

MR C POWELL
PS/PM 22
cc MA

E.R.

Your ref: PUS/L/1517/KW

Mr Andrew

cc: Mr Brennan
Mr Angel
Mr Sandiford

MEETING WITH IRISH AMBASSADOR: 18 JUNE 1984

The Irish Ambassador, Mr Noel Dorr, called on the Secretary of State on 18 June. You and I were also present.

2. Mr Dorr gave a clarification and up-date of the position of the Irish Government in relation to Northern Ireland. Mr Dorr was evidently speaking closely to instructions. His account was very similar to that recorded in Sir Robert Armstrong's note of 18 June on his meeting with Mr Dorr on 15 June.
3. Mr Dorr re-stated that the Irish Government would be prepared to register at the United Nations a solemn declaration that there could be no change in the position in Northern Ireland without the consent of a majority of the population of Northern Ireland. The Irish Government would also be prepared to contemplate as a serious possibility amendment of Articles 2 and 3 of their Constitution. Such a change would not, however, be feasible except as part of a wider and major political package to resolve the constant difficult and dangerous situation in Northern Ireland.
4. Mr Dorr said that his Government was increasingly attracted by the idea that a package of the kind needed might have most chance of general acceptance if it emerged from a conference involving not only the UK and Irish Governments but also representatives of the political parties in Northern Ireland. One aspect of this was that amendment of Articles 2 and 3 would be a more easily feasible prospect if the SDLP were in agreement with it.
5. Mr Dorr said that his Government was also attracted by the idea of a statement of general principles to be agreed by the UK and

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Irish Governments. The idea would not be that the principles would be a source from which the results of the conference were to be deduced. It was rather that they would mark off the area for discussion and so prevent it from being open-ended.

6. The Secretary of State asked Mr Dorr whether he thought that the Unionist parties, or the opposition in the Republic, could be expected to take part constructively (or at all) in such a conference. Mr Dorr commented that the idea for some kind of conference had originally been a UK suggestion. The Taoiseach had not excluded the possibility that Fianna Fail might attend. What the Irish Government was looking at now was no more than the idea of a conference, within an agreed framework of principles. If the UK liked the idea, then what Mr Dorr called modalities and details could be examined more closely.

7. The Secretary of State asked what the principles might be, commenting that for the UK the principles of consent, and widespread acceptance, were well-established. Mr Dorr said that the Irish Government would look to Section 5.2 of the Forum Report, which included the principles mentioned by the Secretary of State. It would no doubt have to be recognised that the UK Government would not endorse all the principles in Section 5.2. That would be for discussion. Mr Dorr suggested that an agreed set of principles could serve a number of useful purposes. It could provide a measure of public protection for the two Governments; provide a framework for inter-Governmental discussion; and provide a framework for a wider conference.

8. The Secretary of State commented that his initial reaction to the idea of a conference was to see considerable difficulty in it. He doubted whether any very constructive result would emerge unless a wide measure of agreement had been secured beforehand. And even if the representatives of the more obdurate opinion agreed to attend, they might very well disrupt the proceedings during the conference or disown the results afterwards. Mr Dorr commented that much of the outcome of the Sunningdale conference had in fact been provisionally agreed in advance. (He did not go on to say whether that was a happy precedent).

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9. Turning to security, Mr Dorr said that his Government had suggested putting the police and army in Northern Ireland under joint command because that seemed to them to be what the situation required. But they recognised the difficulties. Mr Dorr said that the Irish were not wedded a priori to that particular means of achieving the perceived objective, which was to get support across the community for the security forces. If the two Governments could agree on other adequate ways of achieving that objective, that would be a satisfactory outcome, even if it did not include joint command. One way might be to recruit a new police force to replace (later, Mr Dorr said "reform") the RUC, and to set up a new military support force in place of the UDR. The Secretary of State commented that anything on those lines would be an enormous step, and asked what it might amount to in practice. Mr Dorr said that the suggestions he had ventilated were not to be seen as a retreat from the earlier proposal for joint command. It was rather that he was instructed to explain that it was the identification of some means of achieving the end result to which the Irish attached importance, rather than any given means of doing so.

10. The Secretary of State asked whether the Irish contemplated reciprocity of action by security forces along the border. Mr Dorr replied with some animation that that was not contemplated. It would in effect create three borders: the existing one, and two more to mark the edges of the border strips. It would present practical and political difficulties on an impossible scale. The Secretary of State said that he could see there would be difficulties, and suggested that the way to practical progress lay in closer liaison in the border area, with eg cross-posting of liaison officers, and more contact at Ministerial level.

11. As to the administration of justice, Mr Dorr said that his Government recognised that a single all-Ireland court would be difficult for the UK. It would indeed also present constitutional problems for the Irish. The Irish therefore suggested that the two Attorney Generals should meet at the end of June to discuss the scope for parallel courts, with a particular role in relation to terrorist crime. Mr Dorr apparently understood that what was

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suggested was courts in which judges from north and south would sit together, but he took refuge fairly rapidly in the proposition that the development of legal matters would have to be consigned to the lawyers. He also endorsed the proposal for a commission to study in greater depth the scope for harmonising the administration of justice. The Secretary of State said that he doubted that the time would be ripe by 30 June for discussion between the two Attorneys General and Mr Dorr noted this.

