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MEETING WITH IRISH MINISTERS,  
1 FEBRUARY 1974

BRIEF FOR CHIEF MINISTER

INTRODUCTION

- ① 1. After welcoming Mr Cosgrave and his colleagues to Northern Ireland you might propose how the meeting should be handled. You will propose to make some quite brief introductory remarks and to ask Mr Cosgrave to reciprocate.
- ② 2. Thereafter, it would seem sensible to keep in mind some broad division of the time, so that all the topics can be given a proper airing. Sunningdale is so much a package, that no satisfactory progress can be made without a simultaneous review of all the major issues. So we ought to aim to touch on them all today.
3. The issues can be divided into two. There is the Council of Ireland, which we will want to discuss in detail, and there are the other questions - eg status, law enforcement, security - which may not require quite so much time but upon which in reality the future of the Council of Ireland and of the Sunningdale Agreement itself hangs. It may therefore be sensible to divide our time roughly into two, allowing a couple of hours to each part. It might be appropriate to take the "other issues" first, aiming to cover the ground as thoroughly as possible between the start of the meeting and 12 00 noon. There could then be discussion of the Council of Ireland for about an hour before lunch and one hour after lunch, leaving the remaining short period to discuss how future progress can be made, and to agree a very brief communique.
- ③ 4. This communique should probably do no more than list the three or four topics which have been discussed. A really detailed communique would be likely to consume too much of the available time.
- ④ 5. You might then refer to your visit to Mr Cosgrave. Its main purpose was to impress upon the Taoiseach the very real dangers which now threatened the Sunningdale Agreement as a whole.
6. It has to be accepted that reaction against Sunningdale in the

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Unionist community has been more hostile than anticipated. The adverse vote at the Unionist Council, while the result of a whole complex of factors, illustrates the difficulty of the situation. What must be accepted is that even amongst the pro-Executive element of Unionist opinion - that is those who are committed to the principle of power-sharing - there are deep suspicions about Sunningdale and the Council of Ireland.

7. It is all very well to argue that the answer is to forge steadily ahead and to hope that the realities of the Agreement in operation will, in time, set many of the current fears at rest. But Irish Ministers must be cautioned generally against the danger of creating deep and unbridgeable divisions in Northern Ireland. Crass though the behaviour of the Loyalist Coalition is, we want to encourage participation rather than abstention. And the ultimate reality is that, unless Sunningdale and the Council of Ireland can be ratified with the consent of the majority of the Protestant community, it may not long survive on any useful basis.

5 8. You could make it clear that you fully realise the importance of the Council of Ireland concept both to the Irish Government and to your SDLP colleagues in the Executive. That is why you were prepared to agree to it at Sunningdale, despite the absence of any enthusiasm for it amongst the Unionist community at large. But Sunningdale can only be formally ratified on the basis which allows all the parties in the Executive to carry their supporters with them.

6 STATUS

9. Various statements made since Sunningdale, and in particular the Defence lodged in the Boland case, have undermined public confidence in the value of the status declaration.

10. There can be no question of formal agreement to the Sunningdale package as a whole until -

(i) there is no longer any possibility of that declaration being declared invalid by the courts; and

(ii) the ambiguity about its meaning has been publicly removed by a straightforward statement from the Irish Government.

11. Is the Irish Government accepting, or is it not, that Northern

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Ireland remains part of the United Kingdom as long as that is the wish of a majority of its people? If that is not accepted, the basis for co-operation between us collapses. If it is accepted, the Irish Government must say so in the clearest terms as soon as the inhibitions imposed by court action are removed.

12. We realise that the Irish Government is concerned about the reaction of the Fianna Fail opposition on this point. But we shall have to make Fianna Fail understand that if it were to return to office, and to attempt to reassert a hard-line view on Northern Ireland's status, any agreement on the part of my party to participate in co-operative institutions would have to be withdrawn. Without recognition of our right to self-determination we cannot with self-respect participate in all-Ireland institutions, and it must be clearly understood that we will not do so.

⑦ COMMISSION ON LAW ENFORCEMENT

13. The Commission has been getting down to its work. Because "law and order" is reserved to the United Kingdom Government, the Northern Ireland Executive has no representation on the Commission. But it should not be assumed, for that reason, that we have less than the keenest interest in the outcome.

14. There are three points to be made about its work. First, it is dealing with matters literally of life and death, because that is precisely what hangs upon the ability to see that those who commit terrorist offences are brought to justice. There can be little hope of bringing the campaign of violence to a swift end as long as offenders feel that they can flee to what they consider to be a reasonably safe refuge. It is to be hoped, therefore, that the Commission will see it as its duty to identify that means of dealing with the situation which will be most effective in practice, rather than hedging its bets by giving us a commentary on the various options. If they were to take the latter course, the matter would be left for a purely political decision, whereas I think that the right thing should be done in this case whatever the political risks.

