

PREM 19/1288

PART 17-B

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Confidential Filing

ation in Northern Ireland

IRELAND

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PE 1: MAY 1979

PE 17: JULY 1984

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● PART 17 ends:-

CAP to AMB 31/10/84

PART 18 begins:-

RTA to CAP A084/2913 1/11/84

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58

MR. BARCLAY

Note

I spoke to Miss Thomas
in these terms. She
took note.

Anglo-Irish Summit

DMS
2/11

It is now likely that this will
be held at Chequers on 18 November.
The fewer people who know this the
better. Could you please alert
Miss Thomas to the likelihood of
"a meeting" at Chequers that day
involving up to 20 people, requiring
lunch.

CDP

C. D. POWELL

31 October, 1984

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Mr. Powell

Prime Minister 57

You should be aware that this meeting is planned.

70 WHITEHALL, LONDON SW1A 2AS

01-233 8319

There was not a chance to consider the

From the Secretary of the Cabinet and Head of the Home Civil Service

Sir Robert Armstrong GCB CVO

position paper at your meeting this 31 October 1984

Ref. A084/2912

afternoon (it was not ready). If you have time, you might glance at the underlined passages.

Dear Len,

Anglo-Irish Relations: Northern Ireland

After the Prime Minister's meeting this afternoon, it was agreed that the Foreign and Commonwealth Secretary and the Secretary of State for Northern Ireland should meet tomorrow afternoon at 2.30 pm in your Secretary of State's room to consider:

C/D
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- (1) the "position paper" which will be the basis of the next round of Armstrong-Nally talks this weekend;
- (2) a possible paragraph on Northern Ireland for a communiqué from the next Anglo-Irish Summit.

I attach copies of the position paper and of the suggested draft paragraph herewith.

I am sending copies of this letter and the enclosures to Graham Sandiford; and, for information, to Charles Powell.

Yours ever

Robert Armstrong

L V Appleyard Esq

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DRAFT

NORTHERN IRELAND: POSITION PAPER

The agreed purpose of the current confidential discussions between British and Irish officials is to see whether it is possible hypothetically to identify a package of measures on which both sides might agree as a means of promoting security and stability in Northern Ireland and, as a necessary element in that process, helping to strengthen the confidence of the minority community in the forces of law and order and in the political institutions of the Province.

2. It is accepted by both sides that the discussions are exploratory, and are being conducted without commitment; and that any package of measures which may be identified will be for consideration by the two Governments, each of which will have to make its own judgment on whether and, if so, on the extent to which the package may be acceptable.

3. It is also accepted by both sides that any package of measures which might be agreed upon should be transparent, in the sense that it should contain no hidden provisions and no features which might generate suspicions on either side of the border that there were hidden provisions; and durable, in the sense that it would be seen as lasting and not as paving the way for the unification of Ireland.

4. The Irish side, for its part, has stressed that the package must also be adequate to reverse what it sees as the alienation of the minority community in the North.

5. The starting point for the discussions has been that the package might be built on two central and reciprocal

/elements:

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elements: on the one hand, action by the Irish Government formally to waive the territorial claim on Northern Ireland which is embodied in the present Irish Constitution and, on the other, action by the British Government to accord the Irish Government a right to participate, on a systematic and institutionalised basis, in the consideration by the British Government of policy on security and other matters affecting the interests of the minority community in Northern Ireland.

6. As the Prime Minister made clear in her conversation with the Taoiseach on 3 September, any question of joint authority is excluded: what might be envisaged is a formal obligation on the British Government to consult and a right for the Irish Government to be consulted. The Irish side, while recognising that joint authority is not acceptable to the British Government, and that the ultimate power of decision on all matters pertaining to the government of Northern Ireland would continue to lie with the British Government, believes that any arrangements for involving the Irish Government in the affairs of the Province must be such as to give it an effective say in security policy and other areas of policy affecting the minority; and would like to find a more positive alternative than "consultation" as a description of those arrangements.

Irish territorial claim

7. The Irish Government would propose to implement its hypothetical undertaking to waive the Republic's territorial claims by means of a referendum to repeal Articles 2 and 3 of the present Irish Constitution and to replace these two articles with wording which would: substitute an aspiration

/to

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to unity for the present territorial claim; make it clear that violence in pursuit of that aspiration was absolutely abjured; and emphasise that the aspiration could not be realised without the consent of the majority of the people of Northern Ireland.

Consultative arrangements

8. There is agreement that any right of consultation would not apply to external defence, foreign affairs or finance, which would continue to be the sole responsibility of the British Government. Similarly the right of consultation would not apply to matters devolved to a Northern Ireland Assembly or Executive. In addition to security (which is treated separately - see paragraphs 10-12 below), the right of consultation would in principle apply to all areas of government and administration which do not fall into either of the two foregoing categories (defence, foreign affairs and finance on the one hand; devolved matters on the other) and which fall within the executive responsibility of the Secretary of State for Northern Ireland. Examples advanced by the Irish side to which the right of consultation should apply include nominations to public bodies and institutions and to any bodies set up to give effect to these arrangements; nominations to a devolved Executive, should one be established; issues affecting the identity of the two communities in Northern Ireland (flags and emblems, the use of the Irish language etc); and broadcasting, posts and communications.

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9. Both sides accept that the process by which the Irish Government participated in consideration of matters falling within the arrangements envisaged would be within the framework of the existing Anglo-Irish Intergovernmental Council (AIIC). But there is an important divergence of view about the institutional machinery to be created for the purpose. The Irish side would wish to see a Ministerial Commission for Northern Ireland, comprising the Secretary of State for Northern Ireland and a member of the Irish Government; and see this Commission as having overall responsibility for considering all the areas of policy envisaged, including

/ Security

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~~on~~ security. The British side would not wish to see the establishment of a Ministerial Commission, on the grounds that it would give an unacceptable impression of equality of responsibility pointing towards joint authority. The British side accepts however that the Government of the Republic ^{would} ~~might~~ appoint a resident representative in Northern Ireland (who could be of Ministerial rank) and with whom the Secretary of State for Northern Ireland, and any officials acting on his behalf or subject to his direction, would consult on relevant matters. A liaison unit would be established at Stormont to monitor, coordinate and encourage contacts with the Irish representative and to act as a channel for communication with him. He would however be free to contact Northern Ireland Office Ministers or departments on his own initiative. The British side has stressed that executive responsibility on matters which might be the subject of consultation would remain with the Secretary of State for Northern Ireland, as would the ultimate right of decision in each case; ^{and it has not excluded} ~~but it has agreed to consider~~ the possibility of the two governments accepting a formal obligation "to seek agreement" on all issues which might become subjects for the consultative process.

and would have supporting staff

No

Security

10. It is agreed that there could be a Joint Security

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Commisson (JSC) comprising the Secretary of State for Northern Ireland and an Irish Minister, assisted as necessary by advisers who would include the Chief Constable of Northern Ireland and the Commissioner of the Garda Siochana. It is also agreed that the Joint Security Commission should have no operational responsibilities: responsibility for police operations would remain with the heads of the respective police forces.

11. Thereafter, views diverge: the Irish side see the Ministerial component in the Joint Security Commission as comprising their proposed Ministerial Commission for Northern Ireland (ie the Secretary of State for Northern Ireland plus the Irish Minister resident in Northern Ireland) and the JSC itself as having a consultative role in the establishment of security policy guidelines, including operational guiedelines for the security forces and the prison services in Northern Ireland, in the appointment of the principal officers of the police force and the prison service in Northern Ireland, and the recruitment and training of police and prison officers, in relation to complaints against the security forces, and in the appointment of members of Boards of Visitors - including Catholics - for the prisons in Northern Ireland. The British side, while accepting that the JSC would be within the framework of the AIIC, see its Ministerial component as comprising the Secretary of State for Northern Ireland and the Irish Minister for Justice

/who

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(who is responsible in the Republic for law and order) and its primary function as being to improve security cooperation between the two sides in the fight against terrorism. The British side suggests that the ^{JSC's} initial work programme should cover such matters as the exchange of intelligence, technical cooperation (in training, forensic matters and the control of explosives), the exchange of personnel, joint inspection arrangements, the planning of joint operations, the establishment and operation of joint units, and the development of a programme of action designed to affirm the position of the police as an accepted part of the whole community. (This work programme overlaps to some extent with the propositions put forward by the Irish side and requires further discussion.) The Irish side see the functions of the ^{JSC} ~~Joint Security Commission~~ as limited to Northern Ireland; the British side, while accepting that measures discussed in the JSC would relate primarily to Northern Ireland, believes that the ^{possibility of applying} ~~applicability~~ of such measures ⁱⁿ ~~to~~ the Republic should not be excluded.

12. The Irish side accepts the desirability of establishing a joint body to promote security cooperation (as advocated by the British side, but would prefer such a body to be separate from the proposed Joint Security Commission. But

They:
have made no ~~detailed~~ proposals as to the membership and function of the separate body, or its relationship to the JSC; and this idea remains to be explored.

Practical Policy ^{ing} Measures

13. Both sides accept that (a) the operational effectiveness of ^{policing arrangements in the Province} ~~the Royal Ulster Constabulary~~ should not be impaired; and (b) measures are in principle needed to help the minority community to identify and support the police to a greater extent than at present. The British side has proposed a number of practical measures designed to improve the recruitment of Catholics into the RUC and improve relations between the RUC and local communities. While welcoming these proposals, the Irish side is strongly of the view that they do not go far enough, and that early and visible measures, ^{including} ~~involving at a~~ ~~minimum~~ some restructuring of the RUC, are needed in order to attract support from the minority community. The Irish want to see predominantly Catholic areas policed by Catholic policemen and have pressed for the establishment of locally based police forces ^{Northern Ireland} ~~in these areas~~. In response to British objections, the Irish have asked whether arrangements of this kind might be introduced on a temporary basis - e.g. for a specified period of 5 years - with the avowed purpose of restoring minority confidence

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in the police force. A suggestion from the British side to establish joint regional crime squads which could be employed in either jurisdiction ^{has not found favour with} ~~is not acceptable to~~ the Irish side as part of the initial package; but the Irish do not exclude such a development in the longer term, nor would they object to it as a possible subject for study by the proposed Joint Security Commission.

14. In general, it is accepted by both sides that *practical* policing arrangements would be one of the key areas in any package but that further discussion, involving experts on both sides, is needed in order to establish whether mutually acceptable arrangements could be worked out.

Mixed Law Courts

15. It is agreed that it would be an important contribution towards promoting confidence in the judicial system if judges from one jurisdiction could be associated with criminal, and particularly terrorist, trials in the other. To this end, the Irish side has suggested that persons tried in Northern Ireland for terrorist crimes might be tried by a panel of three judges, one of whom would be from the Republic; and that trials for such crimes in the Republic would be by a similar panel of three judges including one from Northern Ireland. The British side has accepted this proposal as a basis for discussion and a number of ^{implications} ~~detailed possibilities~~ ^{tentatively} have been explored.

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Both sides agree that these ideas are worth following up but that detailed proposals cannot be formulated without the advice and agreement of the judiciaries of both jurisdictions.

All-Ireland Law Commission

16. The British side has suggested the establishment of an All-Ireland Law Commission to examine whether there are areas of the criminal law, applying respectively in Northern Ireland and the Republic, which could be harmonised with advantage to both countries. The British proposals envisage that the ^{Commission's} first task would be to define the areas to which harmonisation would apply and thereafter to agree on joint machinery for studying those areas and putting forward recommendations for reform. The Irish side has welcomed the British suggestions as a basis for further discussion.

An Anglo/Irish Parliamentary Body

17. The Irish side believes that a joint Parliamentary body of the kind adumbrated in the Anglo/Irish Joint Studies Report of November 1981 could be a useful element in any package. The British side believes that any such body should evolve pragmatically from the existing

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Anglo/Irish Parliamentary Group. There has been no detailed discussion of the possibilities; but the Irish side ^s have expressed general agreement with the idea ^{that a} start could be made by enhancing the role of the existing Group, ~~by~~ making provision for more regular meetings and giving it a higher profile as a consultative body; ^{that,} It could receive reports from each government on the progress of Anglo/Irish relations; ^{that it could} and itself make recommendations to the two governments or the two sovereign Parliaments which, together with the Northern Ireland Assembly, would then be free to debate them or let them lie.

Bill of Rights

18. The Irish side wishes to see the enactment of a Bill of Rights for Northern Ireland and believes that this would be of significant symbolic and political value in securing the support of the minority community and the SDLP for any package of agreed measures. The Irish have drawn attention to the fact that all the unionist ~~unionist~~ ^{and the SDLP} parties in Northern Ireland now favour such a proposal; and suggest that the most practical way to proceed would be to incorporate the European Convention of Human Rights into Northern Ireland law. They have indicated that parallel action by the Republic to incorporate the Convention into

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domestic law in the South would not be excluded.

The British side has taken note of the Irish proposal, while drawing attention to the practical difficulties including the implications for the rest of the UK.

Devolution

19. Both sides are agreed that

it would be desirable to introduce a system of devolved government into Northern Ireland based on an elected Assembly and Executive. The Irish side believes that the SDLP and the minority community would expect this to be done on a power-sharing basis; but the Irish recognise that the Unionists would be fiercely opposed to this and would be most unlikely to participate in power-sharing arrangements. The British side has pointed out that

devolved government cannot be established without the cooperation of the Northern Ireland political parties; and that involving the Republic in the affairs of the Province on ^{proposed} the basis would intensify the hostility of the Unionists to any form of power-sharing.

The Irish side has suggested that unionist

objections might be overcome if the functions of Chief Executive in a devolved ^{in which both communities were represented} government ^{were to be} /exercised

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exercised by the Secretary of State for Northern Ireland, ^{or by another Minister} who would thus provide a visible assurance of continuing United Kingdom control over the government of the Province. The British side has expressed serious reservations about this proposal, which however remains on the table for further study.

Legal basis for any accord between the two countries

20. The British side has made it clear that detailed discussion of this question would be premature. It has been assumed for purposes of the discussion, however, that the measures agreed on would be spelt out in a formal agreement between the two governments (which for historical reasons the Irish side would not want described as a treaty), which could incorporate a statement of objectives and would provide for the establishment and implementation of the measures agreed on. ^{The} /agreement would have to be ratified by both Parliaments and registered with the United Nations; and it would enter into force only after Articles 2 and 3 of the Irish Constitution had been amended following a referendum.

Timing

21. The Irish side believes that it is of great importance that any arrangements agreed between the two governments should be in place in time for the local ^{SECRET AND PERSONAL} /elections

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elections in Northern Ireland in May 1985. The
British side has declined to be committed to
any timetable.

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DRAFT COMMUNIQUE ON NORTHERN IRELAND

The Prime Minister and the Taoiseach agreed that it was a major United Kingdom and Irish interest that there should be peace and stability in Northern Ireland. In the context of this common interest they further agreed that:

- (i) There can be no change in the constitutional status of Northern Ireland as part of the United Kingdom without the consent of the majority of its people.
- (ii) Any attempt to promote political objectives by means of violence or the threat of violence must be rejected, as must those who adopt or support such methods.
- (iii) The traditions of both the majority and the minority communities in Northern Ireland should be respected, and both communities should be entitled to give those traditions appropriate public, political and social expression.

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- (iv) The institutions of government in Northern Ireland should be such as to provide both communities with the confidence that their rights will be safeguarded and their aspirations respected.

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10 DOWNING STREET

From the Private Secretary

31 October 1984

Dear Graham,

Anglo-Irish Relations: North Ireland

The Prime Minister held a meeting at 10 Downing Street this afternoon with the Foreign and Commonwealth Secretary and the Northern Ireland Secretary to discuss the forthcoming Anglo-Irish Summit. Sir Robert Armstrong, Mr. Robert Andrew, Mr. David Goodall and Mr. Bryan Cartledge were also present.

Armstrong/Nally Talks

The Prime Minister said that there could be no question of the Summit taking decisions on the issues raised in the Armstrong/Nally talks. The question was rather whether it would be best to draw a line under the talks at the Summit and in effect admit their failure; or take stock of the point reached and authorise further detailed discussions.

The Prime Minister said that there was a case for deciding to round off the talks at the Summit. The more one got into the detail, the greater the difficulties appeared. The element of reciprocity, on which the talks had originally been based, seemed to her to have faded. There was a risk that the result of the talks might simply be to step up violence rather than reduce it. The Unionists would think that the Government had betrayed them. At the least, they would fear salami tactics, with what was now proposed in terms of an Irish dimension only a first slice. Against this background it might be better to contemplate some more limited arrangements in the field of security co-operation and the criminal law. Or the idea of border adjustments could be looked at again.

The Northern Ireland Secretary said that it was clear that Irish Ministers were depressed by the progress of the talks so far, even to the point where the Taoiseach seemed to doubt the value of holding the Summit. His own view was that acceptable arrangements could possibly still be

achieved including a Joint Security Commission with an advisory role, an Irish resident (preferably called a Consul-General) in Belfast and institutionalised consultation over a defined and limited range of issues, in return for which the Irish Government would drop their territorial claim and the SDLP would co-operate over devolution. The best course would be to put squarely to the Taoiseach at the Summit the steps which HMG could accept and would be able to defend to the Unionists. If, as was likely, the Taoiseach was unable to accept our offer we should at least be better placed to go back to the moderate nationalists in the North, and make clear that far from rejecting the Irish dimension, we had been ready to go a long way to meet their concerns. This would be better than simply allowing the Armstrong/Nally talks to collapse.

The Foreign Secretary agreed with some of the anxieties which had been expressed about the direction in which the talks were leading. But he believed that the premise on which the Government had entered the talks, namely that we could not afford to do nothing, remained valid. There was no question of the Government being bombed into concessions. But nor should they be bombed out of a search for a settlement. The aim should be to continue the talks in slow tempo, and explore the practical issues in detail. The consequences of collapse of the talks would be serious for constitutional nationalists in the North and for Dr. FitzGerald's government in the Republic. Mr. Andrew added that if the Summit were cancelled the Unionists and the IRA would both believe that they had won. This would make it more difficult to make progress towards devolved local government with adequate safeguards for the minority.

Concluding this part of the discussion the Prime Minister noted that there was a wish to avoid the break-off of the Armstrong/Nally talks at the forthcoming Summit. We should therefore use the Summit to take stock and show willingness to continue detailed talks, while making clear that the positions already set out by the UK side represented the limit of what we could offer. It must also be made clear that an essential part of any eventual agreement was that the SDLP should accept devolved government with safeguards rather than insist on power sharing. If the Irish Government were unable to accept this outcome, the UK would at least have a defensible public position.

Draft Communique

A draft of possible conclusions from the Summit was circulated. The Prime Minister expressed some reservations about sections (iii) and (iv). It was agreed that the text would be discussed further.

Consultation with the parties in the North

The Northern Ireland Secretary reported that he had informed the Irish Foreign Minister that he would be holding a further round of discussions with the parties in the North. He had said that it was possible that some of the issues discussed in the Armstrong/Nally talks would come up but he would be careful not to reveal the existence of the talks themselves. Mr. Barry had raised no objection.

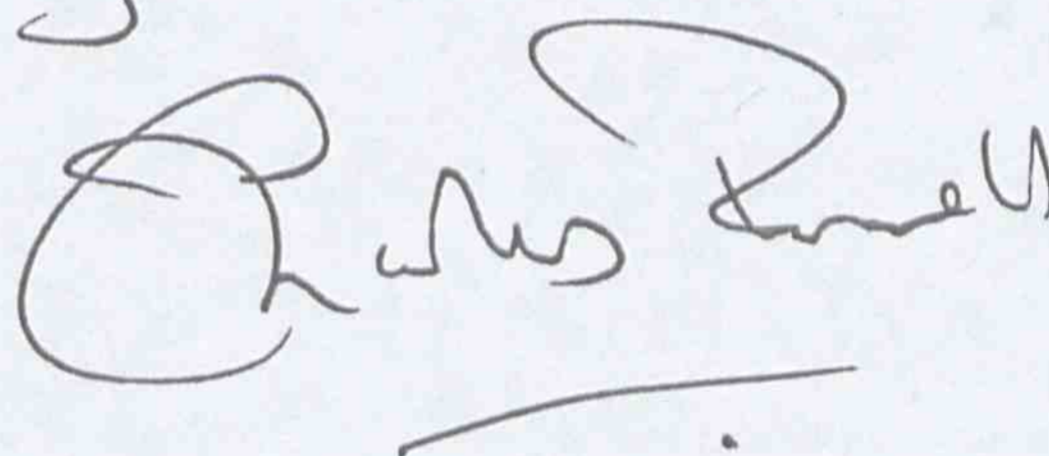
The Northern Ireland Secretary said that he believed that he could get through a further round of discussions with the parties in the North without great difficulty, given that there was no need to alert them to the likelihood of an agreement at the Summit.

Venue of the Anglo/Irish Summit

Sir Robert Armstrong said that the threat assessment which had been prepared for the various locations for the Summit in the Republic revealed a significant risk. In the light of this, it might be best to take up the Taoiseach's offer to come to the UK for the Summit. This advice was endorsed by the two Secretaries of State. The Prime Minister concluded that Sir Robert Armstrong should tell the Irish Government that she accepted the Taoiseach's offer and would wish to invite him to Chequers for the Summit.

I am sending copies of this letter to Len Appleyard (Foreign and Commonwealth Office), Sir Robert Armstrong, Mr. Robert Andrew, Sir Antony Acland and Mr. David Goodall.

Graham Sandiford, Esq.,
Northern Ireland Office.

Yours sincerely,


SS.
CDP
- 31/X.

PRIME MINISTER

MEETING OF MINISTERS: NORTHERN IRELAND

The meeting needs to settle four main points:

i) The general line for Sir Robert Armstrong to take in the further round of Armstrong/Nally talks on 2 November. In the light of what you have recently said, I assume this should be to make clear to the Irish that there is no question of substantive decisions at the forthcoming Summit but that Ministers should take stock and authorise further detailed discussions between officials without any fixed deadline.

ii) The specific question of the sort of conclusions or statement, if any, should be issued at the Summit. If nothing else there will need to be agreement on what to say to the press.

iii) What the Northern Ireland Secretary should say to the Northern Ireland Parties between now and the Summit.

iv) Whether, in the light of security advice, to go ahead with the Summit in the Republic? In his manuscript letter to you Dr. FitzGerald offered to come here after all if it would make it easier. Sir Robert Armstrong will be making a recommendation based on security advice. I think you should take up Dr. FitzGerald's offer and hold the Summit at Chequers.

Cabinet Office briefing is attached.

CDP.

C.D. Powell

31 October 1984

reaching an acceptable agreement to justify continuing the process; or whether there is not in your view such a prospect and you should use your meeting with the Taoiseach to say in effect that it is all too difficult.

4. As you know, the Irish Government, and particularly the Foreign Minister, have been tending to build up expectations of movement on the Northern Ireland question. In their public speeches they have expressed impatience at the British Government's slowness at producing a British "answer" to the report of the Forum for a New Ireland, though the Taoiseach has been careful to say that the substance of the answer is more important than speed of response. They are deeply, and I think genuinely, concerned about the alienation of the minority in Northern Ireland, and anxious to make visible progress before the local elections in Northern Ireland in May 1985. They fear the prospect that, as a result of those elections, the PIRA could supplant the SDLP as the legitimately elected spokesmen of the minority community; and that political success in Northern Ireland could also lead to greater political success for Provisional Sinn Fein in the Republic. I am told that the Taoiseach is increasingly optimistic about his prospects of winning a referendum for a change in the Irish Constitution to waive the territorial claim.

*to reverse
that alienation*

What he needs in exchange for that is as significant as possible an "Irish dimension" in the Government of Northern Ireland, particularly but not only in the field of security; and some changes in practical policing which would restore the confidence of the minority community in the police in their areas.

5. On our side, the political case for continuing the process remains the same as the case for embarking upon it. It is essentially that we cannot afford to do nothing, and that the risks of doing nothing are as great as or greater than the risks *that* ^{*would be*} attendant upon an agreed package; that Unionist opinion in Northern Ireland is readier than formerly for some movement; and that you, recently re-elected with a substantial majority and enhanced political authority, in combination with this Taoiseach, have an opportunity of a kind which has not occurred for many years and may not occur again for some time.

6. The Irish Government undoubtedly think that *their* willingness to go for a referendum to amend the Constitution in order to waive the territorial claim constitutes a very large and, from their point of view, risky step on their part. They see it as a step which they could not take without movement of *corresponding* magnitude on our side. They would in the end, I believe, settle for "institutionalised consultation"

and no more: but they will keep up the pressure on us to go as far as we can within that framework. They will also keep up the pressure for some "restructuring" of the RUC, even if only on a temporary and cosmetic basis,

since they see this as indispensable to

improving the confidence of the minority ^{in policing} community

I gather that the Taoiseach and his colleagues were thrown into considerable gloom by the visit of the Secretary of State for Northern Ireland and Mr Andrew on 25 October: the Secretary of State and Mr Andrew pointed out that among Unionists the waiving of the territorial claim would be seen as little more than a recognition of reality, and emphasised the practical difficulties and objections surrounding the kind of measures that had been discussed in the Armstrong/Nally talks. This seems to have led the Taoiseach to wonder whether your own position had changed, either as a result of the Brighton bombing or for some other reason, and ^{whether} you now no longer ^{hoped for a} wanted a positive outcome to the talks. He is said to feel that, if you have lost interest, it would be better not to have the Summit meeting on 19 November.

7. What we have been discussing in those talks is a package of measures which has an "Irish dimension": that is to say, one which would give the Irish Government some sort of say in the affairs of the Province of Northern Ireland. It is a high risk exercise on both sides: for them because of the

waiver of the Republic territorial claim, for us because of the risks of violent Unionist reaction to any form of "Irish dimension."

8. If you and your colleagues think that the risks are too great, the question is whether there is any alternative. It would be possible to think in terms of a package which was purely internal to Northern Ireland, with an intensified security campaign, measures to meet symbolic minority concerns, and a renewed attempt to establish a devolved government with minority participation. All the indications are, however, that such a package would stand little or no chance of success, in terms of ^{being conducive to} greater peace and stability: the Irish Government and the SDLP would be very unlikely to go along with it, and the risks of greater ^{plansahn} in Northern Ireland would be increased, with all that that ^{would} mean for the violence and ^{for} the progress of the Provisionals.

(Flag, use of
the Irish
language, as
such things)

9. I recognise your concern that the contacts with the Irish Government may be moving too far and too fast. As I have said, the Irish representatives have both publicly and privately been keeping up the pressure for movement. But we shall not now be making any significant further progress before your meeting with the Taoiseach. The next meeting with Mr Nally will in effect be confined

to refining the position we have reached, for the purpose of setting it out for you and the Taoiseach to consider at the Summit. Even if it is agreed that the process is to continue, ^{there is} there is a great deal more work to be done before we are in sight of an agreed package. In my judgment, the question ^{is}

the forthcoming Summit is not whether to go ahead with a package, but whether to continue discussions so that the question of whether to go ahead can be considered at a subsequent Summit meeting. In that case you would need to reach some understanding with the Taoiseach about the pace and timetable of further discussions.

10. You would also need to discuss with him whether there is any general statement that you and he could issue from the Summit. Unless the talks are to be discontinued, the Taoiseach is likely to press for some kind of communique which holds the door open to the future. You will wish to consider with your colleagues whether something on the lines of the draft attached (Annex B) might provide a possible basis for this.

HANDLING

If the ^{in paragraph 1} agenda is agreed, and subject to any suggested additions to it, the discussion might be structured in the following way:

(i) The Armstrong/Nally Exchanges

You may wish to ask me to open the discussion by summarising the position reached following

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my last round of talks with Mr Nally.

[I would base myself on the Position Paper which has been prepared by officials for submission to the Secretaries of State for Foreign and Commonwealth Affairs and for Northern Ireland.] You should ask the Foreign and Commonwealth Secretary and the Northern Ireland Secretary for their views on whether the elements of agreement already achieved at official level between the two sides could in themselves (i.e. if no further progress were to be made) constitute a package which would be politically saleable in the South and politically acceptable in the North. If the view is taken that the package would have to be more substantial, which potential ingredients offer the best prospects for enlarging the area of agreement? (You have already recorded your reservations about the Irish proposal for a Ministerial Committee on Northern Ireland and on the possibility of an operational element in the consultative role of a joint security commission.) What would be the political impact, both on the Irish Government and on the IRA, of any signal from the British side that they see no realistic prospect of a useful outcome from the current secret exchanges? The Foreign and Commonwealth Secretary should be invited to comment.

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(ii) Summit Declaration

Subject to the views expressed in the discussion up to this point, you should invite the views of the Foreign and Commonwealth Secretary and the Northern Ireland Secretary on the "Draft Joint Declaration on Northern Ireland" (text attached below) which might be issued at the Anglo-Irish Summit. How would the Unionists be likely to react to it? Should I be authorised to hand over a copy of this draft, amended as necessary, to Mr Nally during my next round of talks with him?

(iii) Line to be taken with political leaders in Northern Ireland

Would an adverse reaction in the North to a Summit declaration on the lines of the attached draft be to any extent defused if the leaders of political parties in Northern Ireland were to be give some general indication of our thinking on the desirability of an Irish dimension: or would any lifting of the veil prior to the Summit be more likely to trigger hostile or unhelpful statements ^{in the North} which would in themselves reduce the Summit's chances of success? The Northern Ireland Secretary

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should be asked to comment, and to give his views on current expectations in the North concerning the Summit. The Foreign and Commonwealth Secretary should also be asked to comment.

DRAFT: minute/letter/teleletter/despatch/note

TYPE: Draft/Final 1+

FROM

Reference

DEPARTMENT:

TEL NO:

SECURITY CLASSIFICATION

TO:

Your Reference

Top Secret

Secret

Confidential

Restricted

Unclassified

Copies to:

ANNEX A

PRIVACY MARKING

.....In Confidence

CAVEAT.....

SUBJECT: NORTHERN IRELAND: POSITION PAPER

agreed purpose
The ~~subject~~ of the current confidential discussions

between British and Irish officials is to see whether
hypothetically
it is possible to identify a ~~hypothetical~~ package of
measures on which both sides might agree as a basis ~~means~~
of
for promoting security and stability in Northern Ireland
and, as a necessary element in that process, helping
to strengthen the confidence of the minority community
in the forces of law and order and in the political
institutions of the Province.

2. It is accepted by both sides that the discussions
are ~~strictly~~ exploratory, and are being conducted without
commitment; and that any package of measures which
may be identified will be for consideration by the two
governments, each of which will have to make its own
judgement *whether and, if so, on* on the extent to which the package may be
acceptable.

3. It is also accepted by both sides that any package
of measures which might be agreed upon should be transparent.

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in the sense that it ^{should contain no hidden provisions and no} ~~would contain no provisions which~~
~~or provisions which~~ ^{formules which might generate suspicions on either}
~~might be interpreted differently on different sides~~ of
^{but there were hidden provisions}
 the border; and durable, in the sense that it would be seen
 as lasting and not as paving the way for the
 unification of Ireland.

4. The Irish side, for its part, has stressed that the
 package must also be adequate to reverse what it sees
 as the alienation of the minority community in the North.

5. The starting point for the discussions has been
 that the package might be built on two central ^{and accepted}
 balancing elements: on the one hand, action by the
 Irish Government formally to waive the territorial
 claim on Northern Ireland which is embodied in the
 present Irish Constitution and, on the other, action by
 the British Government to accord the Irish Government a
 right to ^{participate} ~~be consulted~~, on a systematic and institutionalised
 basis, ^{in the consideration of policy on} ~~about~~ security and other matters affecting
 the interests of the minority community in Northern
 Ireland.

by the Northern
Government

6. ~~The British side has made it clear that~~ any
 question of joint authority is excluded: what ^{might} ~~could~~ be
 envisaged for the Republic is a ^{formal arrangement in the British} ~~right to be consulted~~
^{Government to consider and for the Irish Government to be consulted.}
~~This was confirmed~~ ^{as} the Prime Minister's conversation
^{made clear in her conversation}
 with the Taoiseach on 3 September, The Irish side,

while recognising that joint authority is not acceptable
 /to

SECRET AND PERSONAL

to the British Government, and that the ultimate power of decision on all matters pertaining to the government of Northern Ireland, would continue to lie with the British Government, believes that any arrangements for involving the Irish Government in the affairs of the Province must ^{be such as to} give it an effective say in security policy and other areas of policy affecting the minority; and ^{would like to find} ~~that~~ a more positive alternative ^{than} ~~should be found to the concept of~~ "consultation" as a description of those arrangements.

Irish territorial claim

7. The Irish Government would propose to implement its hypothetical undertaking to waive the Republic's territorial claims by means of a referendum to repeal Articles 2 and 3 of the present Irish Constitution and to ^{replace} ~~substitute for~~ these two ^{with} articles/wording which would: substitute ~~the~~ an aspiration ^{to} ~~of~~ unity for the present territorial claim; make it clear that violence in pursuit of that aspiration was absolutely abjured; and emphasise that the aspiration could not be realised without the consent of the majority of the people of Northern Ireland.

Consultative Arrangements

8. There is ~~general~~ ^{any} agreement that ~~the~~ right of consultation would not apply to external defence, foreign affairs or finance, which would continue to ^{be} ~~come within~~ the sole responsibility of the British Government. Similarly, the ^{right} ~~right~~

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right of consultation would not apply to matters ~~which~~
~~might be~~ devolved to a Northern Ireland Assembly or
 Executive. In addition to security (which is treated
 separately - see paragraphs ¹⁰⁻¹² below), the right of
 consultation would in principle apply to all areas of
 government and administration which do not fall into
 either of the two foregoing categories (defence, foreign
 affairs and finance on the one hand; devolved matters on
 the other). Examples advanced by the Irish side to which
 the right of consultation ^{should} ~~would~~ apply include nominations
 to public bodies and institutions; nominations to a
 devolved Executive, should one be established; issues
 affecting the identity of the two communities in Northern
 Ireland (flags and emblems, the use of the Irish language
 etc.); and broadcasting, posts and communications.

