

NATIONAL ARCHIVES

IRELAND



Reference Code:	2015/89/66
Creation Date(s):	3 November 1985
Extent and medium:	13 pages
Creator(s):	Department of the Taoiseach
Access Conditions:	Open
Copyright:	National Archives, Ireland. May only be reproduced with the written permission of the Director of the National Archives.

1 copy.
PH: S19015.
Mr McCann
8-11-85
M. K. W. on
8/11/85

Report of Meeting with the Alliance Party, 1 November 1985

A. INTRODUCTION

1. Present on the Government side were:

The Taoiseach, Dr. Garret FitzGerald TD
The Minister for Foreign Affairs, Mr. Peter Barry TD
The Minister for Health and Social Welfare, Mr. Barry Desmond TD
accompanied by Mr. Dermot Nally, Department of the Taoiseach,
Mr. Daithi O'Ceallaigh, Department of Foreign Affairs and the
undersigned

Present on the Alliance side were:

Mr. John Cushnahan, Party Leader
Mr. Addie Morrow, Deputy Leader
Mr. Oliver Napier, Assembly Representative for East Belfast
Mr. Gordon Mawhinney, Chief Whip, Assembly Representative for
South Antrim
Mr. Basil Glass, Party Chairman
Mr. Paul Maguire, Assembly Representative for North Belfast,
Spokesperson on Legal Affairs

2. The Taoiseach welcomed the delegation and suggested that they begin the meeting over lunch. He said he hoped for free discussion but would ask that as a working arrangement each of the two sides would confine themselves in any statements issued after the meeting to stating its own position and views. Mr. Cushnahan said he agreed with this procedure and fully appreciated it given the sensitivity surrounding the current Anglo-Irish discussions. He added that the Alliance Party welcomed this opportunity to meet with the Government as a means of putting their views and perceptions on the current political situation in Northern Ireland. The party were disappointed that this meeting had not taken place sooner, but commented that he did not wish to cause any bad feeling about that.

B. Anglo-Irish Discussions

Mr. Cushnahan said that the Alliance Party supported the Anglo-Irish talks, believed they are right, and of benefit both to the United Kingdom and Irish Governments. The Alliance Party want to see co-operation between the two Governments and want to see an agreement between the Governments. The Alliance Party obviously set parameters as regards any agreement, and will support an Agreement subject to it neither infringing sovereignty nor conceding an executive role to the Irish Government in Northern Ireland affairs. Despite a lot of press speculation, the Alliance Party had refused to be drawn on the proposals and essentially would wait and see the Agreement when made public. They would then judge it on the basis of the parameters which they had set down.

He said that there was a lot of tension and concern in the Protestant community arising from speculation about the talks. This concern had grown: firstly because of the irresponsible stance taken by the media, in particular the Newsletter with regard to the talks; secondly because of the deliberate efforts by certain unionist politicians to "wind the situation up", and thirdly because of the feeling that the SDLP were fully briefed on the contents of the talks while their content had been kept from the Protestant community.

Mr. Cushnahan commented that the presentation of any Agreement was absolutely crucial and that it was important that it be perceived as a reasonable and honourable agreement. Statements made by either unionist or nationalist describing it as a process - 'a vehicle trundling to a United Ireland' could cause major difficulties. The same was true for irresponsible comments by backbenchers. He asked that a copy of the Agreement be made available to him a few hours before publication.

The Taoiseach said that he was very aware of the effects that uncertainty about the talks were having on the unionist

population. The Taoiseach outlined the background to the Government's involvement in the Anglo-Irish discussions. The Government, following the events of 1981, had concluded that there was no way forward in Northern Ireland without a role for the Irish Government. He said that the Anglo-Irish talks promised only trouble and danger for the Government, yet the Government took these inevitable risks in the hope of bringing about a change in the situation of the minority community in Northern Ireland.

