



10 DOWNING STREET

JJZABY

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From the Private Secretary

Sir Robert Armstrong

Anglo-Irish Relations: Northern Ireland

The Prime Minister has read the report of your meeting with Mr. Nally in your minute of 25 January. She has made a number of comments.

The Prime Minister very much agrees with your reply to Mr. Nally that a devolved administration would not be represented on the Anglo-Irish Intergovernmental Council body which we are proposing.

The Prime Minister is surprised to read in paragraph 5 of your minute of the proposals we shall be making for partial devolution based on "partial power-sharing", and would like to be informed of what is intended by this. She is opposed to the Irish Government's suggestion that intergovernmental arrangements should cover some of the subjects which might be devolved to the Northern Ireland Executive.

The Prime Minister's view is that we should not agree to bring questions of economic policy and development in Northern Ireland into the ambit of the joint body, and she would not wish the Irish Government to be encouraged to believe this would be possible.

I am copying this minute to the Private Secretaries to the Foreign and Commonwealth Secretary and the Northern Ireland Secretary.

CVP.

28 January, 1985.

Prime Minister 12
 Signs of greater
 realism.
 CDP
 25/1

Ref. A085/261

PRIME MINISTER

Anglo-Irish Relations: Northern Ireland

I visited Dublin on 21 January for a further meeting with Mr Nally, the Secretary of the Irish Government. I was accompanied by Mr Goodall (Foreign and Commonwealth Office), Mr Brennan (Northern Ireland Office) and Sir Alan Goodison, the British Ambassador in Dublin. Mr Nally was accompanied by Mr Sean Donlon and Mr Michael Lillis (Department of External Affairs), Mr Andrew Ward (Ministry of Justice) and Mr Noel Dorr, Irish Ambassador in London.

2. I began the meeting by speaking in the terms of paragraph 3 of my minute to you of 17 January, and then handed over the British proposal annexed to that minute, amended in accordance with Mr Powell's minute to me of 18 January. The Irish side considered our proposal among themselves for about 20 minutes, and then returned to give us what they emphasised were their initial personal reactions, offered without commitment and without benefit of consultation with their Ministers.

3. Mr Nally made four main comments:

1. He noted that our paper approximated to the "shallower" of the options which had been under discussion at Chequers, while the Irish preference remained in favour of a "deeper" option.

2. The Irish side recognised that what was now on the table represented a considerable offer, which they would want to weigh very carefully. They noted, however, that its emphasis was heavily on security: out of the five items

listed in the first paragraph of our paper, four were security-related. The difficulties this presented for the Irish Government had already been explained to us.

3. They hoped that the reference to possible joint courts in paragraph 5 could be turned into a substantive proposal rather than left as a possibility for examination.

4. They wished to know how the arrangements envisaged would tie in with institutions in Northern Ireland, and to what extent we saw the proposed arrangements as dependent on the outcome of current talks with and between the Northern Ireland political parties.

Summing up the initial Irish view, Mr Nally recognised that our proposal provided a basic framework for progress, provided that it could be fleshed out. This was welcome, and we should not therefore regard their reaction as negative. But he stressed that he remained under firm instructions to seek a "deeper" solution.

4. In response we pointed out that the topics suggested for regular consideration by the proposed joint body in paragraph 1 of our paper covered those areas which both the Irish Government and the SDLP had told us were of particular importance to the nationalist minority. These went well beyond security in the narrow sense and had wide political implications. The paper also made it clear that other topics could be added by agreement. We said that, although our proposal was carefully designed to be consistent with the introduction of some form of devolution in Northern Ireland on a basis acceptable to the community as a whole (which continued to be our objective), the arrangements in our present paper were not intended to be contingent on the introduction of an acceptable measure of devolution: they could be introduced whether or not a measure of devolution proved possible. Mr Nally acknowledged that this

met an important Irish concern, for which they were grateful. He then went on to probe our ideas about how the nationalist minority would relate to the Anglo-Irish Intergovernmental Council (AIIC) body which we were proposing. In particular, he asked whether, if an acceptable measure of devolution was introduced, the devolved administration would be represented on the body. I said that I thought that it would not: the AIIC body would consist of representatives of the British and Irish Governments and would be concerned with matters which were not devolved to a Northern Ireland Executive. Mr Nally then asked how we proposed to provide a channel of communication between a devolved administration in Belfast and the Irish Government on cross-border questions, such as tourism and roads. I said that we had not considered this question. There would clearly need to be arrangements for dealings between an Executive in Belfast and Irish Government Departments in Dublin. These dealings could be arranged ad hoc, as the business required. Mr Nally thought that it would be preferable to institutionalise them in some way, as a means of entrenching them, and seemed to envisage that an agreement between the two Governments should include language which provided for this possibility. I did not explicitly rule this out, though I said that I thought that the idea smacked of the Council of Ireland from the Sunningdale agreement. I had the impression that the Irish were anxious that any arrangements which might be agreed between the two Governments should provide a visible role for the SDLP, whose support would be essential if the Irish Government was to be able to justify those arrangements to its electorate.

