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TAOISEACH'S DISCUSSION WITH THE BRITISH AMBASSADOR

Monday 15th April 1985

In my discussion after dinner with the Ambassador I put particular emphasis on the problems posed for us on the "shoot to kill" problem in conjunction with the promotion of Cushley to Assistant Chief Constable, the appointment of Jeapes as Commander of Land Forces, and the manner in which the Police Complaints Commission proposals had been handled. These events taken together raise doubts of a quite serious kind as to whether we could involve ourselves in a situation in which these kind of things happened, and in which so little account was taken of our views. This did not augur well for the new process which it was planned to establish. I developed the point about the "shoot to kill" problem, pointing out that we accepted that there were a range of different situations, to which different responses might be appropriate in terms of immediate action ~~that matter~~ ^{it might or} might not be taken with respect to the people involved as well as the process of enquiry but we would have to be satisfied about how these issues would be handled in future. I mentioned our concern about the S.A.S. and said that we had also noted that some British Army actions involving incidents of this kind had taken place in areas outside the area of responsibility of the British Army in Northern Ireland.

The Ambassador responded by saying that of course there were different perceptions of the S.A.S. here and in Britain, but he indicated that he recognised the problems that were being created for us, and with respect to the appointment of Cushley handled it by saying something like "What can I say on how I feel when things like that happen"? I think that this part of the discussion was useful and that he took on board our

very serious concern about this whole area. Reverting to the question of the document I indicated that in our discussion I had said to the Prime Minister that the ^{only} area actually in square brackets was that concerning Joint Courts. He responded by placing some emphasis on the strength of Lowry's re-action, as it was known to me, which he saw as a major problem. I commented that I saw the difficulty but it had been noted in discussion with the Prime Minister ^{that} I had not been able to give Lowry anything of the background ~~to~~ ^{against} which this question should be seen, and he said that he thought that on their side the situation was the same - Lowry had not been given much briefing and therefore would not have been able to see it in context. Nevertheless I had the impression that he saw the Lowry problem as looming quite large.

With regard to the discussion that took place about agreeing provisionally to try to conclude in June, I commented that the Prime Minister's readiness to think in these terms, given that she was aware at this stage of the range of outstanding issues - other than perhaps of the importance to us of the matters mentioned at the outset of this note - should be encouragement to those who had been involved in the detailed work. I felt that both our officials and his own probably saw the amount of work that had yet to be done as fairly formidable, but if the will were there, and given the degree of commitment of all concerned, including very notably Robert Armstrong himself, it could be possible to conclude the discussions within the kind of timescale that the Prime Minister and myself had been thinking. In responding he confirmed the extraordinarily important role of Robert Armstrong whose unique commitment to this issue made the negotiation quite different in character to anything else of this kind. ^{While} confirming his view that there was an enormous amount of work to be done ^{he} did not demur from my suggestion ^{that} it could be possible to accomplish it within the timescale at present envisaged.

With regard to the ^Pund I said that it could be very valuable to get simultaneous support from the various countries to the package when we announced it this might be quite a formidable operation as it could involve, on the European side, not just the Commission but the member States and obviously we could not give them a lot of notice of the fact that we are about to reach agreement, At the same time if we felt there was sufficient goodwill there and if communications came from the Prime Minister and myself even at short notice, ~~they~~ could evoke a positive response from the Heads of Government. He agreed strongly with this, saying that he felt that there would be a very positive re-action to something agreed between the two Governments. I mentioned that I would be taking the opportunity of my contact with the Canadian Prime Minister to tell him we were making progress and that his support, if we succeeded, could be very useful also.

He raised the status question saying that while recognising the problems of Articles 2 and 3, a mere repetition of Sunningdale would not from their point of view be satisfactory. I made the distinction between the problem posed for us of using other language with respect to status than that used in the Sunningdale Declaration, (because of the danger of another Boland action), and the possibility of supplementing language on status by reference to the rejection of violence, intimidation in the pursuit of the goal of Irish unity to which as nationalists we are committed. I said I felt that it was possible to strengthen the Sunningdale Declaration in this way without creating a constitutional problem. He seemed to see some value in this although I think he was still hankering after some kind of constitutional change.

Finally I said there was one other point which had struck me but I hesitated to mention because I thought it very important that it should not be put on any record that would be widely circulated, viz. the possibility of the Prime Minister and myself

actually reaching an agreement of a kind that would be registered at the U.N. after ratification as distinct from issuing a Communique. He was very positive about this idea in ~~the~~¹¹ sense that he thought the Prime Minister would welcome that but that of course that implied that the whole matter would have to have been agreed beforehand. Initially he spoke of the possible need for the Secretaries of State to meet with our Ministers to 'initial' such an agreement as a necessary preliminary to signing it, but in subsequent discussion he did not press the actual formality of this procedure, while continuing to stress, naturally, the need to have all the 'Is' dotted and 'Ts' crossed before we could arrange a meeting involving the signature of an agreement.

To sum up, the discussion was very positive in tone but I feel allowance has to be made for the fact that he is very personally engaged with the process and his own re-actions do not necessarily represent, nor would he see them as necessarily representing, the attitudes of Ministers.

With regard to the next meeting he mentioned the postponement, which was due to the fact that they had to get the enlarged group of Ministers together. I said I was a bit concerned about Tebitt's possible re-action because of the emotional impact on him of what had happened himself, and above all what had happened his wife. He was optimistic on this score and seemed to feel he had some reason to believe that Tebitt would not be a negative influence.