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Prime Minister

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PRIME MINISTER

Anglo-Irish Relations: Northern Ireland

The Irish Ambassador, Mr Noel Dorr, called on me on Friday 15 June at 12.30 pm at his request. Mr Goodall was also present.

2. Mr Dorr explained that he had just returned from Dublin where he had seen the Taoiseach, Dr FitzGerald; the Minister for Foreign Affairs Mr Barry; and the Attorney General Mr Sutherland. In the knowledge that British Ministers were still considering the proposals put forward by Mr Nally on 11 May (my minute to you of 14 May) he had been instructed to clarify and amplify a number of points and to reinforce the request already conveyed to me by Mr Nally for a bilateral meeting between you and the Taoiseach in the margins of the European Council at Fontainebleau at which some "substantive" discussion might be possible.

3. Mr Dorr said that the proposals put forward by Mr Nally continued to reflect the basic position of the Irish Government, as amplified by Mr Barry's communication to Mr Goodall of 29 May. The Irish Government would be ready to have it solemnly declared and registered with the United Nations that there could be no change in the present position in Northern Ireland without the consent of a majority of the people in the Province. In addition, they were now prepared seriously to consider the possibility of changing Articles 2 and 3 of the Irish Constitution (which would require a referendum). But it would simply not be politically feasible to propose such a change in isolation. It would have to be part of a larger package of such substance, and so balanced in other respects, as to offer real hope of winning political acceptance and ending the alienation of the

minority community in Northern Ireland. I confirmed that this had been our understanding of the Irish position as conveyed by Mr Barry to Mr Goodall.

4. On security co-operation Mr Dorr said that here too the Irish adhered to the proposal outlined by Mr Nally whereby there would be joint command arrangements for the military and police forces in Northern Ireland. Like us, however, they recognised that this posed serious practical and political difficulties. They did not therefore have a closed mind on alternative possibilities. Reading carefully from his instructions, Mr Dorr said that if the two Governments could be convinced that it was possible and adequate to recruit a new police force, including the present RUC, and a new military back-up in place of the present UDR, Irish Ministers would have no fundamental objection. But they would need to be persuaded that this would be enough to reverse alienation in the context of an adequate political package, and that it would work. They would also need to be convinced that there would not be unmanageable political fall-out during the transitional period when such a new arrangement was being made operational. Under questioning Mr Dorr indicated that the Irish had no clear ideas as to the form these alternative arrangements might take, but would hope for a detailed discussion with us of the possibilities. He did not say, although he was given ample opportunity to do so, that the hypothetical new police and military forces would have to include elements from the Republic.

5. On procedure, Mr Dorr said that the Irish saw merit in the idea that any package which might be worked out between us should be seen to emerge from a conference open to the participation of all the parties to the Northern Ireland problem rather than simply from an inter-governmental negotiation. They would welcome discussion of how such a conference might be organised.

6. Irish Ministers also believed that the functioning of the courts in Northern Ireland (especially in view of the controversy surrounding Lord Justice Gibson's recent judgement) represented a particular area in which there was serious alienation on the part of the minority. They hoped that it would be possible to find ways of incorporating into the judicial system in Northern Ireland the balance necessary to provide support for the minority. Account would have to be taken of the need both to deal with terrorist crime and to uphold personal rights. One possibility might be to establish parallel courts north and south of the border, each court including judges from the other's jurisdiction but with appeals being made in one case to the Court of Appeal in London and in the other to the Irish Court of Appeal in Dublin. The idea of a joint Law Commission to examine these and other possibilities was welcome. There was to be a meeting shortly (Mr Dorr thought on 29 June) between Sir Michael Havers and the Irish Attorney General, Mr Sutherland, at which the Irish hoped that there might be a preliminary discussion of the possibilities. We should consider at your meeting on 21 June whether we are ready for such a discussion, or whether it would be a little premature at this stage.

7. Mr Dorr went on to say that the Irish continued to believe that it would be desirable for the two Governments to agree as soon as possible on a public declaration of principles as a basis for continued negotiation and for the convening of a conference. As we knew, they hoped that the principles set out in Chapter 5.2 of the Forum Report might be taken as a starting point. The Taoiseach hoped that he would be able to discuss this with you at Fontainebleau and indeed that that discussion might result in agreement on a suitable text. If there was insufficient time for this at Fontainebleau, the Taoiseach wondered whether it would be possible for him to see you here on the morning of 27 June, when he would be in London on his way back from France for a private engagement at the Middle Temple the previous evening.

8. In thanking the Ambassador for these clarifications, I made it clear to him that it was premature for the Taoiseach to be thinking in terms of reaching agreement with you on a statement of principles by the end of this month. I explained that, although we did not exclude the possibility that such a statement might be useful in due course - eg in connection with an eventual conference, if we ever reached that point - British Ministers would first want to have a clear view of the actual arrangements which the principles would be intended to sanction. They would not want to begin discussing principles without a clear view of the end of the road on which they were embarking. It was important that the Irish should not imagine that we were closer to agreement than was actually the case. You and your colleagues had still to review the situation in the light of the Irish Government's readiness to consider repealing Articles 2 and 3 of the Irish Constitution (the importance of which we fully recognised), and to decide to what extent if at all this might enable us to go beyond the proposals which I had put forward in Dublin on 1 March. If they did decide that this was possible, the next step would probably be for officials to be instructed to elaborate further proposals which I might then be authorised to explore with Mr Nally perhaps early next month. It seemed to me that it was only at that stage that it might be possible to look again at the Irish idea of an agreed statement of principles. This did not, however, mean that it would not be useful for you and the Taoiseach to have a general discussion of the issues at Fontainebleau. I had already told Mr Nally on your instructions that you were looking forward to seeing the Taoiseach at Fontainebleau, and I thought it would be preferable to stick to this arrangement rather than go for a meeting in London on 27 June. A meeting in London, however informal, was bound to arouse public expectations and would in any case be very difficult to arrange on a day on which you would be preoccupied with your statement to the House of Commons about



the European Council. Mr Dorr somewhat reluctantly acknowledged the validity of these considerations and took delivery of the point that we were not ready to move as fast as the Taoiseach had been contemplating.

9. I am sending copies of this minute to the Foreign and Commonwealth Secretary, the Secretary of State for Northern Ireland, Sir Antony Acland, Mr Robert Andrew, Sir Philip Woodfield and Mr David Goodall.

ROBERT ARMSTRONG

18 June 1984