Following the Forum Report, the Government had embarked on discussion with the British Government. The Government took the view that it was vital for rapid and early conclusions to this process. Nevertheless the simple fact was that our small, relatively simple governmental system was in many respects able to react more quickly in contrast to the British imperial system which had many other concerns and is cumbersome. Consequently the pace of progress possible by the two Governments was totally different. The Taoiseach stressed that the Government would have preferred faster progress. The Government was keenly aware that the longer the process drags on unnecessary tensions would be created.

Mr. Cushnahan agreed that the length of the negotiation had added to the unease of the unionist community; the situation had also been greatly influenced by the 'Sinn Fein factor' when from June onwards unionists had found themselves facing IRA supporters in councils. The Taoiseach said the Government had foreseen and knew that Sinn Fein presence in the local councils would place the unionist politicians in an intolerable position. While the Irish side wanted to have negotiations completed before the Spring and the start of the "marching season", the Taoiseach said that had not unfortunately proved possible. He stressed that he was not blaming the British side, who have put a quite remarkable effort into the negotiations, for the delay, but repeated that the problem was caused by our different governmental systems.

Recalling Mr. Cushnahan's reference to the crucial importance of presentation of any package, the Taoiseach said that this concern about presentation was very much shared by both sides in the talks. Both sides saw clearly that they had a common interest in taking every precaution as regards presentation of any agreement which may be reached, and that neither side's interest lay in overplaying any gain.

The Minister for Health recalled Mr. Cushnahan's comments about statements from backbenchers which might create difficulties. Mr. Cushnahan commented that he had meant by this reference backbenchers in Northern Ireland for example Brian Feeney and Paschal O'Hare of the SDLP. The Taoiseach said that though it is not yet certain that there will be an Agreement, if there is one there may be some people in the SDLP who will not like what it contains and doubtless they will say so. He said that he was sure that John Hume would ensure that his people will wait and see what any agreement contains before they react. The Taoiseach stressed again the common interest shared by both Governments as to the presentation of an agreement and said that they were pursuing this matter in the negotiations. He commented that one of the benefits of the lesson learnt last year for both sides was that the question of presentation was crucially important.

Mr. Mawhinney referred to a meeting which he had attended recently with unionists. The opinion had emerged that it would be very helpful if party leaders could be briefed as to the contents of any agreement, shortly before its public presentation, so that their reactions would not be based on the press representation of an Agreement. Mr. Cushnahan interjected to clarify this point and said that this request had been directed at the British Government. The Taoiseach said that the British Government would probably decide to do it and commented that perhaps the British privy council system had already allowed them to brief some unionist politicians. Mr. Cushnahan said that he understood that Mr. Molyneux has not

yet been briefed by the British side. Mr. Maguire said that Privy Councillors are not briefed as a matter of course. He recalled that during the Falklands war the British Government announced their intention to brief privy councillors, however Michael Foot had decided not to avail of that privilege since it would have placed a requirement on him to remain silent.

Mr. Cushnahan said that the Provisional IRA factor cannot be dismissed from the Northern Ireland situation, which was likely to become even more volatile after an agreement. The Taoiseach said that neither the British or Irish Governments in the present talks exclude that a short term effect of any agreement would be an increase in violence. However, the statements by Sinn Fein on the talks indicated that they would not greet it violently. While these statements could be either true or false, on the whole Sinn Fein's requirements of what they term 'credibility' meant that they tended to come clean about their intentions. The Minister for Foreign Affairs said that the general tone of Sinn Fein's statements about the talks was dismissive of them as not being worthwhile at all.

