

No. 10



## CABINET OFFICE

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SECRET AND PERSONAL - CMO

NOTE FOR THE RECORDNorthern Ireland

The Prime Minister held a further meeting at 10 Downing Street on 21 June to discuss Northern Ireland. Those present were the Foreign and Commonwealth Secretary, the Secretary of State for Northern Ireland, Sir Antony Acland, Mr Robert Andrew, Sir Philip Woodfield, Sir Robert Armstrong, Mr David Goodall, Mr Robin Butler, Mr Bryan Cartledge and Mr Charles Powell.

The Present Situation

2. In a discussion of the background to the present meeting, it was pointed out that since Ministers had last considered the progress of secret and informal contacts with the Irish Government, the Irish had given a firm indication of their willingness, under certain conditions, to move towards the amendment of Articles 2 and 3 of their Constitution. They were clearly serious about this although doubts must remain over the Taoiseach's ability to deliver a positive outcome in a referendum. Engagement of the minority in Northern Ireland was a precondition of significant improvement in the situation there; and this engagement could only be won with the help of the Irish Government.

3. There was agreement that repartition did not offer a way forward. It followed that exploration should continue of the possibility of finding incentives sufficient to encourage the Irish Government to grasp the nettle of constitutional amendment. Such amendment, and the resulting withdrawal of the Republic's claim to the territory of the whole island, would be attainable only if the Irish Government could claim to have been given in return a new

and significant measure of influence on the conduct of affairs in Northern Ireland. It was pointed out that the Unionists would argue against making any concession in return for the abandonment of what was, in any case, an illegitimate claim. It was also recognised that there could be a danger, at least initially, of an upsurge of terrorist activity in the wake of any major policy change. It was nevertheless agreed that the balance of advantage lay in continuing the confidential dialogue with the Irish with a view to establishing the limits of their position.

#### The Elements of a Package

4. The meeting considered a range of elements in a possible package for discussion with the Irish Government (see Annex). These fell into two categories: those which might be implemented in advance of a referendum on amendment to the Constitution, and those which would be implemented only if such a referendum produced a positive result. In discussion, it was pointed out that the co-operation in security matters was meant to exist already and should not, in theory, require significant improvement. It was explained that although co-operation had progressed well at working level and had produced a significant degree of respect between the RUC and the Gardai, there was room for improvement further up the police and official hierarchy. Ideas on the form and functions of a joint security commission had not yet been clearly formulated although it was clear that progress in this area would have to be gradual. Reciprocity (co-operation on the ground on both sides of the border) could be allowed to emerge naturally. There was a significant asymmetry between the United Kingdom and Irish approaches, in that the United Kingdom tended to place prime emphasis on the security dimension while the Irish put the political dimension in the forefront.

5. It was suggested that amending the electoral and assembly qualification laws to meet Nationalist concerns would be regarded by the Unionists as a sell-out and might force them into paramilitary action. On the other hand, it was argued that if the United Kingdom really wished to see an amendment to the Irish Constitution this could only be achieved as part of a major political package, in which greater devolved powers for the Northern Ireland Assembly would be an important element. Although the Irish were clearly aiming for more than this, for example an equal say in the appointment of Ministers (which would amount to joint sovereignty) as well as joint command of the police force, it was clear that there was still a good deal of flexibility in their position and good reason to develop the dialogue with them. It was recognised that the concept of "institutionalised consultation" would have considerable appeal to the Irish and should be explored further, although the meeting was also reminded that it might be a short step from "institution" to "constitution".

Future Action

6. The meeting was reminded that the Prime Minister would have a short meeting with the Taoiseach in the margins of the European Council in Fontainebleau on 25/26 June; that the House of Commons was due to debate the report of the New Ireland Forum on 2 July; and that in the normal course of events Dr Fitzgerald would be due to visit London for a bilateral meeting with the Prime Minister in the Autumn.

7. The Irish had not been encouraged to expect a substantial discussion between the Prime Minister and Dr Fitzgerald at Fontainebleau and it was agreed that there should at this stage be no talk of defining "principles". It was suggested that this occasion should be used to probe further Dr Fitzgerald's capacity to deliver a favourable referendum

and, in the light of that, to agree on further exchanges between Sir Robert Armstrong and the Secretary of the Irish Government. It would then be appropriate for the Prime Minister to make a further report to the Cabinet, at its meeting on 28 June.

8. As regards the debate in the House on 2 July, it was suggested that if it were to be devoted exclusively to the report of the New Ireland Forum, this might give unnecessary offence to the Unionists; and that its title might therefore be expanded to cover "other documents" as well.

9. Summing up the discussion, the Prime Minister said that although in due course it would be desirable for her to have a deeper bilateral consultation with the Taoiseach, perhaps in October, it was important that her forthcoming discussion with Dr Fitzgerald at Fontainebleau should be sufficiently limited to enable it to be made clear, if necessary, in Parliament on 2 July, that there had been no discussion of possible changes in the constitutional position of Northern Ireland. In the longer term, it was clear that the present situation in Northern Ireland could not be sustained indefinitely and it was therefore right, subject to the outcome of her forthcoming discussion at Fontainebleau, that there should be a further informal and confidential exchange between Sir Robert Armstrong and Mr Nally on the lines which had been discussed. The Prime Minister accepted the importance of the Secretary of State for Northern Ireland's speech in Parliament on 2 July, which would constitute the Government's response to the New Ireland Forum. Although she would be making, after Fontainebleau but before the House of Commons debate, a report to Cabinet (as the Taoiseach had apparently already done to his), it was important that other bilateral contacts

between the two Governments, including for example the Attorney General's forthcoming meeting with his Irish opposite number, should not advert to the issues which were now under discussion.

