Paisley and Craig would leave him in a very exposed position. At least four of the members of his party were "very wobbly". Paisley was an extremely shrewd operator. He made allegations and statements which could be without foundation but he could never be caught up with afterwards. At his recent meeting with the Prime Minister he had produced a shoal of red herring. He then went out on the steps after the meeting and spoke about these things. He did not say a word of what had been talked about at the meeting with the Prime Minister. He was a very good operator in Westminster. When he had come first he had tried his normal tactics but people had simply ignored him. Since then he had changed and presented a reasonable appearance. Many persons fell for this, including many persons in the Labour party. His behaviour at the first meeting of the new Assembly had damaged him greatly in Westminster and, the Prime Minister said, hopefully elsewhere.
39. The Prime Minister asked what kind of package we wanted and said that when an Executive is formed they would call a conference and it will deal with a Council of Ireland. There is a lot of work to be done at official level on this question, if a satisfactory conference is to be arranged. It is the sort of thing which cannot be arranged at a one-day conference. The conference could be held in quite a short time after the Executive is formed.
40. The Taoiseach asked whether a conference could not be called to discuss a Council of Ireland and the Executive together. In considering the question we must, he said, take note of the fact that very few of the persons concerned have any experience, either of how a political party operates or of government. Even the Faulkner Unionists were in this position. He would be inclined not to ask Craig and Paisley to the conference - unless others had contrary views.
41. The Prime Minister said that a conference would not discuss the Executive. This was the business of the British Government and could not become the subject of further discussions at a conference.
42. If a conference is held before an Executive is formed, they would be put in the position of having to ask all the leaders of political parties in the North, including Craig and Paisley.
43. The Taoiseach said that unless there was a commitment to a Council the position of the S.D.L.P. would be much weakened. If there was a firm commitment to a Council, there would be a much better chance of getting the S.D.L.P. to operate in the Executive. A conference could perhaps consider the question of the Executive, the question of a Council, police, and a common law enforcement area.

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44. The Prime Minister reiterated that a Conference could not discuss the formation of an Executive. He said that the March deadline for the dissolution of the Assembly would be observed if an Executive had not been formed by then. People were already wondering whether this was not a real possibility. The abolition of the Assembly would mean changes in constitutional procedures at Westminster so as to put the North of Ireland into the same position as, for example, Scotland. He was emphatic that if an Executive was not formed in time something like this would happen.
45. The Taoiseach said that he accepted that any conference must carry with it as wide a spectrum of opinion in the North as possible. Invitations could go out on the clear understanding that certain things are agreed in advance. Faulkner, the Alliance, and the S.D.L.P. are all receptive at present. It was important to convene a conference early rather than late - while this atmosphere lasted.
46. The S.D.L.P. in particular, were afraid that if they went into an Executive they would find themselves in the position of getting no action on a Council of Ireland to which they were firmly committed. They were extremely strong on this point. The Prime Minister said that the position of the Unionists was simple. If they went to a conference to discuss a Council of Ireland they might find themselves without an Executive. On the suggestion of Mr. McCann that there might be agreement on an Executive, without actually launching it, while a conference was being held, the Prime Minister said that this just was not realistic.
47. The Taoiseach said that we must look for a firm commitment to simultaneous action on a Council of Ireland, police, detention, reforms in the public service etc. These other changes need not necessarily come about as part of a conference but action on them should go ahead concurrently with the arrangements for a conference - and an Executive.
48. At this point, the Prime Minister said that very few of the parties were ready for a conference. So far as he knew the S.D.L.P. had not yet crystallised their views. When he was shown a copy of the programme as enclosed with the letter dated 15th September, to the Taoiseach, he read it quickly and said that, offhand, it contained a number of proposals which Faulkner or London just could not accept. These were the proposals that police should come under the Council, and that the Council should have executive functions. (On this point the Prime Minister enquired how a Council would operate. Would the Governments be expected to devolve on it functions for which they were responsible. Would it have the power to over-rule Governments on these functions?) He also objected to the suggestion that the Parliamentary Assembly in the Council could have the say on how a Council should evolve. He said that this was a matter for the respective Governments. He re-iterated that the Assembly must get together and say how it is going to work. He said finally, that if Faulkner and the Unionists were presented with this, he would never get an Executive. The S.D.L.P. must not think that Britain will impose the Executive on the Unionists and Assembly.