As to possible unionist paramilitary reaction to an agreement, Mr. Cushnahan said there were rumours of a three day strike, yet the general view was that the loyalists would not play the strike card. One fear was that they might attempt to carry the situation to the South. Another possibility was adjournment of local councils and an attempt not to work the system of government by getting at civil service supporters. Mr. Napier said that in the average loyalist mind the Sinn Fein factor and Anglo-Irish summitry were fused. The Taoiseach said that one of the principal purposes of the negotiations was to try to deal with the Sinn Fein threat. He said that the Government had taken a consistent line of only dealing with political parties who abjure violence and has not met with Sinn Fein representatives. Mr. Napier said that regrettably British officials hadn't stuck to this line. However, it

would be a mistake to ban Sinn Fein which would only strengthen them. The Taoiseach said that his Government's decision not to ban Sinn Fein was based on security advice which indicated that it was better to have them in the open.

The Minister for Health enquired as to what strategy Sinn Fein were likely to follow following any Anglo-Irish agreement. Mr. Cushnahan said that it appeared that Sinn Fein presently had internal problems. It would appear likely that there are two options open to it; either to use an Agreement as a means of outflanking the SDLP or to meet it with a violent reaction. The Minister for Foreign Affairs asked for views on the suggestion that Sinn Fein supporters were disappointed by the party's representatives in the council. Mr. Napier said that in some cases they have not been impressive, but in Belfast City Council they haven't 'put a foot wrong'. The Loyalists had done all the work for them.

Cushnahan said that they had asked the British Government to look at the Incitement to Hatred Act, comments such as those by Seamus Kerr were inflammatory and annoyed the Protestant population greatly. The Taoiseach said that this was very difficult legislation to draft because of the difficulties with the concepts of intention and encouragement. He recalled difficulties which had arisen with the problem of intention when drafting the Forcible Entry Act in the South. Mr. Maguire said that the present law condones incitement to hatred since it is so inefficient and it has been so rarely used. The British Government was clearly in default on this issue. While they had made changes in the Race Relations Act in the United Kingdom, these changes had not been applied in Northern Ireland. The effect of those changes had been to widen the concept of intention to include behaviour which reasonable people would regard as inciting to hatred. The Taoiseach said that he would take note of this and have the matter checked out.

The Minister for Health asked for the Alliance Party view of possible unionist reaction in the event of a decision not to strike. Cushnahan repeated that disruption in the councils was likely and thought resignation of seats leading to Westminster bye-elections less likely. The most attractive to the DUP would be if Paisley resigned his seat as MEP, and used the resulting bye-election as a sort of "province" wide referendum on the Agreement. The Taoiseach recalled that the Government here had been required to change electoral law to provide for substitute candidates for European Parliament seats in order to avoid bye-elections. Napier said the U.K. Government had not made that change and European Parliament bye-elections on resignation were possible under present law. The Taoiseach said he would check this question of substitute candidates.

As to the question of loyalist paramilitary reaction, Cushnahan said that he had information from an important source that meetings had taken place between unionist politicians (both OUP and DUP though not Paisley) and paramilitaries, in particular the UDA. Napier said it would be interesting to see who and how many would attend the UULF meeting on the 2 November, Glass said the UULF are a paper organisation. The Taoiseach commented that this would appear to indicate that senior unionist politicians are keeping their hands clean in public, while engaging in behind the scenes contact with paramilitaries. Mawhinney said the UDA currently had a big drive on to get money. He was aware of six construction firms in his constituency who had been approached by the UDA and asked to pay up either £5,000 or £500 per month per employee. Mawhinney also referred to the use of private security firms run by convicted terrorists after their release as fronts for the UDA. Cushnahan said that they had raised the problem with Scott, who said that no action was possible. Napier said that there was a genuine problem regulating private security firms in order to exclude convicted persons from involvement with them after their release from prison. Mawhinney recalled the

British White Paper on licensing of private security firms, and said that he has been involved in one court case about these which the DPP has had to call off, because of threats against witnesses.

C: Devolution

Cushnahan said that the Alliance Party had met with Sir Fred Catherwood. While one of the possible unionist motives behind this move on devolution was to offer a counter part to the Anglo-Irish summit, the Alliance Party decided to see could they use the opportunity to push devolution a bit. Sir Fred Catherwood had told the Alliance Party during the course of the discussions that the process had the blessing of John Hume.

