

NATIONAL ARCHIVES

IRELAND



Reference Code:	2014/105/826
Creation Date(s):	18 June 1984
Extent and medium:	8 pages
Creator(s):	Department of the Taoiseach
Access Conditions:	Open
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Secret

18th June 1984

Personal + Secret
Taoiseach + Tánaiste
Minister Secretary
 17 Grosvenor Place *Mr. Nash*

SW1X 7HR

Meeting with Mr Prior, 18th June, 1984.

Dear Assistant Secretary

I called this morning on the Secretary of State for Northern Ireland, Mr Prior, and spent about 40 minutes with him (after which he had to leave to do an interview with the BBC about the European Elections). Robert Andrew, Permanent Under-Secretary at the NIO and Mr Prior's new Private Secretary, Graham Sandiford, were also present. The latter took notes.

Overall I have to say that I found my talk with Mr Prior extremely disappointing for reasons set out in more detail below.

I began by explaining that I had two reasons for coming to see him (a) I had been in Dublin last week and had met both the Taoiseach and our Minister. They had thought it useful that I should clarify our position taking account of various developments since the Armstrong/Nally meeting of 11th May. We understood that the British Ministers would be giving substantive consideration on Thursday next, 21 June, to the ideas we had put forward in early May and we thought it would be helpful to ensure that they had an up-to-date account of our thinking; (b) I also wished to hand over to him a list of issues on which we had ^{made} representations which our Minister had promised to give him when they met some weeks ago.

I went through the list of points I wanted to make to Mr Prior, broadly on the lines of the attached speaking note though I did not use the speaking note directly. On the issue of security/police however I did keep very much to the text of paragraph 5 of the speaking note.

In talking about the idea of a statement of principles I took account of Armstrong's view conveyed to me on Friday, 15th June that it was very unlikely that the Prime Minister would be ready to agree to issue such a statement as soon as the meeting with the Taoiseach at Fontainebleu. I made it clear that we were not simply pressing for a statement of principles as a starting point from which everything could be deduced but rather, as our ideas crystallised and became more concrete, suggesting that a good way to proceed

for all concerned, for many reasons, would be to agree first on a basic framework which could be the foundation for the joint approach which the two Governments were preparing to take. I also related the idea of a joint statement of principles to the idea of a Conference from which the whole package could ultimately be seen to emerge.

On the major point which I had to make - the fact that Ministers in Dublin are now prepared to contemplate, at least, the possibility of change in Articles 2 and 3 of the Constitution as part of a sufficiently substantial package which would really address the problem in Northern Ireland - Prior's response was extremely disappointing - not to say negative. He saw of course, for this to be a serious possibility the package within which it was contained would have to be of real substance in other respects. His problem on this was twofold:-

- (i) The difficulty we would have in delivering.
We admitted ourselves that it would be politically very difficult to sell such a change in the Constitution which would, he commented, require a Referendum where it would no doubt be opposed by the main Opposition Party in the South. If the British Government were to work now with us towards the kind of very substantial package which would be required and which would possibly involve us in Northern Ireland to an extent amounting in practice to shared sovereignty, they could find that they had gone a long way down a very dangerous road and had then been left in the lurch.
- (ii) Furthermore, the package would in any case have to be of such substance from our point of view as to make it unacceptable "to the people of Northern Ireland" (his phrase) who would see it as selling them out in practice, whatever about the change in Article 2 and 3.

I answered him on both points. On the first point I said that Ministers in Dublin were so concerned about the situation in Northern Ireland that they were prepared to contemplate, at least, the possibility of changing Articles 2 and 3 as part of the package to deal with the dangerous situation there. Their thinking was that a sufficiently substantial package could be sold to the electorate - particularly if it gained the support of the SDLP; and that anything less than a substantial package would not be adequate to address the situation. On the second point (which Mr Prior did not stress as much as the first) I explained that the basis of our whole approach was that both Governments should jointly manage the problem with all the necessary guarantees and with provision to ensure that both identities continued to be accommodated even if there were a future change with consent.

I recalled to Prior at several points in the discussion that he himself in discussion with our Minister, and others on the British side, had several times told us that if we were willing to contemplate a change in Articles 2 and 3 all kinds of new possibilities would open up. I now felt I had to ask him what exactly he meant by this? We were saying we were willing to consider this - not because we wanted to play a negotiating card but because we believed the situation required a package of such substance ~~but~~ a major step like this would have to be part of it. What exactly were the new possibilities as he saw it that this step would open up?

Prior gave no very satisfactory answer on this point. He explained what he had said to the Minister and what others had said as meaning that the removal of Articles 2 and 3 would remove an important obstacle and would do a great deal to quiet Unionist fears. (But that seemed to be the limit of what he had to say).

At another point Prior said that in his thinking it might be best to approach the problem in two separate stages. The first would be to proceed now, starting with the Forum Report and various ideas which have been developed since then. Once these ideas were in place we could hope the situation would improve and *we could* perhaps work from there to a second stage.

I recalled the points we had made strongly on 11th May in the Cabinet Office talks about the need for "transparency" as well as adequacy in what was done; and our belief that a step-by-step approach would be wrong since fears would build up at each stage about what lay ahead.

