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Prime MinisterCDP
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PRIME MINISTER

Anglo-Irish Relations: Northern Ireland

As authorised in Mr Powell's minute of 12 July, I had talks in Dublin on 16 July with the Secretary of the Irish Government, Mr Nally. I was accompanied by Mr David Goodall and by the British Ambassador in Dublin (Mr Goodison). Mr Nally was accompanied by the Secretary of the Irish Department of Foreign Affairs, Mr Sean Donlon, and by Mr Michael Lillis. In addition to my talks with Mr Nally and his team, I also had a short private interview with the Taoiseach, Dr FitzGerald, on which I have reported separately.

2. In responding to the proposals conveyed to us by Mr Nally on 11 May (and in my comments on the Forum Report), I followed the line summarised in paragraphs 3-5 of my minute to you of 11 July. I emphasised that, as we saw it, these discussions were more in the nature of a joint exploration of possibilities than a negotiation: we had not come with a set of cut-and-dried proposals to put to the Irish Government. I made it clear to the Irish that "joint authority" in the sense contained in the Nally proposals would in our judgment be unworkable; and that any arrangements which were incompatible with Northern Ireland remaining part of the United Kingdom under full British sovereignty would be unacceptable both in Northern Ireland and at Westminster. At the same time, British Ministers recognised the magnitude (in terms of Irish domestic politics) of the Taoiseach's offer to seek to amend Articles 2 and 3 of the Irish Constitution as part of a wider mutually acceptable package; and I suggested that, provided the Irish territorial claim were formally and effectively waived, the Government would be prepared to consider a significant role for the Government of the Republic in the North, provided that it was clearly understood that the right of final decision would remain with the British Government on all matters which were not devolved to a Northern Ireland administration.

3. In discussion, we pointed out that the establishment of a devolved administration in Northern Ireland on a basis in which both the Unionists and the SDLP would co-operate was a priority objective for both the British and the Irish Governments, and we emphasised the extreme difficulty of devising arrangements which would offer enough of an "Irish dimension" to win the co-operation of the SDLP without ipso facto rendering them totally unacceptable to the Unionists.

4. Mr Nally and his colleagues suggested that the role which we were proposing for the Irish Government in Northern Ireland was consultative, not an authority-sharing role. We agreed; and we emphasised that, in return for formally waiving its territorial claim and acknowledging the North's status as part of the United Kingdom, the Irish Government was being offered a measure of what we described as formalised or institutionalised consultation on Northern Irish affairs which would constitute a major departure from the policies hitherto pursued towards the Province by successive British Governments and give the Irish Government a very considerable degree of political influence on affairs in Northern Ireland. We suggested that this consultation might take a number of alternative (but not necessarily mutually exclusive) forms: the Anglo-Irish Intergovernmental Council (AIIC) could be given a supplementary mandate with a North-South rather than East-West emphasis; existing Ministerial consultations between London and Dublin on Northern Irish and cross-border questions could be intensified and systematised; and it might be possible to envisage an Irish official presence in Belfast through which consultations could be channelled. In addition there would be the Joint Security Commission and the All-Ireland Law Commission (designed to lead eventually to the harmonisation of the criminal law on both sides of the border and perhaps to the establishment of an All-Ireland court) which I had adumbrated in my first round of talks with Mr Nally on 1 March. In short, the essential point for the Irish to grasp was that "joint authority" was not on offer, but that, provided the territorial claim was unambiguously waived and British sovereignty acknowledged, we would be prepared

to consider some form of systematised consultation between the two Governments in Northern Ireland over a wide range of issues including security. The nature of the consultation and extent of the issues to be covered would depend in part on the degree to which responsibility for day-to-day administration could be devolved to a locally based government: there could hardly be a formal duty of consultation between the British and Irish Governments on matters which were within the responsibility of a devolved administration.

