



An Chartlann Náisiúnta
National Archives

Reference Code: 2021/94/22

Creator(s): Department of the Taoiseach

Accession Conditions: Open

Copyright: National Archives, Ireland.
May only be reproduced with
the written permission of the
Director of the National
Archives.

Copy is on file 6.25541P

17



AN ROINN GNÓTHAI EACHTRACHA

DEPARTMENT OF FOREIGN AFFAIRS

File date: 25/9/92

BAILE ATHA CLIATH 2

DUBLIN 2

~~CONFIDENTIAL~~

convered to N. Brennan's 1/10.

29 September, 1992.

1. Pat
18. tele 7 As of last session

Mr. Dermot Nally,
Secretary to the Government,
Department of the Taoiseach.

2. H. Keenan
30/9
m. Cullin
by P. D. Sullivan
16/10/92
m
y. r. o. 92

Dear Dermot,

Discussions at lunch during Summit Meeting in London

I am enclosing herewith a copy of my report of this discussion as written up from notes taken at table. Please let me know if you have any corrections or changes to suggest.

Yours sincerely,

Noel Dorr
Secretary

- c.c. PSM (for Minister's information)
- Mr. Brosnan, D/Justice
- Ambassador Small
- Mr. O hUiginn
- Mr. O'Donovan

NOTES ON DISCUSSIONS AT LUNCH IN ADMIRALTY HOUSE, LONDON,
ON FRIDAY, 25 SEPTEMBER, 1992 ON THE OCCASION OF A
SUMMIT MEETING BETWEEN THE TAOISEACH AND PRIME MINISTER

The Taoiseach and the Prime Minister, accompanied by Messrs. Nally and Wall as note-takers met for a tete-a-tete for about an hour before lunch. They were joined at lunch by:

British Side: Sir Patrick Mayhew (NI Secretary), Tristan Garel Jones (Minister, FCO), Sir Robin Butler (Cabinet Secretary), John Chilcot (PUS, NIO), David Blatherwick (British Ambassador), Stephen Wall (Private Secretary to PM).

Irish Side: Minister for Justice Mr. Flynn, Ambassador Small and Messrs. Nally, Brosnan, O hUiginn and Dorr.

The following is reconstruction in the form of direct speech from summary notes. It is not in any sense a verbatim record.

Prime Minister Major

Can I begin be welcoming you here? I must apologise but I have to go to a vote in the House of Commons at 2.30 p.m. So we work at lunch. We have a lot to do.

The Taoiseach and I had a useful exchange in our private discussion. We agreed about the talks and have agreed to hold the next Intergovernmental Conference on 16 November. We will see whether or not it has been practical to reach a satisfactory Heads of Agreement by then. If so, then that will be very satisfactory. If not, then the blame must rest elsewhere.

Here I think we should look at issues of confidence and other issues and go on to discuss European issues.

(to Mayhew) Patrick, do you want to say something first?

Mayhew

I am very grateful for the opportunity. I realise the pressures on the Irish Government. One thing that our talks are profitable on is discussions about cooperation on security. I have said before, and I say it again, that I very much appreciate the stance that Pdraig Flynn has taken. Security cooperation was never better. I met the Chief Superintendent of the RUC in Strabane recently and he was very warm in his account of cooperation with the Gardai. The military also. There are, of course, matters which we hope can be enhanced. But the relationship is such that we can

address these issues in a friendly and open way. The best way to improve security is to build public confidence in the security forces. We are at one in that.

There is, of course, a contrast in the position of the Gardai on the southern side of the border and the RUC on the northern side in that the Gardai have local cooperation whereas the RUC in the immediate border areas have difficulties. But if you can set in place structures security cooperation can increase.

There was, of course, that unfortunate incident where Mr. McBride was shot dead by the two Guardsmen. This is now in the hands of the DPP who is independent in these matters. I have concerns of course about lethal force and the rules for the use of lethal force. These are issues which should be examined in the North and in the South. There are difficulties about reforming the law in regard to murder. However, this is a matter for the Home Secretary.

