

Prime Minister.

You will wish to decide whether to brief Cabinet - or to ask the Cabinet Secretary to do so - on the basis of paragraph 2 below.

A.S.C. 7/3

Ref. A084/739

PRIME MINISTER

Anglo-Irish Relations: Northern Ireland

As forecast in my minute of 5 March, Mr Michael Lillis called on Mr Goodall on that day to give us the Taoiseach's initial response to the ideas which I put to Mr Nally in Dublin on the Cabinet's instructions on 1 March. I attach a copy of Mr Goodall's report.

2. This confirms and amplifies, but does not substantially change, the impressions which Mr Goodall and I formed in Dublin: namely, that the Taoiseach is heavily preoccupied with bringing the Forum to a successful conclusion (ie a consensus report) and that, partly in consequence of that preoccupation, the Irish side were taken somewhat by surprise by our approach; that they welcome a number of elements in it, but have serious difficulty with the idea of a border strip which would incorporate territory on the Republic's side of the border; and that, although the Taoiseach stands by the "basic equation" which the Irish side had adumbrated to us earlier, he still has no clear ideas of his own on how to give it practical effect. In short, the Irish want to keep us in play while they do their own homework. The ball is now firmly in the Irish court.

3. If you agree, we will now await the considered presentation of the Irish Government's ideas which we have been promised within the next three to four weeks; and in the meantime Mr Goodall will convene the same restricted group as before to assess the preliminary Irish response and to examine the additional elements in a possible package which the Irish side suggested to us in Dublin (incorporation of the European Human Rights Convention into Northern Ireland legislation, the idea of a "double guarantee", and the possibility of developing some form of "Parliamentary Tier" either inside or outside the framework of the Anglo-Irish Intergovernmental Council: see paragraph 6 of my minute of 5 March).

4. You may wish to make a brief report to Cabinet on the lines of paragraph 2 above, stressing the continuing need to maintain absolute secrecy in regard to our contacts with the Irish and the ideas which we have floated with them.

5. I am sending copies of this minute, with copies of Mr Goodall's report, to the Foreign and Commonwealth Secretary, the Secretary of State for Northern Ireland, Sir Antony Acland and Mr Robert Andrew.

RA

ROBERT ARMSTRONG

7 March 1984

h * or you could ask me to do so, if you preferred.

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SIR ROBERT ARMSTRONG

Anglo-Irish Relations: Northern Ireland

1. Mr Michael Lillis came to see me yesterday on the Taoiseach's instructions to give us an "authoritative but very preliminary" reaction to the ideas which you floated with Mr Nally and his colleagues on 1 March. Mr Lillis emphasised that what he had to say had been discussed and agreed with the Taoiseach in several conversations over the weekend.
2. Reading with ex tempore explanatory interjections from a speaking note which he said had been cleared with the Taoiseach personally, Mr Lillis said that the Irish side welcomed our approach: it had, however, taken them somewhat by surprise since they had been assuming, in the light of the Prime Minister's firmly expressed wish to avoid secret talks for the time being, that there would be no substantive dialogue between the two governments until after the Forum report had been published. Because of this, and also because of the extreme sensitivity of the whole subject in Irish political terms, their own thinking on the elements in a possible package (as distinct from the general principles on which it should be based) had not been carried much further than the very tentative thoughts voiced to me by Mr Lillis before the Prime Minister's meeting with the Taoiseach last November; and the Irish side had been geared to talk to us on 1 March about the Forum rather than about the possible elements of a new approach. But Mr Lillis reiterated that our approach had been welcomed and that the Irish were glad that, contrary to their expectations, we had made it in time for it to be taken into account in their handling of the Forum's report.

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3. Mr Lillis said that the Taoiseach was relieved and encouraged that the Prime Minister had taken account of his analysis of the situation in Northern Ireland and that we were actively examining ways of addressing the dangerous situation which he saw developing there. He strongly endorsed the Prime Minister's view that it would be dangerous to do nothing; and he shared her wish that the two governments should join in the process of finding a way to bring peace to Northern Ireland and should act together in the matter. Meanwhile, he wished to stress again that Mr Barry was the only Irish Minister who was privy to the exchanges with us, and that he wanted to continue to handle the matter on this very restricted basis for the time being. At some point it would be necessary for him to consult other colleagues but he would not propose to do this at least until after he had talked to the Prime Minister. Even then he would not wish to brief the Irish Cabinet collectively: his idea would be to speak individually, and on a basis of strict confidentiality, only to the members of the Cabinet Security Committee. Meanwhile any leak either of the fact that contacts were taking place or of the sort of ideas which were under consideration would be highly damaging. (I said that this was consistent with the Prime Minister's view that our talks were strictly exploratory and confidential and that it was of the greatest importance that they should remain so.)

4. Mr Lillis went on to say that the Taoiseach was particularly pleased that British Ministers shared his perception of the danger of a sharp deterioration in the political situation in Northern Ireland, and consequently in the security situation there, over the next fifteen months; that we were actively working to find a way forward; and that our ideas focussed on joint action by the two governments. The Irish also welcomed the British recognition of the importance of "symbols" in Northern Ireland as indicating a common awareness of the political nature of the problem. They were

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interested in our ideas on harmonisation of the law and joint courts, although they recognised that these were at an early stage of development, but they were not sure that they had correctly understood them; and certain aspects of our ideas on joint policing arrangements, in particular the idea of a "band" or area on both sides of the border to which such arrangements might apply, caused them serious concern.