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49. The Taoiseach agreed that there were a number of very real difficulties. The S.D.L.P. had real problems. At the same time we had no wish to create difficulties which would rule out Faulkner and his followers.
50. The Prime Minister said that we must face what the Unionists were saying - that they would be in a permanent minority in a Council on which the S.D.L.P. and representatives of the South were active. He stressed in particular that the following questions were matters for his Government -
- (1) the Executive,
 - (2) security,
 - (3) police, and
 - (4) money.
- He questioned strongly whether the future development of a Council could be left for decision by a Council or any of its institutions.
51. The Taoiseach said that the S.D.L.P. were new to power. They were very fearful of giving away anything. We must take steps to reassure them. Whatever we do must carry the conviction that they will be met in large part on the case they are making. Their inexperience had been highlighted recently by two delegations which they had sent to Dublin. Neither of these delegations apparently knew what the other delegation was saying or had discussed. The Taoiseach had taken up with them the question of getting some order into the way they did their business. The Taoiseach enquired if Mr. Whitelaw had gained any indication of willingness from the Parties concerned to come to a conference.
52. The Prime Minister said that he had got such an indication from the S.D.L.P. and the Alliance. From Mr. Faulkner he had got the view that a conference could discuss things of common interest but that a precondition was the recognition of the 1973 Act.
53. On the question of Compound Eight, the Prime Minister said that the recent legislation had deliberately taken the question of detention out of the hands of the Secretary of State. The intention was to divorce this sort of question from politics. They had set up a commission to form a judgement on each individual case. If he was now to say to the Secretary of State that he should review this or that case or take any particular action they would be going back on the legislation which had been passed by Westminster, after much deliberation. His information was that while some of the persons in the Compound may genuinely have renounced violence others are deliberately trying to use the procedures as an excuse to get out and back into their former activities. The Commission must have all the information possible in order to separate these two groups. When direct rule had been instituted they had reduced the number of detainees from about 1,000 to 250. They had taken this chance deliberately. Some persons did keep away from violence but others had gone back into their organisations. There was a very high element of risk in any action on the Compound. The detainees were very well organised inside. They had control and discipline. The best idea

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- seemed to him to be to let the Commission get on with their work. A difficulty of course is that many refused to recognise the Commission. He felt that it would be wrong for the Government to intervene now.
54. The Taoiseach enquired if the work of the Commission could be speeded up in any way. The Prime Minister said that they had been told to start as quickly as possible. In fact, they were not to have commenced operation for about three months, but they have started work now. A point which he would consider was whether the procedure of the Commission might be changed so that instead of reviewing cases in historical order of detention, they would review them according as they received applications from internees.
55. The Prime Minister said that on the question of a Conference and an Executive, once the S.D.L.P. and other Parties were involved in running their own show their views would change considerably. Once they discuss with the police authority, they will see the real difficulties in many of the things they are proposing. Even during the recent discussions, their attitudes have changed. For example, the point had been put to them that what they were saying about the public service in the North might well make their position as Ministers in an Executive impossible. In Whitehall with any change of Government they have been most careful on this point.
56. The Taoiseach said that the position was not at all comparable with that in Whitehall. The S.D.L.P. had the view that the representatives of the minority religion were deliberately excluded. There were plenty of examples of arrangements which had been made to change the composition of public services. For example the recent local government re-organisation in the United Kingdom had involved wholesale retirements, Belgium had made arrangements etc.
57. Sir Arthur Galsworthy said that he had got the impression from Fitt and Hume after the Ortoli dinner that they would be prepared to form an Executive on getting a commitment to a conference on a Council of Ireland within a month. The Prime Minister said that a commitment to having a Conference one month after the Executive is formed was not difficult, insofar as he was concerned. He had the impression that Faulkner and the Alliance would also agree to this proposal. The Taoiseach then outlined the S.D.L.P. position, emphasising that they would find themselves in an impossible position if they went into an Executive without a firm commitment to a Council with real functions. Our information was that they must get a commitment on a Council of this sort before they went into an Executive.
58. At this stage the meeting adjourned for lunch. After lunch the Prime Minister raised the question of Strasbourg. He said that there may have been some mis-understanding. The case could do a great deal of harm in the North. It was due to come up for hearing on 2nd October. The alternatives were to go ahead with the battle, with all this involved for relations between the two countries, or for the British to use the friendly settlement procedure. He said that our attitudes may have been affected by the Littlejohn Affair which the press say had damaged relations between the two countries. The Prime Minister said that this was not his view. They had never