Minister for Justice

I agree about the security cooperation through the Anglo-Irish Agreement. It has the great advantage that it brings the professionals together. In that connection I would be concerned about the absence of the Conference and the escalation of Loyalist paramilitary violence. Whatever about a decrease in the violence by the Provos, Loyalist killing is now as great as that of the Provisional IRA.

Meetings of the Conference also give us an opportunity to discuss such issues as funding for terrorism. I would, of course, have been cross in regard to the Cloghoge School. You tended to blame us because we had not manned the cross-border station. There is also, of course, the issue of reopening cross-border roads. But above and beyond that, cooperation is very good. But we feel restricted if we cannot have a forum in which to discuss it (i.e. because of the gap in meetings of the Conference). I am very glad, therefore, to hear that you have agreed that a Conference will be held on 16 November.

Prime Minister

There has been an increase in political violence. It took some courage - and this I assure you was entirely an initiative of the Secretary of State - to proscribe the UDA. That raised, for example, questions about why not Sinn Fein.

I see your point about the Intergovernmental Conference. If I sat in your chair I would feel the same. I see the need for an Intergovernmental Conference. We have now agreed to hold it on 16 November. There is a whole range of things which pop up all the time. That is the value of the Secretariat. I hope that is continuing quite satisfactorily.

Minister for Justice

I do not wish to intrude a discordant note here but since the break in meetings of the Conference the level of cooperation in the Secretariat has decreased.

Prime Minister

Don't worry about being discordant here. If there is something we will have to look at it.

Minister for Justice

If we could have the same level of cooperation for the Secretariat as we have when the Conference is meeting, it would be very satisfactory.

Mayhew

I have made inquiries about that. As you know, during the gap we agreed that the Secretariat would not carry out its normal function under the agreement of servicing meetings of the Conference. There was, of course, no intention on our part that it would not work as well as before (on other matters).

On each side there is, however, an element in that the people involved in the Secretariat are tied up in the talks.

However, I take note of what you say. There will be no lack of cooperation.

Prime Minister

Officials who have been working sixteen hours a day will now work for twenty four hours a day!

Taoiseach

I appreciate what you said and did about the UDA. The fact of the matter that we are discussing these issues here does confirm the need for regular communication. There must be no vacuum - there would be dangers in that.

Minister for Justice

Another question was the leaking of the 'montage' to the Antrim papers. We had thought that all that kind of thing was over but it occurred again. These are the things we would have been discussing in the Conference. If cooperation is improving on the ground, then very good. There is however, quite an agenda of things which we have set aside (by not holding meetings of the Conference).

Mayhew

I would not put the blame on you for Cloghoge!

Prime Minister

I don't want us here to take the place of the Secretariat but

is there anything else you want to say on those lines?

Minister for Justice

I think it can be left with your understanding about continuing full cooperation.

Mayhew

Can you comment on that John (Chilcot)?

Chilcot

Secretary of State, I think I would make the same point that you have about the volume of work for the people involved.

On the other pan of the scales a lot of work is continuing at every level. Officials meet, the Minister for Justice meets Minister Mates. If we felt things were being set aside we would not be short of channels for discussion.

Minister for Justice

We do not want to convey the idea that there has been any lack of activity.

Mayhew

As an illustration there was the cooperation at the end of May on a big operation using the new legislation about searching premises for funds. We had full cooperation from the South and a substantial seizure in both areas. This illustrates the complete confidence which exists.

Minister for Justice

The level of cooperation is good but it can be improved. There is no message to the contrary. We could summarise where it stands by saying that you have agreed that it is very good but it could always be improved and you have agreed about the Secretariat continuing its work with full cooperation.

Prime Minister

You can be quite sure there . The programme of the past year in this area (security cooperation) exceeds any expectations which I had had.

Minister for Justice

I met Michael Mates in Belfast and he is due to return the visit by coming to Dublin. We have very good relations - of course we shout at each other - but we have very good relations.

Mayhew

And Pdraig met the GOC - this was the first time ever such a meeting took place.