There were two crucial points which had emerged at the final stages with regard to the proposals. The Alliance Party had objected to four or five sections of the document, and as a result they had not been included. Secondly at a final stage Sir Frederick had spoken to the Alliance Party and advised them that if Alliance didn't let the document run the OUP would be completely lost. The Party had decided to let the report go subject to the condition that the Alliance Party were not bound by it. They were also given to understand that Hume "would run with it". Cushnahan said the Alliance Party saw the Catherwood proposals as a way to get unionists over a threshold and put proposals on the table. He stressed the significance of the requirement for 66% or 2/3 support of a sitting Assembly in a vote of confidence for the appointment of an executive. This meant that any executive could not be sustained without SDLP support. Alliance had also sought to make the most of the timing advantage. Cushnahan said it would be very difficult to get unionist agreement on devolution after an Anglo-Irish package. He referred to his letter to Secretary of State King in which he had set out how they saw the document and stated that they believed it should not be allowed to disrupt the Anglo-Irish discussions. Against this background, Cushnahan said he was very annoyed by the position taken by

Eddie McGrady who had criticised the proposals and the Alliance Party's involvement with them.

The Taoiseach said he was grateful for that information and could see why it was thought that the exercise may have utility. He commented that since 1974 an endemic problem had been the breakdown of communication between Alliance and the SDLP. Cushnahan interjected that there was also a breakdown internally in the SDLP. Napier commented that a key aspect to the proposals was the agreement that the minority and majority cultures are to be equally recognised. He said given that agreement by unionists they cannot object to the British Government legislating in that area which was one where visible perceptive changes could be made for the minority community. He added that the Alliance Party had always understood that it would be difficult for the SDLP to get involved in the debate about devolution prior to any summit.

A discussion followed centred on the subject of the nature of Alliance's electoral support and how it might be affected following an Anglo-Irish summit. Cushnahan repeated his view that perception and presentation of any agreement is vital and that Alliance would be prepared to defend an agreement if it meets their parameters. It might cause a short term problem, but Alliance will fight in the short-term if in the long-term there was hope of progress. Morrow spoke about the danger to his seat at present as Protestant voters have become more fearful as the negotiations dragged on. He emphasised that presentation was vital, and that the Agreement must be presented in a reasonable way. In East Belfast loyalist paramilitaries are not as numerous as before, yet there are people in the main unionist parties in contact with them, and ordinary unionists are worried in a very real way. The Minister for Foreign Affairs asked if there was an agreement which was successful, would the seats which Alliance have 'lost' to OUP return to them. Napier agreed that the Alliance seats were "on loan" to the OUP, and added that Alliance can sell Anglo-Irish co-operation. The Taoiseach commented that

even if an agreement did emerge things could go wrong if for example under unionist pressure the British might not fulfil the spirit of the Agreement or if it did not succeed in shifting minority opinion and the unionist community remained hostile. Napier said that there has got to be an agreement, which is significant, yet which does not push the loyalists over the top. The Taoiseach said that the Government recognised these facts, and indeed the sensitivity of the Government to the unionist position during the talks had at times been greater than that of the British Government.

C: Security

Cushnahan said that Alliance have publicly stated their appreciation of the South's efforts to combat terrorism and the Government's efforts regarding RUC-Garda co-operation. The Extradition issue was one on which there was continuing interest, and while Alliance were aware of the complex legal background the issue was a symbolic one for very many people. The Taoiseach in reply agreed that the extradition issue was a very complex one about which in the short time remaining he would make the following points. The problem for the Irish Government, stated in simple terms, is that our Supreme Court is supreme and that Supreme Court decisions on extradition were final. The case beginning today in the Supreme Court (Burns) was an example in point; it would not necessarily follow that the Supreme Court would decide to extradite whatever the Government might like to see. He outlined the background to the Supreme Court's decision in the Mc Glinchey case and he commented the Northern Ireland authorities had sought extradition on a charge for which they had no sustainable evidence. The aftermath to the Quinn case raised similarly serious issues about the behaviour of the British authorities regarding extradition. The system had in this case also been visibly and obviously abused much to the embarrassment of the Irish Government. The Taoiseach expressed the hope that the Supreme Court would not modify their approach to subsequent extradition cases as a result of the aftermath of the cases

above. The Minister for Foreign Affairs referred to the 18 months delay in bringing the Shannon case to trial. The effect of this could be to influence the Supreme Court and give them grounds to change their previous position.