9. Both sides accept that the ~~institutionalised consultation~~
~~the Irish Government participated in consideration of matters falling within the~~
~~proposed would take place within the framework of the existing~~
~~arrangements envisaged would be~~
 Anglo-Irish Intergovernmental Council (AIIC). But there is
 an important divergence of view about the ^{institutional} machinery ~~through~~
~~which consultation could be conducted.~~ ^{to be} ~~created for the purpose.~~ The Irish side
 would wish to see a Ministerial Commission for Northern
 Ireland, comprising the Secretary of State for Northern
 Ireland and a member of the Irish Government; and see this
 Commission as having overall responsibilities ^{by considering} for all the
 areas of ^{policy} ~~consultation~~ envisaged, including consultation

and which
 fall within
 the executive
 responsibility
 of the Secretary
 of State for
 Northern
 Ireland.

and to ~~the~~
 any bodies
 set up ~~with~~
 to give effect
 to these
 arrangements

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~~on~~ security. The British side would not wish to see the establishment of a Ministerial Commission, on the grounds that it would give an unacceptable impression of equality of responsibility pointing towards joint authority. The British side accepts however that the Government of the Republic ~~might~~^{would} appoint a resident representative in Northern Ireland (who could be of Ministerial rank) and with whom the Secretary of State for Northern Ireland, and any officials acting on his behalf or subject to his direction, would consult on relevant matters. A liaison unit would be established at Stormont to monitor, coordinate and encourage contacts with the Irish representative and to act as a channel for communication with him. He would however be free to contact Northern Ireland Office Ministers or departments on his own initiative. The British side has stressed that executive responsibility on matters which might be the subject of consultation would remain with the Secretary of State for Northern Ireland, as would the ultimate right of decision in each case; ~~but it has agreed to consider~~^{and it has not excluded} the possibility of the two governments accepting a formal obligation "to seek agreement" on all issues which might become subjects for the consultative process.

and would
have
supporting
staff

Security

10. It is agreed that there could be a Joint Security

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(JSC)

Commission] comprising the Secretary of State for Northern Ireland and an Irish Minister, assisted as necessary by advisers who would include the Chief Constable of Northern Ireland and the Commissioner of the Garda Siochana. It is also agreed that the Joint Security Commission should have no operational responsibilities: responsibility for police operations would remain with the heads of the respective police forces.

11. Thereafter, views diverge: the Irish side see the *ministerial component in the* Joint Security Commission as comprising their proposed Ministerial Commission for Northern Ireland (i.e. the Secretary of State for Northern Ireland plus the Irish Minister resident in Northern Ireland) *the JSC itself as* and ~~has~~ having a consultative role in the establishment of security policy guidelines, including operational guidelines for the security forces and the prison services in Northern Ireland, in the appointment of the principal officers of the police force and the prison service in Northern Ireland, and the recruitment and training of police and prison officers, in relation to complaints against the security forces, and in the appointment *members* of a Board of Visitors *- including Catholics -* for ~~the prisons in~~ *the prisons in* Northern Ireland. *prison* The British side, while accepting that the ~~Joint Security Commission~~ *JSC* would be within the framework of the AIIC, see it *ministerial component* as comprising the Secretary of State for Northern Ireland and the Irish Minister for Justice *(who*

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(who is responsible in the Republic for law and order) and its primary function as being to improve security cooperation between the two sides in the fight against terrorism. The British side suggests that the ^{JSC's} initial work programme should cover such matters as the exchange of intelligence, technical cooperation (in training, forensic matters and the control of explosives), the exchange of personnel, joint inspection arrangements, the planning of joint operations, the establishment and operation of joint units, and the development of a programme of action designed to affirm the position of the police as an accepted part of the whole community. (This work programme overlaps to some extent with the propositions put forward by the Irish side and requires further discussion.) The Irish side see the functions of the ^{JSC} ~~Joint Security Commission~~ as limited to Northern Ireland; the British side, while accepting that measures discussed in the JSC would relate primarily to Northern Ireland, believes that the ^{possibility of applying} ~~applicability~~ of such measures ⁱⁿ ~~to~~ the Republic should not be excluded.

12. The Irish side accept the desirability of establishing a joint body to promote security cooperation (as advocated by the British side, but would prefer such a body to be separate from the proposed Joint Security Commission. But

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They:
have made no ~~detailed~~ proposals as to the membership and function of the separate body, or its relationship to the JSC; and this idea remains to be explored.

Practical Policy ^{ing} Measures

13. Both sides accept that (a) the operational effectiveness of ~~the Royal Ulster Constabulary~~ ^{policing arrangements in the Province} should not be impaired; and (b) measures are in principle needed to help the minority community to identify and support the police to a greater extent than at present. The British side has proposed a number of practical measures designed to improve the recruitment of Catholics into the RUC and improve relations between the RUC and local communities. While welcoming these proposals, the Irish side is strongly of the view that they do not go far enough, and that early and visible measures, ^{including} ~~involving at a~~ ~~minimum~~ some restructuring of the RUC, are needed in order to attract support from the minority community. The Irish want to see predominantly Catholic areas policed by Catholic policemen and have pressed for the establishment of locally based police forces in ~~these areas~~ ^{Northern Ireland}. In response to British objections, the Irish have asked whether arrangements of this kind might be introduced on a temporary basis - e.g. for a specified period of 5 years - with the avowed purpose of restoring minority confidence

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/in

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in the police force. A suggestion from the British side to establish joint regional crime squads which could be employed in either jurisdiction ^{has not found favour with} ~~is not acceptable to~~ the Irish side as part of the initial package; but the Irish do not exclude such a development in the longer term, nor would they object to it as a possible subject for study by the proposed Joint Security Commission.

14. In general, it is accepted by both sides that *practical* policing arrangements would be one of the key areas in any package but that further discussion, involving experts on both sides, is needed in order to establish whether mutually acceptable arrangements could be worked out.

Mixed Law Courts

15. It is agreed that it would be an important contribution towards promoting confidence in the judicial system if judges from one jurisdiction could be associated with criminal, and particularly terrorist, trials in the other. To this end, the Irish side has suggested that persons tried in Northern Ireland for terrorist crimes might be tried by a panel of three judges, one of whom would be from the Republic; and that trials for such crimes in the Republic would be by a similar panel of three judges including one from Northern Ireland. The British side has accepted this proposal as a basis for discussion and a number of ^{implications} ~~detailed possibilities~~ ^{tentatively} have been explored.

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Both sides agree that these ideas are worth following up but that detailed proposals cannot be formulated without the advice and agreement of the judiciaries of both jurisdictions.

All-Ireland Law Commission

16. The British side has suggested the establishment of an All-Ireland Law Commission to examine whether there are areas of the criminal law, applying respectively in Northern Ireland and the Republic, which could be harmonised with advantage to both countries. The British proposals envisage that the ^{Commission's} first task would be to define the areas to which harmonisation would apply and thereafter to agree on joint machinery for studying those areas and putting forward recommendations for reform. The Irish side has welcomed the British suggestions as a basis for further discussion.

An Anglo/Irish Parliamentary Body

17. The Irish side believes that a joint Parliamentary body of the kind adumbrated in the Anglo/Irish Joint Studies Report of November 1981 could be a useful element in any package. The British side believes that any such body should evolve pragmatically from the existing

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/Anglo/Irish

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Anglo/Irish Parliamentary Group. There has been no detailed discussion of the possibilities; but the Irish side ^s ~~has~~ expressed general agreement with the idea ^{that a} ~~start~~ could be made by enhancing the role of the existing Group, ~~by~~ making provision for more regular meetings and giving it a higher profile as a consultative body; ^{that} | It could receive reports from each government on the progress of Anglo/Irish relations; ^{that it could} and | itself make recommendations to the two governments or the two sovereign Parliaments which, together with the Northern Ireland Assembly, would then be free to debate them or let them lie.

Bill of Rights

18. The Irish side wishes to see the enactment of a Bill of Rights for Northern Ireland and believes that this would be of significant symbolic and political value in securing the support of the minority community and the SDLP for any package of agreed measures. The Irish have drawn attention to the fact that all the ^{unionist} ~~unionist~~ parties in Northern Ireland ^{and the SDLP} ~~now~~ favour such a proposal; and suggest that the most practical way to proceed would be to incorporate the European Convention of Human Rights into Northern Ireland law. They have indicated that parallel action by the Republic to incorporate the Convention into

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domestic law in the South would not be excluded.

The British side has taken note of the Irish proposal, while drawing attention to the practical difficulties including the implications for the rest of the UK.

Devolution

19. Both sides are agreed that, ~~either as part of a possible package or in parallel with it~~, it would be desirable to introduce a system of devolved government into Northern Ireland based on an elected Assembly and Executive. The Irish side believes that the SDLP and the minority community would expect this to be done on a power-sharing basis; but the Irish recognise that the Unionists would be fiercely opposed to this and would be most unlikely to participate in power-sharing arrangements. The British side has pointed out that

devolved government cannot be established without the cooperation of the Northern Ireland political parties; and that involving the Republic in the affairs of the Province on a ~~consultative~~ ^{the proposed} basis would intensify the hostility of the Unionists to any form of power-sharing.

The Irish side ^s ~~have~~ suggested that . unionist objections might be overcome if the functions of Chief Executive in a devolved, ~~power-sharing~~ ^{in which both communities were represented} government ~~were to be~~ /exercised

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(or by another
British
Minister)

exercised by the Secretary of State for Northern Ireland, who would thus provide a visible assurance of continuing United Kingdom control over the government of the Province. The British side has expressed serious reservations about this proposal, which however remains on the table for further study.

Legal basis for any accord between the two countries

20. The British side has made it clear that detailed discussion of this question would be premature. It has been assumed for purposes of the discussion, however, that the measures agreed on would be spelt out in a formal agreement between the two governments (which for historical reasons the Irish side would not want described as a treaty), which could incorporate a statement of objectives and would provide for the establishment and implementation of the measures agreed on. ^{The} /agreement would have to be ratified by both Parliaments and registered with the United Nations; and it would enter into force only after Articles 2 and 3 of the Irish Constitution had been amended following a referendum.

Timing

21. The Irish side believes that it is of great importance that any arrangements agreed between the two governments should be in place in time for the local

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elections in Northern Ireland in May 1985. The
British side has declined to be committed to
any timetable.

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DRAFT COMMUNIQUE ON NORTHERN IRELAND

The Prime Minister and the Taoiseach agreed that it was a major United Kingdom and Irish interest that there should be peace and stability in Northern Ireland. They further agreed that this common interest would be best served by adherence to the following principles:

- (i) There can be no change in the constitutional status of Northern Ireland as part of the United Kingdom without the consent of the majority of its people.
- (ii) Any attempt to promote political objectives by means of violence or the threat of violence must be rejected, as must those who adopt or support such methods.
- (iii) The identities of both the majority and the minority communities in Northern Ireland should be respected, and both communities should be entitled to give those identities appropriate public, political and social expression.

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- (iv) The institutions of government in Northern Ireland should be such as to provide both communities with the confidence that their rights will be safeguarded and their aspirations respected.

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Secretariat ⁵⁴
 Agreed at the PM's
 meeting on 31 October
 to offer Chequers.
 CDP 31/10.

Ref. A084/2901

MR POWELL

Anglo-Irish Summit: Venue

One of the matters which I shall need to discuss with Mr Nally at my meeting with him at the end of this week is the venue for the meeting between the Prime Minister and the Taoiseach scheduled for 19 November. I hope that we can use the meeting already arranged for 2.30 pm tomorrow to be given instructions on this.

2. The JIC have produced a threat assessment, of which I attach a copy.

JIC(84)(IA)44
 d/30/10/84

3. Given the threat assessment, I think that we should rule out staying the night in Ireland, and rule out the use of Ashford Castle or Dromoland Castle. I believe, if the meeting is to take place in Ireland, the threat to the Prime Minister's safety could best be minimised by holding the meeting at Baldonnell Airport (the military airport for Dublin). There is a precedent for this: the only meeting which Mr Heath had in Ireland when he was Prime Minister took place at Baldonnell Airport. It would be perfectly possible for the Prime Minister to fly in and out the same day; and the facilities would be adequate for holding a meeting. The Prime Minister should be aware that the airport is named after Sir Roger Casement. But the disadvantage of that would be out-weighed by the security advantages.

4. But I understand that, when the Taoiseach wrote to the Prime Minister after the Brighton bombing, he said that, if the Prime Minister would prefer to hold the meeting on British soil, he would quite understand and that would present him with no problems. That offer has recently been formally renewed by Irish Government officials. I should have thought that



the best course would be to take advantage of the Taoiseach's offer and to hold the meeting at Chequers.

RA

ROBERT ARMSTRONG

31 October 1984

CONQUEROR



53

10 DOWNING STREET

From the Private Secretary

28 October 1984

Anglo-Irish Talks

The Prime Minister has noted the Secretary of State for Northern Ireland's note of 26 October on his talks with the Irish Ministers of Foreign Affairs and Justice and also the more detailed records enclosed with your letter of the same date. She has not otherwise commented on them.

I am copying this letter to Len Appleyard (Foreign and Commonwealth Office) and to Sir Robert Armstrong.

Charles Powell

Graham Sandiford Esq
Northern Ireland Office.

65T

| | |
|--|------------------------------------|
| DEPARTMENT/SERIES <i>PREM 19</i> PIECE/ITEM <i>1288</i> (one piece/item number) | Date and sign |
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From: THE PRIVATE SECRETARY

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NORTHERN IRELAND OFFICE

WHITEHALL

LONDON SW1A 2AZ

Charles Powell Esq
10 Downing Street
LONDON SW1

M 26 October 1984

Prime Minister

Dear Charles,

CDP
26/10.

ANGLO-IRISH DISCUSSIONS

- ... Attached is a record by the Secretary of State of his discussion at dinner on 25 October with the Irish Minister for Foreign Affairs and the Irish Minister of Justice. Also attached is a note by Robert Andrew of the discussion which he and HM Ambassador had at a separate dinner on the same evening with Mr Donlon and Mr Lillis of the Department of Foreign Affairs. These discussions over dinner followed a more limited discussion on matters of only departmental interest which the Secretary of State and the Irish Minister for Foreign Affairs had with a larger group of officials in the afternoon.

Copies of this letter and enclosures go for information to Len Appleyard and Sir Robert Armstrong.

Yours sincerely,

Graham Sandiford

G K SANDIFORD

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RECORD OF DISCUSSION AT DINNER ON 25 OCTOBER BETWEEN
MR PETER BARRY, MR MICHAEL NOONAN AND MR DOUGLAS HURD

Security Co-operation

1. I raised this by saying that my strong impression was that whereas co-operation between the RUC and the Garda was good at junior levels, it became more and more difficult as one went up the scale. It seemed to me important to find a way of making sure that the two Forces worked together effectively at all levels. Mr Noonan reacted quite sharply. He said that the machinery for co-operation existed and was used. Superintendents along the border met regularly, and a planned meeting of Chief Superintendents had just been postponed at the request of the RUC. It was perfectly true that the Chief Constable and Commissioner Wren were not on terms. Wren believed that the Chief Constable had let him down badly over the case where the RUC was alleged to have connived at suppressing a witness wanted by the Garda. However this personal difference could be overcome by Noonan lifting the telephone and ordering Wren to meet Sir J Hermon. The real difficulty was different. Inevitably the Garda listened to the criticisms of the RUC voiced for example by the Taoiseach. Some of them were reluctant to co-operate with a Force which appeared to have a shoot to kill policy and which was resented by the Catholic minority. In addition the RUC was insecure; for example a leak in a current case which had cost the Garda a valuable intelligence source could be attributed to the RUC. There was no similar difficulties in co-operation between the Garda and the Metropolitan Police Special Branch. I answered these points as Mr Noonan made them.

Home-made Explosives

2. I said that it was clear to me that the most important single blow which we could deliver to the IRA would be to bring to an end their ability to make home-made explosives. Mr Noonan then

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explained to Mr Barry the nature of the problem and of the options put forward in the paper which we handed several weeks ago to officials of the Ministry of Justice. Mr Noonan said that the Irish had to think of their farms and of their fertiliser factory. He thought the least stringent option was the only one which they might agree to, but wondered if the inconvenience which this would cause to the IRA was enough to make it worthwhile. I said I hoped that in the light of recent happenings people would be prepared to take unpalatable decisions about this and I hoped that the official discussions would move forward as rapidly as possible.

Extradition

3. We discussed the McGlinchey case, which had also been covered in the official talks earlier in the evening. Mr Noonan was well aware not only that McGlinchey might be acquitted from lack of evidence but also that there might even be difficulty in getting him back to the Republic to face charges there because of the views of the Chief Justice of Northern Ireland. He was also concerned that we might be asking for Downey on a warrant even though we might not have evidence enough to convict him. If people handed over to us by the Irish Courts were then not convicted in Northern Ireland and British Courts, then it was certain that Irish Courts would stop extraditing. We ought to make more use of the 1976 legislation which allowed the Republic to try offences committed in the UK and vice versa.

Political Talks

4. We had a long discussion about the prospects for the Summit and the Armstrong/Nally approach. Mr Barry repeated the analysis which he had already given me when we first met about the alienation of the minority. Unless we could find an answer which showed that the minority could effectively rely on Dublin to speak and act on their behalf then they would turn to Sinn Fein and the SDLP would be swallowed up. I said that I thought that too much talk of alienation did harm and went beyond the facts. It gave

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Mr Barry more room for manoeuvre but it reduced my own, because of the strong Unionist reaction. As he knew, we were prepared to consider a joint security commission and an Irish Resident in Belfast. Security co-operation was needed anyway and a joint commission would enable the Irish to discuss with us on the spot all the minor complaints eg about border roads which they now took up through the diplomatic channel. It would be difficult for the Unionists to object to this development of security co-operation since they were always criticising the Republic for not co-operating enough. That was the political advantage of putting security at the front of any package. Mr Barry said that we concentrated too much on security. He asked whether a joint security commission would be advisory and I confirmed that it would. He said that in that case it would be regarded simply as a means of giving the British some sort of Irish camouflage for a British security policy. The Irish would be criticised by the SDLP and by Mr Haughey for a thoroughly bad deal.

5. The two Ministers emphasised the great risks which they personally, and their party, were taking in floating a referendum on Articles 2 and 3. I said that we fully realised this; it would be an act of great courage. They confirmed that Mr Haughey would be certain to oppose. I said the difficulty was that in my judgement even if the referendum succeeded the Unionists would not feel that a great concession had been made. They would argue that Articles 2 and 3 had always been an aspiration anyway and that in return for a purely verbal change the British had given the Irish Government a real say in the government. I did not believe that it was possible to restructure the RUC as the Irish wanted though I accepted that the RUC had to make strenuous efforts to show it was policing in the interests of the whole community. Nor would it be possible in my judgement to abolish the UDR. It was very important that the Irish should understand the strong attachment to both these institutions in the Province.

The Summit

6. Both Ministers were clearly anxious that this should proceed and neither now expected that it would produce a definite agreement.

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We did not discuss in any detail how the November Summit should conclude. Barry said he thought there should be more frequent Anglo-Irish Summits so that each one would be accepted more or less as a matter of routine and expectations were not raised. They both still hoped that an agreement could be reached before the local elections in the Spring, since they believed that the Sinn Fein despite their recent announcements might return to the idea of a massive effort to overtake the SDLP vote.

Procedures

7. I said that there were many matters of common concern to the NIO and the Ministry of Justice; how should these be handled? Mr Noonan said that there was good co-operation between officials and this caused him no difficulty. It was very difficult for him to meet the Secretary of State in any official way and he hoped that at the Ministerial level I would normally use Mr Barry as a channel.

Graham Sandford.

26 October 1984

D.H.

(Approved by the Secretary of State and signed in his absence)

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PERSONALCONVERSATION WITH IRISH OFFICIALS - 25 OCTOBER 1984

Following the Secretary of State for Northern Ireland's meeting with the Irish Minister for Foreign Affairs in Dublin on 25 October, HM Ambassador, Mr Goodison, and I had dinner with Mr Sean Donlon and Mr Michael Lillis of the Department of Foreign Affairs. The conversation was devoted largely to the progress of the Armstrong/Nally initiative.

At the outset I sought to reduce the expectations which seemed to have been building up on the Irish side as we approach the Summit. I said it appeared from reports of the latest round of official discussions, in which my colleagues from the Northern Ireland Office had participated, that there was a considerable gap between what the Irish were asking for and what the British might be ready to offer. It had perhaps been salutary to get down to more practical and detailed discussion of what might be done in the policing and judicial fields since this had demonstrated some of the difficulties inherent in the current proposals; but I hoped that there was no failure of communication between the two sides. Although we had repeatedly emphasised that we were only talking about a consultative role for the Dublin Government, the latest Irish proposals seemed to go further than this, while there was evidently still a desire to restructure the RUC which was not acceptable to us on either practical or political grounds. Even if agreement could eventually be reached on the substance of a package, I thought that the timescale envisaged by the Irish was unrealistic and I saw little chance of any agreement being reached and put into effect before the local elections in May 1985. Some of the speeches recently made on the Irish side (eg by Mr Barry at the BIA Conference in Cambridge) had encouraged exaggerated expectations. I hoped that the Irish side were not building unreasonable expectations on the November Summit, at which I did not think that dramatic progress was likely.

Lillis replied that it was not so much a question of expectations as of the needs of the situation, which required urgent action

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if the forces of constitutional nationalism were not to be defeated in the North, with the most serious consequences in the South as well as the North. The Irish had been disappointed by the attitude shown by the British team in the talks on 15-16 October. Both Donlon and Lillis emphasised the importance of the step which the Irish Government was proposing to take in seeking to amend the constitution (which could put its very existence at risk) and stressed that it was necessary for the British response to be of comparable magnitude. What the British seemed now to be offering would not, in their view, be enough. There was much talk on familiar lines about the alienation of the minority in the North and the need to support the SDLP to stop the progress of Sinn Fein. Lillis also developed the argument that there was much uncertainty among Unionists about British intentions and that they would welcome a joint (ie Anglo-Irish) guarantee of their future constitutional status.

I replied that we in the Northern Ireland Office were bound to look at any package from the point of view of whether it would facilitate the government of the North by helping to secure the support of the minority, and whether it would contribute to dealing with the security problem. I recognised that the Irish were contemplating a very large step; but even if they were able to deliver a constitutional change, I was not sure how much ice this would cut with the Unionists if the territorial claim was simply replaced by an aspiration; Unionists would say that the claim had never been more than an aspiration anyway. The involvement of the Dublin Government as of right in the affairs of the North would also be a major step; but I was not sure how much impact the sort of proposals now under consideration would have on nationalist opinion. They would certainly do nothing to change the views of hard-line PIRA and Sinn Fein supporters. Among SDLP members and potential members, Hume was putting all his money on the Irish dimension, but there might be others who would prefer a more direct involvement in the government of the North. In any event, from our point of view the search for an acceptable form of government in the North must be a key element in any package. Any political settlement

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would probably make the security situation worse initially, and we should have to satisfy ourselves that in the longer term it was likely to lead to an improvement by reducing the alienation of the minority, which certainly existed although it was often exaggerated.

In discussing the ability of the Irish Government to deliver a constitutional change, Lillis repeated the line he has taken before to the effect that if the SDLP supported a package devised by the two governments this would cut the ground from under Mr Haughey and the Taoiseach could win a referendum. Donlon appeared less certain; he seemed to think that Haughey would be bound to oppose the Government; that "all the wounds of the civil war would be re-opened"; and that the outcome was in doubt. I must say that his reading of the situation seems to me the more plausible, especially in the light of recent opinion polls.

Donlon went on to say that if the gap between our two positions was as wide as I had suggested, there must be a possibility that the present initiative would come to nothing. Had we thought what we would do then? I commented that I still hoped that it would be possible to reach agreement and that we should certainly continue to try. If we could not devise an acceptable package, one result would probably be that the SDLP would not take part in any form of devolved government in the North, in which case we would presumably have to continue with Direct Rule. Speaking personally, I thought that in that event we might seek to buttress Direct Rule, first with a number of measures which might be taken within Northern Ireland to reassure the minority community, and secondly with an Irish dimension on a reduced scale which might consist of consultation and co-operation in the security field, which was the area least objectionable to the Unionists. Donlon and Lillis made little comment of substance on these ideas, but I think they registered the possibility that if the present initiative foundered both sides might have to lower their sights.

After dinner I spoke to Lillis about the Forum Report. I referred to the recent statements by Irish Ministers to the effect that they

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were waiting impatiently for a British response. What precisely did they want? Surely if the Armstrong/Nally talks produced an acceptable package this would be a response? It would hardly be helpful if at this stage the British published a detailed commentary on the report, which would have to criticise numerous features and reject all the three constitutional models. Lillis agreed with this. Because the Irish had invested heavily in the Forum and had indicated that they wanted the British to respond, it was difficult for Irish Ministers not to refer to the need for a considered British reply; but he recognised that such requests could be embarrassing for us and counter-productive. He would see if any future Irish statements could follow the Taoiseach's line about it being more important to get the right answer, rather than Mr Barry's more insistent demands for an early response.

Lillis went on to repeat the suggestion that the British Government could at least respond to the realities set out in the Forum Report with a list of British realities, so that the two could be combined in an agreed statement of principles. He wondered whether this at least could be done at the forthcoming Summit. I pointed out that Mr Prior in his speech on 2 July had already stated 5 British realities. It might be that some statement of principles could be devised as a framework for continuing work by officials; but we were more interested in practical measures. However, some form of communique would presumably have to be issued after the Summit and this was no doubt something which would be addressed at the next round of Armstrong/Nally talks.

NORTHERN IRELAND OFFICE

26 October 1984


R J ANDREW**SECRET PERSONAL**

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CDP

*With the compliments of
the Legal Secretary*

H. STEEL

CDP
29/12

*Law Officer's Department,
Royal Courts of Justice,
Strand, W.C.2.*

CONFIDENTIAL

GRS 250

CONFIDENTIAL

FM DUBLIN 251130Z OCT 84

TO PRIORITY FCO

TELEGRAM NUMBER 579 OF 25 OCTOBER 1984

INFO PRIORITY NIO (LONDON) NIO (BELFAST) WASHINGTON AND NEW YORK

NEW YORK TELNO 56: VISIT TO IRELAND BY UNITED STATES BISHOPS

1. I MANAGED TO HAVE A SHORT CHAT WITH BISHOP HURLEY OF SANTA ROSA, CALIFORNIA, AT A PARTY ON 24 OCTOBER. HE SAID HE FELT THAT THEIR VISIT TO IRELAND HAD BEEN VERY WELL WORTHWHILE. THEY HAD BEEN VERY MUCH STRUCK BY THE GREAT EFFORT PUT INTO HOUSING DEVELOPMENT IN NORTHERN IRELAND.

2. EVERYONE THEY HAD MET HAD PLACED THEIR HOPES FOR POLITICAL CHANGE ON THE ANGLO-IRISH SUMMIT BUT THE TAOISEACH HAD MADE IT CLEAR TO HIM THAT HE WAS UNCERTAIN WHAT IT WOULD PRODUCE AND HE HAD CONCLUDED FROM WHAT MR HURD HAD SAID TO THEM THAT IT WOULD BE CORDIAL IN TONE BUT SHORT ON CONTENT. HE WAS VERY GRATEFUL TO MR HURD FOR GIVING THEM SO MUCH TIME. THEY WERE, HOWEVER, STILL CONCERNED AT THE LIMITED PROSPECTS FOR THE FUTURE.

3. SINN FEIN WERE PUTTING IT ABOUT THAT THE BISHOPS HAD SENT THEM NO INVITATION TO TALK AND THAT THEY HAD HAD NO OPPORTUNITY TO DO SO. HE COULD NOT ACCEPT THIS. HE WAS SURE THAT AN INVITATION HAD BEEN ISSUED AND HE HAD IN ANY CASE MET MARTIN MCGUINNESS ON ONE OCCASION, WHEN THE LATTER HAD DELIBERATELY INSISTED ON TALKING ABOUT TEXAS AND NOTHING ELSE. MCGUINNESS HAD SUBSEQUENTLY TOLD THE PRESS THAT HE HAD NOT SPOKEN TO ANY OF THE BISHOPS.

GOODISON

NORTHERN IRELAND
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PS/LADY YOUNG
PS/MR RENTON
PS/PUS

MR DEREK THOMAS
SIR W HARDING
MR GOODALL
MR BARRINGTON
MR O'NEILL
MR JENKINS
MR D C THOMAS
BUCKINGHAM PALACE

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NORTHERN IRELAND

PS TO PM. NO 10, DOWNING STREET.

CONFIDENTIAL



Prime Minister

CDP
26/K.

PRIME MINISTER

ANGLO-IRISH TALKS

I am sending to your office separately a record of my long private talk with the Ministers of Foreign Affairs and Justice over dinner in Dublin last night. You may like to look at this.

2. Although the tone was friendly, some of the talking was quite tough and I found the outcome rather depressing. I wanted to press Noonan on security cooperation and in particular to get his help in overcoming the problems over cooperation at senior levels between the RUC and Garda. But we ran into the familiar complaints about the RUC being insecure, unacceptable in its present form to the minority in the Province, and therefore not a satisfactory partner for cooperation. Noonan was genuinely worried about the future of extradition. Nor did we make progress on home-made explosives, the effective control of which on both sides of the border would be a great advance.

3. Both Ministers made it clear that if they were to risk their necks in a referendum campaign they needed substantially more of an Irish dimension in the North than we were offering in the Armstrong-Nally talks. It would not be enough to have an Irish resident in Belfast with a consultative voice, mainly in security matters. I tried gently to deflate expectations about the Summit and to suggest that the substantial risk which they would be taking with a referendum on Articles 2 and 3 was perhaps greater than the benefit which even a successful outcome would have on Unionist opinions.

Conceivably/....



4. Conceivably the Taoiseach may be more flexible. Even these two Ministers were not suggesting that we had to accept their present far reaching ideas if the Anglo-Irish dialogue was to be preserved. But they were fearful that the SDLP vote would pass to Sinn Fein. They have little understanding of the importance of the RUC and the UDR in the Province or of the dangers which we would run if we were to abolish the UDR and restructure the RUC to suit Irish preconceptions.

5. I am sending copies of this minute to the Foreign and Commonwealth Secretary and Sir Robert Armstrong.

DH.

D H

26 October 1984

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| DEPARTMENT/SERIES <i>PREM 19</i> PIECE/ITEM <i>1288</i> (one piece/item number) | Date and sign |
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SECRET & PERSONAL



FILE

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10 DOWNING STREET

From the Private Secretary

25 October, 1984

ANGLO-IRISH RELATIONS: NORTHERN IRELAND

Thank you for your letter of 24 October about the line which the Northern Ireland Secretary proposes to take with Mr. Barry when they meet today. The Prime Minister is content with this and notes that Mr. Hurd will let her see the line which he proposes to take with the Northern Ireland parties later.

I am sending a copy of this letter to Len Appleyard (Foreign and Commonwealth Office) and to Sir Robert Armstrong.

(C.D. Powell)

G.K. Sandiford, Esq.,
Northern Ireland Office.

SECRET & PERSONAL

EST



NORTHERN IRELAND OFFICE
WHITEHALL
LONDON SW1A 2AZ

Prime Minister
Agree the line
which DH intends
to take with Mr.

C D Powell Esq
No 10 Downing Street

24 October 1984

Barry Tomenson?

Dear Charles,

(He will ask your
approval for the line he
will take with the Northern Ireland
parties later.)

Yes

CDP 24/10

ANGLO-IRISH RELATIONS : NORTHERN IRELAND

Thank you for your letter of 19 October about what should be said to the Northern Ireland political parties about the ground being covered in the confidential exchanges with the Irish Government.

Mr Hurd does not plan to meet the Northern Ireland party leaders for separate discussions on political development until the week beginning 5 November. Since there could well be some further development between now and then which might affect the precise line he should take with the party leaders he will, as requested, circulate a proposed line to take nearer the time. This would allow him to take full account of anything that Mr Barry may say when he meets Mr Hurd on 25 October and of the conclusions of the discussion which the Prime Minister has asked for (as recorded in your minute of 20 October to Sir Robert Armstrong).

When seeing Mr Barry tomorrow Mr Hurd proposes to say that he plans to meet the Northern Ireland party leaders in the near future, and to discuss with them the prospects for political development in Northern Ireland as was envisaged in Mr Prior's speech to the House of Commons on July 2. Some of the matters now being discussed between the two Governments will come naturally in this context, but Mr Hurd will tell Mr Barry that he will be taking scrupulous care not to breach the secrecy which has surrounded the talks between the two governments.

I am copying this letter to Len Appleyard and to Sir Robert Armstrong.

Yours Sincerely
Neil Ward

for G K SANDIFORD

JCAAIG

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10 DOWNING STREET

From the Private Secretary

24 October 1984

Anglo-Irish Relations: Northern Ireland

The Prime Minister has considered the Foreign Secretary's minute of 23 October on this subject. Her general comment is that she is becoming very pessimistic about this exercise and whether it can be taken much further.

On the specific points raised in the minute, the Prime Minister agrees that position papers should be prepared by each side individually and not exchanged. She is less clear on the need for the arrangements proposed in paragraph 6 of the minute and would prefer to discuss these at the meeting already planned for 1 November.