Minister for Justice

Yes, indeed and it was very interesting.

Prime Minister

You won't ever get a new agreement unless we can each think ourselves into the other's chair and see how the other feels about things. We have different channels for doing it.

Taoiseach

There has been a great increase in business cooperation (between North and South) in recent years.

Minister for Justice

Yes indeed. Cross-border trade was only £1.5 billion. Now it is increasing. If we can keep the Secretariat up to speed until the Conference is held.

Prime Minister

You have an opportunity now to speak of any matters on your mind. What other matters are you thinking of? Are there operational malfunctions? - I don't mean the talks but in the business between us.

Minister for Justice

Well, of course there are the PVCs and the bunkers on the border. We do not see that as the best way to go. We would have wished to see mobile patrols. The decision, of course, has been taken. But they are intimidating. They are used by the IRA as a visible sign and they help it in recruiting.

There is also the closing of cross-border roads. Is there a possibility of a small change of heart on this and some re-opening? Patrick, can you do something to show progress as a sign of goodwill?

Mayhew

This is properly discussed in the IGC. As you said, we have to take professional advice on these matters. I agree we would love to see them go. The checkpoint near Newry was blown up. Of course, (as it stood) it was a terrible welcome to Ireland. I checked closely and got professional advice as to whether these places do anything. I got unequivocal advice that it was needed for security purposes, (i.e. that it would have to be re-built) But I do keep these things, in the time honoured phrase, under review. We were greatly helped by your army in operation Loran when we hardened up checkpoints in Fermanagh and Tyrone (?).

Minister for Justice

You have an opportunity now not to reconstruct Cloghoge.

Taoiseach

Yes, it is very difficult to sell that post with the school in its shadow.

Mayhew

The IRA 'removed' it at the cost of the life of a brave soldier. I had unequivocal advice from the Chief Constable that it was necessary to restore it. Of course, it is a desperate presentation that it should be close to the school. Fortunately, the Sisters of Mercy Grammar school in Newry has been made available as a new school and it is much better.

Taoiseach

The professionals give professional advice but the locals get the wrong signal. It becomes a challenge to them.

Minister for Justice

Particularly in the middle of the talks. We gave good reasons and offered an alternative but you go ahead anyway. But we know that other professional advisers give other advice.

Mayhew

I know the situation. I have a son myself with the army in Northern Ireland. The IRA removed the post and we were told definitely that it was necessary to restore it. They are a damned nuisance. I agree it could have been better handled. Apart from that, of course, the new school is closer to Newry police station!

I am sorry Prime Minister for going on like this.

Prime Minister

No, no.

Minister for Justice

Can we take it that cross-border roads will be actively reviewed?

Mayhew

I will talk with you and advise about the case for every closure. I press them closely always. None of them are unnecessary. But I will talk to you.

Minister for Justice

When are you going to authorise something that will give some comfort to you in furthering the aims we share and help us to lean on the activists?

Prime Minister

This has been a very useful discussion.

(to Mayhew) Paddy, do you want to get your own back?

Mayhew

No, Prime Minister. Not long ago I would have wanted to!

Prime Minister

Is there anything else?

Minister for Justice

Yes, Prime Minister, there is the question of the talks. They are sniffing around the mulberry bush but they are going nowhere. We hope to go somewhere but every week the Unionist position is clearly stated. It is that only if there is a change in our Constitution will anything happen. Ian Paisley has absented himself and he has obtained in this way a kind of veto notwithstanding the fact that all parties had promised to participate actively. Now he reserves the right to return on only one issue. We said we could do something only in the sure knowledge that there would be a package. The Irish peoples attitude on partition is enshrined in Articles 2 and 3 and Article 29 of the Constitution. It is not calculable in advance what they would do (in a referendum).

Prime Minister

You have to deal with the Unionists in these talks but I deal with them every day! We must not lose sight of what you and I want to see come out of the talks. I feel very strongly that we should not allow them to be derailed. If we don't override the difficulties we might as well sit down for another two hundred years of the problem. But there are powerful forces in the other direction. The UUP are still there. My own observation from visits and meeting people in Northern Ireland is that there is a great wish for a settlement.

