



10 DOWNING STREET

From the Private Secretary

20 March 1985

Anglo-Irish Relations: Northern Ireland


The Prime Minister has considered the Foreign Secretary's minute of 19 March setting out the proposed negotiating objectives for the visit which he and the Northern Ireland Secretary will pay to Dublin on 22 March.

In general the Prime Minister is content with what is proposed. She would wish the Foreign Secretary and the Northern Ireland Secretary to proceed very cautiously on the point in paragraph 4(b) of the minute, that is the counterpart which we should seek in return for extending the right of consultation to economic and social matters in Northern Ireland. We should need to have a very clear picture of what the Irish Government were prepared to offer before making any concession on this point. On the timing of a further Summit, the Prime Minister would not wish any date to be mentioned even hypothetically. She doubts that June will be possible since it is in any event a very busy month here. If the Irish press on this point, the reply might be that the Taoiseach and the Prime Minister will themselves consider this when they meet in the margins of the European Council.

The Prime Minister agrees that the paper annexed to the Foreign Secretary's minute should not be handed over to the Irish Government at this stage - although I think that she is now content with the substance and presentation.

I am copying this letter to Jim Daniell (Northern Ireland Office) and to Sir Robert Armstrong.

Charles Powell



Len Appleyard Esq
Foreign and Commonwealth Office.



PM/85/21

PRIME MINISTER

Anglo-Irish Relations: Northern Ireland

1. The Secretary of State for Northern Ireland and I are to meet the Tanaiste, Mr Spring, and the Irish Foreign Minister, Mr Peter Barry, in Dublin on Friday 22 March, to pursue at a political level the prospects for an agreement with the Irish Government of the kind that has been discussed between Sir Robert Armstrong and Mr Nally at official level.

2. In the light of the discussion at your meeting on 8 March and Mr Powell's letter of 11 March we have recast the draft
/ British proposal; I attach a copy of the revised draft herewith.

3. I envisage that we should have copies of this draft with us when we meet Mr Barry. The revised text will represent the basis on which we discuss the matter with them. I doubt, however, whether we shall want to hand it over at the meeting: Douglas Hurd's and my present inclination is to think that we should concentrate at this stage on issues rather than texts, and leave further detailed discussion of texts until later.

4. As we see it, our main objective at this meeting will be the following:

- (a) We should seek to talk down the expectations of the Irish Government, making it clear that, while we are keen to reach an agreement with them on the general lines that have been discussed between officials, the unionists in Northern Ireland can be expected to react strongly to any proposal which gives the Irish

/ Government



Government any degree of say in the affairs of Northern Ireland, even on a consultative basis. That is not a reason for abandoning the attempt to reach an agreement with the Irish Government. It is a reason for keeping the scope of the agreement within bounds in which there is some hope that the unionists can be brought to acquiesce.

- (b) We should make it clear to the Irish Government that, without a significant move from the Irish side on the constitutional point, we would see great difficulty about extending the right of consultation to economic and social matters in Northern Ireland. We suggest that we should not wholly preclude the possibility of giving the proposed Standing Committee a remit which includes the avoidance of economic and social discrimination in Northern Ireland: that would be in effect no more than one aspect of the Committee's general concern with measures to protect human rights and to prevent discrimination to which we are already committed. But we should leave the Irish Government in no doubt that the extent to which we can go in that matter will depend on the extent to which they can go in providing sufficient and durable guarantees of the existing constitutional status of Northern Ireland.
- (c) We should make it clear that we recognise that it is for the Irish Government to decide how far they can go on the constitutional issue, but we should probe their thinking and their intentions. We should say that it remains our view that the most effective assurance that they could give on this matter would be to amend their constitution so as to substitute an aspiration to Irish unification for the present territorial claim on Northern Ireland and to insert a provision echoing our own legislative guarantee

/ that



that there will be no change in the constitutional position of Northern Ireland except with the agreement of the majority of the people of Northern Ireland. If that is not available, we should like to see the same results achieved by the most effective possible means, and we should be interested to hear how they believe that this might be done, in a way which would be proof against legal challenge in the Irish courts. We should indicate that a sufficiently clear and challenge-proof move on this would make it easier for us to contemplate being able to defend against unionist attack an extension of the Irish Government's consultative role into economic and social matters.

- (d) We should make it clear that, while an agreement on the lines proposed is not contingent upon the achievement of a measure of devolution in Northern Ireland, we should look to the Irish Government to use their influence to the utmost extent to persuade Mr John Hume and the SDLP to come into the Assembly, to take up the other opportunities open to them in the public life of Northern Ireland, and to work wholeheartedly, positively and constructively with the other constitutional parties in Northern Ireland towards a measure of devolution which can command a wide measure of acceptance in Northern Ireland. There is a clear danger that the minority community might regard continued direct rule with a role for the Irish Government in the affairs of Northern Ireland as preferable to a devolved government in which the representatives of the majority community had in effect the dominant say. This is one reason for not giving the Irish Government more than a consultative role and for limiting the range of matters on which they would have the right to put forward views and proposals. We may

/ not

*So may the
unionists - that
plus local power
restored.
no*



not in practice be able to achieve devolution on an acceptable basis; but we must get the Irish Government as fully committed as possible to getting the SDLP genuinely involved in the attempt. Unless the agreement helps to reconcile the minority to the apparatus of government in Northern Ireland, including support for the Security Forces, it will probably be impossible to win unionist acquiescence in it, and we shall need some reassurance on this point if we are to proceed.

