

Ref. A084/1792

PRIME MINISTER

Anglo-Irish Relations: Northern Ireland

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You are holding a meeting of your special group on Ireland at 11.30 am on 21 June after Cabinet. The meeting will have before it the two papers attached to my minute of 12 June (Sir Philip Woodfield's paper on Irish Political Involvement in Northern Ireland, and a Northern Ireland Office paper on Repartition) together with a minute to you from the Secretary of State for Northern Ireland of 18 June. My own minutes to you of 5 and 18 June and Mr Goodall's minute to Mr Coles of 31 May are also relevant.

2. The main purpose of the meeting is to assess the position reached in our secret exchanges with the Irish and, in particular, to answer two crucial questions:

(a) Is the Taoiseach's readiness to seek to amend the territorial provisions of the Irish Constitution as part of a wider political settlement sufficient to justify offering the Irish Government some measure of association with the administration of Northern Ireland at the political level?

(b) Can ways be found of doing this which would be enough to give Dr FitzGerald a reasonable chance of carrying his referendum without fundamentally compromising British sovereignty over Northern Ireland or prejudicing the good Government of the Province?

3. The stages in our secret exchanges with the Irish have been as follows. First there were the exploratory talks between Mr Lillis and Mr Goodall last autumn, in which the Irish floated the idea of Irish involvement in law-enforcement in the North in return for a formal Irish waiver of their territorial claim to the Province. The second stage was the tentative package which I put to the Irish, with the agreement of the Cabinet, on 1 March. This envisaged that, in return for the Irish

Government's solemnly waiving its territorial claim, there could be a joint security commission tasked to work towards the introduction of joint policing arrangements on both sides of the border (but with the emphasis on the North), an all-Ireland Law Commission tasked to examine possibilities for harmonising the criminal law throughout Ireland, a number of relatively minor measures to meet certain Nationalist concerns in the North, and a greater measure of devolved government in Northern Ireland with safeguards for the minority. Then, on 11 May, there were the Nally counter-proposals. These envisaged that, while formal sovereignty and certain specified powers would remain with the British Government, there would be a wide measure of shared authority between the two Government in the North including shared responsibility for security and for the appointment of a Northern Ireland Executive. The Nally proposals did not include an offer to amend the Constitution, but this was subsequently embodied in Mr Barry's communication to Mr Goodall of 30 May as confirmed and amplified by the Irish Ambassador in his call to me on 15 June. Other relevant factors are the Forum Report (to which we have so far made only a preliminary and provisional response) and the European elections. The latter have strengthened Dr Paisley's position as the spokesman of Unionist hostility towards any accommodation with the Irish; they have also strengthened Mr John Hume's position as the spokesman of the Nationalist minority, and temporarily halted the political advance of Sinn Fein.

4. As between London and Dublin, the ball is at present in the British court, in that we have still to give the Irish our response to the Nally proposals as modified by Mr Barry; and we have still to give a considered public response to the Forum Report, on which there is due to be a debate in the House of Commons on or about 9 July. Meanwhile you have agreed to see the Taoiseach for a bilateral talk in the margins of next week's European Council meeting at Fontainebleau.

5. Ways of associating the Irish with the administration in the North (in addition to the possibilities contained in the "Armstrong" proposals) are examined in Sir Philip Woodfield's

paper and, more summarily, in Mr Prior's minute of 18 June. Sir Philip Woodfield's paper envisages a measure of shared responsibility between the British and Irish Governments to be exercised through an Irish representative in the North, while emphasising that a local devolved administration in Northern Ireland would be a crucial element in any settlement along these lines. The Secretary of State for Northern Ireland envisages according the Irish a wide measure of influence (but not shared responsibility) in the Province through a revamped Anglo-Irish Intergovernmental Council (AIIC). These two approaches are not necessarily mutually exclusive. In either case the Irish Government would be given some say in the management of the Province's affairs on the basis that the Republic's territorial claim had been formally waived and that the new arrangements could consequently not be interpreted as a concession to that claim. In either case it would probably be necessary to blur the question of the extent to which the new arrangements were purely consultative: provided that this was the reality of the situation, we should have to recognise that the Irish Government would need to present the arrangements to their own electorate as giving them a real, albeit limited, measure of shared responsibility in Northern Ireland.

6. Mr Prior also advocates a two-stage approach to negotiations with the Irish. In the first stage the Irish would be expected to deliver their referendum in return for "practical measures of co-operation in the security field" plus discussions with the SDLP and the Unionists about a new scheme of devolved government. Only when the referendum had been successfully carried would we offer the Republic a consultative role through the AIIC, the establishment of an all-Ireland Law Commission, and the introduction of symbolic measures to recognise the Nationalists' cultural identity. The difficulty with this is that the Irish have made it clear that they cannot embark on closer security co-operation with us except in a wider political framework; and there is no prospect of their embarking on a referendum campaign to amend the territorial clauses of their

Constitution without being able to demonstrate that this would be balanced by a new and significant degree of Irish influence over Northern Ireland's affairs. The terms in which both Mr Barry and the Irish Ambassador have made this clear to us cannot be dismissed as simply a negotiating ploy: they reflect the political realities in the Republic.