I understand your frustration about Ian Paisley. But don't let him stop us. I have to deal with him too. I can understand the political difficulties caused for you in Ireland by what seems to be Paisley's veto. But the prize is too great to toss away.

Minister for Justice

We are not concerned whether Paisley is there or not. But he seeks to place the Constitutional issue which is properly intergovernmental, as a matter for Strand Two. You said Patrick, that unless we could deliver Paisley we would not succeed.

Mayhew

I said Unionism.

Minister for Justice

It is not helpful when Her Majesty's Government says that the Irish Constitution must be changed. This forces us to raise

the Government of Ireland Act. We had hoped that you would be able to put some pressure on the Unionists and that you, Patrick, would use the great influence which you undoubtedly have on them.

Mayhew

There has been progress. Your paper and your contribution on terrorism helped. The Unionists have been giving thought to how to put structures in place (in response). I agree that the weight they are placing on Articles 2 and 3 is too great. The British Government position is not the same as that of the Unionists. It is more oblique. We hope that a new Agreement will contain a clear statement on the status of Northern Ireland. If this means a change in Articles 2 and 3 we will be glad of that. But the Taoiseach said a long time ago that (these Articles are on the table?). Your paper last week was useful and carefully drafted. It was presented well by David Andrews. But the boneheaded Ken Maginnis came in stupidly on the issue. This was very frustrating!

There has been movement. I believe that there is an understanding (on the part of the Unionists) of the position of the Irish Government. I wish it were true that I could have influence on them! I am continuing to work on them to get a true analysis by them of your position. I understand the anxieties you feel but I believe we will get through with more time.

Minister for Justice

There has been progress only on the margins. We are now coming into the phase of structures. We are seeking to put down principles but we are deflected by this raising of the Constitutional issue.

The thing is there are only two options.

- (a) Consultation as exists at present; and
- (b) Balance in relation to the Constitution to balance the position on the other side.

(The point here was that any agreement would either provide simply for a kind of consultation process something like the Anglo-Irish Agreement or would be much deeper. In the latter case there would need to be a new internal balance on the Constitutional position.) Whenever we raise the issue we are deflected. I cannot go down that road.

Mayhew

I have a speech to make which may help.

Minister for Justice

Let us not get into double speak here. Let us be clear. If the Unionists feel comfort from you or that a change in the

Constitution is possible there will be misunderstanding. If they think the Irish people will set aside their fundamental position on partition, they are wrong. If we got something in advance of what we have - some kind of major declaration - that is the only possibility. That would advance our position. This week Ken Maginnis could not see the timber for the trees but at the end of the week you tamed him down. But then McGimpsey said that all of this was conditional on 'unambiguous consensus'. We all believe that Constitutional matters will reside with the two Governments. We have a commonality of interest in selling that to the Unionists.

Prime Minister

There is a distinction, however, between selling and battering over the head. This distinction is the only way to get an agreement. I don't underestimate the frustration you feel. You may feel, however, that we have more control over the Unionists than we have. They do not vote for us. They are not part of our party. They do not take the whip now for many years. It is a matter of constant pushing, not a matter of direct influence. If you want to diminish Paisley then show that he has no power to stop the talks. For our part we are not in the business of giving one line to the Unionists and another to you.

Minister for Justice

I sit opposite Patrick (at the talks) and every time he speaks they linger on his words. Every time he has to give them comfort. Paisley refers to an 'understanding'. You have influence. They are beholden to you. If you could use it to get them to understand our Constitutional position.

Mayhew

They hang on my words because they think I am going to betray them! In Strand One we thought the whole thing would come to an end and collapse in three weeks. It was touch and go. That is why I have dwelt on the Constitutional guarantees. If I had not had talks with them it would have stopped three months ago. But they have made some steps forward. The resume by Reg Empey of what they have on offer at the end of our meeting this week was very good - I believe you thought so?