- (e) On timing, we should make it clear that we do not think that it is now possible to reach and publish an agreement before the local elections in Northern Ireland. We should aim, I suggest, for a timetable which culminates in a meeting in June between you and the Taoiseach. But we should emphasise that such a meeting should not be held unless it is certain that it will result in an agreement being reached. I do not suppose that the Irish will disagree; an unsuccessful summit would be as little in the Irish Government's interests as in ours. It will be easier to put a brake on the pace if we do not produce a revised text at our meeting, but leave it to officials to work on revisions of the text in the light of our discussions.

5. Douglas Hurd and I should be glad to have your endorsement of these negotiating objectives as our instructions for our meeting with the Irish on 22 March.

/ 6.

Time is already very busy.



6. I am sending copies of this minute to the Secretary of State for Northern Ireland and Sir Robert Armstrong.

A handwritten signature in dark ink, appearing to be 'G. Howe', written in a cursive style.

(GEOFFREY HOWE)

Foreign and Commonwealth Office
19 March 1985

Draft of 15 March 1985

British Proposal of March

1. There would be established within the framework of the Anglo-Irish Intergovernmental Council a Standing Committee to deal on a regular basis and in relation to Northern Ireland with:

[Standing ^{not} Coordinating]

[omits 'human rights questions']

a. political matters;

b. security and related matters;

[omits 'the Courts']

c. legal matters.

[omits 'economic & social matters']

Other topics might be added by agreement.

2. Unlike the existing AIIC machinery this Committee would be primarily concerned with North/South rather than East/West relationships and would meet on a regular rather than an ad hoc basis. The British Government would accept that the Irish Government would put forward views and proposals on matters relating to Northern Ireland

within the body's remit, which would thus receive attention at the highest level. There would be no derogation of sovereignty on the part of either the United Kingdom or the Republic, and the British Government would retain full responsibility for decisions; but, in the interest of promoting peace and stability, every effort would be made through the Standing Committee to take account of and so far as possible accommodate views and proposals put forward by the Irish Government before decisions were taken. The focus of the Committee's work would be mainly in Northern Ireland; but some of the matters under consideration would involve co-operative action in both parts of the island of Ireland, and possibly also in Great Britain. Some of the proposals considered in respect of Northern Ireland might also be found to have an application by the Irish authorities in the Republic.

3. The Standing Committee would meet at Ministerial or official level, as required. There would be regular and frequent Ministerial meetings; and special meetings could be convened when necessary at the request of either side. Officials might meet in Sub-Committees. Membership would be small and flexible. When the Standing Committee

[New]

[omits "resolving differences"]

met at Ministerial level the Secretary of State for Northern Ireland and an Irish Minister designated as the Permanent Irish Ministerial Representative would be joint Chairmen. Other British and Irish Ministers could attend meetings as appropriate: thus when legal matters were under consideration the Attorneys General might attend. Ministers would be accompanied by their officials and professional advisers: for example, when questions of security policy or security co-operation were being addressed they could be accompanied by the Chief Constable of the Royal Ulster Constabulary and the Commissioner of the Garda Siochana. There would be a small joint secretariat in Belfast, within which the Irish Government would maintain an office for the purpose of these arrangements.

[replaces "The Irish Government would maintain an office in Belfast"]

4. In relation to matters coming within its remit, the Standing Committee would constitute a framework within which the Government of the United Kingdom and the Government of the Republic of Ireland could work together:

[You did not like this phrase in the earlier version].

(i) for the accommodation of the rights and identities of the two traditions which exist in Northern Ireland; and

(ii) for peace, stability and prosperity throughout Ireland by promoting reconciliation, respect for human rights, co-operation against terrorism and the development of economic, social and cultural co-operation.

5. The Standing Committee would examine the scope for joint action to promote the social and economic reconstruction and improvement of those areas of both parts of Ireland which have suffered most severely from the consequences of the instability of recent years, including the possibility of securing wider international support to that end.

6. It is the declared policy of the British Government that responsibility in respect of certain matters within the remit of the Secretary of State for Northern Ireland should be devolved within Northern Ireland on a basis which would secure widespread acceptance throughout the community. The Irish Government support that policy. If a devolved Government were to be established, some of the arrangements described in this agreement would need to be reviewed.