5. More generally, Mr Lillis said that the Irish agreed with us in principle on the nature of the "basic equation" and on the need to look for a balanced approach which took due account of the concerns of all parties to the problem. At the same time, however, they thought that our ideas were politically inadequate; and they questioned the nature of the balance which they reflected. It was essential to realise that the present crisis in Northern Ireland stemmed from a fundamental imbalance. All the cards - constitutional, identity, politics - were now stacked on one side. Hence the problem and the alienation of the minority. In the Irish view therefore it was not enough to seek to transform the existing balance into a new one which would be weighted on each side proportionately as at present; the task was to establish a proper balance for the first time. The most secure way forward would be for the two governments to seek to agree on a number of general principles and priorities, including an agreed definition of the problem, which would give both sides room for manoeuvre while, at the same time, providing a coherent framework for progress. This was the rationale underlying the Taoiseach's strategy in the Forum.

6. Mr Lillis stressed that, from the Irish nationalist point of view, even the concept of joint sovereignty would represent a major psychological shift. But because of its constitutional implications the Taoiseach had taken pains to ensure that the term "joint sovereignty" should not publicly be used and had arranged for its removal from all

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the internal papers of the Forum as well as those which might be published. This had not been easy. He had successfully insisted that only the term "joint authority" should be used, which carried no constitutional implications.

7. The outcome of the Forum was still in the balance. But if, as the Taoiseach hoped and intended, its report contained the statement of principles or "realities" which had already been described to us, together with a set of illustrative models which included "joint authority", this would represent a remarkable breakthrough in terms of nationalist opinion. The Taoiseach was still hopeful that all four parties to the Forum would subscribe to a report on these lines; but even if Fianna Fail declined to do so they would find it very difficult in practice to reject conclusions which had the backing of the SDLP as well as Fine Gael and the Labour Party. At the same time it was important not to underestimate the extent to which such a report, by virtue of the process by which it would have been arrived at, would constitute a limiting factor on the Irish Government's room for manoeuvre. (I commented that this was fully understood here: hence our doubts about the Taoiseach's keen-ness to achieve a consensus.)

8. Turning to our ideas on joint security arrangements, Mr Lillis said that these appeared to the Irish side as lacking in political balance and likely to prove counter-productive in practice. The participation of Irish security forces in joint security operations in Northern Ireland, unless such operations were formally set in a wider context of joint authority, would quickly be represented by nationalist critics as contributing purely to the maintenance of British sovereignty and British constitutional arrangements in Northern Ireland, thus fuelling the present confrontation which was the cause of the minority's alienation. The Irish Government would in effect be adding to the present imbalance in the British and unionist favour with damaging

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consequences for stability and order in the Republic. The present Irish Government would be prepared to contemplate taking such a risk but only if the whole operation were to be seen in the wider context of joint authority.

9. The Irish Government could not however contemplate compounding this risk by having joint operations in contiguous areas along both sides of the border which would form a single "band" of territory because:

(a) it would involve two borders instead of one, which one or other set of security forces would not be able to cross;

(b) British or Northern Ireland security forces were not needed south of the border;

(c) much of the strip would become a no-go area such as already existed in much of South Armagh which could not normally be patrolled on the ground; and neither British nor Irish forces could adequately control such a greatly extended no-go area;

(d) the authority and acceptability of the Irish security forces would be undermined both in the North and the South; and

(e) a territorial limitation on the operations of Irish forces under otherwise acceptable arrangements in the North would be impracticable from a security point of view in that it would involve the establishment of new operational borders within Northern Ireland.

Mr Lillis explained at this point that the Irish recognised that under any conceivable arrangements their forces would in practice expect to operate only in certain limited areas of Northern Ireland; but they believed that the formal demarcation of those areas would present acute difficulties

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in terms of safe havens, hot pursuit and so on. As to any "safe haven" enjoyed by terrorists in the Republic, the effect of the "band" would simply be to push that safe haven a little further to the South.

10. In conclusion, Mr Lillis repeated that the Taoiseach welcomed our approach. The Irish side would like to explore with us further our ideas on joint law enforcement and the harmonisation of the criminal law and they hoped that these ideas could be extended to take account of human rights considerations. They also welcomed our readiness to discuss "symbols". These were all areas in which they now needed urgently to clarify their own thinking. The Taoiseach fully recognised the need to take account of the British dimension in Northern Ireland and of the unionist identity, but he believed that it would be unrealistic for the British and Irish Governments to contemplate joint action in limited security areas without taking account of the rest of the political life in Northern Ireland. The central problem, and the problem to which as the Irish understood it the British ideas were directed, was that of the acceptability of public authority in the Province. This was why they thought that the two governments should jointly seek to agree on the nature of the problem and, if possible, on common definitions and common priorities. The optimum would be if both governments could agree on some joint public statement of principles; but an alternative might be for the British Government to issue its own equivalent of the Forum report's section on "realities", perhaps as a White Paper. It was within a framework of agreed principles that it should be possible to work out practical and enduring proposals which would reassure both the majority and minority communities in the North and avoid creating instability in the Republic.

