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NOTE OF THE MEETING AT BALDONNEL AIRPORT ON WEDNESDAY, 16 JANUARY 1974, BETWEEN THE CHIEF EXECUTIVE MEMBER OF THE NORTHERN IRELAND EXECUTIVE AND THE TAOISEACH OF THE IRISH REPUBLIC

1. The Chief Executive (Mr Faulkner) was accompanied at the meeting by Mr K P Bloomfield (Permanent Secretary in the Office of the Executive) and by Mr T M Roberts (Head of Press Services). The Taoiseach (Mr Liam Cosgrave) was accompanied by Mr D Nally and Mr M McConghail (Assistant Secretaries in the Department of the Taoiseach).
2. Mr Faulkner began by saying that he had welcomed the suggestion of an early meeting. His only reluctance to bring such a meeting forward had been because of the difficult political developments in Northern Ireland. It was very important that both of them should be able to take their own people along with them in implementing the Sunningdale agreement.
3. Mr Faulkner then outlined his position within his own party. Following the Sunningdale conference his opponents in the Unionist Party had insisted upon calling an early meeting of the Ulster Unionist Council. This Council had a very obsolete constitution including a sizeable bloc vote from delegates nominated by the Orange Order. It was, of course, ridiculous to have had such a meeting within three weeks of the Sunningdale conference and four days of the appointment of the Executive. Nevertheless it had gone forward on this basis and the resolution negating the concept of a Council of Ireland had been carried by 53 votes. Had the meeting taken place even a month later the result might well have been different. Under the constitution and rules of the Ulster Unionist Party it was not for the Council itself to determine Unionist policy, but the outcome of the vote was such that he had felt it necessary to resign, to avoid a totally anomalous situation. If he had remained, to face a leadership vote in the Standing Committee, his position could have become increasingly weak and humiliating. As it

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was, he had been able to maintain very substantial party support. Virtually all the Headquarters staff of the party had moved out of the Glengall Street organisation and were now working for him. Five of the ten officers of the Ulster Unionist Council had resigned in order to support him, and about half of the constituency Unionist Associations were favourably disposed. Of the 20 members of his Assembly party, 18 were solid in support, and the Assembly majority as such was safe.

4. Immediately after the Sunningdale conference, there was reason to think that things were going very well. Messages of support had come in from many quarters, and his own estimate would be that at that time 80 per cent of the Catholic community and about 60 per cent of the Protestant community were in support of the Sunningdale agreement. Unfortunately that situation had been progressively eroded over the past three weeks for two main reasons.

5. The most important reason was the developments about the status of Northern Ireland. On his return from Sunningdale he had been able to persuade his supporters to accept with some reluctance that the parallel declarations by the two Governments really meant an acceptance of the constitutional status of Northern Ireland. The first blow to confidence on this point was Mr Cosgrave's interview with the "Sunday Press". This had been followed by the Boland case before the High Court, and it had to be said that the publication of the Defence had robbed him of all credibility on the question of status. It had to be accepted that in Unionist circles there was very little enthusiasm for the idea of a Council of Ireland as such, but the more reasonable people were prepared to accept it if it could be the means of allowing the minority community in Northern Ireland to identify with the institutions of government there. It was on this basis that he had been attempting to sell the Sunningdale package. It had to be realised

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that it was much more difficult to sell the Council of Ireland than the concept of power-sharing, which was now, he felt, widely accepted. Unionists saw a Council of Ireland as a half-way house to unity, or a form of all-Ireland Parliament. Therefore, the proposition could only be sold on the basis of a positive assurance about status.

6. The other reason for erosion of support was the fiasco of picking up 15 suspected terrorists and releasing 14 of them virtually at once. This had created a very bad impression as a presentational rather than an effective exercise.

7. The major question, however, was that of status. In spite of all the difficulties, he had tried to be very careful about the terms of his public statements, which had been couched as requests for clarification, rather than as suggesting any lack of will on the part of Mr Cosgrave's Government. He must make it clear, however, that there was not a hope of proceeding to the formal conference and ratifying the Sunningdale agreement, including the proposals for a Council of Ireland, unless the status issue could be cleared up. It would also be necessary to see real action on the anti-terrorist front.

8. Mr Faulkner said that he was well aware of the political and other difficulties which faced Mr Cosgrave and his Government. They must equally appreciate the gravity of the difficulties he faced. The whole future of the Northern Ireland Executive was dependent upon their ability to carry people along with them. He was in no doubt that his own Assembly party would not agree to go forward to the formal stage of a conference until the status issue had been cleared up.

9. Returning to the question of security, Mr Faulkner said that the statement made the previous evening by the Minister for Justice, Mr Cooney, had been very helpful. He had always made it clear that he believed in the determination of Mr Cosgrave and his colleagues to

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grapple with these problems, and had been most anxious to avoid sowing any seeds of mistrust.