15. Second, and related to this, it should be made clear that we cannot regard improved extradition arrangements as being ruled out. It is true that the Irish Government made it clear at Sunningdale

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that it did not favour this particular course, but equally the alternatives to it were considered by various United Kingdom and Northern Ireland representatives to present some very substantial practical difficulties. That is why all the alternatives were referred to the Commission, and as far as we are concerned all of them are still under review. Indications that in no circumstances will the extradition laws be changed are, in our opinion, contrary to the spirit of the Sunningdale Agreement.

16. Thirdly, the work of the Commission and the practical outcome of that work in terms of Government decisions, is for us a vital part of the package. We must know, before any formal agreement can be signed, what course the Commission proposes and what action is to be taken as a result. Unionist opinion in Northern Ireland will not be satisfied with an agreement which embodies firm commitments on a Council of Ireland, and mere progress reports or declarations of intent in other vital areas. The practical reality is that the idea of the Council can only be sold to the Unionist community in the context of evident progress on the law and order front.

⑧ SECURITY.

17. This was discussed in some detail with Mr Cosgrave at Baldonnel. His arguments were that very large numbers of people were in fact being sentenced in the Republic, that the bulk of terrorist activity was mounted by Northern Ireland citizens, some of them temporarily located in the South, and that the arrangements for security on the Northern Ireland side of the border were very thin in some difficult areas. The general implication was that the Irish Government were already doing almost everything that was possible, and that the deficiencies lay elsewhere.

18. Again, this is not a matter for which the Executive has any constitutional responsibility, but since the Baldonnel meeting certain information has become available which can be placed before this meeting of Ministers.

Annex A

19. In our view there are the strongest arguments for more effective and practical co-operative effort in border areas. Indeed, we should be looking for means to allow what are in reality joint operations to

be mounted. We should be seeing to it that the two police forces are compatible in terms of communications, and possibly considering some kind of "hot line" systems between the security forces at sensitive points. The general public in Northern Ireland will be favourably impressed by evidence not just of independent action against terrorists on each side but of real common action. It is to be hoped that this can be pursued at future meetings of the Chief Constable and the Commissioner, and there can also be appropriate contacts at military level.

#### COUNCIL OF IRELAND

20. We agreed at Sunningdale (paragraph 8 of the communique) that "studies would at once be set in hand to identify and prior to the formal stage of the conference report on areas of common interest in relation to which the Council of Ireland would take Executive decisions and, in appropriate cases, be responsible for carrying those decisions into effect".

21. In pursuance of this, a meeting of officials took place in Belfast on 18 December. Annex B

22. While this meeting afforded a useful opportunity to discuss precisely how various functions are currently organised on each side of the border, it was apparent that officials would find it difficult to reach detailed decisions about functions without clear political direction. That is one of the principal purposes of the present meeting.

23. A note of caution should be struck here. We believe that a Council of Ireland, handled with prudence and discretion, could gain wide acceptance in Northern Ireland and play an increasingly useful part in our relationships. All parties in the Northern Ireland Executive want such a Council to succeed. But we know that there are deep fears and suspicions about it. Too much haste, too grandiose a scheme at the start could ruin not only the Council but the Executive.


24. There are two possible patterns of Executive functions. There is a pattern under which we would agree that the decisions in certain areas of policy would be taken for the whole of Ireland by the Council of Ministers, which would then direct the Government Departments or other agencies North and South to implement those policy

decisions. This pattern we call EXECUTIVE DECISION. There is another pattern under which we would agree that certain services in the whole of Ireland would themselves become the direct responsibility of the Council of Ireland, so that not only would the Council of Ministers take decisions, but those decisions would be carried into effect by the Council's own staff. This pattern may be described as EXECUTIVE ACTION.

25. We should approach the EXECUTIVE ACTION concept with extreme caution. We do not welcome the idea of creating a third Irish bureaucracy, nor do we believe that the majority of people in Northern Ireland are prepared to support what can be represented as an all-Ireland Government in embryo. This does not mean that we must avoid this pattern altogether, but that functions treated in this way should be of a modest, practical and uncontroversial character.

26. More generally, the point can be made that study of these very important matters has not yet gone very deep. We on our side have been coping with all the problems of getting the new system of government under way, involving as it does major re-organisation of Government Departments. There are many significant areas about which one can say with safety at this stage that they might be proper subjects for Executive decision. The orderly process, in many cases, would be -

- (i) to identify major areas of common interest;
- (ii) once the Council is in being, to conduct under its authority searching joint studies;
- (iii) based on the result of those studies to consider what Executive decisions ought to be taken; and
- (iv) to keep open the possibility of recommending to the Oireachtas and the Assembly legislation to authorise Executive action of the Council itself in appropriate respects.

∇Detail on possible functions: Annex 

27. There have also been meetings at official level on means of financing the Council.

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[Annex D is a Department of Finance note on the position reached as at 28 January, but there is a further meeting in Dublin on Thursday, 31 January.]

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K P BLOOMFIELD

30 January 1974

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