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As Humphrey

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23 SEP 1994 DB/629/94

FROM: PUS
19 SEPTEMBER 1994

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19 SEP 1994

cc. PS/Secretary of State (L&B) - B
PS/Sir John Wheeler (L,B&DFP) - B
PS/Michael Ancram (L,B&DENI) - B
PS/Mr Feyl - B
Mr Legge - B
Mr Thomas (L&B) - B
Mr Bell - B
Mr Shannon - B
Mr Steele - B
Mr Williams - B
Mr Brooke - B
Mr Marsh - B
Mr Perry - B
Mr Stephens - B
Mr White - B
HMA Dublin - B

UNDER/ SEC 1070/9
21 SEP 1994
CENT SEC

as Mr. Watkins
1070/9

NOTE FOR THE RECORD

MEETING WITH MR TIMOTHY DALTON, DEPARTMENT OF JUSTICE, DUBLIN

I met Mr Timothy Dalton, Secretary of the Department of Justice, in London on Thursday 15 September as the result of simultaneous approaches from each of us to the other. I should be grateful if copy recipients could protect circulation and dissemination of this note to guard its private nature.

The Prospect

I doubt this

2. Tim Dalton said that he foresaw on the Irish side political developments in response to the ceasefire running further and faster ahead than those on the security policy side. Nonetheless, a degree of urgency would be injected into Irish security policy to be seen to be responding to the ceasefire, not least with demonstrative gestures (the evidence of which we have already begun to see on the prisoners front, confirmed on Friday and in other respects). At the same time, he was anxious to say that the Irish saw a continuing very strong bond of mutual interest in security cooperation and while the respective speed of the two Governments on the political track might vary quite widely he hoped we could stay closely together so far as circumstances allowed on the security policy side.

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3. I said that I welcomed that. There had been concern ^{dw} on dismay with the decision with regard to a border crossing reclosure soon after the cessation announcement that the Garda would be prevented from conducting normal cooperative operations with the RUC. I also said that given the continuation of PIRA activity at the level of targetting, intelligence gathering, movements of matériel and even recruiting, it would be impossible for us to lower our guard and should continue to give the Republic of Ireland continuing concern. As for the rest, it was common ground that INLA (and potentially the RSF) as well as the Loyalists were still in business. Finally, I asked Tim Dalton whether what he had said meant that the Taoiseach approved our continuing dialogue in the PUS/Dalton Group and/or on a personal basis in the new scenario. Tim Dalton confirmed the latter was true at group as well as personal level. I should say that I had earlier had an entirely secret and personal intimation soon after the cessation announcement that those channels would be closed since there would be no need for them. I infer but do not ascribe to anything said explicitly by Tim Dalton that the Loyalist bombing in Dublin has changed that and that we are actually being wooed on the cross border side both for that kind of operational reason and also because of mounting realisation in Dublin of the political dimensions of security policy as we go further into the cessation scenario - prisoners, arms etc. The other main pressure on the Dublin Government on the security policy side is clearly their fear of the arms stores and Provisional activity leaking out even more into ordinary crime in an uncontrollable way.

Security Assessment

4. We shared our assessments of the situation. Mine was based essentially on that which was discussed at last week's SPM (suitably edited). I made a particular point of continuing PIRA activity as well as the INLA and potentially RSF dimensions, as well as the uncertainties on the Loyalist front. I said there was a real risk of unguarded remarks from Dublin provoking the Loyalists further and cited the Irish Times' report of the Taoiseach talking of the giving up of legislative authority to a North/South institution which was, so far as I knew, no part of any discussions we have been having in the Liaison Group. (NB. I had hoped this might pass unnoticed but predictably Peter Robinson picked it up in Friday's Irish Times - 16 September.) Tim Dalton, interestingly, said that there were considerable concerns in Dublin about INLA acting as a PIRA proxy and/or a deal between INLA and Republican Sinn Fein whereby the former would endow the latter with the weapons they were certainly seeking and perhaps some manpower as well.

Cross Border Cooperation

5. Tim Dalton confirmed that it was his view and he signalled acceptable to his Ministers that we should continue with the Chilcot/Dalton grouping in the new circumstances not least as a means of both high level official contact but also of bringing together the operational and policy levels from both sides.

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6. As to the agenda, he clearly came with his main point being that we ought to move on the cross border roads issue. He said this was crucial to the Irish Government's assessment of our intentions, crucial to the atmosphere and conduct of the IGC on 23 September and crucial to future Irish Government actions, both in timing and substance, on the security policy side. Without declaring the intention to make an announcement on 16 September, I said there was a high probability that there would be movement by the British Government in the days ahead, probably in advance of the IGC. Tim Dalton expressed more than ordinary relief at this and said it would transform matters quite remarkably if that were done. It seemed to me that he attached more importance to a gesture rather ^{than} to the substance so I said it would be extremely important for Irish Ministers to understand that any action by HMG would be taken on strict principles of assessment of the threat against the responsibility to protect the community - and if Irish Ministers even in commending the British Government actions lay too much emphasis on gesture politics and symbolic decisions that would not go down well. They should understand our seriousness on this as on all other such matters. He took the point.

