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Secret

Call on Sir Robert Armstrong, Cabinet Secretary and
David Goodall, Deputy Secretary, at the Cabinet Office
15th June 1984

I was seen by Armstrong and Goodall together in Armstrong's Office at 12.30. Our meeting lasted about half an hour and I had a further discussion with Goodall in the corridor on the way out.

I began by referring to our understanding that British Ministers would be giving substantive consideration next week to the issues on which we have exchanged ideas. I said that I had just come back from Dublin and that, with a view to next week's discussion at Ministerial level here, I had instructions to add certain clarifications and comments to our proposals of 11th May which of course remained our basic position.

I then spoke broadly on the lines of the attached speaking note (which I had drafted myself before going to the meeting) but I expanded somewhat and explained various points (as a matter of convenience I gave a copy of the speaking note informally to Goodall who was taking notes). I explained to him however that the speaking note was simply my own informal effort to put down on paper what I would be saying - though I did subsequently mention that the formulation of paragraph 5 about security had somewhat more authority since it was based on a note of his discussion with Michael Lillis in Dublin at the end of May where Michael Lillis stated our position in those terms). The following points emerged from discussion on the various issues.

Possibility of Constitutional change

I explained that this was something that was being contemplated as a possibility on the lines of the speaking note. Armstrong fully understood the significance of this and both he and Goodall accepted that for such a course to be politically feasible and to work, it would have to be part of a package of very considerable substance.

Joint Security/New Police Force etc

They found this point of some considerable significance. I elaborated on it on the basis that we start with the requirement and the need to find ways of ending alienation and winning a broad measure of support and acceptance by the minority for security forces. Starting from this evident need we had found ourselves obliged to think about joint security - though we knew that this would be a difficult and possibly even dangerous to implement. That remained our position (as set out in the exchanges of 11th May). If however we could be

convinced that there were some other way which would be really adequate to the need-involving for example major police reform rather than joint security then we would be ready to consider that. What we were "wedded to" was not joint security as such but the need to end alienation.

Proposed Conference

Armstrong saw the point about the role such a Conference could play and commented that he had always thought this might be a good idea.

Courts

In addition to point 7 of the speaking note I elaborated somewhat on the basis of discussion with the Attorney General (and Michael Lillis) on 14th June in Dublin. I noted our interest in an All-Ireland Court but mentioned that this would have considerable constitutional implications and that an alternative might ^{be} a joint court with similar membership sitting as, so to speak, parallel courts in each of the two jurisdictions and with right of appeal to the House of Lords and the Court of Criminal Appeal respectively. There could also be a Commission to study the question of an All-Ireland Court. I said I was merely offering these thoughts by way of illustration and said that the matter would really have to be one addressed between legal experts. I said I would therefore have to leave the matter until our Attorney General met Sir Michael Havers the British Attorney General at the end of June. Armstrong generally agreed with this.

Principles

Both Armstrong and Goodall emphasised that the Prime Minister would, they thought, need to have a very clear idea of where she is going before she could agree to anything to like a statement of principles. We talked around the issue at some length. I said we would really like to have such a statement emerge from a meeting between the Taoiseach and the Prime Minister en marge of the European Council in Fontainebleu. While seeing our point, they simply do not believe that this would be possible at that stage. The discussion between the Prime Minister and Prior and Howe (which will follow the Cabinet meeting on Thursday next, 21st June) will indeed be substantive - or so they hope - but it would be over-optimistic to think that it would result in clear decisions on what can now be done. At best it would give a good steer on what is possible. In consequence, while they thought that a meeting between the Taoiseach and Prime Minister of some substance in the following week would be useful, it would be really premature to expect a statement of principles to be agreed between the two Prime Ministers at that stage.

