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ROINN AN TAOISIGH

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To:

SECRET

From:

NORTHERN IRELAND

Taoiseach,

Ambassador Dorr, Michael Lillis and I met with Sir Robert Armstrong, Cabinet Secretary, Ambassador Goodison and Mr. David Goodall in the Cabinet Office, London, yesterday. The meeting lasted for 2½ hours and was followed by further substantial discussion over lunch for a further 2 to 2½ hours. Mr. Lillis is making as full a note as possible of the discussions. This is as full an account as I can give from the limited notes I was able to take.

The meeting opened with a statement by our side based on the attached speaking note which emphasises the need to establish a framework for the ending of alienation among the minority in Northern Ireland, while, at the same time, avoiding the creation among the majority of a sense of creeping unification.

At the conclusion of the statement, Sir Robert Armstrong said that both sides were concerned with the problem of alienation. Neither saw security as the only area but as an essential element in whatever might emerge. They took our point as to the need to provide a durable solution and to avoid creating tensions as a result of gradualism. At the same time, there was great difficulty in getting there in one bound. They had particular difficulty with the concept of a third force. The moment you start to talk about this it becomes the subject of public argument before anything has happened. This would be the worst of all possible worlds. They were coming back to their idea of liaison officers, and joint squads as a means of creating a sense of jointness in the two police forces while more radical proposals were being worked out. They appreciated our point that the all-Ireland Courts, the Law Commission on the Criminal Law, were still on the table.

[At the end of the speaking note, we indicated that though the note was concentrating on the question of security, as central, we were not excluding the other suggestions which had been made, including movement in the area of flags and emblems, local franchise, parliamentary tier etc. The British side said that they appreciated our position.]

Armstrong went on to say that in their concept of the Joint Commission as it was now developing, they did not see it as consisting of the two police chiefs. They saw the Commission as the manifestation of the political framework in which the Chief Constable and the Garda Commissioner would work. Perhaps, in this sense, the Joint

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Security Commission could be the Secretary of State and an Irish Government Minister or representative. In this concept, existing forces would be operating with the authority of the British Government but through a Commission.

If we came to the situation where a third force was created it could be set up and answerable to the Commission. There were many unanswered questions in relation to this type of proposal. First, where would the different police forces operate? Next, in relation to what offences? Would the Commission and its operations be financed by both Governments?

They had difficulty with the concept of a totally unarmed police force but could see that this type of force could develop in time if there were also another force with a limited and specialist capacity to deal with, for example, terrorist crime, in existence.

It was important to set a limit to where progress could go, so as to assure the majority and at the same time to go far enough to counter the alienation in the minority community. They had noted the phrase in our presentation concerning substantial authority to the Irish Government and their original proposals based on the Joint Commission being responsible for all security in a defined area - both North and South of the border - had been intended to answer this problem. There were grave disadvantages in so far as they were concerned, in a force operating wholly in Northern Ireland. This sort of concept made the whole idea a great deal more difficult for the majority in Northern Ireland. Whatever happened they could not give on sovereignty. What they were offering was formalised and institutionalised concertation in which the Irish Government is represented, with a very high degree of political involvement. We were into the area of theological or metaphysical concepts here but it would be a failure in imagination if we don't accept that a solution must be found. We may be creating things "distinctively Irish", which might work in the 'extraordinary situation which we had.

"Jointness" must extend beyond the area of security. The fact that it would be operating in other areas would be important in the public presentation of the idea both to the minority and the majority.

Armstrong then went on to emphasise the very strong tradition of operational independence, in British practice, of the Chief Constable. He must deal with the situation as he finds it and carry the can for whatever happens. Any Security Commission must be able to help both Chief Officers to

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operate on the very clear understanding of the political framework and necessities. This raised the question of military back-up to the civil power. This had not been worked through clearly or tested in the UK except for some industrial relations disputes affecting essential supplies. He could not see clearly how this difficulty could be met. Also, there was the very considerable difficulty which he appreciated, in the members of the Garda Síochána acting under or with British Security forces. Would we ever see a situation when the Gardai would call in the British Army to their assistance?