7. This does not mean that any form of two-stage approach is impracticable. On the contrary, it would obviously be necessary to make it clear both privately and publicly that any arrangements we might contemplate for associating the Irish with the administration of the Province would come into effect only if and when the territorial claim had been formally waived as a result of the referendum; and that there could be no question of introducing such arrangements if the referendum failed and the territorial claim consequently remained in being. A more feasible version of the two-stage approach might therefore be to agree that the Irish should seek to amend their Constitution on the basis that once their territorial claim had been waived they could look forward to a specified degree of shared responsibility in the Province; and that meanwhile the British Government would move to establish a new form of devolved government in the North, to promote security co-operation (eg by the establishment of a joint security commission), and to introduce symbolic measures to recognise the Nationalists' cultural identity. The rest of the package would be put into effect only in the second stage, ie when the referendum had been successfully carried and the territorial claim formally waived.

8. If Ministers think that some sort of package of this kind is feasible and politically attractive, there will be some difficult procedural problems: notably, how to associate the political parties in Northern Ireland with the process of decision. Once a broad measure of agreement had been reached in private negotiations between the two Governments, it might be necessary to proceed rather quickly to a Sunningdale-type conference, in order to leave as little time as possible for Unionist opposition to build up to total intransigence. But these are questions for consideration at a later stage.

9. Those attending your meeting will be the Foreign and Commonwealth Secretary, the Secretary of State for Northern Ireland, Sir Antony Acland, Mr Robert Andrew, Sir Philip Woodfield, Mr David Goodall and myself.

Handling

10. It will probably be convenient to dispose first of the question of repartition. The obstacles to this course are set out in the NIO paper attached to my minute of 5 June, and these are strongly endorsed by the Secretary of State for Northern Ireland in his minute of 18 June. Does the meeting agree that repartition should not be pursued?

11. You might then turn to the two central questions identified in paragraph 2 above. Before inviting the views of the two Secretaries of State, it might help to provide a context for the discussion if you were to ask Sir Philip Woodfield to introduce his paper and outline the extent to which he, and the members of the senior officials' group, consider that it might be feasible to accord the Irish a measure of direct influence in Northern Ireland without compromising British sovereignty. You might then ask the Secretary of State for Northern Ireland and the Foreign and Commonwealth Secretary to comment.

12. Points to establish include:

(a) Is it agreed that the Irish offer to seek amendment of their Constitution as part of a wider political package is to be taken seriously and merits a commensurate British response?

(b) If so, is it realistic to offer the Irish Government in return a measure of direct influence in the Province? What is likely to be the effect of such an offer on the Unionists and on the SDLP? Could Unionist hostility to such an offer be contained or deflected by a combination of an amendment to the Irish Constitution to waive the territorial claim and an offer to the Unionists of the prospect of participation, as the larger and predominant partner, in a devolved government for Northern Ireland?

- (c) What form could Irish participation in the administration of the Province take? Do the arrangements outlined in paragraph 22 and paragraphs 30-32 of Sir Philip Woodfield's paper merit further elaboration, on the assumption that the Irish representative would be a senior official rather than a Minister, and that disagreements between the two Governments would be referred to Ministerial meetings of the AIIC?
- (d) Are Ministers content that the suggestions for a joint Security Commission and the all-Ireland Law Commission contained in the "Armstrong" proposals should remain on the table? How far is it realistic to continue ~~to insist~~ on the principle of reciprocity for any arrangements that might be agreed on security co-operation and joint policing?
- (e) To what extent should we adopt a two-stage approach in our negotiations with the Irish? Is the approach outlined in paragraph 7 above broadly right?
- (f) On timing, is it realistic to aim for a general policy statement by the Government in the forthcoming House of Commons debate on the Forum Report, as advocated in paragraph 8 of Mr Prior's minute of 18 June? Would it be preferable to stick for the moment broadly to the line that the Government wants to encourage a wide public debate on the Forum's conclusions and will formulate its future policies in the light of that debate, of its obligations to the people of Northern Ireland as part of the United Kingdom, and of its continuing exchanges with the Irish Government?

Conclusions

13. If Ministers take the view that, even with the latest Irish indication of readiness to seek to amend their Constitution, it would be impracticable or impolitic to offer the Irish Government any real say in the affairs of Northern Ireland, you will wish to decide how best to make this clear to the Irish (eg when you see the Taoiseach next week). If, however, the consensus is that negotiations with the Irish should continue on the basis



that an Irish presence in the North and some measure of Irish governmental influence there would be feasible (subject to the outcome of the Republic's referendum), you might guide the meeting to agree that -

(a) detailed proposals in this sense should be worked out by officials in the light of the points made in discussion;

(b) these proposals should be submitted to Ministers for approval early in July as the basis for a further exploratory discussion between Mr Nally and myself;

(c) you should give the Taoiseach some indication that our minds are moving in this direction when you see him at Fontainebleau.

14. You will also wish to reach agreement on the line to be taken by the Government in the forthcoming House of Commons debate on the Forum Report.

CONQUEROR
RWA

ROBERT ARMSTRONG

20 June 1984