There was not much discussion of real substance on the other issues I mentioned but the following points of interest emerged:

Conference

Prior wondered who would attend the Conference and what would happen if the Unionists, for example, refused to attend. I explained the reasons why we thought a Conference, working within a framework agreed substantially in advance by the two Government, would be a good approach. I also mentioned that the idea had come up on their side at one stage and that we saw a good deal of merit in it. We had not developed our ideas in details but merely wanted to indicate that we thought ~~that~~ a good way to proceed at the stage where there was substantial agreement between the Governments on what should be done. I thought Prior at least did not reject the idea.

Police/Security

In presenting our ideas on the lines of paragraph 5 of the outline speaking note I said that we were not putting forward specific proposals in this area but rather explaining the basis for our willingness to contemplate joint security with all its difficulties and dangers. We had come to feel that the situation is now so dangerous that such an approach, as part of an adequate package would be necessary. We start however from the needs of the situation; and if we could be shown and convinced that there is some other way to achieve the basic objective of reversing alienation and winning broad support for security forces we would be willing to consider this.

Andrew, in teasing out the idea, assumed that the new Police force which we had mentioned might recruit from the British mainland and possibly from the South. He was not so much endorsing the idea as speculating out-loud about our thinking. Prior commented that the disbandment of the UDR would be a major political issue.

As to joint security in general Prior recalled that their idea envisaged operations on both sides of the border. He didn't press the point but neither did he indicate that they have moved away from it. I said flatly that this is simply not on - and I went over fully our objections to the whole idea of "bands" as already conveyed to the British side.

Courts

On the basis of our discussion in Dublin last week with the Attorney General I went a little beyond paragraph 7 of the speaking note and explained that a single All-Ireland Court would require serious legal and constitutional examination on our side. Our thinking was therefore turning on the idea of a kind of parallel or joint court with the same personnel North and South but with appeal on the one side to the House of Lords and on our side ~~through~~ the Court of Criminal Appeal. This could be coupled with a Commission to study further developments towards an All-Ireland Court. I said however that I was not competent to talk about the legal/constitutional aspects and mentioned that our two Attorneys General would be meeting at the end of June when this issue might be discussed.

Prior saw a problem about such a discussion. He said that the British Attorney General, Sir Michael Havers, is not privy to the exchanges between us although he was consulted on one particular legal point. It would therefore/better for the Attorney General not to raise the issue with Havers. I noted what Prior said on this point and said I would report to you on it.

In general Prior seemed to think that what I had said on the Courts was not too far removed from their own thinking. He did not however go into detail in his reaction.

The Taoiseach's meeting with Mrs Thatcher at Fontainebleau

I mentioned that I had seen Mrs Thatcher on Saturday, 16th June, after the Trooping of the Colour Ceremony and that she had said she was looking forward to her meeting with the Taoiseach. Prior wondered if they would have much of substance to talk about at this stage. I said we hoped so and I said that even if, as we had hoped initially, it was not possible at that stage to issue a statement of principles, it might be possible for the two Prime Ministers to agree on the idea of such a joint statement. Prior asked what such a statement would contain. He said that they knew what their principles were - no change in the constitutional position without consent and the need for a cross-community support for any institutions to be established in Northern Ireland.

I referred to Chapter 5.2 of the Forum Report and said that we had already suggested that this could be a starting point. I recalled that the points contained in that paragraph included the idea of agreement and consent.

List of issues on which we have made representations

I handed over this list and recalled that our Minister had promised to give it to him. He looked briefly at it but did not comment in substance.

Conclusion

Prior had to break off our meeting at this stage (after about 40 minutes) because of an interview which he was giving to the BBC. He suggested that it might be useful to meet again after Ministers here had considered the matters in question with the Prime Minister on Thursday, 21 June, and I said that I would of course be happy to come to see him. As we were breaking up he said jokingly that we should therefore regard our present talks as adjourned rather than concluded.

Comment

Prior was personally friendly as always but I do not recall any other meeting where I found his basic attitude so negative as on this occasion. I noticed

that he kept looking at his note-taker (i.e. his Private Secretary) as he spoke. Perhaps this was just a habit but it led me to wonder if he was to some extent speaking for the record. The possibility that this was so^{was} about the only consolation I can draw from what was otherwise a much more arid discussion than usual.

On the other hand it was Prior himself who presumably arranged for his new Private Secretary to be present; and Robert Andrew the PUS, the only other person present is presumably privy to all our exchanges so far. If Prior had wanted to speak more frankly and in a more on-coming way he could presumably have arranged to restrict the meeting in whatever way he wished.

It might also be of interest to mention that as I was waiting in the hallway to be shown to Mr Prior's room I noticed Peter Utley, Leader Writer of the Daily Telegraph, being shown out through another door and I concluded that he had been with Prior immediately before me. (You will recall that Prior said to our Minister some weeks ago that Utley is very important and that he had asked Utley to "do a paper" for the Prime Minister).

Whatever the explanation, it remains that to take it at face value, my discussion this morning with Prior showed that so far as he is concerned there was not very much substance in his earlier statements that a willingness on our part to consider a change in Articles 2 and 3 would open up wholly new possibilities.

I would not want to draw too negative^{an} over-all conclusion from this however. Even if this represents the full extent of Prior's thinking at present (and it may not do so) it remains that he may be in his last month or two in Office and that the ultimate decisions rest with the Prime Minister herself. *At least - on the basis of today's meeting - we must hope so!*

Yours sincerely



Noel Dorr
Ambassador

Mr Michael Lillis
Assistant Secretary
Department of Foreign Affairs
Dublin 2

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.

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 Fountainebleu - 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.