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Roderic Lyne Esq CMG
Private Secretary to
the Prime Minister
10 Downing Street
London

24 May 1994

Dear Rod,

MEETING BETWEEN THE PRIME MINISTER AND THE TAOISEACH ON 26
MAY

This letter contains the briefing for the forthcoming Heads of Government meeting. I shall supplement it tomorrow with some further material in response to your letter of 23 May.

Background

2. The meeting was originally conceived primarily as an opportunity to impress upon the Irish our concern to make early progress on security cooperation (the Prime Minister's letter to the Taoiseach of 24 March). Security remains important to both sides, not least because of the weekend attack by the UVF in Dublin. But there have been a number of other significant developments that can usefully be addressed at the meeting including Sinn Fein's list of questions and our commentary thereon, and most importantly the work of the Liaison Group in developing a shared understanding of the parameters for a possible outcome of the Talks process.

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Objectives

3. The meeting will be informal and time will not allow for detailed discussion of the issues. Within that constraint, the objectives for the exchange might be to:

- i. consolidate the positive impact on relations between the two Governments deriving from our commentary on the Sinn Fein questions and the Irish reaction to it;
- ii. reaffirm the two Governments' joint commitment to the principle that nothing short of a permanent cessation of violence will do if Sinn Fein is to have a role in constitutional politics;
- iii. review security matters and register again the importance which we attach to progress in the Chilcot/Dalton Working Group; and
- iv. review the work of the Liaison Group of officials in developing "a shared understanding", and in particular to impress upon the Taoiseach that there will have to be much more movement on Articles 2 and 3 than is currently envisaged by the Irish if there is to be the prospect of the broad and comprehensive political agreement that we all want.

In the short time available, my Secretary of State feels that the most immediately productive area on which to concentrate would be item (iv) above.

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4. As background, you already have my letter of 20 May. Attached are speaking notes for the Prime Minister, some suggested press lines, and a background note on security issues. It is important to note that while (iv) is our key objective to pursue in private, it would be counterproductive to appear in public at this stage to be significantly at odds with the Irish Government.

Secretary of State's meeting with the Tanaiste on 23 May

5. The meeting, which took place after the opening of the Ballyconnell Canal, lasted about 45 minutes. Michael Ancram and Mrs Geoghegan-Quinn was also present.

6. We opened with some positive and constructive exchanges about the clarification issue - the Irish were fully supportive of our desire to draw a line under the issue and felt that we had done enough. Sir Patrick expressed concern about the IRA attack on a Sinn Fein meeting in a bar in Dublin over the weekend - and Mrs Geoghegan-Quinn read out a detailed report about the incident in which she referred frequently to assistance from the RUC. The Secretary of State observed that we were long familiar with this kind of thing in the North, and went on to refer to RUC successes in arresting and charging Loyalists.

7. On political matters we rehearsed the positions already reached by officials in the Liaison Group. The Irish were extremely concerned about the possibility of "losing the Northern nationalists" if they made too many concessions on constitutional issues. Sir Patrick stressed

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the importance of depth and balance and noted that both Governments would have to be prepared to take some risks. The tone of this part of the discussion, and of exchanges in the margins, was reasonable; but there will have to be movement on the constitutional issue (see below) if the logjam is to be broken.

Handling

8. To get the meeting off on the right note, the Prime Minister may wish to express appreciation for the positive Irish response to our "commentary" on the Sinn Fein questions - and to express satisfaction at the constructive response from other quarters, including the SDLP, Mr Molyneaux and the Labour Party. In the light of Sinn Fein's response (that the commentary might represent a useful advance but no considered reply until after the European elections), it will be crucial for the two Governments to stand shoulder to shoulder - emphasising that only a permanent end to violence will do and that a line has effectively been drawn under the clarification issue. Sinn Fein can no longer credibly use that as an excuse for prevarication.

9. Also, at an early stage in the meeting, it would be appropriate to express concern at the UVF attack on the Widow Scallans pub in Dublin in which one man died and another was seriously injured. Had the bomb gone off the result would have been catastrophic. The Prime Minister could note from Mrs Geoghegan-Quinn's remarks at my Secretary of State's meeting on Monday that the RUC were assisting the Garda in their investigations. The Prime

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Minister could go on to refer to the bad security situation in Northern Ireland, with attacks being mounted from both sides of the sectarian divide - but also to note the RUC's successes, especially against Loyalist terrorists.

10. The Prime Minister will not wish to let the occasion pass without mention of the work of the Chilcot/Dalton Group on measures to enhance security co-operation, and in particular the issues raised in his letter to the Taoiseach of 11 April (this is covered in the background note on security and the speaking notes; but it would be best to keep back detailed discussion until the summit in July).