5. In response to Irish questions on this point, Mr Brennan described the present state of play in the talks with the Northern Ireland political parties. He explained that the Secretary of State for Northern Ireland was considering the possibility of putting forward for discussion proposals for a measure of partial devolution based on some form of partial

power sharing. The Irish showed considerable interest in this and in recent indications of Unionist flexibility; and they gave the impression of attaching more importance than hitherto to the need for progress on the devolution front (a reflection of their concern to find a role for the SDLP). In this connection they also stressed the importance of power sharing. They reverted to suggestions they had made earlier that intergovernmental arrangements which might be agreed should cover at least some of the subjects which might be devolved to an eventual Northern Ireland Executive, so as to provide the Unionist parties with an incentive to participate in a devolved government.

6. In general, the Irish placed more emphasis on the need to widen the range of topics which the joint body could consider than they did on the need to give the Irish Government a stronger say in decision making. They stressed that the Irish Government could not afford to be portrayed as simply helping to make more effective a security system in Northern Ireland to which Irish nationalist opinion was opposed; but they made no reference to joint authority or to any power of veto and seemed, at least for the moment, to have come to terms with the fact that our offer was limited to consultation (although that word was avoided). They gave a qualified welcome to the formula in paragraph 2 of our paper that "every effort would be made to resolve any differences rather than simply reporting them to the two Governments". But they pressed us to agree to the introduction of similar language in paragraph 12 (the making of appointments to certain public bodies), which they stressed would be an area of great importance for them and on which they would still be looking for something more than the entirely informal consultation which we seemed to be envisaging.

7. They also made a strong pitch for the addition of an economic heading to the list of topics which the joint body might consider; and they hoped that this could cover not simply



questions of North/South economic co-operation (which we pointed out were covered by existing arrangements within the Anglo-Irish Intergovernmental Council) but also questions of economic policy and development in Northern Ireland, where the minority still felt disadvantaged. We drew attention to the difficulties of reaching an agreed view on matters of economic policy on which Northern Ireland and the Republic were in effect in competition with one another; and we pointed out that cases of alleged discrimination against the nationalist community, whether economic or otherwise, could be raised under the political and human rights heading. But we agreed to consider the possibility of adding an economic heading of some kind to the topics listed in paragraph 1 of our paper, as a way of meeting the strongly expressed Irish concern to widen the range of topics to which joint consideration could apply.

8. The Irish side also drew attention to one or two points in our paper where our position appeared to them more restrictive than the ideas canvassed in the British Position Paper on 4 November. In particular they reiterated the importance for them of joint courts, which they suggested might deal with human rights as well as terrorist cases; and they noted that we were not now envisaging the possibility of an Irish Minister resident in the North. On this they thought that the Irish Government would want to be represented on the joint body by a Minister specially appointed for the purpose, who would be designated as the Irish Representative irrespective of whether he actually resided in the North. They noted the suggestion in our paper that the joint body could have a joint secretariat located in Belfast, and they recognised that the senior Irish member of the Secretariat, whatever his official status, would be an influential figure who might in due course evolve into a channel of complaint and appeal for the nationalist community.

9. On timing, the Irish were keen to press ahead as quickly as possible in the hope of getting something in place in time for

the Northern Ireland local elections in May. Mr Donlon said that this argued in favour of a summit meeting in March, since a summit after Easter would look like an attempt by the two Governments to influence the outcome of the local elections. Mr Nally did not dissent from this, but made it clear that the Taoiseach would not want another summit meeting unless and until there was substantial agreement on what should come out of it.

I said that this was also your view, and that it might be better to proceed in the meantime by way of meetings arranged in the margins of other international gatherings (eg the European Council at the end of March). It was left that the Irish side would seek a considered reaction to our paper from their Ministers as quickly as possible, and would aim to convey this to us at a meeting in London, probably in the week beginning 4 February.

10. My overall impression of this initial discussion of our proposal is that the Irish reacted to it with relief, tinged with a modicum of disappointment. They were relieved that our proposal was substantial enough to justify further exploration and was put formally on the table as a considered and authoritative British offer; there was a modicum of disappointment (but not, I think, of surprise) that it was too narrowly based for their own Government's domestic requirements. I think that there was unspoken recognition that the discussions had now moved from the exploratory phase into a negotiation on texts. There was no discussion of a possible Irish quid pro quo, other than the reference I made in my opening remarks to the Taoiseach's willingness to seek amendment to the territorial clauses of the Irish Constitution if an adequate agreement could be reached. The repeated Irish references to our proposal reflecting the "shallower" option could have been interpreted as a coded indication that it would not be sufficient to justify an attempt to amend the Irish Constitution; but I do not think that that was the intention, since Mr Nally and Mr Lillis reiterated that our proposal, with its strong bias towards security

matters, would be very difficult for the Irish Government in terms of its own public opinion. Moreover, Mr Nally referred at lunch to the Taoiseach's continuing desire to find a durable settlement which could be endorsed in a referendum.

11. The ball is now in the Irish court, and I do not think that I and my team need any further instructions until we have a considered Irish response. The Irish Foreign Minister, Mr Barry, will be in London for talks with the Foreign and Commonwealth Secretary and the Secretary of State for Northern Ireland on 4 February and will not doubt want to use the opportunity to probe our position further and give his own views on our proposal. But both Mr Nally and Mr Lillis made it clear that the last word would lie not with Mr Barry but with the Taoiseach himself.

12. I am sending copies of this minute to the Foreign and Commonwealth Secretary, the Secretary of State for Northern Ireland, Mr Goodall (Foreign and Commonwealth Office) and Mr Andrew (Northern Ireland Office).

REA

ROBERT ARMSTRONG

25 January 1985