I am copying this letter to Graham Sandiford (Northern Ireland Office) and to Richard Hatfield (Cabinet Office).

C.D. Powell

L.V. Appleyard, Esq.,
Foreign and Commonwealth Office.

CST



10 DOWNING STREET

Prime Minister

of Geoffrey Howe's

three recommendations,

(i) must be right;

(ii) risks removing you from
direct oversight of what
is going on, I doubt
that you will want this.

(iii) does not seem strictly
necessary until after the
Dublin Summit anyway.

CDP 23/4.

do not ^{am very} ^{sure} ^{ministers} [!]
that we can take this
matter much further

Prime Minister

45



PM/84/164

PRIME MINISTER

Agree:

Yes (i) position papers to be prepared by UK and not exchanged with Irish.

On what ^{wish} ^{is} ⁱⁿ ^{the} ^{Irish} ^{side}? (ii) Giff and DH to provide day-by-day political direction to RTA's group;

We need our own ^{talks} ^{Irish} ^{Committee} ^{(see} ^{para.} ^{6)?} (iii) establish a wider Ministerial

Anglo-Irish Relations: Northern Ireland

CDD 23X

1. I have seen Sir Robert Armstrong's minute of 18 October reporting on the latest round of exploratory talks with the Irish. I have also seen his minute of 17 October recommending a widening of the circle of those involved, to which you have agreed; the recent report from H M Ambassador at Dublin on his conversation with the Taoiseach last week; and your own comments on the present state of play contained in Mr Powell's letter of 19 October to the Private Secretary to the Secretary of State for Northern Ireland and in his minute of 20 October to Sir Robert Armstrong.

2. There has been a marked increase of realism and lowering of expectations on the Irish side since your conversation with the Taoiseach on 3 September, when you made it clear to him that joint authority was not on offer and that what we were contemplating was limited to institutionalised consultation. The latest round of talks however illustrates the complexities and far-reaching consequences of introducing such arrangements, especially in the light of the Irish Government's anxiety to be able to present them to their constituencies North as well as South of the border as giving Dublin an effective say in important aspects of the government of the Province. This anxiety is understandable given the magnitude in Irish domestic terms of what Dr FitzGerald will be asking from his

/own



own electorate if he seeks to amend the Irish Constitution by referendum (as we have in effect been pressing him to do). But it gives us a very difficult hand to play with the Unionists. Dr FitzGerald's desire to move faster than we consider either wise or practicable, as manifested in his conversation with Mr Goodison, is an added complication.

3. I nevertheless continue to believe that the process we are engaged on represents the least unpromising way forward on the Northern Ireland question. An understanding with the Irish Government which removed or shelved the territorial issue for the foreseeable future, obliged the Southern Irish to accept a share of responsibility for security in the North and modified the existing institutions of the Province in ways which enabled the minority to identify with them would be a great prize - always provided that it could be attained without alienating the Unionists to the point of no return.

4. I agree with Sir Robert Armstrong's view that the exploratory talks have reached a stage where further substantive progress is dependent on a political input.

Your meeting with the Taoiseach in mid-November will provide the opportunity for another frank discussion with him both of the problems and of the prospects for progress. Until that has taken place, we cannot judge where the Irish bottom line may lie nor will they come to terms with the equally real constraints on us.

5. It could be helpful in focussing discussion at your meeting with the Taoiseach if officials were to prepare a clear statement of the positions reached by both sides in the exploratory talks, setting out the extent of the provisionally agreed common ground and the differences both of substance and presentation which remain.

/Sir



Sir Robert Armstrong reports that the Irish have agreed to co-operate in producing such a paper. But there are evident dangers in agreeing or exchanging papers with the Irish at this exploratory stage, when we must be able truthfully to deny that any commitments of any kind have been entered into. For this reason, I am inclined to think that any working paper designed to help us judge just how real the apparent areas of agreement are and how big are the gaps which remain should be prepared only by one side (our own) - but after consultation with the Irish. The Irish might of course want to prepare a parallel paper for their own use, which they might discuss with us; and presumably their paper would in practice cover substantially the same ground as ours. But we would still be in a position to make it clear publicly that there was no joint or agreed paper, and that no paper or papers had been exchanged. I think it is very important that whatever paper we prepare on our side should clearly state its conditional character, and that it should be carefully scrutinised and approved by Ministers before it is used as a basis for discussion with the Irish.

6. Indeed it seems to me that we have reached a point where we require closer and more systematic political scrutiny of these exchanges than has been possible up to now. I therefore welcome your decision to hold a meeting to discuss the issues further with colleagues before the next round of talks between Sir Robert Armstrong and Mr Nally. Meanwhile I should like to suggest that the Secretary of State for Northern Ireland and I should assume joint responsibility for providing day to day political guidance to Sir Robert Armstrong's official group; and you might like to consider establishing a small committee of Ministers under your chairmanship (on the lines of ODK) to which we could report. You

/have

SECRET AND PERSONAL



have already agreed to Sir Robert Armstrong's suggestion for bringing in the Lord Chancellor and the Attorney-General: and I think it would be helpful to include the Lord President, the Lord Privy Seal and perhaps the Secretary of State for Defence.

7. I am sending copies of this minute to the Secretary of State for Northern Ireland, and to Sir Robert Armstrong.

A handwritten signature in dark ink, appearing to be 'G. Howe', written in a cursive style.

(GEOFFREY HOWE)

Foreign and Commonwealth Office

23 October 1984

SECRET AND PERSONAL



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10 DOWNING STREET

From the Private Secretary

SIR ROBERT ARMSTRONG

Thank you for sending me the record of a conversation between our Ambassador in Dublin and the Taoiseach (your minute A084/2279 of 18 October refers).

The Prime Minister thinks that the Ambassador did well to make clear to the Taoiseach that there was no possibility of reaching an agreement on 19 November, and equally no possibility of signing anything in December.

C.D.P.

(C.D. POWELL)

20 October 1984

SECRET AND PERSONAL



Je vsc-43
e PC.

10 DOWNING STREET

From the Private Secretary

SIR ROBERT ARMSTRONG

Anglo-Irish Relations: Northern Ireland

The Prime Minister has read the account of your latest round of talks with Mr. Nally (your minute A084/2773) of 18 October).

The Prime Minister has commented on three points of detail arising from the talks.

She does not agree with the proposal put forward by the Irish side for a Ministerial Committee for Northern Ireland, the Irish Government representative upon which would in effect be a Minister for Northern Ireland Affairs. As regards the role of a joint Security Commission, she does not think the consultative role of such a Commission should extend to operational guidelines for the security forces and prison services in Northern Ireland. She thinks it unlikely that it will be possible to agree a joint declaration at the next bilateral summit.

The Prime Minister continues to be concerned by the gap between Irish expectations from the summit and what we can offer. She wishes to discuss this further with colleagues before the next round of your talks with Mr. Nally. I shall arrange a meeting shortly.

SECRET AND PERSONAL

- 2 -

I am sending copies of this minute to Mr. Appleyard (FCO), Mr. Sandiford (Northern Ireland Office), Sir Antony Acland, Mr. Andrew and Mr. Goodall.

CDD
/

(C.D. POWELL)

20 October 1984

SECRET AND PERSONAL



10 DOWNING STREET

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cpc

From the Private Secretary

19 October 1984

ANGLO/IRISH RELATIONS: NORTHERN IRELAND

The Prime Minister has considered the points raised in the minutes by your Secretary of State, by the Foreign Secretary and by Sir Robert Armstrong on what should be said to the Northern Ireland parties about the ground being covered in the confidential exchanges with the Irish Government.

The Prime Minister has commented that the terrorist bomb in Brighton has slowed these confidential talks down and may, if it turns out to be the first in a series, kill the initiative altogether. This clearly has implications for how much is said to the Northern Ireland parties.

The Prime Minister also recalls that Dr. FitzGerald has been particularly insistent that there should be no leak about the confidential exchanges. She is concerned not to incur any suggestion of bad faith. She therefore thinks that he (or Mr. Barry) should be told in advance of what Mr. Hurd intends to say to the parties in the North, and his agreement obtained.

As to what should be said, the Prime Minister thinks that Mr. Hurd might test the Northern Ireland parties' reactions to some of the ideas which have emerged in the course of the confidential exchanges. But he should do so in the context of taking further the talks which he has already started with them, rather than linking them to the forthcoming summit or to talks with the Irish Government. This means in practice being even more cautious than Mr. Hurd suggests in his minute. For instance the phrase "I do not know what will emerge from the Summit" should be dropped, as should the last three lines of the penultimate sentence of that paragraph, since the phrases in question raise the very fears which they seek to allay. The Prime Minister also agrees with the comments made by the Foreign Secretary.

I should be grateful if a revised Line to Take with the Northern Ireland parties could be prepared, taking

SECRET AND PERSONAL

- 2 -

account of these points, for the Prime Minister to see early next week.

I am copying this letter to Len Appleyard (Foreign and Commonwealth Office) and to Sir Robert Armstrong.

(C.D. POWELL)

Graham Sandiford, Esq.,
Northern Ireland Office.

SECRET AND PERSONAL



Prime Minister 41A

The difficulties are becoming more apparent. We are getting closer to the point when the Irish realize that at best the summit will produce agreement to do further work.

Ref. A084/2773

PRIME MINISTER

Anglo-Irish Relations: Northern Ireland

2. Agree to further meeting with colleagues before the next Nally round? CDD 19/x.

Mr Goodall and I had a further round of talks with Mr Nally and Mr Lillis in London on 15 and 16 October. As indicated in my minute of 10 October, Mr Goodall and I were accompanied by Mr Bourn and Mr Brennan of the Northern Ireland Office and by Mr Alan Goodison, the British Ambassador in Dublin. Mr Nally and Mr Lillis were accompanied by Mr Andrew Ward and Mr Declan Quigley (of the Ministry of Justice and the Attorney General's Department respectively) by Mr Sean Donlon and by Mr Noel Dorr, the Irish Ambassador in London.

2. At the outset Mr Nally expressed the Irish Government's strong sense of outrage at the Brighton bombing, and their profound sympathy with those who had been injured and the relatives of those who had died as a result. The Irish Government had noted with admiration the British Government's resolute stand, and not least the decision that the current talks should go ahead.

3. By way of general introduction, Mr Nally referred once again to the exploratory nature of the discussions. We agreed that the exchanges were continuing on a basis of no commitment by either side. Mr Nally stressed the need for a "package" which would be adequate to reverse alienation of the minority community in the North, transparent, in the sense that it did not contain hidden agendas which might frighten any of the



communities in Northern Ireland, and durable, so that it could be seen as something which would stand for this generation. Mr Nally also stressed the need to avoid over-selling the possibility or raising dangerously high expectations.

4. We then discussed in detail the various matters covered by the speaking notes listed in paragraph 4 of my minute of 10 October, save for the draft joint declaration (note number 10). The British Government side spoke closely to the speaking notes, and I do not therefore need to repeat what we said in this minute, the main purpose of which is to record the reactions from the Irish side.

5. On the amendment of the Irish Constitution, Mr Nally reiterated the three-fold purpose of the proposed change as described in paragraph 8 of my minute of 24 September. He said that he had nothing to add to that at this stage, but he stressed the magnitude of the step which the Irish Government would be undertaking, if it went ahead with a referendum to change the Irish Constitution as proposed. The rest of the package would need to provide an adequate political counter-weight to this large step.

6. I stressed that the British Government would in its turn be taking a very large step in admitting the Irish Government to even a consultative role in relation to the government of Northern Ireland. We doubted whether an amendment to their Constitution, even if it could be achieved, would itself be likely to secure Unionist acquiescence in the other steps proposed unless accompanied by some progress towards devolved government of a kind which would be broadly acceptable to the Unionists.



7. The Irish side asked for our views on the possibility of some kind of statement of principles or objectives, which might emerge as a declaration from the forthcoming Anglo-Irish Summit. I said that I thought that it was premature to discuss that until we had a clearer view of where we were getting to on the various elements in the proposed "package". I could see no possibility of saying anything about the package itself immediately after the Summit: even if Ministers were minded to go ahead with the package, there would be too much work still to be completed. We should in fact be making an interim report to Ministers for the Summit. If on the basis of that interim report they decided that further work should be done with a view to putting together a complete package, there might be a case for some very general statement from the Summit, which could reiterate that there could be no change in the constitutional status of Northern Ireland without the consent of the majority of its people, could condemn violence, and might speak of the need to respect the identities of the two communities in Northern Ireland. I emphasised that I was not drafting, and that it would in our judgment be premature to take the discussion of this matter any further at this meeting.

8. We did not hand over to the Irish side copies of any of our speaking notes.

9. In our detailed discussions we discussed the arrangements for "institutionalised consultation", and I spoke as in our speaking note. The Irish reaction showed that they were thinking of a more formal arrangement, since they spoke of having Ministerial Commission for Northern Ireland, comprising the Secretary of State for Northern Ireland and a member of the Irish Government who (it was clear) would in effect be a Minister for Northern Ireland Affairs. At first they appeared to be thinking in terms of conferring executive powers or functions upon their proposed Ministerial Commission. We made



it clear that anything of that kind would constitute "joint authority" and would be unacceptable. We said that we should prefer not to think in terms of a Ministerial Commission since, even if that was formally a consultative body, it would give an impression of equality in responsibility if not of joint authority. The Irish side appeared to accept that the arrangements would be purely consultative; but they continued to have difficulty with the word "consultation" as part of the public description of what was proposed, because of their fear that something described as consultation would be regarded in the Republic as inadequate. This led them to talk in terms of a provision whereby both Governments would accept a formal obligation to seek agreement on all issues arising for discussion between the Secretary of State for Northern Ireland and the Irish Minister concerned and a formal acceptance that this process must be made to work successfully in order to ensure the maintenance of stability in Northern Ireland. We said that we were not committed to the word "consultation", though that would in fact be the nature of the process since the Secretary of State would retain executive responsibility for all the matters under discussion and would not be sharing formal responsibility with the Irish Minister. We stressed that nevertheless the arrangements proposed would give the Irish Government a very considerable voice in the affairs which were discussed in this way.

10. As to the matters which would come within the ambit of these arrangements, it was agreed that external defence, foreign affairs and finance would be reserved to the British Government, and there would be no right of consultation for the Irish Government in respect of them. The Irish side also accepted that there would be no right of consultation between the British Government and the Irish Government on matters which were devolved to a Northern Ireland Assembly and Executive, though they said that, if an Executive were formed, it would be to the



political benefit of both North and South to have a mechanism whereby the Executive and the Irish Government could consult on matters of mutual interest. We indicated that, on the assumption that the devolution was such as to command a wide measure of acceptance in Northern Ireland, there should be no need for consultation with the Irish Government: the interests of the minority should be secured within the devolution arrangements.

11. That left those matters for which the Secretary of State had executive responsibility. It was agreed that in respect of these there would be an obligation on the British Government to consult the Irish Government and a right to the Irish Government to be consulted. The Irish side suggested that a a minimum the matters on which there should be formal obligations and rights of consultation would comprise:

- a. Nomination of a Northern Ireland Executive.
- b. Nominations to the new institutions that might be set up as a result of the current discussions.
- c. Certain issues of identity, such as flags and emblems, language, sport, place names, and aspects of school curriculum.
- d. Broadcasting.
- e. Posts and Communications.
- f. Security.

12. The Irish side did not seem to dissent from our ideas, as set out in the speaking note, about the way in which consultation might be organised.



13. As to a Joint Security Commission, we described our ideas as set out in the speaking note number 3.

14. In the Irish reaction four things quickly became clear:

1. We envisaged a programme of work for the Joint Security Commission which would be mainly in the area of security co-operation between the authorities north and south of the border. They were thinking of a Commission which would be established as part of the general consultative arrangements and would be concerned with security matters in Northern Ireland only.

2. They envisaged the commission having a consultative role in the establishment of security policy guidelines, including operational guidelines, for the security forces and the prison services in Northern Ireland, in the appointment of the principal officers in the police force and prison service in Northern Ireland, in the recruitment and training of police and prison officers, in relation to complaints against the security forces, and in the appointment of a board of visitors for the prisons in Northern Ireland.

3. We saw the Irish representative on the commission as being the Irish Minister for Justice; they saw him as being the Irish member of their proposed Ministerial Commission (ie their "Minister for Northern Ireland Affairs").

4. They were not against the establishment of a body to improve security co-operation in many of the fields to which we had referred, but they saw this as being separate from the Joint Security Commission; and it was clear that they would be extremely apprehensive about anything which suggested giving such a body operational responsibility.



15. We undertook to look further at the idea that there should be two joint bodies in the security field, and at the list of matters which they were suggesting for a Joint Security Commission. We stressed that in our ideas there was no question of giving a Joint Security Commission operational responsibilities: in the field of joint operations or joint units, such a Commission would be concerned simply with advising on possibilities of and arrangements for joint operations by the RUC and the Garda, but operational responsibility would remain with the two Chief Officers of police.

16. On practical policing measures, the Irish side gave a cautious welcome to our proposals for further steps to increase the recruitment of Catholics into the Royal Ulster Constabulary, but they reacted adversely to the idea of setting up regional crime squads which would be deployed in both jurisdictions. They did not wish to exclude this possibility, as something which could be studied by a Joint Security Commission, but they thought that any specific reference to this in the initial package would be very counterproductive in the Republic of Ireland, since it would carry the implication that the RUC might operate south of the border.

17. The Irish side indicated considerable disappointment that we had not been able to suggest further measures of a more visible and immediate kind for restoring the confidence of the minority community in the policing of the areas in which they lived. They suggested that, if we were not prepared to countenance their ideas of two parallel police forces - and we confirmed that we were not - then we should consider whether there could be some restructuring of the Royal Ulster Constabulary which would in effect provide for Catholic areas to be policed by identifiably Catholic policemen. We said that we would consider whether, if and as Catholic recruitment

increased, we could work towards a policy of posting predominately Catholic RUC policemen in Catholic areas. They suggested that we should consider going further than that, and establishing a number of local police forces with local recruitment, so that people would be responsible for policing in their own areas. They cited the example of Belgium as a small country which had a considerable number of very local police forces. We indicated that in our view any such arrangement would not make for efficient policing; and that any proposal which implied the breakup of the RUC would be unacceptable to the Unionists. There was also some discussion of the idea of setting up a separate force specially for counter-terrorist policing; but we were sceptical about the possibility of that, in a province where the great bulk of crime was either terrorist in nature or closely related to terrorism. They then asked whether we might contemplate a strictly temporary restructuring of the RUC which we could make clear was intended as a short-term measure to win back minority confidence in the police and that at the end of a defined period - perhaps five years - the police would revert to being a fully integrated force. We agreed to reflect on this.

18. We set out our thinking on mixed law courts and an all-Ireland law commission as in the speaking notes, stressing the preliminary nature of our ideas and the fact that they had been prepared without consultation with the judiciary. The discussion of these subjects suggested that there should be no insuperable political problems, though we stressed that it would be difficult to find enough suitable QCs at the Northern Irish Bar to provide the additional Northern Ireland judges which the proposal for mixed law courts would entail. There was agreement upon the general direction of our ideas on these matters, and agreement also that proposals on these lines would be an important part of any package.

19. On devolved government, we spoke as in the first six paragraphs of speaking note number 6. We stressed that in our view an amendment to their Constitution, even if it could be achieved, would not of itself be likely to secure Unionist acquiescence in the other steps proposed unless accompanied by some progress on devolution which would be acceptable to the Unionists. The Irish side too saw progress on devolution as an indispensable element in or accompaniment to the package. They argued that, if the Unionists were told that devolved matters would be outside the arrangements for consultation with the Irish Government, there would be a strong incentive to the Unionists to support proposals for as much devolution as possible.

20. We suggested that there was no prospect that the Unionists would accept devolution to a "power sharing" executive: they thought that they had defeated power sharing in 1974, and they would not acquiesce in its return now. The Irish side, on the other hand, thought that devolution to a government with majority rule, even with safeguards for the minority, would be unacceptable to the nationalist community. They accepted that the Unionists would be very unlikely to agree to a power sharing executive. They urged us very strongly to consider whether this dilemma could be resolved by making the Secretary of State the Chief Executive in a new Northern Ireland Executive. The model they had in mind appeared to be that powers should be devolved to a Northern Ireland Executive which would consist of "Ministers" responsible for the Departments covering the devolved powers drawn from the Assembly parties representing both communities, with the Secretary of State (or possibly another British Minister) as Chief Executive. Thus the Secretary of State would have two distinct constitutional personalities, as the British Minister responsible for the executive functions discharged by the Secretary of State in such matters as security, and as "Prime Minister" of the Executive responsible for the devolved powers. In his capacity as Chief



Executive he would need to be required to consult the Irish Government. He would not be an elected member of the Northern Ireland Assembly and there would presumably have to be some arrangement whereby he could sit and speak in that Assembly. His position as Chief Executive would be a visible guarantee to the Unionists of the enduring constitutional link with the rest of the United Kingdom, and would enable them to argue that the new arrangements were not "power sharing" as they had defeated it in 1974 but an extension of direct rule. It might be possible, the Irish side argued, to set up such an arrangement as explicitly provisional, until such time as the Assembly was ready to nominate a Chief Executive from its own ranks.

21. We explored this idea in discussion with the Irish side at some length, without commitment. We expressed doubt as to whether it was practicable for the Secretary of State to discharge dual functions in the way suggested; and we suggested that there would be something very "colonial" in a situation whereby the Secretary of State presided over the Northern Ireland Executive and sat in the Northern Ireland Assembly without being an elected member. The Irish side acknowledged all these objections, but came back to the point that, if this was the only way of getting devolution going, it would be better than no devolution at all. We undertook to consider the idea further, and report it to Ministers.

22. We outlined our tentative thinking about a possible Anglo-Irish Parliamentary body as in speaking note number 7. The Irish side indicated that they were content with these ideas, and there was no detailed discussion.

23. As to a Northern Ireland Bill of Rights, the Irish side drew attention to the fact that all the parties in Northern Ireland had expressed support for the enactment of a Bill of



Rights for Northern Ireland. They believed that such an enactment would be necessary, both symbolically and in political terms, to secure the support of the nationalist community for the rest of the package. They suggested that the most practical way to go about this would be to incorporate the European Convention of Human Rights into Northern Ireland law. We indicated that there were various difficulties and problems, on the lines set out in speaking note number 11; but indicated that we were keeping this possibility under close review. We should have to consider whether it made sense to enact a Bill of Rights in Northern Ireland and not in the rest of the United Kingdom, and we asked whether the Irish Government would propose to take parallel action in the south of Ireland, if such legislation was introduced in Northern Ireland. The Irish gave no clear answer to this question, indicating that it raised similar difficulties for them as it did in the United Kingdom. They pointed out that the Irish Constitution provided protection of certain human rights.

24. We did not discuss the legislative basis for an agreed package, but the Irish side made it clear that they envisaged an Anglo-Irish agreement which would incorporate a statement of objectives and would provide for the establishment and implementation of the various elements in the package. The agreement would be duly ratified by the two sovereign Parliaments and registered at the United Nations. It would come into operation only if and when Articles 2 and 3 of the Irish Constitution were amended following a referendum.

25. As to the next steps, we thought it would be useful to see whether we could prepare a single working paper (or set of papers) which would identify the matters on which we had reached a reasonable measure of conditional agreement and those on which our positions were still far apart. This could be a focus for discussion at a further Armstrong-Nally meeting early in



November, and be prepared primarily for that purpose. But in the light of discussion at that meeting it might form a basis from which each of us could report separately to our Ministers for the purpose of discussion at the bilateral Summit.

26. I think that the Irish side were half hoping that it might be possible to complete the process and reach agreement on a package at the bilateral Summit. I said that I saw no possibility of this, and made it clear that in our view the process could not and must not be rushed. There would still be some substantial matters disagreed or unresolved for discussion at the Summit. It would not be possible for Ministers at the Summit both to decide how far these matters might in principle be resolved and to reach detailed agreement. It was inevitable that there would need to be a further process of detailed work after the Summit, if at the Summit Ministers thought that the work already done provided a basis for a politically acceptable joint initiative. There would also be many difficult questions, which could be considered only by Ministers, as to how to carry matters forward if and when a politically acceptable package could be agreed in principle between Governments. Our discussions had reached the point where we were unlikely to make any further progress without input at a political level. It might well be that at the Summit Ministers would decide to authorise further work, and give directions for that work, still without any commitment to going ahead with a result. It could indeed well be that one or more further Ministerial meetings would be required after the Summit before the process could be concluded. We did not exclude the possibility of some sort of joint declaration from the next bilateral Summit, if Ministers had decided that work should proceed. I said that it would be premature to discuss the draft of such a declaration at this stage, but it might be possible to do so at the next Armstrong-Nally meeting early in November.



27. The Irish side did not really seek to contest this analysis; but they reiterated the importance of having something definite and specific agreed and out in time to stem the tide of alienation before the local government elections in Northern Ireland due in May 1985.

28. It will be seen from this account of our meeting that, as we get into the detail of the various elements in a possible package, we uncover more areas where either the Irish perception is different from ours or they are pressing for changes bigger than we can accept. A considerable part of our effort at this meeting was devoted to bringing the Irish side back to a greater sense of reality on that. At the same time, we established a considerable measure of conditional agreement on the possible contents of a package, and indeed on much of the detail within each element, although we made it clear that all the detail should be regarded as tentative since the tightness of the circle within which the exercise was being conducted had precluded scrutiny by or consultation with some of those principally concerned. I was left with the strong impression that the Irish Government still set great store by this process, and by the prospects of agreement on a package, that we are still some way from having negotiated them to their bottom line, and that we shall not get them there without your making clear to them at the bilateral Summit both the limits to which we can go on the points which are still not agreed and the continuing commitment of you and your colleagues to the process of discussion and the hope of an agreed and acceptable outcome.

29. There remain some major areas of disagreement and these will move into even sharper focus after the Armstrong-Nally meeting early in November. It seems likely that the bilateral Summit will have to consider whether these differences can be resolved or narrowed to the point where a politically acceptable package can be produced, or whether the search for such a



package is a vain quest and should be abandoned. The question will be whether to go ahead with the quest in the belief that a satisfactory outcome is possible and worthwhile; and, if the answer to that question is "yes", what the procedure and timetable should be from then on. If the decision is to go ahead with further work, albeit without commitment, the Taoiseach can be expected to press for some kind of joint declaration. You and your colleagues will want to consider whether the draft already submitted (speaking note number 10) provides a basis for such a declaration or how it needs to be revised in order that it should do so.

30. I am sending copies of this minute to the Foreign and Commonwealth Secretary, the Secretary of State for Northern Ireland, Sir Antony Acland, Mr Robert Andrew, Sir Philip Woodfield and Mr David Goodall.

RA

ROBERT ARMSTRONG

18 October 1984

PRIME MINISTER

a) "the bomb" has slowed things down and may in the end kill any new initiative because I suspect it will be the first of a series.

b) I am worried by the suggestion of bad faith with Grant

ANGLO-IRISH RELATIONS: NORTHERN IRELAND

4
Fitzgerald. I think that he can't go ahead even with these vague talks without his agreement. mt.

At the Ministerial meeting on 5 October you said that the political parties in Northern Ireland had to be given some idea of the ground being covered in the confidential exchanges with the Republic. Douglas Hurd agreed and said that he would set down the sort of things he proposed to say to them.

Robert Armstrong (Flag A) now says that he sees very considerable risks in discussing these matters even obliquely with the Northern Ireland parties before you see Dr FitzGerald. His main argument is that you might find yourself provoking a confrontation with the Unionists unnecessarily.

Douglas Hurd (Flag B) believes that he should speak to them and can do so without provoking too hostile a reaction.

Geoffrey Howe (Flag C) sees risks in at least some of the things which Douglas Hurd proposes to say and foresees difficulties with the Irish Government, if they are consulted in advance. He thinks that Douglas Hurd should be extremely circumspect in talking to the parties in the North.

You will be receiving separately Robert Armstrong's record of his latest round of talks. The message that we shall have to go more slowly has got across. This means that even less will emerge from the Summit than once seemed likely, which in turn reduces further the need to be specific to the parties in the North about the subjects being discussed. On the other hand, Douglas Hurd has an obligation to hold a further round with the parties in the

North. He needs to say something about the subjects under discussion. And what he proposes to say is already very modest.

Agree that Douglas Hurd should talk to the parties in the North, broadly on the lines he suggests as qualified by Geoffrey Howe?

Or prefer a further meeting to discuss this?
(Difficult to fit in before Douglas Hurd goes to Dublin on Thursday).

e.d.p.

18 October 1984

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Copy No 1 of 6

PRIME MINISTER

NORTHERN IRELAND

When we met on 5 October I promised to let you have a minute on the possibility of giving the Unionists some advance warning of your intended discussion with the Taoiseach on 19 November to avoid subsequent accusations of bad faith.

2. I have since seen Sir Robert Armstrong's minute of 10 October and I agree that we must avoid the dangers to which he refers. Any disclosure of the role that we have contemplated giving the Republic in the North would produce a strong and public reaction, from Paisley in particular, which could prejudice our talks with the Irish and make your task at the Summit more difficult.

3. On the other hand, I am anxious that neither you nor I should be accused later of misleading the Unionists. If momentum is to be maintained, I ought to meet the Party leaders in the North again towards the end of October or the beginning of November to follow up my introductory talks and to press them on the development of their thinking on devolved government. In view of my predecessor's statement in the debate on 2 July that "the Government will want to have talks with each of the parties involved and with the Irish Government"; press speculation about an impending Anglo-Irish initiative; the knowledge that you are shortly to meet the Taoiseach; and my own meeting with Mr Barry on 25 October, it will hardly be possible to avoid some reference to the Irish dimension, or an acknowledgement that a dialogue with the Republic is under way. But given that we are not expecting any dramatic new "deal" to be concluded on 19 November, so that there will not be much after the Summit for the Unionists to complain about, I believe that I could briefly enter on this part of the subject without provoking the sort of Unionist reaction which we want to avoid at this stage.

4. I would remind Molyneux and Paisley that my predecessor, in his speech on 2 July, referred to talks not only with Party leaders in the North, but also with the Government in Dublin. I would say

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that/...

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that as they know, you are to meet the Taoiseach in November and it would be helpful in this context for me to be able to pass on to you the latest thinking of the Northern Ireland parties. The Unionist readiness to recognise the nationalist identity and consider safeguards for the minority will make it easier to answer criticism from Dublin and elsewhere. Naturally, there has been some contact between the two Governments to prepare for the Summit.

5. I would go on to say that I do not know what will emerge from the Summit but the Unionists can be reassured that HMG remains firmly committed to the principle that there can be no change in the status of Northern Ireland as part of the UK without the consent of the majority of its people, and that we have no intention of adopting any of the three options set out in the Forum Report. On the other hand it is common ground that if we are to defeat the terrorists the two Governments and the security forces need to co-operate more effectively. There is a case for the expansion of present arrangements for co-operation and consultation in areas such as security but it is the firm intention of the Government that the Secretary of State would remain in charge and there is no question of our giving up our sovereignty over Northern Ireland. I would indicate at the same time my interest in their ideas for some form of provincial arrangements for majority rule with safeguards.

These phrases raise the very fears they seek to allay.

6. In response to the inevitable questions, I would take the line that I could not disclose details of the official exchanges or of my meeting with Mr Barry. I would not mention the amendment of the Irish constitution, (institutionalised consultation,) or the other specific measures which might be included in a possible package, though if any specific items were raised by Molyneaux and Paisley I would seek to elicit their views on a hypothetical basis. If asked whether there was any "secret deal" I would reply that there was no deal of any sort; the discussions were purely exploratory.

7. I am hopeful that if I were to trail the Summit before Molyneaux and Paisley in this way it might serve our purpose without producing extreme reactions. Exactly what I said would depend in part on the

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progress of the Armstrong/Nally talks, and I think it would be essential to inform the Irish Government of my intention, to avoid possible accusations of undermining the Summit. I could do this when I see Mr Barry.

8. In addition to speaking to Mr Molyneux and Dr Paisley I should have to speak to the leaders of the SDLP and the Alliance Party at about the same time. For the SDLP the message will be that they should not pin all their hopes on the follow-up to the Forum Report; that the follow-up to the Forum Report will not itself produce any complete answer to the question of how Northern Ireland is to be governed; and that the SDLP should soon open their promised discussions with the Northern Ireland parties.

9. I am Top for Questions on 8 November and no doubt the "Irish dimension" will be raised then. I would propose to respond on the lines suggested above and in paragraph 7 of Sir Robert Armstrong's minute.

[in week-end box] C.D.P.
10. It is incidentally interesting and helpful that the clear and well-written pamphlet, "Britain's undefended Frontier" just published (written by Peter Utley, with John Biggs-Davison and other noted pro-Unionists as co-authors) favours a joint Security Commission. You may like to glance at this (copy attached).

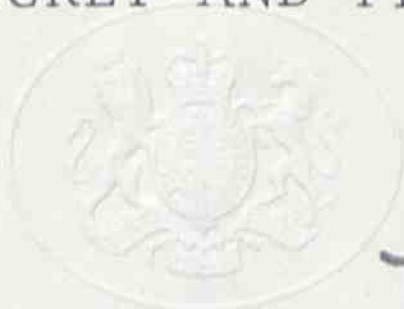
11. I am copying this minute to the Foreign and Commonwealth Secretary and to Sir Robert Armstrong.