After some discussion when the purpose of the third force was explained further to the British side, Armstrong went on to say that they were not excluding the concept of a third force answerable to the Joint Commission operating in certain areas and/or in regard to certain matters. They conceded that it was practicable to have two police forces in the same area. The Dutch system apparently was based on this. There was also the German system to which reference had been made earlier. In both countries the "frontier" police dealt with terrorism throughout the entire State. They were able to operate successfully because the lines of demarcation as between the two forces are clearly drawn. On the other hand, the Italian system where the Carabinieri operated alongside the civil police did not operate because there was no clear demarcation of responsibility. They were not excluding the idea of a third force for limited areas or for terrorist crimes over all Northern Ireland. They would prefer not to judge, at this point, whether this would enable the other police to act unarmed. The question also arose of how the forces were to be financed. They assumed both Governments would be involved. The range of functions of the forces would have to be defined. Questions like the power of arrest would have to be dealt with. However, there were perhaps enough precedents in other areas to enable these questions to be dealt with.

Goodall said that in his view a Joint Commission would be on a number of levels. First of all, there would be the Secretary of State and his Irish equivalent to ensure guidance politically. This would be given by the Secretary of State after thorough consultation with his Irish counterpart.

Next, there would be a section or division dealing with research, on things like how to move forward to the third force. This would need experts, lawyers, etc.

Finally, there would be the operational division dealing with liaison between the Gardai and the RUC and involving the two Police Chiefs.

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In addition, to settling these problems the question of finance would also need to be looked at.

Armstrong said that he did not necessarily see the Commission taking precisely this form. It could be that all three of the functions outlined by Goodall could be part of the Commission, as a whole, without the sharply defined divisions Goodall had mentioned. Goodall went on to say that his definition was, of course, not final. What was necessary was that any Commission would have to start working very quickly on getting a third force and this should be an overt part of its terms of reference. The constitutional authority in the event of a Joint Commission being set up would remain with the Secretary of State in consultation with his Irish opposite number. Armstrong went on to say that the delegation to the Joint Authority involved a very great political power, in detail.

A great deal of power could come from being able to pull the plug. Both Governments would be extremely anxious to avoid this happening.

At this point, the question was raised of whether at some time in the future, if a Power-sharing Executive could come into existence the British would have difficulty in seeing the Joint Commission and security functions work to it. Experience here, in 1922 was gone into. The fact that we were talking about a third force implied that there would also be a second force. Armstrong then said that this raised very considerable difficulties in relation to things like recruitment, uniforms, training and basically, the authority under which the force or forces would operate. In Northern Ireland alone, the ultimate authority must come from the British Government. He took our point about the need for substantial authority to be exercised by the Irish Government - and to be seen to be exercised. What they had been saying he would describe as a great deal of authority to the Irish Government. Subsequently, Goodall, over lunch, said that he was not convinced that the extent to which the British Government had moved in this particular area - in offering formalised concertation in a matter as basic to sovereignty, as security, had been really appreciated by the Irish Government. In fact, there could well be a real danger that this offer might be withdrawn.

Mr. Lillis said that the essential need was to get peace in Northern Ireland. He was convinced that the people there, of both persuasions, would accept a great deal for its sake. The Nationalists there would need more than a remit to a security authority, to convince them to end their sense of alienation. They must see whatever happened being exercised in terms of authority and practicality in their area.

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The concept of a third force had developed from the need to have a force to deal with subversion.

After some analysis by Mr. Dorr of the need for an RUC or its equivalent to deal with majority areas, a Nationalist force to deal with other areas and a third force to deal with subversion, as a whole, in Northern Ireland.