7. Pursuing the roads issue he said that against the prospect of a programme of reopening certain closed crossings there might well be a bid from the Irish side for a meeting between the Minister of Justice and perhaps the Minister for the Environment in the South with Sir John Wheeler and Mr Tim Smith to discuss the physical implementation of a lifting of closure Orders since there would be works to be done on the Irish side as well, he presumed, as on the British side. I mentioned that engineering resources in particular might be a determining of the pace of implementation, but that the political decision was the rescinding of closure Orders which was not dependent on the physical works in advance. But SPOB will want to note the possibility of an Irish bid in the IGC or after our announcement.

Prisoners

8. The other main topic that Tim Dalton wanted to pursue was that of prisoners. He foreshadowed Friday's further intimation by the Minister of Justice in Dublin that there would be a review of Republican prisoners cases with a view to marginal easement in their earliest date of release. He was at pains to say that there would not be an amnesty nor anything so described, and that they could not be "over generous" both because of comparisons with ordinary criminal prisoners, constraints in relation to murders and armed robberies in the South, and the need to proceed at a measured pace. However, he expected that there might be an increase in remission from one quarter to one half which might enable perhaps as many as fourteen paramilitary prisoners in the South to be released by about Christmas time (out of a population of a little over eighty) but there would ^{be} no announcement of it - it would simply happen.

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9. There was likely also to be a special review of their life sentence population of whom only three were in fact PIRA prisoners. He also added (please protect especially) that Adams had requested the Irish Government for special dispensation in respect of eleven prisoners (he did not specify as between fixed term prisoners and lifers) who should be given particular consideration - though he emphasised there was no expectation of immediate or very early release. I was given to understand that in exchange for this "generosity" the Provisional IRA had given undertakings regarding full cooperation within prisons with the regime, an end to attempt to smuggle in arms and other objects, while on the Government's side it was likely that minor regime improvements would take place such as the provision of colour television in cells.

10. Tim Dalton made no enquiry regarding our position but I took the opportunity to say that it was not thinkable or acceptable, to the Government and Westminster that there would be any interference in the due process of justice regarding sentences to be served. No doubt the Life Sentence Review Board and Ministers would take into account a changed threat if that held in looking at discretionary release, by analogy with the reduction in the security force profile and presence as the threat itself reduced.

Arms

11. Tim Dalton said that there was a move taking place in the Irish Government's attitude as they came to realise on advice from the Garda Siochana and the Department of Justice that the historical softline in terms of previous violent Republican campaigns could no longer hold given the Libyan arms shipments and threat that the holdings of semtex, heavy weapons etc presented to the Irish state not least in their leakage into ordinary criminal use. I said that this realism would be welcome to us, and that it was very much in our mutual interest to share as much information and intelligence as possible about stocks and stores of weapons and matériel and to take a realistic view of, for example, token offers of surrender which had no material bearing on the real capabilities of the Republican movement. We agreed it would be helpful to keep in touch, though Tim Dalton confirmed my understanding that cooperation and information sharing on this subject between the RUC and the Garda Siochana was good.

Sinn Fein - Protection

12. Finally, as a coda Tim Dalton mentioned the prospect of an emerging issue with regard to the safety of Sinn Fein councillors and other members of Sinn Fein in the event of a continued Loyalist campaign. I took note but did not comment further save to say that we had one or two applications to be allowed to hold personal protection weapons which I thought was going further than present reality.

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Conclusion

13. We agreed (and sufficiently warmly allowing for Tim Dalton's naturally genial temper~~y~~ to be reassuring) that the need for security cooperation across the border would continue to be very much in the interest of both Governments not only during a transition phase towards what we both hoped would be a permanent peace, but also thereafter in terms of dealing with organised and potentially heavily armed criminal activity. Tim Dalton also interestingly signalled that the easement of the Republican campaign of violence could see in the fairly near future the prospect of much better progress by the Irish under Title 6 of the Maastricht Treaty towards cooperation under the law and order pillar of the Treaty with ourselves. That could hold a great deal of potential though he was not willing to be specific (? Op PUSUIT etc).

Hot Pursuit?

Dictated by Sir John Chilcot and signed in his absence
Joanna Nixon

JOHN CHILCOT

19 SEPTEMBER 1994

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