N. G. W. and
Private Secretary

for DH
(Approved by the Secretary of State and signed in his absence in Belfast)

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Prime Minister ³⁹

Ref. A084/2279

MR POWELL

This shows Dr. FitzGerald wildly over-optimistic. I am beginning to

The Prime Minister will wish to see the attached record of a conversation which Mr Goodison, our Ambassador in Dublin, had with the Taoiseach the other day, as an indication of the pressures which the Irish Government would exert on us to move faster with the process of discussions which I have been having with Mr Nally.

mm

Think that we may need a message from you to bring home to him that

ROBERT ARMSTRONG

18 October 1984

we are in a different world following the Brighton bomb, and must proceed more slowly.

CDF 19/X,

Sir R. Armstrong - to see

for next subject
← pm
Sir R. Armstrong
McClain D

Mr Goodall

rec'd 18/10

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ANGLO-IRISH RELATIONS

1. When I called on the Taoiseach (about Remembrance Day) on 17 October he said that he had not yet had a full account of the Armstrong/Nally talks of 15/16 October. In particular, he had not seen Nally yet. He understood however that there were still some points of disagreement between us. He was concerned about this because of the urgency which he saw in getting on to the stage where he could set in motion a process leading to a referendum on the constitution. Did I really think that it would not be possible for him and the Prime Minister to reach final agreement on 19 November?

2. I confirmed that this was my view. I said that although they might possibly agree on further guidelines for the group there was no question about being anywhere near the drafting of an agreement as yet. There were still considerable divergences in our approach. The most we could hope for would be some kind of statement of principles.

3. He said that he regarded it as absolutely essential that HMG should be seen to be taking action on the ground in Northern Ireland, in such ways as restructuring the police force (an allusion which I did not take up), well before the local elections in Northern Ireland on 25 May. He did not attach credence to the stories which Sinn Fein were putting about that they would not make a big effort in these elections. I said that I thought it was possible that we could sign an agreement before May, for implementation subsequently thereafter. Could the elections not be fought on the issue of the agreement itself? He said he thought this would be disastrous. He was very anxious to get the Irish referendum through as quickly as possible after signature of the agreement because he envisaged serious danger of substantial terrorist activity in the Republic, both by Sinn Fein and by protestant paramilitaries in the interval between signature and implementation, in an effort to prevent the referendum succeeding. He was also concerned about the

requirement to ^{? debate} devote the budget at the end of January in the Dail. This was a constitutional requirement. He wanted to adopt the law which would provide for the calling of a referendum before then. The referendum itself would have to take place a month after such a law had been passed and this timetable would only just give time for the British to start putting the agreement into effect before the election campaign got under way.

4. I asked him what, then, would be his ideal date for the signature of an agreement. He replied that it would be the middle of December. I told him that I had no instructions, but my personal view was that this was quite impossible (I naturally had in mind the Secretary of State's view that we should not proceed too quickly). I said there were many outstanding points at issue, and when these have been resolved drafting would take time. I did not think it would be possible for us to have an agreement ready for signature before, say, the end of February. I admitted that Sir Robert Armstrong had said at one point that if a declaration of principles was to be made at his meeting with Mrs Thatcher we should have to proceed quite fast after that, but I did not suppose that Armstrong was thinking of anything earlier than the end of the winter.

5. Dr FitzGerald seemed really distressed by what I had to say. He said that nobody on the Irish side had said anything to suggest to him that our proceedings would take so long. He regarded it as absolutely vital that we should follow the kind of timetable he had outlined. I reiterated that I did not see how this could be done. I naturally promised to report the conversation at once.

6. We were alone. I have since informed Lillis briefly of this talk.

A C Goodison

Dictated by secure phone



FILE

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10 DOWNING STREET

From the Private Secretary

SIR ROBERT ARMSTRONG

ANGLO-IRISH RELATIONS: NORTHERN IRELAND

In your minute of 17 October to the Prime Minister you sought her authority to extend the range of consultations on proposals to be discussed with the Irish Government to include the Lord Chancellor, the Attorney General and Sir John Hermon. The Prime Minister agrees to this.

I am sending a copy of this minute to Mr. Appleyard (Foreign and Commonwealth Office) and to Mr. Sandiford (Northern Ireland Office).

(C.D. Powell)

18 October, 1984

Prime Minister 32



Agree that the Lord Chancellor, the Attorney-General and Sir John Hermon can be brought into the discussions?

Yes no

Ref. A084/2767

PRIME MINISTER

Anglo-Irish Relations: Northern Ireland (This is not

I am sending you separately a minute reporting the outcome of my meetings earlier this week with Mr Nally and other representatives of the Irish Government. *incompatible with slowing them down:*

2. Though we have extended the circle of those aware of and involved in the discussions to include Mr Brennan and Mr Bourn from the Northern Ireland Office, the Chief Constable of the RUC, Sir John Hermon, has not yet been made a party to what is proposed. We have discussed the proposals for mixed law courts and an all-Ireland law commission with the Lord Chancellor's Department, but they have not yet been discussed either with the Lord Chancellor or the Attorney General. I think that the time has come when Sir John Hermon should be brought into the process and consulted about the elements of the package concerned with joint security arrangements and with practical policing measures; and that the Lord Chancellor and the Attorney General should be consulted about the proposals for mixed law courts and an all-Ireland law commission. I seek your authority to extend the range of consultation accordingly. *indeed it will probably contribute to doing so. CAP 17/x*

3. I am sending copies of this minute to the Foreign and Commonwealth Secretary and the Secretary of State for Northern Ireland.

RA

ms

ROBERT ARMSTRONG

17 October 1984

PS
PS/LADY YOUNG
PS/VR RENTON

PS/PDS

~~SIR J. SUDBURY~~

MR JENKINS

PS/S. C. S

PS/MR R. ANDREW
OAB 1/56

MR BERNAN

MR ~~W. BURNS~~

J. LYON

MR ~~B. SMITH~~

NIO

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SIR B ARMSTRONG

DIO

CABINET

PS/NO 10 DOWNING STREET (3)

CONFIDENTIAL

FM WASHINGTON 172254Z

TO IMMEDIATE FCO

TELEGRAM NUMBER 3110 OF 17 OCTOBER 1984

INFO IMMEDIATE DUBLIN

SAVING BOSTON

IMMEDIATE

MY TELNO 3099: IRISH GUN-RUNNING

1. THE US CUSTOMS TOLD US TODAY THAT THEY EXPECT TO BE ABLE TO BRING A STRONG CASE AGAINST THE OWNER AND CREW OF THE VALHALLA FOR COMPLICITY IN SMUGGLING ARMS TO IRELAND.

2. THE VALHALLA IS ALSO, HOWEVER, KNOWN TO BE DEEPLY INVOLVED IN DRUGS SMUGGLING, AND THE US AUTHORITIES WISH TO COMPLETE SOME FURTHER PATHER DELICATE INVESTIGATIONS BEFORE MOVING TO MAKE ARRESTS. THESE INVESTIGATIONS COULD POSSIBLY LEAD TO THE ARREST OF OTHERS INVOLVED IN THE SUPPLY OF ARMS.

3. ADVANCE COPIES TO NIO(L)N HOME OFFICE, AND TO RID, PUSD.

WRIGHT

NNNN

36A.



Foreign and Commonwealth Office

London SW1A 2AH

17 October 1984

*Dear Charles,*Northern Ireland

The Foreign Secretary has seen a copy of the Northern Ireland Secretary's undated minute to the Prime Minister commenting on Sir Robert Armstrong's minute to her of 10 October, which set out the risks that would be involved in speaking to the Northern Ireland parties in advance of the November Summit about the ground now being covered in confidential exchanges with the Irish Government.

The Foreign Secretary questions whether the Northern Ireland Secretary need expose as much surface as he suggests in paragraph 5-6 of his minute. On paragraph 6 in particular, Ministers and officials involved have been scrupulous in avoiding comment on the public speculation about possible secret talks with the Irish. Nevertheless most of the elements of the package, which have been explored in those talks, have been discussed in the press. Any alert member of the public with an interest in Northern Ireland will be aware of the speculation and able to draw his own conclusions. The Unionist leaders in question certainly fall into this category. It may thus be more difficult in practice than the Northern Ireland Secretary hopes to keep the discussion on a "hypothetical basis", and arguably unlikely that Mr Molyneux or Mr Paisley would report it in those terms to their supporters afterwards. The Foreign Secretary therefore questions the judgement in the first sentence of paragraph 7.

He also has substantial reservations about the idea of expressing interest in "majority rule with safeguards" (the last sentence in paragraph 5). Unionist politicians would be bound to seize on this as a sign of support, and to trumpet it abroad. It would have an extremely damaging effect on opinion in the South and on the Nationalist community in the North. Sir Geoffrey believes it would be better to confine ourselves to exploring what the Unionists mean when they talk about provincial arrangements with safeguards for the minority, without any reference on the Government's part to "majority rule".

/The

SECRET AND PERSONAL



The Foreign Secretary is also concerned about what might be said to the Irish Government in advance. To some extent the Dublin Government have already been put on notice (by Mr Prior's statement in the debate on 2 July) that the Northern Ireland Secretary will be having talks of this kind with party leaders in the North. Sir Geoffrey takes the point that in order to avoid possible accusations of undermining the Summit in advance it is necessary to say something more. But he wonders whether it is necessary to say very much. It is more than likely that, if the Northern Ireland Secretary were to tell Mr Barry the full extent of his intentions, then Barry would ask him to abandon his plan, because of the severe political embarrassment which would be created for Dr FitzGerald's Government by a premature or partial revelation of the nature of the package under discussion. It is not clear what the Northern Ireland Secretary would do in such circumstances. To disregard Mr Barry's objections would provoke a row with the Irish and prejudice the exercise we are engaged in with them. Simply to bow to his wishes would be to accept an undesirable degree of constraint on what is formally an internal matter for the United Kingdom.

The Foreign Secretary acknowledges that if all these hazards could be successfully negotiated, then HMG's freedom of manoeuvre would be considerably enlarged. But he is no doubt about the substantial nature of the risks involved and so about the need to continue along the path of caution. He therefore hopes that the Northern Ireland Secretary will be extremely circumspect in talking to the parties in the North, and will not go beyond what courtesy demands when he sees Mr Barry on 25 October.

I am sending copies of this letter to the Private Secretaries to the Secretary of State for Northern Ireland and to Sir Robert Armstrong.

Yours ever,

Les Appleyard

(L V Appleyard)
Private Secretary

C D Powell Esq
10 Downing Street

SECRET AND PERSONAL

Britain's Undefended Frontier:
A Policy for Ulster

*The Report of
an Independent Study Group*

Prime Minister

This is the
paper which Douglas
Hurd sent you,
written mostly by
Tom Utley.

Its main
proposals come in
pages 19-21, and
are expanded in
22-24.

CDP
16/x

mt

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The Institute for European Defence and Strategic Studies was set up in London in 1979 to study political change in Europe and to assess its impact on strategic and defence issues. It is, therefore, particularly concerned with those developments which affect the future of the Western Alliance. It is hoped that the findings of its authors and contributors will be of interest to academics, politicians and others who have an impact on the formulation of policy. It is also hoped that by contributing to the exchange of ideas and information the Institute will increase understanding of the complex issues involved.

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Preface

This publication is the second in our series of European Security Studies. Unlike its predecessor and the issues which will follow, it is the work of a study group rather than a single author. The group comprises a distinguished public servant, a senior journalist and commentator on Northern Irish matters, and three MPs with a deep interest in the affairs of the Province. Motivated by concern about the inability of successive governments to deal adequately with the tangled political and security problems of Ulster, it began its task of analysing these problems and making recommendations accordingly in early 1983, and it has met periodically since that time.

Although this Institute is not responsible for the creation of this group, we are pleased to publish its findings because of the lucidity and rigour of its analysis and because its prescriptions appear to us to display a rare combination of imagination, prudence and realism. Appearing at a time when existing policy shows distinct signs of exhaustion and a new Secretary of State for Northern Ireland has just been appointed, we hope that the group's report will be regarded as a useful and timely contribution to the continuing debate about the future direction and conduct of policy in the Province.

The Institute is especially indebted to T. E. Utley for having distilled the opinions and recommendations of his colleagues with elegance and clarity

October 1984

G.F.

Foreword

A neutral observer, the American Admiral Mahan, who made the study of sea-power his life's work, noted over 80 years ago that "the ambition of the Irish separatists, if realised, would be even more threatening to the national life of Great Britain than the secession of the South was to the American Union." Much the same thought must have been in the minds of those who composed a British Cabinet Paper in 1948, when John A. Costello was about to take Southern Ireland out of the Commonwealth, in what Lord Rugby, the British Representative in Dublin, described as a "slapdash and amateur action":

"Now that Eire will shortly cease to owe any allegiance to the Crown it has become a matter of first strategic importance to this country that the North should continue to form part of His Majesty's dominions. So far as can be foreseen, it will never be to Great Britain's advantage that Northern Ireland should become part of a territory outside His Majesty's jurisdiction. Indeed, it seems unlikely that Great Britain would ever be able to agree to this, even if the people of Northern Ireland so desired."

For present purposes, the last sentence can immediately be discounted, for the British Government has since made it clear – for example, in the Sunningdale Agreement of 1973 – that whatever the risk to Great Britain's national security the union of Ireland, North and South, would not be opposed, if this should clearly be the wish of the majority of the citizens of Ulster. At the time, however, the sentence would have confirmed all Eamon de Valera's suspicions, for he was utterly convinced that Partition was a Machiavellian device, forced upon Ireland by Britain for her own ends. Partition, he said, was "a purely arbitrary act, inspired solely by considerations of British Imperial policy and contrary to every interest of the Irish people. Imposed by force and maintained by subsidies, partition is the worst of all the many crimes committed by British statesmen against the Irish people during the last 750 years." Asked by a British newspaper whether a government under his leadership would "recognise the accomplished fact and have friendly relations with the Northern government," he replied "No, I cannot exactly say that", adding that the Unionists of Ulster, "who have wilfully assisted in mutilating their motherland, can justly be made to suffer for their crimes." (Quoted in Robert Cielou, *Spare My Tortured People: Ulster and the Green Border*; Whitethorn Press, 1983).

Younger and less prejudiced nationalist writers than de Valera have more clearly acknowledged that Partition was not imposed or maintained by Great Britain for her own ends. Thus, Donal Barrington insists that Partition was not forced on Ireland by the British Government against the wishes of North and South and thinks it nearer the truth to say that it was forced upon the British Government by "the conflicting demands of the two parties of Irishmen." (Donal Barrington, *Uniting Ireland*; Dublin, 1957). As John Forgan has written, "To say that Partition was created and is maintained for ulterior motives is untrue. On the contrary, all the British parties without exception have sought at one time or another to find a solution, even to the extent of

betraying their Northern adherents. It was only through the determined clash of rival Irish wills that Partition became inevitable." (*Ibid*). Michael Sheehy talks of the "most childish evasions, the most ignoble of pretences, to ignore the many and fundamental differences which more than adequately explain the political division of Ireland." (Michael Sheehy, *Divided We Stand*, 1955).

Do the Irish comprise a single nation? Those who talk of the *re*-unification of Ireland would do well to remember that, save perhaps for a few years in the Dark Ages under Brian Boru and his like, Ireland in all its long and troubled history has *never* been united, except under British rule. Yet the case against Partition and in favour of the unification of Ireland has been succinctly put by the late Sean Lemass:

"It is indeed the simple truth that Ireland is one nation in its history, in its geography and in its people, entitled to have essential unity expressed in its political institutions. Ireland is by every test one nation. It is on that essential unity that we found our case for political reintegration." (Cielou, *op.cit.*).

In reality, not one of the three tests of nationhood proposed by Sean Lemass stands up to scrutiny. To say that Ireland is "one nation in its history" is meaningless, unless it only means that Irish history happened in Ireland. To claim that Ireland is "one nation . . . in its people" is also demonstrably untrue, when one third of the population of the island, living in the North, are the descendants of the Ulster colonists – English or Lowland Scots (the latter being mainly of Anglo-Saxon descent) who were of a different race from the Gaelic Irish of the South. Nor has there ever been any sign of their being assimilated in a permanent and thorough way. A generation ago the historian Cyril Falls noted that "racial differences have been preserved over three centuries in an astonishing fashion. An experienced observer walking among the crowds of small farmers on Fair Day in Omagh or Enniskillen could pick out settler from native with ease. He would not, of course, use those terms. He would say 'Protestant face! Catholic face!' and he would be right nine times out of ten. If, instead, he were handed a roll of surnames he could find his way equally well." (Cyril Falls, *The Birth of Ulster*; Methuen, 1936).

There remains, therefore, only the geographical test – that Ireland is "one nation in its geography." Ireland is an island, a geographical entity; should it not, therefore, be a political entity? The same argument, it has been pointed out, could be used to justify the "integration" of Portugal with Spain; it is dangerously two-edged. As a glance at the map will show, it can be claimed with equal force that the British Isles, including Ireland, are a geographical entity. Indeed, it was this that led to the British invasion and conquest of Ireland, which were undertaken primarily for defensive reasons, in the conviction that a common defence policy was essential for two islands so closely linked by geography.

The strategic importance of Ireland to the security of Great Britain has been fully appreciated since Tudor times, as both the Spanish and the French sought to establish footholds here as a prelude to the conquest of England.

The importance of Ireland to the safety of the western approaches to Great Britain was demonstrated beyond doubt in the two World Wars of the present century. In both, the submarines of the German Navy came close to starving the United Kingdom into submission. But in the First World War the British enjoyed an advantage that was denied to them in the Second. Ireland was then still part of the United Kingdom, and the British had free use of all her ports and bases. With wartime experiences fresh in their memory, the British, whilst negotiating the treaty that led to the establishment of the Irish Free State, asked for the right to maintain bases in certain ports. The Irish leader, Michael Collins, saw at once the logic of the request and acceded to it. Britain

was granted rights in the "Treaty Ports" of Berehaven, Queenstown and Lough Swilly.

In 1938, only a month before Munich, the British Prime Minister, Neville Chamberlain, surrendered those rights. He had hoped that, in return for the gesture, Southern Ireland would enter into a defensive alliance. But Eamon de Valera, who said later that he had never expected to be given back the Treaty Ports, and could hardly believe his good fortune, refused to have any strings attached. The people and Parliament of Great Britain accepted the *fait accompli* with a complacent equanimity and it was left to a handful of Ulster Unionist MPs to warn of the possibility of Southern Ireland's remaining neutral in the coming war, as indeed she did. As Winston Churchill, a voice crying in the wilderness, emphasised, "It will be no use saying that in the event of war we will retake the ports; you will have no right to do so." Later on, Churchill recorded his impressions: "Personally, I remain convinced that the gratuitous surrender of our rights to use the Irish ports in war was a major injury to British national life and safety. A more feckless act can hardly be imagined, and at such a time. Many a ship and many a life was soon to be lost as a result of this improvident example of appeasement." (Winston S. Churchill, *The Second World War*, Vol. I; Cassell and Co. Ltd., London, 1948).

In the event, the Second World War came, the Treaty Ports remained closed to the Royal Navy, and de Valera not only kept Southern Ireland stubbornly neutral, but loudly protested that the billeting of American troops in Ulster in 1941-42 was a monstrous violation of Ireland's national sovereignty. The denial of the ports was an exasperating handicap to a Britain struggling for survival. "More serious than the air raids", Churchill told the House of Commons in 1940, "has been the recent recrudescence of U-boat sinkings in the Atlantic approaches to our islands. The fact that we cannot use the south and west coasts of Ireland to refuel our flotillas and aircraft and thus protect the trade by which Ireland as well as Great Britain lives, is a most heavy and grievous burden and one which should never have been placed on our shoulders, broad though they may be."

There was also the ever-present risk that a German invasion force might land in Ireland, North or South. De Valera told the American Minister in Dublin, David Gray, that if he were in charge of German strategy he would land in one of the nationalist areas of the North and proclaim himself a "liberator." In fact, the Germans dismissed as "too childish" an IRA attempt to inveigle them into a plot to invade Northern Ireland, but they prepared plans in some detail for an invasion of the South. By the summer of 1940, according to a recent source, "few people could have had a more detailed knowledge of the border than the cartographers of the Wehrmacht's Department of War Maps and Surveys." The German invasion was to be led by General Kaupisch, with the 4th and 7th German Army Corps and a force of some 4,000 men, landing on the south-eastern coast between Wexford and Dungarvan as part of an invasion of Britain launched from the French Ports. These were never more than contingency plans, but as late as December 1941 Hitler, echoing Napoleon, was writing that "the occupation of Ireland might lead to the end of the war." In the event he turned East instead of West, and Eamon de Valera did not have to face his dilemma. (Robert Fisk, *In Time of War: Ireland, Ulster and the Price of Neutrality*; André Deutsch, London, 1983).

There can be little doubt that it was Partition, and the fact that Ulster had chosen to remain in the United Kingdom, that saved Britain and enabled her to win the Battle of the Atlantic. While Southern Ireland stayed neutral, Ulster fought alongside the mother country. In the dark days of 1941 the Prime Minister of Northern Ireland, Lord Craigavon, spoke for the majority of his citizens when, in a broadcast to the nation, he told the people of Britain, "We are King's men and we are with you to the end." The

ports and bases of Ulster remained open to Britain, which had been denied the use of the Treaty Ports in the South. Destroyers, frigates and corvettes sailed out of Belfast and Londonderry to confront the German U-boats in the Atlantic; flying boats took off from Lough Erne on the same errand; the Royal Air Force and the Fleet Air Arm had the use of a whole string of airfields from Aldergrove in the east to Limavady, Ballykelly and Eglinton in the west, along the southern shore of Lough Foyle. The debt was generously acknowledged by Churchill in May 1943: "Loyal Ulster gave us the full use of the Northern Irish ports and waters and thus ensured the free working of the Clyde and the Mersey . . . But for the loyalty of Northern Ireland and its devotion to what has now become the cause of 30 governments or nations, we should have been confronted with slavery and death and the light which now shines so strongly throughout the world would have been quenched."

It all happened less than 50 years ago and many still remember it well. The Ulster Unionist may, indeed, be forgiven if he sometimes thinks that the British, who today seem anxious to opt for the quiet life, and to jettison Ulster as a tiresome, expensive and incomprehensible appendage which should be left to stew in its own sectarian juice, have very short memories. Ulster paid a heavy price for her loyalty in the Second World War, and paid it uncomplainingly, except for an understandable anger at the way in which the lights of neutral Southern Ireland, where there was no blackout, showed the German bombers the way to Belfast, where more people were killed in a single night's bombing than in any other city of the British Isles.

Is Ulster still so important? In the nuclear era, it is tempting to believe that it would not matter whether or not Britain was able to use the Ulster bases in a future conflict. However, this is a short-sighted view. Admiral Gorshkov, since 1956 Commander in Chief of the Soviet Navy, has stated that "it may be necessary to conduct a persistent and sometimes also a rather prolonged struggle, employing various forces and equipment at sea, in the air and, in certain cases, in coastal areas also". NATO too is thinking in terms of a conflict that would require ships, supplies and convoys across the Atlantic. Few would reach Europe unless Ireland, in whole or in part, was committed to the struggle.

In the light of the repeated pledges of successive British governments, to force Ulster into the Irish Republic against the wishes of the majority of her inhabitants would be a betrayal of commitment, obligation and honour. However, it would also present a grave danger to national security.

Strategic considerations do, of course, present only one part of the picture. Britain remains wedded to Ulster by her historic commitments, her ties of blood and kinship, and her repeated promises to protect the rights and liberties of the people of Ulster. Conflict and instability in Ireland will affect Britain in an inescapable way. To allow the present situation to continue is obviously unacceptable; to withdraw, a tempting option for those impervious or indifferent to the realities of the present conflict, might very well prove catastrophic. What, then, can be done? In what follows, an attempt is made to find a new policy for Ulster, which will enable Britain to fulfil her obligations whilst satisfying the legitimate interests and aspirations of both communities.

II. The Protagonists

Discussions about British policy towards Ulster are often faulted by failure to define, with enough clinical rigour, the aims, policies and attitudes of the various protagonists in the present conflict. Accordingly, this report begins with such an analysis.

The Provisional IRA

There is no mystery about the objectives of the Provisional IRA and its political wing, Provisional Sinn Fein. Their immediate aim is to expel the British Army from Ulster and to bring about a total severance of Ulster's links with the United Kingdom. Beyond this, the Provisional IRA is also committed to destroying the constitution of the Irish Republic and to the establishment of some sort of revolutionary regime for the whole of Ireland. It is not possible to describe with certainty what the nature of that regime would be, though the intention is that it should be Gaelic and socialist in character.

These aims are being pursued chiefly by means of sustained guerrilla warfare, directed against the security forces and sections of the civilian population in Northern Ireland. At the same time, however, they are being pursued by a constitutional political campaign under the management of Provisional Sinn Fein. In spite of that party's unconcealed partnership with the IRA (which is, of course, an illegal organisation in both Britain and the Republic), Provisional Sinn Fein is, both in the United Kingdom and in the Irish Republic, a lawful political party. At recent elections in Ulster, it has achieved a substantial measure of success (see Appendix I).

The Provisional IRA and its political wing exclude the possibility of any kind of political compromise in Ulster. They claim to be the contemporary embodiment of the Irish Republic which was proclaimed during the unsuccessful Easter Rising of 1916, and as such to be the only legitimate source of political authority in Ireland. They have declared that their present campaign will be their last campaign, by which they mean that it will be sustained until its purpose has been achieved. Such attempts to negotiate with them as have been made during the present troubles have resulted in nothing more than uneasy and incomplete truces; these have been employed as breathing spaces, allowing them to reassemble their forces, and have had the invariable effect of prompting counter-action by Unionist paramilitary movements. The essential challenge of the IRA, therefore, can be met only by victory or surrender.

The Irish Republic

The position of the Irish Republic is altogether more complex. Its constitution lays claim to political authority over the whole of Ireland and, therefore, to a latent jurisdiction over Ulster. In practice, however, the Republic accords *de facto* constitutional and diplomatic recognition to Ulster's status as a part of the United Kingdom. What is more, the Republic has now formally committed itself to the proposition that Irish unity must not be imposed by force and should come about only with the consent of the people of Northern Ireland.

In recent years, successive governments in the Republic have strenuously demanded the establishment of a devolved legislature in the North, equipped with a constitution which will ensure, as a matter of right, the representatives of the nationalist minority in Ulster a permanent share of executive power. They have also sought the establishment of various all-Ireland institutions (such as a Council of Ireland) which, without involving any formal abrogation of British sovereignty, would ensure that matters of common interest were jointly managed by Irishmen from both North and South.

Resistance from the North to this last proposal led to its being somewhat modified by the introduction of a new concept – that of “the totality of relationships within the British Isles.” The ideal underlying this concept was that co-operation between North and South over social and economic matters would be rendered more palatable if it were set in the context of co-operation between the United Kingdom and the Irish Republic. This idea has been embodied in an Anglo-Irish Inter-Governmental Council, at present in its infancy.

Most recently, the New Ireland Forum, established in Dublin in 1983 by Dr. Garret FitzGerald’s government, has put forward for discussion proposals which ostensibly represent the current position of the three main political parties in the Republic and the nationalist Social Democratic and Labour Party in Ulster. Three constitutional models have been offered for consideration: a unitary Irish state, separate from the United Kingdom; a federal or confederal Irish state which would ensure a degree of local autonomy to the North; and a somewhat ill-defined arrangement, described alternatively as joint British-Irish sovereignty over the North and joint British-Irish authority over the North.

The precise status of these proposals was uncertain from the outset. It now appears that the main opposition party in the Republic (Fianna Fail) will accept nothing short of an all-Ireland unitary state; the Republic’s coalition government (Fine Gael and Labour), on the other hand, puts greater emphasis on the third constitutional model, and Dr. FitzGerald has been at pains to stress the point that this model would not necessarily involve the abandonment of British sovereignty in Ulster.

Whether he or anyone else would regard this compromise as a final resting place, however, must at least be open to serious doubt, so long as the Republic’s constitution continues to lay claim to political authority in Ulster. Some ambiguity also surrounds what Southern Irish politicians mean by the word “consent.” All the main parties in the Republic repudiate violence as a means of unifying Ireland; all are formally committed to the view that unification should only come about if the people of Ulster freely choose it; yet all the Southern parties object to what they describe as the British Government’s guarantee that Ulster will remain part of the United Kingdom. They would like the British Government to embrace Irish unity as its objective and “to persuade” Ulster to accept it – though the means by which this persuasion would be administered are not clearly specified.

It may be said with some certainty, however, that neither the government nor the opposition in the Republic seeks the immediate withdrawal of British troops from Ulster. All constitutional parties in the Republic feel deeply menaced by the IRA’s campaign in the North and believe that a British withdrawal would put their own country in the gravest peril.

For this reason, there has for long been substantial cross-border co-operation over security. That co-operation, however, continues to be limited by various historical factors. The Republic is, for example, unwilling to agree to direct contact between its own army and the British Army in Ulster, though it permits direct contact between the two police forces. This limitation makes the effective policing of the long and winding

border between North and South harder than it need otherwise be, and makes it easier for terrorist criminals to escape to the Republic. The Republic also refuses to extradite for political offences, though some recent judicial decisions have narrowed the definition of a "political offence." Arrangements also exist for the trial in the Republic of people accused of terrorist offences in Ulster and elsewhere in Britain, but the difficulty of persuading witnesses to cross the border, and the fact that the Royal Ulster Constabulary is not permitted to send officers into the Republic to examine accused persons, have rendered this system largely useless.

Although the Republic has strong anti-terrorist laws and special courts to enforce them, there can be little doubt that there is still much scope for greater co-operation in the common battle against the IRA. This cooperation is also made harder by the continuing tendency of governments in the Republic to impugn the impartiality of the security forces in Ulster. One of the underlying themes of government policy in the Republic has for several years been the suggestion, often tacit, that greater co-operation over security might be forthcoming if the British Government would make gestures in favour of ultimate Irish unity in return. But experience has shown that gestures of that kind, however tentative, have the countervailing effect of prompting Unionist discontent, and even violence, in the North.

In essence, the policy of the Irish Republic towards Northern Ireland remains in some degree ambiguous. The Republic is emphatically against the IRA; it has done much to discourage support for the IRA from the American Irish community. On the other hand, it has missed few opportunities to arraign Britain before the court of world opinion for what it alleges to be her imperfect respect for the rule of law in governing Ulster – and this in spite of the extremely tough measures applied by the Republic itself against IRA terrorism. The Irish Republic seems to want British forces to remain in Ulster for the foreseeable future as a barrier against Republican terrorism; it also seems to want to encourage British participation as an instrument of its aspiration to Irish unity.

Nationalists in the North

The Social Democratic and Labour Party in Ulster, under the leadership of John Hume, represents the constitutional opposition to Unionism. In terms of the votes cast for it at various elections (see Appendix I), it is still the strongest nationalist party there, though serious inroads into its support have recently been made by Provisional Sinn Fein.

At its formation in the early 1970s, it presented itself as a new and modernised nationalist party, which would not be obsessed with the issue of Irish unification, and would concentrate rather on a programme of political, social and economic reform, designed to improve the lot of the Roman Catholic community. However, as violence increased, the SDLP, while opposing Republican terrorism, felt increasingly alienated from the constitutional authorities. Its members withdrew from the old Stormont parliament – in protest against a security incident in Londonderry – in July 1971 and later engaged in a campaign of civil disobedience, chiefly directed towards the abolition of the newly introduced practice of internment.

The SDLP re-emerged onto the political stage towards the end of 1973, and agreed to take part in the power-sharing executive and devolved assembly which were set up under the terms of the Sunningdale Agreement. These arrangements were short-lived, however, and both the executive and the assembly collapsed under the impact of a Loyalist industrial strike in 1974.

The present position of the SDLP is essentially similar to that of the Dublin Government. The New Ireland Forum was largely its brainchild and John Hume signed the Forum's report, which was published on 2 May 1984. The chief planks in the party's programme are the re-establishment of some sort of power-sharing, devolved government in Ulster (though the party now increasingly despairs of achieving this), the establishment of strong all-Ireland or British-Irish institutions and the ultimate unification of Ireland by consent. The party wants the British Government to embrace this last objective. When in October 1982 the Secretary of State for Northern Ireland, James Prior, an elected consultative assembly in Belfast, the SDLP contested the elections but declined to sit in the Assembly, adopting the same abstentionist tactics as Provisional Sinn Fein, although for different reasons. It does, however, contest British and European elections—and is represented in both the British and European Parliaments.

The Unionist Community

The chief political representatives of constitutional Unionism in Ulster are the Official Unionists, under the leadership of James Molyneaux. In terms of votes cast and candidates returned in the Parliamentary and Assembly elections, it is the strongest party in Ulster, though its chief Unionist rival, Ian Paisley's Democratic Unionist Party, tops the poll at European elections (see Appendix I).

The fundamental premise of Official Unionist policy is the inviolability of the constitutional status of Ulster as a part of the United Kingdom. The party does not address itself to the question of what would happen if the majority of the people of Ulster should ever choose incorporation in a united Ireland, since it refuses to envisage the possibility of such a choice being made. It vigorously opposes all plans for compulsory power-sharing, arguing that it is a violation of democracy to give minority parties an automatic place in government and to insist on the formation of coalitions between parties with fundamentally different views about the legitimacy of the State. It is equally opposed to all-Ireland political institutions (such as a Council of Ireland), though it does not, with any definiteness, exclude forms of institutional co-operation between the United Kingdom and the Republic based on a mutual recognition of sovereignty.

The majority of its members would choose, as their ideal constitutional structure for Ulster, a form of devolved government, closely resembling Stormont and based firmly on majority rule and collective Cabinet responsibility, though including certain guarantees of adequate minority participation in consultative committees. The party is, however, increasingly reconciled to the view that such arrangements would not be acceptable either to the SDLP or to the British Government.