Minister for Justice

Yes, I agree.

Mayhew

Now, it is quite a dramatic package. But I am not here as an apologist for Paisley.

Minister for Justice

You make my point. You facilitated him all along. I accept that. That is the influence I mentioned. What do you think will be the outcome?

Prime Minister

There is a distinction. He (Mayhew) has not had the influence needed to put them at the table. But he can keep them there. It is a matter of sticking plaster. You are misjudging his influence.

Taoiseach

They need to be pointed by the British Government in the right direction. The reason they are there is the Anglo-Irish Agreement.

Mayhew

I have said (to the Unionists) that we have a terrific prize; that things can't go on as they are; and that the Irish Government have their problems. I have explained your anxiety - internal to your party and internal to the politics of Ireland. But they are in it for the same reason as you and the British Government. They have come to realise that the identity of the minority does extend across the border. The package in Strand One reflects this. That has been the direction of my influence. I was credited with being 'pro-Unionist'. The truth is that such prejudice as I have from my own upbringing is 'anti-black Protestant from the North'.

Taoiseach

I approach it from a different angle. There have been 23 years of violence. And that is not what people want to see continue. That is not the choice that other people in the middle want to make.

Minister for Justice

What are you asking me to negotiate? An internal solution? It simply won't work. Cooperation is fine. But if there is to be more, then it must be done on a higher plane. We have to lift the game. We have to lift the game a lot in the next week because if the structures don't accommodate something better than we discussed they won't go beyond what we had at Sunningdale.

Mayhew

You heard me say that we should get to the structures. Of course it is all a seamless web - Strands 1, 2 and 3. But was it not a revelation to hear Chris McGimpsey talking about 'joint authority' the other day - even though it was for something as minimal as brucellosis?

Minister for Justice

These three Strands are a great method of discussion but they are a poor method of getting a deal. We are not talking about an internal settlement but about something of an advance for all to subscribe to. That is a threshold (which must be crossed).

Mayhew

I agree. Now is not the time to lose heart.

Minister for Justice

I have sat there (at the talks) and been insulted. My party has been insulted. Eamon DeValera has been insulted. I say to myself "hold your peace Flynn - there is a huge prize here".

But for me Strand 3 is the key - the Government to Government position. That is why this meeting is so important.

Prime Minister

We absolutely understand that we cannot impose something from above. I am reminded of two men working who were asked what they were doing. One said "I am laying bricks", the other said "I am building a Cathedral". It is only when we get the nitty gritty in place that we will be in a position to do something.

The miracle is that all are at the table. That is not nothing - even if it falls apart now. No doubt we will look for something more. Something to stop my citizens in Northern Ireland slaughtering my citizens in Northern Ireland - they are all my citizens. You must not believe that we are playing around the fringes. We know no other way to get an agreement.

Minister for Justice

We could have scuttled it often.

Prime Minister

So could I. Before the last election I could have done a deal. I would have got fourteen extra votes in the House of Commons - that is I would have gained twenty-eight in all with the changeover. All I had to do was scrap the Agreement. At the time the opinion polls were telling me I would lose. But I would not do it. If you don't believe that my Government is sincere you should know that we were prepared to go out of office rather than do it. We could have done a deal in a day.

Let's get to Europe.

Taoiseach

Before we pass to that, John, his (Minister for Justice) concern is that you might build weak foundations which could

collapse.

Prime Minister

You and I have had more bilateral meetings between us in the past two years than any of our predecessors. I don't mind being shouted at! It is quite like the House of Commons! Let us agree we are going to do this - but you must not go away with suspicions about us.

Minister for Justice

Let us do the decent thing (?) [and work for an agreement].

Prime Minister

I agree. (turning to Garel-Jones) Tristan would you tell us about Europe? We are having the Summit at Birmingham on 16 October. I am taking them (our partners) to the heart of Britain!

Taoiseach

I liked that paragraph in your speech. You said that Britain should be at the heart of Europe.

