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They are by way
to go too fast
I - view of my
last visit to
Dublin - the
Unionists will

Prime Minister
Agree that Sir

Robert Armstrong should
proceed as proposed in
para. 9 ?

Ref. A084/2367

PRIME MINISTER

Anglo-Irish Relations: Northern Ireland

C.D.P. 24/9

Following your meeting with the Taoiseach on 3 September, I had a further round of talks in Dublin on 19 September with Mr Dermot Nally, who was accompanied by Mr Donlon (Secretary of the Irish Department of Foreign Affairs), Mr Lillis and Mr Dorr (Irish Ambassador in London). I was accompanied by Mr Alan Goodison (HM Ambassador in Dublin) and Mr David Goodall.

2. It at once became clear that the Irish side had fully taken the point which you emphasised in your meeting with the Taoiseach, and understood and accepted that what was now under discussion was not joint sovereignty or joint authority but a possible package whereby, in return for amendment of Articles 2 and 3 of the Irish Constitution and a waiving of the Republic's territorial claim on the North, the British Government would afford the Republic a right of institutionalised consultation in Northern Ireland. They said that they were prepared to explore with us the form which such consultation might take, and the areas it might cover; but they stressed that this would be without prejudice to the judgment which only Ministers on both sides could in due course make as to the political feasibility of what had been worked out. I said that exactly the same caveat applied on our side, and that we regarded ourselves as taking part jointly with them in a strictly exploratory process.

3. It also became clear early on in our discussion that, although there was no ambiguity in the Irish understanding that final decisions on matters covered by consultation would remain with the Secretary of State for Northern Ireland, they had difficulty with the word "consultation" itself. They argued that it would be impossible for an Irish Government to carry a referendum to amend the Constitution in return for something expressly described as "consultation", which critics would represent as imposing no obligation on the British Government to



take account of Irish concerns. They therefore hoped that some other way could be found to describe what was proposed. They acknowledged that this was one aspect of what was likely to be a general problem of reconciling the need for "transparency" in whatever arrangements are agreed with the conflicting presentational needs of the two Governments, the British Government needing to reassure the Unionists that the constitutional position of Northern Ireland as part of the United Kingdom was fully protected, and the Irish Government to persuade the Nationalists and the people of the Republic that there was some significant achievement to balance the waiving of the territorial claims.

4. The Irish welcomed our ideas for a joint security commission and an all-Ireland Law Commission. At the same time they argued strongly that if the new arrangements were to reverse the alienation of the minority community it was essential that they should include some early and visible modifications in the present structures of law enforcement in the North. Unless the two Governments could point to tangible changes for the better in this area it would be impossible for the SDLP to put their weight behind the new arrangements and persuade the minority that they were other than cosmetic. They therefore continued to press for changes in the structure of the RUC to permit the establishment of separate Catholic police forces to operate in the Catholic areas. After considerable discussion, however, Mr Nally appeared to accept that this was not practicable, and that it would be more profitable to explore ways in which Catholic recruitment to the RUC might be increased, with a view to moving towards a situation in which a majority of police officers operating in Catholic areas would de facto be Catholics.

5. They also showed some interest in the idea of setting up a separate security force to deal with terrorism, possibly on both sides of the border. Such a force might be recruited both from the RUC and from the Garda, could serve under a Commander appointed jointly by the two Governments on the advice of the



joint security commission, and could pool resources (for instance of intelligence) from both sides of the border. They reckoned that the creation of such a force would help to reduce the suspicion and distrust in which the RUC is held at present by the minority community in Northern Ireland.

6. The other aspect of law enforcement in which the Irish looked for change was in the courts. Here they hoped it might be possible to move to a system whereby terrorist crimes committed in the North could be tried by a panel of three judges, one of whom would be from the South; and crimes committed in the South would be tried by a similar panel of three judges including one from the North. In each case the law being administered would be that of the country in which the crime was committed, and appeal would lie to the appeal court of the jurisdiction in which the trial took place. They believed that such an arrangement could be introduced without the need for constitutional change on their side and would have the advantage of being, and being seen to be, strictly reciprocal. It was agreed that the possibilities for changes in the police and the courts on the lines discussed merited further detailed examination in the light of expert advice. The relationship of the police force to the proposed joint security commission, and the remit to be given to that commission, would also need further study.

7. In general, the Irish thought that the consultative arrangements could best be presented as a development of the existing Anglo-Irish Intergovernmental Council (to which Mr Haughey as well as Dr FitzGerald had put his name). I indicated that this would be acceptable to us. They suggested that there should be an intergovernmental commission or committee within the AIIC framework to deal with Northern Ireland affairs. It would comprise a Minister from either side, and would be the organ through which consultation should be carried out. The Irish Minister would either himself reside in Belfast or have a representative there: I suggested that it might be better, at any rate at first, for the Minister not himself to



be the resident presence in Belfast. On the subject matter for consultation, they envisaged that foreign affairs, defence and finance would be reserved to Britain as the sovereign power, but that in principle the right of consultation would apply to all other areas of authority in the Province except those which might be devolved to a reconstituted local Assembly and power-sharing Executive. (ie it would apply in all areas (other than the reserved areas) in which the Secretary of State exercised the authority of Her Majesty's Government in Northern Ireland). They argued that it should be an objective to bring about a large measure of devolution, and that this objective should be pursued at the same time as this package. They recognised that, because of Unionist opposition, this might be difficult to achieve as part of a package providing for Southern Irish involvement in Northern Irish affairs. But they believed that there would be attractions for the Unionists in participating in a devolved administration, since the greater the area of authority exercised by the Assembly and the Executive, the narrower would be the area in which the Irish Government would have a consultative say. They also revived the idea of a "Parliamentary Tier" as a useful element in a possible package, though they conceded that it was not a top priority.

8. On the Irish side of the equation, Mr Nally said that the form of the proposed change in the Irish Constitution had yet to be decided, but that its purpose would be threefold: to substitute an aspiration to unity for the present territorial claim; to make it clear that violence in pursuit of that aspiration was absolutely abjured; and to emphasise that the aspiration could not be realised without the consent of the majority of the people of Northern Ireland. The Irish envisaged that the package as a whole would be embodied in a formal international agreement (for historical reasons they would not want to call it a Treaty) which would recognise the equal validity of both the Nationalist and Unionist identities in Ireland and would guarantee satisfactory, secure and durable political, administrative and symbolic expression to both identities.



9. This note covers the main points to emerge from a full day's discussion, and concentrates on describing the Irish position. It was clearly understood that our exchanges continued to be exploratory and without commitment on either side; and I was careful to stress that the new Secretary of State for Northern Ireland had not yet had time to address the issues. But it was agreed that the discussion so far had revealed sufficient common ground to justify further careful examination of all the elements identified, with a view to drawing up the outline of a hypothetical package for consideration by the two Governments. We thought that one or two further rounds of exploratory talks would probably be needed in order to refine the package to the point at which a full report could be made to Ministers, and considered at the Anglo-Irish Summit in mid-November. We provisionally agreed to hold a further meeting early in October in the United Kingdom. Both sides stressed the importance of maintaining absolute confidentiality about our exchanges until the outline was complete and Ministers were able to reach a considered judgment on them. I shall be discussing with Mr Andrew and Mr Goodall the work which we now need to put in hand by way of preparation for the next meeting with the Irish. Meanwhile I should be grateful to know that you and the two Secretaries of State are content for us to proceed accordingly, and to prepare papers for consideration by Ministers before the next exploratory meetings with the Irish.

Too soon~

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.

ROBERT ARMSTRONG

24 September 1984