In a recently published party document, *The Way Forward* (April 1984), the Official Unionists have struck a new note. Their immediate aim now seems to be the creation of an upper layer of local government in Ulster, combined possibly with the devolution to an elected assembly of certain administrative powers. There would be no local legislature and therefore no Cabinet. The party envisages that an assembly in Ulster, equipped with such local government and administrative powers, would operate largely through committees and that, in conformity with the well-established convention of local government in the rest of the United Kingdom, the chairmanships of these committees would be distributed in accordance with the respective strengths of the participating parties. This, it is claimed, would go a long way towards securing minority participation in government without involving compulsory power-sharing. These arrangements would also have the advantage of filling the vacuum created by the absence of an upper tier of local government in Ulster since the suspension of the

Stormont parliament, which decided to combine local government and legislative powers in 1972.

The Official Unionists now also express their willingness to see enacted some sort of fundamental law, designed to protect minority rights and to offer State support for the cultural activities (such as the learning of Gaelic and the playing of Gaelic games) through which the nationalist minority asserts its identity. These important developments in the Unionist position have substantially influenced the conclusions of this report.

The chief Unionist rival of the Official Unionist Party is Ian Paisley's Democratic Unionist Party. This party is held together chiefly by personal loyalty to Ian Paisley. He has, in the course of his career, adopted a variety of attitudes in respect of constitutional matters. He is not a politician who is deeply concerned with detail. His aim has been to be the principal spokesman of Protestant Ulster, and in the process of pursuing that aim he has been a loud critic of the British Government.

His current position, like that of the Official Unionists, rests on the assumption that Ulster must, in all circumstances, remain a part of the United Kingdom. He calls for the establishment of a strong, devolved parliament in the Province, with powers that include the control of security. He asserts that this parliament should be based firmly on majority rule, though he would be prepared to allow minority parties to hold the chairmanship of committees*. He appears to be strongly opposed to all plans for a closer partnership – certainly of an institutional kind – between Britain and the Irish Republic.

Ian Paisley consistently condemns violence and denies that he has ever had any association with Protestant paramilitary movements. On the other hand, he took a prominent part in the Loyalist strike in 1974 and he was also prominent in the first phases of the Loyalist strike of 1977. He believes himself to belong to the Carson tradition and is fond of organising demonstrations designed to exhibit the readiness of the Unionist population to resist by force any attempt to unite Ireland politically.

His forte is political protest. His permanent political base is provided by the support of an extreme Protestant sect, over which he presides and which commands considerable funds. There is no doubt that a great many Ulstermen who do not share his theological views nevertheless regard him as the most uncompromising defender of Ulster's cause and are prepared to vote for him as such. Though he stoutly proclaims his Unionism, some believe that he would not disfavour the establishment of an independent Ulster state within the Commonwealth. Any apparent threat to the Union invariably increases his political influence. If the British Government were ever to show serious signs of an intention to withdraw from Ulster or to promote the establishment of a united Ireland, Ian Paisley would become a figure of even greater political importance than he already is.

Outside the constitutional parties, there are a number of paramilitary movements committed to the Unionist cause. The largest of them is the Ulster Defence Association, which is not proscribed by law. It regards itself as an organisation of vigilantes, devoted to the defence of the citizenry against Republican violence. Though its influence has diminished, largely as a result of the success of the police in suppressing the activities of Protestant paramilitaries as a whole, it has a considerable membership and considerable fire-power. The Ulster Volunteer Force, by contrast, is proscribed by law and has undoubtedly been responsible for a number of sectarian murders. These and other associated movements continue to present a powerful potential threat to public order in Ulster. They also commit sporadic acts of violence in reprisal for Republican terrorism.

*In its recent policy document, *The Unionist Case*, the DUP emphasises that there would be ~~no~~ "no executive places as of right for anyone", but that "the rights of all minorities" would be fully protected.

The danger of a massive Protestant rebellion, however, does not at present seem great, and is not likely to become so unless some action by the British Government is seen to signify an intention to abandon Ulster or actively to promote the cause of a united Ireland. Nevertheless, the possibility of such a rebellion must continue to be one of the principal considerations governing British policy.

Public Opinion in Ulster

To this analysis must be added a few words about the Alliance Party – a small, ostentatiously non-sectarian group deriving support largely from the middle classes and including Roman Catholics as well as Protestants in its membership. Although committed to the maintenance of the Union (it refused, for example, to attend the New Ireland Forum), it favours power-sharing and the creation of an Anglo-Irish Inter-Parliamentary Council to promote co-operation within Ireland and between London and Dublin*. It does not have great public support, though it may have done a certain amount of inadvertent damage, by convincing British politicians and civil servants that opinion in Ulster is, in British terms, more “moderate” than it really is.

The task of estimating how much support there is within Ulster for each of the numerous settlements which are theoretically available is obviously difficult. Although much research has been done on the subject (see Appendix IV for some recent findings), not too much reliance should be placed on the results of opinion polls in Ulster.

The broad picture, however, is plain. A million or so Protestants and a significant proportion of Catholics are resolved to maintain the Union with the rest of the United Kingdom. A very substantial proportion of them (to be counted in tens of thousands rather than hundreds) is prepared to engage in industrial action, or even to take up arms, in order to secure that object, should it ever seem to be seriously threatened. No Unionist party of substantial size is willing to take part in a power-sharing executive. No considerable section of Unionist opinion will freely accept all-Ireland institutions, though there is a greater readiness to accept organised forms of co-operation between the United Kingdom as a whole and the Republic.

On the nationalist side, a small minority of the approximately 500,000-strong Roman Catholic community actively supports Republican terrorism and embraces the aims of the IRA. A somewhat larger proportion is prepared to give political support to Provisional Sinn Fein, in spite of that party's open approval of violence and full acceptance of the IRA's programme. Provisional Sinn Fein engages in what is known in Britain as “community politics”. It is adept at exploiting local economic and social grievances, and it espouses radical socialist policies with a particular appeal to the unemployed, who are numerous in Ulster. Whereas a willingness to vote for Provisional Sinn Fein is not necessarily to be regarded as proof of a whole-hearted adherence to the cause of the IRA, the fact that a party which has so stridently proclaimed its support for the Republican terrorist campaign should do so well at elections is a sign of how much “alienation” there is among the Roman Catholic minority.

Most members of that minority, however, do not owe any sort of direct allegiance to either Sinn Fein or the IRA. Those Catholics who are “politically conscious” and publicly articulate vote, for the most part, for the SDLP, which opposes violence, supports Irish unity by consent, looks for some sort of power-sharing arrangement in

*The Alliance Party's recently published *Proposals for Political Progress* also include “the creation of a political right of appeal” from Ulster to Westminster, and the introduction of a Bill of Rights.

†In the 1983 General Election the nationalist vote was divided in the proportion 57:43 between the SDLP and Sinn Fein. In the European Election of 1984 the proportion stood at 63:37.

Ulster and favours, for the immediate future, a closer link with the Republic. There always has been, and still is, a very substantial section of Catholic opinion which is content with the maintenance of the Union, and which sees London as a better custodian of its interests than either Dublin or Belfast.

Those who are genuinely looking for a consensus in Ulster politics must be driven to the conclusion that, of all possible constitutional settlements, the continued exercise of sovereignty by the Westminster parliament is the one most likely to command the widest degree of acquiescence in the Province.

The British Government

The British Government is committed by statute not to impose any change in Ulster's status as a part of the United Kingdom without the consent of the people of Ulster. This could, of course, be amended, though only at the cost of perpetrating a serious breach of faith. It is also committed not to obstruct the unification of Ireland should Ulster's consent to unification ever be forthcoming. This last undertaking, made at the end of the Sunningdale Conference in December 1973, has since been strengthened by an undertaking to support legislation in Parliament for the purpose of bringing about Irish unification should Ulster give her consent. Legislation also exists to provide for border polls to test the feelings in Ulster on this subject. One such poll has already been held, in March 1973, and this recorded a majority of 97.8 per cent in favour of continued membership of the United Kingdom, although only 58.5 per cent of the electorate voted. Clearly, the basis of British policy towards Ulster, therefore, is the principle of self-determination (see Appendix II).

The chief preoccupation of successive British governments since 1969 in their handling of Ulster's affairs has, of course, been to defend the Province against terrorist attack. This has necessitated the continuous presence of large British military forces in Ulster. In recent years, however, the aim has been to transfer the conduct of security operations increasingly to the Royal Ulster Constabulary. The RUC, nevertheless, still looks to the British Army for substantial assistance. It relies in particular on the Ulster Defence Regiment, a locally recruited and largely part-time force, which is an integral part of the British Army.

A constant source of difficulty for British governments has been the accusation made by Irish nationalists from both North and South that locally recruited elements in the security forces are "sectarian" in character. Great efforts have been made to recruit Roman Catholics into the RUC and UDR, but the IRA's policy of directing its attacks particularly against Ulster Catholics in the security forces has been a growing hindrance to recruitment.

The anti-terrorist campaign has also necessitated, in the Republic as in Ulster, serious modifications of the legal and judicial systems. In 1971, the steady advance of Republican terrorism led the Government to reintroduce the system of internment, or administrative arrest. IRA threats against potential witnesses and juries had made it necessary to find some way of removing known terrorists from active service without recourse to the normal – but lengthy and vulnerable – judicial procedures.

Nationalist opposition to internment, plus a certain amount of censure from abroad (both carefully fostered by the IRA), led to the system's being phased out. Other procedures, such as the rigorous interrogation of suspects by the police, were similarly assailed and have since been modified. Increasingly, the security forces now depend on their ability, as a result of intelligence operations, to intercept criminals on their way to committing terrorist offences. As several cases have shown, however, this procedure can lead to terrorists being killed or injured by the security forces, and this in turn prompts

Stormont /

the charge that the police and the Army have adopted a policy of "execution without trial."

It must be recognised that a satisfactory answer has not yet been found to the question of how terrorism is to be defeated in Ulster without still greater modifications being made to the legal and judicial systems than those which already exist. Like the Republic, Ulster has special courts for the trial of terrorist offenders, and these courts do not include juries. But the terrorising of witnesses and potential witnesses continues. Magistrates and judges are also under constant threat. The sheer volume of terrorist crime, plus the increasing exploitation of the possibilities of delay in bringing terrorist cases to a conclusion (defence lawyers are particularly adept at this), are seriously impeding the operation of the judicial system. Add to this the fact that the prisons are over-crowded, and their populations intensely and skilfully rebellious, and it is impossible to feel any optimism about the ability of present legal and judicial practices to put terrorism down.

Certainly, violence has declined from the peak which it reached in the mid-1970s (see Appendix III). Protestant counter-action to the IRA has been reduced particularly. Certainly, the IRA's sources of support from abroad have ~~been~~ diminished; but they have not dried up. We do not doubt that the IRA is still capable of intensifying its campaign of violence when it judges the moment to be ripe. It is also plain that the Protestant paramilitary movements retain a substantial military capability, which could similarly be brought to bear if there appeared to be advantages in doing so.

Hence it is that successive British governments have pursued what they describe as "a political rather than a military solution to the problem of Ulster." One or two attempts to reach a direct accommodation with the IRA have ended in failure and disgrace. The main theme of government policy, however, has been to try by political concessions to achieve a measure of active support from the Catholic community and from the Dublin Government great enough to daunt and, ultimately, to defeat the IRA. It is remembered that the IRA campaign of 1956-62 was a signal failure, precisely because London and Dublin were united in whole-heartedly opposing it and in particular because internment was in operation on both sides of the border. If these conditions could be reproduced, there can be little doubt that the present IRA campaign would also fail in the foreseeable future. Alternatively, it is arguable that, if the Republic were willing to extradite those accused of terrorist crimes and to establish close and uninhibited co-operation between its own security forces and those of the United Kingdom, it would be possible to defeat the IRA without reverting to such a contentious measure as internment.

It is clear, however, that this degree of co-operation will not be forthcoming from the Republic, nor will the co-operation of nationalists in the North, unless they are bought by political concessions. The trouble is that the concessions demanded so far are seen in the North as gestures towards Irish unity and as such are bitterly opposed by the Unionist community. The danger of making such concessions is that they could lead to the British Government being faced with what it has sometimes had to endure in recent years - a war on two fronts in Ulster, against the IRA and against the Protestant paramilitaries.

Is it possible to find a policy for Ulster which will unite the Republic, the nationalist minority in Ulster and the bulk of the Unionist community in full support of the security forces? This, in a nutshell, is the "Ulster Question," and the question which this report attempts to answer.

III. Alternative Approaches

We reject from the start the notion that any kind of tolerable settlement in Ulster can be achieved by seeking an accommodation with the IRA. That organisation may accept temporary truces for the purpose of improving its own military position; but it will go no further than that. Its aim is the elimination of the British presence in Ulster, to be followed by a revolution in the Republic. Nothing except force will induce it to abandon that aim. The only possible agreement with it would be total capitulation.

The result of total capitulation would not be a united Ireland but a full-scale civil war in Ulster. The Republic would be neither prepared nor able to intervene for the purpose of restoring order on its own terms. Unionists now loyal to the Crown, once relieved of that loyalty, would unite for the purpose of destroying militant Republicanism. It is virtually certain that the conclusion of the matter would be the establishment in Ulster of a nervous, authoritarian Protestant state. This result would be highly uncomfortable for the Republic and a disgrace to Britain. It would also create on Britain's western flank a sea of discontent in which the enemies of NATO could fish with advantage. It is a policy which, but for the mental condition of some of our contemporaries, would otherwise earn the epithet "unthinkable."

If such a blatant abandonment of Britain's obligations were under consideration, it could be more tolerably achieved by the decision to establish a fully independent state in Ulster with or without dominion status. In that case, some attempt could at least be made to fill the vacuum created by British withdrawal. A constituent assembly could be charged with the task of framing a constitution, which would almost certainly turn out to be based on pure majority rule, though it might include paper safeguards for minority rights. British military withdrawal could be phased, to enable the new state to develop its own defence forces, the nucleus of which would almost certainly be supplied by the RUC and the UDR. It is impossible, however, to imagine such a "Protestant state" ever achieving the degree of continuous and widespread public support necessary to a stable and liberal regime.

Another proposition which can be advanced with equal certainty is that there is no point in Britain's offering constitutional settlements which depend for their successful operation on the willingness to co-operate of politicians who will clearly not be willing. This describes all the various plans for compulsory power-sharing in a devolved executive sustained by a devolved legislature. There is no way in which a politician can be forced to serve in a government in which he is resolved not to serve. The pursuit of this particular object is, therefore, absurd. It is impossible to envisage a constitutional settlement in Ulster which would command the unanimous enthusiasm of the Unionists, the Irish Republic and the nationalists in the North. The most that can be rationally attempted is a settlement which would command a high degree of acquiescence from the various parties to the conflict - high enough to prompt them to co-operate more actively in the defeat of the IRA.

If the choice were simply between vesting authority over Ulster in Dublin, Belfast or London, there is not a shadow of doubt that the arrangement which would command the greatest degree of inter-community co-operation in Ulster and cause the

least degree of conflict between Catholics and Unionists would be that which vested authority in London. The maintenance of the authority of the Parliament at Westminster over Ulster's affairs is, in our view, an essential condition of any acceptable settlement.

Within the limits set by this condition, however, it is necessary to make some provision for a degree of local autonomy in Ulster. Legislative devolution, such as existed under Stormont, is no longer politically possible. It would not be acceptable to the nationalist community unless it were accompanied by guarantees that nationalists would be able to participate in the executive. Such guarantees are unacceptable to the Unionists.

Purely local government, however, is a different matter. Since 1972, Ulster has no longer enjoyed the full range of elective local government institutions. Ulster should be equipped with local government institutions, and it is even possible that an elected assembly in Ulster which formed the upper tier of local government could be given certain additional powers over administrative matters which are now in the hands of Government departments.

A local government authority in Ulster such as we envisage would function largely through committees dedicated to particular aspects of policy. The normal convention applying throughout British local government is that the chairmanships of such committees are distributed between the parties in accordance with their respective strengths in the assembly concerned. Because of the largely well-founded belief that in the past local authorities in Ulster have been guilty of sectarian discrimination, it would be necessary to convert this convention, as far as Ulster was concerned, into a statutory requirement.

This would be a valuable concession to the nationalist minority, but it would not suffice to secure its whole-hearted co-operation in the battle against the IRA. There would be additional demands for some recognition of the "Irish dimension." Plans for all-Ireland institutions to bring North and South more closely together are faulted in Unionist eyes by the implication that Ulster is in some way separate from the United Kingdom. Ambitious plans for a common police authority for Ireland, or all-Ireland courts to deal with terrorist offences, are seen simply and understandably as attempts by the Irish Republic to exploit the present crisis for the purpose of establishing a united Ireland.

On the other hand, the concept of a "Community of the British Isles", designed to increase co-operation between the whole of the United Kingdom and the Irish Republic, is less distasteful to Unionists. Something approaching that concept was agreed between the British Prime Minister, Margaret Thatcher, and the Irish Taoiseach, Charles Haughey, at their summit conversations in December 1980 and was embodied in the decision to establish an Anglo-Irish Inter-Governmental Council in 1981. Given a full mutual recognition of sovereignty, such arrangements could be developed, in our view, without incurring massive Unionist opposition in Ulster. They could even include the establishment of a joint security commission and the setting up of regular contacts between the security forces on both sides of the border. All this would be done in the general context of promoting co-operation within the British Isles. Yet such arrangements would give the Irish Republic what it wants - the guarantee of a chance to influence British policy towards Ulster.

It is even possible that Unionist opinion could be reconciled to the establishment of some sort of consultative inter-parliamentary assembly, recruited from the Parliaments at Westminster and Dublin, to deliberate periodically on matters of common interest to the British Isles. What Unionist opinion would not accept, and could not legitimately be asked to accept, is the inclusion in such an assembly of representatives drawn from

whatever elected body or bodies may be charged with the conduct of local affairs in Ulster. The specific representation of Ulster would blur the principle essential to the whole scheme – that of co-operation between sovereign and independent states, the United Kingdom and the Republic. Nevertheless, it would be natural for the Westminster delegation to this inter-parliamentary body to include many members who sit at Westminster for constituencies in Ulster.

It would also be necessary to provide some protection against this assembly's laying claim to a moral authority in Irish affairs which might challenge the lawful authority of either of the two parliaments. The whole question of Ulster's constitutional status should be excluded, at any rate for the foreseeable future, from its proceedings.

Since British Government policy towards the Province is based on the principle of self-determination, that principle should also be given some regular institutional expression. At present, the law provides for polls on the future status of the Province to be held no more frequently than at 10-year intervals. It imposes no obligation, however, to conduct such polls. A regular referendum (held every 10 years, for example) would be open to the objection that it would provide grand occasions for divisive debates on Ulster's future. Such a system would be a source of recurring instability. Yet the absence of provisions for regularly testing Ulster's wishes is a serious defect. One proposal which we commend for consideration is that at every general election for the Westminster Parliament the Ulster electorate should be given two ballot papers – one on which to vote for the candidate of their choice, and the other on which to express their wishes about the constitutional status of Northern Ireland. Neither nationalists nor Unionists show much interest at present in such referenda – nationalists because they know they would lose, Unionists because they dislike the implication that the status of the Province is in any kind of dispute. Nevertheless, much foreign misunderstanding of the British Government's policy in Ulster (the belief, for example, that it is an "imperialist" policy dictated by Britain's desire to maintain control over a reluctant population) arises from sheer ignorance about the state of opinion in Ulster. A regular plebiscite such as we propose would help to dispel these illusions and would provide a clear moral basis for British action in the Province.

The restoration of a degree of local government in Ulster, plus guarantees of minority participation in such government, the development of inter-governmental co-operation between Britain and the Republic, and the establishment of a regular means of testing Ulster's wishes on her constitutional status, seem to be the main elements in a political settlement designed to win the greatest possible degree of support for the anti-terrorist campaign in Ulster.

IV. A Policy For Ulster

Legislation

In the absence of the necessary degree of agreement between the political parties in Ulster, we believe that legislative authority over Ulster's affairs must be firmly and unequivocally vested in the Westminster Parliament, and we believe that this would constitute the best available guarantee of minority rights. To make this policy effective, however, radical changes in the present arrangements for legislation applying to the Province are needed. A brief examination of the historical background to the present system will help to explain why this is so.

After the Act of Union in 1800, subsequent Acts of the Westminster Parliament generally applied to Ireland just as to the rest of the United Kingdom, though the pre-1800 legislation of the Irish Parliament remained in force, and new Bills were occasionally promoted which applied to Ireland only.

The 1920 Government of Ireland Act devolved all legislation to Stormont, apart from matters which were *excepted* (imperial responsibilities, such as the making of peace or war, the Armed Forces, treaties, wireless telegraphy and coinage) or *reserved* (such as postal services, savings banks, certain taxes and the Supreme Court). The latter were to be transferred to the All-Ireland Parliament into which the Council of Ireland was to have been transmuted.

Although Ulster seems for the most part to have kept in step with legislation at Westminster, considerable differences in detail, and some of greater significance, developed over the years until, by the time Stormont was prorogued in 1972, it had become quite right to speak of a distinct Northern Ireland statute book.

The 1973 Northern Ireland Constitution Act, which brought in power-sharing, added prosecution, elections and the franchise, judiciary, taxes, powers to deal with terrorism, the criminal law and the RUC to the *excepted* and *reserved* categories which were to remain with Parliament at Westminster. All other legislative responsibilities were transferred to the new Ulster Assembly.

When the power-sharing executive collapsed, the Northern Ireland Act of 1974 provided that during the interim period legislation on transferred matters was to be, by Order in Council, laid before Parliament by the Secretary of State. Judging by the practice during recent years, there are now between 20 and 25 such Orders each year. *Excepted* and *reserved* matters continue to be legislated for by Bills coming before the House of Commons in the normal way.

As the word "interim" implies – and the fact that it has to be renewed annually confirms – this system was designed as a temporary device, to be used until a new scheme for devolved responsibilities could be put into effect. However, it has now been in operation for 10 years, and what may have been adequate and acceptable as a stopgap has revealed fundamental and damaging defects as a long-term legislative procedure. In particular, it has failed to provide for a proper scrutiny of legislation affecting Ulster, an opportunity to amend it and an adequate role for Ulster MPs. These shortcomings should now be remedied as far as possible.

To this end, we make the following proposals:

- Where a Bill is introduced in Parliament, and the intention is to apply it to Northern Ireland, provision should be made to do this at the outset. In other words, the Bill should apply to the whole of the United Kingdom, with any necessary minor variations applying solely to the Province included in a schedule within the Bill. This would dispose of the need for about half the Orders in Council which are now annually made.
- Uncontentious legislation applying exclusively to the Province should in future be considered in principle by a Northern Irish Grand Committee on the Scottish model. Such a committee (which would, in practice, be based on the present Northern Ireland Committee which considers draft Orders in Council) would consist of all Ulster MPs, plus additional MPs from other constituencies. As in the case of Scotland, it would be unnecessary for the Government of the day to have an assured majority on this committee. As in the case of Scotland also, a Bill approved in principle by the Northern Irish Grand Committee would normally be given only a formal second reading in both Houses of Parliament.
- A Northern Irish Standing Committee on the model of the Scottish Standing Committee would consider these Bills up to the Report stage, when they would pass to the floor of the House of Commons. This committee would consist of all Northern Ireland MPs, plus additional MPs representing other parties. Because it would be necessary to ensure a Government majority on such a committee, a "reserve team" of Government back-benchers would be held in readiness. This special device is rendered necessary by the fact that, unlike Scottish MPs, Ulster MPs at present represent parties which function only in the Province itself, it would be impossible, therefore, to construct a Northern Irish Standing Committee in which the Government of the day had a secure majority.
- The various Select Committees which are at present appointed to examine the conduct of Government departments should continue to be free to extend their examinations to Northern Irish departments.

These proposals are designed to make it clear that for legislative purposes Ulster is to be treated as far as possible on the same basis as other parts of the United Kingdom, and to do this without seriously increasing Parliament's work-load. They are also designed to ensure that the minority in the Province shall not be subject to a legislative authority permanently vested in the majority group within the Province. None of these arrangements, however, would be incompatible with the continued existence of an advisory assembly in Belfast, which could offer recommendations to Parliament.

Local Government

Probably the largest deficiency in present arrangements for the government of Ulster is the absence of any effective system of elective local administration. The second plank in the policy which we recommend is, therefore, the remedying of that deficiency.

The Review Body on Local Government in Northern Ireland, reporting to Stormont in 1970, recommended a two-tier system for the Province. The first tier would consist of the Parliament and Government of Northern Ireland (Stormont), which would assume direct responsibility for such major local government services as health and education, which until then had been the responsibility of the six County and two County-Borough Councils. The second would comprise not more than 26 District Councils (in place of the existing 65), which would be responsible for more localised services, such as environmental health, refuse collection, urban drainage, building by-law control and so on. As the Review Body's report noted, "Stormont would thus be a

Parliament in the ordinary sense of the word and also a metropolitan or regional authority in the local government sense." Stormont had already announced its decision to transfer housing from the existing district councils to the newly created Central Housing Executive.

The Review Body's recommendations were widely welcomed, and were accepted almost unaltered by Stormont. The most fundamental – and the one to which the Review Body attached the greatest importance – was that such major regional services as health and education should *not*, as had been urged in some quarters, be entrusted to independent, autonomous Boards, nominated and not elected, but should be the responsibility of Stormont, a democratically elected body. There was plenty of evidence to show that the ordinary citizen with a problem or a grievance much preferred to be able to raise it with his elected representative, rather than with a paid official who was all too likely to fob him off with the bland evasions of bureaucracy. There was also evidence to show that he took comfort from the thought that in the last resort his problem or grievance could be raised "on the floor of the House", where the Minister ultimately responsible for the service in question would have to stand up and answer.

Yet this, the keystone of the arch, was fortuitously destroyed two years later, when Stormont itself ceased to exist. The demise of Stormont could not have come at a worse moment for local government, since the County and County-Borough Councils were being dismantled. They have never been restored. As a result, for over 10 years the major local government services of Ulster have been subject to no local democratic control whatsoever, giving rise to a phenomenon sometimes called the "Macrory Gap".

This state of affairs, which has for long been an understandable grievance with the citizens of the Province, should not be allowed to continue. As long ago as 1976 the New Ulster Movement, which by no stretch of the imagination could be described as an extremist Unionist body, submitted an excellent paper on the subject to the then Secretary of State for Northern Ireland; but it fell on deaf ears. We believe that a single, elected Regional or Provincial Council for Northern Ireland should at once be set up and given responsibility for all major local government services: education, public libraries, personal health, welfare and child care, food composition, standards and labelling, roads and traffic management (but with the delegation to district councils of responsibility for minor roads and local streets, as was recommended by the Review Body and is long overdue), water, major sewerage systems, electoral arrangements, criminal injuries compensation, local tourism and motor taxation.

This Regional or Provincial Council should also be given responsibility for certain functions which are more in the nature of trading undertakings than administrative services, such as major harbours, gas, electricity, road passenger transport and the fire services.

There are, of course, alternatives. It would be possible to create three Regional Councils, or even to resurrect the County and County-Borough Councils. But bearing in mind the size and financial resources of the Province a single Regional Council is greatly to be preferred and comes closest to what the 1970 Review Body had in mind. This would give Northern Ireland a system of local government similar to the two-tier system of Regional Councils and District Councils enjoyed by Scotland as a result of the Wheatley Commission, and it is worth noting that the area of at least one of the Scottish Regional Councils (Strathclyde) contains a population (2½ million) considerably greater than that of Northern Ireland.

There is no need at this stage to discuss such questions as what should be the electoral constituencies of the Ulster Regional Council, what method of voting should be used, and what system of Committees should be adopted. These problems are far from insoluble and can be quickly resolved once the basic principle has been accepted.

There really is no justification for allowing the present state of affairs to continue any longer. "Our inability so far to agree on a constitutional formula that would make possible a devolved legislature does not lessen the urgent need for the establishment of a central elected body with local government powers. Without it confidence is undermined in the rest of the local government system". These words were written by the chairman of the New Ulster Movement as long ago as 1976 and the need is no less urgent today.

Finally, the establishment of an Ulster Regional Council will provide a much-needed outlet for the legitimate aspirations of those people in Northern Ireland who wish to come forward through the electoral system to serve in public life. Moreover, there has been some encouraging experience at District Council level, which suggests that political opponents tend to forget their ancient antagonisms and prejudices when they get down together to the brass tacks of local government and find themselves co-operating in the more mundane but perhaps more satisfying business of trying to improve the daily lot of the ordinary citizen.

It is, however, on this last point that the strongest objection will be raised to our proposals. It is widely held that during the period of Stormont's existence local government (rather than that area of government for which the Stormont Parliament was responsible) was the chief area of sectarian discrimination in Ulster. This view was no doubt exaggerated, and in the form in which it is commonly presented it does not allow for the fact that councils controlled by the minority in the Province were at least as inclined to discriminate as Unionist councils. Nevertheless, it has some force and should be taken into account in proposing local government reform.

It is the generally accepted convention in local government throughout the rest of the United Kingdom that the chairmanships of particular council committees with specific departmental responsibilities should be distributed between the parties in proportion to their representation. We believe that this principle should apply to the upper tier of local government in Ulster, and we recognise that the nationalist minority will have no confidence in the willingness of the Unionist majority to observe it. We therefore recommend that in the case of Ulster the principle should not depend solely on convention but should be converted into a statutory obligation.

By these means, we believe that Ulster could be equipped with an efficient and equitable system of elective local government. We would also point out that Acts already on the statute book provide effective remedies for discrimination, and that Ulster has and should retain an ombudsman charged with the task of exposing any discrimination that may take place in any local or public body. The prevention of discrimination is one of the major responsibilities of the Westminster Parliament and of the Secretary of State, and it should continue to be regarded as such.

British-Irish Relations

We believe that the nationalist demand for an "Irish dimension" can be properly satisfied only within the general context of co-operation between the two sovereign states, the United Kingdom and the Irish Republic. For this reason, we favour the development of the Anglo-Irish Inter-Governmental Council which has already been set up.

It is obvious that the two countries have many interests in common. It is also obvious that Ulster is the area in which most benefit could arise from a marked improvement of understanding between London and Dublin. The Parliament of the United Kingdom must insist, without any reservation, on the proposition that it holds,

and will retain for the foreseeable future, sovereign authority over Ulster. But within the limits of that proposition there is vast scope for closer collaboration. No government in the Republic can abandon the aspiration to Irish unity, but if all the main parties in the Republic genuinely adhere to their professed view that unity should only be achieved with the consent of the North, this aspiration should be no obstacle to closer co-operation.

We therefore make the following recommendations:

- There should be regular summit conversations at fixed intervals between the Prime Minister of the United Kingdom and the Irish Taoiseach, assisted by such Ministers from both sides as may be necessary. It is no secret that at such meetings in the past the affairs of Ulster have been discussed; it should now be made clear that these discussions will continue on a regular basis, and that they are in no way incompatible with a mutual recognition of sovereignty.
- The Anglo-Irish Inter-Governmental Council should be given an administrative staff, drawn from both Civil Services and adequate for its task.
- A joint security commission with the special task of co-ordinating the campaign against terrorism in the British Isles should be established. In view of the special importance of Ulster in this connexion, a sub-committee of this commission – consisting of the GOC Northern Ireland, and representatives of the RUC, the Garda and the Irish Army – should meet at regular intervals. The Irish Government should withdraw its objection to direct contact between the British and Irish Armies. These proposals presuppose a whole-hearted commitment in Dublin to the defeat of terrorism, and the machinery suggested here would have to be abandoned if that assumption proved false. In return for this commitment, however, the Dublin Government would get the opportunity of airing its views, and of influencing British policy on several security issues which at present cause it anxiety. It would be the British hope that this would lead in Dublin to a more sensitive appreciation of the efforts and difficulties of the British security forces in Ulster.
- Schemes for commercial co-operation, such as sharing of gas and electricity resources, should be pursued, according to the economic benefits they produce for North and South. The advantages of a joint tourist board should be examined, particularly with a view to encouraging a greater readiness on the part of Southerners to visit the North and Northerners to visit the South. In any area of policy in which genuine practical advantages could be achieved by closer co-operation between the two governments the necessary machinery should be set up, provided such machinery is placed firmly under the joint control of both governments, each of which would have an absolute veto on policy decisions.
- At a later stage, and assuming that these arrangements are working well, an Inter-Parliamentary Consultative Council might be set up, consisting exclusively of MPs from the two Parliaments, representative of all parts of the British Isles.* This council would have no power, and would be forbidden to discuss changes in constitutional status.

In a recent pamphlet, Sir John Biggs-Davison suggests that the Nordic Council set up by the Scandinavian countries might serve as the model for such an institution; *United Ireland?? United Islands*, p. 12.

The Border Poll

In the last analysis, however, it must be recognised that the root causes of Ulster's troubles are the ambition of the Irish Republic and part of the Catholic minority in the North to achieve a united Ireland separate from the United Kingdom, and the dogged determination of the majority of Ulstermen to resist this ambition.

In this matter, Britain has taken her stand on the principle of self-determination. Legislation is already on the statute book permitting the holding of plebiscites in Ulster on the Province's future constitutional status at intervals no shorter than 10 years. The Acts in question, however, are permissive, not mandatory.* Moreover, these plebiscites are intended to be consultative in character, and the results in themselves carry no automatic political consequences.