Prime Minister

It is not easy to tell them that. There are seventy in my party who are dissatisfied. It could be up to 150 in a few days.

Garel-Jones

There is no Government in Europe better able to understand what was needed for the Prime Minister to make that House of Commons speech than yours (i.e. the Irish Government). The real hope of the Euronihilists - I call them that rather than the Eurosceptics - was that they might have reached the point of pushing the Prime Minister away from his central commitment to Europe.

There is no doubt that the Community is in a serious crisis. That feeds into both our systems. Much more quickly than into others. There are still Governments in Europe which believe that when we decided to call a European Council it was some kind of devious plot so that we should not have to ratify Maastricht. It is rather that it can be used to build Maastricht. I hope you will be able to assuage those suspicions.

The Prime Minister's life would be easier if he "pulled sail" (on his EC commitment) but he did not. We will, however, need the support of other partners. There is the question of Denmark. It will need something. But maybe we need some declaration which goes wider than Danish concerns.

Prime Minister

We will have to discuss (at the European Council) - first currency issues; second, there is a huge push by the Germans, French, Italians, and you also, on subsidiarity. There must be less intrusiveness and a clearer definition on what the Community does and does not do. This was a big issue in the Danish and the French referendum. Others feel this. So do I. Parliament will insist on it.

Europe is a gut issue here across parties. Some recent events have undone much good work. The currency situation was a disaster. Not economically but as a matter of perception - what was done for others and what was not done for the UK. This was noticed also in Italy where a brief courtesy was shown to the Lira but then 'goodnight' (this was a reference to the negative attitude of Germany to the £ Sterling and to the Lira). It was bloody unhelpful to the £ and it had an impact on Parliament. If we had a vote now about the ERM we would lose it three or four to one.

A vote on Maastricht now we would lose also. Then you get statements that the French referendum was a triumph whereas with barely 51% support for the EC was down so substantially from what it had been.

You had a successful referendum. Well done! Others have been expecting consensus (for ratification?). I have not. We must defend Denmark. If there is any suggestion that the eleven gang up on Denmark - it is simply not on. If two or three big countries try it the UK would stand by any smaller country in that minority situation - whether it is Ireland or Portugal or whatever. Otherwise it would be a bully-boys game for the big boys. That is simply not the nature of the Community we want.

Taoiseach

Is there a question of a declaration to meet the Danish position?

Prime Minister

It is not clear yet whether it would be a protocol or a declaration. If it is a protocol fresh ratifications may be needed. Our advice is, however, that if it is a declaration there would be no Constitutional difficulty in Ireland (?). We had a declaration in 1985 in the Single Europe Act but the European Court said that it had no force in law. If Denmark have spotted that they will want something legal now. They are going to produce a 385 page White Paper in Denmark on 10 October - in Danish! So there will be no detailed discussion at our meeting on 16 October.

Taoiseach

Do they still have a problem about a single currency?

Prime Minister

Yes. They have an opt out - that is a starting point (?).

Taoiseach

Another referendum in Ireland would not get a 70% vote!

Prime Minister

The Community was very popular over the ten years of milk and honey but now things are more difficult.

Taoiseach

We have had the opposite experience. The 'yes' vote in our first referendum in 1972 was 84%. It has gone down each time since and now it is 69% in favour.

Prime Minister

The scales have dropped from people's eyes as they became part of it.

Garel-Jones

The underlying point of all this bears on the relations between Member States. When you introduced your protocol only Denmark and we supported you initially. If Denmark appears to have a veto at the present time there will be moves to chuck it out. We would absolutely resist that.

Prime Minister

Yes, on principle. We would stand against that.

We can discuss European issues further on the 'phone before our (Summit) meeting. We will go and meet the "reptiles" (i.e. the Press waiting outside in the courtyard).

The lunch ended about 2.20 pm as the Prime Minister had to vote in the House of Commons at 2.30 pm. It was agreed that there would be a brief questions session with the press outside but the Taoiseach said that his main press conference would be in the Embassy.

The ~~campaign~~ issued after a meeting is attached. It was worked on at lunch.