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11. When Mr Lillis had finished, I reminded him that all the ideas we had floated were posited on the assumption that the Irish side would be willing and able to deliver a formal commitment to accept the union. This was our essential starting point. Mr Lillis confirmed that the Irish side fully recognised this. I then went through our ideas as summarised in paragraph 15 of the paper by officials attached to your minute to the Prime Minister of 7 February, in broadly the same terms as you had done in Dublin, but allowing Mr Lillis to take notes. He said that this usefully clarified a number of points of misunderstanding on the Irish side.

12. On the Irish wish to reach agreement with us on principles, I questioned whether it was realistic to look for what would amount to an agreed statement of long term objectives (especially one to which Mr Haughey was prepared to subscribe while in opposition). I pointed out that it was comparatively easy for the Irish to reach agreement on principles among themselves, since they shared the common objective of ultimate Irish unification. It was precisely because no British Government could commit itself to such an objective that we thought it more profitable to adopt a pragmatic, step-by-step approach to the problems of the North. Nor could we accept the contention that our ideas would have the effect of strengthening an existing imbalance against the nationalist community. From our point of view we would for the first time be admitting a visible and substantial "Irish dimension" in Northern Ireland in return for no more than formal Irish acknowledgement of what was already the case - i.e. that Northern Ireland was part of the United Kingdom and would remain so until a majority of its inhabitants wish otherwise. In British terms this would be a very substantial "breakthrough" indeed, and one in which the balance of advantage would be in favour of Irish aspirations. Mr Lillis indicated recognition of this. But he added that it was incorrect to assume that

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the Irish Government would be looking for arrangements which would represent a step towards Irish unification. There was a strong element of "partitionism" in the structures and attitudes of the State in the South. He emphasised that the arrangements which the Taoiseach was looking for were to be complete and durable in their own right - as he believed that the arrangements worked out at Sunningdale would have been if they had been fully implemented. For this to be achieved however it was essential that the identity of the minority should be allowed adequate political expression. He emphasised that, although the Irish had not yet worked out in detail what they meant by "joint authority", the concept was expressly intended not to conflict with continued British sovereignty over Northern Ireland. He also mentioned the Irish belief that governmental reform in Northern Ireland (unspecified) might have an important part to play in contributing to arrangements which would satisfy the minority community. I said that this too could be discussed.

13. On our ideas on joint law enforcement and the border strip, I asked whether the stumbling block for the Irish lay in the practical and security difficulties (of which we were well aware) inherent in the concept of a defined border strip outside which the joint security arrangements would not apply, or in the fact that the proposed strip would include an area on the Republic's side of the border. Mr Lillis confirmed that it was the latter aspect which the Irish could not swallow. In this connection I reminded him of the tentative nature of our proposals and said that although the principle of reciprocity was of crucial importance to us, we would not necessarily expect in practice that the strip would be established on the basis of territorial symmetry - i.e. we did not exclude the possibility that it would cover a larger area of territory in the North than in the South. These

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would all be matters for discussion, and it would be the task of the proposed joint security and joint law enforcement commissions to examine all the practical problems and make agreed recommendations.

14. In general I reminded Mr Lillis that our ideas were not a take it or leave it package: they had been approved by Ministers as an acceptable basis for exploring possible elements of a new approach with the Irish Government. If the Irish side had alternative suggestions to make we should, of course, be ready to consider them. But it was important that the Irish should spell out exactly what their suggestions would amount to in practical terms on the ground and not confine themselves to principles and generalities. In particular, we needed to know how the Irish side proposed that their recognition of the union should be expressed, and what practical arrangements they would regard as adequately reflecting their concept of "joint authority". If leaks were to be avoided, it was also important to conduct the exploratory exchanges quickly: if it turned out that there was no basis for agreement it would be better to establish this soon and for both sides then to disengage rather than to embark on a protracted process of shadow-boxing about principles which would raise expectations and suspicions all round and make the situation worse to no purpose. But it would be quite unrealistic to expect us to start modifying, rethinking or expanding the ideas we had put on the table until we had been given a correspondingly clear and detailed indication of Irish thinking on these points.

15. Mr Lillis acknowledged the justice of this and said that the Irish side would now clarify their ideas as a matter of urgency. He hoped that they would be able to come back to us within the next three or four weeks. Meanwhile, he was instructed to express once again the Taoiseach's hope

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that he would be able to have reasonably substantial private talks with the Prime Minister in the margins of the next two European Council meetings and that, if the Taoiseach came to London in the course of the next few months to fulfil a private speaking engagement (e.g. to address the Middle Temple), he would be able to meet the Prime Minister at the same time. The Taoiseach would not be looking for a formal meeting with the Prime Minister (i.e. another Anglo-Irish Summit) until both sides were in a position to go public on the elements of a possible new approach to the Irish question.

David Goodall

A D S Goodall

6 March 1984