The British Government nevertheless committed itself by the Sunningdale Agreement not to obstruct the attainment of Irish unity if that were ever shown to be the will of the people of Ulster. Later on, it added to this a more rigorous commitment – to support legislation for the purpose of bringing about Irish unity should Ulster ever choose that goal. As we have already pointed out, this commitment is fraught with potential difficulties and dangers for the future. We do not believe that any British government could feel morally obliged to initiate such legislation unless it was clear that there was deliberate and sustained support in the Province for Irish unity, and unless Parliament were satisfied that in a united Ireland there would be adequate constitutional safeguards for the rights of the Protestant population. We welcome the concern which the New Ireland Forum has shown on this question of Protestant rights. We also welcome Dr. Garret FitzGerald's recent suggestion that, in the event of some system of joint Anglo-Irish authority being established over Ulster, the Republic might not press for the unification of Ireland – even if there were a majority in the Province in favour of such a course.

In spite of all these considerations, however, it is a major British interest to ensure that the wishes of the people of Ulster on their constitutional status should be clearly tested and regularly registered. After all, those wishes provide the fundamental justification for British policy, and there is plenty of evidence that in the outside world – and particularly in the United States – there is widespread ignorance about the state of opinion in the Province.

As we have also pointed out, both nationalists and Unionists in Ulster at present have their own reasons for not wanting border polls. We do not believe, however, that the British Government should accept those reasons.

On the other hand, we believe that plebiscites held at fixed intervals and in total isolation from the normal political process would be a source of recurrent tension and even violence in the Province. We are, therefore, attracted by the alternative proposal – that at every General Election for the Westminster Parliament voters in Ulster should be given two ballot papers, on one of which they would record their choice of a parliamentary representative and on the other their views about the Province's constitutional status. We believe that this system would be far less dangerously emotive than any other, and we also believe, though without undue confidence, that it might eventually induce the Ulster electorate to cast its parliamentary votes on issues of general policy,

* The Northern Ireland (Border Poll) Act, 1972 lays down that "the poll shall be held on such a date as the Secretary of State may by order direct"; that "the questions to be asked of those voting in the poll shall be the alternative questions in the form set out in the Schedule to this Act"; and that no poll shall be conducted without the approval of an Order by both Houses of Parliament.

The Northern Ireland Constitution Act, 1973 stipulates that no poll may be held "earlier than 10 years after the date of a previous poll."

rather than exclusively on the question of the Irish border. If this were to happen, British political parties might be induced to put up candidates in the Province, a development which would greatly assist the administration of Ulster so long as the Province remains within the Kingdom. Initially, the choice presented to Ulster on the ballot paper concerned with the Province's constitutional status should be the same as it was in the referendum of 1973 – a straight one between continued membership of the United Kingdom or unity with the Republic and separation from the United Kingdom. It should be possible, however, if changes of opinion in Ulster justified it, to test opinion on a third possibility – that of full independence, with or without dominion status.

V. Conclusions

All our proposals and recommendations are based on the assumption that for the foreseeable future the people of Ulster will wish to remain within the United Kingdom, a wish which it will continue to be Britain's duty to respect.

It seems to follow from this that the British Government should now address itself urgently to the task of setting up equitable and efficient arrangements for the administration of the Province's affairs. With this in view, we have proposed improvements in the Parliamentary machinery for dealing with business concerning Ulster. We also regard it as a matter of urgency to equip Ulster with an upper tier of representative local government, but we recognise that such a reform must include statutory safeguards for the nationalist minority.

We believe that, in the interest of mobilising the greatest possible resistance to Republican terrorism, an attempt should be made to meet such of the political aspirations of the Irish Republic as are unequivocally consistent with Britain's obligations to Ulster. We hold that the only available way of doing this is to increase as far as possible co-operation based on a mutual recognition of sovereignty between the Irish Republic and the United Kingdom as a whole. For this purpose, we recommend that ways should be explored of expanding the work of the Anglo-Irish Inter-Governmental Council. In particular, we would like to see a consultative British-Irish security commission established, with the object of co-ordinating, as far as possible, anti-terrorist measures throughout the British Isles. We do not exclude the eventual establishment of an Inter-Parliamentary Consultative Council, recruited exclusively from members of the Westminster and Dublin Parliaments:

Recognising that British policy in Ulster now rests on the principle of self-determination, we would like to see regular and mandatory means established for testing the wishes of the people of Ulster on the Province's constitutional status, and we think that the least divisive means for doing this would be to provide Ulster voters with two ballot papers at every General Election to the Westminster Parliament – one on which to express their choice of a representative, and the other on which to register their choice on the question of constitutional status.

One of the merits we claim for these proposals is that many would not require the agreement of all parties to the Ulster conflict but could be introduced solely at the discretion of the Westminster Parliament. Constitutional nationalists in Ulster do not at present boycott that Parliament, and it is scarcely conceivable that the procedural reforms we propose would induce them to do so. We think that there is at least some hope that the nationalist parties would be prepared to participate in an upper tier of local government, given the safeguards we recommend, and we believe that the Unionists' desire for such an upper tier might well overcome their objections to the statutory provision of conventions which at present prevail throughout local government elsewhere in the United Kingdom.

Border polls can, of course, be boycotted, but only at the risk of injuring the cause of those who boycott them. In the same way, any arrangements which may be made for closer inter-governmental co-operation between London and Dublin can be brought into operation by the two governments and would not require the agreement of any

Northern Irish political party. Provided such arrangements scrupulously safeguard national sovereignty, in practice as well as in theory, it is our belief that they would command the acquiescence of Unionists in the North, even if few Unionist politicians would give them positive approval.

The timing of the various provisions in the policy outlined above would depend on circumstances. The most urgent need is to improve the machinery for governing Ulster and thereby to reassure Unionists of Britain's determination to maintain the Union. What progress can be made towards closer inter-Governmental co-operation with the Republic must depend, of course, on the willingness of Dublin to participate in arrangements which, by Dublin's standards, will necessarily seem modest; but there is no reason why the task of exploring the possibility of closer co-operation, particularly in relation to security, should not begin at once.

It would, in our view, greatly enhance the prospects for the general policy which we are recommending if the British Government clearly and promptly committed itself in principle to that policy. The most convincing form which such a commitment could take would be a speech by the Prime Minister. In recent years the Government's policy towards Ulster has too often suffered from a suspicion that the Cabinet is both divided on the subject and largely indifferent towards it. The Prime Minister has it in her own power to remove this defect and thereby convince the public that she herself is taking the degree of detailed interest demanded by what is beyond doubt the greatest single internal danger to the authority of the State.

We are far from believing that the policy we recommend provides an infallible answer to the "Ulster Question". It has yet to be seen whether wholly effective co-operation in the defeat of the IRA can be achieved between London and Dublin. If it cannot be achieved it will be the British Government's duty to take, without Dublin's approval, whatever measures may be necessary to improve the government of Ulster and, most important of all, security in the Province.

We believe that British policy has suffered in the past from an excessive and misconceived regard for the sensibilities of the Irish Republic. The plain truth of the matter is that both government and opposition in the Republic would regard an imminent withdrawal of the British presence from Ulster with total consternation. We do not recommend a public slanging match between London and Dublin, but we think that the British Government should show greater candour than we believe it has hitherto shown in its dealings with Irish Government.

We think that it should be made clear to the Dublin Government that the degree of force which must be used in the attempt to restore order in Ulster will be in inverse proportion to the degree of effective co-operation on security which can be achieved between the two governments. We believe that it should be impressed upon Dublin with remorseless clarity that if the attempt to restore order in Ulster fails the result will be not the unification of Ireland but a bloody civil war, spreading across the border. In all probability, this would lead to the establishment of an independent Protestant state in Northern Ireland, a consummation which would be as unacceptable to the Irish Republic as it would be to Britain.

Appendix I

The electoral performances of the principal parties

| | Percentage of vote and number of seats | | | |
|-------------------------------------|--|-------------|-------------|-------------|
| | Sinn Fein | SDLP | OUP | DUP |
| 1975 Convention Election (78 seats) | — | 17 23.7% | 19 25.8% | 12 14.8% |
| 1979 General Election (12 seats) | — | 1 18.0% | 5 36.2% | 3 10.1% |
| 1979 European Election (3 seats) | — | 1 24.6% | 1 21.9% | 1 29.8% |
| 1982 Assembly Election (78 seats) | 5 10.1% | 14 18.8% | 26 29.7% | 21 23.0% |
| 1983 General Election (17 seats)* | 1 13.4% | 1 17.9% | 11 34.0% | 3 20.0% |
| 1984 European Election (3 seats) | 0 13.3% | 1 22.09% | 1 21.5% | 1 33.6% |

*At this election the number of Ulster constituencies was increased from 12 to 17.

Appendix II

The British Government's commitments to maintain the union

A. The Ireland Act, 1949:

"It is hereby declared that Northern Ireland remains part of His Majesty's dominions and of the United Kingdom and it is hereby affirmed that in no event will Northern Ireland or any part thereof cease to be part of His Majesty's dominions and of the United Kingdom without the consent of the Parliament of Northern Ireland."

B. The Northern Ireland Constitution Act, 1973:

"In no event will Northern Ireland or any part of it cease to be part of Her Majesty's dominions and of the United Kingdom without the consent of the majority of the people of Northern Ireland voting in a poll."

C. The Sunningdale Agreement, 1973:

"The British Government solemnly declared that it was, and would remain, their policy to support the wishes of the majority of the people of Northern Ireland. The present status of Northern Ireland is that it is part of the United Kingdom. If in the future the majority of the people of Northern Ireland should indicate a wish to become part of a united Ireland, the British Government would support that wish."

D. The Anglo-Irish Summit Communique, 1981:

"The Prime Minister affirmed, and the Taoiseach agreed, that any change in the constitutional status of Northern Ireland would require the consent of a majority of the people of Northern Ireland. The Prime Minister said that if that consent were to be expressed as a result of a poll conducted in accordance with the Northern Ireland Constitution Act 1973 the British Government would of course accept their decision, and would support legislation in the British Parliament to give effect to it."

Appendix III

Violence in Ulster: statistics on security

| | 1972 | 1973 | 1974 | 1975 | 1976 | 1977 | 1978 | 1979 | 1980 | 1981 | 1982 | 1983 |
|---|---------|---------|---------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
| Shooting incidents | 10,628 | 5,018 | 3,206 | 1,803 | 1,908 | 1,081 | 755 | 728 | 642 | 815 | 382 | 290 |
| Explosions | 1,382 | 978 | 685 | 399 | 766 | 366 | 455 | 422 | 280 | 398 | 219 | 266 |
| Bombs neutralised | 471 | 542 | 428 | 236 | 426 | 169 | 178 | 142 | 120 | 131 | 113 | 101 |
| Armed robberies | 1,931 | 1,215 | 1,231 | 1,201 | 813 | 591 | 442 | 434 | 412 | 587 | 580 | 622 |
| Malicious fires* | — | 587 | 636 | 248 | 453 | 432 | 269 | 315 | 275 | 536 | 499 | 528 |
| Houses searched | 36,617 | 74,556 | 71,914 | 30,092 | 34,939 | 20,724 | 15,462 | 6,542 | 4,106 | 4,104 | 4,045 | 1,494 |
| <i>Finds</i> | | | | | | | | | | | | |
| Firearms | 1,264 | 1,595 | 1,260 | 825 | 837 | 590 | 400 | 301 | 203 | 409 | 317 | 200 |
| Ammunition (rds.) | 183,410 | 187,399 | 147,202 | 73,604 | 70,306 | 52,092 | 43,512 | 46,280 | 28,078 | 47,127 | 41,452 | 32,451 |
| Explosives | 41,488 | 38,418 | 26,120 | 11,565 | 21,714 | 3,809 | 2,108 | 1,996 | 1,810 | 7,536 | 5,066 | 3,762 |
| <i>Deaths</i> | | | | | | | | | | | | |
| Civilian | 322 | 171 | 166 | 216 | 245 | 69 | 50 | 51 | 50 | 57 | 57 | 44 |
| Army/UDR | 129 | 66 | 35 | 20 | 29 | 29 | 21 | 48 | 16 | 23 | 28 | 15 |
| Police | 17 | 13 | 15 | 11 | 23 | 14 | 10 | 14 | 9 | 21 | 12 | 18 |
| <i>Injuries</i> | | | | | | | | | | | | |
| Civilian | 3,813 | 1,812 | 1,680 | 2,044 | 2,162 | 1,027 | 548 | 557 | 530 | 878 | 328 | 280 |
| Army/UDR | 578 | 548 | 483 | 167 | 264 | 188 | 135 | 153 | 77 | 140 | 98 | 88 |
| Police | 485 | 291 | 235 | 263 | 303 | 183 | 302 | 165 | 194 | 332 | 99 | 142 |
| Persons charged with terrorist-type offences* | — | 1,414 | 1,374 | 1,197 | 1,276 | 1,308 | 843 | 670 | 550 | 918 | 686 | 613 |

*Consolidated figures not available for 1972

(Source: Northern Ireland Office)

Appendix IV

MORI Opinion Poll, August 1984.

A. Which of the following constitutional options would be "very" or "fairly" acceptable?

| | Protestant | Catholic |
|--|------------|----------|
| Full integration with the rest of the United Kingdom | 87 | 28 |
| Continuation as part of the United Kingdom, but with own Assembly and guarantees for Catholics | 80 | 50 |
| Return to majority rule | 59 | 7 |
| Continuation of direct rule | 66 | 36 |
| Joint government by the British and Irish Governments | 8 | 46 |
| A Federal Assembly | 9 | 58 |
| A United Ireland | 6 | 75 |

B. Should the Government of the Republic of Ireland have any say in constitutional changes affecting Northern Ireland?

| | | |
|------------|----|----|
| Yes | 10 | 61 |
| No | 86 | 23 |
| Don't know | 4 | 16 |

C. Would combined patrols on both sides of the border by British and Irish police and troops be acceptable or unacceptable?

| | | |
|--------------|----|----|
| Acceptable | 51 | 56 |
| Unacceptable | 38 | 25 |
| Don't know | 11 | 19 |

D. Do you think there should or should not be co-operation on non-constitutional affairs, such as agriculture, industry and tourism, between Northern Ireland and the Republic?

| | | |
|------------|----|----|
| Should | 66 | 85 |
| Should not | 26 | 4 |
| Don't know | 8 | 10 |

Conducted for the London Weekend Television production, *From the Shadow of the Gun* (extracts).



10 DOWNING STREET

From the Private Secretary

SIR ROBERT ARMSTRONG

ANGLO-IRISH RELATIONS: NORTHERN IRELAND

The Prime Minister has considered your minute of 10 October covering a number of speaking notes for your talks with Mr Nally on 15 and 16 October. We have subsequently had a word about it.

The events of last Thursday night in Brighton have confirmed the Prime Minister in her view that we must go very slow on these talks and must at all costs avoid the impression of being bombed into making concessions to the Republic.

Having said this, the Prime Minister is content for you to continue your exploratory talks with Irish officials today on the basis of the speaking notes enclosed with your minute (though I think it would be wiser not to hand over any of these to the Irish side). The Prime Minister does not, however, wish you at this stage to discuss a possible Communique for the Anglo-Irish Summit with Irish officials. She thinks that the draft enclosed with your minute would cause great unrest among the Unionists. She wishes to reflect further on whether there should be a Communique at all and, if so, what it should say. I should be grateful, therefore, if this item could be dropped altogether from your discussions with Irish officials.

I am sending copies of this minute to Mr. Appleyard (Foreign and Commonwealth Office), Mr. Sandiford (Northern Ireland Office), Sir Antony Acland (Foreign and Commonwealth Office), Mr. Andrew (Northern Ireland Office) and Mr. Goodall (Foreign and Commonwealth Office).

C.D. POWELL
15 October 1984



35

NBPM

CDP
14/k.

PM/84/159

PRIME MINISTER

Northern Ireland

1. I have seen Sir Robert Armstrong's minute of 10 October enclosing the speaking notes which he and his team intend to use, subject to your approval, at their next meeting with the Irish on 15/16 October.

2. I should have liked to have more time to consider and discuss these important texts, since there are a number of points that I should like to suggest for further consideration. However, provided you are content on the same basis, I should be willing for them to be used as speaking notes for the meeting.

GEOFFREY HOWE

Foreign and Commonwealth Office

15 October 1984

Behind Port 17 Situation.

15 OCT 1984
12 11 10 9 8 7 6 5 4 3 2 1
12 11 10 9 8 7 6 5 4 3 2 1

CONFIDENTIAL



Foreign and Commonwealth Office

London SW1A 2AH

15 October, 1984

NBLM
002 15/10

Dear Graham, Dominic McGlinchey

The Foreign Secretary has seen a copy of Mr Hurd's reply of 5 October to Sir Michael Havers' letter of 24 September about the problems we shall face if McGlinchey is not convicted. He agrees that the Anglo-Irish Summit next month provides a suitable opportunity for the Prime Minister to brief Dr FitzGerald, and would be grateful if his officials could also be consulted on the terms of the briefing.

I am sending copies of this letter to Charles Powell (No 10) and the Private Secretaries to the Attorney General, the Lord Chancellor and the Home Secretary.

Yours ever,

L V Appleyard

(L V Appleyard)
Private Secretary

Graham Sandiford Esq
NIO

CONFIDENTIAL

SECRET

PERSONAL



34

PRIME MINISTER

ANGLO-IRISH RELATIONS: NORTHERN IRELAND

The Speaking Notes which Sir Robert Armstrong enclosed with his minute of 10 October (Ref A084/2701) are the product of inter-Departmental consultation and I am content that they should be used in the way he proposes at next week's meeting with Irish officials. I assume that Ministers will not be committed to any of these individual ideas until we can judge the proposed package in the round.

Paper 10 (Draft of a Joint Declaration) falls considerably short of what the Irish may consider acceptable but I do not think that we can go much further now without risk of a Unionist explosion. I would prefer to substitute the words "a substantial minority" for the words "many people" in sub-paragraph (ii).

As you know from our discussion I attach particular importance to the warning to the Irish in paper 6, paragraph 9 that an amendment to their constitution even if it could be achieved would not in itself be likely to secure Unionist acquiescence in the other steps proposed unless accompanied by some progress towards majority rule with safeguards for the minority.

I am considering urgently how I might handle discussions with Northern Ireland political leaders between now and 19 November and will send you my proposals early next week in the light of Sir Robert Armstrong's second minute of 10 October (Ref A084/2702).

I am copying this minute to the Foreign and Commonwealth Secretary, to Sir Robert Armstrong and to the others who received copies of Sir Robert Armstrong's minute.

Nidwand

for DH
12 October 1984

(Approved by the Secretary of State and signed in his absence at Brighton)

SECRET

PERSONAL

PRIME MINISTER

The events of Thursday night at Brighton mean that we must go very slow on these talks if not stop them. It could look as if we were backed into making concessions to the Republic.

ANGLO-IRISH RELATIONS: NORTHERN IRELAND

Attached are Robert Armstrong's proposed speaking notes for his further secret talks with the Irish Government next Monday and Tuesday.

I have been through them carefully and believe they are generally within guidelines already agreed. You will want to look in particular at:

Note 1. Mixed Law Courts. This examines a number of suggestions for allowing Irish judges to sit in Northern Ireland courts and finds difficulty with all of them. It must be right to take a very restrictive view of the possibilities here.

Note 4. Practical Policing Measures. Using the Regional Crime Squad model for an anti-terrorist force to operate both sides of the border is an idea worth exploring.

Note 5. Institutionalized Consultation. This is heavily qualified by Note 6 on Devolved Government, and leaves pretty restricted scope for such consultation.

Note 10. Draft Communique for the Anglo-Irish Summit. This seems fine as a starting point, although the Irish will inevitably want more.

I could not possibly accept this. See Paper 10.

Taken as a whole, the speaking notes should continue the process of scaling down Irish expectations.

Since the talks start early on Monday, it would be helpful to know on Saturday if possible if you approve the speaking notes or want changes made.

C.D.P.

P.S. Douglas Hurd is content - see attached
minute (at back).

11 October 1984

W BPM

APP n/k

*With the compliments of
the Attorney-General*

*Attorney General's Chambers,
Law Officers' Department,
Royal Courts of Justice,
Strand. W.C.2A 2LL*

01 405 7641 Extn. 3201

CONFIDENTIAL



10. X. 84

Dear Douglas.

McGLINCHEY

Thank you for your letter of 5 October in reply to my minute of 24 September.

I agree entirely with what you say about the need to ensure that our answer to McGlinchey's challenge to the order for his return - if that is how the case goes - is handled on the lines we want, and by lawyers in whom we have confidence, right from the beginning. My officials have discussed this with the DPP (N.I.) and, though it is not his formal responsibility, he has agreed to take steps, informally and when we are a little closer to the relevant time, to make sure that the RUC come to him for advice on the handling of the proceedings. He will then see that they put the conduct of the case in the hands of the Crown Solicitor who in turn will be guided by me both as to the selection of Counsel and as to their instructions on the arguments to be deployed.

I agree that it would be sensible for the officials of our two Departments to consult on the preparation of briefing for the Prime Minister at the November Summit. Perhaps you could ask yours to get in touch with my Legal secretary as soon as convenient.

CONFIDENTIAL

CONFIDENTIAL



- page two -

I am copying this letter to the Prime Minister, the Lord Chancellor,
the Home Secretary and the Foreign and Commonwealth Secretary.

Yours ever
Michael

The Rt.Hon.Douglas Hurd CBE., MP.
Secretary of State for Northern Ireland
Northern Ireland Office
Whitehall
London SW1

CONFIDENTIAL

MILANO: Sit. Pt 17

1 OCT 1984
P 11 12 1
G K L
G K L
G K L



32

Ref. A084/2702

PRIME MINISTER

At your meeting with the Foreign Secretary and the Secretary of State for Northern Ireland there was discussion of the need to take early soundings of the political parties in Northern Ireland about some of the ground being covered in our confidential exchanges with the Irish Government. The Secretary of State for Northern Ireland explained that he was in any case due to have a further round of discussions with political leaders in the North, and both you and he were, I think, concerned to avoid the risk of accusations of bad faith which could be levelled at the Government if your next meeting with Dr FitzGerald on 19 November led to statements of intention by the British and Irish Governments for which political opinion in Northern Ireland had not been prepared.

2. I recognise the force of this consideration. But I feel bound to draw attention to the very considerable risks that would flow from discussing these matters, even obliquely, with the Northern Ireland parties at this stage; and to question whether it is really necessary to run these risks before your meeting with Dr FitzGerald.

3. The Unionists already have reason to suspect that there is a process of secret talks between the British and Irish Governments, and there has been speculation about the possible content of these talks. They would be bound to associate any kite-flying by the Secretary of State with their suspicions. The reciprocal balance of the package - on the one hand joint security arrangements and institutionalised consultation with the Irish Government, on the other hand amendment of the Irish Constitution and some form of devolution to a majority-run executive in Northern Ireland - could not be displayed without saying something about amendment of the Irish Constitution. It would be difficult to say anything about without serious risk of at least implying that the Irish Government were ready to concede it. If the Unionists came to



believe that that was or might be available, they would be very likely to publicise their belief. Any premature disclosure or even hint at the Irish Government's readiness to think in these terms could not only wreck the process on which we are engaged with the Irish Government but also bring down Dr FitzGerald's Government.

4. If on the other hand we were to indicate to political leaders in Northern Ireland that we were considering the possibility of measures such as joint security arrangements, institutionalised consultation or the involvement in criminal trials of judges from both jurisdictions, without being able to make it clear that all such moves on our part would be conditional on the Republic's amending its Constitution, the Unionists would accuse the British Government of selling the pass on the Union without safeguards or recompense.

5. I also believe that it would be premature to discuss these ideas with the Northern Ireland parties until after your meeting with the Taoiseach. Our talks with the Irish Government so far have been exploratory and without commitment of principals. There is no possibility of our having ready by 19 November a package of proposals which you and the Taoiseach can accept or reject. We shall report to you on the progress of work so far, and you and the Taoiseach will have to decide whether there are the makings of a possible package which could be a viable joint initiative by the two Governments - in which case you will want to authorise further work but you will not need to commit yourself to going ahead with whatever emerges from that further work - or whether the work so far demonstrates that there is no politically viable basis for such an initiative. If you decide the latter, you will want to disengage from the exercise with the minimum of political fuss; and you will surely want not to have aroused Unionist suspicions unnecessarily. There is surely no point in risking what could be a major confrontation with the Unionists unless and until you and your colleagues have weighed the whole package, discussed it with the Taoiseach, and taken a deliberate decision to go ahead.



6. For all these reasons I hope that in his contacts with the political leaders in Northern Ireland, before your meeting with the Taoiseach on 19 November, the Secretary of State for Northern Ireland can confine himself to probing the unionist parties on ideas which they have themselves suggested (eg a Bill of Rights) and to exploring with them how they would propose to follow up the hints they have given of greater readiness to take account of nationalist concerns.

7. As to the handling of Parliamentary Questions about our contacts with the Irish, it might be possible to deal with these by reference to Mr Prior's speech in the House of Commons debate on the Forum Report on 2 July, when he said that the Government would "want to have talks with each of the parties involved and with the Irish Government". We could say that the discussions with the Northern Ireland political parties which Mr Prior initiated and Mr Hurd was continuing were taking place in fulfilment of that undertaking; that views were being exchanged in parallel with the Irish Government through our regular official and diplomatic contacts with Dublin; and that your forthcoming meeting with the Taoiseach would provide an important opportunity to continue that process. If pressed (as we no doubt shall be) to say what ideas were being canvassed with the Irish, we could refer to Mr Prior's further statement that "ideas in many areas - security, economic and parliamentary - are worth exploring for the benefits that they will bring to all sides"; and say that it would be inappropriate to go into further detail, bearing in mind that our contacts with the Irish (like those with the Northern Ireland political parties) were being conducted at this stage on a purely exploratory basis, without any commitment on either side.

8. This will of course constitute confirmation that we are in touch with the Irish Government about Northern Ireland affairs and will no doubt provoke unionist criticism and pressure to disclose details. But I would hope that it would be sufficient to hold the position until the meeting with Dr FitzGerald has



taken place. Thereafter, the line to be taken in Parliament will depend on the outcome of your meeting with Dr FitzGerald and on whatever statement may be issued at the conclusion of that meeting.

9. I am sending copies of this minute to the Foreign and Commonwealth Secretary, the Secretary of State for Northern Ireland, Sir Antony Acland, Mr Robert Andrew, Mr David Goodall and Sir Philip Woodfield.

REA

ROBERT ARMSTRONG

10 October 1984



31

Ref. A084/2701

PRIME MINISTER

Anglo-Irish Relations: Northern Ireland

Mr Goodall and I are due to have a further round of talks with Mr Nally and Mr Lillis in London on 15 and 16 October. Mr Goodall and I shall be accompanied on this occasion by Mr Bourn and Mr Brennan of the Northern Ireland Office, as experts on certain of the matters to be discussed, and by Mr Alan Goodison, the British Ambassador in Dublin; Mr Nally and Mr Lillis will be accompanied by two corresponding experts, by the Irish Ambassador in London, and probably by Mr Sean Donlon, the Irish Acland.

2. As a basis for discussion at these meetings we have prepared a series of speaking notes, setting out a British position on the topics to be discussed. These speaking notes are submitted herewith for the approval of you and the two Secretaries of State. If they are approved, our representatives will speak to them in the discussions. We shall also be prepared to leave with the Irish copies of those notes which I have marked with an * in the following list. Those copies will have no status except as copies of our speaking notes. The notes not marked with an * will be the basis on which we speak, but we shall not hand copies over.

3. The Irish representatives will, we understand, be following a similar procedure.

4. The list of speaking notes is as follows -

1. Mixed Law courts
- *2. All-Ireland Law Commission
- *3. Joint Security Commission
4. Practical policing measures
5. Arrangements for institutional consultation



6. Devolved Government
- *7. Anglo-Irish Parliamentary Body
- [8. Amendment of Irish Constitution: no British note]
- *9. Legislative basis for an agreed package
- *10. Draft of joint declaration from Ashford Summit
11. A Northern Ireland Bill of Rights

5. We have reason to believe that the Irish Government's notes will make greater demands than we can contemplate meeting or will otherwise fall short of what is practicable, but that further moves in later discussion are not ruled out. We have therefore kept our notes cautious. In various aspects they will fall short of what the Irish Government would like and will think that they need. At the end of our meeting, therefore, a number of gaps will remain. I shall report progress to you after the meeting, and seek instructions as to whether there should be a further round of official discussions before the Ashford Summit, and if so what our positions should be. Even if there is a further official round, there is likely to remain a number of gaps which will have to be considered and discussed by you and the Taoiseach at Ashford.

6. Paper No 10 is a first British draft of a possible communique or declaration from the Ashford Summit, if you and the Taoiseach decide that it is politically worth while to proceed to a further stage of official discussions and an agreed package of proposals. It is a five-point declaration. The points are for the most part self-explanatory; the second is taken nearly verbatim from Mr Prior's speech in the House of Commons on 2 July.

7. The note on a Northern Ireland Bill of Rights (Paper 11) is much less advanced than the others, because there is much more work still to do. It is for the Irish Government to lead on this: they did not raise it at our last meeting but have given



notice that they will raise it at this. At this stage British reactions can and will be preliminary and non-committal, as indicated in the note.

8. I am sending copies of this minute and of the speaking notes to the Foreign and Commonwealth Secretary, the Secretary of State for Northern Ireland, Sir Antony Acland, Mr Robert Andrew, Mr David Goodall and Sir Philip Woodfield.

RTA

ROBERT ARMSTRONG

10 October 1984

SPEAKING NOTEMIXED LAW COURTS

1. As a possible measure to reduce the alienation of the minority in Northern Ireland the Government of the Republic of Ireland have suggested that persons tried in Northern Ireland for terrorist crimes could be tried by a panel of three judges, one of whom would be from the Republic of Ireland; and that persons tried for such crimes in the Republic of Ireland would be tried by a similar panel of three judges including one from Northern Ireland.

2. It is assumed that any such arrangements would be without prejudice to the arrangements created by the Criminal Jurisdiction Act 1975 (and the matching Irish legislation) whereby crimes committed in one jurisdiction can, in certain circumstances, be tried in the other jurisdiction.

3. The Judicature (Northern Ireland) Act 1978 requires that High Court Judges in Northern Ireland shall be persons who have practised for at least 10 years at the Northern Ireland Bar, and there are similar provisions for the rest of the judiciary. It would be necessary to amend these provisions if judges from a foreign jurisdiction were to sit in Northern Ireland. The legislation also provides that judges shall be appointed by Her Majesty the Queen; and that on appointment they should take both the oath of allegiance and the judicial oath.

Some dispensation from these requirements would be necessary in order to accommodate the arrangements suggested. Such a dispensation could itself become a matter of controversy.

4. Although judges from the Northern Ireland and Republic of Ireland jurisdictions spring from different legal backgrounds, it is not considered that a judge from one jurisdiction would experience undue difficulty in mastering the criminal law and procedure of the other.

5. There is, however, a problem of numbers. For the trial of scheduled offences in the Northern Ireland Crown Court, a single

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judge sits alone. To create a court of three judges - (one of whom would be from the Republic of Ireland) would mean doubling the number of Northern Ireland judges sitting on each case. This would require the appointment of three more judges in Northern Ireland. Between one and three further judges would be required to provide the necessary Northern Ireland judge at sittings of the Republic's Special Criminal Court. It would be exceedingly difficult to find these extra four to six judges - irrespective of whether the extra judges were to be High Court or County Court judges. Even if sufficient members of the Bar could be identified who would be suitable for appointment to the Bench, their appointment would deplete the number of Queen's Counsel by 20% (and those active in court work by 50%). This would add quite disproportionately, and cumulatively, to the delays in bringing criminal cases to trial.

6. There are other practical problems to which a solution would have to be found. If a bench comprised three judges of equal status, one would have to preside; how would the presiding judge be chosen? Would it be acceptable that the presiding judge should always be from the 'home' country? It seems probable that allowing the 'visiting' judge to preside would be controversial - in each country.

7. It would also be necessary to consider what the specific role of the three judges is to be. In Northern Ireland a judge trying scheduled offences sits without a jury; it is therefore for him to make findings of fact, as well as to rule on matters for law. Would each of the three judges be empowered to state his own findings of fact? If they did, this would make the conduct of any subsequent appeal very complicated. But if they did not, doubt might be cast on the extent to which three judges were any better than a single judge. Serious problems might arise where there were conflicting opinions on questions of law, or whether there was a case to answer, and on the admissibility of a confession. It would be intensely divisive if, as must happen sooner or later, a case arose where the majority consisted of the two Northern Ireland judges, and the minority of the single judge from the Republic of Ireland. When passing sentence, the judges would have to confer, and

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and announce a single decision.

8. These difficulties are considerable but, given the co-operation of the judiciary, may be surmountable. But the logistical problem of finding sufficient judges to operate a three-judge system could prove insurmountable. It therefore seems worth considering alternative courses, which might require the appointment of fewer extra judges.

9. The first possibility, which seems politically unrealistic, would be to constitute a single panel of High Court judges to serve in both jurisdictions, only a single one of them taking the Bench at sittings in Northern Ireland. This would mean that a proportion of the relevant cases heard in Northern Ireland would be heard by a single judge from the Republic of Ireland, sitting alone. This seems politically unrealistic - and could be constitutionally unacceptable unless that judge could and would take the same oaths of office as the existing Northern Ireland judges.

10. A second possibility would be to adhere to the original three-judge suggestion, but to reduce the range of cases to which it applies. This would involve some selection of cases from within the existing scheduled offence cases. Such selection might be on a case-by-case basis by the Lord Chief Justice (who might be reluctant to have the responsibility of identifying those cases which he considered more serious than others, since all cases would involve human liberty), or some re-definition of the scheduled offences, seeking to separate some more serious offences from those which are less serious. But as all scheduled offences are currently contained in the list because they are likely to relate to terrorist-involved cases, the distinction between more and less serious offences might not be reflected in the relative seriousness of the cases actually coming before the Courts.