Mr. Goodall came in strongly to the effect that if the RUC were to be carved up in this way, the effect on its morale could be devastating. In addition, he was not convinced that the idea of three forces would, in the end, be practical in purely police terms. An all-Ireland police force was easier to think of - perhaps operating under a Joint Commission, within a sound political framework. Could one of the remits of the Joint Commission be to work towards an all-Ireland police force? In this way, the Gardai and the RUC could be encouraged to ~~go~~ ^{work} together under joint political guidance. This would be associated with developments in relation to an all-Ireland Court and an all-Ireland Criminal Law. This would seem to him to be better, from a purely security angle, than any idea of chopping up the RUC into three police forces. Armstrong came in at this point and said that the idea of different police forces was not, perhaps, as alien as might be suggested. There were, for example, regional police forces in the UK. There was a separate police authority for each area. Goodall said that in the context of Northern Ireland that type of development could be described as a form of repartition. In the UK, the Chief Constable was operationally independent. He acted under the law and was answerable under the law. He was appointed by a Police Authority who were responsible for finance, management, equipment, etc. but not for operations. The whole set up was looked after by the Home Secretary, coordinating on behalf of the Government. Armstrong summarising further discussion said that we, the Irish side, were thinking in terms of areas. They were thinking in terms of crimes. There was not necessarily a contradiction between these two approaches.

There was a short intermission at this stage when both sides considered their position. When Armstrong returned he said that, summarising, both sides appreciated the centrality of security in any arrangements that might be suggested. The British side accepted what we were saying about the dangers of a gradualist approach, both for the minority and the majority perception of what was going on. They accepted the idea of reformed police arrangements in Northern Ireland in which the Nationalist minority could have confidence but they had difficulty with the problem of the political framework. In particular, the phrase "substantial authority to an Irish Government" would have

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to be looked at very closely. Exactly what were we saying in this context.

We had been talking mostly about security but there were other areas which were also important. Armstrong enquired if an arrangement would be acceptable under which sovereignty rests with the British Government, and security functions are exercised through a Joint Security Commission of some sort and changes on the ground are made in relation to the RUC. He stressed the difference between shared sovereignty and institutionalised concertation and enquired as to how far we are saying that no arrangement in which "that" raised to the highest degree is going to be acceptable unless there is an actual and formal sharing of authority in some deep sense. That is the part at which the whole thing gets very difficult. Unionists would take fright: they would see it immediately as "creeping unification". In relation to the high political framework lines, must be clearly drawn. However things operated on the ground or are exercised in effect as Joint Security, there must be some sense in which the authority under which security is provided is the authority of the British Government.

On the question of a Joint Police Force he thought that each side should reflect further. They had very great difficulty about the idea of a second force but no particular difficulty about a third force - on the lines of frontier forces in other countries to deal with subversion and terrorism. If the second force idea was to be developed it would be necessary to decide whether we were thinking about its operating in geographical areas and what sort of effect this would have in the breakup of the authority and responsibility of the RUC.

Over lunch, these points were developed further. It was emphasised to the British side that the Forum Report in dealing with Joint Authority referred to all aspects of Government in Northern Ireland being the responsibility jointly of the Dublin and London Governments. This report was not a negotiating document but an agreed position on the part of all democratic Nationalist parties in Ireland, North and South. Any Irish Government would have to take very careful note of what the Report said. If there were a referendum on the subject, the way in which these words could be used was obvious. The question was put, again, whether if an Assembly was in existence, in which the Nationalist parties in Northern Ireland participated, and the executive were appointed by the Secretary of State, in consultation with the Irish Government, the British could, eventually, concede that responsibility for security

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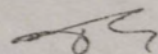
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would be given to the executive. If, for any reason, it was not possible to appoint an executive in this way, then, the agreement or treaty between the two Governments would provide that the executive would be appointed by both Governments, as a final resort.

This suggestion was made without commitment - and purely for consideration as a way out of what was seen as a very difficult impasse for both sides. The British said that they would consider it. However, they said that memories of what had happened in the early 1970's when the Stormont Government had responsibility for security and that the British Government had to provide the means, was very clearly remembered. This point was countered with the argument that, at that time, the executive had been a one party Government. In the circumstances envisaged now, there would be an executive representative of both minority and majority in Northern Ireland.



31st July, 1984.

cc. Tanaiste

Mr. Sean Donlon, Secretary, Department of Foreign Affairs
Mr. Michael Lillis, Assistant Secretary, Department of Foreign Affairs - will you please send to Noel Dorr also.