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tried to do anything against the interests of the Dublin Government and had passed on any information which they had thought would be of use to us - for example, the information on the Claudia. Early on, nothing had been coming back from this country. Their position was that in this sort of situation they had to take information from wherever they could get it. People's lives were at stake.

59. On Strasbourg, he would suggest that they should go under Article 28 of the Convention. If there was agreement in principle on this they would put their machinery into operation but one of the questions which the Commission were bound to seek views on was the attitude of the Irish Government if the U.K. Government followed this course. The Secretary and President of the Commission would be in London on 25th September and the question might be raised informally with them then. Some indication of the Irish view would be very helpful at this stage.
60. His concern was that if the case went ahead, with all the dirt it involved, it would be next to impossible to get an Executive formed. Some members of the S.D.L.P. had sworn affidavits. How could persons who had sworn the type of affidavit work together with Unionists on an Executive? For these reasons he thought it was essential to go for the friendly settlement procedures - and possibly let it take time.
61. The Taoiseach said that he must bear public opinion on this question very much in mind. The whole thing had become connected in the public mind with the Littlejohn and Wyman cases.
62. The Commission would not look with favour on our settling the case, direct with the United Kingdom. In these circumstances it looked as if the friendly settlement procedure was the right approach for the British Government. We had to be careful not to appear to have breached our trust with the S.D.L.P. The question of compensation and redress would be extremely important. The Taoiseach said that he would inform the Attorney General that the application was going to be made by the British for the friendly settlement procedure.
63. The Prime Minister suggested that officials from the offices of the two Attorney Generals should meet so as to fix the approach.
64. Mr. McCann said that it would be better if the British made their approach to the Commission first. Any appearance of collusion would be extremely dangerous. At the same time we should be informed of what the British are doing.
65. The Prime Minister said that when the Secretary and President of the Commission were in London on the 25th September the Government would indicate that they intended to use the friendly settlement procedures and they would at the same time let us know what they were doing.
66. The Taoiseach then raised again the question of detention. He said that both the Alliance and the S.D.L.P. had been emphatic in the need to consider specially those in Compound Eight. Could arrangements be made to have the Commission look at their case specially?