11. A third possibility would be to retain the original proposal, but to provide that the two additional judges at sittings of the Northern Ireland Crown Court should be of a rank junior to the presiding judge. Thus he would be assisted by, say, a recorder

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or resident magistrate and by a similarly ranked judicial figure from the Republic of Ireland. This could solve the numbers problem, but it is questionable whether the more junior status of the two additional judges would ultimately enhance the acceptability of the Court to the minority.

12. A fourth possibility would be for the judge from the Republic of Ireland to sit not in the High Court, but in the Northern Ireland Court of Appeal. This court already sits with three judges and there would therefore be no additional manpower requirement for the Northern Ireland Bench. On the other hand it could be argued that the presence of a judge from the Republic of Ireland in the Court of Appeal might not have the same immediate impact as the presence of such a judge in the court of first instance.

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SPEAKING NOTEAN ALL-IRELAND LAW COMMISSION

1. This proposal starts from the proposition that the United Kingdom and the Republic of Ireland should examine together whether there are areas of the criminal law, applying, respectively, in Northern Ireland and the Republic, which could, with advantage to both countries, be harmonised.

2. The United Kingdom would stress the importance of setting realistic objectives for such an exercise. It would not be realistic to envisage the total harmonisation of the criminal law, substantive and procedural, operating in two sovereign states. Leaving aside the doubtful utility of such an undertaking, the breadth of the modern criminal law, with all its regulatory accretions, would make comprehensive harmonisation impracticable. So would the susceptibility of the criminal law to differing judicial interpretations in the two systems; and the reality that two independent sovereign parliaments would not always see eye to eye on what the substance of the statutory criminal law should be. These factors are enhanced to the extent that the Republic's Courts and Parliament are constrained by the requirements of a written constitution. Accordingly, the United Kingdom would identify the aim as being to achieve a measure of harmonisation, where this is perceived as being to the mutual benefit of the two countries, in selected areas of the criminal law.

3. On this approach, the first task would be to identify such areas; the second to establish joint machinery for studying them in depth and producing proposals for reform. The arrangement under which the Law Commission for England and Wales and the Scottish Law Commission undertake programmes of work approved by the responsible Ministers (Law Commissions Act 1965, Section 3) provides a model which might be followed. In the first instance, the governments of the United Kingdom and the Republic would set up, under the auspices of the AIIC, a joint commission charged to report on the scope for harmonisation measures within the whole field of the criminal law (including procedural

law) and to recommend an initial programme of work with, say a five year time-span. Provided that this study confirmed the utility of proceeding, and that agreement on a programme was reached, the commission might then be converted into a standing body to carry out the approved programme and, in due course, make recommendations for further work.

4. The commission, even at the initial stage, would need a full-time joint secretariat. If the model of the Great Britain Law Commissions were followed it might ultimately need full-time commissioners; but, with adequate secretarial backing, the task of establishing a viable programme of work could be given to a part-time body of, say, six nominees from each side, working under joint chairmen. The commission would need to be representative of a wide range of legal experience - academic, forensic, governmental - and some lay input into the development of the programme might be desirable. Once the commission embarked on a programme, it might be expected to set up working parties or study groups on particular topics, and would need power to co-opt appropriate experts to these. There would, accordingly, be financial and manpower implications for both governments, and shared funding arrangements would have to be made.

5. The United Kingdom has, at this stage, an open mind about the range of studies that might be undertaken by a commission, and would see much advantage in the suggested initial joint study to seek to establish what would be realistic. At the same time, it would suppose that a probable priority area would be that of terrorism and related offences; and the commission's initial remit might specifically enjoin it to examine what further scope exists for harmonisation studies in this area.

6. Law reform reports run a perennial danger of being pigeon-holed. If the two governments were to establish a joint commission to produce such reports it would be desirable to complement it by

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machinery (perhaps within the auspices of the AIIC) to examine the reports, and seek to co-ordinate action on them. It must also be borne in mind that harmonisation proposals would normally require fresh statutory provision in the two jurisdictions, and could be brought to fruition only if the two Parliaments assented.

7. The United Kingdom would wish to place on record that much Northern Ireland criminal law is identical with, or closely modelled on, the law in England and Wales. Of course, that law also has common roots with, and close similarities to, much of the corresponding law in the Republic. But, for the United Kingdom a constraint on the harmonisation of law within the island of Ireland, is that any benefits that might result from such work should not be outweighed by the introduction of unacceptable discrepancies between the laws operating in different parts of the United Kingdom.

8. This paper has been written in terms of the criminal law. It is not meant to preclude the possibility of extending harmonisation arrangements in due course, to other areas of law where they would be beneficial.

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SPEAKING NOTEA JOINT SECURITY COMMISSION

Institutionalised consultation in the field of law enforcement could be introduced within the AIIC framework by the establishment of an inter-governmental Security Commission for Northern Ireland and the Republic.

2. The Secretary of State for Northern Ireland and the Minister of Justice of the Republic would be the Joint Chairmen of the Commission. The Commission would be small in number; half would be nominated by the Secretary of State and half by the Minister of Justice. The members would include the Chief Constable of the RUC, the Commissioner of the Garda and the Permanent Secretaries of the Northern Ireland Office and the Department of Justice. Indeed these might be the only members in the first instance, but others might be invited to attend as necessary; and the membership might be increased at a later stage by mutual agreement to include such members as the Chairman of the Northern Ireland Police Authority and the Chairman of the Northern Ireland Complaints Board, to be paralleled by their opposite numbers if such institutions are established in the Republic. The Council would have a small joint Secretariat provided by the Northern Ireland Office and the Department of Justice.

3. The Commission would have regular meetings every three months and special meetings would be convened when necessary; for example, in the aftermath of a particularly serious incident with implications for both countries. The Commission would receive regular reports from the two Chief Police Officers. In addition

it would be supported by a structure of Joint Committees at official level, with members drawn in equal numbers from both countries and with joint chairmen, to carry out a comprehensive programme of work of mutual interest and value.

4. This programme of work would cover such matters as -
- a. the exchange of intelligence;
 - b. technical co-operation, e.g. in training, forensic matters and control of explosives;
 - c. exchange of personnel;
 - d. joint inspection arrangements;
 - e. the planning of joint operations;
 - f. the establishment and operation of joint units;
 - g. the development of a programme of action designed to affirm the position of the police as an accepted part of the whole community.

5. The programme of action referred to in paragraph 4.g might include the establishment of local consultative machinery; training in community relations; the introduction of lay visitors to police stations; crime prevention schemes involving the community; and improvements in arrangements for dealing with complaints against the police. Although these measures would be directed primarily towards Northern Ireland, with the particular object of making the police more readily accepted by the nationalist community, some of them might be developed by the Security Commission in ways which were acceptable in the Republic as well.

6. An Inter-Governmental Security Commission would focus continuing attention at the highest level on the improvement of security co-operation throughout Northern Ireland and

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the Republic. Yet there would be no derogation of sovereignty on the part of the United Kingdom or the Republic. The RUC and the Garda would remain independent forces; the Chief Constable would maintain his links with the Secretary of State and the Commissioner his accountability to the Minister of Justice.

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These arrangements would ensure full consultation at the highest level in the security field. The activities of the security forces in dealing with crime, particularly terrorist crime, would consequently be more easily seen as legitimate by all sides. In this way, the terrorist might be truly distanced from the community. At the same time, the development of improved links with the community would reduce any divisions between the police and the people, particularly in the nationalist areas of the North, but also in other areas where there is some evidence of the development of the same tension between the police and the community that is found in most countries in the Western world.

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SPEAKING NOTEPRACTICAL POLICING MEASURES

1. There are several ways in which practical police co-operation could be improved so as to promote greater general acceptance and support for the work of the police in Northern Ireland, particularly in nationalist areas. Examples are given in the list of possible subjects for study in the paper on a Joint Security Commission. This paper deals with two particular subjects; increasing the recruitment of members of the nationalist community to the police in Northern Ireland, and the establishment of joint co-operation between the police forces in Northern Ireland and the Republic of Ireland on the general model of the Regional Crime Squads in Great Britain.

Recruitment

2. There has been an increase in the recruitment from the nationalist community to the police in Northern Ireland. Over 12% of the recruits to the RUC from the start of 1984 until August 1984 have come from the Catholic community; this is over 50% more than the figure for the comparable period in 1983 and compares favourably with the current Catholic strength of the RUC which is about 9% of the total force. In the view of the Northern Ireland Office it would be more realistic to take action to increase the number of Catholics in the RUC as a whole (including those in supervisory ranks) rather than to attempt to create a separate Catholic force, which would give rise to serious problems of organisation and command and of the safety of the officers concerned.

3. Further steps to increase the recruitment of officers from the nationalist community might be studied by a Committee of the proposed Joint Security Commission. Possibilities include;

- a. in areas with a high nationalist population, efforts might be made to explain to individuals or small groups of potential recruits the work of the police service and its career prospects;

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- b. minority candidates who narrowly fail the educational test might be given advice to help them to succeed if they reapply;
- c. short courses might be held for police officers in charge of recruitment in minority areas;
- d. selection procedures could be reviewed to ensure that there are no hidden inhibitions to success by members of the minority community;
- e. help might be given where necessary to recruits from the minority community and their families to find new housing if they lived in particularly dangerous and exposed areas.

The Regional Crime Squad Model

4. The detection and apprehension of terrorists involves four connected activities;

- a. the acquisition of intelligence;
- b. the surveillance of suspected terrorists and their accomplices;
- c. the protection of surveillance teams;
- d. operations to apprehend suspected terrorists and their accomplices in circumstances that will facilitate their being charged and successfully prosecuted in the courts.

5. In the RUC these activities are undertaken by a number of specialised groups of staff, including Headquarters Mobile Support Units. In the Republic, the Garda Siochana's Special Task Force has broadly paralleled the activities of the corresponding RUC Units.

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It would therefore be possible to combine some of the RUC and Garda resources working in this field on the general model of the Regional Crime Squads which have been formed in Great Britain, from officers of neighbouring police forces. The precise functions covered, the force's size, and other practical questions would need to be jointly examined and agreed. The commander would be jointly responsible to the Chief Constable and the Commissioner of the Garda Siochana - command might alternate between the two forces, say every two years. Arrangements for liaison with other RUC and Garda formations and formations of the two Armies would have to be worked out carefully.

6. This force would be deployed in both jurisdictions - it need not be confined to a border strip. It would operate under the law of the relevant jurisdiction; in the Republic, it would primarily be for members of the Garda to make arrests and be responsible for other acts of legal significance; in Northern Ireland, it would be for members of the RUC. In emergency, it might be necessary for a Garda officer to arrest a person in Northern Ireland (or for an RUC officer to so do in the Republic). Details would have to be worked out, but the legal position of citizens of the Republic in the United Kingdom, and citizens of the UK (particularly Northern Ireland) in the Republic, should facilitate this type of arrangement.

7. The fact that the collaborative group specialised in terrorist crime, where the law is not too different in the two jurisdictions, would facilitate its operation. However, as discussed in other papers, it might be helpful to work towards the establishment of a common code for terrorist crime in both jurisdictions, and also towards some harmonisation of police powers.

Conclusion

8. These suggestions for the development of recruitment, and for collaboration on the model of Regional Crime Squads would need to

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be investigated further and in detail. They could be examined by committees tasked by the Joint Security Commission and containing members drawn from the police forces of the two countries, and other experts. The Garda Siochana would have a most useful contribution to make to this work from their own experience in dealing, for example, with terrorist crime and difficult community relations problems in urban areas. The RUC could contribute their own experience and expertise. Both police forces would gain. In this way, the work of the Joint Security Commission could make a useful contribution to the fight against terrorism and to the development of improved relations between the police and the community, to the benefit of the people in both countries.

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SPEAKING NOTEINSTITUTIONALISED CONSULTATION

This note considers possible arrangements for "institutionalised consultation" within the framework of the AIIC, and operating against the background of a devolved government in Northern Ireland which commands the widespread acceptance required by the Northern Ireland Act 1982.

Purpose

2. To ensure that the interests and views of the nationalist community in Northern Ireland are adequately taken into account in decisions taken by government, and to provide "institutionalised consultation" with the government of the Republic of Ireland to that end.

Scope

3. The British Government would accept an obligation to consult the Irish Government and the Irish Government would have the right to be consulted on matters for which the Secretary of State for Northern Ireland is responsible. Consultations on law and order matters would be the subject of separate arrangements from those suggested in this note.

4. The following matters are outside the responsibility of the Secretary of State for Northern Ireland (or in some cases are not matters for him alone) and would thus be outside the scope of consultation:

- the constitutional status of Northern Ireland;
- international relations, including the handling of European Community matters;
- taxation, and the fixing of overall public expenditure limits and policies;
- defence, including military deployments in Northern Ireland;
- courts (except so far as these would be covered by any arrangements relating to law and order);
- matters transferred to a devolved Northern Ireland administration;
- matters which fall within the responsibility of local

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authorities and other independent bodies.

5. The government of the Republic of Ireland would establish in Northern Ireland a representative, whom the Secretary of State, and any officials acting on his behalf or subject to his direction would consult on relevant matters.
6. The representative would be free to contact Ministers or Departments on his own initiative.
7. A liaison unit would be established, probably in Stormont Castle, to monitor, co-ordinate and encourage contacts with the representative; and to act as a channel or communication with the representative whenever this appeared desirable.
8. The liaison unit would be expected to have regular meetings with the representative.
9. Any representations made by the representative of the government of the Republic of Ireland would be considered and taken into account by the Secretary of State for Northern Ireland (or any Minister or official acting on his behalf or under his direction) before taking the relevant decision.
10. The ultimate decision would nevertheless remain that of the Secretary of State (or other person acting on his behalf), whose action would continue to be subject to any constraints or requirements imposed by law, and to any requirements in relation to Parliament or to wider United Kingdom government policy.
11. Contacts between the representative and the Northern Ireland authorities would be in addition to, not a substitute for, direct contact at the political and diplomatic levels between the United Kingdom and Republic of Ireland governments. In particular, the Secretary of State for Northern Ireland would continue, within the framework of the AIIC, the present pattern of discussions with Irish Ministers on matters of mutual concern.

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12. Similarly, the representative's role in relation to the nationalist community in Northern Ireland would be in addition to, not in substitution for, improved direct relationships between the authorities in Northern Ireland and the minority community.

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SPEAKING NOTE

DEVOLVED GOVERNMENT

1. The best prospect for the stable Government of Northern Ireland lies in a devolved administration that commands widespread acceptance throughout the Northern Ireland community.
2. That acceptance must be genuine, not enforced. Enforced acceptance will only result in further instability.
3. The Northern Ireland Act 1982 provides a basic framework from which such devolved government could be developed. Under that Act, the Northern Ireland Assembly is empowered to submit proposals for it to resume some or all of its former legislative powers, and for the formation of a Northern Ireland Executive; if the Assembly's proposals have the support of 70% of its members, or if the Secretary of State is satisfied they are likely to command widespread acceptance throughout the community (and have the support of 50% of Assembly members), then those proposals must be laid before Parliament. The proposals can only be acted on, however, if both Houses of Parliament approve them and consider that they are likely to command widespread acceptance throughout the community.
4. Devolution proposals which did not stem from this Assembly, or which did not meet the tests of the 1982 Act, could not be implemented without fresh legislation.
5. Although the three parties currently attending the Northern Ireland Assembly (Alliance, DUP, UUP) are examining their own respective proposals for devolved government there is no evidence at present that they will reach agreement on a form of devolved government that is likely to command widespread acceptance throughout the Northern Ireland community.
6. The current views of the major constitutional Northern Ireland political parties appear to be;

The SDLP have declined to offer views on devolution within Northern Ireland.

The DUP advocate a majority system whereby the majority party in the Assembly would form a Cabinet responsible for legislation and the execution of policy. Departmental Committees would have an advisory role in relation to legislation and finance. Minority representatives might have a greater role in the Committees than their numbers would warrant. There could be additional safeguards for the minority including a Bill of Rights and a blocking mechanism in the Assembly.

The UUP - Devolution of administrative and functional powers enjoyed at local government level in other parts of the UK, possible incorporation of the ECHR, as well as arrangements for the cultural expression of Irishness.

The Alliance - Devolution of legislative and executive powers to an Assembly, election of Ministers on a proportional basis - power sharing. A right of appeal to the Secretary of State. A Bill of Rights for Northern Ireland. A "sensible, practical expression of the Irish dimension" in social and economic fields.

7. It is not clear that the unionist parties will be willing to agree to a sufficient role for the minority to meet the test of widespread acceptance. Nor is it clear that the SDLP is willing to join in the search for a form of devolved government that might meet this test.

8. HMG is seeking ways of bridging this gap and of encouraging the parties to explore together possible ways of constructing a devolved government that would command widespread acceptance.

9. We believe that the deletion of amendment to Articles 2 and 3 of the Constitution of the Republic of Ireland would not, in unionist eyes, be sufficient to offset the introduction of institutionalised consultation and sharing of power with the

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minority in a devolved government. In addition to the proposed action by the Irish Government to amend the Irish Constitution, unionists will need a significant inducement from the British Government if they are to be brought to acquiesce in any arrangements involving institutionalised consultation with the Irish Government on Northern Ireland affairs. A devolved government run on majority lines, with safeguards for the minority, might meet this requirement, provided that (as we envisage) there was no provision for consulting the Irish Government on matters for which the devolved government would be responsible. But there would be difficulties if the SDLP insisted on consulting the Irish Government direct about devolved matters, as they did during the period of the power-sharing executive after Sunningdale.

10. The creation of a devolved government could take many of the present responsibilities of the Secretary of State (except for law and order) out of the scheme of institutionalised consultation. This would diminish the value of institutionalised consultation to the Irish Government. Applying institutionalised consultation to the devolved powers would attract fierce unionist opposition. At a minimum the Irish Government would expect consultation procedures to apply to whatever public appointments remained in the Secretary of State's gift, as well as to any checks and balances on majority rule which might form part of his responsibilities: for instance, if the Secretary of State's formal endorsement was required for certain acts by the devolved government, the Irish Government would no doubt argue that it should have a right to be consulted before that endorsement was given.

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SPEAKING NOTEANGLO-IRISH PARLIAMENTARY BODYBackground

The establishment of an Anglo-Irish Parliamentary body was first proposed in 1981 and recorded in the White Paper on Anglo-Irish Joint Studies in the context of ideas to enhance the relationship between the two countries by giving it closer institutional expression. There has since been little further discussion of the detail of the proposal between the two sides, and comparatively little Parliamentary pressure for the creation of such a body although some support for it was expressed in the House of Commons debate on Northern Ireland on 2 July. As was to be expected Unionist spokesmen have from time to time opposed its creation and have declared that if it were to be set up despite their opposition they would not take part in it.

Functions

2. It will be difficult to create a Parliamentary body which appears to have sufficient useful purpose to be taken seriously without it trespassing unacceptably on the role of the sovereign Parliaments, or on the process of government. We believe it would be best to proceed by building on the existing Anglo-Irish Parliamentary Groups at Westminster and the Dail. The Groups' role could be enhanced by making provision for more regular meetings, and by giving the new organisation a higher profile as a consultative body. It could receive an annual report from each government on the progress of Anglo-Irish relations, and itself make recommendations to the two governments or the two sovereign Parliaments, which together with the Northern Ireland Assembly would be free to debate them, or let them lie.

Structure

3. Given the declared opposition by the Unionists and the uncertain availability of Northern Ireland Assembly representatives, it might be best to establish a new Parliamentary body in two phases. It could begin with an equal number of representatives from Westminster and Dublin, chosen roughly in proportion to party representation in the lower Houses of those two Parliaments. Provision could then be made for them to add further members drawn from the Northern Ireland Assembly if and when the time seemed appropriate. It would need to be decided whether only elected members of the respective Parliaments should be included or whether members of the Lords and the Irish Senate would be eligible. We presume that the members of the body would be appointed by the contributing assemblies. The size of the proposed body and the proportion eventually to be drawn from the Northern Ireland Assembly would need to be decided: the membership would not have to be so large as to be unmanageable, or so small as to be unrepresentative.

*The Unionists
would resist
this.*

4. There are a number of other practical questions which would need resolution. The body would need to be given a place or places to meet; a secretariat and a budget; and a chairman, perhaps selected in rotation from among the representatives of the two sovereign Parliaments by all its members. It would be necessary to be clear whether the body was empowered to appoint committees and how frequently it was able to meet.

Implementation

5. The simplest way of establishing the new body would probably be by a resolution in the Parliaments of Westminster and Dublin, perhaps on the lines of those which established the Commons departmental committees.

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It would be necessary to ensure that the terms of the resolution could be carried unamended both in the Commons and in the Dail; there would therefore be need for agreement among both government supporters on the broad structure and functions of the body and in practice a fair measure of agreement on the Opposition benches too.

SPEAKING NOTELEGAL BASIS

It is envisaged that the arrangements under discussion would be embodied in an agreement between the British and Irish Governments. Although for historical reasons it would not be called or referred to as a treaty, it would be a formal international agreement which would be registered at the United Nations and would require ratification.

2. The form of the agreement would turn in part on the substance. But it might consist of:

- (i) a Preamble setting out political statements not intended to constitute legal obligations; some of these might be drawn from the proposed Joint Declaration of objectives or principles;
- (ii) Articles on each of the areas discussed in other papers on which action was to be taken by each of the sides or consultation established, the detail on each point being set out in Annexes;
- (iii) formal Articles providing for ratification, entry into force and registration with the United Nations.

3. It is envisaged that domestic legislation would need to be enacted in both Westminster and Dublin to give effect to the provisions of the Agreement, including the holding of a referendum in the Republic. The procedure and sequence for finalising the agreement might therefore be: initialling of a text resulting from negotiations, followed by publication; then formal signature of the agreement, followed by constitutional and legislative action in both countries. After this was complete in both countries, instruments of ratification would be exchanged.

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Could not possibly agree to this. It would shake you into the Unions

DRAFT JOINT DECLARATION ON NORTHERN IRELAND

The Prime Minister and the Taoiseach discussed the situation in Northern Ireland. They agreed that the promotion of peace and stability in the province was dependent upon acceptance that :

Not strong enough. The Province is part of the U.K. and will remain so unless the majority etc.

i. There can be no change in the constitutional status of Northern Ireland as part of the United Kingdom without the consent of the majority of its people.

ii. Geography, and the sense of loyalty which many people in Northern Ireland feel to the Irish state, call for a close relationship between the Governments of the United Kingdom and of the Republic of Ireland.

iii. The identities of both the majority and the minority communities in Northern Ireland should be respected, and both communities should be entitled to give those identities appropriate public, political and social expression.

?? Which is this meant to mean?

iv. The institutions of government in Northern Ireland should be such as to provide both communities with the confidence that their rights will be safeguarded and their aspirations respected.

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v. Any attempt to promote political objectives by means of violence or the threat of violence must be rejected, as must those who adopt or support such methods.

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BILL OF RIGHTS

The main political parties in Northern Ireland have each, at some time or other, expressed support for the concept of a Bill of Rights in Northern Ireland. This unusual unanimity may indicate that no party expects a Bill of Rights to have a substantial effect on circumstances in Northern Ireland, or alternatively that each party holds a rather different view of what a Bill of Rights would set out to achieve.

2. Most definitions of a Bill of Rights include a list of fundamental human rights and freedoms which are to be entrenched in the law in such a way that action which appears to be incompatible with them (including legislative action) can be challenged in a court.

3. The possibility of such a Bill of Rights in Northern Ireland has been examined, and publicly debated, on many occasions, revealing a considerable range of difficulties.

4. First there is a question of the rights and freedoms which should be incorporated in the Bill of Rights. In recent years discussion has tended to focus on the provisions of the European Convention on Human Rights, which is still probably the most convenient list for the present purpose. It would, however, be necessary to confirm that this list is precisely appropriate for the circumstances of Northern Ireland.

5. Second, there is the way in which the relevant rights and freedoms are to be described. The language of the European Convention on Human Rights is, of necessity, the language of a Treaty, rather than the language of a statutory provision within the United Kingdom. There is a case for seeking to redraft the rights and freedoms in the more watertight language of a United Kingdom statute; but to do so could raise formidable drafting problems, and could sever the important presentational value of having domestic provisions which are identical in form to the

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European Convention. But before accepting that the language of the European Convention should be that used in relation to Northern Ireland, it would be important to establish that this would not give rise to unmanageable problems for the courts, or for others.

6. Third, there is the problem of how to incorporate the Bill of Rights provisions in the law of Northern Ireland. The most direct approach would be to enact provisions (as provisions were enacted in the Government of Ireland Act 1920 and the Northern Ireland Constitution Act 1973) which govern all legislative and executive action undertaken in Northern Ireland. By such means it would be possible to ensure that all future actions of a Northern Ireland Executive and a Northern Ireland Assembly would be subject to the Bill of Rights provisions - as would be any similar activities undertaken during direct rule.

7. Such a provision would not, and could not, bind the United Kingdom parliament, and would thus not affect any future statute of that parliament.

8. The 1920 and 1973 precedents also have the limitation that they only confer protection against actions by Ministers and other governmental organisations; they do not, for instance, bite on the actions of the police, the army, or of organisations and people who are outside government. Yet it might be argued that a Bill of Rights should confer rights and freedoms upon the citizen irrespective of the nature of the authority, organisation or individual who might threaten those rights; and that the Bill of Rights should therefore confer protection against the actions of a much wider range of organisations and individuals than those covered by the 1920 and 1973 Acts.

9. Such a widening would, however, provoke complicated new problems as to the judicial mechanism for enforcing the rights and freedoms. The 1973 Act provides that the judicial committee

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of the Privy Council may rule on legislation whose vires are disputed; and that an aggrieved person may complain to the courts in the usual way if any of his rights protected under the 1973 Act are violated. If the police (and the Army) were to be brought within the ambit of the Bill of Rights, a more complicated machinery would be needed (and it would have to be constructed so as to be compatible with the other mechanisms for controlling the police and dealing with complaints against them).

10. The enforcement of human rights and freedoms could in any case be a much more complicated problem than that faced in the 1973 Act (where discrimination is the only point at issue); the European Convention on Human Rights protects a wide range of human rights, human rights which do not have many characteristics in common, and which might therefore be difficult to protect by means of a single juridical device.

11. These problems are relatively well known, and have been well ventilated over the years. No satisfactory means has yet been found of overcoming them all, particularly in the context of a country such as the United Kingdom which has no written constitution. To the extent that Northern Ireland has a written constitution, it is possible to overcome some of these difficulties, though only by limiting the scope of the Bill of Rights to matters which fall within the scope of those constitutional and governmental arrangements. Any proposal to create a Bill of Rights provision for Northern Ireland would inevitably have implications both for the rest of the United Kingdom and, presumably, for the Republic of Ireland. It is not easy to see how a satisfactory dividing line can be drawn between what is needed in Northern Ireland and what is needed in the rest of the United Kingdom, or in the Republic of Ireland. If the Republic of Ireland were to introduce a Bill of Rights there, it would make the case for such action in Northern Ireland

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correspondingly stronger - while a decision in the Republic of Ireland not to introduce a Bill of Rights for that country would be seen as weakening the arguments for a Bill of Rights in Northern Ireland.

12. These arguments lead to one final problem; what is the purpose that enactment of a Bill of Rights is expected to serve? If it is believed that a wide range of rights and freedoms is not protected by the law in Northern Ireland, then it is arguable that the only way to protect all of them would be to enact a Bill of Rights; if, on the other hand, it is believed that individual rights or freedoms are inadequately protected by the law then it may be simpler and more effective to concentrate (as did the 1973 Act) on examining provisions which might remedy those particular deficiencies. This last point links with the first point identified in this paper - namely the need to establish at an early stage just what rights and freedoms it is intended to protect.

SECRET

AMBASÁID NA HÉIREANN, LONDAIN.



IRISH EMBASSY, LONDON.

17 Grosvenor Place

SW1X 7HR

GD

10th October 1984

Dear Private Secretary

I have been asked by the Taoiseach, Dr Garret FitzGerald TD to transmit the enclosed letter to the Prime Minister. I should be grateful if you would see that it is brought to her attention.

I enclose a copy of the letter herewith for your information.

Yours sincerely

A handwritten signature in dark ink, appearing to read 'Noel Dorr', is written above the typed name.

Noel Dorr
Ambassador

Mr Charles Powell
Private Secretary to the Prime Minister
No.10 Downing Street
London SW1

Encl.

FROM: THE PRIVATE SECRETARY



NORTHERN IRELAND OFFICE
STORMONT CASTLE
BELFAST BT4 3ST

Tel. Belfast (0232) 63011
Telex 74272

C D Powell Esq
Private Secretary
10 Downing Street
LONDON SW1

NBPM

CDP 19X.

9 October 1984

Dear Charles,

MAGILLIGAN HUNGER STRIKE

This is to confirm that the ten prisoners at Magilligan prison who had "suspended" their hunger strike for the second time on 25 September (my letter of 27 September refers) said on the evening of Friday 5 October that the strike was over.

This followed a debate in the Northern Ireland Assembly on 3 October and a letter - which made no concessions and made clear that the Government would not make changes in prison arrangements under the duress of a hunger strike - which the Secretary of State sent to Party leaders earlier that day.

It is good that the strike has come to an end. No doubt both the Loyalist and the Republican paramilitaries will go on looking for opportunities to press for segregation, and the issue is likely to surface again at some stage. But it is useful that in this incident the authority of Government in the prisons has been maintained.

Yours sincerely,

Graham Sandiford

G K SANDIFORD

Inland Pt 07

Situation

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1 OCT 1984

PRIME MINISTER'S

PERSONAL MESSAGE

SERIAL No. T 1708/84

CC MASTER
OPS

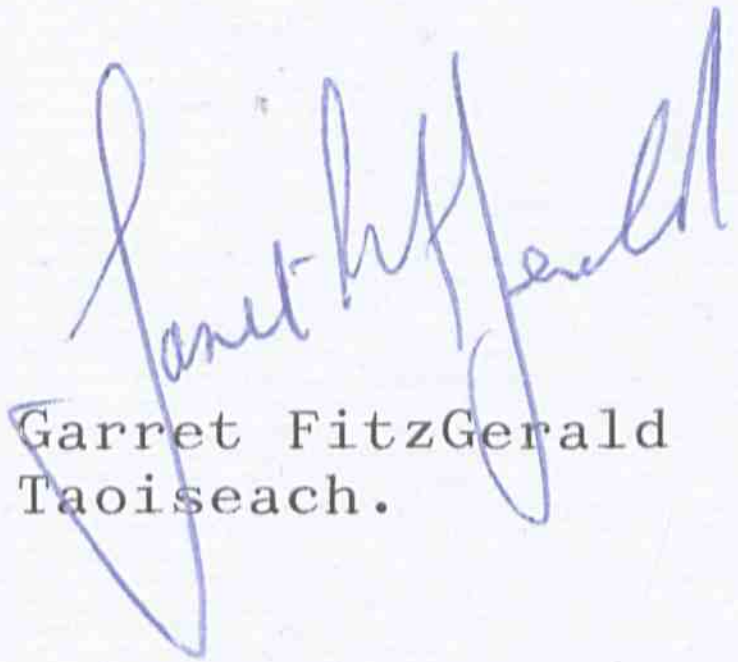
Oifig an Taoisigh
Office of the Taoiseach

8th October, 1984.

The Right Hon. Margaret Thatcher, M.P.,
Prime Minister.

I was gratified to receive your congratulations
- and even more so with the event to which they
referred.

I have passed on your message to the people
concerned who are, like all of us, especially
pleased with all the lives in these islands
which the operation has saved.


Garret FitzGerald
Taoiseach.

Oifig an Taoisigh, Tithe an Rialtais, Baile Átha Cliath 2.
Office of the Taoiseach, Government Buildings, Dublin 2.



Prime Minister

CDP
10/84

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apc

10 DOWNING STREET

From the Private Secretary

8 October 1984

Meeting with the Irish Minister for Foreign Affairs

Thank you for your letter of 5 October about Mr. Hurd's wish to meet Mr. Barry.

The Prime Minister agrees to the proposed meeting on 25 October.

I am copying this letter to Len Appleyard (Foreign and Commonwealth Office) and Richard Hatfield (Cabinet Office).

Charles Powell

G.K. Sandiford, Esq.,
Northern Ireland Office.

CONFIDENTIAL



10 DOWNING STREET

cc. FCO
CO
Sir A. Acland
R Andrew (NIO)
D Goodall (FCO)
Sir P. Woodfield
B. Cartledge

30

8 October 1984

From the Private Secretary

ANGLO-IRISH RELATIONS: NORTHERN IRELAND

There are two errors in my letter of 5 October to you, recording the Prime Minister's meeting on Northern Ireland. Both are in the second paragraph of the second page.

At the end of the third line the words "in security matters" should be added after "cooperation".

The sentence starting in the eight line should read: "He thought that Mr. Barry understood that the role".

I am sending copies of this letter to the recipients of my original one.

(C.D. POWELL)

G.K. Sandiford, Esq.,
Northern Ireland Office.

Ireland



CONFIDENTIAL



Foreign and Commonwealth Office

London SW1A 2AH

Prime Minister has
already seen.
NB
CDP 107K.

Dear Charles,

Anglo-Irish Relations: Northern Ireland

The Foreign Secretary considers that the Prime Minister may be interested by the section on the Forum Report (pages 16-25) in the enclosed copy of Dr FitzGerald's speech to his party conference on 6 October, which was given to us by the Irish Ambassador yesterday. Passages of particular interest have been sidelined.