11. A discussion of the security background would naturally lead into a recognition of the importance of not allowing a political vacuum to develop for the terrorists to exploit. Demonstrable political progress in the coming weeks is necessary if the confidence of constitutional politicians is to be sustained and we are to be in the best possible position to show Sinn Fein that failure to renounce violence will result in increasing isolation. This means achieving agreement on the Joint Framework Document.

12. At the meeting with the Tanaiste, it became apparent that the Irish were not dismayed (as at first had seemed the case) by the totality of our draft paper, produced in response to theirs. Indeed the thrust of their approach was that there should not be too much difficulty in reaching agreement on 30 paragraphs out of 43 (paragraphs 31 onwards deal with constitutional issues). It would be wrong to underestimate the importance of issues, other than constitutional matters, still to be resolved - for example

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the nature of the document (the Irish see it as more prescriptive than we), and the differing perceptions of the role of a revamped Intergovernmental Conference, which the Irish see as being interventionist (see my letter of 20 May). But our view is that we have a reasonable prospect of reaching agreement in these areas. For purposes of the Prime Minister's meeting, he may wish to concentrate on the fact that this exercise will be jeopardised, unless there is intervention from the Taoiseach on Articles 2 and 3.

13. At Monday's meeting, my Secretary of State did engage the Tanaiste on Articles 2 and 3 - he also did so in private discussion. It was clear that the Tanaiste felt unable to show any flexibility at all. He attempted at first to decouple the constitutional issue from the rest of the paper - suggesting that it be "parked" while agreement was reached on the remainder of the paper; we could then return to try to seek a balanced accommodation on the constitutional issues. Sir Patrick resisted this on the ground that all aspects of the paper were interlocking and balance could only be judged by looking at it as a whole. It was left, rather unsatisfactorily (because the Tanaiste simply would or could not move on the issue), that the Liaison Group of officials would press ahead and produce alternative drafts on contentious passages. He was left in no doubt of the gravity of the impasse as we see it.

14. As things stand, the work of the Liaison Group is partially stalled. The Irish side need political direction if any flexibility is to be shown on constitutional issues -

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and only the Taoiseach can provide it. Thursday's meeting is an ideal opportunity to press the Taoiseach on this issue, and the speaking notes are drafted accordingly.

Media

15. There has been press interest in this meeting. It would not be helpful if either side were to engage in detailed briefing on the constitutional issues. The attached press lines are intended to concentrate on those areas where the two Governments stand "shoulder to shoulder".

16. A copy goes to John Sawers and Melanie Leech.

Yours
Jonathan

JONATHAN STEPHENS

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SPEAKING NOTE

Sinn Fein Questions

- Welcome the positive response from the Taoiseach and Tanaiste to our approach to the Sinn Fein questions. Note also, the constructive attitude of SDLP and UUP. Mr Molyneaux said "The Government has made the correct decision to rebut the blatant and distorted assertions about the future of Northern Ireland and the attitudes of HMG".
- Key now is to draw a line under clarification as an issue (though we will not close doors totally in public comment). Can no longer be an excuse for prevarication.
- Sinn Fein have not rejected our comments out of hand. Talk of an answer after the European elections. But our assessment remains that the Provisionals are not in the business of giving up terrorism for good in the immediate future.
- Vital that we continue to stand shoulder to shoulder. In particular, if there are further temporary ceasefires, the two Governments should continue to speak with one voice in calling for a permanent end to violence - and not give any hint that something short of that would do.

Security

- Express concern to the Taoiseach about the weekend attack in Dublin, and assure him that the authorities in the North will afford every assistance possible to the Garda in tracking down those responsible.

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- Note that the terrorist threat from both sides remains high, serving to underline the continuing importance of effective cross-border security cooperation in preventing such attacks, whether by Loyalists in the South or Republicans in the North; and that public support for effective measures, in the light of the Joint Declaration and subsequent developments, is likely to be considerable.
- Point out the continuing successes which the security forces in Northern Ireland are achieving against terrorists, loyalist and republican; and that while loyalists have committed 55% of the murders perpetrated in NI this year, they comprise two thirds of those (171) charged with terrorist offences (for example, 25 of 29 people charged with terrorist offences in the 4 weeks up to 22 May were loyalists).
- Express appreciation for the excellent co-operation which the Garda provide to the RUC, which has yielded very significant results; and note that the Garda Commissioner has repeatedly expressed gratitude at IGCs for the assistance which they in turn receive from the RUC. Important to build on those successes, and to maintain momentum.
- Welcome the new extradition legislation now approved by the Dail, which should improve extradition arrangements between the two countries; and note that the necessary steps to put speciality on a statutory footing are being taken forward by the British side in close co-operation with the Irish.
- Remind the Taoiseach of the importance which we attach to progress in the areas identified in the Prime Minister's letter of 11 April (police structures, extra territorial interviewing, border flight safety zones); and emphasise,