12. In conclusion, Mr Dorr reverted to the suggested amendment of Articles 2 and 3 of the Irish Constitution. What new possibilities might that open up for the UK? The Secretary of State said that he had some scepticism whether Unionist opinion would be sufficiently affected by such a development to make any dramatic new proposals welcome for the UK. He also accepted that if the UK could not offer some striking new development then the feasibility of amending Articles 2 and 3 must be doubtful. It would be difficult for the UK if we made public proposals for action to which we would in effect be bound even if the Irish Government failed to obtain the amendment of the Constitution. Mr Dorr commented wryly that there would be difficulties for the Irish Government also if the proposed referendum were not successful. The Irish Government's readiness to undertake it, as part of a wider package, despite the risk was a measure of their concern about the situation in Northern Ireland. The Irish Government did not think that progress could be achieved by a series of gradual steps. What the situation required was a once and for all set of major changes. The Secretary of State suggested that a policy of such high risk ought to be a matter of last resort. There was the point that the Irish Government could not deliver amendment of the Constitution if the necessary referendum rejected it, whereas the UK Government faced no such constitutional bar. He therefore saw advantage in a staged approach towards agreement.

13. Before departing, Mr Dorr left with the Secretary of State the attached table showing the Irish perception of the state of play on Irish issues. The Secretary of State said that he was grateful to Mr Dorr for his exposition, and that he would reflect on what had been said. It was possible that a further discussion fairly soon might be helpful.

<u>Issue</u>	<u>Irish Views</u>	<u>British Response</u>	<u>British Action</u>
Northern Ireland Prisons	Threatened INLA hunger strike	Aware of dangers	
	Compassionate parole	Agreed to examine	
	Early release	Agreed to examine	Royal Prerogative used at least once
	Strip searching of women prisoners in Armagh	Will continue but sensitively	Practice has decreased but still occurring
	Educational and sporting facilities at Maze Prison	Educational facilities would become available when prison officers dispute ended. No proposals for GAA facilities	
Harassment of Catholics in Northern Ireland	General harassment. Individual cases		
Use of Irish form of name in Northern Ireland	Important issue to nationalists.		British undertaking that RUC would accept Irish form at checkpoints if it can be verified.
Use of plastic bullets in Northern Ireland	Use alternatives Limit use to minimum	Agreed to examine and try to limit use	Alternatives found wanting. New rules for use established. Secretary of State has asked for report on each case.
Alleged 'Shoot to kill' policy in N.I.	Grave concern	No changes in instructions	
Prime Minister's Visit to Drumadd	Visit regretted	Prime Minister unaware of implications.	
Prince Philip's Visit to Drumadd	Protest	Controversy regretted. Visit an internal matter	
Discrimination in employment (Shorts factory and in Gas Industry) in N.I.	Need to avoid	Noted	
Route of traditional marches, especially Portadown, in Northern Ireland	Problem of traditional routes Policy of respecting traditional routes structurally discriminatory	Would draw Irish views to attention of Chief Constable	

<u>Issues</u>	<u>Irish Views</u>	<u>British Response</u>	<u>British Action</u>
Crossmaglen	The GAA Club's problems go back to 1970. The Club officials are responsible people who have legitimate grounds for complaint. Why not drop present right of way? If necessary acquire land owned by Committee for the Handicapped by CPO. Permit Club to develop its property. Settle outstanding compensation quickly	Considering these issues.	
Robinson case. Problem of statement by Sir J. Hermon	Grave concern at implicit admission that Northern security forces have operated in Irish jurisdiction. Potential damage to security cooperation and to general relations. Confidence in N.I. judicial system further undermined. Statement of Sir J. Hermon very damaging.	Apology RUC instructions apparently violated. Assured no member of the security forces will cross border in any operational role (10 April 1984). Very concerned.	Enquiry by Deputy Chief Constable Stoker of Manchester announced on 30 May 1984
Incursions	The Irish side complained of 22 incursions in 1983 and 13 so far this year. Certain incursions have been admitted as deliberate despite reprimands and reminders. These reprimands/reminders do not appear to be effective. Incursions are unacceptable and damaging to local community and general public support for security cooperation.	Admitted in nearly all cases.	Occasional reprimands or reminders of standing instructions not to cross the border. /...

Issues

Irish Views

British Response

British Action

Road Closures

The Minister and his officials have repeatedly drawn attention to the negative impact of certain road closures: the inconvenience and hardship to locals on both sides of the border; the political dividends for subversives; and the difficulties caused for security Cooperation.

Generally negative Minister was informed by Mr. Prior in March that the closure of Lackey Bridge on the Fermanagh-Leitrim border was to be re-assessed. It was agreed by Mr. Prior in March that the unsafe footbridge at the closed Cashel Bridge on the Leitrim Fermanagh border at Kiltyclogher would be repaired. Mr. Prior has agreed to consult the Minister in respect of future plans to close roads.

Irish Prisoners in Britain

Better and more regular information on prison conditions requested. Importance of anticipating and heading-off issues which cause problems to our relations. Humanitarian issues: prison conditions, visits by relatives, transfers to Northern Ireland in certain circumstances (for example, Shane O'Doherty).

Agreement that closer liaison should be maintained and that transfers to Northern Ireland could be considered in deserving cases. Facts of O'Doherty case to be checked in view of conflicting accounts.

Trawler 'Sharelga'

Trawler sunk by British submarine in April 1982. Likely political exploitation of the compensation delay. Minister and officials have pressed for speedy settlement. Meeting of Loss Adjusters recommended. Disputed issues discussed with British Embassy

Liability admitted. Offer made. Claims very excessive. Further explanations required before meeting of Loss Adjusters could be agreed. Confident that Courts will not order compensation greater than amount offered.

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Prevention of Terrorism Act	Action of British officials at entry points and in other encounters with Irish people in Britain (e.g. Irish Societies) cause complaints of harassment and insensitivity.	Irish complaints noted. Security problem.	Jellicoe Report - no significant change.