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CONVERSATION WITH THE FOREIGN SECRETARY SIR GEOFFREY HOWE - 15 JUNE 1986

1. The Foreign Secretary, Sir Geoffrey Howe and Lady Howe invited my wife and myself (along with others) to lunch at Chevening, (the country estate which is available for his use) on Sunday, 15 June 1986. Conversation was, for the most part social but I had the opportunity for about ten minutes discussion with Sir Geoffrey as we walked around the lake after lunch. Nothing of particular importance emerged from what he said but I found it a useful opportunity to press further some of our current concerns. (He is, of course, generally aware of these already both from briefings by his officials after the recent Armstrong/Nally meeting in Dublin, and direct from his recent meeting with the Minister for Foreign Affairs).

THE GENERAL SITUATION ON THE AGREEMENT

2. I said that we would be looking for some relatively modest results from this week's meeting of the Conference. Beyond that, with the marching season ahead, it was a question of both Governments standing firm on the agreement notwithstanding the emotions of the summer. It would however be necessary that there be "delivery" on a number of substantial issues shortly thereafter - and, as he knew, we have been pressing over the past week or two, the need for some understanding on this between us.
3. Howe said that he has been following developments and that he knew our view on this. He does not know the detail but what I said seemed right. He added that the SDLP too would probably need to be more forthcoming at that stage. He had heard that they had had a very good meeting with Tom King a week or two ago. I confirmed this - according to accounts I had heard from Tom King and Nick Scott and from what we knew from SDLP sources.
4. We spoke of the slightly more hopeful signs there have been recently of a somewhat better attitude towards the Agreement by some in the Unionist community. Howe was aware of this; and knew in particular of the position taken recently by the Presbyterian Assembly.

## IMPLEMENTATION

5. I said that while one can to some extent construct a kind of balance sheet weighing "what is in it" for one side against what is in it for the other, it is really central to an understanding of the Agreement to see that the very same things which Nationalists look to see "delivered" are things which ultimately benefit Unionists too, since by ending Nationalist disaffection and making the Nationalist population feel more "at home", they help to bring greater peace and stability - to the benefit of both communities.

6. Howe took the point and said he agreed. He said he sees the Agreement very much as an evolving process and not as something static done once and for all. He touched also on a point made by David Goodall at lunch at the Armstrong/Nally meeting in Dublin last Tuesday - that a process of involving us in the affairs of Northern Ireland has begun and that this is important. I said that we do see the significance in principle of this process of "opening of the books" to us which is beginning.

## MEETING OF 26 JUNE BETWEEN THE TAOISEACH AND MRS. THATCHER

7. We touched briefly on the expected meeting between the Taoiseach and Mrs. Thatcher at the EEC Summit in the Hague on 26 June; and he commented that this would be the first meeting between them since the Luxembourg Summit. (I didn't quite see the significance of this). I said I thought it likely that each of the two leaders would want to use the occasion to outline generally the political requirements and constraints for the months ahead as he/she sees it - rather than going into detail. Howe agreed.

## THREE JUDGE COURTS

8. Most of our discussion dealt with the three-judge court issue - since I thought it most useful at present to sound him on that. I said that there seems to be some failure of comprehension on our side - we simply do not understand what is the really central objection on the British side. Is it a question of fundamental legal principle? Howe said no, it isn't that. It is really more a matter of "economy" in considering change and a kind of "conservatism" (not his word) about the present system. It would be necessary for us to keep working away at the question if we are to achieve <sup>the</sup> outcome we want.

9. I said that we find it hard to see how they can have a three judge court at appeal level which considers questions of fact as well as of law but cannot accept the same at trial level. He said that the difference is that the Appeal Court, unlike the proposed three judge trial court, allows for dissenting judgements (sic). I thought it best not to pursue this technical legal aspect with him in detail ( he is, after all, a distinguished QC and former Solicitor General). I said however that the real innovation insofar as the British legal system is concerned

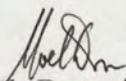
had been the introduction at all of non-jury courts. The proposal to have three judges instead of one in these non-jury courts was a much lesser innovation - indeed it is really a way of improving the situation and making it more publicly acceptable. Howe accepted this. Indeed it seemed to be a point he had considered himself - he remarked that the idea of three judges was in a sense to provide some kind of substitute for the jury.

10. It was clear enough from Howe's general attitude that he is not now - if he ever was - personally opposed to the idea; and that he thinks it worth our while continuing to plug away at our case. (This is, temperamentally his own approach to things too). I ventured to ask him if it were the case that the main opposition to the idea is now coming from one particular person. I had in mind Lord Hailsham, although I did not mention his name. Howe said yes, that is the case. He (Hailsham) is old and fixed in his ways.

11. I explained again to Howe - as indeed he knows already - our view of why change is needed from the one-judge court system - both on the merits and because of the political problem which the Government will face in the Autumn in getting the legislation to implement the European Convention on Terrorism through the Dail. I said that the Government do not want to have to accept additional restrictions on extradition such as for example a new "prima facie" requirement for execution of an extradition warrant; and I recalled that it was the Irish side, after all, which had offered to sign the European Convention on the Suppression of Terrorism as a confidence building measure. He understands and appreciates all of this well enough. The right approach for us now, he thought, was to continue, patiently, to plug away at the issue. The implication seemed to be that we would eventually get there if we did.

#### CONCLUSION

12. As we were leaving, Howe remarked that he would be meeting the Minister for Foreign Affairs again in Luxembourg at the Council meeting on the following day. No doubt the Minister will have from this, and from his breakfast meeting a week ago, a fuller view of Howe's thinking. It seems to me from my ten minute discussion however safe enough to say that Howe is not opposed to our position on three judge courts; that he is, if anything, on our side - at least to the extent that he understands the political requirement; and that his view is that we may get somewhere if we keep pushing the issue patiently but with persistence.

  
Noel Dorr (Ambassador)

16 June 1986