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while acknowledging that the proposals are not without difficulty for the Irish, the real advantages in terms of increased practical co-operation which these could provide. We will want to address these issues positively and seriously when the Chilcot/Dalton Group's progress report is presented before the July summit.

Joint Framework Document

- Officials have done much good work in Liaison Group. There has been an exchange of papers. A serious engagement. Grateful for that.
- Have had report of Tanaiste's meeting with the Secretary of State. Much work still to do. But would like to concentrate our discussion on what is the key issue between us - the constitutional passage.
- Key to this framework exercise is depth and balance. Only way to secure accommodation which positively meets aspirations of both traditions. But that involves risks for both of us.
- Concerned that your paper of 15 April was unbalanced. The risk was all on our side (deep North/South institutions, open and welcoming to change etc). Big demands on HMG for constitutional change - yet Irish Government only committed to changing its Constitution to reflect principle of consent.
- Inevitable that our paper would seek to redress the balance. And appreciate that it did so in a way that caused you difficulty. But it is crucial in a deep agreement that if there is to be any chance at all of securing unionist acceptance, Articles 2 and 3 must be amended more fundamentally (as stated in para 38 of our

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paper), to remove the territorial claim and the right of jurisdiction over Northern Ireland while incorporating the aspiration for unity by consent. No prospect of sufficient depth of movement by unionists otherwise.

- This does not set a seal on partition. Plenty of balancing commitments and risk taking on our side eg
 - Strand 1 arrangements
 - Deep and meaningful North/South institutions with entrenchment to avoid backsliding, which are a major departure for unionists - and us. They would have an executive as well as harmonising and consultative function;
 - Under the constitutional heading (para 34) the British Government "fully accepts and is open to the possibility of change..." (as opposed to open and welcoming).
 - And look at para 37 - we are willing to discharge our responsibilities "in a way which does not prejudice the freedom of the people of Northern Ireland to determine...its future constitutional status".

By any standards there are extraordinary undertakings for a sovereign democratic state to give in relation to part of its territory.

- We cannot maintain this forward position unless there is a willingness on your part to go further in relation to Articles 2 and 3.
- Appreciate that you need safeguards - to ensure that the following amendments to your constitution there is not a retreat from other aspects of any agreement. This can be
ssed. Devices such as entrenchment are important here.

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- We now have a real opportunity - perhaps to make more of an impact than the Joint Declaration. Whether or not the violence comes to an end this is the only way forward. And if violence does not come to an end, it is doubly important for the continuity of our joint policy and the principles enshrined in the Joint Declaration, that we make progress.
- But we must be seen to make demonstrable progress soon. That means giving our negotiators sufficient flexibility now to address all aspects of the Framework Document including constitutional issues, always of course ad referendum to Ministers.
- The alternative is a minimalist approach which will not achieve an objective of a fundamental and deep agreement on the relationships between the people of these islands. Do not want to contemplate such a scenario, given that the prize is within our grasp. People will not understand if we fail.

Media

- Important that discussions on detail of Framework Document remain private. Suggest we concentrate on two Governments' condemnation of violence, commitment to political progress etc (along the lines of attached press lines).

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LINES FOR THE PRESS

1. Condemn violence from whichever side of the community it comes.
2. Authorities in Northern Ireland will provide all possible assistance in tracking down the perpetrators of Saturday's shocking crime.
3. Demonstrates the futility of violence which feeds upon itself and puts at risk all members of the community in these islands.
4. Both Governments committed to security cooperation and to bringing men of violence to justice, from whichever part of the community they come.
5. Both Governments call on all terrorist groups to listen to the people, of both traditions from North and South, who urge them to stop and stop for good.
6. No justification for any violence - but IRA/Sinn Fein can no longer with any credibility use the smokescreen of clarification to justify prevarication.
7. The can stop or be marginalised and face isolation, while the rest of us get on with political dialogue.
8. Events of recent days heighten the importance of political progress - the means by which a stable accommodation can be reached.
9. Therefore we will intensify work on a framework - a shared understanding of the parameters of possible outcome of the talks process.