10. The meeting -

(i) noted that the Prime Minister would proceed as indicated in her summing up;

(ii) instructed the Secretary of the Cabinet, in consultation with the Foreign and Commonwealth Secretary and the Secretary of State for Northern Ireland, to prepare a speaking note for the Prime Minister's meeting with the Taoiseach at Fontainebleau; a speaking note (to be amended if necessary in the light of that meeting) for the Prime Minister's use in Cabinet on 28 June; and a note of the ground to be covered in further exploratory talks with the Secretary of the Irish Government to be submitted for Ministerial approval early in July.

Cabinet Office

22 June 1984

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Distribution:

Those present at the meeting

ANGLO-IRISH PACKAGE: ACTION BY HMG

A. BEFORE THE REFERENDUM IN THE REPUBLIC OF IRELAND

1. Enhanced Security Cooperation

This would include regular meetings at Ministerial level, and intensified liaison between the RUC and the Gardai on the border both at operational posts and at more senior levels.

We wish to institute this anyway. Although the unionists will not like increased Irish involvement they will probably accept it in the interests of operational efficiency against the PIRA. The Irish will not be enthusiastic unless they can see it as part of a wider package containing political advantage for them. In itself it would not be very helpful to the Irish Government in the referendum campaign because they will be attacked by extreme republicans for collusion with the British. We could promise that it contains the seed of wider joint policing arrangements after the referendum.

2. Relaxations in the Emergency Legislation

(which is seen by some as discriminating against Catholics). This would be a useful response to the Baker report, which could be used in defence against any unionist hostility.

3. Acceptance of an Irish Consul in Belfast

This would emphasise Irish recognition that Northern Ireland was foreign territory. We would have to promise that he could be upgraded into a Government representative once the referendum had succeeded.

4. Repeal of the Flags & Emblems (Display) Act 1954

This would be of great symbolic importance to the nationalist community. It will help the Irish Government in the referendum. There will be strong unionist complaints, which would be much easier to deal with after the referendum has removed the Republic's irredentist claim, and therefore the provocative

element in displays of republican flags and emblems. The argument is evenly balanced, but given the small number of measures we can take in advance the inclusion of this should be considered.

B. AFTER THE REFERENDUM.

As mentioned in the main minute it will be necessary to announce at least in general terms before the referendum that these measures would be put into effect once the amendment to the constitution had succeeded. Given the time scales involved the dividing line is also artificial as it is doubtful whether much of what we announced unconditionally in section A. above would be in effect before the vote takes place.

1. Strengthening the Anglo-Irish Intergovernmental Council

This is the easiest way to give the Dublin Government a say in the province's affairs without provoking uncontrollable unionist hostility. It is a familiar body, at present organised on an East-West basis as a monitoring organisation. It could be reorganised to provide the political supervision of the security proposals which the Irish require for domestic reasons.

2. HMG would give the Irish Consul (A2 above) enhanced status as a Government Representative

If the AIIC were the main forum in which Dublin's political views were made known clearly the Government Representative would deal closely with it. Care would be needed to defuse unionist suspicion that together these are a revamp of the Council of Ireland proposal which brought down the Sunningdale accords.

3. Establishment of a joint Security Commission

which would be tasked to implement:

- a) a unified system of criminal justice;
- b) joint policing arrangements which would go further than the cooperation described in A1 above.

We know from Mr Nally's reaction to Sir R Armstrong's mooting of this proposal that on its own it is not sufficient. Irish cooperation will have to be bought by a significant political



dimension, which will have to be justified to the unionists in terms of security gains. In this as in other parts of the package we have to recognise that the presentation will be different in the different parts of Ireland.

4. Establishment of a Law Commission

which would work towards the harmonisation of the criminal law in both jurisdictions and associate judges from each jurisdiction with the other.

This should go some way to alleviating nationalist and republican suspicion about the administration of justice in Northern Ireland. The unionists would not like it. The timescale for implementation would need to be very gradual.

5. Amendments to the electoral and Assembly qualification laws

to permit Irish citizens to vote in the North, and to let Assembly members sit in the Dublin Parliament. This would be popular in the Republic as balancing Irish constitutional provisions. We should need to guard against unionist fears of personation and gerrymandering.

6. Establishment of an all-Ireland Economic Commission

This would be superficially attractive to Dublin, but much depends on its terms of reference. The unionists are likely to be suspicious of it both if it is intended to tackle real problems (and therefore might aim to align Northern Ireland's policies with the Republic's) and if it fails to contribute to existing areas of cooperation. It will be difficult to demonstrate its practical value.

7. A joint Parliamentary Body to be established

As with the AIIC and the Representative the spectrum of difficulty which the proposal will cause will vary with the degree of perceived political clout Dublin obtains because of it. A modest gathering of parliamentarians from Belfast, London and Dublin to exchange views from time to time will not cause many ripples; a body with real powers to interfere in the administration of the province will provoke unremitting unionist

hostility. The range of options is large. It is probably only possible to establish what is enough to satisfy Dublin, while remaining acceptable to the unionist majority in negotiations with both.

8. Greater devolved powers for the Northern Ireland Assembly

A devolved system of government is a major constituent part of any package. The more successful the arrangements are in involving the nationalist minority the more limited Dublin's scope and wish for practical involvement in the affairs of the province. It is included here because SDLP participation (without which success will elude us) will depend in large part on the Irish Government's view of the whole package. This will be at least as difficult as any other part of the package to achieve.