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67. The Prime Minister said that under the Commission procedures whoever was in detention for the longest period had his case examined first. This meant that the hard core I.R.A. appeared first before the Commission. They will not recognise it so that, in fact, this is so much waste of time. He would consider suggesting to the Commission that they send a simple form to each person asking if he wants to have his case reviewed. On the question of the betterment of conditions in the camp, the Prime Minister said that they had been met with a flat refusal by the hard core cases to allow betterment of conditions. The basic question was "how are we to keep the dangerous men out of the way"?
68. He said that with the reduction in recent months in the amount of violence they had reduced the Army strength in the North from the 27 units which had been there at the time of operation motorman to 18 units at present. If they had to make withdrawals because of the needs of the Rhine army they would do so in a balanced way from all areas. It was not true that they were withdrawing the Army from East Belfast. However, the R.U.C. is going further into Catholic areas and seemed to be meeting with a fair degree of toleration. The dilemma was that once an area was left, I.R.A. control was re-established.
69. The Taoiseach said that there had been strong complaints about discriminatory searches. While there seemed to be evidence that considerable stores of arms and explosives were held by Protestants, the searches seemed to concentrate on Catholic areas. Similarly while the sectarian killings were mostly of Catholics, searches of Protestant areas were not as intensive. When the Army adopted a rigorous policy the effect was to inflame an entire area - even where it is relatively quiet.
70. The Prime Minister said that we needed to be careful on this point. Once the Army moved into an area, there was an I.R.A. orchestration no matter how lightly they worked. This applied even in the case of the light infantry of which the Taoiseach had spoken so favourably.
71. When the Taoiseach mentioned that the behaviour of the paratroops seemed to be particularly objectionable, Sir Arthur Galsworthy said that he had received many letters from inhabitants of the North praising their behaviour and generally in their favour.
72. The Prime Minister said that there had been a considerable decrease in incidents in recent months but not so much of a decline in the bombings - which could be carried out by juveniles. He was not sure of the source of the events in England. They were not going to say it was the I.R.A. until there was some firm indication to this effect. However, they did know that many of the detonators used came from the Republic. There was a possible tie in with the bombers trial in Winchester. There had been some outcry which would have been worse if Parliament had been in session. This had raised the question of -
- (1) movement controls as between the two countries and
 - (2) proscribing the I.R.A.

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- The Prime Minister said that at present he had an open mind on this question. It would only be with the greatest reluctance that he would move on it. There would be the obvious objection that to do so would be to invoke controls on movement as between one part of the United Kingdom and another but this would not be an insurmountable obstacle. They could, he said, impose the controls at a moment's notice if necessary - but stressed again his reluctance to do so.
73. The Taoiseach asked whether on the question of a conference, it would be possible to initiate discussions between groups in the North on the formation of an Executive and at the same time give a firm commitment on a Council of Ireland. With simultaneous movement on both sides it should be possible to fix a date for a conference. It was important to carry the S.D.L.P. on this point. The Alliance seemed to be relatively easy. It should also be possible to carry the Pledged Unionists as well - certainly this appeared to be the case from informal contacts. The important thing was to ensure that there was commitment on a Council. For this purpose a further discussion might be necessary and the timing for this might be discussed. He questioned whether the discussion should be between heads of Government.
74. The Prime Minister also posed the question of the level at which the discussions would take place.
75. The Taoiseach emphasised again the package approach and said we would go as far as we could. He said that he envisaged a one or two day conference at top level - involving himself and the Prime Minister. The important thing was to assure the S.D.L.P. They are extremely inexperienced in this type of work. If this could be done and if the Unionists could be convinced that they are not being swallowed up in an all Ireland Council, then so much the better.
76. The Prime Minister re-iterated that a conference could not discuss police - the Executive would be adviser to the Secretary of State who would be responsible for the police authority. Changes were being made at the top of the R.U.C. and it was being modernized.
77. Neither could a conference go in detail into the question of detention which was a matter for the Secretary of State (not the Home Affairs Ministry). Any objections to the Civil Service could be dealt with by the Executive when powers are devolved on it.
78. On the question of a Council and the Irish dimension generally, the Prime Minister said that the two Governments should be talking about the financing etc. of a Council and the S.D.L.P., Alliance and Pledged Unionists should talk about it in the process of forming an Executive. It is as an Executive that they ought to speak on the question of a Council of Ireland. Logically they ought to be talking among themselves, as a coalition to form an Executive, about the development of a Council. They have got to learn to live together. The more they look to us (the Irish and U.K. Governments), the less likelihood there is that they will get to live together. They can't really get to know their job until they get down to it. So long as they look outside it, they will never get down to it. The Prime Minister said that he was prepared to agree and announce a conference to be held within one month from the Executive's being formed. They could discuss in the Executive and in the Conference what they wanted from the Council of Ireland.