7. Both Governments recognise that devolution can be achieved only with the co-operation of the constitutional representatives within Northern Ireland of both the traditions there. Nonetheless if full devolution had not taken place, the Standing Committee would constitute a framework within which the Irish Government could put forward views and proposals on the modalities of devolution in Northern Ireland, in so far as they bore on the interests of the minority community.

Political Matters

8. The Standing Committee would concern itself with measures to recognise and accomodate the rights and identities of the two traditions in Northern Ireland, to protect human rights and to prevent discrimination. Measures to be considered in this area in respect of Northern Ireland include the use of the Irish language, changes in electoral arrangements, the avoidance of economic, social and cultural discrimination, and the advantages and disadvantages of some form of Bill of Rights in Northern Ireland.

N.B. This
phrasing.

[New]

9. The focus of discussion of these matters would be on Northern Ireland, but the possible application of any such measures by the Irish Authorities in the South would not be excluded.

10. The Standing Committee would provide opportunities for the expression of views and proposals by the Irish Government on appointments to be made by the Secretary of State for Northern Ireland to bodies including the:

Standing Advisory Commission on Human Rights
Fair Employment Agency
Equal Opportunities Commission
Police Authority of Northern Ireland
Police Complaints Board

Security and Related Matters

11. The Standing Committee would consider:

- (a) security policy;
- (b) relations between the security forces and the Community;

(c) security co-operation;

(d) prisons policy.

12. The Standing Committee would address the security situation at its regular meetings. This would provide an opportunity to address policy issues, serious incidents and forthcoming events (eg parades and processions).

13. The Standing Committee would have no operational responsibilities; responsibility for police operations would remain with the heads of the respective police forces, and the Chief Constable of the Royal Ulster Constabulary would maintain his existing links with the Secretary of State and the Commissioner of the Garda Siochana his accountability to the Minister of Justice.

14. With a view to enhancing co-operation between the security forces of the two Governments, the Standing Committee would set in hand a programme of work to be undertaken by the Chief Constable and the Commissioner and groups of officials in such areas as threat assessments, liaison structures, technical co-operation, training and exchange of

personnel, and co-ordination of operational resources.

15. The Standing Committee would consider relations between the security forces and the community, with particular reference to the minority community in Northern Ireland. With a view to promoting greater confidence in the security system, a programme of action would be put in hand which might include: the establishment of local consultative machinery, training in community relations, crime prevention schemes involving the community, improvements in arrangements for handling complaints, and action to increase the proportion of Catholics in the RUC.

It would be accepted by both sides that these measures would be directed primarily towards Northern Ireland, with the object of making the security forces more readily accepted by the nationalist community there, but that some of them might be developed by the Irish authorities in ways which might also have an application in the South.

16. The Standing Committee would also be able to consider policy issues in the prisons. Individual

cases could be raised as appropriate, so that explanations could be given or inquiries instituted.

Legal Matters

17. The Standing Committee would deal with issues of concern to both countries relating to the enforcement of the criminal law. In particular it would consider whether there are areas of the criminal law applying in the North and in the South respectively which might with benefit be harmonised. It could consider the case for establishing a system of joint courts for trying terrorist crimes and recommend what form such a system might take. It would also be concerned with the oversight and review of arrangements between North and South for extradition and extra-territorial jurisdiction.

[Cross-border co-operation in economic, social and cultural matters

18. Unless and until it proved possible to achieve devolution on a basis which would secure widespread acceptance throughout the community, the

[would apply only if Irish Government took satisfactory action on the Constitution/guarantees].

Standing Committee would for the time being constitute a framework for the promotion of co-operation between North and South in Ireland in relation to cross-border aspects of economic, social and cultural matters in relation to which the Secretary of State continued to exercise responsibility.

19. If responsibility were devolved in respect of certain matters under this heading currently within the remit of the Secretary of State, there would need to be machinery for practical co-operation between the responsible authorities North and South in respect of cross-border aspects of those issues.]

Interparliamentary relations

20. The two Governments agree that it would be for the Houses of Parliament at Westminster and the Oireachtas in Dublin to consider whether an Anglo-Irish Parliamentary Body of the kind adumbrated in the Anglo-Irish Studies Report of November 1981 could be established.

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SECRETARY OF STATE
FOR
NORTHERN IRELAND

The Rt Hon Lord Lowry
Lord Chief Justice of
Northern Ireland
Royal Courts of Justice
BELFAST

N&PM
00020/3

18 March 1985

Dear Lord Chief Justice,

A JOINT COURT

marked

Thank you for your letter of 4 March telling me of your exchange with the Taoiseach about a Joint Court. I am of course aware of the Taoiseach's long-standing interest in the idea and of the many difficulties that it would present, but it was helpful to have such a clear statement of your views.

As you requested, I have passed a copy of your letter to the Prime Minister. I am sending copies of this letter to the Lord Chancellor and the Attorney-General.

Best wishes,

Lawrence,

Douglas Hurd.

SECRET

IRELAND: Situation;

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20 MAR 1985

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