You will see that Dr FitzGerald, while stressing his belief that there is now "a very real chance of progress" on Northern Ireland (p 25), is at some pains to play down expectations of an early British response to the Forum Report (e.g. pages 20 and 21: "... it is more important that the British get it right than that they respond within a particular space of time"). He also pays tribute to "the seriousness with which the British Prime Minister, Mrs Thatcher [is] approaching this problem" and refers extensively to Mr Prior's speech in the House of Commons on 2 July (pages 19, 20 and 24), including Mr Prior's acknowledgement of "the validity of our [the Irish] right to speak on behalf of Northern nationalists".

Finally, Dr FitzGerald makes a particular point of welcoming recent signs of flexibility on the part of the Unionists (p 22) and stresses the Irish Government's determination to respect the rights of the majority community in Northern Ireland "including their right to have any decision that would affect the constitutional position of Northern Ireland determined by a majority of its citizens" (p 23).

I am sending copies of this letter and enclosure to the Private Secretary to the Secretary of State for Northern Ireland and to Sir Robert Armstrong.

Yours ever,

Len Appleyard

(L V Appleyard)
Private Secretary

C D Powell Esq
10 Downing Street

CONFIDENTIAL

EMBARGO 9.00 PM

ADDRESS BY AN TAOISEACH DR. GARRET FITZGERALD T.D. AT THE
Fine Gael Ard Fheis Saturday October 6 1984

"Securing Ireland's Future"

Prime Minister

Pages 19-26 deal
in rather helpful terms
with Northern Ireland. But
expectations are being
created.

INTRODUCTION

I am addressing you and the people of Ireland at the end of a
period of weeks which I can bluntly state have been the most
difficult I have faced since I became leader of this party and
Taoiseach of this country.

ADP
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That period is now behind us. Last Tuesday saw the the end of
months of waiting while the National Plan, 'Building on
Reality' was being completed. We have now passed out of this
first, most difficult, phase of our Government term, during
which we were securing Ireland's present. This week we have
taken the action needed to secure Ireland's future.

I speak to this Ard Fheis and this country with a message of
hope - hope based on realism.

The decisions you have heard this week, and they are decisions,
not proposals, and the measures you will see taken in the
coming months, will succeed because they have been firmly based
on reality and because they will be implemented with courage
and determination and unity by Fine Gael and Labour in
Government.

We have been attacked for being peddlars of gloom; we have
been attacked for giving no hope. But I say now to those who

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belittle our determination to put this country right - and we have heard some of these in action during the last few days: we have faced the truth, we have told the truth, and we will allow nothing to stop us from implementing the measures which will make this a better country to live in. And so we can now give hope - realistic hope. Ireland deserves realistic hope and will reject the begrudgers who, for whatever political motivation, refuse to join with us in acting with courage in defence of the interests of the Irish people, and who persist in attempting to cast a cloud over the future that now unfolds before us.

Remember that our Economic and Social Plan is not a Fine Gael plan; it is not a Labour plan; and it is certainly not a Fianna Fail plan, although it is a way forward!

It is a national plan decided by a Government which the people of Ireland have elected to govern them. Its decisions - some of them difficult and controversial have been made, not to court popularity in the short term, but to do nothing less than guarantee our future as a country, no matter what government may be in power after 1987 - and I am reasonably certain, as you are, what government that will be.

I say to our political opponents and to those who do not support the Government parties: we, Fine Gael and Labour, take full responsibility for the decisions, tough as some of them are. But in implementing them, we need your help and will

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welcome constructive criticism. May I add that no responsible Irish man or woman can, with a clear conscience, stand by and refuse to join in the national effort now launched. All can and should, share in this work and all will be equally entitled to share in the rewards.

Since I entered politics twenty years ago, at the height of the Lemass era, the task of governing this country has never been tougher. But let me assure you here and now that my determination to succeed has never been greater. As far as I'm concerned, our future begins now!

I lead a Government that by 1987 will have transformed the economic, social and political shambles which we inherited two years ago. We will have transformed it into a country where every man, woman and child can say "I am proud to be Irish".

We have been through what is often termed the political "silly season", when political stories and actions are occasionally inflated and exaggerated. Mind you, I do not exonerate our Government from some measure of clumsiness in handling policy decisions during the Summer, although I believe that last Tuesday we more than retrieved any such errors of judgement.

Being in power is not about making things look good, much as that pleases us: being in Government is not about securing the

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nation's affection and applause, agreeable though that is. Being in Government in Ireland in 1984 is a tough grind, as any Fine Gael or Labour Minister will tell you. It involves protracted study of complex problems, full discussion on how to resolve them, followed by decisions - often painful. And it involves - it must in our society involve - placing all the cards on the table: telling the people precisely what we propose to do, telling them the good news, and the bad.

But politics is about even more than that. It is about having an overriding motive, a firm conviction that what you are doing is leading somewhere in the long run. It is about having a vision.

The vision with which I entered politics has had to be tempered by the harsh reality of finding myself at the head of government during a period when the living standards of the vast majority of people in jobs have been declining. But despite the strains and pressures this has created amongst our people we have been able to maintain the living standards of the underprivileged minority, many of whom, in our society, still suffer intense deprivation. Unlike so many other countries in Europe, we have protected the less fortunate amongst us, and in our National Plan we have been able to take additional steps, for example, to help the education of children in disadvantaged areas and to introduce a progressive

Child Benefit Scheme. This is a source of great pride to me. And to be the Leader of a Party, and of a Government of two Parties that both share this commitment, so unusual in the materialist world of the mid 1980's, is a matter of deep satisfaction.

For that is why our two Parties, despite a different perspective on some issues, are in Government together. We share the same aspiration for social justice, and the same determination to resist pressures of vested interests which could be conciliated only at the expense of the poor and the under-privileged.

I take this opportunity to pay tribute to Dick Spring and the other Labour Ministers for the full and constructive part they have played with us in making our country's future secure. Together we have moved it, even during difficult times, towards the kind of vision of society which we fundamentally share.

We are united in our determination to implement the Programme for Government and the National Plan, "Building on Reality", based on that programme. With pride in our achievements we will face the electorate when that Programme and that Plan have been implemented - and not before, as the Leader of the Opposition conceded on television last Tuesday night!

B. THE PLAN

The National Economic and Social Plan, 'Building on Reality' has been long needed and impatiently awaited. It marks the second phase of our term in office. Before speaking of it, I want to remind you of what the Government have achieved in our first 22 months, most of it indeed, since I last addressed you a year ago during a time when that Plan was under arduous preparation.

- Inflation is now down to below 8%, from the 20% of 1982.
- The decline in employment of 40,000 in the past four years has been halted.
- The Enterprise Allowance Scheme has already helped 3,500 unemployed people to set themselves up in business and the number of applicants is rising weekly.
- A new Industrial Policy has been launched.
- We have saved the Irish dairy industry from the threat of severe cut-backs and have preserved its capacity for expansion.
- There has been a comprehensive crack-down on tax avoidance.
- Borrowing has been reduced by two-fifths by comparison with the level that faced us when we took over in mid-1981.

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- The purchasing power of Social Welfare payments has been increased significantly and a Family Income Supplement has been introduced to assist 35,000 families on low wages.
- A Rent Tribunal has been established to deal with disputes between landlords and tenants.
- A radical reform of our educational system has been undertaken.
- New Oireachtas Committees are, for the first time, giving not only Government backbenchers but also members of the Opposition a constructive parliamentary role.
- We have, after many years of promises by successive Governments, brought to an advanced stage a Criminal Justice Bill and a Misuse of Drugs Bill. And we have initiated a promotional system in the Garda Síochána free from political interference.
- Promotion on merit across the civil service has been introduced at the highest levels.
- A new Bord Pleanála, free of political interference in its composition, has been established.

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- We have appointed Michael Mills as Ombudsman.
- An Bord Post and An Bord Telecom have been established.

These are just a few of the solid achievements of the past twenty-two months and I make no apology for listing them; we are too often conscious of our failings than of our successes in this country and are quick to forget our achievements.

But, beyond all these reforms there remains the fundamental problem of achieving a recovery in the living standards of those at work, which have on average been cut by almost 10% in the past four years, and of taking effective action to help those - over 200,000 - who are out of work. Families must still be fed and clothed; children leaving school face ever-increasing competition for what has been until recently a decreasing number of jobs.

It is to address these real, everyday problems, which are far more real because they confront so many people from the moment they wake up each morning, that the National Plan has been produced.

I want to tell you exactly why this long and seemingly unending process of planning was necessary before we could get to the

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stage we have reached this week. If you want to design a house, or build an extension to a house, you must employ an architect, builders, craftsmen; you watch the foundations go up, the rooms taking shape. It is a tedious but essential process. This country is like a house the future of which has had, over the past seven years, a number of different architects, including, most recently, myself.

The fact that there have been four changes of leadership of the country since 1979 has meant that until now no Government has had the necessary time in office to study, research, and decide on how to pull this country out of the chaos into which it was led in the late 1970's. That is why, on taking office, I set up the independent National Planning Board whose advice the Government has, in this Plan, largely accepted. The National Economic plan is the result.

Through this Plan, 'Building on Reality' you, and all our people, now know just how the economic and social policy of this country will develop, and the details of how the Government propose to spend your money, Department by Department, until the end of our term of office in three years' time. Never before has this been the case; no other Plan has ever 'come clean' with the people in this way.

No one will like all the decisions that have been taken. Most

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people will find something, perhaps a number of things, that they strongly dislike, because it will mean an extra sacrifice. We have seen the early reactions of various sectors: trade unions, farmers, employers. They have welcomed some sections and rejected others. But they must realise - I believe that they do - that this Plan, like the country, is a unit. It stands or falls in its entirety. There is no room for picking and choosing the bits that particular interests like or dislike.

It is on that basis that it will be put by the Government to Dail Eireann; and it is in its entirety that it will be implemented. To everyone in the country I say this: we have not forecast imaginary growth rates or recklessly promised specific time spans for eliminating unemployment. We have balanced the problems we have to face, above all, unemployment, against what we can achieve; we have balanced the wishes, the legitimate concerns of various interest groups - PAYE workers, farmers, social welfare recipients - against the necessity to confront these problems. We have sought advice widely, and taken much of it. And we have now taken the necessary decisions. The facile jibe of indecisiveness, levelled against us by some, is seen now to be hollow to the core. We have acted. As a result you, and the country, know where you stand.

The plan meets the most pressing needs that confront us, in the areas of unemployment, taxation and public spending:

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- First, not only will employment be created and sustained by the measures we have taken, but the Plan provides substantial new measures to ease the present effects of unemployment particularly among the long-term unemployed and among young people. For a country with the largest young population in Europe, and with so many people out of work, many of them for well over a year, some indeed for years, this boost to national morale cannot be underestimated.

- Second, the recent rapid rise in the burden of taxation has been halted. We are now setting out to redistribute that burden in the fairest possible way.

- Third, the share of what we produce absorbed by public spending is being reduced - not in a savage or socially harmful way, but sufficiently to allow us to reduce substantially our borrowing and thereby to release more tax revenue for creating employment. Instead of the State using up, as in the past four years, more and more of an unchanging amount of national resources, it will now take nothing extra out of a growing volume of resources leaving the whole of our extra national output free for the improvement of living standards and for investment in our future.

- Fourth, despite scarce resources, social policy in health, education, welfare and housing is further developed by this Plan - contrary, I believe, to many people's pessimistic expectations. Thus, for example, resources devoted to education - schools, colleges, numbers of teachers, and help for pupils - are being increased significantly, with a re-direction of much of these resources in favour of the under-privileged in accordance with Fine Gael's fundamental commitment to social justice. This Government are committed to spending more in this vital area of education than any of their predecessors in the history of the State.

This Plan is governed by the overriding need to get value for the money you pay in taxes, through reducing the cost of administering our public services - thus reversing the traditional pattern of cuts in times of adversity which in the past have always involved cutting the services, and leaving the administration intact.

You do not need to be told by me that unemployment is the most serious problem facing the country at present. I want to address myself directly to unemployed men and women, and their families who share their frustration. Every day I get letters from all parts of the country which confront me with the extent of that despair. Some of you blame me directly, some of you blame the Government, many of you blame politicians in general

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- and many of you blame no one, but, simply seek help in your desperate plight. I ask you, in your bitterness and misery, which I appreciate, to accept my pledge that this Government will do all in their power to reverse this trend. In the Plan we have prepared I believe we have given hope to many of you. Hope through the policies which will create 20-25,000 new self-sustaining jobs for workers in manufacturing and in services. Hope through an Enterprise Allowance Scheme, which has already helped 3,500 unemployed people to become self-employed - a figure increasing by 100 every week. Hope by providing a new Social Employment Scheme for over 10,000 other long-term unemployed, and new industrial cum/training jobs for a further 2,500.

At the same time we are providing the capital for schemes in such areas as road construction and educational building that will employ several thousand additional construction workers. It is this Government that will dust off the JCBs left idle by the recession, that began in 1980 under Fianna Fail, and it is this Government that will get the construction industry moving again.

You will agree, I am sure, that the Government were right to reject one of the National Planning Board's suggestions: the reduction or abolition of the mortgage interest tax allowance. The building industry will also be helped by the decision to encourage those who live in local authority houses

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to buy their own private houses, with the aid of an additional non-repayable £5,000 grant, on top of the standard £1,000 grant, and the £3,000 mortgage subsidy.

The more newsworthy, major features of the Plan are well known to the country now and I shall not dwell on them. We are heartened, however, by the obvious approval of the majority of our people for our new Farm Tax which will both double the yield of tax from farmers, and at the same time relieve the vast majority of them from their present mound of paper work, while avoiding "double taxation".

It is not only the major schemes that have captured the public imagination: other proposals such as the reduction of VAT on newspapers, the lowering of the excise duty paid on spirits, the forthcoming National Lottery, the new Child Benefit Scheme have all attracted favourable comment. The prospect of longer opening hours for licensed premises during the summer months - which will be combined with new and stringent measures against under-age drinking, and the licensing of restaurants to serve beer and spirits will encourage tourism.

The decisions have been well publicised. As I have said, everyone will find many measures of which they approve as well as some which they will not like. There will be savings made by careful control of public service pay and the extension to the whole public service of the control of the filling of

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vacancies. There will be increases in charges for public services such as school transport and private hospital treatment. Most of the remaining subsidies on food will be phased out - but only when the new Child Benefit Scheme comes into operation.

But I will say this to the country, as I said on the day the Plan was released: now that the goals are set, the decisions taken and the sacrifices are clear; now that we have security in our Government strategy till 1987, no interest group or pressure group, can be allowed to stand in the way of achieving and, let us hope, of surpassing, our objectives.

This Plan can and should be supported by those groups, as by the people as a whole, because, for the first time in over 25 years, it provides a stable framework for the Irish economy and the Irish people. For the first time ever, decisions on levels of taxation and Government spending have been made to cover a three-year rather than a one-year period.

This Government offers the country three years of stability. For the first time, all concerned can plan for three years ahead, knowing what the Government's policies will be and not having to wait for each year's Budget to bring its upsets and surprises. This is A Better Way to Plan the Nation's Finances.

The demand for some time past has been for leadership. I, and the Government, have now given that leadership. And we shall not flinch from all that this leadership entails. The decisions we have now made will be upheld against any challenge from any quarter.

C. FORUM

Three years ago, I started a debate on constitutional reform in this State. Even at three years' distance the strength of feeling it evoked is impressed on my mind: the heartening support of so many Irish people, nationalist and unionist, North and South. What I then called for was a revival of the true ideal of Irish republicanism which, since the foundation of this State, had become blurred, and even distorted. This had happened because within the confines of our territory it was starved of the influence of the second major Irish tradition - that of the Northern Protestant Unionists. It had accordingly become narrow and exclusivist, and correspondingly alien to the unionists of Northern Ireland.

While quite properly, the Forum Report set on one side the question of short-term changes in our constitution and laws, and concentrated instead on the kind of Ireland that enlightened Irish nationalism could visualise for the future, the spirit of what I then advocated found eloquent expression in the Forum Report itself. May I quote:

"The new Ireland must be a society within which, subject only to public order, all cultural, political and religious belief can be freely expressed and practised. Fundamental

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to such a society are freedom of conscience, social and communal harmony, reconciliation and the cherishing of the diversity of all traditions. The criteria which relate to public legislation may not necessarily be the same as those which inform private morality. Furthermore, public legislation must have regard for the conscientious beliefs of different minority groups. The implementation of these principles calls for deepening and broadening of the sense of Irish identity. No one living in Ireland should feel less at home than another or less protected by law than his or her fellow citizen. This implies in particular, in respect of Northern Protestants, that the civil and religious liberties which they uphold and enjoy will be fully protected and guaranteed and their sense of Britishness accommodated".

"It is clear that a new Ireland will require a new Constitution which will ensure that the needs of all traditions are fully met. Society in Ireland as a whole comprises a wider diversity of cultural and political traditions than exists in the South, and the Constitution and laws of a new Ireland must accommodate these social and political realities."

It is striking that the four nationalist parties, whatever disagreements may exist amongst them on the timing or tactical

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approach to constitutional change, found the imagination and the courage to define their vision of the Ireland of the future in such open and generous terms.

I believe that the people of Ireland are deeply grateful to the members of all four parties who contributed so much to the work of the Forum, and who gave so selflessly of their time over so many months. I think that this gratitude extends also to those men and women who came to speak to us at the Forum, particularly those of the Unionist persuasion, who took a real risk to confront us with their British/Irish identity.

I would like to place on record briefly three crucial elements in the Forum Report, which were endorsed in full by all four parties:

First, the validity of the nationalist and unionist identities were accepted including both the profound aspiration of nationalists to Irish unity, and the Britishness of the unionists.

Second, it was agreed that the political arrangements for a new and sovereign Ireland would have to be freely negotiated and agreed to by the people of the North and by the people of the South.

Third, although the establishment of a unitary state throughout Ireland by peaceful means and by consent is the preferred option of all four parties, they considered other options in depth, (in considerable depth, it should be said, within the sub-committees of the Forum), and in the Report itself the four parties jointly proclaimed that they remain open to discuss other views which may contribute to political development.

It is against this background that the preliminary British response to the Forum Report must be seen. That response came in the form of a speech by the then Secretary of State, Jim Prior, in the House of Commons debate on the Forum on the 2nd July. In that statement, the British Government recognised all the major factors which we believe have given rise to the most urgent problem in Northern Ireland today, the alienation of the nationalist section of the community. Mr. Prior accepted that nationalists felt cut off from decision-making and from a proper recognition of their identity and he agreed that arrangements should be directed to recognising that Irish identity, and to developing minority participation and confidence in all the structures and processes of Northern Ireland. He admitted that there were aspects of British practice and administration which were not sensitive enough to these requirements, and that many in the minority

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"feel no sense of identification with those whose job it is to uphold law and order in Northern Ireland".

And, significantly, he added that

"the dangers to the people of Northern Ireland of staying put, of doing nothing" (and here he is referring to British and Irish Governments) "are greater than the obvious risks of seeking to make some political advance."

This preliminary response represents, in my view, a new and encouraging departure for the British Government. I take this opportunity to say that I welcome Mr. Hurd's commitment to continue the approach taken by Mr. Prior and to wish him well in his new responsibility.

We now await the considered response of the British Government to the Report. It is natural that constitutional nationalists should feel some impatience as they await this considered reaction. But we should recall that it took us a year to complete the Forum Report, and that indeed towards the end of that period, some impatience was being expressed in Britain about the time that we were taking about our task. And, without diminishing in any way the undoubted urgency of making progress, now just as was the case when we were working on our Report, it is more important that the British get it right, than that they respond

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within a particular space of time. I should like to take this opportunity of recognising, and paying tribute to, the seriousness with which the British Government, and, in particular, the British Minister, Mrs. Thatcher, are approaching this problem, and I look forward to my meeting with her in November.

It is my business as Taoiseach of this country, and as an Irishman who is passionately committed to helping to end the agony of Northern Ireland, to press for a positive British response to the Forum, but it will be the business of all of us to be open towards that response when it comes, if it turns out to be a serious and comprehensive reaction to our approach. In that event, it would not be without significance that both sovereign administrations are firmly established in government, with the greater part of their terms of office ahead of them, and the capacity to carry through without interruption any policies upon which they might together decide.

No party has contributed more to openness to a radical approach than the SDLP, the representatives of which we warmly welcome on our platform here today. Their courageous leadership has kept alive, and strong, and dominant within the nationalist community in Northern Ireland, the tradition of constitutional, democratic action and they have achieved this under the most difficult of circumstances. It is they who in this island are on the frontline in the defence of democracy.

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We also warmly welcome the new Leader of the Alliance Party, Mr. John Cushnahan and his colleagues, members of the party which, through many vicissitudes has maintained as a central objective of their policy the important objective of involving all sections of the community in Northern Ireland in the running of the affairs of that part of Ireland.

I should also like to say that I have been heartened by the evidence that we have recently seen of movement, belated and tentative, but nonetheless welcome, movement - among Northern unionists towards recognising the valid Irish identity of their nationalist neighbours. I have been encouraged by the tone and the philosophy of the document 'The Way Forward' published by the Official Unionist Party, although I find their proposals to be insufficient to effect a real reversal of the alienation of the Northern minority. And I must add that some of the ideas touched on in the recent document of the Democratic Unionist Party show evidence of greater openness on the part of that party also.

I should like to take this opportunity to say to all the unionists of Northern Ireland that while, for reasons to which I shall return in a few moments, Irish Governments have had to play a particular role in relation to their fellow nationalists of the minority in the North, we recognise fully our duty to

concern ourselves with the interests of all the people of Northern Ireland, who share this island with us. The unionist people of the North have roots as deep here as the European population of the United States has in that country - roots which are four centuries old. They are at present the object of a campaign of murder, verging on genocide. Insistent as we are upon the right of the minority in Northern Ireland to equal recognition of the validity of their identity, for so long suppressed, we are and must be just as committed - and I cannot sufficiently emphasise this - to full respect for the rights of the unionists, including their right to have any decision that would affect the constitutional position of Northern Ireland determined by a majority of its citizens.

No change that we seek, or would support, in Northern Ireland will abridge their rights, or create a situation in which they would experience in turn anything of the misery which their nationalist neighbours have lived with for generations. This misery was not, I should say, fundamentally the fault of the unionist people of Northern Ireland, who are of course no different in their nature from the rest of us in this island. The fault lay with the structures of Northern Ireland since 1920, which placed nationalists and unionists in a situation of confrontation, and of mutual fear, each of the other.

In that settlement of sixty years ago, one protagonist was excluded: the Northern minority. They have effectively been excluded ever since then. Several generations of men, women and children have not been allowed to develop their full human potential in terms of their inherited culture and identity. What is more, they have suffered systematic deprivation, discrimination, harassment and repression. This is not propaganda; it is no more than a summing-up of the actual human experience of many hundreds of thousands of Irish people over several generations in Northern Ireland.

Strengthened by the consensus achieved in the text of the Forum Report, the immediate commitment of this Irish Government is to end the long nightmare of that section of the people of this island, and to work to provide them with the institutional means of ensuring their human fulfilment, their security, their prosperity, and that of their children. Their situation must be radically transformed - in a way that will endure. The acknowledgement by Secretary of State Prior of the validity of our right to speak on behalf of Northern nationalists has been an important development. While Irish Governments had in the past regularly spoken out on behalf of the Northern minority our right to do so had never hitherto been formally accepted. And so must the situation of the unionists be transformed subjected as they have been during the past decade to a brutal campaign of terrorism and murder which seems to have been

malignantly designed to divide them more deeply than ever from their nationalist fellow citizens.

For years I have worked, as have countless men and women of goodwill, to create an atmosphere in which a breakthrough could be achieved in this tragedy of Northern Ireland. I am now convinced that there is for the first time in over ten years - in sixty years indeed - a very real chance of progress. By progress I do not mean the imposition of a solution on the people of Northern Ireland. By progress I mean no more and no less than giving real hope for the first time to ordinary men, women and children of both sections of the community there. The cause of peace on this island is a human, not an ideological, cause. That is why Fine Gael will back the cause of peace, peace first, peace above all.

Fine Gael, with the support of all the nationalists on this island who desire peace, will work to create a new sense of Irishness, relevant to the 1980's and worthy of the founders of this State - one that accommodates the unionists, their traditions and aspirations, not one that excludes them. We of the nationalist tradition have no monopoly of the name of Irishman, and we debase that name whenever we seek to use it in a partisan way to exclude one tradition in this island.

D. EEC Developments

Apart from Government activity at the level of the National Economic and Social Plan, and the Forum, we have, since July, assumed the Presidency of the European Community for the first time since 1979. We are discharging this responsibility in the common interest of the Community, an interest now inseparable from that of the Irish people. We inherited enormous Community budgetary problems and I am delighted to say that this week has seen these problems effectively resolved at the level of the Council of Ministers. Success of this kind depends in large measure on the way the Minister chairing the sessions steers their progress, and in the respect in which his authority is held by his colleagues. I congratulate Peter Barry and Alan Dukes on the way they have proved themselves able representatives of this country, and the equal of any of their European counterparts, and I dismiss with contempt the ranting of some Fianna Fail Eurodeputies, who from some redoubt in Corsica - so remote that apparently they did not understand what had actually happened in Luxembourg - had the effrontery to condemn the agreement that has removed the imminent financial threat to Irish farmers, without conceding the principle of a legal limit on farm spending within the Budget.

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I also congratulate Austin Deasy, not only for his handling of the superlevy crisis earlier this year, but because he has been the most fearless and, may I say, ruthless champion of the Irish farmer in Europe since Mark Clinton. His determination to defend our interests, while steering the agricultural affairs of the Community as a whole, was reflected when he took his nine fellow-Ministers on a tour of a 30 acre Kerry dairy farm. By the way, you will have noticed that we are using our Presidency to introduce our European colleagues, to the pleasures of Ireland outside of Dublin; it can only do our tourist industry good when Kerry and Clare, Galway and Mayo appear on television screens all over Europe.

The remaining major task of our Presidency which I and the other Ministers involved in this process are pursuing with unremitting vigour, is to arrange for the enlargement of the Community to include Spain and Portugal.

I have also established the new Committee, chaired by Jim Dooge, which brings together some of the most able people in the European Community, to recommend on how the Community's institutions can be reformed to make them more effective in promoting and defending the interests of the citizens of the EEC, and developing towards the goal of European Union.

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I was concerned like all Irish political leaders, at the low turnout in the European Elections this June. I realise that regrettably, despite the immense benefits that accrue to us from membership, Europe is not seen as relevant or important by many people, particularly in urban areas. This is a factor which gives us no reason for complacency. Nevertheless, I have to say that I was delighted that Mary Banotti and Tom Raftery have joined our four outgoing MEP's; it was a remarkable result, given the hard economic times we are going through.

E. STATE OF THE PARTY

That result in the European Election, increasing our total of MEPs to six, brings me to the state of our Party as we enter our sixty-second year. We fought a successful European election last June in circumstances that were highly unfavourable; you will recall how Fianna Fail in the middle of their term of government, won only 5 seats in 1979, though they then had 84 T.D.s in the Dáil.

Fine Gael has, unfortunately, not often had the opportunity to fight nationwide elections while in power. This year's was the start of many. I am confident that the next European election, in 1989, will be fought while we are mid-way through our second term of office.

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There is however a more immediate task for the organisation to face: the local elections next year, and let no one doubt that they will be held next year. I ask party officers and members throughout the country to start looking now for their candidates. We want a mixture of experienced councillors, who have a proven record, and of new blood, who, between them will effectively represent both their community and their party. I ask Young Fine Gael and the Women's Group in the Party, in particular, to put forward quality candidates for selection to facilitate the offer of a balanced ticket by Fine Gael in every local electoral area in the county. Many members of our Parliamentary Party - had their first outing in politics at the last local elections in 1979. No less than 11 of them, 4 women and 7 men have entered the Oireachtas by that route. I have no doubt that the organisation in the constituencies is strong enough and independent enough to select for next year's elections candidates of equally dynamic potential as well as of tested experience.

The national fund-raising scheme is being implemented successfully in almost all constituencies and will provide a secure foundation for the Party's preparations for the 1987 General Election. I hope our many subscribers throughout the country at Church gates and through door-to-door collections, as well as through this new scheme, realise that their

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generosity is fundamental to our ability to play our democratic role, and at the present time, to govern, in co-operation with our Labour partners.

It says a great deal for our maturity as a democracy that the parties in this country can command the loyalty, and call on the unpaid efforts, of so many of our people. I pay tribute to members of all political parties who keep our national institutions vigorous. I thank, from the bottom of my heart, the members of my own party, Fine Gael, for their unfailing support and for their constructive criticism of my leadership. It is necessary for every politician, especially leaders of parties, to be open to plain-speaking, uninhibited constructive criticism, from every level of the Party. I have always encouraged this process - painful though it be at times!

I feel privileged to lead a party of women and men - and we are now a Party, in the Oireachtas, as in the country, of women as well as men dedicated to the good of their country. I am especially glad that this party is so well represented by the Fine Gael Ministers in the Government. Peter Barry, John Boland, John Bruton, Pat Cooney, Austin Deasy, Alan Dukes, Gemma Hussey, Jim Mitchell, Michael Noonan and Paddy O'Toole, a group of Ministers individually and collectively as competent and successful as any produced by any party since this State was founded.

F. NATIONAL MORALE

This week has seen a remarkable and much-needed boost in national morale. We have a new sense of purpose. The spirit of the nation is high and its pulse strong.

It was Dr. Johnson who said two hundred years ago that we Irish are a very fair people because we never speak well of each other. There is perhaps some truth in that today. Often it is not until we travel outside this country that we realise just what we have achieved, how well we are regarded and just how well entitled we are to speak well of ourselves as a nation.

Our pride in ourselves during the past year received a boost in John Treacy's splendid Olympic performance. This pride could be seen on the faces of those who watched the All-Ireland GAA Centenary Finals this year and can be seen every night on the faces of those who throng the magnificent National Concert Hall.

The general public will soon be able to see the splendour of the completely refurbished Royal Hospital in Kilmainham, now one of the finest buildings in Europe. They will find in it a new source of pride.

The Arts

Like our sportsmen, our writers, musicians and other artists are putting the name of Ireland on the international map. Over one and a half million people in the United States and Europe have seen the "Treasures of Ireland" exhibition. Poets like Seamus Heaney and Tom Kinsella, playwrights like Tom Murphy, Brian Friel and Hugh Leonard, musicians like Bernadette Greevy, John O'Connor, James Galway and the Chieftains exemplify our growing self-confidence.

Our only problem is that all of this extraordinary outpouring of artistic excellence cannot be funded by the Government. We should not encourage any illusions on this score. But we still continue to make every possible effort to foster the arts; our reduction of VAT on theatre tickets to 5% was an instance of this, as was the diversion of £600,000 to the Arts from the Funds of Suitors. Our commitment will be maintained, if only because of the boost to national pride given by the arts.

Our Security Forces

Just a week ago tonight, a Garda operation involving the naval service, and subsequently the Army captured a cargo of weapons that would have murdered and maimed many hundreds of of our

fellow-Irishmen. Our achievements cannot be measured just in sporting or artistic ventures. But the integrity and efficiency of our army, navy, gardai and prison service must never be forgotten when we take stock of ourselves. The United Nations appreciates the worth of our defence forces too: at this moment Defence Minister Pat Cooney is with our troops who are helping to keep the peace in the Lebanon.

We can take pride too in the fact that, despite our severe domestic problems, we have in Government increased to a record level of £34m. our aid to those developing countries so much worse off than we are, to £34m. from £19m. in 1981 and are now committed to raising this further to £50m. by 1987.

We are the youngest country in Europe - in terms of our history and our population. Ritual mention of what tends to be called "our greatest national asset", our young people, is no longer sufficient to sustain their morale. Young people in this country are one of the social partners, just as employers, trade unions and farmers are and we have accordingly placed their representatives on the re-constituted NESAC. Next week we will publish our National Youth Plan, the work of the Youth Policy Committee chaired by Declan Costello. For the first time there will be a plan for the development of Youth services in this country. It will be an historic step towards making International Youth Year, 1985, more relevant to our young

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people, and we have, in anticipation of the publication of this Report, set aside money to start implementing some of its more urgent recommendations.

Our commitment to social justice is a source of inspiration and frustration: we are inspired by the ideal, but frustrated by the many day-to-day difficulties that prevent us from doing all we want to at once. As I said earlier I feel that frustration personally most keenly. Politics has taught me many things in twenty years, but one thing above all: you don't give up. Although the vision may recede; although it may seem momentarily to disappear altogether; although there are a million other pressing calls on the time of those of us with government responsibilities, that commitment remains. It must stay with us, because it is that long-term vision of a Just Society that makes the frustrations and the failures tolerable. It is that vision which keeps our morale high this week, as the National Plan is launched. It is that vision whose fruits will reward you, your families and all the families of the Irish from which Fine Gael takes its name.

I have outlined the Government's agendas for action on the Irish, Anglo-Irish and European levels, areas in which we have taken the initiative during this year. The National Economic Plan, the New Ireland Forum Report and the achievements of our Presidency of the European Community can be regarded with pride and hope by Irish men and women of all political persuasions.

I direct my final words to all of you outside this Hall I act as Taoiseach in your interests; the Irish Government is your Government. We have worked unstintingly on your behalf for nearly two years. What we are doing is making this island a place we will be proud to live in. I ask you all and most especially the young people who will inherit this land, to come with me, to work with me to secure their future in Ireland.