10. In reply, Mr Cosgrave said that he wanted to deal first with the question of status. The "Sunday Press" interview had not been properly checked out; but it did include a statement that there could be no change in the status of Northern Ireland until the people there desired such a change.

11. The present situation was that he was unable to make any statement on the status issue which might be held to prejudice the case currently before the High Court. The Attorney General had advised him that the judge trying the case would react very badly to any declarations by the Government on the subject. The Attorney General was, however, confident that the Government would win the case.

12. Mr Cosgrave went on to say that on their return from Sunningdale he and his colleagues had found a pretty good welcome for the agreement. Then they had been overtaken by the Court action, which was deliberately designed to embarrass them. Unfortunately, the news media did not appear to have picked up the full significance of the Government's defence to the Boland case. In particular they had not noticed that while all the other propositions advanced on behalf of Mr Boland had been denied, there had been no denial that the declaration by the Irish Government in paragraph 5 of the Sunningdale communique meant that Northern Ireland could not be re-integrated until and unless a majority of its people indicated the wish for it to become part of a united Ireland. At this point Mr Cosgrave handed over to Mr Faulkner copies of the Boland case, of the Government's Defence, and of a letter dated 14 January from the Attorney General, Mr Costello, to himself.

13. Mr Cosgrave added that the Attorney General expected the case to

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finish in the present week. Provided the Government case was upheld by the Court, he felt there was no reason why the formal conference could not proceed even though there was to be an appeal. Mr Faulkner, however, intervened at this point to say that there could be no question of proceeding while the issue of status was "in the air"; and Mr Cosgrave agreed that it would be much better if the proceedings were completed.

14. Turning to the question of security, Mr Cosgrave said that he and his colleagues had been looking intensively at the problem. All the Chief Superintendents of the border areas had been called in for discussion. As a result, they felt that the blackspots were as follows. There was the area adjacent to Crossmaglen, but they felt that the problem was mainly one on the Northern Ireland side of the border, and that there was not much traffic of a terrorist character from their side. Then there was the Belcoo/Blacklion area. Here, too, their information was that the cover on the Northern Ireland side was very thin, and that there were really no police or troops on a permanent basis within 40 miles. Mr Faulkner at once contested this, pointing out that there was a permanent force stationed in Enniskillen, quite apart from smaller units in other places.

15. Continuing with his assessment of the blackspots, Mr Cosgrave referred to the Belleek/Garrison area which seemed to be largely unpatrolled, and the Clady/Strabane area. He wished Mr Faulkner to know that the felling of the wood at Belleek, which had been referred to in his letter, was now going ahead.

16. Generally, his Government had decided to put more police into these very difficult border areas, and they would also try to do more about troops.

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17. Mr Cosgrave argued that the extent of the action already taken in the Republic was not appreciated. Since the Special Court had been set up, 435 persons had been tried, of whom 323 had been convicted. About half of all those convicted had come from border areas; and of these, 70 per cent were people from Northern Ireland who had moved into the Republic. In addition to this action before the Courts they had made an adaptation order in respect of murder and manslaughter, and had now announced extra recruitment to the police. There need not be any great delay in using this additional strength. Training would take about three months and they would have it in mind to put the new recruits into the softer areas, and to move more experienced men into the border country.

18. Returning to the question of status, Mr Cosgrave said that he felt Mr Napier's letter had been unhelpful. There were also repercussions from Mr Desmond Boal's proposals for "an amalgamated Ireland" which had a kind of undermining appeal. In his view it would be very desirable to bring the Sunningdale agreements to a formal conclusion, as soon as possible. He appreciated that this would involve a wider political meeting between members of his Government and members of the Northern Ireland Executive.

19. Mr Cosgrave went on to say that the SDLP had in the past maintained fairly regular contact, but rather less so since agreeing to enter the Executive. He had last seen them when they had pressed him to take some firm action on security, and the "lift" which had subsequently taken place was intended to be helpful. The abortive nature of the affair was not the fault of the police, who had advised them in advance that they had no very firm information which would allow them to charge most of the people concerned. Mr Cosgrave added that it had been very useful to have the recent meeting between the Commissioner and the Chief Constable.

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20. Mr Faulkner said that he saw no reason why there should not be an inter-ministerial meeting at a fairly early date. Now that the Northern Ireland Executive had been established, he felt that such discussion should take place as between the Dublin Government and the Executive, rather than with separate party groups. He wished to reiterate, however, that there could be no question of their going forward to a formal conference until the status question had been cleared up. If this matter were pushed, the position of the Unionist members of the Executive would become untenable.

21. Mr Cosgrave said that the Sunningdale agreements represented a package, and they supported the whole package. He could quite see that the Boland case had queered the pitch a bit. It had been necessary to enter a robust defence, because it would have been very embarrassing to lose the case; but what was significant was that one particular contention of the Boland case had not been rebutted.

