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Sir Geoffrey and I agreed to have a discussion during an interval in the proceedings in Lisbon. We started our discussion on the outer balcony of the Jeronimos Monastery before lunch and, after being interrupted by Lord Mackenzie of the European Court of Justice, just as I was concluding my statement of our concern at the present situation, we resumed, on his proposal, on the internal balcony of the Cloister after lunch. He returned to the subject briefly during the after-dinner reception in Madrid.

I explained at the outset that the progress of the negotiations had recently been discussed in Government, during the absence of the Minister for Foreign Affairs in Australia. The Government, some of whom had for some time been sceptical of the likelihood of an adequate response to the problem from the British Government, had expressed grave disquiet at the fact that, after so many months during which we had persistently raised "CBM's" - putting forward a range of proposals relating to the Courts, the UDR, policing, and the question of a major prison review after a six-month period free from violence, there had been no British response whatever on these issues, (apart from negative noises about the Joint Court). The Government was tending to the view that if there were no positive response in the immediate future on these issues, this portended a failure of the negotiations, as the negotiations could not succeed in securing the support of the Northern minority without a satisfactory outcome in this area. Considerable damage would be done by such a failure occurring in the Autumn, after what would then have been 15 months of negotiations; this damage could be of such magnitude that it could be preferable to draw the negotiations to a close now.

When we resumed after the interruption, I added that the situation thus created was all the more difficult in view of the impact of the **election results** in Northern Ireland upon the SDLP, as a result of which we had with difficulty avoided a formal withdrawal of support for the negotiations by Seamus Mallon, in the absence in the US of John Hume, whose authority had been somewhat weakened by recent events.

Sir Geoffrey noted with concern these reactions but stressed, as previously, the magnitude of what was involved in the draft Agreement, conceding to us a right of involvement in Northern Ireland, which, he believed, (sincerely, in my view, in his case), would be the start of an **evolving situation** of historic significance.

I pointed out that what was contemplated should **not** be seen as a **concession to us**. It was something that had become necessary in order to secure peace and stability because of a series of past failures - e.g. the failure of the Unionists in 1969 to accept the minority as a constitutional Opposition, with equal civil rights; the failure of an earlier British Government to sustain a democratically-chosen power-sharing Executive; and the failure, indeed, of Jim Prior to adopt in 1982 a devolution system then contemplated, and now under active consideration, viz. **Headships of Departments** other than Security and Finance being vested in politicians from the two traditions without necessarily requiring them to meet or act collectively as an Executive. The need for a direct involvement of the Irish Government in Northern Ireland as a means of securing Northern minority acceptance of political authority and of the security forces and judicial system, derived directly from these failures.

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Sir Geoffrey said that he understood our concern but the issues in question were very difficult for them. On the Joint Courts they had the obstacle of Lowry. He appeared to suggest that Lowry's departure might have to be awaited before moving in this area. I said that we could not lend our support to an agreement which purported to provide for discussion of this issue in a situation where it appeared that in the British view such a development could not take place for a long and perhaps indefinite time. To accept such a provision in these circumstances would be to mislead people North and South. I would need an assurance that the Joint Court would come into existence within a year. He noted this but reiterated that it would be difficult.

I pointed out that Lowry's threat should in any event be taken with a grain of salt in view of the fact that we now knew that his principal preoccupation for some time past had been to secure unionist control of the Supreme Court for as long ahead as possible, and that towards this end he had misled the British Government on the availability of suitable Senior Counsel for high judicial positions.

I went on to point out that we had made practical proposals for the UDR, falling short of their abolition; that in this connection we had pointed to the existence of the Territorial Army in Northern Ireland as a force that had not attracted adverse criticism, probably because of the character of its duties as a force guarding installations; that we had made proposals to deal with the problem of acceptability of local security forces in Northern Ireland through declarations by them of loyalty to, and support for, the two traditions in Northern Ireland, rather than loyalty to the Crown, which was relevant rather to the British Army; that we had proposed local unarmed police

forces in "no-go" areas; and that we had proposed an announcement of a major prison review after six months of peace - all without response so far.

He accepted that this was so, commenting on the last point, however, that an announcement of a prison review could cause difficulties with the unionists. I replied, pointing out that there were many of the majority tradition in prison also, and that an important section of unionists were concerned about them. I added that an announcement of this would be essential as the one way to put pressure on the IRA through prisoners' families - a point which he admitted that he had hitherto missed.

In conclusion he agreed to note our concerns and to convey them - without commitment at this stage.

The fact that he returned to the subject in Madrid indicated his degree of pre-occupation with what I had said and it gave me an opportunity to reiterate the danger of a breakdown if there were not an adequate and early response on these CBM issues.

NOTE: I also drew his attention to what appeared to us to have been a somewhat sinister succession of leaks in London about the Joint Court.