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79. The Taoiseach said that the idea of fixing a date was acceptable to us. They must indicate to the Unionists that they are not being brought further than they want to go. The S.D.L.P. will have to have a commitment to a certain broadly defined conference. There did not seem to be any great difficulty on these points. Faulkner had said that he did not want a Council which was only a talking shop.
80. What was necessary was a firm commitment to a Council and simultaneously progress towards the formation of an Executive. They must realise that the S.D.L.P., without experience of Government, were very nervous of their position. It would be highly desirable to put some commitment on public record.
81. The Prime Minister said that there was the danger that if the S.D.L.P. got their commitment for a Conference they could hold up the Executive and that they would use their position to blackmail the U.K. Government into giving them everything they wanted.
82. The Taoiseach said that the S.D.L.P. were afraid of a weak Council.
83. The Prime Minister enquired how a Council would carry out executive functions.
84. The Taoiseach said that there were already in existence examples of this type of joint action. He mentioned the Foyle fisheries which had a rotating chairmanship. Cooperation on electricity and tourism had developed to a very high degree before the recent troubles. There must be a clear commitment to a Council with executive functions developed well beyond these points.
85. The Prime Minister said that all this was excellent. It used to happen. But these things were not what was meant by a Council having executive functions.
86. The Taoiseach said that it was important to convince the Unionists that they were not being submerged and it was important to convince the S.D.L.P. that there was a firm commitment to a real Council. What was needed was something to concentrate the minds of both parties. The Taoiseach mentioned the analogy here between the position in relation to the formation of the Coalition Government at the last election.
87. Sir Arthur Galsworthy said that if the S.D.L.P. got their way on a conference before the formation of an executive, they would use their position to ensure that all the t's were crossed and the i's dotted before going into the Executive. They could destroy the chances of forming an Executive at all - in this way.
88. The Taoiseach said that the S.D.L.P. are anxious to form an Executive but must get something out of the conference on the subject of a Council. They have shifted on other things but would not shift on the question of a Council. Sir Arthur Galsworthy said that on this they seemed to have hardened their position.

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89. The Prime Minister said that they were quite prepared to extend what they had in the past - without necessarily going as far as what the S.D.L.P. have proposed. He also raised the question of how Craig and Paisley were to be excluded from any conference held before an executive was formed.
90. The Taoiseach enquired as to whether the invitation to the conference could not be framed in such a way as to commit the persons attending it to the idea of a Council.
91. The Prime Minister said that Paisley would come, Craig probably not. Paisley at a conference could wreck it. There were some very big issues to be settled at a conference of this sort. For example, should a Council be given powers to impose taxes? This would involve the Dublin Parliament and the London Parliament.
92. The Taoiseach said that what was important would be to phrase the invitation so that both the S.D.L.P. and the Unionists could accept it.
93. Sir Arthur Galsworthy said that if it were a joint invitation, Paisley would make difficulties. The White Paper talks of an invitation from the British Government.
94. The Prime Minister said that he had not considered the question of a joint invitation.
95. The Taoiseach said that if the Irish Government were joined there would be some assurance in it to the S.D.L.P.
96. The Prime Minister said that this may be so but that Faulkner could just as easily lose his four wavering followers.
97. At this point the Taoiseach mentioned the S.D.L.P. reservations about Faulkner.
98. The Prime Minister said that whatever the Conference discussed, it could not discuss police, which was the business of the Westminster Government. The same thing applied to detention. It seemed to him that the two main parties in the North should be told to make up their minds on a Council and the two Governments would see what could be done to meet them, after they had come to some form of agreement, whether informal or otherwise. These requirements represented the facts of political life.
99. The Taoiseach said that we were dealing with some very inexperienced groups. He himself had been a bit impatient with the way the S.D.L.P. had dealt with some recent deputations and had tried to get things formalised. His request had been met with the statement that they did not wish to formalise relations but preferred to have them on a loose basis. We must adapt ourselves in dealing with these groups to a slightly different procedure from what might be applicable in more settled conditions.
100. If there was a risk of frightening Faulkner by a joint invitation to a conference, he would certainly re-consider his position. What he wanted to ensure was that no party to a conference was trying to outsmart anyone else.

