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CONFIDENTIAL

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M. Ó Lligáin

M. Dally

*(Britain
J.H.B.)
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14 October 1978

Secretary
Department of Foreign Affairs

Attention Mr Hugh Swift

The following notes, for your information, deal with points covered in a conversation on Friday last, 13th October, with John Marshall, Under Secretary at the NIO.

As we know, Mason had talks with the SDLP in September. He also had talks with Alliance, from which nothing new emerged. Talks had not yet been held with the official Unionists nor with the DUP (nor have the latter yet produced the political proposals which Paisley announced he would be presenting to Mason).

Mason's discussions with the parties have been on the lines that his five-point plan for an interim assembly is still on the table. He believes it offers the best prospect for progress but is by no means wedded to any rigid interpretation of its elements. If the parties can come up with more effective proposals, he will welcome them.

Marshall said that the NIO have no expectations that the present round of talks will produce anything new. The Unionists have consistently shown themselves opposed to Mason's proposals in so far as they contain power-sharing elements. The SDLP had insisted on an Irish dimension in any new initiative and have shown no interest in the concept of an interim assembly. The situation is one of stalemate. In the circumstances, this Government would continue with the policy of direct rule. It was not, in Marshall's view,

*Mr Murray
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THE POLITICAL
SITUATION

a policy to provide answers for the longer term but in the short term, it had made some progress. He was very insistent that the Secretary of State would press no course of action which did not meet the test of acceptability. There was no question, therefore, that Mr Mason would try to push ahead with any limited form of devolution unacceptable to the SDLP. Nor would he be ready to try to push through any initiative which the Unionists were unwilling to accept.

I mentioned my discussion with Airey Neave earlier in the week at Brighton on the latter's ideas for some form of independent review of local government options for the North. Marshall was generally aware of these ideas and mentioned that Neave has been in contact with Macrory on several occasions of late. He thought Neave's ideas vague and ill-informed. If Neave thought that it was a matter of reviewing the technical options open for a regional council or councils, he did not understand the problem. To be worth anything, any review would have to take into account the particular characteristics of the problem and that meant the basic political difficulties which were only too well known. The SDLP would not accept any arrangement which would have the effect of putting local government back into Unionist hands. Neave's exercise might give a breathing space to an incoming Conservative Government but would hardly be of practical use.

INCREASED
REPRESENTATION
AT WESTMINSTER
AND PR

Marshall said that it could be definitely taken that the Queen's Speech would include a commitment to legislation for increased representation (17 seats). He confirmed that there was no way by which the legislation could be made operative before the next general election. Even if the Bill went through quickly at the beginning of the next Session and even if, as I understand to be the case, the Boundary Commission has done advance work on the definition

of seventeen constituencies in Northern Ireland, the Commission could not begin the hearing process until the Bill was passed. Obviously objections would be raised at the hearing stage and it could well be two years at least before the full Boundary Commission procedures were completed.

Marshall confirmed that Mason had agreed to look seriously at the SDLP's proposal for PR in Northern Ireland at Westminster elections. While he said that no decision had yet been reached in the matter, he left me with the impression that he thought it very unlikely that the proposal would become a reality. The Unionists would of course hotly oppose it. But, as much to the point, it was very doubtful that the introduction of PR would get Cabinet approval. He reckoned that it would stand little chance of success in the Commons. While a number of Labour MPs were prepared to see PR for Northern Ireland in European elections they were a lot more likely to see its introduction for national elections as the thin edge of the wedge and unacceptable.

LONG KESH

Marshall confirmed that the problems at H-Block were now under study by a special group. They had no doubts^{about}/their ability to rebut the charges brought at Strasbourg; but they had to recognise that a continuing press build up could be anticipated with damaging results. They had looked hard at the possibility of working out some arrangement which would allow the prisoners to wear their own clothes but otherwise to observe normal prison discipline. Marshall gave me the impression, however, that they were still not satisfied that they had an answer to the problem which would not give the Provisional IRA a damaging claim to victory. If there was a way, however, to ease the problem without this, they certainly would wish to take it.

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He said that press reports alleging that prisoners were denied the right to exercise were untrue. Prisoners were permitted to exercise in their prison clothes, in their underpants or naked. They were informed of this right daily. Obviously, as the colder weather came, the latter options were increasingly unacceptable. But it was not correct that the right to exercise was being denied.

As regards reading material etc. he said that such material had been provided but had been used (bibles he said as well as books) for the purpose of fouling the cells still further. As regards right of association, he said that prisoners were not permitted to associate when unclothed.

SECURITY
COOPERATION

Marshall mentioned the paper handed to the Secretary on this matter last month. He suggested that this had been clumsily handled on their side. The Ambassador should have had a tour d'horizon with the Secretary in the course of which perhaps the paper might have been handed over. There had, he said, been a suggestion that the paper might more appropriately have been conveyed to the Department of Justice. He wondered whether we thought contacts on these matters might best be handled direct with that Department. I said that I was not familiar with the details of this matter but I had no reason to believe that there had been any change in our position that the NIO contact should continue, at political and official level, to be with Foreign Affairs, Justice being associated as necessary.*

Marshall referred to the suggestion which the British made in Dublin earlier this summer about the occasional informal discussion of security questions at official level. This had met with a negative response from our side. He wondered whether we had fully understood their thinking on the matter. What he had envisaged was that from time to time he and, perhaps, Tony Stevens, the NIO official in Belfast with

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*I added that what we were concerned about was that the channels established for exchanges on security problems should be used and not bypassed or ignored on occasions.

direct responsibility in this field, could visit Dublin to talk with someone from our Department and, perhaps, from the Department of Justice. In putting forward this suggestion they did not intend any criticism of the RUC/Garda channels. But it was useful, they thought, every now and then to take a general look at the security problems which were common to us both. It might, for instance, at the beginning of this year have avoided some misunderstanding and dispute at political level if the question of differing interpretations of statistics which had been the subject of disagreement, could have been discussed at official level. The possibility of a serious incident which could arise through unintentional firing on, say, army personnel south of the border by the British security forces (and there had been one or two instances uncomfortably close to this) was another common concern that could be discussed. These were two instances of the kind of problem that it could be helpful to talk about at such a meeting. He insisted that it was not their intention to try to impose further structures of consultation which we did not wish. But there seemed to be room for some such informal exchange from time to time at official rather than technical level. He suggested that perhaps one such meeting might be tried to see if it were of use without any commitment to further meetings.

I said that the approach which they had made to us earlier in the summer on this had caused some puzzlement in Dublin. It had not been at all clear what officials might talk about usefully that was not already being reviewed in the security cooperation panels. I promised, however, to report his further explanation of the proposal without offering any indication that we would see things differently.

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SHACKLETON
REPORT ON THE
PTA

Marshall said that the Home Office were not rushing to prepare the Government's response to the report. If the response was forthcoming before the end of the year, there could be a debate on the report early in the New Year. Otherwise the debate would probably await the renewal debate on the PTA legislation due in March of next year.

MEETING
BETWEEN THE
MINISTER AND
MR MASON

Marshall said that Brian Cubbon might think it useful to come to Dublin before the meeting to prepare the ground. Cubbon had no definite plans yet on this but Marshall thought it likely he would think a visit helpful.

J. H. F. Campbell
John H.F. Campbell
Minister Plenipotentiary