22. Mr Faulkner explained that his fear was that the case would be won on the basis of pleadings which would be held in Northern Ireland to have made the Sunningdale declaration meaningless. It did not seem to be clear what was the "status of Northern Ireland" which could not be changed without consent. In reply, Mr Cosgrave said that it would be better to avoid a debate on this. The plain fact was that they accepted the status of Northern Ireland as it was. The Court action was mischievous and meant to be so. It had temporarily closed the mouths of his Government. What they wanted to be able to do was to say that they did accept the institutions of Northern Ireland, but they had no intention whatever of bringing about change by any sort of coercion, and to move forward from there. In the meantime, he had to take into account the possibility of contempt of court. But, Mr Cosgrave added, "we accept you as you are, and that's that".

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23. Mr Cosgrave then reverted to the all-party committee currently considering the constitution. Any referendum to change Articles 2 and 3 of the constitution might fail, but there would be better prospects for an entirely new constitution which could drop the unacceptable assertions.

24. On security, Mr Cosgrave said that by and large his Government had a good record in the border areas, and he claimed that Mr Flanagan had expressed general satisfaction in the course of his recent meeting with the Commissioner. It was not so much a case of terrorists from the South attacking the North, as of Northern terrorists taking refuge in the South. There were undoubtedly problem areas, but it had to be acknowledged that the border terrain was extremely difficult.

25. Mr Faulkner said that it would be particularly helpful to "lift" some really well-known people. Apart from this, the situation in places like Lifford was really indefensible. His colleague, Mr Ivan Cooper, was being approached by people in the Strabane area who were expecting him, now that he was in the Administration, to do something about this intolerable situation. It was beside the point whether the people concerned were originally Northern Ireland citizens or not. The fact was that they were known to be operating out of Lifford. Buncrana was another notorious place, although possibly not quite so bad. He would pass on to the Secretary of State the feeling on the Irish side that more could be done on the Northern Ireland side of the border about the Belcoo/Garrison situation.

26. Mr Faulkner at this point turned to the Commission on Law Enforcement. Here, the Dublin Government seemed to be giving a steer to the press that whatever came out of the Commission there was no question of changing the extradition laws. It had, however, been agreed at Sunningdale that the Commission would look at all the proposals before the conference, and this included extradition as well as the idea of a

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common law enforcement area. In reply, Mr Cosgrave said that they had made it clear at Sunningdale that they saw the concept of a common law enforcement area as a substitute for action on extradition, which would mean not only changing their domestic law but derogating from European convention. The practical situation could be met by the idea of a common law enforcement area and a form of all-Ireland court dealing with scheduled offences. More generally, Mr Cosgrave added that if the Sunningdale agreements could be implemented and were seen to be actually operating, people would see after a while that they had little to fear and that the new system was delivering positive advantages.

27. Replying to this point, Mr Faulkner said that he accepted that the Sunningdale agreement constituted a total package. But if there was an attempt to rush over to a formal agreement before people in Northern Ireland had time to see helpful action, the whole concept would be smashed up. If on the other hand ambiguity about status could be removed, the Commission on law enforcement could be seen to be making progress, and really effective action was being taken on terrorists, the way ahead would be clear. He was satisfied from what Mr Cosgrave said that there would indeed be further effective action against terrorism.

28. Mr Cosgrave said that what he was worried about was that confidence in the Sunningdale atmosphere would erode if there was further delay. To this Mr Faulkner replied that in Northern Ireland that confidence had already been eroded, by the growing doubt on the status issue.

Mr Faulkner added that he did not get the impression that people in the Republic were greatly concerned about the constitutional question. Would it not be worthwhile to consider a referendum on Articles 2 and 3?

Mr Cosgrave replied that in his considered view it would be too risky to deal with these Articles on their own. The whole constitution needed to be re-drafted. He hoped that this could be done on the basis of a report from the all-party committee; but if that committee did not face

up to the issue, they as a Government would have to consider it.

29. Mr Faulkner repeated yet again that from the Unionist point of view, the Sunningdale declaration on status had been the most significant gain in the entire agreement. This had now been utterly devalued by events, and must be re-valued. The urgency of the matter was increased by the possibility of a United Kingdom General Election, which could be taking place at a most unhelpful time. There could be no question of proceeding to the formal stage of the conference if the status issue was still up in the air. He therefore hoped that after the High Court judgment a firm statement on the question could rapidly be made on behalf of the Dublin Government. Mr Cosgrave said that he too hoped that such a statement could be made quickly. Provided no appeal was lodged immediately, it might be possible to make a statement shortly after the High Court judgment.

30. At this point, it became known that the High Court judgment would, in fact, be delivered that afternoon by Mr Justice Murnaghan.

31. The remainder of the discussion was taken up by the drafting of an agreed statement, a copy of which is attached.

K P BLOOMFIELD

21 January 1974