5. Mr Nally said that the initial reaction of the Irish side was bound to be cautious and could only be an expression of personal views, since the Taoiseach and other Irish Ministers would want to consider what we had said very carefully. The Irish side believed that the touchstone of any new arrangements must be whether they would be sufficient to end the alienation of the minority community in the North: there would be no point in substituting a new form of alienation for the existing one. Mr John Hume's victory in the European elections should not be seen as indicating that alienation was on the decline: the Irish believed that it was posing an increasingly serious threat both to the prospects for restoring stability in Northern Ireland and in the longer term to the institutions of the Republic. The Taoiseach's offer to seek to amend Articles 2 and 3 of the Irish Constitution was seriously meant and carried great risks for his Government. But for there to be any realistic prospect of carrying a referendum the Taoiseach would have to be able to point to "something dramatic" in Northern Ireland. It would be for Irish Ministers to judge whether systematised consultation between our two Governments in the North would be enough to enable them to persuade the Irish electorate that the whole exercise was worth while.

6. In further discussion the Irish side probed our thinking on possible joint security arrangements. Mr Donlon in particular drew attention to the continuing distrust and hatred between the minority and the Security Forces and the need to create police arrangements and new security structures in Northern Ireland in which the minority would have confidence: a Joint Security

Commission with a few liaison officers in one another's police stations would not do much for the confidence of the man on the Bogside. We reminded them that our proposal for a Joint Security Commission envisaged that it would be tasked to examine the modalities of police co-operation, including the possibilities of moving eventually towards the creation of a new joint police force, separate from the existing RUC and Garda, with specific responsibilities for certain aspects of policing (notably for security and associated crime), rather on the model of the Bundesgrenzschutz in the Federal Republic of Germany. But we emphasised our conviction that co-operation must be allowed to evolve gradually and be seen by both sides as having practical justification. This was why we thought that it might be sensible to begin with an exchange of liaison officers, moving possibly towards the establishment of joint crime squads on lines discussed earlier. The Irish raised the question of command and control, but did not press it when we explained that discussion of security and policing policies in the Joint Security Commission would be within the framework of the systematised consultation between the two Governments which we were positing.

7. There was little discussion of the other areas to which formalised consultation might apply; but the Irish stressed that if their Ministers were to go down the consultation road (as distinct from the joint authority for which they had been hoping), they would almost certainly want to see a resident Irish Government representative in the North; that the arrangements would need to be enshrined in a formal agreement; and that it would need to be recognised that in exercising their right to be consulted the Irish Government would be acting as the spokesman or "guardian" of the minority community in the North. We asked them to reflect further on the constitutional basis for such an arrangement, bearing in mind that the Irish Government did not represent the minority in the North in any Parliamentary or electoral sense. But we agreed that, if consultative arrangements acceptable to both sides could be worked out, they would presumably need to be incorporated into a formal agreement which would include Irish acknowledgment of Northern Ireland's

status as part of the United Kingdom and which would come into effect in parallel with the amendment to the Irish Constitution. On the latter point, Mr Nally said that the Irish Government had no clear ideas as yet as to the form which amendment might take, but he thought it likely that it would substitute an "aspiration" to Irish unity for the present territorial claim. We touched briefly on the idea of a joint parliamentary group as a possible element in the consultative arrangements. The Irish said that they were still interested in this idea but did not press it.

8. On timing and tactics, the Irish expressed serious concern that the Secretary of State for Northern Ireland might be envisaging holding talks with the Northern Ireland parties which could result in deadlock and parties digging themselves into entrenched positions before the two Governments were ready to go public on whatever arrangements were agreed between us as providing a framework for progress. They argued that, once inter-party talks had broken down as a result of the irreconcilable positions which the parties would feel obliged to adopt, it would be impossible for the two Governments to get them to agree on anything and the opportunity for progress would have been irretrievably lost. Mr Nally and Mr Lillis accordingly both urged that the pace of our private exploratory talks should be accelerated, and said that they hoped to be in a position to come back to us with the Taoiseach's response before the end of the month.

9. I think that this round of talks succeeded in meeting its objectives. The Irish side took on board the fact that joint authority was not on offer and that they must concentrate their minds on possible consultative arrangements combined with the establishment of a devolved government in Northern Ireland. Although they did not know whether consultative arrangements of the kind envisaged would be regarded as sufficiently dramatic to enable the Taoiseach to proceed to a referendum on amending the Constitution, they did not attempt to argue that our ideas on consultation were totally inadequate or that some form of joint authority on the Forum pattern was indispensable. We have moved the dialogue on to a more realistic basis.



10. 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.

RA

ROBERT ARMSTRONG

CONQUEROR

19 July 1984