

NOTE OF THE MEETING BETWEEN THE NORTHERN IRELAND ADMINISTRATION AND THE SECRETARY OF STATE FOR NORTHERN IRELAND ON FRIDAY 17 MAY 1974 AT STORMONT CASTLE

Present: Secretary of State for Northern Ireland
Minister of State for Northern Ireland
Permanent Under-Secretary, NIO
Assistant Under-Secretary, NIO
Mr H Beattie, Press Services, NIO
Miss E M H Patterson, NIO
PS to Secretary of State
PS to FUS
Assistant Secretary (Legal AG's Dept)

Chief Minister
Deputy Chief Minister
Minister of Commerce
Minister of Education
Minister of Agriculture
Minister for the Environment
Minister of Finance
Minister of Health and Social Services
Minister of Housing, Local Government
and Planning
Minister of Information
Minister of Community Relations
Minister of Co-ordination
Minister for Manpower Services
Chief Whip
Secretary to the Executive
Deputy Secretary to the Executive
Head of Press Services
PPS to Chief Minister

Current Strike Position

The Secretary of State and Minister of State gave an account of the events of the last few days starting with Wednesday 15 May on which date the latter had received a nine man deputation from the United Loyalist Group but had refused to bargain with them about the maintenance of electricity supplies in return for an assurance about the holding of Assembly elections. The Secretary of State said that he had taken the necessary measures to ensure that adequate power supplies would be maintained.

The FUS told the meeting that TUC Headquarters would be issuing a statement supporting the attitude of the NI Committee of ICTU and condemning the activities of the Loyalist Workers' Council.

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While the Chief Minister was gratified at the refusal of the Secretary of State to bargain with the Loyalist Group about political developments, he reminded him that the responsibility for electricity supplies lay with the Executive and that its standing should not be undermined. The Secretary of State readily accepted this position and in response to an enquiry from the Minister of Commerce, confirmed that it was for the Minister to advise him of the necessity for invoking emergency measures. Mr Rees also recognised the need to keep in close touch with the Minister of the Environment about the position in relation to water and sewerage services.

Personal Security

The Minister for Manpower Services on behalf of his Party leader and the Minister of Health and Social Services, raised questions about the recent withdrawal of personal protection in named cases. The Minister of Finance however, said that he understood that all Assembly members had been told that the involvement of the Police in measures connected with the current strike might mean some reduction of existing protection. ?

Report of the Law Enforcement Commission

The Secretary of State said that having concluded his discussions in Dublin, his intention now was to:-

- (1) discuss the report with the Executive;
- (2) report back to his Cabinet colleagues on the following Tuesday; and
- (3) make a statement in the House of Commons on the following Thursday.

During his lengthy consultations with the Dublin Government the following points had emerged:-

- (1) given arrangements for extra territorial courts he thought that interested parties in the Republic were more likely to challenge proceedings on an individual case than on the basic principle.
- (2) Extradition proceedings, even if of no value for themselves, could form

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the first stage of extra territorial proceedings.

- (3) Police assistance would be available for the transfer of witnesses across Border.
- (4) Bail could be opposed because the person being charged was already outside the jurisdiction of his home country.
- (5) There should be no problem about evidence on commission.
- (6) Conferences on sentencing policy could be arranged between the two judiciaries.
- (7) There was no hope of the legislation being made retrospective as on a technical legal point the extra territorial arrangements created new offences (in any event the 1937 Constitution in the Republic precluded this).
- (8) The advantages over the 1861 Act were that more crimes would be covered by the extra territorial arrangements and evidence could be given on commission.

The Chief Minister said that the Executive had not yet discussed the report as they had been awaiting the outcome of the Secretary of State's consultations in Dublin. He thought however, that there would be some difficulty in reaching a united view in the Executive. As Leader of the Unionist Party he would rely on the terms of the Sunningdale Agreement "to find the most effective means". In the report the British jurists had made it clear that in their opinion extradition was the most effective means and to live up to the principles of the Agreement he could not go past that intention. As a 'second best' his party could only judge extra territorial arrangements on the results.

The Minister of Health and Social Services thought that these arrangements for trying cases outside the country in which the offence had been committed, was only a peripheral problem and that the main issue was the provision of security measures; in this respect the Republic had been stepping up its measures and there was now much less evidence of terrorists running for shelter in the Republic.

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The Minister for Manpower Services said that the Alliance Party also recognised extradition as the most effective way of dealing with fugitive criminals but realised that there were both legal and political difficulties.

The Minister for the Environment said that different parties were looking for different things from Sunningdale and the release of the Republic and the SDLP from extradition arrangements could release the Unionists from their commitment to the Council of Ireland. He quoted the Attorney General's commentary at the meeting on the previous Friday in which he had supported the British jurists in their contention that extradition was in fact the most effective method of dealing with the problem. His own conclusion was therefore, that the alternative arrangements "do not meet Sunningdale".

The Secretary of State said that a short bill would be required at Westminster for the introduction of extra territorial arrangements.

The Minister of Education recalled that the Attorney General had made it clear that while the extra territorial arrangements were new, extradition proceedings would still exist in law. He wondered whether it was the intention to try for extradition first in all cases and whether on the assumption that those proceedings failed, the extra territorial proceedings would follow immediately afterwards.

The Secretary of State confirmed that the evidence given on the extradition proceedings would be admissible to avoid a duplication of proceedings at the extra territorial hearing but the two elements would not necessarily take place at the same time. The Minister of Commerce reminded the meeting that the Republic of Ireland was not unwilling to extradite in any given case but was unwilling to amend its existing extradition laws.

There followed a lengthy discussion on the relationship between the extradition proceedings and the extra territorial proceedings and about the technical aspects of retrospection. The Secretary of State reminded the meeting that generally speaking retrospection was only acceptable in law if ameliorating the position and not

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penalising any individual or section of the community. The Minister for the Environment pointed out the European Parliament was encouraging the introduction of extradition arrangements for all its member States and that the Republic, of course, was a member of that Parliament and should be expected to adhere to its general contentions. If extradition was deemed to be not politically possible, other parties to the Sunningdale Agreement would have to consider what things might not be politically possible for them.

The Secretary of State accepted the need for compromise on the Sunningdale Agreement and would spell out the apparent disagreement on the Law Enforcement Commission to the House of Commons.

Police Authority

The Secretary of State recalled his responsibility under Section 38 of the Constitution Act for reconstituting the Police Authority. There was a White Paper commitment on the constitution and the Order in Council was almost ready for submission. He proposed to keep to the present maximum of twenty-two, including the chairman and vice-chairman and to appoint a minimum of five members from the Assembly. While there was no prohibition on the chairman and vice-chairman from being Assembly members, he did not propose to look in that direction at the moment. He sought the advice of the Administration as to how he might best honour the commitment to have the Authority "as representative of the community as possible" and made various suggestions as to how this might be achieved. The Chief Minister thought that the only feasible method was for each Party leader to nominate his own choice. He pointed out that if the minimum figure of five was not exceeded all the main parties in the Assembly would not in fact be represented. The Secretary of State accepted that there were six main party groupings which had been catered for with the one-man nucleus of the Northern Ireland Labour Party.

Rehabilitation of Detainees

The Chief Minister reported to the Secretary of State that with minor reservations

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the Executive had agreed the NIO paper submitted to them a few days previously about the rehabilitation of detainees. The Minister of Housing, Local Government and Planning mentioned that the SDLP wanted a party meeting with the Secretary of State about detainees.

Political Progress Generally

The Chief Minister reported that while there had been several meetings and some progress on political developments, he was not yet in a position to report back to the Secretary of State.

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