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101. It seemed to him that it would be desirable to announce a conference to discuss the formation of a Council and possibly the Executive and between that announcement to hold a number of informal meetings with the parties concerned to settle what would be agreed - or at least the main lines of action at the conference.
102. The Prime Minister said that he could not accept that the Executive should appear on the Agenda for a Conference.
103. Mr. McCann said that what could be envisaged was a three-stage conference. The first stage could discuss the principles on which a council could be formed. The conference would then adjourn to a second stage at which expert committees would examine the details. The conference could then be re-convened for the third stage, in plenary session to agree finally on whatever recommendations were made to them. Sir Arthur Galsworthy said that the S.D.L.P, should be convinced by the Irish Government of the line they should take. Mr. McCann said it was too much to ask that we should push them away from the package approach.
104. The Taoiseach said that while the conference to discuss the Council is going on, the Executive could be formed. Then in the third stage, when the Executive is formed, the conference could conclude with such agreement as might be reached. The Executive and the Council - could be seen as emerging together.
105. At this stage there was some suggestion that the Conference might be held in Northern Ireland.
106. The Taoiseach said that there must be a British and Irish commitment to a Council. This commitment would be apparent if a public conference at which all the parties concerned participated took place.
107. Sir Arthur Galsworthy said that if a conference on a council was arranged before an Executive was formed, the S.D.L.P. would use this fact to extract the last concession they wanted before agreeing to go into an Executive. The Conference would place the British Government and the Unionists in an impossible position.
108. The Taoiseach said that if this was the S.D.L.P. attitude, they would not go into an Executive anyway. This had been completely contrary to the views they had been expressing to us.
109. The Prime Minister said that the S.D.L.P. were being asked to share in the Government of Northern Ireland. The Council of Ireland could develop from things which the Executive and the Irish Government felt should be done jointly - but that this arrangement must be on the basis of consent as between all the parties concerned.
110. The British Cabinet had agreed on the proposal that the options for a Council should be set out. They had not considered these options in detail and had certainly come to no conclusions on them. Even if a Conference were to be held one month after the Executive was formed, the timetable would be extremely tight.
111. Mr. McCann said that if some type of agreement were reached informally behind doors, before a formal conference was

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- convened, the Conference could do the first phase of its business in one day. What was important was that there should be a public commitment by both Governments and by the parties concerned in Northern Ireland to the formation of a Council.
112. Sir Arthur Galsworthy said that Faulkner had pegged out his conditions for participation. They included no discussion at a Conference of the question of detention, some action on the extradition laws in this country, recognition of the Northern constitution and the right of the Northern people to self-determination.
113. If the S.D.L.P. can get a commitment to a conference, they will go on and on.
114. The Taoiseach said that the S.D.L.P. genuinely wanted to participate in an Executive and that the time factor was against them if they had this type of tactic in mind.
115. The Prime Minister said that if an Executive was not formed by next March then the alternative was direct rule. In fact, many people in the public service were already thinking of this. Paisley was pressing for this now and others would soon follow him. The months were rolling by and nothing had happened to show that an Executive would be formed. The argument used by these persons was "Look what we have let ourselves in for. Time has gone by and we are getting no action. We should go the whole hog and back to direct rule".
116. The Prime Minister said that the "package" is impossible. A conference could not talk about police in Northern Ireland. This was a matter for Westminster. He said that the British Government would devolve powers when an Executive was formed and that a conference could be held then on a Council of Ireland between people with real responsibilities in an Executive. He wondered if there could be agreement on the shape of a Council if the groups in the North could agree in advance.
117. The Taoiseach said that policing etc. need not necessarily be dealt with at a conference. What was important was that the conference should discuss and accept the principle of a Council. It should carry conviction both to the Faulkner Unionists and the S.D.L.P. Action on police could go ahead separately.
118. Sir Arthur Galsworthy said that this would not be a one-day debate.
119. The Prime Minister said that the best thing at this stage seemed to be to suggest to Mr. Whitelaw when he met the three leaders jointly tomorrow ~~ie 18th September, that he should take soundings.~~ One thing that Faulkner was certain to insist on was the acceptance of the 1973 Act by the Government of the Republic.
120. The Taoiseach said that in his recent speeches he had made his position on recognition clear. His attitude and his actions on violence were also well known.