Maguire said that Alliance had welcomed the Supreme Court decisions in the McGlinchey case. He defended the decision in the High Court which was later overturned by the Court of Appeal. The Taoiseach said that there is a belief that there had been no good grounds for the High Court verdict, and that the authorities should seek extradition orders for crimes which they have evidence on which they can convict. Napier said that the McGlinchey case was unfortunate. The Taoiseach replied that this was not the only problem area, there had been difficulties too with the Quinn case, and also with the delay in bringing Shannon to trial. Mr. Nally outlined the background to the Quinn case, in which it seemed clear that the police authorities had misled the Court. The 16 month delay in bringing Shannon to trial raised doubts also about the lack of evidence. Napier said that the extradition process had been reduced to the level of farce, which clearly caused difficulties for the Government. The Taoiseach said that the Government may in due course have to draft legislation relating to the requirement for prima facie evidence in extradition cases.

Napier referred to the question of policing and said that the strained relations between the Chief Constable and the Garda Commissioner were damaging to policing and relations between the two forces. The Taoiseach outlined the background to the Dowra affair, and stressed that he had personally made every effort to have the matter resolved. However, failing an investigation into the matter it seemed clear that a straight and honest policeman had been misled by someone he trusted and until the matter was resolved by an investigation the clear indications were that there had been a conspiracy to pervert the course of justice. The Minister for Foreign Affairs stressed that Garda-RUC co-operation was good. Napier

expressed the hope that the matter will sort itself out. Hermon was the first RUC Chief Constable who had actually taken an independent line and his role in furthering co-operation in the event of any agreement was undoubted. The Taoiseach agreed that this was a priority matter to be resolved. In the absence of Mr. Cushnahan, Napier thanked the Taoiseach for the meeting and said that the Alliance Party genuinely supported the need for greater Anglo-Irish and North-South co-operation.

Cushnahan on return said that Alliance appreciated the Government's efforts regarding disinvestment and the MacBride principles. The Taoiseach said the Government had stood firm on the disinvestment issue. As regards Shorts, the Taoiseach said that the US contract, won as a result of the joint lobbying of the British and Irish Governments in Washington against the recommendations of the Pentagon, would most certainly revert to Spain, the Pentagon's choice, if there was not an immediate change and improvement in recruitment figures. Napier said Foreman's behaviour was appalling and described him as an extremely insensitive individual. He recalled Foreman's meeting with Bob Cooper of the FEA where Foreman had made many promises. However, following the award of the contract, management responsibility for anti-discrimination measures had been passed down the line. Cushnahan said that Alliance had raised the Shorts problem with Hurd, who had openly stated his concern at the situation. The Taoiseach said that in view of the short time remaining, he would perhaps raise this matter again with the British.

Cushnahan concluded by saying that Alliance considered the Anglo-Irish talks to be right, and said that if any agreement meets their two requirements it will have the party's support and they will throw their full weight behind it. The Taoiseach thanked the Alliance delegation for a very useful meeting and expressed his gratitude for the very useful

exchange of views. As to the point about a briefing before the Agreement, he said that one of the two Governments would undertake this.

Barbara Jones

Barbara Jones

3 November 1985

cc: Taoiseach
Tanaiste
Minister
Minister for Justice
Minister for Health
Attorney General
Messrs. Nally, Ward, Quigley
PSS
Mr. Lillis
A-I Section
Embassies London and Washington