Armstrong and Goodall explained further that they had not really done any homework on principles on their side since they had been told very firmly at an earlier stage not to do so. Armstrong then outlined how he saw matters developing on the following basis:-

He hoped that the Prime Minister together with Howe and Prior would at their discussion next week take fully aboard all that had happened and give a reasonably good steer on what might be a serious possibility for common action. It would be useful early the following week if the Taoiseach and the Prime Minister could discuss this further. After that he thought a further meeting between himself and Dermot Nally would be necessary - probably in early July - and at that stage a great deal of work might well have to be done and a first priority - if the Prime Minister agreed - could be the drafting of a suitable statement of principles.

In other words Armstrong and Goodall saw some merit in the idea of a statement of principles but simply do not think the Prime Minister would be ready to agree to the issue of such a statement after the meeting with the Taoiseach at the end of June. What might be possible would be to get her agreement to the idea of issuing a statement of principles at an early date. A good deal of work would have to be done very quickly however to actually get a text. Having said this I would emphasise that they do see the merit of a statement of principles as the basis for a possible Conference.

Proposed meeting between the Taoiseach and the Prime Minister

Dermot Nally spoke to Robert Armstrong on the telephone on Wednesday, 14th June, about this and I followed up on the matter. I said that we thought a meeting of some substance would be necessary and desirable. This could be en marge of the European Council in Fontainebleu if it seemed feasible. Alternatively it could/in London on 27th June when the Taoiseach would on his way back from the European Council.

Armstrong seemed to agree on the desirability of a meeting of some substance. He thought it would be better at Fontainebleu because a meeting in Downing Street on 27th June would lead to too much public expectation at this stage. He will put the matter to the Prime Minister.

M. D. Nally

London

15 June 1986

~~Secret~~

Informal Speaking Note

(outline only)

1. We understand that British Ministers may soon be giving substantive consideration to our ideas.
2. Our proposals are basically those set out at the meeting in the Cabinet Office on 11th May subject to the following points made in subsequent exchanges, which it may be helpful to clarify for you at this stage.
3. As we explained on 11th May the Government would be ready to have it solemnly declared and registered with the UN that there could be no change in the present position of Northern Ireland without the consent of a majority of people in Northern Ireland.
4. As indicated to you since then however, there has been some consideration on our side of the possibility of a change in Articles 2 and 3 (which would require a Referendum). To propose such a change in isolation is simply not feasible politically; and to try to proceed on that basis would be dangerous since it would further increase the alienation of the minority in Northern Ireland. Such a major change would be feasible only if it were 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 minority alienation in Northern Ireland. If such a package could be devised we would be prepared to consider whether it would be possible to change Articles 2 and 3.
5. 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. 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.
6. We think there is merit in the idea that the package to be worked out should be seen to emerge from a Conference rather than purely from negotiation between the two Governments. Details of how such a Conference would be organised would need to be considered fully.

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7. We believe that the functioning of the Courts in Northern Ireland is at present a particular area in which there is serious alienation on the part of the minority; and we see it as important to address this by finding a way to incorporate into the judicial system in Northern Ireland the balance necessary to provide support from the minority. Account would have to be taken of the need both to deal with terrorist crime and to uphold personal rights. Our respective Attorneys General will be meeting in London in the last week in June and they could exchange views on these issues at that stage.
8. We believe that our continuing discussions support the view which we expressed earlier that it would be very desirable in the near future for both Governments to agree on a public declaration of principles within which further discussions and the Conference mentioned earlier might be situated.
9. The Taoiseach would hope to have a discussion of some substance with the Prime Minister on these issues, and particularly on the preceding point, towards the end of this month. Such a discussion might take place en marge of the European Council in Fontainebleau - if there were likely to be sufficient time available. Alternatively since the Taoiseach has a commitment to attend a function in the Middle Temple on the evening of 26th June on his way back from the European Council it might be possible to have a meeting with the Prime Minister before he leaves for Dublin on the following day.
10. We would like to stress again the extreme importance of maintaining confidentiality at this stage on all these matters. We know you are fully aware of this and share our concerns.