10. We seek a balanced accommodation addressing all the key relationships and based on democracy, consent, parity of esteem and equity of treatment.

SECURITY - BACKGROUND NOTE

The meeting takes place against the background of a continuing high level of terrorist violence in the Province. The 1994 death toll as at 24 May stands at 32, including 5 members of the security forces. Loyalists have killed 17 people, republicans 15; since the beginning of April there have been 24 murders (loyalists 12, republican 12). As a result tension has increased sharply in many areas. Community leaders on all sides have condemned recent attacks - Mr Molyneaux, for example, has called on loyalist paramilitaries to end their campaign while Mr Mallon has scathingly contrasted Sinn Fein talk of peace with PIRA's continuing violence. However the assessed threat from terrorist groupings on both sides remains high.

2. The security forces nevertheless continue to achieve important successes: 171 people have been charged with terrorist offences since the beginning of the year (113 loyalists, 57 republicans, 1 security force member) including 43 with murder or attempted murder. A significant development was the charging last week of a prominent loyalist with the offence of directing a terrorist organisation. Despite these successes there have been repeated claims from certain quarters of security force collusion in loyalist attacks: Ministers and security force commanders have been at pains to rebut these claims robustly.

3. Outside the Province PIRA has launched a number of attacks in Britain in recent months, most notably the mortar attacks on Heathrow in March; the Prime Minister subsequently wrote to the Taoiseach on 11 April, stressing the importance of maximising cross-border security co-operation. Loyalist paramilitaries have also carried out sporadic attacks in the Republic, mostly by means of incendiary devices; however, the UVF's gun and bomb attack on a Sinn Fein fund-raising event in Dublin last weekend in which one man died marks a significant escalation of their activities, and will be of considerable concern to the Irish Government.

4. These atrocities serve to underline yet again the importance of effective cross-border co-operation. At working level co-operation between the two police forces continues to be very good. Last year the Garda recovered almost 400 firearms, nearly 26,000 rounds of ammunition and just under 4,000 lbs of explosives. This year they have made a number of significant finds, including the recovery of three heavy machine guns, the disruption of a mortar-making factory and the interception of a Mark 15 mortar en route to a target in Northern Ireland. The Garda, supported by the Irish Army, also provide invaluable support for security force operations in Northern Ireland, such as the refurbishment of Crossmaglen security force base. In addition the Irish extradition legislation limiting the number of offences which may be claimed as politically motivated has now passed the Dail; the Order under Clause 44 of the Criminal Justice Bill putting our informal speciality arrangements onto a formal footing is now being drafted, in close consultation with the Irish.

5. There continues nevertheless to be scope for improvement. The Chilcot/Dalton Group, established following a summit in December 1991 and chaired by the Permanent Secretaries of the NIO and the Irish Department of Justice, has been reviewing North/South security co-operation and pursuing work on specific issues. A joint progress report was prepared for last December's summit, but in the event security co-operation was not discussed. An updated joint report will be prepared for the meeting between the two Prime Ministers in July.

6. The Group had a further meeting in Dublin on 11 May. Amongst the issues discussed were three which the Prime Minister identified in his letter of 11 April as of particular importance: police structures to counter terrorism, where we have been pressing the Irish to create a regional focus for counter-terrorist operations in border areas and to improve liaison arrangements; extra territorial interviewing, where we seek the reciprocal ability for both police

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forces to question or assist in the questioning of suspects being held in the other force's jurisdiction; and border flight safety zones, where we seek limited flexibility to overfly the border in designated areas for safety reasons (this would also in our view reduce the vulnerability of the aircraft to terrorist attack).

7. Updates on progress in these and other areas will be provided in the joint report to the July summit. In brief, however, useful progress has been made on police structures - the two police forces will be exploring the scope for improved liaison arrangements and further developments in this area are possible; extra-territorial interviewing continues to cause the Irish difficulty, but they have agreed that the joint report should invite the two Prime Ministers to consider whether a working group be established to examine the issues; and the Irish continue strongly to resist our border flight safety zone proposals. Thursday's meeting will not be the occasion to get into the detail; the Prime Minister may wish simply to keep his powder dry for the July summit by reiterating the importance he attaches both to these issues in particular, and to the Chilcot/Dalton Group as a means of pursuing improvements in cross-border security.

8. Coming as it does in the wake of the Government's response to Sinn Fein, the continuing high activity levels by terrorists on both sides in Northern Ireland, and the UVF attack in Dublin, the meeting affords an opportunity to re-emphasise the continuing importance of effective security co-operation and the Government's determination to deal effectively with terrorism from wherever it comes.