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121. The Prime Minister said that if they could agree among themselves in Northern Ireland, then the two Governments could act. Faulkner could not, however, be put in a situation of minority to the S.D.L.P. and the Southern representatives on a Council.
122. At this point the Taoiseach said that Faulkner wanted the office of Chief Executive. If he does not get it he may drop out of the picture altogether. It was hard to see what would happen in his absence. The Prime Minister mentioned that the Alliance at one stage had supported Bradford for the part but he had gone out on so many limbs that they felt now that Faulkner was the only credible choice for the Office.
123. The question of a press statement on the conference was then discussed. The Prime Minister asked whether a short communiqué should be issued.
124. The Taoiseach said that his view was that the communiqué should simply say that the two Prime Ministers had a discussion. There could obviously be no indication in it that agreement had been reached. He favoured something on the lines that the Prime Ministers had exchanged views. It was better in all this to be completely frank.
125. The Prime Minister agreed but said that on no account should we say anything that will damage prospects in Northern Ireland. He said that he could not agree that night to calling a conference before the Executive was formed - and face the prospect of being dragged along month after month by the S.D.L.P. On this he shared the Ambassador's view. There was also the danger of Paisley and Craig. What was important was that the two Prime Ministers should have faith in each other and that they should accept that whatever happens will come about only by compromise. The whole thing was being discussed in the North of Ireland by the Secretary of State and perhaps there was some hope in that direction.
126. The Taoiseach said that there was a most delicate balance and that both the Faulkner Unionists and the S.D.L.P. must be carried along in whatever action was taken.
127. Discussion on the detail of the communiques, as submitted in draft, then continued. The Taoiseach handed over draft "A". After some consideration of this, the Prime Minister suggested an adjournment so as not to keep Mr. Lynch, Leader of the Opposition waiting. During the adjournment, the British produced an alternative draft "B". During the discussions on this draft the Taoiseach said it was better to come out in the open and say quite plainly that we had made very little progress. After lengthy discussion - in which the Ambassador fought strongly for draft B - the final draft "C" was agreed on a compromise suggestion by Mr. Armstrong.
128. Finally, the Taoiseach raised the question of a joint application by the two Governments to the E.E.C. for a regional aid study for the North-West and asked if a reference to this should go into the communiqué. The Prime Minister said that Ortoli had been against any regional policy at all but under pressure from Thomson would now go along with it. He wondered if one should press too hard on the subject now. He saw no particular difficulty in a joint application to the Commission but felt it should not be mentioned in the communiqué.

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The question of giving a Community briefing to the Ambassadors of the E.E.C. was mentioned. It was agreed that this might be done jointly by the British Ambassador and someone on our side. Too much should not be divulged at this briefing.

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The meeting then concluded.



18 September 1973.

Copies of this note have been given to -

1. Secretary (Mr O'Kelleghan) Asst. Sec. (Mr McLaughlin)
2. " Dept. Foreign Affairs (Mr McLean) Asst. Sec. - Foreign Affairs (Mr Whelan)
3. Messrs. Denley, Swift and Dorr - Foreign Affairs
4. Ambassador O'Kelleghan
5. Messrs. Stokes and McCarthy, Dept. of the Taoiseach
6. Attorney General ~~Mr~~
7. Mr Ward Secretary D/Turkey (par. 29-34 on embadition)
8. Mr Carney " D/Defence (par. 35-36 aerial surveys)
9. Mr Downey } - Dept. Local Govt.
Mr Doyle } - Dept. Finance (par. 128 - regional aid study)

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